

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

June 15, 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 Mark J. Edsall
Trustee Richard Gioia
Trustee Douglas Vatter

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

Trustee Gioia expressed concern with the language in the May 18, 2009 minutes relating to the Change of Zone District request made by Mr. Missere's attorney for 9 River Avenue. He feels that it presents a "less than neutral" and "bias" position of the Village board. Trustee Edsall stated his comments were his opinion and not necessarily that of the collective Village board. After some discussion, Trustee Gioia moved for the acceptance of the May 18, 2009 Regular Meeting Minutes as presented, on a motion seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall moved for the acceptance of the May 26, 2009 Special Meeting Minutes as presented, on a motion seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

After some discussion, Trustee Vatter moved to table the acceptance of the June 8, 2009 Special Meeting Minutes until next month, on a motion seconded by Trustee Gosda 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 May and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties	\$ 71,064.56
Town water & penalties	341,471.07

Which included 1 final/adjustment for the Village and 1 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$208,121.02
Water Fund claims in the amount of	492,331.74

Sewer Fund claims in the amount of	3,872.00
Trust & Agency claims in the amount of	1,011.51

COMMITTEE REPORTS

Hudson-Fulton – Trustee Gioia stated that installation of the sculptures will begin on June 16th. The opening reception will be held Saturday, June 20th from 4:00 – 7:00 PM at Donahue Memorial park. The exhibit will run through August 8th.

Financials – Trustee Vatter reported that he has reviewed “year to year charge backs”. Not including accrued payroll, the Village carried forward approximately \$300,000 of prior year expenses into the current fiscal year. He is concerned that the Village is at risk for running out of cash sometime in October/November timeframe.

DEPARTMENT REPORTS

The Water Department reported an average daily production of 1.76 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 66). It was also reported that 32 utility locations were made, 27 meters were repaired or replaced, 2 special readings were taken, and meter reading was completed. In addition to routine property maintenance, a curb box was repaired at 14 Mountain Road, 14 fire hydrants were painted, safety training was completed, town flushing was completed and Village flushing has started. Employees Michael Trainor and Matthew Clancy completed additional training, and the department assisted DPW with tree removal.

Water Superintendent June stated that he received reports of an odor in the water. In response he reduced production from the Black Rock plant to 250,000 gallons per day, and is blending water from all three water sources. This appears to have resolved the problem. Discussion followed.

Mayor Gross stated that hearings are continuing regarding the proposed Kiryas Joel pipeline.

The Department of Public Works reported line painting, preparation of Donahue Memorial park for Riverfest and Hudson Fulton Day, removal of 7 hazardous trees, trimming of trees and brush from sidewalks, road side mowing, cleaning of catch basins, weekly mowing of Village owned properties, repair of boat docks, and maintenance of Village vehicles.

DPW Superintendent Halvorsen provided a proposed schedule of 2009 roadway repairs to the board. Discussion followed.

The Police Department reported 13 COVAC assists; 12 calls were covered for/assisted to Town Police; 16 responses to burglar alarms; 4 E-911 hang-ups; 3 domestic incidents; 7 crimes were committed; 11 non criminal activities were reported; 5 arrests were made; 4 vehicle lockouts, 4 accidents were investigated; 128 moving violations; 57 vehicle and traffic stops with warning; and 9 parking tickets were issued. Total patrol miles = 3,150, not including mileage on Chief’s vehicle.

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

He further reported that Junior Prom pictures at Donahue Memorial Park and the Memorial Day Parade were covered without incident.

The Building Inspector/Code Enforcement Office reported 46 site inspections, 4 fire inspections, 12 building permits, 3 property maintenance violations, and 2 certificate of occupancy/certificate of compliance were issued.

The Fire Department monthly report indicated 40 events, including 15 emergency medical service (EMS) calls, for a total of 401 volunteer man hours.

CORRESPONDENCE

Mayor Gross is in receipt of letters dated May 21st and June 8th, 2009 from The Cornwall Lions Club requesting permission to hold a 5K and 7.5 mile race in the Village on November 1, 2009. This item will be addressed later in tonight's agenda.

