

# VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

May 21, 2007

The regular meeting of the Board of Trustees was called to order at 7:30 P.M. with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Joseph J. Gross  
Trustee Charles R. Hahn  
Trustee Mark J. Edsall  
Trustee William T. Fogarty  
Trustee Peter J. Miller

Also present were: DPW Superintendent Robert Gilmore, Water Superintendent Robert June, Police Chief Charles Williams, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

Trustee Edsall moved for the acceptance of the April 16, 2007 Regular Meeting and May 14, 2007 Special Meeting Minutes as written, on a motion seconded by Trustee Hahn, the minutes were approved 5 ayes and 0 nays.

## **TREASURER'S REPORT**

Mayor Gross stated that a treasurer's report has been prepared through April and distributed to the Village Board for review.

The open utility balances report for the end of April read as follows:

Village water, sewer, garbage & penalties	\$156,469.46
Town water & penalties	248,475.48

Which included 4 finals/adjustments for the Village and 4 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$	313,241.60
Water Fund claims in the amount of	224,159.01
Sewer Fund claims in the amount of	4,101.46
Trust & Agency claims in the amount of	646.15

## **COMMITTEE REPORTS**

Summer Playground – Trustee Edsall reported that he and Trustee Miller met with the Summer Playground Director and Village Clerk. A nominal fee (Residents - \$25.00 per child & \$40 for family)(Non-Residents - \$85.00 per child & \$125.00 for family) will be implemented this year in order

to meet the growing needs of the program. The program will once again be held at St. Thomas School and those children will be admitted at no charge. He then made a motion to authorize the Village Clerk to publish the fees and establish a pre-registration program which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

Trustee Miller then made a motion authorizing the following appointments:

Playground Director – William Hall

Assistant Director – Dylan Reitenbach

Counselors – Lawrence Gregorek, Jonathan Sirgant, Danielle Emlaw, Brittany Bennett, Hayle Krigel, and James Edsall

This motion was seconded by Trustee Hahn and upon a vote of 4 ayes, 0 nays and 1 abstain (Edsall) the motion was carried.

## **DEPARTMENT REPORTS**

The Police Department reported 8 COVAC assists; 21 calls were covered for/assisted to Town Police; 9 responses to burglar alarms; 3 E-911 hangups; 1 domestic incident; 18 crimes were committed; 3 vehicle lockouts; 10 accidents were investigated; 54 moving violations; and 3 parking tickets were issued. Total patrol miles = 3,760 not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation on eight (8) open cases. In addition, Police Officer's Terwilliger, Lug, Bailey, Nye and Willard attended STOP-DWI Enforcement Training Conference.

Chief Williams is in receipt of a letter of resignation from Part-Time Police Officer Sean K. Kelly effective April 29, 2007. Trustee Edsall made a motion to accept the resignation, with regret, which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

Chief Williams further provided a copy of a letter he received from John & Susan Riley of Barr Avenue regarding the outstanding service provided to them by Police Officer Terwilliger on March 11, 2007.

The Code Enforcement Officer reported 4 certificates of occupancy and compliance were issued.

The Building Inspector reported 70 on site inspections, 4 fire inspections, 6 municipal searches, and 11 building permits were issued.

The Department of Public Works reported equipment maintenance, blacktopping of potholes, street sweeping, sidewalk replacement work on Second Street and sections of Hudson Street, and repair of drainage problem on Braden Court.

DPW Superintendent Gilmore reported that a residential tire pickup will be held on June 25, 2007. All tires must be off rims and placed curbside the night before. There is a limit of 4 tires per household and cannot exceed 16".

In addition, DPW Superintendent Gilmore extended thanks to Eugene Randazzo on behalf of the Village of Cornwall-on-Hudson for beautifying the Village Square with the plantings of flowers.

The Fire Department reported 59 events, including 9 emergency medical service (EMS) calls, for a total of 1,075 volunteer man hours.

The Water Department reported an average daily production of 1.251 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 49 utility locations were made, 11 meters were repaired or replaced, and 17 special readings were taken. In addition to routine building maintenance, water leaks were repaired and black topped at 2 Curie Road, 297 Main St, 14 Avenue B, 305 Main Street, and 305 Hudson St. Service taps were completed at 41 Beakes Road, 4 Canterbury Avenue, 13 Vinebrook Avenue, 44 Duncan Avenue and 154 Hudson St.

Water Superintendent June reported that the well field flooded on April 16<sup>th</sup> causing the issuance of a boil water notice. The boil water notice was lifted on April 19<sup>th</sup>. All samples collected during this time period passed NYS standards.

