

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

July 16, 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 (arrived at 7:40 P.M.)

Absent was: Trustee Peter J. Miller

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

Trustee Hahn moved for the acceptance of the June 18, 2007 Regular Meeting Minutes as submitted, on a motion seconded by Trustee Edsall, the minutes were approved 3 ayes and 0 nays.

TREASURER'S REPORT

Mayor Gross stated that the monthly treasurer's report was not available in time for tonight's meeting. It will be distributed to the Village Board for review this week.

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

Village water, sewer, garbage & penalties	\$214,974.87
Town water & penalties	245,652.61

Which included 4 finals/adjustments for the Village and 8 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$	217,651.32
Water Fund claims in the amount of	75,820.61
Sewer Fund claims in the amount of	3,625.60

DEPARTMENT REPORTS

The Code Enforcement Officer reported 4 certificates of occupancy and compliance, 1 unregistered vehicle and 14 property maintenance violations were issued.

The Building Inspector reported 47 on site inspections, 8 fire inspections, 10 municipal searches, and 4 building permits were issued.

The Department of Public Works reported blacktopping of potholes, mowing, tree trimming on Hudson Street, installation of topsoil along Hudson Street, installation of “No Parking” signs on Shore Road, repair and installation of “entrance” kiosk sign at Village Hall, repair of garbage enclosure at Village Hall, collection of tires for West Nile Virus, and weekly yard waste pickup.

DPW Superintendent Gilmore provided a memo to the Village Board regarding his proposal for changes to the Sanitation pickup schedule. Upon further review with the Sanitation Foreman and DPW Foreman, it appears this matter will require further study.

The Police Department reported 6 COVAC assists; 21 calls were covered for/assisted to Town Police; 10 responses to burglar alarms; 1 E-911 hangup; 3 domestic incidents; 36 crimes were committed; 5 vehicle lockouts; 6 accidents were investigated; 65 moving violations; and 36 parking tickets were issued. Total patrol miles = 3,768 not including mileage on Chief’s vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation on eight (8) open cases.

Chief Williams further reported that Bandstand concerts and special events at Donahue Memorial Park were covered with no incidents.

The Water Department reported an average daily production of 1.285 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 47 utility locations were made, 17 meters were repaired or replaced, and 12 special readings were taken. In addition to routine building and grounds maintenance, two (2) water leaks were repaired on Stable Way, the department assisted a contractor with water leaks at 258 Mountain Rd., fire hydrants were painted, and hydrant flushing of the Town, Village, and Mountain system was completed.

Water Superintendent June reported that a door was repaired and fencing removed around the Upper Chlorinator building. Michael Trainor, Larry Lawless and Matthew Clancy attended training on OSHA Trenching Standards.

Water Superintendent June further reported the Black Rock Treatment Plant is running daily, flushing to waste. The first set of water samples collected have passed. We are awaiting results from two (2) more sets of samples to make final adjustments to the plant. Those results will be forwarded to the Orange County Health Department for review.

The Fire Department reported 38 events, including 9 emergency medical service (EMS) calls, for a total of 555 volunteer man hours.

Mayor Gross is in receipt of a letter dated June 18, 2007 from Fire Chief Armitage thanking Fire Commissioner Rudy Hahn for attending the NYS Association of Fire Chiefs Conference in Lake George on June 15th.

CORRESPONDENCE

Mayor Gross is in receipt of a letter from The Friends of the Cornwall Public Library requesting permission to hold their annual Book Exchange and Ice Cream Social on Sunday, August 19, 2007 from 4:00 PM – 6:00 PM at Donahue Memorial Park. Hearing no objection from the Board this request will be approved.

Mayor Gross is in receipt of a letter from Ayad Javaid the owner of property located at 100 Shore Road. He stated the house will be empty until further notice and is requesting relief of garbage charges. After some discussion, the Village Board concluded more information is needed about length of time the house will be empty prior to taking any action on the request.

Mayor Gross is in receipt of a letter from Furman Baldwin the owner of property located at 4 Briggs Road. He states that the house has been empty, up for sale since early April, and is requesting relief of garbage charges. After some discussion, the Village Board concluded more information is needed about length of time house will be empty prior to taking any action on the request.

