

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 19, 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: Water Superintendent Robert June, Police Chief Paul N. Weber, Deputy Village Attorney Jeffrey Sculley, and Recording Secretary Arlene Roberts.

Trustee Vatter moved for the acceptance of the September 21, 2009 Regular Meeting Minutes as written, on a motion seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Trustee Gosda moved to table acceptance of the October 12, 2009 Special Meeting Minutes so she can meet with the Village Clerk to discuss “some changes that should be made” in some of her comments that evening, on a motion seconded by Trustee Edsall. Trustee Gioia already requested a “typo” be amended on the last page. The motion, so amended, was then 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 September and distributed to the Village Board for review. Discussion followed regarding anticipated revenue from county sales tax.

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

Village water, sewer, garbage & penalties	\$ 106,102.06
Town water & penalties	319,604.65
Which included 0 finals/adjustments for the Village and 8 for the Town.	

The following claims were approved for payment:

General Fund claims in the amount of	\$242,833.70
Water Fund claims in the amount of	208,561.53
Sewer Fund claims in the amount of	9,714.81

**COMMITTEE REPORTS**

Trees & Beautification – Trustee Gioia reported that the plantings along Dock Hill Road seem to be “doing well”. Another round of plantings, through the generosity of an anonymous donor, is anticipated before the ground freezes. He expects these plantings will help stabilize the steep slopes along Dock Hill Road before further erosion occurs.

Maple Avenue Property – Mayor Gross reported that although no recent inquiries have been received, the property is still for sale.

Riverfront Day Pass – Trustee Gioia reported that three (3) local businesses have agreed to participate in the day pass program. Signs will soon be installed in the Village kiosk and Donahue Memorial Park advising availability of day passes and locations where they can be obtained.

## **DEPARTMENT REPORTS**

The Water Department reported an average daily production of 996,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 67). It was also reported that 37 utility locations were made, 3 meters were repaired or replaced, 2 special readings were taken, and meter reading was completed. In addition to routine property maintenance, water service was turned on at 3 Stillwood Lane, a service line leak was repaired on Jean Court, and possible water leaks were investigated at 41 Wood Avenue, 111 Harold Avenue and 13 Orr Hatch Drive, all were unfounded. The department assisted the Town of Cornwall with Ridge Road and Hazen Street resurfacing projects by raising all the valve curb boxes.

The report further indicated that Black Rock plant remains offline awaiting installation of replacement parts recently received.

The Department of Public Works report indicated weekly yard waste collection, blacktop patching, roadway sweeping, weekly mowing of Village owned properties, repairs and maintenance of Village vehicles, removal of hazardous trees, storm drain cleaning, paving rear of firehouse parking lot, road striping in areas of Duncan Avenue, 2<sup>nd</sup> Street, and crosswalks, sidewalk repairs on Idlewild Avenue, routine maintenance to Village Hall, assistance to Water Department with a water leak, and repairs along drainage easement on Glendening property.

DPW Superintendent Halvorsen’s report further thanked Matt Brodmerkel from VanEtten Paving for use of a black top planer to cut rebates at the firehouse and for his assistance in tack coating the lot for paving.

Mayor Gross spoke with DPW Foreman Donato earlier today, who reported that fall bulk clean-up is 50% complete and the electronics recycling program is off to a slow start. Trustee Gioia suggested additional advertising to encourage participation.

The Building Inspector/Code Enforcement Office reported 30 on site inspections, 2 fire inspections, 6 building permits, 1 unregistered vehicle, 6 property maintenance violations, and 11 certificate of occupancy/certificate of compliance were issued.

The Fire Department report indicated 44 events, including 11 emergency medical service (EMS) calls, for a total of 1508.5 volunteer man hours in September.

Trustee Gioia stated that the Board received a letter from SKEC #2 Fire Chief Jeffrey Armitage announcing the 2012 Orange County volunteer firemans parade convention. The fire house interior needs some work prior to the event. This item will be discussed in more detail during the budget process.

Discussion followed regarding an “incentive plan” that pays out a “nominal amount each year” to volunteers members over 60 years of age. The fire chief has requested Deputy Village Attorney Sculley look into a possible change from the current system of issuing the initial payment at the next anniversary of the plan (April 1<sup>st</sup>) to the members date of birth.

