

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 15, 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 William T. Fogarty

Absent were: Trustee Mark J. Edsall
Trustee Peter J. Miller

Also present were: Acting DPW Superintendent David Halvorsen, Water Superintendent Robert June, Police Sergeant Christopher Park, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

Mayor Gross acknowledged the passing of Mr. William T. Golden, Chairman Emeritus of the Black Rock Consortium.

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 continuation of 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 the proposed local laws have not changed. Due to a problem with the publication last month, the public hearings were continued until tonight.

Having no one speak for or against said amendment, Trustee Hahn made a motion to close the public hearing at 7:33 PM which was seconded by Trustee Fogarty and carried by a vote of 3 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 7:34 PM by Mayor Gross.

Having no one speak for or against said amendment, Trustee Fogarty made a motion to close the public hearing at 7:35 PM which was seconded by Trustee Hahn and carried by a vote of 3 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.

Mayor Gross is in receipt of an email from Mr. Scott Mathews with concerns about barbecue and fire pit safety. Deputy Village Attorney Protter stated that the proposed uniform code local law does not address this type of issue. The Village Board may wish to look at the local code relative to Mr. Mathews concerns.

Having no one further speak for or against said amendment, Trustee Fogarty made a motion to close the public hearing at 7:39 PM which was seconded by Trustee Hahn and carried by a vote of 3 ayes and 0 nays.

Mayor Gross announced that there will be no public hearing on Introductory Local Law I-6-Ethics Law this evening.

Trustee Hahn moved for the acceptance of the September 17, 2007 Regular Meeting Minutes and September 24, 2007 Special Meeting Minutes as presented, on a motion seconded by Trustee Fogarty, the minutes were approved 3 Ayes and 0 Nays.

TREASURER'S REPORT

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

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

Village water, sewer, garbage & penalties	\$110,730.41
Town water & penalties	405,725.97

Which included 4 finals/adjustments for the Village and 9 for the Town.

Upon the recommendation of Village Clerk Mahoney, Trustee Fogarty made a motion to authorize a budget transfer from A1990.4 (General Fund Contingency) to A1930.4 (General Fund Tax Liability) in the amount of \$1,117.35. This is to cover penalties imposed by the Internal Revenue Service after an audit of calendar year 2004. The original estimate was \$60,000.00, and thanks to the efforts of Mr. Mark Krohn, Esq., Deputy Village Attorney Protter and Clerk Mahoney, the amount was reduced to \$1,117.35. The motion was seconded by Trustee Hahn and carried by a vote of 3 ayes and 0 nays.

The following claims were approved for payment:

General Fund claims in the amount of \$	208,127.09
Water Fund claims in the amount of	173,652.64
Sewer Fund claims in the amount of	3,625.60
Trust & Agency claims in the amount of	1,134.05

COMMITTEE REPORTS

Trustee Fogarty reported that he is working with Acting DPW Superintendent Halvorsen to prepare a list of trees for planting either this year or early Spring. Several locations have been identified. They are at

4 and 15 Jean Ct., 152 Hudson St, and 22-24 Cornwall Ave. He asks for assistance of Village residents in keeping trees watered. In addition, Mayor Gross thanked Mr. Robert Kakerback, Arborist for West Point, for his assistance with roadside plantings.

DEPARTMENT REPORTS

The Police Department reported 10 COVAC assists; 14 calls were covered for/assisted to Town Police; 5 responses to burglar alarms; 4 E-911 hangups; 2 domestic incidents; 26 crimes were committed; 2 vehicle lockouts; 7 accidents were investigated; 28 moving violations; and 7 parking tickets were issued. Total patrol miles = 3,618 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 Lug has been certified as a Taser instructor.

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

The Department of Public Works reported blacktop patching, tree removal, brush and tree trimming, replacement of guide rail on Curie Road, drainage improvements on Deer Hill Road have begun, a new sander for the one ton has been installed, and equipment repairs/servicing.

The Code Enforcement Officer reported 20 certificates of occupancy and compliance and 6 property maintenance violations were issued.

The Building Inspector reported 62 on site inspections, 5 fire inspections, 1 stop work order, 2 municipal searches, and 20 building permits were issued.

The Fire Department reported 37 events, including 9 emergency medical service (EMS) calls, for a total of 501.5 volunteer man hours.

Fire Chief Armitage submitted his budget request for the 2008-2009 year. This request and those from other departments will be reviewed by the Village Board.

