

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

January 22, 2008

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: Acting DPW Superintendent David Halvorsen, Police Chief Charles Williams, Water Superintendent Robert June, Deputy Village Attorney Donald Nichols, and Village Clerk Jeanne Mahoney.

PUBLIC HEARING 2008-2009 PROPOSED BUDGET

Proof of Notice and Publication having been furnished, and copies of the budget having been distributed, the Public Hearing on the 2008-09 Budget was called to order at 7:30 PM by Mayor Gross. It was noted that the proposed budget carries an increase of 3.5% percent in the general fund with a tax rate of \$8.37, and no increase in the garbage rate. In addition, there is no proposed increase in water rates, hydrant or fire line fees, and the sewer percentage will remain at 85% of water consumption.

Mayor Gross thanked Trustee Fogarty for his assistance and involvement in the budget preparation.

Edward Flynn of Andrews Street stated he notes that the budget expense line has been eliminated and a Trustee expense line has been added. He asked for an explanation as to why Trustees need an expense line.

Trustee Edsall explained a Trustee expense line is needed to pay for items such as training and/or attendance at a grant conference.

Rick Gioia of 167 Hudson Street asked for a breakdown of water expense lines, specifically the cost for purchasing water from New York City for the Catskill Filter Plant.

Water Superintendent June replied that the Village is currently spending an estimated \$5,000 per month to New York City to purchase water.

Trustee Fogarty stated that the Village's debt is currently in the \$7,000,000 range, mostly in the Water Fund. Principal payments nearing \$920,000 are being paid each year. Several years ago a 5 year plan was initiated to reduce the Revenue Anticipation Notes. The Sewer note has been paid in full. The General note is decreasing on schedule. The Water notes can only be paid through water rents. It has

been proven difficult to reduce the balances significantly without large increases in water rates. The Village Board will continue to work hard to reduce expenditures so that this debt may be eradicated.

Barbara Defina of Winterview Lane asked to see the breakdown of the Village's long term debt.

Clerk Mahoney stated that she will have that information available for Ms. Defina tomorrow morning.

Patrick Welch of Washington Street asked if the Village Board will consider revisiting the issue of police consolidation.

Trustee Miller stated that this topic has been brought up a couple of times over the last 8 years. In the past, the Village and Town Boards never received enough support to pursue consolidation discussions. The Mayor and Supervisor would need to meet to see if it is worth readdressing.

Rick Gioia stated his concern if the current Village debt would leave us vulnerable to developers seeking approvals in order to gain additional water revenues.

Ed Flynn stated his concern with stormwater drainage and additional development that might tax our current systems i.e. water and sewer plants.

Having no one further speak for or against the proposed budget, Trustee Miller made a motion to close the hearing which was seconded by Trustee Hahn and upon a vote of 5 ayes and 0 nays, the Hearing was closed at 7:50 PM.

Trustee Fogarty moved for the acceptance of the December 17, 2007 Regular Meeting and January 14, 2008 Special Meeting Minutes as presented, on a motion seconded by Trustee Miller, the minutes were approved 5 ayes and 0 nays.

TREASURER'S REPORT

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

The Deputy Clerk submitted the relevy list of past due water, sewer and garbage rents to be collected with the 2008-2009 Village of Cornwall-on-Hudson Real Estate Tax Bills in the amount of \$88,562.08.

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

| | |
|---|---------------|
| Village water, sewer, garbage & penalties | \$ 276,294.83 |
| Town water & penalties | 179,286.28 |

Which included 2 finals/adjustments for the Village and 1 for the Town.

The following claims were approved for payment:

| | |
|--------------------------------------|---------------|
| General Fund claims in the amount of | \$ 276,721.27 |
| Water Fund claims in the amount of | 92,307.40 |
| Sewer Fund claims in the amount of | 4,225.67 |

Trust & Agency claims in the amount of 843.32

DEPARTMENT REPORTS

The Fire Department reported 37 responses, including 10 emergency medical service (EMS) calls, for a total of 600.5 volunteer man hours.

Fire Chief Armitage submitted his 2007 report which includes a total of 485 responses and a total of 10,272 volunteer man hours.

The Water Department reported an average daily production of 1.286 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 18 utility locations were made, 10 meters were repaired or replaced, and 2 special readings were taken. In addition to routine maintenance, a leak was repaired at 59 Laurel Avenue, a water main break was repaired on Mailler Avenue, and water was turned off at 17 Paula Court (winterization) and the Canterbury Presbyterian Church (water leak).