Water Superintendent June further reported the new PH probes were delivered, installed, and calibrated at the Catskill Plant and Black Rock Treatment Plant. Chemical pumps will be primed and started for further flushing and testing this week. Samples will be drawn for testing later in the week.

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter from Dorothy Thorpe requesting use of Donahue Memorial Park for a wedding in September. This item is tabled pending implementation of a “group use policy” which will be addressed later in tonight’s agenda.

Mayor Gross is in receipt of a letter from Jacqui Lunchick of 22 Duncan Avenue requesting use of Donahue Memorial Park on Sunday, May 27<sup>th</sup> from 1-3:00 PM for a birthday party. She expects 15 children. Hearing no objection from the Village Board, the request will be approved.

Mayor Gross is in receipt of a letter from the Venture Crew #353 requesting permission to hold a car wash in the Village Hall parking lot any available Sunday in June. Hearing no objection from the Village Board, he instructed the Village Clerk to set a date for them.

Mayor Gross is in receipt of a letter from Phyllis Pryne regarding the proposed parking lot on River Avenue. This letter was discussed at last week’s work session.

Mayor Gross is in receipt of a letter from Dorothy Kane of 49 River Avenue regarding damage caused to her front steps by a Village plow truck. She requests that the Village remove the bottom step and pave a slope to the second step. This would require realignment of the second step. This matter will be referred to DPW Superintendent Gilmore for action.

Mayor Gross is in receipt of a letter from Deputy Village Attorney Howard Protter regarding the Orange County Landfill Settlement payment of approximately \$5,000.00 due by June 15th.

Mayor Gross is in receipt of a letter from Orange County Department of Public Works regarding the West Nile Tire Collection Event taking place in June.

Mayor Gross is in receipt of a letter from Phil Hopp of Boulevard regarding the poor condition of the Village Docks. DPW Superintendent has ordered additional poles for the dock extension and will install them upon receipt.

Mayor Gross is in receipt of a letter from Michael H. Donnelly, Esq. requesting the Village provide a “willingness to serve” letter for water service to a proposed senior citizen housing project (Chestnut Woods) in the Town of Cornwall.

Mayor Gross is in receipt of a letter from the Cornwall Independence Day Committee inviting the Village Board to participate in the 58<sup>th</sup> annual Independence Day parade.

Mayor Gross is in receipt of a letter from Chazen Engineering requesting water service for the proposed “Willow Woods Subdivision” in the Town of Cornwall. A standard form agreement for water service outside of the Village will be sent by the Deputy Village Attorney. Discussions regarding a pressure reduction valve will be addressed after the agreement is finalized.

Mayor Gross is in receipt of a copy of a letter sent to the Village Clerk from Anthony Missere of the Riverbank Restaurant notifying her of his intent to conduct outdoor dining as required by the NYS Alcohol and Beverage Control Law.

## **PUBLIC COMMENT**

Ray Yannone of Storm King Associates and the Centre LLC voiced his concerns regarding the Riverbank outside dining and loss of parking spaces along River Avenue. Until the proposed parking lot is created, other businesses will be negatively impacted by the outside dining patio. He asked the Village Board to explain their intentions on this issue.

Trustee Miller stated that area residents came to last week’s work session and insisted no parking problem exists. They also stated that plenty of parking is available in the municipal lot and appealed to the Village Board to withdraw its approval for creation of parking lot off River Avenue.

Trustee Edsall stated that a possible site line issue must be addressed prior to creation of 3 diagonal parking spaces to the left of the outdoor patio. The proposed lot is still under review by the Village Board.

Nicholas Corea proprietor of the ice cream shop next door to the Riverbank Restaurant stated that his business will be directly impacted by the loss of parking. Until this issue is resolved, where will people park?

Trustee Edsall stated that the Village Board had requested proposals for a traffic study of the Village Square area last year. The study has not been conducted yet due to budget considerations. In the meantime, posting a public parking sign for the municipal lot would be beneficial. The Village Boards intent was to help local businesses succeed and address ongoing problems with traffic flow at the Cornwall-on-Hudson Elementary School.

Anthony Missere owner of the Riverbank Restaurant agrees with Mr. Yannone that the lack of commercial parking is a major issue, and the proposed parking lot will benefit all.

George Burger of Vinebrook Avenue stated that the parking lot issue should have been addressed before the Village Board authorized the outdoor patio.

Rick Gioia of Hudson Street asked if the proposed parking lot if located is the CBS or SR District, might it create a commercial vs. residential issue.