The Water Department reported an average daily production of 1.218 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 52 utility locations were made, 29 meters were repaired or replaced, and 7 special readings were taken. In addition to routine building and grounds maintenance, water leaks were repaired at 318 Hudson St., 266 Main St., and Continental Rd. A curb box was repaired at 42 Roe Ave., a meter pit leak was repaired on Stillwood Rd., and pressure reduction valves (PRV's) were serviced.

Water Superintendent June reported that the Black Rock Treatment Plant is running daily, flushing to waste. The water main from the reservoirs required repairs on Friday, final adjustments were made today and start up of the plant will take place tomorrow.

CORRESPONDENCE

Mayor Gross is in receipt of an email from Martin Mack of the NYS Chamber providing information on Driver License issues.

Mayor Gross is in receipt of a letter from Rick Gioia of 167 Hudson Street regarding a matter involving a Village Police Officer. This issue is being addressed with the Police Chief.

Mayor Gross is in receipt of a copy of a letter sent to the Village Clerk dated September 26th from Tracey Shaffer informing the Village Board of her intent to renew the Liquor License of Toms Tavern.

Mayor Gross is in receipt of a letter sent by Erin Bruck requesting use of Donahue Memorial Park Riverfront Shelter and adjacent lawn for a wedding on September 13, 2008.

Mayor Gross is in receipt of a letter sent by Wynn Klosky requesting use of Donahue Memorial Park for a Girl Scout ceremony on October 14, 2007.

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

Mayor Gross is in receipt of a letter sent by Helene 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 dated September 26th from Alexis Ricasi & Andrew Doehla informing the Village of their intent to apply for an onsite NYS Liquor License at the former Nicky's Restaurant.

Mayor Gross is in receipt of a letter from Jean Ferreri's son of 13 Cherry Ave. requesting a reduction on her water/sewer/garbage bill since the home is vacant.

Trustee Fogarty made a motion to authorize a 50% reduction in garbage charges, in accordance with existing Village policy, subject to verification that the property will be vacant a minimum of 60 days. The motion was seconded by Trustee Hahn and carried by a vote of 3 Ayes and 0 Nays.

Mayor Gross is in receipt of a letter from Jeanne Mahoney requesting a garbage reduction for her parents, James and Barbara Taylor of 41 Washington St. The house will be vacant from October 3rd until May 1, 2008.

Trustee Hahn made a motion to authorize a 50% reduction in garbage charges, in accordance with existing Village policy, which was seconded by Trustee Fogarty and carried by a vote of 3 Ayes and 0 Nays.

Mayor Gross is in receipt of an email from Deputy Village Attorney Protter regarding the CSX crossing application. He spoke with a representative of CSX and explained that the crossing is planned for passive recreation use only.

Mayor Gross is in receipt of a proposal from Steven P. Drabick, PLS, PC for a field survey on Village owned property located at the end of Maple Ave (107-2-8).

Trustee Fogarty made a motion to accept the proposal of \$600.00, authorize additional services in order to map out a roadway path for the end of Maple Ave., and authorize the Mayor to sign acceptance of the proposal, which was seconded by Trustee Hahn and carried by a vote of 3 Ayes and 0 Nays.

Mayor Gross is in receipt of a retainer agreement from the law firm of Rider Weiner and Frankel to represent the Village on a water service agreement with Willow Woods.

Mayor Gross is in receipt of a letter from Deputy Village Attorney Protter recusing himself from representing the Village on the site plan application of Anthony Missere.

Mayor Gross is in receipt of a letter dated September 17th from New York State Department of Health regarding questions raised on the County Health Department's procedure for handling nuisance septic complaints.

Mayor Gross is in receipt of a Quality of Life Report from the Orange County Citizens Foundation.

Mayor Gross is in receipt of a letter dated September 20th from the New York State Assembly regarding a proposal to provide a veteran's exemption to "Cold War" veterans.

Mayor Gross is in receipt of a letter from the office of the New York State Attorney General regarding the Deputy Village Attorney's request for an opinion regarding authority of the Village to enact a local law restricting the delivery of unsolicited print materials. The request is under consideration and a response will be received in "due course".

Mayor Gross is in receipt of a letter from the Orange County Planning Department requesting additional time to review the draft Master Plan.