Mayor Gross is in receipt of a letter from Elizabeth Graham of 249 Mountain Road requesting relief of garbage charges since she only stays at that residence part-time. After some discussion, the Village Board agreed that she doesn't qualify for garbage reduction in accordance with the current policy.

Mayor Gross is in receipt of a letter from Brigid & Edward Flynn of 28 Andrews Street regarding an ongoing drainage issues on their property. This letter will be turned over to DPW Superintendent Gilmore for action.

Mayor Gross is in receipt of a letter from Phil Hopp of 15 Boulevard regarding the municipal parking lot issue.

Mayor Gross is in receipt of a letter from Walter Taylor of 215 Bayview Avenue suggesting that the Post Office be moved to the Food Bank location to solve the Village's parking issue.

Mayor Gross is in receipt of a letter from Susan Glendening of River Bank Lane in opposition to the proposed parking lot.

PUBLIC COMMENT

Raymond Yannone of 55 Ridge Road is the owner of property located at Idlewild Avenue and River Avenue (the former theater building). He provided photos to the Village Board for review. The municipal lot was once owned by the theater and purchased by the Village. In return the Village was supposed to provide parking to that building. He stated that he is also the owner of "The Centre" and the former Academy Avenue garage property. Both properties were subject to zoning and planning board approvals. Multiple changes in site plans were made to show an ongoing effort and cooperation with the Village Planning and Zoning Boards.

The Village Board is not fairly looking at the parking situation in the Village Square. The Riverbank restaurant has exasperated an ongoing parking problem. With the outside dining platform, patrons of his property have lost parking. The lower parking lot off River Avenue, to be developed by Mr. Missere, was meant to alleviate the parking concerns. In the interim, DPW Superintendent Gilmore has made a great effort in consolidating ideas into a plan to provide additional parking. Local businesses have

shown their support by offering donations. While he does agree that more items need to be addressed (i.e. safety and bussing issues), steps and a sidewalk are needed to provide a proper and safe exit from the municipal lot. In addition, better lighting is needed. He requests that the Village Board look at the proposal in two phases. The first phase is to make improvements to the upper lot, and to bring in an engineer to look at the lower lot and recommend improvements in order to mitigate the parking problem. The second phase is to improve parking enforcement. Time limit parking needs to be expanded.

Tony Missere, owner of the Riverbank Restaurant asked if the Village of Cornwall-on-Hudson Board of Trustees meetings were being conducted using “Roberts Rules”. Deputy Village Attorney Protter replied no.

Mr. Missere stated that the plan for proposed parking has been discussed for the past 18 months. He is concerned about the “misinformation” that is being discussed. Over those months, 3 separate plans were introduced and discussed. The final plan came about through input and meetings and was determined to be a safe solution to the parking problem. He signed that agreement in January or February. The Mayor signing the agreement his last day in office was not an “eleventh hour deal”, but rather one that had been reached much earlier. Further, it was incorrectly stated at last months meeting, that the Village only had 30 days to spend \$100,000. The “deal” was that the Village Board needed to make a decision in 30 days.

At the present time there is no emergency access to the back of the Elementary School. The current exit for buses and vehicles from the municipal lot is inadequate. The stone wall is encroaching 12” onto the area of roadway where a car would park. It is time for the Village Board to give Mr. Gilmore the directive to stripe in front of Nicky’s Restaurant, reclaim 2 parking spaces there and another 2 spaces in front of the Bandstand. Also to reconfigure, before school starts, a “phased operation” for additional improvements using the offers and donations made last month. The municipal lot is in need of refurbishment.

OLD BUSINESS

BLACK ROCK FILTER PLANT STATUS/MODIFICATION

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

JOINT SEWER PLANT DISCUSSION

Trustee Hahn stated that he is expecting to receive data on a three month flow period. In addition, the sewer camera has been used to address key points of the Village during a dry period. After the next major rain fall, the camera will collect additional data.

