

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

December 15, 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 Mark J. Edsall  
Trustee William T. Fogarty  
Trustee Barbara J. Gosda  
Trustee Richard Gioia

Also present were: Police Chief Charles Williams, DPW Superintendent David Halvorsen, Water Superintendent Robert June, Interim Deputy Village Attorney Jeffrey Sculley, and Village Clerk Jeanne Mahoney.

Trustee Fogarty moved for the acceptance of the November 17, 2008 Regular Meeting Minutes as presented, on a motion seconded by Trustee Gioia and carried by a vote of 4 ayes, 0 nays, 1 abstain (Edsall).

Trustee Gioia moved for the acceptance of the December 3, 2008 Special Meeting Minutes as presented, on a motion seconded by Trustee Gosda and carried by a vote of 4 ayes, 0 nays, 1 abstain (Edsall).

**TREASURER'S REPORT**

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

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

Village water, sewer, garbage & penalties	\$ 118,140.81
Town water & penalties	241,193.89

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

The following claims were approved for payment:

General Fund claims in the amount of	\$ 165,079.70
Water Fund claims in the amount of	259,110.09
Sewer Fund claims in the amount of	4,672.40
Trust & Agency claims in the amount of	559.10

## **COMMITTEE REPORTS**

Board of Assessment Review – Trustee Gosda stated that the recommendations from the Board of Assessment Review will be addressed later in tonight’s agenda.

Police Committee – Mayor Gross has circulated a letter on a proposed Department of Criminal Justice Services (DCJS) study to the Village Board members for comments.

Fire Committee – Trustee Edsall reported that restoration of Ladder Truck 413 continues. In addition, he thanked Water Superintendent June and members of the Fire Department and DPW for their hard work in preparing the tree at Village Bandstand for its annual holiday lighting.

Audit Committee – Trustee Gioia noted a \$2,700 bill from the Times Herald Record for publishing our hydrant flushing schedule. He asked the Water Superintendent to consider less expensive ways in the future to make this notification without affecting public health and safety. Trustee Edsall suggested the notice be put on water bills and the Village website.

Disaster Committee – Mayor Gross stated that our Department of Public Works worked all night Thursday, December 11<sup>th</sup> clearing the mountain of damage from a serious ice storm. Central Hudson Gas & Electric came on Saturday to restore power to those affected by outages.

Insurance Committee – Deputy Interim Village Attorney Sculley provided an explanation of a “broker of record” letter request. Clerk Mahoney then gave a status report of her progress in getting insurance applications completed for the 2009 policy. Mayor Gross requested a written synopsis be given to the Board for the next work session.

Trees & Beautification Committee – Trustee Gioia provided a draft design for the new sign at Pagenstacher Park. He will present it to the Pagenstacher family for their approval. He also provided samples of decals for placement on the recycling bin at the triangle. He thanked the School Board for their assistance in putting the new municipal lot parking sign at the Elementary School.

Cable TV Committee – Mayor Gross is in receipt of proposed rate changes and changes in programming from Time Warner Cable.

Recycling Committee-DPW Superintendent Halvorsen stated that the “electronics day” dumpsters have been removed.

## **DEPARTMENT REPORTS**

The Water Department reported an average daily production of 1.005 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 62). It was also reported that 57 utility locations were made, 11 meters were repaired or replaced, village meter reading was completed, and 6 special readings were taken. In addition to routine maintenance, water was shut off at 14 Mountain Rd., and 7 Smith Rd., water main breaks were repaired on Curtis Ct. and Walnut St., new system feed pumps were installed on Maple Rd, a pressure relief valve (PRV) was repaired on Quaker Ave., snow removal equipment was prepared for winter, brush was cut at Catskill Treatment plant, and hydrants were flushed.

Black Rock – An inlet float relief valve #1 was repaired, a gasket on old float relief feed line was repaired, and ditch lines along Pecks Rd were cleaned with assistance from the Town of Montgomery Highway department.

Water Superintendent June reported that the company responsible for instrumentation and control at the plant will complete installation of the data collection system later this week. He anticipates the plant will be capable of producing between 500,000 to 700,000 gallons a day by January.

