

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 16, 2009

The regular meeting of the Board of Trustees was called to order at 7:00 P.M. by Deputy Mayor Edsall.

The following Board Members were in attendance:

Deputy Mayor 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, and Village Clerk Jeanne Mahoney.

Trustee Gioia moved to adjourn the meeting into Executive Session to conduct a personnel interview which was seconded by Trustee Fogarty and upon a vote of 4 Ayes and 0 Nays, the meeting was adjourned at 7:01 PM.

The meeting reconvened at 7:35 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: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Interim Deputy Village Attorney Jeffrey Sculley, and Village Clerk Jeanne Mahoney.

Trustee Gosda moved for the acceptance of the February 23, 2009 Regular Meeting Minutes as presented, on a motion seconded by Trustee Fogarty 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 February and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties	\$ 178,884.97
Town water & penalties	170,945.18

Which included 1 finals/adjustments for the Village and 4 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$266,176.98
Water Fund claims in the amount of	237,741.18
Sewer Fund claims in the amount of	4,907.27
Trust & Agency claims in the amount of	1,434.10

## COMMITTEE REPORTS

Riverfront Committee – Trustee Gioia reported that DPW Superintendent Halvorsen found a company that manufactures a “Pay/Display Parking Meter” which could be used at Donahue Memorial Park in lieu of a daily attendant. The base cost is \$8,875.00 and associated equipment is available for additional charge(s). After some discussion this item was tabled since it is not in the current budget.

Riverfront Docks: DPW Superintendent Halvorsen reported that he will be working with the Cornwall Yacht Club to coordinate a date when their volunteers are available to assist with replacement of missing pilings.

Museum Committee – DPW Superintendent Halvorsen reported that the fuel tank needs to be replaced. A new tank has been installed and we are awaiting a plumber to do the final connection. Once completed, the old tank will be pumped out and removed at a later date.

Summer Playground Committee – Trustee Gosda stated that she and Trustee Gioia will start working on this year’s program shortly.

## DEPARTMENT REPORTS

The Water Department reported an average daily production of 1167 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 54). It was also reported that 62 utility locations were made, 22 meters were repaired or replaced, and 5 special readings were taken. In addition to routine maintenance, water main leaks were repaired at Hickory/Elm St., and Idlewild Park Drive, a water leak was repaired at 9 Taylor Place, 3 valve boxes were repaired, 7 possible water leaks were investigated (6 unfounded and 1 frozen water line), downed trees were removed from access roads to reservoirs, and snow removal from hydrants was completed.

Water Superintendent June further reported that repairs at the Maple Road Pump Station are scheduled for March 24<sup>th</sup>.

Black Rock – Water Superintendent June stated that the plant was brought online “24/7” effective March 11, 2009.

In addition, he will meet with representatives from Windsor Machinery on March 23<sup>rd</sup> to “walk through” the Black Rock plant and surrounding area.

The Department of Public Works reported cold patching of potholes, brush cutting/tree trimming, routine winter maintenance and repairs to Village owned vehicles/equipment/buildings, tree stump removal on Hudson Street, yard and roadside clean up from winter storms, sewer line repairs to stop water infiltration on Mountain Road, repairs to bobcat motor, purchase of blacktop roller motor, repair of sewer camera, repair of sweeper, yard waste collection.

DPW Superintendent Halvorsen reported that the annual Spring Clean-Up is scheduled for April 20<sup>th</sup>.

DPW Superintendent further reported that a recycled material, recommended to him by Andrew Argenio that included crushed glass, was used to salt/sand Village roadways during the early winter storms. Some residents have expressed concern about the glass residue still on the roadway.

Trustee Edsall explained that the material did not come from Argenio Brothers, but rather from a separate company formerly run by Andrew Argenio.

The Fire Department reported 42 events, including 11 emergency medical service (EMS) calls, for a total of 450 volunteer man hours.

The Building Inspector reported 40 site inspections, 4 fire inspections, 7 building permits, 1 property maintenance, and 1 certificate of occupancy/certificate of compliance were issued.