PUBLIC COMMENT

Beth Yannone of Idlewild Ave. stated that she would like to continue the New Years Eve Ball Drop Celebration and provided the Village Board some ideas she has to improve the event, including a small fireworks display, live music, and serving of non-alcoholic beverages.

After some discussion, the Village Board agreed that they will support her on this matter as long as it will not "tax our services".

RALPH WALTERS PRESENTATION

Mayor Gross introduced Mr. Ralph Walters, the Village Treasurer.

Mr. Walters provided a presentation of his background, the financial history of the Village, and the improvements made over the years to improve fund balances. Discussion followed.

OLD BUSINESS

BLACK ROCK FILTER PLANT STATUS/MODIFICATION

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

JOINT SEWER PLANT DISCUSSION

Trustee Hahn stated a meeting will take place prior to the next Village work session.

SKEC #2 - ADA BATHROOM PROJECT

Clerk Mahoney reported that payment request #2 (final) from Andes Contractors, which was approved by the Village Board at last months meeting, has been forward to the Orange County Office of Community Development for action.

COMPREHENSIVE/MASTER PLAN REVIEW COMMITTEE

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

LOCAL DEVELOPMENT CORPORATION (LDC)

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

WATERFRONT REVITALIZATION COMMITTEE REPORT

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

INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Mayor Gross stated this item was addressed earlier under Correspondence.

DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

Mayor Gross stated that this item will be discussed at the next work session.

FINES & PENALTIES

Mayor Gross stated that this item is currently under review by the Village Board.

VILLAGE SQUARE IMPROVEMENTS PROJECT

Committee Chairperson Barbara Gosda reported that 2 meetings have been held. On October 28th, a walk of the Village Square is planned. Village businesses have been invited to participate. It is hoped that improvement recommendations will be ready to present to the Village Board by April of 2008.

WILLOW WOODS – AUTHORIZE OUTSIDE COUNSEL APPOINTMENT

Trustee Fogarty made a motion to appoint Mark Taylor, Esq. of Rider, Weiner and Frankel as Special Counsel for the Village in connection with the Willow Woods water service at the rate of \$170.00 per hour. The motion was seconded by Trustee Hahn and carried by a vote of 3 Ayes and 0 Nays.

Jack O'Connell, representative of Willow Woods, requests a meeting with the new counsel as soon as possible in order to finalize an agreement so the project may move forward.

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

Trustee Hahn introduced the following resolution and moved for its adoption

WHEREAS, an Introductory local law entitled "AMENDMENT TO SUBDIVISION OF LAND LAW" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on August 20, 2007, and upon notice duly published and posted, a hearing was held on September 19, 2007, before the Board of Trustees; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Introductory local law is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Introductory Local Law entitled "AMENDMENT TO SUBDIVISION OF LAND LAW" of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #3 of 2007 of the Village of Cornwall-on-Hudson on October 15, 2007.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 3 Ayes and 0 Nays.

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

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

WHEREAS, an Introductory local law entitled "POSTING OF NOTICES OF ZONING APPLICATIONS" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on August 20, 2007, and upon notice duly published and posted, a hearing was held on September 19, 2007, before the Board of Trustees; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Introductory local law is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Introductory Local Law entitled "POSTING OF NOTICES OF ZONING APPLICATIONS" of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #4 of 2007 of the Village of Cornwall-on-Hudson on October 15, 2007.

The foregoing resolution was seconded by Trustee Hahn and carried by a vote of 3 Ayes and 0 Nays.

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

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

WHEREAS, an Introductory local law entitled "ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on August 20, 2007, and upon notice duly published and posted, a hearing was held on September 19, 2007, before the Board of Trustees; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Introductory local law is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Introductory Local Law entitled "ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE" of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #5 of 2007 of the Village of Cornwall-on-Hudson on October 15, 2007.

The foregoing resolution was seconded by Trustee Hahn and carried by a vote of 3 Ayes and 0 Nays.

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.

NEW BUSINESS

ELECTION RESOLUTION

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

Notice is hereby given that the Annual Election will be held in the Meeting Room of the Village of Cornwall-on-Hudson, 325 Hudson St., Cornwall-on-Hudson, N.Y., on the 18th day of March, 2008, between the hours of Noon and 9 PM and that at such election, the following officers are to be elected for the terms set opposite thereto, respectively.

Trustee Two Years, Trustee Two Years

The foregoing resolution was seconded by Trustee Fogarty, and upon a vote of 3 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 15, 2007.