The Police Department reported 9 COVAC assists; 10 calls were covered for/assisted to Town Police; 17 responses to burglar alarms; 3 E-911 hang-ups; 4 domestic incidents; 2 major crimes were reported; 16 crimes/petty offenses were reported; 9 non criminal activities were reported; 15 arrest were made; 3 vehicle lockouts, 5 accidents were investigated; 51 moving violations; 39 vehicle and traffic stops with warning; and 15 parking tickets were issued. Total patrol miles = 2,707, not including mileage on Chief’s vehicle.

Chief Weber also reported that the department received IMPACT records management system training, Officer Terwilliger is attending Crime Scene Photography School, and four (4) special activities were covered (Gen. Petreaus dedication, Village wide yard sale, Appletime fair, and 10K run).

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter dated October 1, 2009 from William A. Lee, Village Code Enforcement Officer, Building Inspector, and Fire Inspector announcing his retirement effective November 13, 2009.

Mayor Gross stated that he appreciates Mr. Lee’s years of service to the Village, and we are presently advertising for replacement.

Trustee Vatter made a motion to accept the retirement of William A. Lee, with regret, which was seconded by Trustee Edsall with thanks for his years of service to the Village. The motion was then carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a letter dated October 1, 2009 from Constance DeFrest requesting an adjustment to her mothers’ water/sewer/garbage bill at 11 Idlewild Park Drive. The house is vacant and currently for sale.

In accordance with existing Village policy, Trustee Edsall made a motion to authorize a 50% reduction in garbage charges, subject to ongoing verification from the DPW Superintendent that the house remains vacant, which was seconded by Trustee Vatter, and carried by 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 their September, 2009 meeting.

Mayor Gross is in receipt of an email from Joel Kleiman, Orange County Finance Commissioner regarding the 3<sup>rd</sup> quarter sales tax distribution payment.

Mayor Gross is in receipt of a letter dated October 12, 2009 from Susan Ostrander regarding the Village Assessment Board of Review.

Mayor Gross is in receipt of a copy of a letter dated October 14, 2009 to Susan Ostrander from Ron Fiorentino, Town of Cornwall Assessor regarding her questions pertaining to the Village assessment rolls.

Mayor Gross is in receipt of “many letters” regarding the “cruel bow hunt”. Each contains similar language.

Mayor Gross is in receipt of a memo dated October 12, 2009 from Simon Gruber which will be discussed later in tonight’s agenda.

Mayor Gross is in receipt of a copy of a memorandum of agreement dated August 25, 2009 sent to Deputy Treasurer Sebesta from CSEA Employment Benefit Fund for a “Retiree Dental Plan”. He will refer this back to Ms. Sebesta for “her input” before taking action.

Mayor Gross is in receipt of letters dated September 25<sup>th</sup> and October 7, 2009 from Verizon regarding their programming.

Mayor Gross is in receipt of a copy of a letter to Building Inspector Bill Lee dated October 14, 2009 from Raymond Yannone regarding the Riverbank Restaurant.

Mayor Gross is in receipt of memo from Deputy Village Attorney Jeffrey Sculley regarding the costs incurred on the “various Missere lawsuits”. To date the cost is approximately \$15,000.

Mayor Gross is in receipt of a letter dated October 8, 2009 from Office of Community Development regarding the “Draft FY-2010-2014 Housing & Community Development (HCD) Plan”.

Mayor Gross is in receipt of a letter dated October 8, 2009 from Rihab Issa of 29 Canterbury Avenue regarding an outstanding water bill left by the prior owner of the residence. They are requesting relief from the balance and penalty. Discussion followed regarding liens that transfer with property sale.

Trustee Edsall made a motion to authorize the Village Clerk and Mayor to resolve the payment methodology and penalties in a manner “consistent with past actions and policy” 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 October 7, 2009 from Orange County Emergency Management Office regarding a full-volume test of the Indian Point Siren System on Thursday, October 22<sup>nd</sup> between 10-11:00 AM.