Trustee Edsall stated that at last week's work session, Mrs. Pryne indicated that this isn't the first time the Village Board has considered improving the Village lot in some fashion. He stated that a landscaped buffer is under consideration to lessen any negative impact to nearby properties.

Barbara Gosda of Homeland Avenue stated that in the May 1<sup>st</sup> edition of the Times Herald Record an article listed serious crime statistics. For the Village of Cornwall-on-Hudson, 14 crimes were committed in 2005, and 38 in 2006. She asked the Police Chief what is being done to address the increase.

Police Chief Williams replied that there was an increase in property crimes during 2006. In response, his department has responded with more patrols. At next month's meeting he will provide the number of crimes committed thus far this year.

## **OLD BUSINESS**

### **BLACK ROCK FILTER PLANT STATUS/MODIFICATIONS**

Mayor Gross stated that this item was discussed earlier in tonight's agenda.

### **JOINT SEWER PLANT DISCUSSION**

Trustee Hahn stated that he has nothing new to report. He and DPW Superintendent Gilmore have discussed using the Village's sewer camera to check flow rates in certain areas looking for infiltration.

### **ORANGE COUNTY COMMUNITY DEVELOPMENT GRANT – ADA BATHROOMS SKEC #2**

Trustee Edsall made a motion to authorize the Mayor to sign Payment Request #1 from Andes Contractor Corp. in the amount of \$46,233.00 which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays. Village Clerk Mahoney stated that the payment request will now go to the Orange County Community Development representative to review and process for payment.

### **STEEP SLOPES/VIEW PRESERVATION REVISIONS**

Mayor Gross stated that there is nothing new to report on this item.

### **COMPREHENSIVE/MASTER PLAN REVIEW COMMITTEE**

Deputy Village Attorney Protter stated that he is in receipt of some revisions from the Master Plan Committee which are being reviewed.

## LOCAL DEVELOPMENT CORPORATION (LDC)

Mayor Gross stated there is nothing new to report on this item.

## WATERFRONT REVITALIZATION COMMITTEE

Chairperson John Wenz stated that he is aware of Estuary Program grants available and applications are due by the end of June. The committee continues to pursue funding for planning an appropriate use of the old railroad property.

## INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Discussion took place regarding the dumping of phonebooks along Shore Road.

## DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

Mayor Gross stated that an “interim policy” for group use of Donahue Memorial Park is under review by the Village Board. Discussion followed regarding park improvements.

## SEASONAL PORTABLE TOILET – DONAHUE MEMORIAL PARK

Mayor Gross stated that a handicap accessible seasonal toilet at Donahue Memorial Park has been installed on the field near Cornwall Yacht Club property.

## DOCK HILL ROAD SHOULDER IMPROVEMENT

Mayor Gross stated that the road shoulder near base of Dock Hill Road near railroad tracks has been cleaned up by the Department of Public Works.

## REVIEW OF GARBAGE PICKUP CONSOLIDATION/RESTRUCTURING

Mayor Gross stated that this item is tabled for discussion at the next work session.

## **NEW BUSINESS**

### VERIZON

Mayor Gross introduced James Evangelisti, an Engineering Manager with Verizon. He was invited to tonight’s meeting to speak about the boxes recently installed in several locations around the Village.

Mr. Evangelisti stated that Verizon is working on a network upgrade program called “FTTP” (Fiber To The Premises). A pre-construction meeting took place with the former Mayor, Village Clerk and Police Chief in November of 2006. At that meeting hub locations were identified and the nature of the work construction crews would be doing was explained. Work started in January of 2007 and was completed in March. In April, DPW Superintendent Gilmore contacted him to express his concern about locations

of a couple of hub boxes. In addition, the Village Clerk also contacted him about some broken sidewalks and pole conditions. He is here this evening to answer any questions or concerns.

Discussion followed regarding concerns of hub box size and locations in the Village. The box located at corner of Spruce St and River Avenue has created a "line of sight" issue and Mr. Evangelisti agreed to work with the Village to resolve this. In addition, concerns of graffiti on the hub boxes were addressed.

Mr. Evangelisti further explained that Central Hudson is responsible for the recent pole work. New poles were installed. The existing poles cannot be removed until all power lines have been moved. Once Central Hudson is finished moving their lines, Time Warner must move their cable followed by Verizon. Once that is completed the existing poles can be removed.

#### AGREEMENT FOR 2007 – PAVEMENT MARKINGS ON NON-COUNTY ROADS

Trustee Miller introduced the following resolution and moved for its adoption.