Trustee Edsall made a motion authorizing a budget amendment from W2144 water fund revenue (connections) to W8340.4 water fund expenditure (transmission and distribution) in the amount of \$72,028.70, the total collected on connection fees from Stone Hollow, The Cornwall Hospital and Canterbury Green. The motion was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall made a motion authorizing a budget transfer from W1990.4 water fund expenditure (contingency) to W8340.4 water fund expenditure (transmission and distribution) in the amount of \$20,000.00, for reimbursement of FEMA money paid from last fiscal year on fence replacement and gate installation at Wellfield. The motion was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

The Department of Public Works reported pothole patching, routine winter maintenance and repairs to Village owned vehicles, collection of yard waste, clean up of damage caused by ice storm, cleaning of drains and gutters, clean up of storage yard, and street sweeping.

DPW Superintendent Halvorsen provided the Board a list of classes he attended in October at the Public Works school in Saratoga Springs.

The Police Department reported 14 COVAC assists; 19 calls were covered for/assisted to Town Police; 8 responses to burglar alarms; 1 E-911 hangup; 5 domestic incidents; 7 crimes were committed; 10 non criminal activities were reported; 6 arrests were made; 4 vehicle lockouts, 3 accidents were investigated; 11 moving violations; 37 vehicle and traffic stops with warning; and 1 parking ticket were issued. Total patrol miles = 3,239, not including mileage on Chief's vehicle.

Chief Williams reported that investigation of four (4) active open cases continues. In addition, the department covered the Fall Harvest 5k race.

Chief Williams further reported that Police Officer Terwilliger was instrumental in recovering \$14,580.00 worth of property reported stolen. He provided copies of correspondence he received from Orange County STOP-DWI program and Special Education PTO (SEPTO) thanking the police department for assistance with their events.

The Building Inspector reported 22 site inspections, 17 fire inspections, 2 building permits, and 1 municipal search were issued.

The Code Enforcement Officer reported 3 property maintenance violations were issued.

The Fire Department reported 32 events, including 11 emergency medical service (EMS) calls, for a total of 327 volunteer man hours.

## **CORRESPONDENCE**

Mayor Gross is in receipt of an email dated November 25, 2008 from Enrique Cubillo of 14 Mountain Road requesting a reduction in garbage charge because the property will be vacant until May, 2009.

In accordance with existing Village policy, Trustee Fogarty made a motion to authorize a 50% reduction until May 1, 2009, which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a letter dated December 3, 2008 from Michael O'Connor, Esq. who represents Anthony Missere, demanding a fence installed at 3-5 River Avenue be removed.

Mayor Gross is in receipt of a notice from NYS Environmental Facilities Corp. (EFC) announcing that the final Intended Use Plan (IUP) has been prepared for drinking water supply projects.

Mayor Gross is in receipt of a copy of a letter dated November 21, 2008 to Police Chief Williams from NYS Department of Motor Vehicles-Traffic Safety Committee announcing that the Village has been awarded \$3,000 to participate in the "Selective Traffic Enforcement Program".

Mayor Gross is in receipt of several letters from Time Warner Cable regarding proposed rate changes and changes in programming.

Mayor Gross is in receipt of a letter from U.S. Census Bureau regarding the upcoming 2010 census.

Mayor Gross is in receipt of a letter from Charles Tonneson Secretary of Storm King Engine Co. #2 providing the 2009 Line Officer appointments from the December 3, 2008 election.

## **OLD BUSINESS**

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Committee Member Andrew Maroney stated that there was an outstanding response to the Request for Qualifications (RFQ) on a Hudson River Access Plan. The committee will review and evaluate them over the next month or two.

### **HUDSON-FULTON COMMITTEE REPORT**

Trustee Gosda stated that the Explore 400 committee now includes the following new members: Karen Schaack, Paula Argenio, Kathy Fogarty, Melissa Stoffa and Ilene Osinski. They will meet on the second Thursday of the month at 7:00 PM. She then outlined plans for a Hudson River Day on Sunday, June 7<sup>th</sup>, a sculpture exhibit starting on June 20<sup>th</sup>, and a monthly evening "Silent Walk on Half Moon" starting on June 29<sup>th</sup> and continuing until May 20, 2010.