Water Superintendent June provided a memo to the Village Board regarding the annual inspection of our water system by the Orange County Department of Health. It was noted that the inspector "had trouble finding deficiencies and this is one of the best run/maintained systems in the County". Mr. June commended his staff for their efforts and level of professionalism in the operation and maintenance of our water system.

The Police Department reported 9 COVAC assists; 9 calls were covered for/assisted to Town Police; 10 responses to burglar alarms; 9 E-911 hangups; 2 domestic incidents; 2 crimes were committed; 4 vehicle lockouts; 10 accidents were investigated; 24 moving violations; and 1 parking ticket were issued. Total patrol miles = 3,390 not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation of seven (7) open cases.

The Building Inspector submitted his 2007 report which includes a total of 614 on site inspections, 75 fire inspections, 64 municipal searches, 2 stop work orders and 109 building permits were issued.

The Code Enforcement Officer 2007 report indicates 110 certificates of occupancy. 15 unregistered vehicle and 82 property maintenance violations were issued.

The Department of Public Works reported replacement of guide rail on Shore Road (from a motor vehicle accident), brush cutting on Curie Road and Idlewild Park Drive, removal of three (3) hazardous tress on Hudson Street and one (1) on Maple Road, installation of sub-surface drainage pipe in front of 19, 21, and 23 Boulevard to alleviate an ongoing ice condition, cleaning of gutter lines on Wood Ave., Dock Hill and Mountain Rd., construction of a shed outside of DPW building for waste oil tank (to conform with DEC regulations), and snow removal from roads and sidewalks.

Mayor Gross is in receipt of a revised garbage collection schedule from Acting DPW Superintendent Halvorsen. It will be reviewed by the Village Board and discussed at a future work session.

Trustee Miller made a motion to appoint Acting DPW Superintendent Halvorsen to the permanent position of DPW Superintendent which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

DPW Superintendent Halvorsen was sworn in after signing the Oath of Office book.

CORRESPONDENCE

Mayor Gross is in receipt of a letter sent from Storm King Engine Co. #2 requesting permission to hold a Super Bowl party on Sunday, February 3rd.

Trustee Edsall made a motion to suspend the temporary ban on social functions at Storm King Engine Co. #2 for the purpose of the Company's Annual Super Bowl Sunday gathering (February 3, 2008) beginning at 4:00 PM and ending one hour after the event. This motion was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a letter from Mary Aspin, Planning Board Chairperson requesting the Village Board review the current boundaries of the CBS Zoning district as described in both the 1977 Zoning Map and Zoning Code/Statue.

Mayor Gross is in receipt of a copy of a letter from Deputy Village Attorney Protter to Verizon regarding seven (7) locations throughout the Village that have not been attended to by Verizon with poles and debris.

Mayor Gross is in receipt of a letter from Breaking the Cycle requesting that Police Chief Williams attend a conference in South Carolina on January 24th. This conference will be at no cost to the Village.

Mayor Gross is in receipt of a letter from Edward Flynn regarding the impact the proposed Cornwall Commons project will have on the Village's resources and increased traffic. He invited Mr. Flynn to speak to the Board about his concerns. Discussion followed.

Mayor Gross is in receipt of a letter from Susan Smith of Willow Avenue regarding a large water bill. Water Superintendent June is looking into this item.

Mayor Gross is in receipt of a letter from Jan Smith requesting permission to have her daughters wedding at Donahue Memorial Park/Riverfront Shelter on May 24, 2008.

Mayor Gross is in receipt of a letter from Bradley Sukeena requesting permission to have a wedding at Donahue Memorial Park Riverfront Shelter on May 9, 2008.

Mayor Gross is in receipt of a letter from copy from Sally Faith Dorfman regarding her concern with light pollution that may result from the proposed Hudson Fulton Celebration.

Mayor Gross is in receipt of a letter from Orange County Human Rights Commission seeking nominations for the Human Rights award program.

Mayor Gross is in receipt of an announcement from Time Warner Cable regarding availability of scholarships.

Mayor Gross is in receipt of a letter from Orange County Landfill with the revised tipping fees for 2008 and dates for the hazardous household waste collection events.