GRIEVANCE DAY

Mayor Gross announced that the annual Village Grievance Day to be held on Tuesday, November 20, 2007 from 4:00 - 7:00 PM.

ORANGE COUNTY PROPERTY TAX EXEMPTION RESOLUTION

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

WHEREAS, the Village of Cornwall-on-Hudson is the owner of real property in the Town of Cornwall and Town of New Windsor, County of Orange, identified on the tax map as follows:

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND, WHEREAS, the above real property is devoted solely to public use and part of the Village owned water system as the sites for water wells, plant treatment, chlorinator and water shed; and

WHEREAS, the Real Property Tax Law, Section 406(3) provides the authority for each taxing district in which municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS, such exemption for the Village of Cornwall-on-Hudson water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Cornwall-on-Hudson which would enhance real property ownership, encourage industrial and commercial development and exemplify a spirit of intermunicipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Cornwall-on-Hudson on behalf of the Village of Cornwall-on-Hudson, its taxpayers, water system users and citizens hereby petition the County of Orange, Town of Cornwall, and Town of New Windsor to grant a whole exemption from State, County, and Town real property taxes commencing for calendar year 2009 for the parcels of real property identified above in the Town of Cornwall and Town of New Windsor.

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND IT IS FURTHER RESOLVED, that the Mayor and Village Attorney are authorized to attend such meeting of the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations on this petition by that body.

The foregoing resolution was seconded by Trustee Fogarty, and upon a vote of 3 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 15, 2007.

The Mayor then directed the Village Clerk to petition the Cornwall Central School District, Town of Cornwall, and Town of New Windsor for relief of tax exemption from real property taxes for the calendar year 2009.

ANNUAL SUPPLY BIDS

The Village Clerk presented the annual supply bids to include #2 Fuel Oil & "Off-Road Diesel", Water Treatment Chemicals, Water Meters, and Sludge Removal Services. The bid opening is to be held November 16th beginning at 2:00 PM at the Village Hall.

Trustee Hahn made a motion to approve the specifications of the bid documents, seconded by Trustee Fogarty, and upon a vote of 3 Ayes and 0 Nays, the motion was carried.

Trustee Hahn then made a motion to authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM for Water Treatment Chemicals, 2:15 PM for Water Meters, 2:30 PM for #2 Fuel Oil & "Off Road Diesel", and 2:45 PM Sludge Removal Services on November 16, 2006, which was seconded by Trustee Fogarty, and upon a vote of 3 Ayes and 0 Nays, the motion was carried.

AUTHORIZE BID - AUTOMATIC 4WD ½ TON PICK UP TRUCK WITH EXTENDED CAB

Water Superintendent June stated that the Jeep Liberty used for reading meters was totaled in an accident last month. This vehicle needs to be replaced as soon as possible. It will be paid for using insurance recovery and current budget funds. He presented specifications for a replacement.

Trustee Fogarty made a motion to approve the specifications and bid documents, seconded by Trustee Hahn and upon a vote of 3 Ayes and 0 Nays, the motion was carried.

Trustee Fogarty then made a motion to authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM on October 29, 2007 which was seconded by Trustee Hahn and upon a vote of 3 Ayes and 0 Nays.

HALLOWEEN CURFEW DISCUSSION

Discussion took place regarding a curfew on Halloween night. Mayor Gross stated he will take the comments into consideration in his decision.

DPW SURPLUS EQUIPMENT

Mayor Gross tabled this item until the next Village Board regular meeting.

SNOW GUARDS

Acting DPW Superintendent Halvorsen has obtained 2 estimates for installation of snow guards on the DPW building at Shore Road. The apparent low bid is \$7,800.00 from Longinott & Sons. The bid from Waglan Carpentry is \$14,500.00.

After some discussion, the Village Board asked Mr. Halvorsen to obtain 1 more bid prior to making an award.

DPW LABORER POSITION

Upon the recommendation of Acting DPW Superintendent Halvorsen, Trustee Fogarty made a motion authorizing the advertisement of an entry level Laborer for the Department of Public Works which was seconded by Trustee Hahn and carried by a vote of 3 Ayes and 0 Nays.

Having concluded the business set before them, Trustee Fogarty moved to adjourn the meeting into Executive Session to discuss a personnel matter involving the Building Inspectors Office which was seconded by Trustee Hahn and upon a vote of 3 Ayes and 0 Nays, the meeting was adjourned at 9:50 PM.