

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

September 17, 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 Peter J. Miller
Trustee William T. Fogarty

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

PUBLIC HEARING INTRODUCTORY LOCAL LAW I-3 of 2007, "Amendment to Subdivision of Land Law" Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on August 21, 2007, the Public Hearing on Amendment to Subdivision of Land Law was called to order at 7:32 PM by Mayor Gross.

Deputy Village Attorney Protter stated that proposed local laws I-3 and I-4 of 2007 will require a sign be posted on property that has a land use application before the planning or zoning board(s). The sign will be in addition to a published notice in the local newspaper and must be visible from the street.

Barbara Gosda of Homeland Avenue asked if the Village will provide the sign.

Deputy Village Attorney Protter stated that there has not been any discussion regarding that yet. He suggests a pre-printed sign (form) with blanks that applicants would fill in.

Trustee Edsall stated that he is in support of these proposed local laws. Often people who are interested in a particular application have difficulty locating the property.

Having no one further speak for or against said amendment, Trustee Edsall made a motion to close the public hearing at 7:35 PM which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

PUBLIC HEARING INTRODUCTORY LOCAL LAW I-4 of 2007, "Posting of Notice of Zoning Applications" Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on August 21, 2007, the Public Hearing on Posting of Notice of Zoning Applications was called to order at 7:36 PM by Mayor Gross.

Having no one speak for or against said amendment, Trustee Miller made a motion to close the public hearing at 7:37 PM which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

PUBLIC HEARING INTRODUCTORY LOCAL LAW I-5 of 2007, "Administration & Enforcement of the NYS Uniform Fire Prevention & Building Code Local Law" Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on August 21, 2007, the Public Hearing on Administration & Enforcement of the NYS Uniform Fire Prevention & Building Code Local Law was called to order at 7:37 PM by Mayor Gross.

Deputy Village Attorney Protter stated that the purpose of this proposed local law is to bring our current administrative uniform code procedures in line with new State requirements. Board discussion followed.

Having no one further speak for or against said amendment, Trustee Miller made a motion to close the public hearing at 7:39 PM which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Trustee Miller moved for the acceptance of the August 20, 2007 Regular Meeting Minutes as presented, on a motion seconded by Trustee Hahn, the minutes were approved 4 ayes, 0 nays and 1 abstain (Edsall).

TREASURER'S REPORT

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

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

Village water, sewer, garbage & penalties	\$245,467.21
Town water & penalties	198,836.91

Which included 10 finals/adjustments for the Village and 6 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$	293,931.06
Water Fund claims in the amount of	125,988.64
Sewer Fund claims in the amount of	4,532.00
Trust & Agency claims in the amount of	907.04

DEPARTMENT REPORTS

The Police Department reported 10 COVAC assists; 12 calls were covered for/assisted to Town Police; 10 responses to burglar alarms; 5 E-911 hangups; 1 domestic incident; 40 crimes were committed; 3 vehicle lockouts; 3 accidents were investigated; 65 moving violations; and 29 parking tickets were issued. Total patrol miles = 4,304 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 Code Enforcement Officer reported 14 certificates of occupancy and compliance and 6 property maintenance violations were issued.

The Building Inspector reported 61 on site inspections, 4 fire inspections, 7 municipal searches, and 10 building permits were issued.

The Department of Public Works reported blacktopping of potholes, brush cutting, equipment repairs, and construction of offices for Water Department in DPW building has started.

DPW Superintendent Gilmore reported that he is in receipt of approval from FEMA to construct a 1000' long "mafia block" concrete wall along Donahue Memorial Park. This project will now go out to bid. To date, he has received in excess of \$2,000,000.00 in grants for the Village of Cornwall-on-Hudson.

The Water Department reported an average daily production of 1.243 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, 29 meters were repaired or replaced, and 8 special readings were taken. In addition to routine building and grounds maintenance, water leaks were repaired at 5 Stillwood Rd., 19 Chestnut St., 15 Jean Court, and 59 Laurel Avenue. Service lines were installed and inspected at 30 Hazen St., and 304 Hudson Street. A curb box was repaired at 96 Boulevard, water was turned off at 2535 Route 9W for demolition, the float regulators at Black Rock were serviced, and a bleed valve on Partridge Road was repaired.

Water Superintendent June reported that the Black Rock Treatment Plant is running daily, flushing to waste. All water samples collected have passed. He has brought all test results, "as built" plans, letter of completion, and request for NYS Department of Health approval of plant to the Orange County Health Department and NYS Department of Health.

The Fire Department reported 33 events, including 10 emergency medical service (EMS) calls, for a total of 300.5 volunteer man hours.

Fire Chief Armitage reported that the Underwriters Laboratories has completed the fire pump testing according to NFPA standards. Engine #412, tanker #415, and engine #411 have all met the criteria with no major deficiencies.

CORRESPONDENCE

Mayor Gross is in receipt of a letter dated September 17th from Robert C. Gilmore, Superintendent of Public Works, Building Inspector, Code Enforcement Officer, and Fire Inspector announcing his decision to retire from the Village of Cornwall-on-Hudson effective October 31, 2007.