WHEREAS, the Village of Cornwall-on-Hudson wishes to enter into an agreement with the Orange County Department of Public Works for pavement markings on non-county roads for the 2007 season; and

WHEREAS, the Village of Cornwall-on-Hudson further certifies that they have read and understood the Agreement for Pavement Markings on Non-County Road for the 2007 season as provided by the Orange County Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby authorize the Mayor to sign the agreement.

The foregoing resolution was seconded by Trustee Edsall and upon a vote of 5 ayes and 0 nays the motion was carried.

#### RENEWAL AGREEMENT – DENTAL & VISION PLANS

Trustee Edsall introduced the following resolution and moved for its adoption.

WHEREAS, the Village of Cornwall-on-Hudson (Employer) and the CSEA Employee Benefit Fund (Fund) entered into an Original Agreement dated February 2, 1990, and previously renewed on March 27, 2003, to provide certain benefits to Village of Cornwall-on-Hudson Employees under Sunrise Dental Plan and Silver 12 Vision Plan; and

WHEREAS, the Village of Cornwall-on-Hudson wishes to renew this agreement until February 28, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby authorize the Mayor to sign the agreement.

The foregoing resolution was seconded by Trustee Miller and upon a vote of 5 ayes and 0 nays, the motion was carried.

#### INTRODUCTORY LOCAL LAW I-2/2007 – STORAGE SHEDS-EXEMPTIONS TO YARD REQUIREMENTS

Trustee Edsall introduced the following amended resolution and moved for its adoption.

BE IT ENACTED by the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York as follows:

SECTION 1. The Zoning Law of the Village of Cornwall-on-Hudson, §172-39 of the Code, entitled “Storage Sheds – Exceptions to Yard Requirements” is amended by adding a new provision to read as follows:

“I. Notwithstanding §172-38(c), storage sheds may be located less than 10 feet but in no event closer than three (3) feet from a lot line provided that:

- (1) Trees, shrubbery or other natural landscaping material, or a fence is placed within the area between the storage shed and the lot line so as to screen the storage shed from view; and
- (2) Nothing is stored outside the shed between the shed and the lot line; and
- (3) All other provisions of §172-38 are complied with.”

SECTION 2. This Local Law will take effect immediately in accordance with the Municipal Home Rule Law.

The foregoing motion was seconded by Trustee Miller and upon a vote of 5 ayes and 0 nays, the Mayor declared this resolution adopted.

Trustee Edsall introduced the following resolution and moved for its adoption.

WHEREAS, an Introductory local law entitled “Storage Shed – Exceptions to Yard Requirements” be and it hereby is introduced before the Board of the Trustees and of the Village of Cornwall-on-Hudson in the County of Orange and State of New York, which local law will amend Zoning Law §172-39 by adding a new provision permitting storage sheds to be located within required setbacks; and

BE IT RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Board Room, Village Office, 325 Hudson Street, in the Village of Cornwall-on-Hudson, New York at 7:30 o’clock P.M. on June 18, 2007, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least five (5) days prior thereto.

The foregoing motion was seconded by Trustee Miller and upon a vote of 5 ayes and 0 nays, the Mayor declared this resolution adopted.

PROPOSED WATER LINE EASEMENT – MCGUINNESS

Mayor Gross is in receipt of a letter from Mr. & Mrs. Patrick McGuinness of 304 Hudson Street regarding a problem with their existing private water line going through a neighboring property. A new line is needed which will have to be re-routed through Village property on Colonial Place. They are requesting an easement be granted for this purpose.

Trustee Miller made a motion authorizing the Deputy Village Attorney to prepare the easement document, contingent upon any fees incurred be paid by the homeowners, which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

#### HOME RULE REQUEST FORM – POLICE OFFICER ARTHUR TERWILLIGER

Trustee Miller introduced the following resolution and moved for its adoption.

WHEREAS, in response to a resolution from the Village Board of the Village of Cornwall-on-Hudson, Senator William J. Larkin, Jr., introduced Senate Bill S.5751 and Assembly Bill A.8237 entitled “An act to authorize the Village of Cornwall-on-Hudson, in the County of Orange, to offer an optional twenty year retirement plan to Police Officer Arthur Terwilliger” dated May 4, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby authorize the Mayor to sign the Home Rule Request Forms.

The foregoing resolution was seconded by Trustee Edsall and carried upon a vote of 5 ayes and 0 nays.

