

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

September 21, 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, Interim Police Chief Paul N. Weber, Deputy Village Attorney Jeffrey Sculley, and Recording Secretary Arlene Roberts.

Mayor Gross introduced Interim Police Chief Paul N. Weber to the public.

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

Trustee Vatter moved for the acceptance of the September 14, 2009 Special Meeting Minutes as delivered, on a motion seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

TREASURER’S REPORT

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

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

| | |
|---|---------------|
| Village water, sewer, garbage & penalties | \$ 273,498.91 |
| Town water & penalties | 291,405.35 |

Which included 7 final/adjustment for the Village and 2 for the Town.

The following claims were approved for payment:

| | |
|--------------------------------------|--------------|
| General Fund claims in the amount of | \$194,792.72 |
| Water Fund claims in the amount of | 130,032.29 |
| Sewer Fund claims in the amount of | 2,379.82 |

COMMITTEE REPORTS

Summer Playground – Trustee Gosda stated that the financial report for this year’s program shows a shortfall of approximately \$3,500. Discussion followed regarding the current fee schedule and future budgeting.

Recycling Committee – Trustee Gioia stated that he hopes to hold another “electronics recycling program” this fall.

Steep Slopes – Trustee Gioia stated that the steep slopes along Dock Hill Road must be stabilized before further erosion occurs. In addition there are other areas in the Village with steep slopes which must also be addressed. He would like to institute a “pilot program” for planting of non-poisonous sumac bushes, which are deer resistant and grow in that particular sun/shade situation. It is hoped that, in conjunction with the NYS Estuary Program of tree plantings, a buffer zone will be created. Boy scouts will help with plantings. The Village Board has allocated \$300.00 to this program.

DEPARTMENT REPORTS

The Department of Public Works reported weekly yard waste collection, blacktop patching, roadway sweeping, weekly mowing of Village owned properties, maintenance of Village sewer lines, chip/sealing of Cliffside area, Taft Place, Bayview Terrace, Briggs Road, and Mountain Road from Maple Rd to Route 9W, replacement of 120’ of storm drain on Hedges Avenue, removal of 3 trees from Willis Avenue and Weeks Avenue, removal of 6 trees along Dock Hill Road, repair and reinstallation of guide rail along Dock Hill Road damaged by fallen tree, and repairs and maintenance of all Village owned vehicles.

DPW Superintendent Halvorsen further reported that the annual Fall Clean-Up will be on October 19th.

The Water Department report indicated an average daily production of 1.035 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 68). It was also reported that 37 utility locations were made, 19 meters were repaired or replaced, 8 special readings were taken, and meter reading was completed. In addition to routine property maintenance, a new water service was installed at 13 Boulevard, leak sites were blacktopped, fire hydrants were painted, new air conditioning units were installed at the Catskill treatment plant, brush was cut at Spagnum Reservoir, and Matthew Clancy completed on line training.

The report further indicated that Black Rock plant remains offline awaiting additional replacement parts.

The Fire Department reported 32 events, including 10 emergency medical service (EMS) calls, for a total of 232 volunteer man hours in August.

It was further reported that Engine 412 has returned to service after being out for repairs last week.

The Building Inspector/Code Enforcement Office reported 30 on site inspections, 3 fire inspections, 5 building permits, 2 unregistered vehicles, 5 property maintenance violations, and 8 certificate of occupancy/certificate of compliance were issued.

The Police Department reported 12 COVAC assists; 9 calls were covered for/assisted to Town Police; 9 responses to burglar alarms; 6 E-911 hang-ups; 6 domestic incidents; 13 crimes were committed; 15 non criminal activities were reported; 1 arrest was made; 1 vehicle lockout, 6 accidents were investigated; 20

moving violations; 22 vehicle and traffic stops with warning; and 27 parking tickets were issued. Total patrol miles = 2,878, not including mileage on Chief's vehicle.

