

## VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

April 20, 2009

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 Barbara J. Gosda  
Trustee Richard Gioia

Absent Were: Trustee Mark J. Edsall  
Trustee Douglas Vatter

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

### **PUBLIC HEARING – AMENDING HOURS OF CORNWALL LANDING AND PAGENSTECHER PARK**

Trustee Gosda made a motion to reschedule the public hearing “Amending Hours of Cornwall Landing and Pagenstecher Park” to May 18, 2009 at 7:30 PM which was seconded by Trustee Gioia and upon a vote of 3 Ayes and 0 Nays the motion was carried.

**PUBLIC HEARING – STORMWATER MANAGEMENT PLAN** was called to order at 7:35 PM by Mayor Gross.

Having no one speak for or against said plan, Trustee Gosda made a motion to close the Hearing at 7:36 PM which was seconded by Trustee Gioia and carried by a vote of 3 Ayes and 0 Nays.

Trustee Gioia moved for the acceptance of the March 16, 2009 Regular Meeting Minutes as presented, on a motion seconded by Trustee Gosda and carried by a vote of 3 ayes and 0 nays.

Trustee Gioia moved for the acceptance of the April 6, 2009 Regular Meeting Minutes as presented, on a motion seconded by Trustee Gosda and carried by a vote of 3 ayes and 0 nays.

### **TREASURER’S REPORT**

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

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

Village water, sewer, garbage & penalties \$ 52,834.80  
Town water & penalties 315,340.79  
Which included 3 finals/adjustments for the Village and 2 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$658,611.03  
Water Fund claims in the amount of 325,087.80  
Sewer Fund claims in the amount of 7,309.91  
Trust & Agency claims in the amount of 2,189.80

## COMMITTEE REPORTS

Transportation – Trustee Gioia stated he recently suggested to John Szymaski of the Orange County Planning Department that the county conduct a study on a closed circuit bus route running from Hudson Street to the Newburgh Ferry and also to the Salisbury Mills train station.

HydroElectric - Trustee Gioia reported that Water Superintendent June met with Mr. Harry Terbush of Windsor Machinery to do an initial site assessment. Mr. June provided him with elevation maps, etc. A measurement of pressure in the line before the first pressure reduction valve (prv) will be needed.

Hudson Fulton Celebration – Trustee Gosda provided the agenda of scheduled events between 11:00 AM – 7:00 PM on Sunday, June 7<sup>th</sup> at Donahue Memorial park.

Riverfront – Mayor Gross thanked members of the Cornwall Conservation Advisory Council for the cleanup of the Donahue Memorial park property along Hudson River. In addition, he thanked the Cornwall Yacht Club for setting the boat dock pilings.

Summer Playground Committee – Trustee Gosda stated that County approval and certification is needed in order to proceed. We can no longer continue as a “drop in” program.

## DEPARTMENT REPORTS

The Police Department reported 15 COVAC assists; 14 calls were covered for/assisted to Town Police; 8 responses to burglar alarms; 4 E-911 hang-ups; 2 crime were committed; 2 non criminal activities were reported; 7 arrests were made; 3 vehicle lockouts, 8 accidents were investigated; 71 moving violations; 55 vehicle and traffic stops with warning; and 2 parking tickets were issued. Total patrol miles = 2,815, not including mileage on Chief’s vehicle.

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

Trustee Gioia made a motion authorizing Chief Williams to attend the annual training conference of the NYS Association of Chiefs of Police in Saratoga from July 12-15<sup>th</sup> which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

Trustee Gosda made a motion to accept the resignation of Village Crossing Guard Darlene Whiting effective March 20, 2009, with regret, which was seconded by Trustee Gioia and carried by a vote of 3 Ayes and 0 Nays.

The Department of Public Works reported completion of repairs to sweeper, roadway sweeping, installation of blacktop roller motor, blacktop patching, brush cutting/tree trimming, routine maintenance and repairs to Village owned vehicles/equipment/buildings, top soil and seeding areas of Hudson Street, weekly yard waste collection, installation of piling at boat ramp (thanks to the Cornwall Yacht Club), and repairs to boat docks with one new section installed.

Mayor Gross stated that a Temporary License Agreement between the Village and Mr. & Mrs. Flynn has been prepared and provided to DPW Superintendent Halvorsen for review.

The Water Department reported an average daily production of 1.052 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 44). It was also reported that 76 utility locations were made, 30 meters were repaired or replaced, 4 special readings were taken, snow removal from fire hydrants was completed, and meter reading was completed. In addition to routine maintenance, 7 curb boxes were repaired, 5 water main valve boxes were repaired, 2 service lines were repaired, 3 valve boxes were repaired, and 1 water meter pit was repaired. A possible water leak was investigated at 14 Harold Avenue, believed to be ground water.