Mayor Gross is in receipt of a letter dated May 8, 2009 from Bloom & Bloom, P.C. regarding the Triolo property.

Mayor Gross is in receipt of a letter dated June 6, 2009 from Pastor Racite of Cornwall Baptist Church requesting permission to hold a puppet show in the Village Bandstand in the late afternoon of Sunday July 19th.

Trustee Gosda made a motion to approve this request which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a letter dated June 6, 2009 from Charles VanKirk of 72 Weeks Avenue requesting relief of garbage charges from June 13th until "sometime in October" while away on vacation.

Trustee Edsall made a motion to reduce the garbage charges by 50% in accordance with existing Village policy, subject to verification of home vacancy by the DPW, which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a note dated June 6, 2009 from Jaci Canning Murphy of 269 Hudson Street thanking the DPW for trimming the hedge in front of their property.

Mayor Gross is in receipt of a letter from the Town of Woodbury Supervisor regarding the Kiryas Joel pipeline project.

Mayor Gross is in receipt of a news release dated June 4, 2009 from United States Military Academy announcing that summer training activities will be conducted until August. Noise levels will "be sporadic" and increase during specialized training operations from June 19th through June 28th.

Mayor Gross is in receipt of a letter from Lisa & Richard Timm requesting permission to have a family reunion picnic at Donahue Memorial park on June 28th from 3:00 to 7:00 PM.

Trustee Vatter made a motion to approve this request which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a notice from Hudson Valley Greenway announcing a joint board meeting on June 10, 2009 at 10:00 AM at Marist College in Poughkeepsie.

Mayor Gross is in receipt of a letter from NYS Department of Transportation regarding the American Recovery and Reinvestment Act (ARRA).

Mayor Gross is in receipt of a letter from Michael Buckley, Acting Assistant Administrator thanking the Village for participating in the National Flood Insurance Program (NFIP).

Mayor Gross is in receipt of a letter from the Cornwall Independence Day Committee inviting the Village Board to participate in the July 4th parade at 5:00 PM. He congratulated Andrew and Jeanne Maroney for being chosen the Grand Marshalls for this year's parade.

Mayor Gross is in receipt of a letter from the Orange County Planning Department regarding Land Use and Training Series courses.

Mayor Gross is in receipt of the FY-2008 Operation and Maintenance bill from the Town of Cornwall for our share of costs at the joint sewage treatment plant.

Mayor Gross is in receipt of a letter from Senator Kirsten Gillibrand stating that our application for funding in the FY2010 Energy and Water appropriations bill will not be submitted this year.

Mayor Gross is in receipt of a letter dated May 14, 2009 from the NYS Department of Transportation regarding the intersection on Route 9W at Old West Point Road.

Mayor Gross is in receipt of a letter from the Orange County Health Department announcing that larvicide applications to our catch basins will take place in late June or early July.

Mayor Gross is in receipt of a letter dated May 19, 2009 from James Kane expressing interest to serve on the Village Zoning Board. He told Mr. Kane, who was in the audience, that the vacancy has already been filled.

Mayor Gross is in receipt of an email from Jon Harbison regarding plastic business signs that are being attached to utility poles, which he feels is "litter". He suggests the Village remove the signs and send warnings to the businesses when possible.

Mayor Gross is in receipt of an email from Stephan Wilkinson regarding excessive noise from motorcycles traveling through the Village.

Mayor Gross is in receipt of a letter from Assemblyperson Nancy Calhoun regarding her opposition to the proposed MTA tax.

Mayor Gross is in receipt of a newsletter from New York Conference of Mayors (NYCOM) regarding Land Use and Training Series courses.

Mayor Gross is in receipt of a fax from Marilyn Berson, Esq. with possible dates in July to conduct a personnel hearing.

