

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

July 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 Mark J. Edsall  
Trustee Richard Gioia  
Trustee Douglas Vatter

Also present were: DPW Superintendent David Halvorsen, Deputy Village Attorney Jeffrey Sculley, and Village Clerk Jeanne Mahoney.

PUBLIC HEARING INTRODUCTORY LOCAL LAW #2 OF 2009 - "Flood Damage Prevention". Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on July 14, 2009, the Public Hearing on Flood Damage Prevention was called to order at 7:31 PM by Mayor Gross.

Deputy Village Attorney Sculley and Trustee Edsall provided an overview of the proposed local law which has been mandated by NYS in order to allow residents to participate in the National Flood Insurance Program.

Having no one further speak for or against said amendment, Trustee Edsall made a motion to close the public hearing at 7:37 PM which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Trustee Gosda moved for the acceptance of the June 15, 2009 Regular Meeting Minutes as prepared, on a motion seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Trustee Vatter moved for the acceptance of the July 13, 2009 Special Meeting Minutes as prepared, 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 partial treasurer's report has been prepared through June and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties                      \$ 222,388.62

Town water & penalties 229,364.10  
Which included 4 final/adjustment for the Village and 8 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$343,679.88
Water Fund claims in the amount of	337,629.02
Sewer Fund claims in the amount of	240,115.80
Trust & Agency claims in the amount of	449.56

## COMMITTEE REPORTS

Donahue Memorial Park – Trustee Gioia suggested day passes be given to selected local businesses for weekend sales. A monthly accounting could then be done to reconcile with the Village. Discussion followed.

Water – Mayor Gross reported that he received a complaint from a resident about material that dislodged from a water main in the town causing an internal plumbing problem.

## DEPARTMENT REPORTS

The Department of Public Works reported blacktop patching, roadway sweeping, catch basin cleaning and repairs, Village Hall repairs, sewer line root cutting, weekly yard waste collections, weekly mowing of Village owned properties, repairs and maintenance of all Village owned properties, and that the sewer camera was sent out for repairs.

DPW Superintendent Halvorsen reported that he and Arlene Roberts successfully completed the first round of code enforcement school.

He further reported the 1988 dump truck, which recently had \$1,200 in repair work, now needs an additional \$1,900 in repairs. This truck was scheduled for replacement in 2010 at an approximate cost of \$150,000. He recently learned that all big truck dealers will be subject to a new federal law regarding emission regulations taking effect on January 1, 2010. This translates into an approximate \$9,000 price increase. In order to get ahead of the new regulations, construction of the chassis must be completed by December 31, 2009. Discussion regarding repairs and replacement of aging equipment followed.

In addition, he reported “caller ID” was never reinstalled in the DPW building. After some discussion, Trustee Vatter made a motion authorizing DPW Superintendent Halvorsen to reactivate “caller ID” at 50 Shore Road which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

Trustee Gioia reported that new signs for Mountain Road and Storm King School have been ordered and will be installed shortly. The new signs are compliant with NYS DOT “street naming” standards.

On behalf of the Fire Department, Trustee Vatter reported 44 events, including 19 emergency medical service (EMS) calls, for a total of 693.5 volunteer man hours in June.

The Police Department report indicates 19 COVAC assists; 9 calls were covered for/assisted to Town Police; 12 responses to burglar alarms; 6 E-911 hang-ups; 0 domestic incidents; 3 crimes were

committed; 5 non criminal activities were reported; 1 arrest was made; 0 vehicle lockouts, 7 accidents were investigated; 17 moving violations; 13 vehicle and traffic stops with warning; and 15 parking tickets were issued. Total patrol miles = 3,002, not including mileage on Chief's vehicle.

Chief Williams report also indicates that investigation of five (5) active open cases continues.

In addition, Riverfest, Hudson/Fulton Celebration and Bandstand concerts were covered without incident.

The Water Department report indicates an average daily production of 1.073 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 29 utility locations were made, 19 meters were repaired or replaced, 9 special readings were taken, and meter reading was completed. In addition to routine property maintenance, a curb box was repaired at 39 Maple St., water leaks were repaired on Cedar Lane & McCanns Lane, a water main valve was repaired at Mailler Avenue and Academy Avenue, water shutoffs at 2 Golf Stream Drive, 16 Yeoman's Lane and Cedar Lane was completed for repairs, DPW and Water Department properties were blacktopped, painting of fire hydrants continues, and spring flushing was completed.

Water Superintendent Junes report further indicates the Black Rock plant has been off line in order to complete membrane cleaning.

The Building Inspector/Code Enforcement Office reported 52 site inspections, 2 fire inspections, 4 building permits, 1 stop work order, 1 unregistered vehicle, 5 property maintenance violations, and 6 certificate of occupancy/certificate of compliance were issued.

## **CORRESPONDENCE**

Mayor Gross is in receipt of letters dated July 14th and 16th, 2009 from John Butler of Verizon regarding FIOS negotiations and signs being affixed to poles.