Mayor Gross is in receipt of a copy of a letter and sample resolution from Lee Murphy, Co-Chair of the Cornwalls Coalition Committee for 2009 requesting the Village Board adopt a resolution that will assist the Committee in making the 2009 Quadricentennial Hudson Fulton Champlain Celebration a success.

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

EXPLORE NY 400 COMMUNITY RESOLUTION

WHEREAS, the New York State Hudson-Fulton-Champlain Quadricentennial Commission was established under Chapter 590 of the Laws of 2002, to plan, develop, and coordinate the 400th anniversary, in 2009, of the voyages of exploration made by Henry Hudson and Samuel de Champlain as well as the 200th anniversary of Robert Fulton's steamship voyage up the Hudson River; and

WHEREAS, these historic voyages of exploration in 1609 would change the world forever and lead to the European settlement of the New World and the innovation of steam travel and commerce in 1807, establishing the Hudson River and Lake Champlain as a corridor of trade, communication, politics and ideas, and that further, this vital north-south corridor of water created other water links such as the Champlain and Erie Canals, which provided opportunities inland and encouraged the westward movement through these water routes; and

WHEREAS, the State and the Federal governments recognize the voyages of exploration and invention to be of historical importance and significance to New York State and the nation and recognize the tradition to observe these contributions made by Hudson, Fulton, and Champlain, by commemorating these events in 2009,

NOW, THEREFORE, BE IT RESOLVED that as an Explore NY 400 Community, the community may use the Explore NY 400 logo, link to the Explore NY 400 website, and may be eligible for either state or federal grant money to assist in Quadricentennial planning, events, and legacy projects; and

BE IT FURTHER RESOLVED the Village of Cornwall-on-Hudson supports the mission of the Hudson-Fulton-Champlain Quadricentennial Commission, and requests designation as an Explore NY 400 Community, and will be an active partner by establishing an Explore NY 400 Committee, and will cooperate to its fullest with the Commission in making the 400th anniversary a successful historic New York State event.

The foregoing resolution was seconded by Trustee Fogarty and was opened for Board discussion. The Village Board agreed to support the resolution as long as they remain involved and informed of any requests for funding during the process. Upon a vote of 5 ayes and 0 nays, the motion was then carried.

PUBLIC COMMENT

Ray Yannone of Ridge Road read a prepared statement regarding misrepresentations he feels have been made by Mr. Missere resulting in Planning Board site plan approvals, Zoning Board approvals, and Village Board licensing agreements. He asserts Mr. Missere currently has an operating business in violation of current zoning laws, with no action being taken to correct this situation.

Mayor Gross informed the Board there is confusion over the 1977 Village Zoning Map which shows the line between the Central Business and Shopping (CBS) District and the Suburban Residential (SR) District zone as being along side the old movie theater currently owned by Mr. Yannone and the current Riverbank Restaurant. A Certificate of Occupancy to operate the restaurant was issued based on information provided at that time listing the building in the CBS District. A subsequent letter from former DPW Superintendent Gilmore, dated September 21, 2007 determined that 7-9 River Avenue was also in the CBS District under Village Zoning Code §172-9E(b).

Mr. Yannone continued that Jacobowitz & Gubits, LLP has a business relationship with Mr. Missere. Deputy Village Attorney Protter has recused himself from representing the Village in matters involving Mr. Missere. The Village has retained outside counsel on these matters.

Mr. Yannone requests that the Village Board:

1. Direct the Code Enforcement Officer to correct the 9/21/07 letter which states that 7-9 River Avenue is in the CBS District.
2. Direct the Code Enforcement Officer to enforce current zoning laws which are being violated at 3-5 River Avenue.
3. Reinstate his building permit for fence panels (which had previously had a stop work order issued).
4. Assign outside counsel to review his pending site plan application, fence permit request, etc.
5. Review License Agreement with Mr. Missere to determine if the matter was handled properly.
6. Not act on Planning Board Chairperson Aspins request to review the CBS zone line at this time.

Discussion followed.

Trustee Fogarty made a motion to table action on Planning Board Aspin's request in order to allow the Village Board sufficient time to review the files and make a determination as to what happened which was seconded by Trustee Hahn. Mayor Gross suggested that the motion be amended to include that the Village seek outside counsel to assist in the review and determination process. The motion, as amended, was carried by a vote of 5 ayes and 0 nays.