Mayor Gross is in receipt of a copy of a letter from Tom Petersen of 38 Duncan Avenue regarding the storage of large boats and recreational vehicles on residential property. He feels there should be a limit on numbers allowed in order to prevent “blight on the landscape”. He is requesting zoning changes to address this.

Mayor Gross is in receipt of a letter dated October 5, 2009 from Pattern for Progress regarding their annual meeting on November 5, 2009.

Mayor Gross is in receipt of a letter dated September 30, 2009 from Time Warner Cable regarding their services.

Mayor Gross is in receipt of a memo from SKEC #2 Fire Chief Jeffrey Armitage regarding his appreciation of the “outstanding job” paving the rear of the firehouse by the DPW crew.

Mayor Gross is in receipt of a meeting notice sent by Mark Castiglione, Acting Executive Director of Hudson River Valley Greenway of the joint boards on Wednesday, October 14<sup>th</sup> at 10:00 AM.

Mayor Gross is in receipt of a letter from Boy Scout Troop 206 announcing that Matthew C. Milich has achieved the rank of Eagle Scout. Mr. Milich, who is also a volunteer fireman in the Village, will be congratulated for this honor with a certificate from the Village.

## **OLD BUSINESS**

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Committee Chairman Simon Gruber stated that he is in receipt of a draft scope of work from McLaren Engineering Group for their services on two projects (the FEMA shoreline stabilization project and waterfront planning project). It is their opinion that the \$220,000 listed in the FEMA Project Worksheet is too low and that the expected construction cost might exceed \$1,000,000. According to the reimbursement schedule, the Village would need to “front the money”. Before proceeding, he would recommend the Deputy Village Attorney review the paperwork provided. In response to a question from Trustee Edsall, he stated that there is no formal Village match. The design, construction, including any necessary permitting, and a certain increment of legal/bonding costs are part of the basic framework of the grant. It is very important to sign contracts with McLaren for design work. Discussion followed regarding deadlines and the necessary guaranty of FEMA reimbursements.

### **HUDSON FULTON COMMITTEE**

Trustee Gosda reported that a check has been received from the County for the grant. She and Mrs. Gioia have submitted their vouchers for payment.

Trustee Gioia stated that the last sculpture will be removed from the Riverfront later this month. In addition, the silent walks on the half moon continue.

### **RIVERFEST**

Deputy Village Attorney Sculley stated that he has been working with the Village Clerk on next year’s agreement. He has prepared a new version which has been reviewed by Mr. Protter and is acceptable.

Trustee Edsall made a motion authorizing the Mayor to execute the Riverfest 2010 agreement, as revised by the attorney, which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

### **DEER MANAGEMENT TASK FORCE**

Emily Thomas reported that the committee has been “moving ahead” and a number of landowners in the Village that were contacted have given permission to allow controlled hunting on their property. The

Black Rock Fish and Game Club has qualified some archers and divided up these lots. Ten groups, each with a hunt captain, will keep everyone involved in the program updated.

Deputy Village Attorney Sculley stated that the Village's local discharge ordinance does prohibit use of "any bow and arrow or load and shoot any slingshot" within our corporate limits. The question is whether that law can be "preempted" by NYS DEC law. He has reviewed materials on both sides of the issue as well as the DEC regulatory ruling already provided and one issued subsequent to it. The state law generally prohibits use of a long bow within 500 feet of a "house, farm building, barn structure, school, playground, occupied factory, or church"; however, it does not prohibit or apply to "an owner or lessee of a dwelling house (including an owners' guest or family member), within 500 feet of that house". His informal opinion, which has not yet been signed off by his firm, is that the Village of Cornwall-on-Hudson can "neither permit the use of a long bow within 500 feet of a dwelling house, nor can it prohibit the use of a bow within 500 feet of a dwelling house by the owner of that house". Further, the Village's local discharge law is "preempted to the extent that it does otherwise prohibit the activities listed in Environmental Conservation Law, Section 11-09314b". He will provide the formal opinion, once completed, to the Police Chief for guidance; otherwise, the Village should have "no role in this". Lengthy discussion followed. Mayor Gross thanked everyone for their comments this evening.