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

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

Trustee Gioia made a motion authorizing Water Superintendent June to attend the annual NYS Rural Water Works Conference in Saratoga from May 11-14 which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

Trustee Gioia made a motion authorizing Water Department employees Michael Trainer and Matthew Clancy to attend upcoming training sessions which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

Water Superintendent June provided an overview of the Orange County Water Authority report recently released and discussions that took place in 2005 between Village Officials and Washingtonville Officials regarding a short term request for our water. Discussion followed.

The Building Inspector/Code Enforcement Officer reported 45 site inspections, 4 fire inspections, 3 building permits, 5 property maintenance violations, 1 unregistered vehicle violation, and 5 certificate of occupancy/certificate of compliance were issued.

The Fire Department reported 36 events, including 15 emergency medical service (EMS) calls, for a total of 410 volunteer man hours.

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter dated April 15, 2009 from Steven Gitin of 7 Wilson Road requesting permission to put a fence along his property and partially on a Village easement.

Mayor Gross is in receipt of a notice dated April 15, 2009 from Orange County Water Authority requesting the Village Board review the draft Orange County Water Master Plan.

Mayor Gross is in receipt of a notice from Moody's downgrading the Village's bond rating from BAA1 to BAA2.

Mayor Gross is in receipt of an email from CCHS Dragons Baseball requesting permission to hold a car wash at the Village Hall parking lot either May 2<sup>nd</sup> or 3<sup>rd</sup>.

After some discussion, Trustee Gosda made a motion to authorize the request from CCHS Dragon Baseball to hold a car wash on either May 2<sup>nd</sup> or 3<sup>rd</sup>, suggesting that biodegradable wash products be used, which was seconded by Trustee Gioia and carried by a vote of 3 Ayes and 0 Nays.

Mayor Gross is in receipt of a proposal from Richard Glickel, Esq. for legal services relative to GML Section 207-c.

Mayor Gross is in receipt of a copy of a letter dated April 17, 2009 from New York Military Academy to SKEC #2 Fire Chief Armitage regarding the annual Alumni Weekend and fireworks display on Saturday, May 16<sup>th</sup>.

Mayor Gross is in receipt of a letter from Storm King Fire Engine Co. #2 soliciting donations/sponsorship for the annual Fireman's Fair on July 22<sup>nd</sup> – 25<sup>th</sup>.

Mayor Gross is in receipt of a letter dated April 9, 2009 from Betsy Turner of 157 Hudson Street requesting information related to the reconfiguration of the intersection of Route 218 and Dock Hill Road.

Mayor Gross is in receipt of information from Anthony Incanno regarding the Orange County Water Authority draft Water Master Plan.

Mayor Gross indicated that he responded to the March 6<sup>th</sup> letter from James D. O'Donnell of the Orange County Industrial Development Agency providing comments on a proposed Supplement to Uniform Tax Exemption Policy ("UTEPP").

Mayor Gross is in receipt of a letter dated March 14, 2009 from Susan Papula of 13 Lapani Lane requesting removal of garbage charges since the property has been vacant since October 1, 2008.

In accordance with existing Village policy, Trustee Gioia made a motion authorizing a 50% reduction in garbage charges at 13 Lapani Lane which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

Mayor Gross is in receipt of a request for public comment dated March 23, 2009 from NYS Department of Public Service on a proposed increase in Central Hudson's annual electric and natural gas delivery revenues.

Mayor Gross is in receipt of a letter from Wynn Gold, Chairman of the Riverfest Committee requesting permission to hold a car wash at the Village Hall parking lot on May 9<sup>th</sup> from 10:00 AM – 2:00 PM.

Trustee Gioia made a motion to authorize the request from Riverfest to hold a car wash on May 9<sup>th</sup> between the hours of 10:00 AM and 2:00 PM, suggesting that biodegradable wash products be used, which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

Mayor Gross is in receipt of a letter from Drew Kartiganer of the New Windsor/Cornwall Rotary Club requesting permission and support from the Village to run a 10K road race along Route 218 on October 17, 2009. Mayor Gross stated that October 17<sup>th</sup> is the date of the Apple Time Fair and Village wide Yard sale, and has requested Kartiganer to consider an alternate date.

Mayor Gross is in receipt of a proposal from Fred Lewis Computers for IT consultant services.

Mayor Gross is in receipt of a letter from Deputy Interim Village Attorney Jeffrey Sculley regarding a temporary COBRA subsidy for employees terminated involuntarily between September 1, 2008 and December 31, 2009. Discussion followed.