OLD BUSINESS

BLACK ROCK FILTER PLANT

Water Superintendent June reported that the plant is running daily. He is awaiting completion of an auto dialer installation before the plant can go online 24 hours.

He requested that the Village Board remove this item from the monthly agenda.

JOINT SEWER PLANT STATUS

Trustee Hahn stated that he contacted the new Town Supervisor and requested a meeting date.

COMPREHENSIVE/MASTER PLAN UPDATE

Mayor Gross stated that the County has reviewed the Draft plan and provided comments to the Village Board for review. He tabled this matter to provide the Board time to review the comments.

WATERFRONT REVITALIZATION COMMITTEE REPORT

Mayor Gross stated that he met with Chairperson Wenz, some committee members, and the Village Engineer on Friday afternoon to discuss the FEMA seawall.

PROPOSED LOCAL LAW – PHONE BOOK DISTRIBUTION

Deputy Village Attorney Nichols stated that his office is currently working on this item.

DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

Mayor Gross stated that he will be meeting with the Village Clerk and Deputy Village Attorney on Friday to discuss this item.

FINES AND PENALTIES

Mayor Gross stated that this item will remain tabled for future discussion.

VILLAGE SQUARE IMPROVEMENTS COMMITTEE REPORT

Chairperson Gosda reported that the Committee met with the Village Board. It was recommended that a survey be done of the Village Square. She will obtain quotes from local surveyors.

INTRODUCTORY LOCAL LAW I-6 OF 2007 – ETHICS LAW

Mayor Gross stated that the public hearing on this introductory local law has been postponed until the February meeting.

SHORE ROAD PARKING

DPW Superintendent Halvorsen stated that he is awaiting a response from CSX.

KIRYAS JOEL FEDERAL BUDGET REQUEST FOR PIPELINE

Mayor Gross stated that he has not received a response to his letter.

2008-2009 BUDGET DISCUSSION

Trustee Fogarty stated that this budget better reflects revenue and expenditure lines than in the past. He and Mayor Gross followed the year to date reports during budget preparation. General discussion followed.

2008-2009 BUDGET ADOPTION

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

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING MARCH 1, 2008 AND ENDING FEBRUARY 28, 2009, MAKING APPROPRIATIONS FOR THE CONDUCT OF VILLAGE GOVERNMENT.

WHEREAS, the tentative budget for the year commencing March 1, 2008 and ending February 28, 2009 has been duly presented to the Board of Trustees of the Village of Cornwall-on-Hudson by the Budget Officer and a duly advertised Public Hearing has been held thereon,

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the tentative budget as amended and revised, be and hereby is adopted as the budget and all amounts set forth in Statement 1 as required for the payment of principal of and interest on indebtedness be and are hereby appropriated for the objects and purposes specified effective as of March 1, 2008.

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

Trustee Miller made a motion to authorize a zero percent (0%) increase in water rates for the Town and Village. There will be no increase in garbage fees. The Village sewer rate will remain at 85% of the water charge. This motion was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall made a motion to authorize a zero percent (0%) increase in hydrant and fine line fees which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

MAPLE AVENUE PROPERTY

Mayor Gross stated that a survey and appraisal has been done of the property. This item will be tabled for discussion at a future work session. DPW Superintendent Halvorsen has been asked to look at the end of Maple Avenue to determine the feasibility of a turn around.

DONAHUE MEMORIAL PARK – FEMA SEAWALL GRANT

Mayor Gross is in receipt of a \$12,500 estimate from the Village Engineer to survey the park and seawall area. After some discussion, the Village Board will seek additional proposals.

NEW BUSINESS

TAX LEVY RESOLUTION

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

A RESOLUTION LEVYING THE TOTAL TAXES AND OTHER CHARGES EXTENDED AND LEVIED AGAINST EACH PARCEL OF REAL PROPERTY SHOWN ON THE ROLL PREPARED AND VERIFIED BY THE ASSESSOR FOR THE 2008-2009 FISCAL YEAR.