Mayor Gross is in receipt of an email dated July 19, 2009 from Bobbi Turner of 4 Isro Drive regarding an ongoing problem with water pressure and temperature control in her home. She believes a recent water main shut down and repair near her property caused debris and sediment to get into her line.

Mayor Gross is in receipt of a letter dated July 13, 2009 from Scott Mathews regarding his concerns with the proposed plan from the Deer Task Management Force.

Mayor Gross is in receipt of a letter dated July 14, 2009 from Nancy Rosenberger of 11 Prospect Street regarding a storm drain at the end of Idlewild Avenue in need of immediate repair.

Mayor Gross is in receipt of a letter dated July 11, 2009 from Donald Roemermann of 10 Taft Place requesting repairs to the roadway on Bayview Terrace and Taft Place.

Mayor Gross is in receipt of a copy of a letter dated July 16, 2009 from the Assemblywoman Nancy Calhoun to Joan Dupont of the NYS DOT regarding an ongoing drainage problem and site distance issues at 2 Academy Avenue (Ray Williams residence).

Mayor Gross is in receipt of a letter dated July 6, 2009 from Michael Anderson of Tappan Zee Bridge/I-287 Corridor Project announcing a “Scoping Summary Report” is now available.

Mayor Gross is in receipt of a notice from NYS Department of State announcing grant opportunities.

Mayor Gross is in receipt of notices from Time Warner Cable regarding programming changes.

Mayor Gross is in receipt of a letter dated July 13, 2009 from Simon Gruber, Chairman Waterfront Committee with their selection of a consultant, and recommendation to the Village to enter into negotiations for the waterfront planning project.

Mayor Gross is in receipt of a letter dated July 9, 2009 from the NYS Department of Public Service indicating the temporary operating authority under which Time Warner Cable provides service to the Village expired June 18, 2009.

Mayor Gross is in receipt of a letter from FEMA regarding the deadline to adopt a floodplain management ordinance by August 3, 2009.

Mayor Gross is in receipt of a letter dated July 2, 2009 from Mary Ellen Theodore, of Literacy Orange regarding a “poker style motorcycle ride” planned for Saturday, August 22<sup>nd</sup>. She requests we advise her of any requirements for this event to pass through the Village.

After some discussion, Trustee Gioia suggested a letter of acknowledgement be sent indicating our appreciation of this cause, and inform her that we will keep a careful eye on speeders and excessive noise.

Mayor Gross is in receipt of a copy of a letter from NYS Department of Environmental Conservation to Lanc & Tully regarding the Cornwall Commons project.

Mayor Gross is in receipt of a copy of a letter dated June 26, 2009 from Donald & Madaline Carney of 77 Curie Road to Cornwall Supervisor Kevin Quigley regarding an ongoing drainage problem on their property.

Mayor Gross is in receipt of a copy of a letter dated June 25, 2009 from Deputy Village Attorney Sculley to Water Superintendent June regarding the Final EIS Proposed Connection to NYC Catskill Aqueduct and Village of Kiryas Joel Catskill Aqueduct Connection.

Mayor Gross is in receipt of a copy of a letter dated June 24, 2009 from Helena Williams of the Metropolitan Transportation Authority (MTA) to Village Clerk Mahoney acknowledging receipt of the resolution adopted by the Village Board opposing the new mobility payroll tax.

Mayor Gross is in receipt of a letter dated June 22, 2009 from Betsy Turner of 157 Hudson Street requesting additional information on the possible reconfiguring of the Dock Hill intersection.

Mayor Gross is in receipt of a copy of a letter from Brian M. Kolb, NYS Assembly Minority Leader to Village Clerk Mahoney acknowledging receipt of the resolution adopted by the Village Board opposing the new mobility payroll tax.

Mayor Gross is in receipt of a letter from Cornwall High School National Honor Society requesting permission to hold a car wash on August 8<sup>th</sup> from 9:00 AM – 2:00 PM.

Trustee Vatter made a motion authorizing the request, suggesting that biodegradable wash products be used, which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Mayor Gross is in receipt of a letter dated June 25, 2009 from Sue Sullivan, of St. Lukes Cornwall Hospital inviting him to a “community health town hall meeting” on July 15<sup>th</sup> at 4:30 PM.

Mayor Gross is in receipt of a quotation from Glenco Supply Inc. for replacement of pedestrian crossing signs.

Mayor Gross is in receipt of a memo dated June 17, 2009 from Assemblywoman Nancy Calhoun regarding fair assessments for property taxpayers.

Mayor Gross is in receipt of a copy of a letter dated June 18, 2009 from David Church, of Orange County Department of Planning announcing that a Quadricentennial grant in the amount of \$3,000 has been awarded to our “Hudson River Journey” project.

Discussion followed regarding a November deadline on the FEMA grant for construction of a “moffia wall” along the riverfront. Mayor Gross stated that he will contact the FEMA representative and request another extension and indicate a consultant has been retained for waterfront planning and design.

Deputy Village Attorney Sculley was asked to review a suggested letter text provided by CSX to promote/maintain legislation for a “Staggered Rail Act” (for the deregulation of railroad freight rates). He found no legal issues involved, but noted it was prepared by a lobbyist organization. After some discussion, and hearing no objection from the Board, the Village will not participate in this action.