## **PUBLIC COMMENT**

Brigid Flynn of Andrews Street asked why Trustee Edsall was passed over for reappointment as Deputy Mayor at the Reorganization Meeting. Mayor Gross replied that Trustee Gosda is available more hours during the week, devotes a large amount of time to this job and was deserving of the appointment.

Mrs. Flynn further asked, in regard to the “boulder” recently brought to Donahue Memorial Park, why the Village Board chose to take on another project when so many other projects are currently ongoing (i.e. the Master Plan, the Riverfront, and the Village Square Project).

Patricia Donahue spoke on behalf of David Fitzgerald of Taft Place who could not stay this evening who is against having another “boulder” located at Donahue Memorial Park.

In addition, she asked if the Board sought community input in their decision to place the boulder at the park. Mayor Gross stated that he raised the issue at a regular monthly board meeting approximately 2 months ago. He initiated this project to commemorate the “battle over Storm King Mountain” as part of the Hudson Fulton Celebration.

She further asked why the sign in the Village Square, that showed drivers how to navigate the small traffic circle, was never restored. Mayor Gross asked DPW Superintendent Halvorsen to speak with the state DOT about getting a sign back.

Lastly, she reviewed some of the Con Ed materials regarding their proposed hydro electric plant. She again wanted it known that this project divided many families and the community. She strongly objects to a new study for a hydro electric plant on our ponds at Black Rock without any expectation of the same situation. Trustee Gioia stated that this plan would not infiltrate the ponds with “brackish” river water. Turbines would be spun by water flowing out of the ponds into existing lines feeding down toward the microfiltration plant.

Emily Thomas of Hudson Street stated that the Con Ed battle was the beginning of a whole new wave of environmental awareness. This is “historic” and she is glad it is being commemorated.

Lydia Adams Davis stated that this project does not present any disrespect to Mayor Donahue since he received a lot of praise and honor for all his years of service. By putting the second half of the rock together will honor our place in history and bring people together.

Joe Suto of Washington Street stated that Scenic Hudson is taking the credit for stopping Con Ed, but the Sierra Club was instrumental in that accomplishment. The boulder should not be at Donahue Memorial Park, but rather on Route 218 where the tap was made for the aqueduct.

Tom Gordon of 3 Braden Place stated he is appalled at the tenure of letters being written about residents of Braden Place regarding the View Preservation Law. It is inflammatory and infuriating. He and his neighbors have worked hard toward a friendly solution with the Degroats. Mayor Gross informed Mr. Gordon of a meeting scheduled for Saturday, May 16<sup>th</sup> for the purpose of discussing the draft master plan, including the view preservation law.

Barbara Farabaugh of Cornwall Avenue stated that just because Mr. Gordon and his friends are willing to clear up the “wreckage” they created, it doesn’t make them good neighbors. She feels the View Preservation Law is bad and should be repealed. Trustee Gioia replied that both sides need to stop bickering and work with the board in order to remedy this situation. He agrees the law needs to be rewritten.

## **OLD BUSINESS**

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Committee Member Andrew Maroney stated that 18 Request for Qualifications (RFQ) were received and reviewed by a subcommittee using a checklist. A total of 3 RFQ’s were selected and their representatives will be interviewed shortly. A recommendation will then be given to the Village Board.

### **HUDSON FULTON COMMITTEE**

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

### **DRAFT COMPREHENSIVE PLAN**

Mayor Gross stated that a meeting of the Village, Planning and Zoning Boards along with Master Plan Committee has been scheduled for May 16<sup>th</sup> at 10:00 AM.

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

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

### **RIVERFEST AGREEMENT**

Trustee Gioia made a motion authorizing Mayor Gross to execute and sign an Agreement between the Village and Riverfest, subject to legal review and resolve of vendor breakdown issue, which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

### **ATTORNEY ENGAGEMENT PROPOSAL – 2009/2010**

Trustee Gosda made a motion to accept the proposal for legal services for fiscal year 2009-2010 from Rider, Weiner and Frankel, P.C. which was seconded by Trustee Gioia and carried by a vote of 3 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

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

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York desires to establish uniform duty hours for its part-time employees and to establish policy and procedures governing the accrual of compensatory leave for said employees; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson has determined that the establishment of such uniform duty hours and policy and procedures governing the accrual of compensatory leave by part-time employees will permit the Village of Cornwall-on-Hudson to more efficiently manage its workforce, provide better service to residents and decrease expenditures related to compensatory leave; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson has determined that the requirements of this resolution shall not apply to any village officer designated as such pursuant to the New York Village Law, nor shall this resolution apply to any employee covered by a collective bargaining agreement or other written agreement entered into between the Village and an entity which was duly authorized to enter into such an agreement on behalf of any Village employees.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Cornwall-on-Hudson hereby does establish that each part-time employee to whom this resolution is applicable shall work either a morning shift, commencing at 8:30 a.m. and concluding at 12:30 p.m., or an afternoon shift, commencing at 12:30 p.m. and concluding at 4:30 p.m., provided that the supervisor, or the Mayor, if the employee has no direct supervisor, of the employee may establish a different four-hour shift period if the supervisor or Mayor, as applicable, determines it is in the best interests of the Village to establish such a shift period; and