### **MARTIN LUTHER KING HOLIDAY – SET JANUARY MEETING DATE**

Hearing no objection from the Board, the Mayor set the regular January meeting date for Saturday, January 17, 2009 at 10:00 AM because of the Martin Luther King Holiday on Monday, January 19<sup>th</sup>.

## COMPREHENSIVE PLAN

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

**WHEREAS**, the Village of Cornwall-on-Hudson has initiated a Comprehensive Plan process; and

**WHEREAS**, the Village of Cornwall-on-Hudson has heretofore caused an inventory and analysis of its resources to be prepared; and

**WHEREAS**, the Village Board of Trustees has duly established and appointed a "Comprehensive Plan Committee" (the "Committee"); and

**WHEREAS**, the Committee has coordinated the preparation of the Comprehensive Plan, to address particular areas of concern and the Committee conducted public input sessions and at least one public hearing where members of the public were invited to participate and contribute to the planning process in order to assure full opportunity for citizen participation in the preparation of the proposed plan; and

**WHEREAS**, the Committee did review and cause to be prepared a proposed Comprehensive Plan and has recommended the proposed Village of Cornwall-on-Hudson Draft Comprehensive Plan dated June 21, 2007 to the Village Board; and

**WHEREAS**, the Village Board recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Village of Cornwall-on-Hudson and otherwise fulfilling the legislative findings and intent set forth in Village Law Section 7-722; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson has caused a full Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of the Comprehensive Plan (the "Action"); and

**WHEREAS**, the Village Board proposes to undertake, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act.

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board of Trustees pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617"), hereby determines that the Action is subject to SEQR and is a Type I Action; and

**BE IT FURTHER RESOLVED**, that the following agencies identified by the EAF, using all due diligence, are involved agencies for the Action:

None

and;

**BE IT FURTHER RESOLVED**, that the following are identified as interested agencies for the Action:

Orange County Department of Planning

Village of Cornwall-on-Hudson Planning Board

Village of Cornwall-on-Hudson Zoning Board of Appeals

and;

**BE IT FURTHER RESOLVED**, that the Village Board of Trustees hereby directs that a Lead Agency coordination letter be circulated among the various involved agencies together with copies of the EAF, and such other information as is appropriate, indicating the Village Board of Trustees' intent to assume the role of Lead Agency for the Action under SEQRA and Part 617, and that copies thereof also be forwarded to all interested agencies for review and comment.

The foregoing resolution was seconded by Trustee Fogarty and upon a vote of 5 Ayes and 0 Nays, the Mayor declared this resolution adopted.

Trustee Fogarty made a motion authorizing the Village Clerk to provide copies of the Master Plan to Planning and Zoning Board members for review. Written comments should be provided to the Village Board in time for the February 9, 2009 work session. This motion was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

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

**WHEREAS**, the Village of Cornwall-on-Hudson has initiated a Comprehensive Plan process; and

**WHEREAS**, the Village of Cornwall-on-Hudson has heretofore caused an inventory and analysis of its resources to be prepared; and

**WHEREAS**, the Board of Trustees has duly established and appointed a "Comprehensive Plan Committee" (the "Committee"); and

**WHEREAS**, the Committee has coordinated the preparation of the Comprehensive Plan, to address particular areas of concern and has conducted public input sessions and at least one public hearing where members of the public were invited to participate and contribute to the planning process in order to assure full opportunity for citizen participation in the preparation of the proposed plan; and

**WHEREAS**, the Committee did review and cause to be prepared a proposed Comprehensive Plan and has recommended a proposed Village of Cornwall-on-Hudson Comprehensive Plan dated June 21, 2007 to the Board of Trustees; and

**WHEREAS**, the Village Board recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens

of the Village of Cornwall-on-Hudson and otherwise fulfilling the legislative findings and intent set forth in Village Law Section 7-722; and