Chief Weber also reported that investigation of five (5) active open cases continues.

CORRESPONDENCE

Mayor Gross is in receipt of a letter dated September 11, 2009 from Scott & Diana Mathews of 31 Avenue A regarding the Village code prohibition of hunting and weapon usage.

Mayor Gross is in receipt of letter dated September 17, 2009 from Literacy Orange rescheduling the "Ride to Read" motorcycle event to Saturday, October 24th at 10:00 AM.

Mayor Gross is in receipt of a letter dated September 8, 2009 from Cornwall Presbyterian Church announcing the 34th annual Apple Time Fair will be held on Saturday, October 17th.

Mayor Gross is in receipt of a copy of a letter to Building Inspector Lee dated August 31, 2009 from Ray Yannone regarding commercial properties surrounding the former movie theater at Idlewild Avenue and River Avenue.

Mayor Gross is in receipt of a letter dated August 31, 2009 from NYS Department of Public Service announcing that the first full week after Labor Day will be "National Lifeline Telephone Discount Awareness Week".

Mayor Gross is in receipt of a letter from NYSERDA regarding a program that will provide 100% funding for a complete "Energy Conservation Study".

Trustee Gioia reported that he has received the initial materials needed to perform an "energy audit" of Village owned buildings and properties and to submit a grant application.

Mayor Gross is in receipt of a letter dated August 4, 2009 from Orange County Department of Emergency Services regarding the availability of funding for implementation of cost-effective measures to reduce or eliminate future flood damages.

Trustee Edsall stated that the Village must have a "multi-hazard mitigation plan" approved and in place in order to be eligible for FEMA monies any longer. He suggested the Village and Town work together in order to share costs for implementation of a single plan.

Trustee Vatter stated that the Village must also have an Emergency Management Director appointed and in place to be eligible future funding.

Mayor Gross is in receipt of a letter dated August 4, 2009 from Orange County Department of Finance along with a copy of the "Orange County Popular Annual Financial Report".

Mayor Gross is in receipt of a letter dated August 6, 2009 from Louis Roper of SUNY New Paltz inviting him to a September 25th and 26th symposium on "Henry Hudson, New Netherland, and Atlantic History".

Mayor Gross is in receipt of a letter dated August 25, 2009 from Howard & Deborah Protter of 59 Weeks Avenue regarding a dangerous maple tree at the foot of their property. Mayor Gross stated that the Department of Public Works has removed the tree.

Mayor Gross is in receipt of minutes from the September 3, 2009 regular meeting of the Orange County Legislature.

Mayor Gross is in receipt of a press release dated August 28, 2009 from Assemblyperson Nancy Calhoun announcing that the county will now offer veterans a county-issued ID card to obtain discounts at participating businesses.

Mayor Gross is in receipt of a letter dated August 18, 2009 from Central Hudson asking for our cooperation in identifying projects that may fall within their transmission utility easements.

Mayor Gross is in receipt of a letter August 18, 2009 from Office of the Aging inviting him to attend the “26th Annual Orange County Senior Games Day” on September 26th beginning at 8:30 AM.

Mayor Gross is in receipt of a copy of a memorandum of agreement sent to Deputy Treasurer Sebesta from CSEA Employment Benefit Fund for a “Retiree Dental Plan”.

Mayor Gross is in receipt of a letter dated August 20, 2009 from Nancy Lucash, coach of CCHS Tennis requesting permission to hold a car wash.

Trustee Vatter stated that he would like these types of requests approved at the Village Clerk’s discretion. Discussion on the establishing criteria followed.

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

Mayor Gross is in receipt of a copy of a letter sent to Village Clerk Mahoney by Betsy Turner of 157 Hudson Street regarding removal of a dying tree on adjoining property.

Mayor Gross is in receipt of a letter dated September 2, 2009 from Marcia Jacobowitz-Paz, Chairperson of the Orange County Water Authority requesting clarification and further explanation of the resolution adopted by the Village Board on July 27th.