**BE IT FURTHER RESOLVED**, that no compensatory leave may be accrued by a part-time employee to whom this resolution is applicable unless such leave has been expressly authorized in advance by the Board of Trustees of the Village of Cornwall-on-Hudson, provided that the Board or Trustees may, in its sole discretion, authorize such leave retroactively if the Board of Trustees determines that: (1) prior authorization would have been impracticable; and, (2) the work was performed after said employee completed his designated four-hour shift period either at the direction of his or her supervisor or the Mayor, as applicable, or in response to emergency or exigent circumstances justifying the performance of such work; and

**BE IT FURTHER RESOLVED**, that in determining whether emergency or exigent circumstances justified the performance of work after the completion of a four-hour shift period without

prior approval of the Board of Trustees of the Village of Cornwall-on-Hudson, the Board of Trustees shall consider whether said work primarily benefited the Village and its residents, rather than the needs or preferences of the employee; and

**BE IT FURTHER RESOLVED** that the aforesaid resolutions shall not be applicable to police officers of the Village of Cornwall-on-Hudson Police Department; and

**BE IT FURTHER RESOLVED** that the aforesaid resolution shall take effect May 18, 2009.

The foregoing resolution was seconded by Trustee Gosda and upon a vote of 3 Ayes and 0 Nays, was adopted.

#### FLOOD DAMAGE PREVENTION – DRAFT LOCAL LAW

After some discussion, Mayor Gross instructed the Village Clerk to advertise a Special Meeting of the Village Board on May 11, 2009 at 7:00 PM in order to discuss this draft local law.

#### STORMWATER MANAGEMENT PLAN

After some discussion, Trustee Gosda made a motion authorizing the adoption and transmission of the MS4 annual report for period ending March 2009 which was seconded by Trustee Gioia and carried by a vote of 3 Ayes and 0 nays.

#### MAPLE AVENUE PROPERTY

Mayor Gross stated that letters were sent to adjoining property owners regarding the pending sale of the former Village Water Department building on Maple Avenue. No bids were received. Discussion followed regarding proposed uses for this property. Local realtors will now be contacted to initiate an “open listing”.

#### NEW BUSINESS

##### STORM KING MEMORIAL PROJECT

After some discussion, Trustee Gioia made a motion to move forward on this project, subject to review and approval of inscription language for the stone monument, which was seconded by Trustee Gosda and carried by a vote of 3 Ayes and 0 Nays.

##### VERIZON CABLE FRANCHISE AGREEMENT

Mayor Gross stated that he and Trustee Gosda met with Verizon representatives on April 17<sup>th</sup> to discuss Verizon FIOS lines being brought into the Village. To date, approximately 80% of the system has already been built out and could be operational by August. Further, the Village will receive a 5% franchise fee. Verizon FIOS will offer the “triple play” package at competitive prices. Discussion followed regarding the need to locate unsightly double poles along Hudson Street so that the Village can negotiate their removal during franchise agreement talks.

##### MODEL LAW – VILLAGE ASSESSMENT OPTIONS

Deputy Village Attorney Sculley explained that according to NYS Office of Real Property Services, the Village has several assessing options. They include remaining as an assessing unit, adopt the town's assessment roll and make necessary adjustments, or cease to be an assessing unit. After some discussion, this item was tabled for additional review.

#### DRAFT TRANSITIONAL DUTY POLICY

Mayor Gross stated that he is in receipt of a letter of agreement signed by Wayne Yeoman, the current CSEA President, and Jeff Dobbins, our CSEA Labor Relations Specialist. Deputy Attorney Sculley would like to make some slight revisions to the policy prior to its acceptance by the Board.

#### PUBLIC COMMENT

David House of Hudson Street asked for clarification of the proposed change in the Village's assessment status. Deputy Attorney Sculley stated that the State simply wanted to make the Village aware of its options and provided a model local law if any change was deemed necessary.

Having concluded the business set before them, Trustee Gioia moved to adjourn into Executive Session in order to discuss a PBA vacation request, and a DPW personnel matter, which was seconded by Trustee Gosda and upon a vote of 3 Ayes and 0 Nays, the meeting was adjourned at 10:35 PM.