ORANGE COUNTY COMMUNITY DEVELOPMENT GRANT – ADA BATHROOMS SKEC #2

Village Clerk Mahoney reported that the first payment has been received from the Orange County Community Development Office and provided to the contractor.

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 the Master Plan draft will be distributed to the Village Board for review this week.

LOCAL DEVELOPMENT CORPORATION (LDC)

Mayor Gross stated there is nothing new to report on this item. At next months meeting, Deputy Village Attorney Protter will provide a historical overview.

WATERFRONT REVITALIZATION COMMITTEE

Chairperson John Wenz stated that an application under the Hudson River Estuary Program has been submitted with assistance from Simon Gruber. A grant in the amount of \$25,000.00 for "Preliminary Usage and Hudson River Access Plan for Donahue Memorial Park" is being sought. A complete copy will be provided to the Village Board for review.

He has forwarded guidelines from NYS Parks Department on the \$60,000 low-pier head project to the Village Clerk. This is considered a municipal construction project and bidding will be required. The Village Board needs to decide what, if any, input the committee should have to facilitate this project.

Upon the recommendation of Chairperson Wenz, Trustee Edsall made a motion to appoint Ron Salvatore and David Work to the Waterfront Revitalization Committee which was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

Until a group use policy is resolved, Chairperson Wenz feels it is wrong to issue parking tickets at Donahue Memorial Park to vehicles without the proper parking sticker, especially on off-peak days and times. Discussion followed.

INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Hearing no objection from the Village Board, Mayor Gross requested that the Deputy Village Attorney write a letter to the Attorney General for an opinion on the authority of companies who distribute telephone books.

DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

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

REVIEW OF GARBAGE PICKUP CONSOLIDATION/RESTRUCTURING

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

FINES & PENALTIES

Mayor Gross stated that Deputy Village Attorney Protter has prepared a summary of fines and penalties in conjunction with a proposed group use policy which has been distributed to the Village Board for review.

PUBLIC COMMENT

Rick Gioia of Hudson Street suggested Village patrolmen carry Donahue Memorial parking permit applications, and if a vehicle is parked without a valid sticker, give an opportunity to fill out application and purchase sticker rather than issuing a parking ticket.

Deputy Village Attorney Protter explained that it would be improper for a police officer to suggest “either you purchase a sticker from me or pay for a parking ticket”.

John Breitenbach of 11 River Avenue stated that he does not want more parking. The existing parking problem could be fixed by cleaning up the back of Nicky’s lot.

Tony Missere stated that there are easements and covenants that can preclude parking in back of Nicky’s Restaurant. He is bound by an agreement with the Village to develop a parking lot.

Robert Kirshner of 19 River Avenue stated that this is the 4th time he is addressing this issue to the Village Board. He would like to see a complete study done and not a rush for action because of the school calendar. He supports lot improvements, not traffic flow changes. A citizens group to look at the issue is a good idea.

Trustee Hahn stated that both Mr. Missere and Mr. Yannone have already proposed improvements to the existing (upper) municipal lot.

Gene Duignan of 15 Idlewild Avenue stated that making improvements to the municipal lot is a better idea than creating additional parking off River Avenue. He feels we are getting to close to a resolution that will benefit everyone.

Andy Maroney of 4 Barr Avenue stated there is a concrete sidewalk that runs between the Village bandstand and Paul Gould’s art shop on to Hudson Street. He doesn’t see the need for a sidewalk that would come out onto River Avenue.

Paola Saunders of 16 Grandview Avenue stated that the School Board needs to be more involved in any proposed improvement project that will affect bus traffic.

Susan Gagliardo of 17 River Avenue stated she wanted to thank DPW Superintendent Gilmore for his previous plan to separate the project into several phases starting with repainting of the municipal lot. A project of this magnitude requires proper study. This is a quality of life issue. She urges the Village Board to come to a productive and constructive solution.

Barbara Farabaugh of 24 Cornwall Avenue asked about the offer made by the School Board at last month’s meeting to use the parking lot behind the school administration building.

