

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

February 23, 2009

The regular meeting of the Board of Trustees was called to order at 7:30 A.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: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Interim Deputy Village Attorney Bruce Dunn, and Village Clerk Jeanne Mahoney.

Trustee Gioia moved for the acceptance of the January 17, 2009 Regular Meeting Minutes as presented, on a motion seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Trustee Fogarty moved for the acceptance of the January 21, 2009 Special Meeting Minutes as presented, on a motion seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Trustee Fogarty moved for the acceptance of the January 29, 2009 Special Meeting Minutes as presented, on a motion seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Trustee Gosda moved for the acceptance of the February 9, 2009 Special Meeting Minutes as presented, on a motion seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

**TREASURER'S REPORT**

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

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

Village water, sewer, garbage & penalties	\$ 47,175.16
Town water & penalties	298,979.34

Which included 0 finals/adjustments for the Village and 2 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$ 153,598.20
Water Fund claims in the amount of	133,334.44
Sewer Fund claims in the amount of	4,996.16

Trust & Agency claims in the amount of 1,118.20

## **COMMITTEE REPORTS**

Hydro-Electric Committee – Trustee Gioia stated that a final agreement document for a feasibility study by Windsor Machinery has been prepared and is awaiting signature.

Fire Committee – Trustee Edsall stated that the tower ladder truck has been repaired and is back in service. In addition, the Fire Chief has requested any proceeds from the upcoming sale of the 1996 Ford Explorer be credited to his expense line.

Fixed Asset Accounting Committee – Trustee Edsall recently attended a conference presentation on preventing theft and fraud in the workplace. He has shared information from this session with the Village Clerk.

Water Committee – Trustee Edsall reported that there are updates regarding cross-connection controls which will have to be incorporated into our Village Code and procedures.

Recycling Committee – Trustee Gosda recently attended a workshop and stated by the end of this year, there will be new regulations for recycling.

## **DEPARTMENT REPORTS**

The Water Department reported an average daily production of 1,018 million gallons. The required monthly and quarterly samples were collected (a total of 47) and all passed New York State standards. It was also reported that 46 utility locations were made, 25 meters were repaired or replaced, village meter reading was completed, and 3 special readings were taken. In addition to routine maintenance, a fire hydrant was repaired on Mountain Road & Eagle Head Road, a fire hydrant was replaced at Russell Street & Harold Avenue, water was shut off at 18 Hedges Avenue and 19 Mountain Road, a water leak was repaired at 111 Main Street, a pressure relief valve (p.r.v.) was repaired at Quaker Avenue, snow and ice was removed from hydrants and facilities, the department responded to six (6) after hours emergency call outs and assisted St. Lukes/Cornwall Hospital with water leak repairs.

Black Rock – Trees near the Black Rock water feed line were cleared.

Trustee Gioia asked what is preventing the Black Rock plant from running at full capacity.

Water Superintendent June replied that the plant was “down” for most of February due to winter storms that caused a tree to fall and damage a valve vault. That had to be secured until an excavator could come on scene and make necessary repairs. Discussion followed.

Water Superintendent June further reported that he has ordered the necessary replacement parts for the Maple Road pump station and expects delivery this week. He will schedule the shut down for repairs with Central Hudson.

The Department of Public Works reported cold patching of potholes, snow removal from mall on Hudson Street and Academy Avenue, brush cutting, routine winter maintenance and repairs to Village owned vehicles/equipment/buildings, construction of water department office resumed and nearly

completed within DPW building, continued investigation of sewer system infiltration on Mountain Road, and installation of new two-way traffic sign on Deer Hill Extension.

DPW Superintendent Halvorsen reported that a sewer pump at the DPW facility went down this past Friday. Necessary repairs were made today.

The Building Inspector reported 39 site inspections, 6 fire inspections, and 2 certificates of occupancy/certificates of compliance were issued.

The Code Enforcement Officer reported 1 property maintenance violation was issued.