Trustee Vatter made a motion to table this item for discussion on another date, which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

#### HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Trustee Gioia stated that the potential for the hydro, if built "as-is", will save approximately 25% of our electrical expense. He met with Mr. Gruber and Mr. Schuster last week to "strategize going forward" on a cooperative effort with Black Rock Forest. A joint proposal for appropriation funds will be drafted and presented to Congressman Hall and Senator Schumer's office shortly.

#### TRANSITIONAL DUTY POLICY

Trustee Gosda stated that she recently attended a regional PERMA meeting. They encourage clients to have a "transitional duty policy" to bring our employees back to work. She brought this back before the board at the October 12<sup>th</sup> special meeting and the Deputy Village Attorney Sculley was asked to "look into it with the CSEA".

Mr. Sculley stated that he has prepared a revised version of the draft, including a limited effective period (sunset provision) and a proposed limit to the citation of the policy relating to labor law "past practice" issues. This revised policy has been sent to Water Superintendent June and DPW Superintendent Halvorsen for review/comments and will then be forwarded to CSEA.

#### GLENDENING DRAINAGE EASEMENT

Mayor Gross stated that the repairs have been made. He has followed up with Ms. Glendening and has heard of no problems since. The Village will continue to monitor the location.

#### ZONING BOARD RESIGNATION

Mayor Gross stated that he is in receipt of a resignation letter from Michael DeFranco dated October 15, 2009 effective immediately. He has spoken with Zoning Board Chairman Peter Osinski who recommends Daniel Poindexter be appointed to this vacancy.

Trustee Edsall made a motion to table action tonight to allow for proper posting of the vacancy and review of applications from interested parties which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

## 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 provide comments this evening.

Trustee Edsall stated that he recently discussed this draft report with Trustee Vatter. His comments this evening reflect common/shared opinions.

1. Pages 31/32 indicate a Village savings of \$407,000 if police department is dissolved. That calculation seems premised upon the Town charging overall costs based upon population. It does not take into account any specific assignment/zone established by the Village. He/they dispute this calculation and do not believe it is accurate. It disregards the possibility of a contract for coverage.
2. The report indicates that out of 8327 calls for service in 2008, 5360 (64%) were vacant house checks. He/they feel that borders on "ridiculous" because other police routine and protection assignments, not accounted for as calls (i.e. school children crossing support and church mass assignments, riverfront parking, informal assists with Town fire and ambulance calls) would inflate that number tremendously. The percentage for house checks would drop by at least 30-40%. The projected savings of \$364,000 annually/\$68.00 per call by eliminating vacant house checks appears to indicate there is no value in regular police patrol, crime prevention and deterrents, community policing, etc). In fact, that IS the value of our police department. Any incidental costs for vacant house checks, which he agrees should be controlled, are minimal. In addition, if you use the DCJS calculation of \$68 per call and presume police coverage the Board has requested at the riverfront for parking tickets, the cost would be in the range of \$250,000 to \$300,000 annually.
3. DCJS provided 2 recommendations – 1st - eliminate midnight to noon shift and 2nd - eliminate midnight to 8am shifts, because of a "low crime rate during that time". He/they would hate to see what the crime rate would go to if either shift is eliminated. It is the full time police coverage and quality of our residents who call in problems that keeps the crime rate low. In addition, most incidents that occur during the night (i.e. criminal mischief) are not reported until morning.
4. He/they support the recommendation to reduce the number of police vehicles in use. Vehicle replacement should be on a set schedule and part of a properly prepared budget.
5. Other recommendations are worth looking into including booking procedures, ceilings, having a property officer, having computers in vehicles, E-Justice Access, and accreditation with input from the Police Chief.
6. Page 10 indicates the Town PD traveling through the Village, while covering other areas, reduces our crime rate. He finds it "absolutely incredible" that DCJS believes this. They are misguided to think it has any effect.

Trustee Vatter added that in regard to vacant house checks, benefits don't only accrue to the homeowner, but also to surrounding homeowners. In addition, this is an opportunity for the Village Board to decide if they want to have 24 hour police coverage.