Mayor Gross is in receipt of a letter dated September 4, 2009 from Brian Kolb, NYS Assembly Minority Leader seeking support to convene a “People’s Convention to Reform New York” in 2011 as opposed to waiting until 2017.

After some discussion, Trustee Gioia introduced the following resolution entitled “Resolution Supporting the Immediate Passage and Chaptering of the “People’s Convention to Reform New York Act” and moved for its adoption.

WHEREAS, tough economic times and New York State’s tremendously high tax burden are causing families and businesses to struggle, while state government has been paralyzed by questions of gubernatorial succession, leadership fighting and political dysfunction; and

WHEREAS, our State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live that holds up to the political dynamic of the day; and

WHEREAS, our current state Constitution was adopted 115 years ago in 1894 and modified at a constitutional convention in 1938 and at various other times by legislative action; and

WHEREAS, our state, our nation and the world have changed dramatically in the past forty-two years as the information age has transformed communications, business and government in ways that could not even have been imagined when our state constitution was adopted; and

WHEREAS, recent events in state government involving gubernatorial succession, legislative stalemates and appointments to statewide elected offices have exposed flaws and weaknesses in our current constitution on these issues; and

WHEREAS, families and businesses have been forced to cut back, while New York State government continues to spend beyond its means and force unfunded mandates on already overburdened local governments and taxpayers; and

WHEREAS, in the face of the most challenging economic environment since the Great Depression, the people of New York have little confidence that the state government, as currently structured, is responsive to their wants, needs, or principal concerns; and

WHEREAS, the people of New York have expressed their desire to hold a “People’s Convention” to reform state government, as evidenced by recent Quinnipiac University and Siena College Research polls, showing more than 60 percent of voters supporting a People’s Convention to Reform New York; and

WHEREAS, the people must act now to thwart the dysfunction in Albany, and convene a People’s Convention to take New York State government back; and

WHEREAS, members of the state Legislature have introduced “The People’s Convention to Reform New York Act”, which grants the people the opportunity to hold a constitutional convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests’ influence over delegates, and requires state or local elected officials and officers or party officials to vacate their post upon being elected delegate; and

WHEREAS, while the Constitution empowers the elected delegates to set the convention agenda for “The People’s Convention to Reform New York”, we ask that the delegates consider government reforms such as a state spending cap and property tax cap, restrictions on unfunded mandates, debt reform, an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession to the governorship and lieutenant governorship and elections to fill elected state office vacancies; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Cornwall-on-Hudson pause in its deliberations to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the “People’s Convention to Reform New York Act”, which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to the Minority Leaders of the Assembly and Senate.

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

Mayor Gross is in receipt of minutes from Orange County Association of Towns, Villages and Cities from the August 25, 2009 meeting.

Mayor Gross is in receipt of the annual Village “Residential Assessment Ratio” from the NYS Office of Real Property Services for the 2010 Assessment Roll of 53.45.

Mayor Gross is in receipt of a letter from Thomas Gordon regarding his concerns with current tax assessment system.

PUBLIC COMMENT

Thomas Gordon of Braden Place spoke about his concerns with the current system for property assessment. He thinks the Assessor should have access to a computerized sorting program to search for “outliers”. There are no real “checks and balances” in the current system to protect taxpayers from under assessed valuations. Discussion followed.

Scott Mathews of 31 Avenue A stated there is an S&P Case-Shiller Home Price Index which provides monthly numbers from singled paired home sales. He believes this index should be part of the assessment valuation process.

Lee Murphy of 269 Hudson Street stated that he has received information through the Freedom of Information Act. He provided the Village Board with material to review regarding a building permit originally filed in 2004 by Mayor Gross for a home addition. The permit was renewed in 2007 and again in 2009. He asks that the Mayor seek a ruling from the Village Board of Ethics as to whether he “has violated the Code of Ethics of the Village of Cornwall-on-Hudson, Article 18 of the General Municipal Law, the Penal Law of New York and/or has created an appearance of impropriety in his private dealings with the Village”.