#### DRAFT SUPPLEMENTAL AGREEMENT – MISSERE LICENSE AGREEMENT

Discussion took place regarding a proposed supplement to the Missere License Agreement of March 30, 2007. Trustee Edsall suggests that Mr. Missere place the value of lot improvements into a Village escrow account. This will provide the necessary capital to build the proposed parking lot as approved, or as amended. Once the lot is completed and accepted by the Village Board, the escrow money will be returned to Mr. Missere so that he may pay the contractors. Trustee Edsall also suggests that the Village Board meet with the neighboring property owners to discuss proposed improvements before any authorization to proceed is granted.

Trustees Edsall and Miller along with DPW Superintendent Gilmore will meet later this week on River Avenue regarding the 3 proposed diagonal parking spaces on River Avenue. They will see if these spaces will create a site problem for vehicles and pedestrians.

DPW Superintendent Gilmore stated that the existing license agreement requires the parking lot to be completed before a Certificate of Compliance is issued. Trustee Edsall suggested that the proposed supplement include a provision to allow the Certificate to be issued upon receipt of the escrow deposit.

#### RESOLUTION AMENDING RULES & REGULATIONS TO AUTHORIZE COMMERCIAL PERMITS AT DONAHUE MEMORIAL PARK

Trustee Edsall introduced the following resolution and moved for its adoption.

**WHEREAS**, the commercial establishments within the community have expressed an interest in having a permit system which allows them to invite their patrons to visit the Village's Riverfront Park to enjoy on of our community's greatest assets; and

**WHEREAS**, to do so requires amendment to the existing Rules and Regulations which limit permits to individual vehicles.

**NOW, THEREFORE, BE IT RESOLVED**, that the Rules and Regulations are amended as follows:

1. Commercial parking permits.
  - a. Annual commercial parking permits may be obtained by the payment of a fee of \$40.00 per permit.
  - b. Commercial permits shall be issued in the name of the commercial establishment, and serially numbered.
  - c. The Commercial Permit shall be in the form proscribed by the Village Clerk.
  - d. Commercial Permits shall be displayed on vehicle in the rear window so as to be visible to the parking enforcement officials.
  - e. No more than seven (7) commercial parking permits may be issued to any establishment absent special approval by the Village Board.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

#### APPOINTMENT OF PART-TIME POLICE OFFICER – KEVIN BURCHELL

Upon the recommendation of Police Chief Williams, Trustee Miller made a motion to appoint Kevin Burchell a Part-Time Police Officer, in accordance with the current PBA contract and civil service guidelines, which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

#### STORM KING ADVENTURE TOURS RESOLUTION

Trustee Edsall introduced the following resolution and moved for its adoption.

**WHEREAS**, the Storm King Adventure Tours, LLC has been formed to provide commercial outdoor recreation activities with in the Village, including the provision of Kayak rentals intending to be launched from Donahue Memorial Riverfront Park; and

**WHEREAS** Village Code Section 122-18 prohibits commercial use of the Park absent approval of the Board of Trustees; and

**WHEREAS**, Storm King Adventure Tours, LLC has requested such permission.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Village Code Section 122-18 as follows:

1. Approval is hereby granted to Storm King Adventure Tours, LLC to launch its kayaks from Donahue Memorial Riverfront Park during the calendar year 2007 subject to the following conditions:

- a. All provisions of Chapter 122 of the Village Code apply.
- b. All launches and returns to the park must take place during the daylight hours (sunrise to dusk) the park is open.
- c. All vehicles, vessels and trailers using the Park must be properly permitted under Chapter 122 of the Village Code.
- d. A certificate of insurance naming the Village of Cornwall-on-Hudson as an additional insured shall be provided to the Village Clerk, insuring the Village against all perils in an amount not less than \$3 million dollars.
- e. The acceptance of this authorization by Storm King Adventure Tours, LLC shall constitute its affirmative agreement to indemnify the Village against any and all claims, damages, costs or expenses, which may arise out of or are attributable to the launching of kayaks from the Park.
- f. Any application for renewal of this authorization shall be made no less than forty five (45) days prior to the start of the next year's season.
- g. The administrative fee payable to the Village for this authorization is \$100.00.
- h. Attention is drawn to the fact that the Village does not maintain the Hudson River. There are extreme fluctuations of water level at this shore. As a result of tidal action, the river bottom is uneven and may contain holes, rocks, and other elements and hazards which can cause injury or damage. The Village will not be liable for any loss or damage to any property or person as a result of this authorization and nothing herein shall be construed to create any special duty on behalf of the Village.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting which was seconded by Trustee Miller and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:20 PM.