The Police Department reported 12 COVAC assists; 9 calls were covered for/assisted to Town Police; 11 responses to burglar alarms; 4 E-911 hang-up; 5 domestic incidents; 1 crime was committed; 1 non criminal activity was reported; 2 arrests were made; 6 accidents were investigated; 7 moving violations; and 17 vehicle and traffic stops with warning. Total patrol miles = 2,815, not including mileage on Chief's vehicle.

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

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter dated March 9, 2009 from Derric Wetter owner of Storm King Scoops requesting permission for outdoor seating restricted to the cove near ice cream shop located at 2-8 Idlewild Avenue.

After some discussion Trustee Edsall made a motion to refer this matter to the Planning Board for site plan approval which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of an email from Fred Lewis Computers offering the services of his company for the Village's "I.T." support needs.

Mayor Gross is in receipt of a letter dated March 13, 2009 from Time Warner regarding its "spinoff" to Time Warner Cable, Inc.

Mayor Gross is in receipt of a copy of a letter dated March 12, 2009 to Village Clerk Mahoney from Village Pizza regarding its intention to renew their beer and wine license.

Mayor Gross is in receipt of a copy of correspondence between Village Clerk Mahoney and Metropolitan Transit Authority (MTA) regarding the Village's opposition to the proposed MTA payroll "Mobility Tax".

Mayor Gross is in receipt of an invitation from Orange County Emergency Medical Services Council, Inc. to the 13<sup>th</sup> annual EMS Awards Breakfast on April 4, 2009.

Mayor Gross is in receipt of a letter from Steve Kessler, the band director at Cornwall Central Middle School requesting permission to hold a car wash in April at the Village Hall parking lot.

Trustee Edsall made a motion to approve the request for a car wash in April to be coordinated with the Village Clerk, which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a notice from Orange County Employment & Training Administration regarding a program for disadvantaged youth between the ages of 14 and 24. They are looking for worksites that can provide a "learning and enriching employment experience". It is a 6 week program, up to 30 hours per week and they provide worker compensation insurance and minimum wage.

Mayor Gross is in receipt of a memo from Orange County Transportation Council (OCTC) regarding upcoming committee meetings.

#### STORM WATER MANAGEMENT PLAN PUBLIC HEARING

Trustee Edsall made a motion to reschedule the public hearing on the Village of Cornwall-on-Hudson Storm Water Management Plan to April 20, 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.

#### TRUSTEE FOGARTY RETIREMENT

Village Clerk Mahoney recognized Trustee Fogarty and thanked him for his years of dedicated service to the Village of Cornwall-on-Hudson.

#### OLD BUSINESS

#### WATERFRONT REVITALIZATION COMMITTEE REPORT

Committee Member Andrew Maroney stated that the committee's initial review and evaluation of the Request for Qualifications (RFQ) received on a Hudson River Access Plan is nearly complete.

Mayor Gross stated that he, along with Trustee Gosda, and Andrew Maroney, recently met with a representative from Senator Charles Shumer's office and a representative from CSX regarding a proposed Village grade crossing.

#### DRAFT COMPREHENSIVE PLAN

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

## HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Mayor Gross reported that the document has been signed and Water Superintendent June, who will be the Village liaison for this study, will meet with Windsor Machinery next week.

## SURPLUS VEHICLE BID – AWARD

Upon the recommendation of DPW Superintendent Halvorsen, Trustee Edsall made a motion to award the 1984 Chevy Pick Up, VIN: 2GCEK14C3L1192276 to Victor Hellwege in the amount of \$1,300.00 which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

## HUDSON-FULTON COMMITTEE REPORT

Trustee Gosda stated that she is in receipt of a Certificate of Designation from Governor Paterson's office declaring the Village of Cornwall-on-Hudson an "official quadricentennial community". She thanked the committee members for their work in putting this event together. In addition a Hudson River School Art Show is being organized to take place at Paul Gould's gallery in July.

## ETHICS BOARD

Mayor Gross is in receipt of a memo from Deputy Interim Village Attorney Sculley regarding suggested procedures for the inaugural Board of Ethics. Discussion followed.

## MAPLE AVENUE PROPERTY

Trustee Edsall distributed a revised survey of the former Village Water Department building on Maple Avenue to the Board. It contains a proposed turnaround, a planting strip, and will require some curb work. Discussion followed.