The Police Department reported 7 COVAC assists; 4 calls were covered for/assisted to Town Police; 11 responses to burglar alarms; 1 E-911 hang-up; 4 domestic incidents; 1 crime was committed; 4 non criminal activities were reported; 3 arrests were made; 1 vehicle lockout, 14 accidents were investigated; 8 moving violations; 18 vehicle and traffic stops with warning; and 2 parking tickets were issued. Total patrol miles = 3,259, not including mileage on Chief's vehicle.

Chief Williams reported that investigation of four (4) active open cases continues.

The Fire Department reported 33 events, including 9 emergency medical service (EMS) calls, for a total of 254 volunteer man hours.

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter dated February 17, 2009 from Edward & Brigid Flynn of 28 Andrews Street regarding an ongoing problem of erosion on their property. After some discussion, Trustee Edsall agreed to visit the site with DPW Superintendent Halvorsen and offer assistance toward finding a solution.

Ms. Flynn then publicly thanked Trustee Fogarty for his years of dedicated service to the Village of Cornwall-on-Hudson.

Mayor Gross is in receipt of a letter from Roy Retta of 44 Washington Street regarding an ongoing drainage problem that he brought to the Boards' attention back in 2006. He requested the installation of a drain at the end of Washington Street. To date, no action has been taken.

Mayor Gross is in receipt of a letter from Audrey Flanagan of 18 Hedges Avenue regarding a major water leak that occurred in her home back in January. She requests the Board provide relief of sewer charges from the leak.

In accordance with existing Village policy, Trustee Edsall made a motion authorizing the removal of sewer fees associated with the aforementioned water leak at 18 Hedges Avenue which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a letter dated February 5, 2009 from Jeffrey Small, Planning Board Chairman and member of the Comprehensive Plan Committee, providing comments from the Planning Board on the draft plan. He further suggests that the Village Board meet with the Planning and Zoning Boards to discuss these comments in detail.

Mayor Gross is in receipt of another letter dated February 5, 2009 from Jeffrey Small regarding his support of the possible inclusion of a parking analysis done by Ms. Atticus Lanigan of the Orange County Planning Department in the Comprehensive Plan.

Mayor Gross is in receipt of a letter from Lee Murphy, current Planning Board member, in response to Mr. Small's letter providing Planning Board comments. He cannot support the letter's reference to the fire siren because "out of a book-length document covering so many aspects of Village life..." outlining this particular item is "ingenuous".

Mayor Gross is in receipt of a letter from Maryanne Rose-O'Dell, current Planning Board member, with her comments regarding the Comprehensive Plan. She considers the plan a "well thought out and detailed document"; however, she has areas of concern within its contents. She would like to see the Planning, Zoning and Village Board meet to discuss further.

Mayor Gross is in receipt of a copy of a February 2, 2009 letter from Joan Dupont of the NYS Department of Transportation to Assemblyperson Nancy Calhoun indicating that requested intersection improvements at Hudson St. at Duncan Ave., Hudson St. at Academy Ave., and Hudson St. at Dock Hill Rd., cannot receive state DOT assistance for engineering because there are no approved projects in the Region 8 Capital Improvement Program on Route 218. It is suggested that the Village apply for funding through the Orange County Transportation Council, or apply for a highway work permit to complete the work.

Mayor Gross is in receipt of a letter dated February 17, 2009 from NYS Division of Criminal Justice Services (DCJS) regarding an administrative study of the Village Police Department. A formal Agreement for Execution was enclosed for review.

Mayor Gross is in receipt of a copy of a letter from Jeffrey Sculley, Deputy Interim Village Attorney, to CSEA President Wayne Yeoman and CSEA Representative Dobens regarding work performed by Village Supervisors.

Mayor Gross is in receipt of a letter from Time Warner Cable regarding proposed changes in programming.

Mayor Gross is in receipt of a letter from Steven M. Neuhaus, Supervisor of the Town of Chester, regarding the proposed MTA "mobility tax". This item will be addressed later in tonight's agenda.