Trustee Miller stated that it has been a pleasure to have Mr. Gilmore here. He doesn't think the Village could have found a more dedicated public servant. He is sorry to see him leave.

Trustee Edsall stated that he has worked with a lot of Highway Superintendents in his capacity as an Engineer and there are none that will exceed what Mr. Gilmore has done in effort, honesty, and time. Mr. Gilmore has done a superb job and he hopes enjoys his retirement.

Trustee Hahn thanked Mr. Gilmore for all that he has done for the Village of Cornwall-on-Hudson. It doesn't seem possible to him that it has been 36 years.

Trustee Fogarty stated that he and Mr. Gilmore go way back. He congratulated Mr. Gilmore and thanked him for saving the Village so much money.

Mayor Gross is in receipt of a copy of a letter sent by Deputy Village Attorney to NYS Office of Attorney General-Department of Law regarding unsolicited printed materials. He requests any state laws, rules or regulations which may address the situation.

Mayor Gross is in receipt of a letter dated June 26th sent by Marc Simmons and Shrivani Persad requesting use of Donahue Memorial Park Riverfront Shelter and adjacent lawn for a June 14, 2008 wedding.

Mayor Gross is in receipt of a letter sent by Helene and Joseph Schroer requesting use of Donahue Memorial Park Riverfront Shelter and adjacent lawn for wedding pictures on June 14, 2008.

Mayor Gross is in receipt of a letter sent by Cornwall Presbyterian Church regarding the annual Apple Time Fair.

Mayor Gross is in receipt of a letter sent by Ian Winter Director of Breaking the Cycle extending his sincere thanks for the outstanding presentation done by Police Chief Williams at the 2007 VA School Safety Conference on August 8th in Hampton, V.A.

Mayor Gross is in receipt of a letter dated September 10th sent by Rev. Robert D. Hershberger to Police Chief Williams regarding a wedding ceremony he performed at Donahue Memorial Park on September 1st. He stated that Police Officer's Maeng and Lipsey provided assistance in a friendly and courteous way. "They represented the Village of Cornwall-on-Hudson very well."

Mayor Gross is in receipt of a copy of a letter sent to Police Chief Williams by Barbara Gosda regarding an egg tossing event that occurred August 26th on Pine St. She stated that this behavior is unacceptable in this community and a message needs to be stated loud and clear.

Mayor Gross is in receipt of a copy of a response letter sent by Police Chief Williams to Barbara Gosda. He acknowledged her disappointment in the way this incident was handled; however he is quite satisfied. The Village Police Department investigated an incident, identified a possible suspect, notified those who are in the best position to address the issue, and did not violate anyone's civil rights thereby protecting the Village against any possible civil litigation.

Mayor Gross is in receipt of a copy of a letter from Storm King Associates, LLC regarding the ongoing parking issue in the Village Business District and outdoor dining platform at the Riverbank Restaurant. He strongly believes additional parking is essential.

Mayor Gross is in receipt of a copy of a letter dated August 29th sent to Village Clerk Mahoney from Anthony Missere regarding his intent to renew the liquor license for the Riverbank Restaurant.

Mayor Gross is in receipt of a copy of a letter from New York Department of State regarding the availability of funding opportunities for the 2007-08 Shared Municipal Incentive Grant Program.

Mayor Gross is in receipt of a letter dated September 17th from Robert L. June, Water Superintendent regarding the transfer of Keith Gessel from the Sanitation Department to the Water Department.

Hearing no objection from the Board, Trustee Miller made a motion to accept the transfer of Keith Gessel from Laborer with the Sanitation Department to Laborer with the Water Department which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0.

PUBLIC COMMENT

Rick Gioia of Hudson Street asked if the parking issues that Mr. Yannone referred to in his letter have been addressed.

Mayor Gross replied that a letter went out to School Board President Brendan Coyne last week inviting him to participate in these ongoing discussions along with a citizen's committee he hopes to form later in tonight's agenda.

John Wenz of 40 Duncan Avenue stated he is concerned that the Village may be subject to litigation if the parking issue does not move forward.

Joseph Suto of Washington Street stated that there was a conflict a few weeks ago at Donahue Memorial Park with group events. When the Village Board authorizes a group event, it should provide a reservation sign to put up at the Shelter so people will know it is not available for a block of time.

Kate Benson of Washington Street asked if groups using the shelter were required to pay a fee. The Mayor replied yes they do.

Barbara Farabaugh stated that the residents of River Avenue do not want a parking lot surrounding their homes. Mr. Wenz clarified that his comments regarding parking were directed to municipal lot improvements. She further stated that due to global warming people should be required to leave more open space and build "green" houses with cross ventilation. In addition, she would like to see the Village Board rescind the View Preservation Law, and let nature take its course.

Rick Gioia stated that he would like the Village to move toward a "green policy". The Village should urge builders to make some accommodation for "green building" as it pertains to water.

Robert Gosda of 19 Homeland Avenue stated that he believes the vacant property in back of the school administration building along Spruce St. was earmarked by Matthieson for the Veteran's of Foreign War. That is why it was never touched.