Mayor Gross is in receipt of a letter from Barbara Wexler of 11 Grandview Avenue requesting relief on her next water bill because a faucet ran undetected for several days. After some discussion, the Board tabled action until the next bill is prepared to get necessary information to offer a resolution.

Mayor Gross is in receipt of a letter from a Village employee dated June 15, 2009 regarding a new position.

Mayor Gross is in receipt of literature from David House regarding deer control.

PUBLIC COMMENT

Carol O'Keefe of 2 Payson Road requested status on moving the barns from the former DPW property. Mayor Gross replied that the gentleman from the Historical Society who spearheaded this project has moved, and subsequently there is nothing new to report.

Mary Donahue of 42 Bayview Avenue again requested status on the letter from the Bandstand Committee to the Village Board regarding public contributions. After some discussion, Trustee Vatter stated that the Board "will put it right" and authorize a budget transfer. Going forward contributions will have to be used in the fiscal year received.

OLD BUSINESS

CORNWALL LIONS CLUB

Chief Williams estimated a cost of \$800.00 for police coverage of a 5K and 7.5 mile race in the Village on November 1, 2009. Lions Club member Mr. Richard Gaillard stated that the club is willing to cover the costs.

Trustee Edsall made a motion to authorize a Cornwall Lions Club Fall Harvest 5K and 7.5 mile race on November 1, 2009 with a route to be approved by Chief Williams based on police coverage, which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

WATERFRONT REVITALIZATION COMMITTEE REPORT

Committee Member Andrew Maroney stated that the committee met with representatives of the top 3 companies. The committee chairman now needs to schedule a meeting to make a final recommendation for the board.

Mayor Gross attended a Hudson River summit last week regarding the "state of the river".

HUDSON FULTON COMMITTEE

Trustee Gosda stated that the Hudson Fulton River Day was "everything she wanted it to be". She thanked everyone involved for all their help. The "River Journey" sculpture exhibit will begin on June 20th and continue through August 8th at the south end of Donahue Memorial Park. In addition, the "Silent Walks on the Half Moon" will begin on June 29th at the Stone Pillars on Mountain Road.

DRAFT COMPREHENSIVE PLAN

Trustee Edsall made a motion to authorize the Mayor to sign an application for funding through the 2009 Orange County Planning Grant program for assistance in completion of the comprehensive plan which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Trustee Gioia stated that he is hoping to work in conjunction with Black Rock Consortium to seek out grant opportunities to finance a hydro-electric project. Currently the main feed pipe coming down from the reservoir to the filtration plant is “extremely old” and the rough inside surface restricts the water flow which, in turn, impacts the head pressure.

Trustee Edsall added that Water Superintendent June is seeking a permanent solution to the taste and odor problem through better aeration which should be a part of this.

FLOOD DAMAGE PREVENTION – DRAFT LOCAL LAW

Deputy Village Attorney Sculley stated that a final draft law was sent to the NYS DEC for review and comments.

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

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 2 OF 2009 entitled “A Local Law For Flood Damage Prevention as Authorized by New York State Constitution Article IX, Section 2 and Environmental Conservation Law Article 36” be and hereby is introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board; and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on July 20, 2009 at 7:30 o'clock p.m. at the Board Room of the Village Office, located at 325 Hudson Street, Cornwall-on-Hudson, New York, and

BE IT FURTHER RESOLVED that the Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication in the official newspaper of the Village of Cornwall-on-Hudson at least five (5) days prior thereto and by posting in accordance with the Municipal Home Rule Law.

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

Trustee Edsall then made a motion authorizing the Deputy Village Attorney to request an extension of the July 3, 2009 deadline, which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

MAPLE AVENUE PROPERTY

Mayor Gross stated that an ad was run in the Cornwall Local. No responses were received, so it will be run again.

DRAFT TRANSITIONAL DUTY POLICY

Deputy Village Attorney Sculley reported there is nothing new to report on this item.