Rick Gioia stated that the Village Board needs to assess the aesthetics along with business concerns. It is wrong to compromise the integrity of the Village to facilitate businesses. The issue raised about bus

traffic and safety is a “non-issue” because according to School Board members that attended last month’s meeting, it would never be approved for either ingress or egress. We need to concentrate on a plan that works for everybody and move forward.

Ray Yannone stated that the municipal lot has great potential, and by changing the traffic flow, installing stairs and cleaning up the upper area, would probably add 20 spaces. However, Village Board granted permission for the Riverbank to build the lower lot in lieu of those spaces, and he will continue to come back to the Board until some sort of resolution is made.

He further stated that the lot behind Nicky’s Restaurant is leased and part of his rental agreement. When it is financially feasible for the tenant, that area will be cleaned.

VILLAGE SQUARE IMPROVEMENTS

Trustee Hahn made a motion to authorize DPW Gilmore to re-stripe the existing municipal lot and to look at parking along roadways adjacent to the Village Square which was seconded by Trustee Fogarty.

Trustee Edsall asked if the motion includes the immediate area around the businesses and more efficient striping of parking in order to utilize the space that is already there. That will offset the loss of parking due to the license agreement with no further construction. He does not agree moving ahead on the municipal lot. He feels part of the reason people are here tonight is because there is a great deal of misinformation going around. He has concerns regarding the traffic movements. In order to resolve those concerns, more information is needed. All the Village Board has to look at now is a partial survey which does not include a layout plan for the municipal lot, the proposed parking lot going out to River Avenue, or the portion of River Avenue where the alleyway comes out. Decisions on layout or safety can not be made unless you have the information. The Village Board has an obligation to offset the lost parking which can be done on the street at minimal cost and will immediately provide an additional 6 parking spaces. Then we move in an intelligent manner forward to deal with the rest of the concerns.

Trustee Hahn withdrew his motion.

Trustee Fogarty made a motion authorizing DPW Superintendent Gilmore to stripe the roadway along Hudson Street and Idlewild Avenue to create an additional 5-6 parking spots which was seconded by Trustee Edsall and carried by a vote of 4 ayes and 0 nays.

Trustee Edsall asked DPW Gilmore to instruct the surveyor to complete the parking lot survey including the northwest portion near River Avenue. He wants a draft to scale of a layout plan showing proper sized parking spaces and aisles to see what will fit. If it is determined that the lot needs to be expanded 3 or 4 feet, which will have a minor effect on the upper lot in order to have a properly sized lot in a square shape to fit 90 degree parking, we will get it done.

Mayor Gross stated that he would like to form a committee of approximately 12 residents and business people who are interested in improving the business climate and aesthetics of the Village with an eye toward preservation and traffic/pedestrian flow. Their focus would also include improvements of visibility at intersections, landscaping, lighting, and façade improvements. He stated that money is available for the planning to help offset some traffic study costs.

Trustee Edsall stated that he supports the formation of a committee for input, and he will assist them as much as possible, but that the Village Board can not defer their authority or responsibility. If a professional consultation is needed to look at site distance issues, it can then possibly be looked at separately.

Deputy Village Attorney Protter stated that in order to form a committee, we must make proper resources available (i.e. consultants) to assist with their ideas and plan.

NEW BUSINESS

CODE OF ETHICS POLICY

Mayor Gross stated that the Village Board will discuss this item at the next work session.

INTRODUCTION PROPOSED LL#3 2007-AMENDMENT TO SUBDIVISION OF LAND LAW

Mayor Gross tabled introduction of the proposed local law so that it may be discussed by the Village Board at the next work session.

INTRODUCTION PROPOSED LL#4 2007-POSTING OF NOTICE OF ZONING APPLICATIONS

Mayor Gross tabled introduction of the proposed local law so that it may be discussed by the Village Board at the next work session.