RESOLVED, that there be levied and assessed against the real property of the Village of Cornwall-on-Hudson the following sums for village government and other charges for the fiscal year 2008-09 with a tax rate of \$8.37 per thousand of assessed valuation:

| | |
|--|----------------|
| General Fund | |
| Total taxes for Current Budget | \$1,849,872.00 |
| Delinquent water rents & charges | 40,038.72 |
| Delinquent sewer rents & charges | 25,420.65 |
| Delinquent garbage charges | 23,102.71 |
| | |
| Total Relevy | \$ 88,562.08 |
| Total Real Property Taxes and Other Charges on Roll | \$1,938,434.08 |

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

ELECTION RESOLUTION

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

BE IT RESOLVED, that the next annual election of the Village of Cornwall-on-Hudson will be held in the Board Room of the Village Hall, 325 Hudson St., Cornwall-on-Hudson, N.Y., on the 18th day of March 2008, between the hours of Noon and 9 PM by voting machine. The offices and terms for which are as follows:

| | |
|---------|-----------|
| Trustee | Two Years |
| Trustee | Two Years |

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

ELECTION INSPECTOR APPOINTMENTS

The Clerk requested the following be appointed Election Inspectors for the upcoming March 18th election at a rate of \$75 per day:

Jeanne Maroney, as Chairperson, and Margaret Flint

And, as Alternate Inspectors:

Andrew Maroney, Margaret McGinnis, Dorothy Rizzuto, Katherine Kelly

In addition, Ray Torracca, as Voting Machine Inspector at a rate of \$150 per machine.

Trustee Edsall moved to accept these appointments which was seconded by Trustee Fogarty and carried by a vote of 5 Ayes and 0 Nays.

VILLAGE ELECTION – REGISTRATION DAY

Trustee Fogarty made a motion to set the annual registration day for the Village of Cornwall-on-Hudson for on Saturday, March 8, 2008 from 12:00 PM to 5:00 PM in the Board Room of the Village Hall, 325 Hudson St. The motion was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

RESCHEDULE FEBRUARY 18, 2008 MEETING

Trustee Miller made a motion to reschedule the February 18, 2008 regular meeting to February 19, 2008 at 7:30 PM, in observance of President’s Day, which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

CORNWALL & NEWBURGH SCHOOL DISTRICT – REQUEST FOR EXEMPTION ON WATER PRODUCTION PROPERTY

Upon the recommendation of the Deputy Village Attorney, Trustee Fogarty made a motion to authorize the Village Clerk to request an exemption of Real Property Taxes for Water Production Property located within the Cornwall and Newburgh City School Districts which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

STORM KING THEATER – PARKING REQUEST

Mr. Yannone stated that he came before the Village Board at the last work session in order to discuss the municipal lot and any agreement that may have existed between the Village and the former owner of the theater building. It is his understanding that there was a “good faith agreement” back in 1985 when the Village acquired the property. He would like to obtain a copy of the original contract to see what the agreement was. In addition, he requests the Village Board go “on record” regarding that agreement and allow his building parking rights in the municipal lot. Discussion followed. Upon receipt of a revised written agreement to be drawn up by the Deputy Village Attorney, the Village Board will adopt a resolution on this matter.

RESOLUTION TO JOIN MUNICIPAL GROUP SELF-INSURANCE

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

WHEREAS, the Authorized Representative of the Village of Cornwall-on-Hudson desires to secure the Village of Cornwall-on-Hudson’s obligation to provide volunteer firefighters’ benefit law, volunteer ambulance workers’ benefit law and workers’ compensation benefits, as applicable, through participation in a group self-insurance program of which the Village of Cornwall-on-Hudson will be a member,

The Authorized Representative of the Village of Cornwall-on-Hudson duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows:

SECTION 1. The Authorized Representative (hereinafter “Representative”) of the Village of Cornwall-on-Hudson does hereby resolve to secure the Village of Cornwall-on-Hudson’s obligation to provide

volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Village of Cornwall-on-Hudson will be a member;

SECTION 2. The Representative of the Village of Cornwall-on-Hudson does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

SECTION 3. In order to effect the Village of Cornwall-on-Hudson's membership in said group self-insurance program, the authorized officer of the Village of Cornwall-on-Hudson is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, on behalf of the Village of Cornwall-on-Hudson.

SECTION 4. This Resolution shall take effect immediately.

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

WORK SESSIONS

Trustee Edsall stated that some items tabled for discussion at work sessions have been pushed off several times. He would like to receive an email in advance of a work session if there is an item that requires some prep time.

Having concluded the business set before them, Trustee Miller moved to adjourn the meeting into Executive Session to discuss personnel matters with the DPW Superintendent, Water Superintendent, and Deputy Village Attorney, which was seconded by Trustee Fogarty and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:20 PM.