Trustee Edsall made a motion to declare the former Water Department Building on Maple Avenue (Section 107 Block 2 Lot 8) surplus property which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

Trustee Gioia made a motion authorizing the Mayor and Village Clerk to begin process of putting property "on the market" for sale; first by private notification to adjoining property owners (with 30 day timeframe with which to respond), then opening to broader market which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

## NEW BUSINESS

### REVENUE ANTICIPATION NOTE – WATER RENTS

Trustee Fogarty offered the following resolution and moved its adoption.

REVENUE ANTICIPATION NOTE RESOLUTION DATED MARCH 16, 2009.

A RESOLUTION DELEGATING TO THE VILLAGE TREASURER OF THE VILLAGE OF CORNWALL ON HUDSON, ORANGE COUNTY, NEW YORK,

POWER TO AUTHORIZE THE SALE AND ISSUANCE OF NOT TO EXCEED \$139,500 REVENUE ANTICIPATION NOTES OF SAID VILLAGE IN ANTICIPATION OF THE REVENUES TO BE RECEIVED AS WATER RENTS BY SAID VILLAGE IN THE 2009-2010 FISCAL YEAR OF SAID VILLAGE.

BE IT RESOLVED, by the Board of Trustees of the Village of Cornwall on Hudson, Orange County, New York, as follows:

Section 1. The power to authorize the sale and issuance of not to exceed \$139,500 revenue anticipation notes of the Village of Cornwall on Hudson, Orange County, New York, including renewals thereof, in anticipation of the receipt of revenues to be received by said Village as water rents during the 2009-2010 fiscal year of said Village, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents as may be determined by said Village Treasurer, pursuant to the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Trustee Edsall and duly put to a vote which resulted in 5 Ayes and 0 Nays.

The resolution was declared adopted.

**DONAHUE MEMORIAL PARK – PROPOSED FEE CHANGES**

Trustee Edsall made a motion to adopt a revised schedule of fees for Donahue Memorial parking permits as follows: Village residents \$5.00, Village seniors \$2.00, Town residents \$15.00, Town seniors \$10.00, non-residents \$50.00, commercial permits \$50.00 (maximum of 7). In addition, Village residents who have already purchased parking permits this year will be entitled to a refund. The motion was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

**STORM KING ADVENTURE TOURS RIVERFRONT PARK USE**

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

**WHEREAS**, the Storm King Adventure Tours, LLC (“Storm King”) has been formed to provide commercial outdoor recreation activities, including the provision of Kayak rentals intending to be launched from Donahue Memorial Riverfront Park; and

**WHEREAS** Village of Cornwall-on-Hudson Code Section 122-18 prohibits commercial use of the Park absent approval of the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York; and

**WHEREAS**, Storm King has requested such permission; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York, pursuant to Village of Cornwall-on-Hudson Code Section 122-18, hereby authorizes Storm King to launch its kayaks from Donahue Memorial Riverfront Park (the “Park”) during the calendar year 2009 subject to the following conditions:

a. All provisions of Chapter 122 of the Village of Cornwall-on-Hudson Code shall apply to any activities engaged in pursuant to this resolution;

b. All launches and returns to the park must take place in accordance with current Village of Cornwall-on-Hudson Code conditions;

c. All vehicles, vessels and trailers using the Park must be properly permitted under Chapter 122 of the Village of Cornwall-on-Hudson Code;

d. Prior to engaging in any activities pursuant to this resolution, Storm King shall provide the Village Clerk with a certificate of insurance naming the Village of Cornwall-on-Hudson, Orange County, New York, as an additional insured, in an amount not less than \$3 million dollars (\$3,000,000.00), insuring the Village of Cornwall-on-Hudson against all perils;

e. By requesting and accepting the authorization set forth in this resolution, Storm King agrees to indemnify the Village of Cornwall-on-Hudson, Orange County, New York, against any and all claims, damages, costs or expenses, which may arise out of or are attributable to any activities authorized herein, including, but not limited to, the launching of kayaks from the Park;

f. Any application for renewal of the authorization set forth herein shall be made no less than forty five (45) days prior to the start of the next year's season; and

g. Prior to engaging in any activities pursuant to this resolution, Storm King shall pay to the Village of Cornwall-on-Hudson, Orange County, New York a one hundred fifty dollar (\$150.00) administrative fee in exchange for the authorization provided herein; and