**WHEREAS**, Village Law Section 7-722 provides that any proposed comprehensive plan or amendment thereto may be referred to the Village planning board for review and recommendation before action by the Board of Trustees, and shall be referred, prior to adoption, to the county planning board or agency for review and recommendation as required by Section 239-m of the General Municipal Law; and

**WHEREAS**, the Village has forwarded the recommended Comprehensive Plan prepared by the Committee to the County Planning Department for review and recommendations and has received the Planning Department's Report; and

**WHEREAS**, Village Law Section 272-a further requires the Board of Trustees to conduct one or more public hearings on the Comprehensive Plan.

**NOW, THEREFORE BE IT RESOLVED**, that Board of Trustees shall hold a public hearing on the proposed Comprehensive Plan recommended by the Village of Cornwall-on-Hudson Committee to be held at the Village Hall at 325 Hudson Street, Cornwall-on-Hudson, New York on the 17<sup>th</sup> day of January, 2009 at 11:00 o'clock, a.m.; and, be it further

**RESOLVED**, that a copy of the proposed Comprehensive Plan recommended by the Comprehensive Plan Committee be filed in the office of the Village Clerk and at the Cornwall Public Library to be made available for public review; and, be it further

**RESOLVED**, that the Village Clerk is hereby authorized and direct to a cause a Notice of Public Hearing to be published in The Cornwall Local, the newspaper hereby designated as the official newspaper for this purpose at least ten (10) calendar days in advance of the hearing, and also to cause a copy thereof to be posted on the sign board of the Village.

The foregoing resolution was seconded by Trustee Fogarty, and upon a vote of 5 Ayes, 0 Nays the Mayor declared this resolution adopted.

#### HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Trustee Gioia stated that he contacted Rentricity a company, in addition to Windsor Machinery, that specializes in hydro-electricity. He provided them with a spreadsheet, locations of PRV's where turbines would be placed, and a map completed by Water Superintendent June. Their initial review shows that the range of power will be 5-20 kilowatts. This output is below their threshold for hydro-electric installation. He recommends that the Board go forward with a feasibility study by Windsor Machinery and pursue grant money for turbines. Discussion followed.

Trustee Edsall made a motion authorizing the Mayor to execute a revised agreement with Windsor Machinery which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

#### ETHIC BOARD APPOINTMENTS

Hearing no objection from the Board, Mayor Gross will invite applicants to the January work session for

interviews.

## REQUEST FOR QUALIFICATIONS – INFLOW & INFILTRATION STUDY

Trustee Edsall made a motion authorizing the Deputy Interim Village Attorney to prepare a Request for Qualifications (RFQ) for a sewer infiltration/ inflow Sanitary Sewer Evaluation Study. Upon acceptance of the RFQ by the Mayor, the Village Clerk is authorized to advertise the RFQ with a return date of 45 days from publication. The motion was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

## CORNERSTONE

Trustee Gosda stated that the contract for month to month telephone billing service from Cornerstone needs “some fine tuning” before it will be ready for the Mayor’s signature.

## NEW BUSINESS

### PLANNING BOARD RESIGNATION – MARY ASPIN

Mayor Gross is in receipt of a letter of resignation effective December 31, 2008 from Mary Aspin, long time Planning Board Chairperson.

Trustee Gosda made a motion to accept the resignation of Mary Aspin, which was seconded by Trustee Fogarty with regret and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall acknowledged Ms. Aspin’s many years of dedicated service to the Village and Planning Board. Her many talents and contributions will be missed. Mayor Gross added that he had the good fortune of serving on the Planning Board with Ms. Aspin back in the 1980’s.

### PLANNING BOARD APPOINTMENT

Trustee Gosda made a motion to appoint James Patch to the Planning Board which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

### ORANGE COUNTY LAW RECORDS MANAGEMENT PROGRAM

Mayor Gross polled the Village Board for their opinions on this item.