Mayor Gross is in receipt of a copy of a letter dated February 4, 2009 from 2 Alices Coffee Lounge to Village Clerk Mahoney advising of their intention to file an application with the NYS Liquor Authority for a "Tavern Wine" License.

Mayor Gross is in receipt of a letter from Ruth Pierpont of NYS Office of Parks, Recreation and Historic Preservation indicating that at the next meeting of the State Review Board, Stone Arch Bridges in the Village of Cornwall-on-Hudson will be considered for nomination to the National and State Registers of Historic Places.

## **PUBLIC COMMENT**

Gary Curasi of 32 River Avenue stated there is a speeding problem on River Avenue. He provided the Board with copies of police reports.

Curt Mandoske of 30 River Avenue agreed with Mr. Curasi. In addition, he stated that River Avenue is one of the busiest Village streets with many overweight trucks traveling daily in both directions. More police enforcement is needed.

Susan Gagliardo of 17 River Avenue agrees with Mr. Curasi and Mr. Mandoske. She would like to see the police study the problem.

After some discussion, the Village Board will meet with the Police Chief to discuss a resolution to this problem.

Andrew Argenio of 18 Church Street stated that the draft Master Plan proposal for changes to zoning regulations will make 80% of Village properties non-complaint. He requests this item be discussed at a work session.

## **PRESENTATION VERIZON FIOS**

John Butler, Verizon representative, stated that fiber-optic hubs were installed throughout the Village several years ago. Verizon FIOS, which presently offers telephone and internet, is now ready to bring cable TV to the Village. He requests that Village representatives and attorney meet with their attorney, negotiator, and telecommunications insight group to start the contract process.

After some discussion, Trustee Edsall suggested that copies of the contract be submitted to the Village Board and Deputy Interim Village Attorney for review. Mayor Gross invited the Verizon team to our March 9<sup>th</sup> work session for further discussion.

## **OLD BUSINESS**

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Committee Member Andrew Maroney stated that the committee continues to review and evaluate the Request for Qualifications (RFQ) received on a Hudson River Access Plan.

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

Trustee Gosda stated that the Explore 400 committee is applying for an “Orange Arts” grant through the Orange County Office of Tourism. The free event is scheduled for June 7<sup>th</sup> from 11:00 AM – 7:00 PM with various displays, speakers, and music. On June 20<sup>th</sup> a sculpture exhibit is scheduled to open.

Mayor Gross stated that he has started soliciting donations among family members who fought in the landmark case with Con Edison. He has discovered the other half of the Donahue Memorial Park rock still up in Black Rock Forest and would like to have it brought to the park.

### **DRAFT COMPREHENSIVE PLAN**

Mayor Gross stated that the draft Comprehensive Plan has been turned over to Atticus Lanigan of the

Orange County Planning Department to “streamline the text of it”.

Trustee Gioia suggested that the Board put a Request for Qualifications (RFQ) together for a certified consultant to help this project along. Mayor Gross replied that he and Trustee Gosda met with planners hired by the Orange County Planning Department for their Land Use and Transportation study, and they are interested in reviewing our draft plan.

Trustee Edsall stated that he does not understand why the plan was turned over to the County rather than have a meeting with our own boards first. He objects to the county re-writing a document “that we haven’t even spent our own time on”. When the document is returned, the Board must determine if it has been “re-organized in a more useable fashion and text is intact” or if it’s been changed. Then a meeting of the Village Boards should be convened.

#### **HYDRO-ELECTRIC FEASIBILITY PROPOSAL**

Mayor Gross stated that the signed agreement has been received. He has turned it over to Clerk Mahoney for action.