RESOLUTION TO RETAIN TAX CERTIORARI APPRAISER-CORNWALL YACHT CLUB

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

WHEREAS, Cornwall Yacht Club, Inc., has commenced a tax certiorari proceeding against the Village of Cornwall-on-Hudson in the Supreme Court, State of New York, County of Orange, for the 2007-08 tax year; and

WHEREAS, it appears from the recommendation of the Town Assessor and John H. Thomas, Jr., Esq., of Jacobowitz and Gubits, counsel for Village of Cornwall-on-Hudson in the aforesaid proceeding, that preliminary appraisal information is needed and/or a full court appraisal of the above matters as more fully set forth below; and

WHEREAS, Griffin Valuation & Realty Services, Ltd., has submitted a fee proposal for the above proceeding, as set forth in the letter from Griffin Valuation & Realty Services, Ltd dated, June 19, 2007; and

NOW, THEREFORE, BE IT RESOLVED that the fee proposal as set forth and described are hereby accepted that Griffin Valuation & Realty Services, Ltd. be retained to provide the necessary appraisal opinions described above.

The foregoing resolution was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

NUGENT & HAEUSSLER – AGREEMENT FOR AUDIT OF 06/07 FINANCIAL STATEMENTS

Mayor Gross is in receipt of a letter from Nugent & Haussler regarding the audit proposal for fiscal year ending February 28, 2007. The fee for these services will not exceed \$18,800.00. New accounting requirements on fixed assets and depreciation schedules have caused the fees to increase sharply.

Trustee Edsall made a motion to accept the 2007 audit proposal from Nugent & Haussler in the amount of \$18,800.00, subject to legal review, and authorize the Mayor to sign the agreement, which was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

LICENSE AGREEMENT – DEGROAT

Trustee Fogarty introduced the following resolution and moved for its adoption

WHEREAS, the OWNER is the owner of a parcel of land in the Village of Cornwall-on-Hudson identified as Tax Map Parcel Section 101 Block 1 Lot 8; and

WHEREAS, the VILLAGE is engaged in a public works improvement project to upgrade the drainage facilities and in order a certain drainage ditch on owner's property requires cleaning and dredging on OWNER'S property; for the installation of sixty (60) feet of 24 inch H.D.P.E. pipe; and

WHEREAS, the OWNER is willing to consent to a license permitting the Village to cause the work to be performed on OWNER'S property under the terms herein;

NOW, THEREFORE, and in consideration of the mutual promises herein, it is agreed as follows:

1. The OWNER hereby grants the VILLAGE, a revocable temporary right-of-way across, in, and over the premises of the OWNER to permit the Village to clean and dredge and install drainage pipe on the property.
2. When the dredging and installation of pipe is completed this license is terminated and the licensed area and any areas outside the bounds of the license, if disturbed, will be substantially restored to the condition existing before the license was granted. The restoration is otherwise limited to require placement of soil for fill with grass seed planted to restore the any lawn areas which may be disturbed. No shrubs or trees shall be replaced.
3. The rights granted by this license are in addition to the Village's existing drainage easement encumbering the owner's property.

Further, the Mayor is hereby authorized to sign the license agreement on behalf of the Village.

The foregoing resolution was seconded by Trustee Edsall and carried by a vote of 4 ayes and 0 nays.

RESOLUTION – AUTHORIZING A FIRE HOUSE SOCIAL FUNCTION

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

Whereas the Board has previously ordered that:

1. The Village Firehouse shall be used only for firematic purposes, including drills and meetings.

2. No social functions shall be permitted within the Firehouse. Specific exemptions from this temporary ban may be requested by the Fire Counsel, stating the function and the supervision to be provided. Any such exemption shall be in the sole discretion of the Village Board.
3. No alcohol shall be consumed on the premises.
4. No alcohol shall be stored on the premises.

Whereas the Fire Counsel has requested an exemption from this temporary ban for purposes of the annual fundraising fair,

NOW THEREFORE BE IT RESOLVED THAT:

1. The temporary ban on social functions at the Storm King Firehouse is suspended on the following dates for the purpose of the annual fundraising fair.
Dates: July 21st – July 28th.
2. Except as herein modified, the January 12, 2007 Order of the Board of Trustees remains in effect.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session to discuss a litigation matter, which was seconded by Trustee Hahn and upon a vote of 4 Ayes and 0 Nays, the meeting was adjourned at 9:48 PM.