Mayor Gross replied that he has been speaking with the Deputy Village Attorney about getting the Ethics Board “up and running”. He would be happy to turn any of these documents over to them for their review.

OLD BUSINESS

WATERFRONT REVITALIZATION COMMITTEE REPORT

Mayor Gross stated the proposal received from McLaren Engineering has exceeded the dollar amount that was “laid out for them to follow”. Committee Chairman Gruber is attempting to get an updated figure from them.

HUDSON FULTON COMMITTEE

Trustee Gosda reported that all reports necessary for the grant have been filed with the County and we are now awaiting reimbursement. The next “Silent Walk on the Half Moon” will be on September 26th at 6:00 PM beginning at the Stone Pillars on Mountain Road.

DEER MANAGEMENT TASK FORCE

Robert Smith reported that the committee has filed for deer management application permits through the NYS DEC, and are awaiting their response.

Deputy Village Attorney Sculley stated that he is in the process of reviewing the Villages’ local discharge law and whether it can be “preempted” as a NYS DEC opinion implies. He would like to meet with the interim police chief to discuss this matter. He received a copy Mr. Mathew’s letter this evening and will review it.

HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Trustee Gioia has not yet received a “hard copy” of the feasibility study. He has been told the estimated output will be 13 to 15 kilowatts, which is lower than expected. He would like to “bundle” this project with Black Rock Forest’s project for funding purposes, and include an educational component so the building which would house the turbine, invertors, and equipment could be used as an educational tool.

GLENDENING DRAINAGE EASEMENT

Trustee Edsall stated along with Mayor Gross and DPW Superintendent Halvorsen, he visited the site. It appears there are “a couple of areas where some field work could be performed”. Some velocity dissipaters in the channel installed several years ago have eroded causing water to bypass. He is concerned that bringing in machinery could cause additional damage. He suggests the removal of some debris, relocation of some stone, and re-channeling of the center line in order to prevent erosion along the perimeter. Erosion on the steep slopes is natural erosion, and in his opinion has nothing to do with our maintenance. Discussion followed.

ETHICS BOARD

Deputy Village Attorney Sculley reported that he prepared a memo outlining “action” steps that could be taken to get the Board “up and running”. The Ethics Board has the authority to enforce the Village’s Ethics Law, including the annual financial disclosure statement requirement. He has researched case law and determined the Village does not have the “authority” to compel employees, who are members of unions (subject to collective bargaining agreements) to comply with filing of the annual financial disclosure statement. All other employees should comply. Discussion followed regarding this finding and potential conflicts of interest. The Board may wish to include this in future contract negotiations.

DCJS

Mayor Gross is in receipt of a preliminary efficiency study report from the NYS Department of Criminal Justice Services (DCJS). He asked the Village Board to review the report and submit comments to him, in writing within the 30 day timeline provided.

Trustee Edsall requested that Interim Chief Weber receive a copy of the report as well.

NEW BUSINESS

DPW DUMP TRUCK LEASE/PURCHASE REQUEST

DPW Superintendent Halvorsen requested a decision from the Board regarding the lease/purchase of an International 4WD dump truck, which is under current NYS bid. The vehicle must be ordered by the end of September, and have its cab and chassis built prior to January 1st, to avoid a \$9,000 price increase. He provided a purchase order with the lease information to the Mayor. Discussion regarding quarterly lease payments followed.

Trustee Vatter made a motion to authorize the lease/purchase of an International 4WD dump truck which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Having concluded the business set before them, Trustee Vatter moved to adjourn the meeting into Executive Session in order to discuss Police personnel issues, and a Water Department personnel issue as requested by the Deputy Village Attorney, which was seconded by Trustee Edsall and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:07 PM.