BE IT FURTHER RESOLVED, that Storm King is hereby advised by the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York, that the Village of Cornwall-on-Hudson, Orange County, New York, does not maintain the Hudson River (the "River"); that extreme fluctuations in water level of the River occur at the Park shore; and, that as a result of such tidal action, the bottom of the River is uneven and may contain holes, rocks, and other elements and hazards which can cause injury or damage; and

BE IT FURTHER RESOLVED that the Village of Cornwall-on-Hudson, Orange County, New York, will not be held liable nor does it intend to assume any liability, for the loss or damage to any property or person resulting from conduct undertaken pursuant to the authorization provided herein.

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York, does not intend that any statement or omission herein be construed to create any special duty on behalf of the Village of Cornwall-on-Hudson regarding Storm King and its customers, vendors, employees or agents, or regarding conduct undertaken pursuant to the authorization provided herein.

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

#### FLOOD DAMAGE PREVENTION – DRAFT LOCAL LAW

Deputy Interim Village Attorney Sculley provided the Board with copies of a draft local law which would repeal existing Village Code Chapter 83 entitled "Flood Damage Control" and enact a new Chapter 83 to be entitled "Flood Damage Prevention". This new local law has been recommended by the NYS Department of Environmental Conservation and will allow the Village to continue its participation in the National Flood Insurance Program (NFIP) and so that residents can obtain and renew flood insurance policies.

After some discussion, this item was tabled until the Reorganization Meeting on April 6<sup>th</sup> to allow the Village Board time to review the draft law.

#### DREWS ON THE SQUARE – LICENSE AGREEMENT – SEASONAL SIDEWALK CAFÉ

Mayor Gross is in receipt of an application and new layout plan for outdoor seating at Drew's on the Square located at 2-8 Idlewild Avenue. In addition, it is requested that the formalized agreement be for a period of ten (10) years.

After some discussion, this item was tabled to discussion in Executive Session because of possible litigation.

#### AGREEMENT FOR PAVEMENT MARKING ON NON-COUNTY ROADS – 2009 SEASON

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

WHEREAS, the Village of Cornwall-on-Hudson wishes to enter into an agreement with the Orange County Department of Public Works for pavement markings on non-county roads for the 2009 season; and

WHEREAS, the Village of Cornwall-on-Hudson further certifies that they have read and understood the Agreement for Pavement Markings on Non-County Road for the 2009 season as provided by the Orange County Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby authorize the Mayor to sign the agreement upon review by Village counsel.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 5 Ayes and 0 Nays.

#### PROPOSED COMPUTER SYSTEM AND INTERNET USAGE POLICY

Mayor Gross stated that the Board has been provided with copies of a proposed computer system and internet usage policy. This item was then tabled to provide time for the Board to review.

#### RESOLUTION ESTABLISHING DUTY HOURS/SETTING POLICY&PROCEDURES FOR COMPENSATORY LEAVE

Mayor Gross stated that the Board has been provided with copies of a proposed resolution establishing duty hours/setting policy and procedures for compensatory leave. This item was then tabled to provide time for the Board to review.

#### ELECTION DAY – MARCH 18, 2009

Village Clerk Mahoney announced that the Village Election day will be held this Wednesday in the Village Hall Board Room between the hours of 12:00 PM to 9:00 PM.

#### SURPLUS VEHICLES – DEPARTMENT OF PUBLIC WORKS

Trustee Edsall made a motion authorizing DPW Superintendent Halvorsen to post for internet sale the previously surplused 1996 Ford Explorer and 1981 Ford F800 which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

#### PUBLIC COMMENT

Carol O'Keefe of 2 Payson Road disagrees with the proposed change in closing time at Donahue Memorial Park from dusk to 10:00 PM. Businesses that wish to have extra time should make individual requests. She feels this will result in trouble with teenagers.

Mayor Gross replied that there are adults who wish to stay at the park after the sun goes down, to finish their meal and enjoy the lights on the River.

Trustee Fogarty thanked the voters and is humbled by their support over the years.

Having concluded the business set before them, Trustee Fogarty moved to adjourn into Executive Session in order to discuss personnel benefits and possible litigation, which was seconded by Trustee Edsall and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:35 PM.