SUMMER PLAYGROUND

Trustee Gioia made a motion to appoint Scott Valens Summer Playground Director, to replace Dylan Reitenbach, at a salary of \$3,740.00 for the program. In addition, appoint Danielle Emlaw Summer Playground Assistant/Medical Director at a salary of \$1,320.00 for the program. Further to appoint the following Counselors at an hourly rate of \$8.50: Dan DeGroat, Jena Giannotti, James Moore, Victoria VanEtten, Kristina Grace, Kathleen Visconti, Hayle Krigel, Steven Westerduin, Kerry Patterson and Lawrence Gregorek. Substitute Counselors: Arielle Lindstrom, Michael Maggi, Allison Dearnaley, Nicholas Giannotti, Ryan Reutershan, Craig Zuzek, and Meghan Kane. The motion was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Trustee Gioia made a motion to set the fees for this year's program as follows: \$100.00 for Village children, maximum of \$250.00 for a family, and \$175.00 for non-resident children. Students of St. Thomas School will be charged at the Village rate. The motion was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

DPW SURPLUS VEHICLE – BID AWARD

Clerk Mahoney reported that a bid opening was held this afternoon. No bids received.

Trustee Vatter made a motion to authorize this vehicle to be advertised for sale through police auction, with reserve option, which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

VERIZON

Mayor Gross stated that a meeting has been scheduled with Verizon FIOS representatives tomorrow. Discussion followed regarding the current placement of Verizon fiber boxes that should be moved for safety reasons.

NEW BUSINESS

ORANGE COUNTY TRUST RESOLUTION

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

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York desires to designate Orange County Trust Company of Middletown N.Y. a depository of the Village of Cornwall-on-Hudson, and that funds of the Village of Cornwall-on-Hudson deposited in said company be subject to withdrawal upon checks, notes, drafts, bills of exchange, acceptances, undertakings, or other orders for the payment of money when signed on behalf of this corporation by any one (1) of its following officers, to wit: Mayor, Trustee (4), Deputy Treasurer; and

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson hereby authorizes Orange County Trust Company to pay any such orders and also to receive the same for credit of or in payment from the payee or any other holder without inquiry as to the circumstances of issue or the disposition of the proceeds even if drawn to the individual order of any signing officer or tendered in payment of such officer's individual obligation; and

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson has determined that any one (1) of the following officers of the Village of Cornwall-on-Hudson, to wit: Village Clerk and Deputy Treasurer, are hereby authorized to borrow money and to obtain credit for the Village of Cornwall-on-Hudson from said Orange County Trust Company, on such terms as may seem to them advisable and to make and deliver notes, drafts, acceptances, agreements and any other obligations of this corporation therefore in form satisfactory to said company and as security therefore to pledge and trustee any stocks, bonds, bills receivable, bills of lading, warehouse receipts and any other property of the Village of Cornwall-on-Hudson with full authority to endorse or guarantee the same in the name of the Village of Cornwall-on-Hudson, to execute and deliver all instruments of assignment and transfer and to affix the corporate seal; and also to discount any bills receivable or other negotiable paper held by the Village of Cornwall-on-Hudson with full authority to endorse same in the name of the Village of Cornwall-on-Hudson; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Cornwall-on-Hudson authorizes the Village Clerk to certify to said Orange County Trust Company, the foregoing resolution and that the provisions thereof are in conformity with Village Law.

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

ORANGE COUNTY PLANNING GRANT APPLICATION

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

FIREMAN'S FAIR – POLICE COVERAGE

On behalf of Storm King Engine Co. #2, Trustee Vatter asked if the Village Board would require reimbursement of the costs for police coverage at this year's Fireman's Fair. After some discussion it was decided that this event should be covered without a reimbursement requirement.

FLOOD INSURANCE

Trustee Vatter recently saw photos of flooding that occurred several decades ago where the current DPW facility is located. He is concerned by this and suggests an evacuation plan be implemented and flood insurance obtained. Discussion followed.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session in order to a personnel matter in the DPW, litigation involving personnel, and Summer Playground personnel, which was seconded by Trustee Vatter and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:25 PM.