Trustee Gosda stated that this is an additional expenditure to the police department from the County for communication and technology. There is a 3 year commitment which we have little control over and it is her opinion that the Village is not in a position to take on additional financial obligations of this type.

Trustee Gioia suggested the Board support the Police Chief, but the cost should be offset through budget cuts.

Trustee Edsall stated that this is a public safety issue and should be left to the experts to balance benefits vs. cost. He is in support of this valuable technology without which would leave the department out of

contact with other agencies. He would also suggest the Police Chief make some budget cuts in order to finance the expense.

Trustee Fogarty stated that he supports the better service and efficiency this software will provide to the police department.

Chief Williams informed the Village Board that he reduced his overall budget request for next year by \$10,000 while accounting for contractual annual salary increases. The County will cover the majority of the expense to implement this new system which will allow sharing of information between police departments throughout Orange County. Each municipality is solely responsible for the annual software licensing fee which is determined by the number of officers in the department. This program is so vital to his department that he is willing to cut his budget further if the Board with authorize and sign the contract to proceed.

Trustee Edsall made a motion to approve the IMPACT contract, as revised, and authorize the Mayor to sign the agreement which was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 2 nays (Mayor Gross and Trustee Gosda).

Mayor Gross stated that he is not opposed to the program, just against taking on additional expenses.

#### BOARD OF ASSESSMENT REVIEW RECOMMENDATIONS

Trustee Gosda stated that the Assessment Board of Review met on November 18, 2008 to hear grievances. Subsequent meetings took place to finalize application review. She thanked Tom Petersen and Susan Ostrander for their time and effort put forth during the review process.

Upon their recommendations, Trustee Fogarty made a motion to approve the following changes to full market value as shown below.

Smith	102-9-11.12	\$875,000	Germana	107-2-30.21	\$324,000
Mathews	102-13-17	\$510,000	Hogan	107-4-25.2	\$455,000
Malone	102-19-43	No Change	Ferretti	108-2-5	No Change
Vatter	104-2-2	\$722,000	Beal	110-2-15	\$391,000
Dunaief	105-4-3	No Change	McDonnell	112-1-14.1	\$419,000
Shao	105-7-1	\$625,000	Muser	120-1-9&10	No Change
Ostrander	105-9-2	\$585,000			
Wenz	106-3-25.1	No Change			

Trustee Gosda seconded the motion and upon a vote of 5 ayes and 0 nays, the motion was carried.

Trustee Fogarty made a motion to deny the request for assessment reduction from Philip Crotty (114-1-7.2) of 8 Stable Way, because it was received after Grievance Day, which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

#### REMICK CLAIM

Village Clerk Mahoney advised the Board that our insurance carrier has denied our claim for damages to the Remick property located at 13 Taft Place as a result of the October 25, 2008 rain event when Village storm drains overflowed causing erosion and property damage. She also advised them of an agreement, filed in the Orange County Clerk's Office in 1974, which authorized an easement to the Village for installation of storm drains on the Remick property. In exchange, the Village agreed to maintain and keep the storm drains clear. Further, it reads in part "... the Village shall restore at Village expense any ground or lawn or shrubbery disturbed by this easement..." An estimate of \$5,900.00 for repairs has been received. Discussion followed.

Interim Deputy Village Attorney Sculley suggested the Board authorize payment to the Remicks', require additional quotes be obtained, and all work be coordinated with DPW Superintendent Halvorsen.

Trustee Edsall made a motion authorizing the Village to reimburse the Remicks, pursuant to a filed easement agreement, the value of repairs from the lesser of a minimum of two (2) quotes, which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

## COMMENTS

Trustee Gioia would like to see a non-profit "Village Improvement Society" formed in order to receive charitable donations. Trustee Edsall suggested that the Cornwall Historical Society be contacted for suggestions.

Trustee Gosda stated that residents who wish to "opt out" of receiving Yellow Books can contact the agencies to do so. She finds the practice of Village wide delivery unacceptable and considers it littering. Discussion followed.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session to discuss the proposed sale of Maple Avenue property which was seconded by Trustee Gioia and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:22 PM.