#### **REQUEST FOR QUALIFICATIONS – INFLOW & INFILTRATION STUDY**

After some discussion, Trustee Edsall made a motion authorizing the Deputy Interim Village Attorney to prepare a temporary license agreement for emergency repair/replacement of private lateral sewer lines located in the public roadways of 23 Mountain Road and 19 Lafayette Street, overriding Village Code Section 126-17 due to a public governmental project that damaged lines, with a stipulation that the ownership will then be turned over to the property owners for any future maintenance. Further, this motion authorizes the Mayor to sign the final document. The motion was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

#### **NEW BUSINESS**

##### **STORM WATER MANAGEMENT PLAN**

Trustee Edsall made a motion to set a public hearing on the Village of Cornwall-on-Hudson Storm Water Management Plan for March 16, 2009 at 7:30 PM, and to authorize the Village Engineer to prepare the submittal, which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

##### **COMPLIANCE & ENFORCEMENT RESOLUTION**

Trustee Edsall made a motion in support of an Orange County Legislature Resolution to take whatever action is necessary to achieve compliance by all Towns and Village with the provisions of General Municipal Law, Section 239 – l, m, and n. The motion was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

##### **APPOINTMENTS – PART-TIME POLICE OFFICERS**

Upon the recommendation of Police Chief Williams, Trustee Edsall made a motion to appoint George Krause and Frank Pignatelli Part-Time Police Officers in the Village of Cornwall-on-Hudson in

accordance with the current collective bargaining agreement which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

#### ELECTION RESOLUTION

Trustee Fogarty 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 18<sup>th</sup> day of March 2009, between the hours of Noon and 9 PM by voting machine. The candidates, offices and terms for which are as follows:

Joseph J. Gross, 27 Lafayette Street	Mayor	Two Years
Peter Neuman, 9 Braden Place	Mayor	Two Years
James P. Kane, 297 Hudson Street	Trustee	Two Years
Maryanne Rose O'Dell, 21 Duncan Avenue	Trustee	Two Years
Andrew Argenio, 18 Church Street	Trustee	Two Years
Douglas Vatter, 8 Riverside Drive	Trustee	Two Years
Mark J. Edsall, 19 Clark Avenue	Trustee	Two Years

#### VILLAGE ELECTION – REGISTRATION DAY

Trustee Gosda made a motion to set the annual registration day for the Village of Cornwall-on-Hudson for on Saturday, March 7, 2009 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 Fogarty and carried by a vote of 5 ayes and 0 nays.

#### INSURANCE QUOTES – 2009/2010

Village Clerk Mahoney informed the Board that she has worked with 2 insurance brokers since November contacting 10 insurance companies to quote on the Village's 2009-2010 insurance policy. Only 1 quote was provided, from a new agency, and at a \$25,000 increase from last year's rates. Each year obtaining quotes becomes more difficult because of our Black Rock dams. In addition, there was a settlement in a claim against Village officials and that had a negative impact with this year's premiums. Further, payment in full is expected by March 1<sup>st</sup>.

After some discussion, Trustee Fogarty made a motion to accept Marshall & Sterling's 2009-2010 insurance proposal in the amount of \$168,220.00 and authorize the Mayor and Clerk to negotiate payment terms, which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

#### RESOLUTION – COMMERCIAL PARKING PERMITS

Kris Seiz, manager of Storm King Adventure Tours (SKAT), requests that the Village Board authorize an increase of permits issued from 7 to 10. Discussion regarding proposed changes to Riverfront uses and fee schedules followed. The matter was tabled until the March 9<sup>th</sup> work session.

#### MTA PROPOSED MOBILITY TAX

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

**WHEREAS**, the Village Board of the Village of Cornwall-on-Hudson has been informed that the Metropolitan Transit Authority (MTA) proposes to increase revenues through a new tax on employee earnings equal to 1/3 (one third) of 1% ; and

**WHEREAS**, the Village Board of the Village of Cornwall-on-Hudson is concerned about the negative impact this “payroll tax” will have on our residents.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby strongly oppose this tax and asks our State, County, and Local representatives to do the same.

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

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting, which was seconded by Trustee Gioia and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:25 PM.