## **OLD BUSINESS**

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Mayor Gross stated that there is nothing new to report.

### **HUDSON FULTON COMMITTEE**

Trustee Gosda reported that the “River Journey” sculpture exhibit opening reception took place on July 18<sup>th</sup> with approximately 100 guests. She thanked Barbara Gioia for her hard work in supporting this event. In addition, the next “Silent Walk on the Half Moon” will be on July 28<sup>th</sup> at the Stone Pillars on Mountain Road.

### **DEER MANAGEMENT TASK FORCE**

Committee member Emily Thomas stated that the group has been meeting since April of 2008, and visited several communities to see how they are handling the deer overpopulation problem. They have also researched NYS law, and found that state law overrides village law. According to state law, hunting is allowed on private property if the homeowner consents and it takes place a minimum of 500’

from dwellings. They propose tightly controlled bow hunting on Village properties with a minimum of 10-20 acres. Black Rock Fish and Game Club will be responsible for the accreditation of hunters.

After some discussion, Trustee Edsall made a motion to table this item pending legal review and determination of action, if any, the Village Board needs to take which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

#### DRAFT COMPREHENSIVE PLAN

Mayor Gross stated this item was discussed at the work session. Trustee Edsall added that the board agreed upon to move ahead, slowly, rather than rush. Trustee Gioia stated that in order to bring this draft plan to a DEIS level, a consultant is needed.

#### HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Trustee Gioia stated that Windsor Machinery recently received “head pressure reading” numbers needed for the feasibility study. Based on this data, they are optimistic that between 10-20 kilowatts of power can be generated which is approximately 20-30% of the energy needs to run the Black Rock Microfiltration Plant. A report is expected next month.

#### FLOOD DAMAGE PREVENTION – SEQR RESOLUTION, RESOLUTION OF ADOPTION

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

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson adopted a resolution on the 15<sup>th</sup> day of June, 2009 ordering a public hearing to be held on the 20th day of July, 2009 at 7:30 o'clock p.m., prevailing time, to hear all interested parties on proposed Local Law #2 of the Year 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;” and

WHEREAS, the Board of Trustees has caused an Environmental Assessment Form (the “EAF”) to be prepared for the proposed adoption of Local Law #2 (the “Action”); and

WHEREAS, the Board of Trustees has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law, and accordingly does not require a coordinated review; and

WHEREAS, the Board of Trustees has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

#### NOW THEREFORE, BE IT RESOLVED:

1. The Board of Trustees does determine that the adoption of Local Law #2 of the Year 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,” is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and does not require a coordinated review.

2. The Board of Trustees does further determine that it is the single involved agency and as it is proposing to directly undertake the Action does further declare itself the lead agency for the purpose of conducting a review of this Action and determines that said Action will not have a significant adverse environmental impact and, therefore, does issue a negative declaration.

3. The Board of Trustees hereby authorizes the Mayor to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

4. The Village Clerk shall maintain the EAF, Negative Declaration and all other SEQR documents and notices pertaining to the Action on file and available to the public during regular business hours.

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

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

**WHEREAS**, a Local Law For Flood Damage Prevention as Authorized by New York State Constitution Article IX, Section 2 and Environmental Conservation Law Article 36 was first introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York on June 15, 2009; and

**WHEREAS**, a notice of Public Hearing was duly advertised on July 10, 2009 in The Cornwall Local and posted on the Village Clerk's sign board on July 6, 2009; and

**WHEREAS**, the Public Hearing was duly held 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 all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson determined that the adoption of said Local Law is an Unlisted Action under the State Environmental Quality Review Act and that said Action will not have a significant adverse environmental impact; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Cornwall-on-Hudson hereby adopts said Local Law #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"; and

**BE IT FURTHER RESOLVED** that the Village Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Village of Cornwall-on-Hudson and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

#### VERIZON – FIOS CABLE FRANCHISE AGREEMENT

Trustee Vatter made a motion to set a public hearing on August 17, 2009 at 7:30 PM which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

#### MAPLE AVENUE PROPERTY

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

#### DRAFT TRANSITIONAL DUTY POLICY

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

#### SUMMER PLAYGROUND

Trustee Gosda reported that 100 children are enrolled in the program. Several special activities have taken place including a visit to the riverfront with the NYS Department of Environmental Conservation. Trustee Gioia recognized the hard work and many hours devoted to this program by Trustee Gosda.

#### **NEW BUSINESS**

#### VERIZON WIRELESS

After some discussion, Trustee Vatter made a motion to authorize Clerk Mahoney, in conjunction with counsel, to negotiate a deal with Verizon Wireless, subject to verification of a zero activation fee and a “month to month” contract, which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

#### RESOLUTION REQUESTING ASSISTANCE FROM ORANGE COUNTY WATER AUTHORITY

After some discussion, Trustee Edsall made a motion to table action on this resolution until the July 27<sup>th</sup> Special Meeting, to allow time for additional review which was seconded by trustee Gioia 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 into Executive Session in order to discuss litigation involving personnel which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:10 PM.