OLD BUSINESS

RALPH WALTERS PRESENTATION

Mayor Gross announced that Mr. Ralph Walters, the Village Treasurer, was unable to attend tonight's meeting, but will come to the October 15th meeting to give a presentation on the Village's annual report.

VILLAGE SQUARE IMPROVEMENTS PROJECT

Mayor Gross stated that after much discussion and meetings, several people have volunteered to be on a Citizen's Committee. The Deputy Village Attorney has prepared a mission statement for the committee, which reads: "The mission of the Cornwall-on-Hudson Village Square Improvement Committee is to analyze and provide for a plan for the Central Business District which focuses on the following areas: parking, pedestrian flow, traffic control, signage, lighting, benches, intersection improvements, tree placement, and litter baskets".

Trustee Fogarty made a motion to adopt the prepared mission statement which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

Susan Gagliardo of River Avenue asked for clarification of committee member responsibilities. Deputy Village Attorney Protter stated that once a plan is developed, the committee will make their recommendation(s) to the Village Board. Discussion followed.

Trustee Miller made a motion to appoint the following to the Cornwall-on-Hudson Village Square Improvement Project: Rick Gioia, Barbara Gosda, Maryann Rose, Susan Gagliardo, Rob Kirshner, and Trustee Mark Edsall which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

BLACK ROCK FILTER PLANT STATUS/MODIFICATION

This item was addressed earlier in tonight's agenda.

JOINT SEWER PLANT DISCUSSION

Trustee Hahn stated there is nothing new to report on this item.

SKEC #2 - ADA BATHROOM PROJECT PAYMENT REQUEST

Trustee Edsall made a motion to authorize payment request #2 (final) from Andes Contractors, which has been reviewed by the Village Engineer and Deputy Village Attorney, which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

COMPREHENSIVE/MASTER PLAN REVIEW COMMITTEE

Deputy Village Attorney Protter reported that the Orange County Planning Department has requested a 30 day extension to review the draft plan and provide the Village Board with a report. That request has been approved.

DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

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

INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Deputy Village Attorney Protter stated that he received a reply from the State Attorney General's Office indicating that no law currently exists regarding distribution of unsolicited materials on private property.

FINES & PENALTIES

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

SKEC #2 – SOCIAL FUNCTION

Trustee Miller made a motion to allow use of Storm King Engine Co. #2 for social functions on September 22nd, 27th, 28th and 29th which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

SKEC #2 – CLOTHING BINS

Trustee Edsall made a motion authorizing Mayor Gross to execute an agreement for Storm King Engine Co. #2 to obtain clothing bins which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

INTRODUCTORY LOCAL LAW#I-3 OF 2007-AMENDMENT TO SUBDIVISION OF LAND LAW

Upon the recommendation of Deputy Village Attorney, Trustee Fogarty made a motion to table adoption of proposed local law #3 until the October 15, 2007 meeting which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

INTRODUCTORY LOCAL LAW#I-4 OF 2007-POSTING OF NOTICES OF ZONING APPLICATIONS

Upon the recommendation of Deputy Village Attorney, Trustee Fogarty made a motion to table adoption of proposed local law #4 until the October 15, 2007 meeting which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

INTRODUCTORY LOCAL LAW#I-5 OF 2007-ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Upon the recommendation of Deputy Village Attorney, Trustee Fogarty made a motion to table adoption of proposed local law #5 until the October 15, 2007 meeting which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

NEW BUSINESS

WILLOW WOODS – COUNSEL APPOINTMENT

Mayor Gross stated that Deputy Village Attorney Protter recused himself from entering into negotiations on behalf of the Village for this matter. Upon receipt of an agreement from Charles Frankel, Esq., with fee schedule, an appointment for outside counsel can be made.

INTRODUCTORY LOCAL LAW I-6 OF 2007- ETHICS LAW

Mayor Gross tabled action on this matter until the Village Board has sufficient time to review the proposed local law.

TOWN OF CORNWALL REQUEST FOR RELIEF OF WATER CHARGES

Mayor Gross stated that there was a substantial leak at the Town Pool this year resulting in a large water bill. Supervisor Randazzo has requested relief of the water charges. Trustee Fogarty pointed out that the Town Pool is already receiving the Village's water rate, which is a substantial savings each bill cycle. Discussion followed.

Trustee Fogarty made a motion to deny the request for relief of water charges and authorize a plan for payment, which was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays 1 abstain (Edsall).

BUDGET TRANSFER

Upon the recommendation of Village Clerk Mahoney, Trustee Edsall made a motion to authorize a budget transfer from A1990.4 (General Fund Contingency) to A1410.4 (General Fund Clerk's Expense) in the amount of \$2,850.00. This is to cover a bill from Griffin Valuation & Realty Services, Ltd for an appraisal of the Cornwall Yacht Club. The motion was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

Having concluded the business set before them, Trustee Fogarty moved to adjourn the meeting which was seconded by Trustee Edsall and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:17 PM.