Trustee Gosda stated that she was "somewhat disappointed" with the study. She thought many more areas would be covered (i.e. training, operations, administration, community relations), but has since learned that those items would have addressed only if the Village were accredited.

Regarding the options for coverage, she would defer to the Police Chief in terms of having officers work 12 hour shifts. Not taking into account an officer working an occasional double shift, she would have concerns if this occurred on a regular basis.

An issue not addressed in the report was if the Village was to consider consolidation of our police department with the Town. She would first want a cost assessment and assurance that a police officer be in the Village at all times. The \$407,000 savings reported is if the Village were to "close its doors and walk away", which she feels is not a viable option for the community.

She views vacant house checks as "private security" because some have gone on for a very long time. The community at large should not be providing that service indefinitely.

She agrees that the number of police vehicles can be reduced. In addition, she feels Town police cars traveling through the Village do not have an impact on crime figures.

Trustee Gioia stated that he agrees that overall this is a "very theoretical analysis" and would not apply to many real life scenarios. It is a weak document with a lot of data repetition leading him to think that they are "pulling it out of thin air". Although for the most part the study has corroborated several aspects of prior assessment of the Village police department under Chief Williams, it has fallen short in fully substantiating the cost saving figures in its two suggested options for a reconfigured staffing model. Further page 35 of the report references the Attorney Generals informal opinion #8877, appendix B which concludes that the Town is legally obligated to provide law enforcement services in the Village. He does not feel this option would apply to us for several reasons.

1. The Town police department was formed before January 1<sup>st</sup> of 1960, which was most of the criteria in the AG's opinion; therefore the staffing requirement scenario of four (4) full-time officers is not applicable.
2. Most of the language in the AG's opinion is predicated on the assumption that the Village does not have its own police department; therefore it is not applicable as written.
3. He notes that, in more than one place, the DCJS study states that the Town police department is headquartered in the Village, which is obviously incorrect.
4. The report places great emphasis in achieving the four (4) full-time officer scenario in order to substantiate the potential cost savings to the Village, presumably to fall within the AG opinions framework, which to say the least, is unrealistic. The Town may be obligated to provide police protection if we choose to operate on a 12 or 14 hour daily basis, but it would be delusional to assume that our Town coverage during the current "A" tour and possibly half of the "B" tour would be provided without additional cost. He doesn't see where that cost has been factored into this study.
5. Additionally, the Town might choose to charge for the use of their booking room. He considers this arrangement to be a great improvement as we have already encountered the potential legal pitfalls of one officer alone after normal hours of activity with one person in custody in the

Village's booking room. It should be taken into account the possible additional cost this charge would represent, which he assumes would be relatively minor.

He would like to see this all broken out in the report. Is there a protocol in place for negotiating this type of overlapping service or would it be more of an ala carte arrangement where we would be charged by the hour for calls in which the Town responds in the Village. It is potentially complicated, and he wants to be sure that it would be equitable for the Village. He believes we would be at a disadvantage in these negotiations, being that we would be the ones making the request for the Town services. They are currently functional as an independent department and would have nothing to gain by absorbing this additional load. It is too simplistic to base projections for option (a) or option (b) in the DCJS report solely on the Town's "obligation to provide service".

Regarding the attrition of police cars, he feels the economics of that are sort of moot, because as previously stated by former Chief Williams, these cars have already been bought and paid for. They don't have a huge value, so it would be silly to dwell too much on that. Going forward, the Board needs to determine the number of vehicles the department should have and try to get those vehicles on a cycle for replacement.

Chief Weber stated that he has reviewed the report from a police prospective. He too is disappointed in the results because they mention that their feasibility study can cover many things, but then didn't. It provided a couple of boiler plate scenarios as to how money problems can be fixed, but not truly addressing the money problems. They provide false information by estimating a cost savings of \$200,000 for Town coverage with no substantiation for that number. He does not see how it can be much cheaper for another municipality to provide the same dedicated service we have here in the Village.

In addition, with consolidation there is no guarantee that there would be a dedicated officer in the Village. He estimates less than a \$0.20 cost per person per day to our taxpayers to keep our Village police department running 24 hours a day providing a coverage they can't guarantee. He stated "don't come crying to me" if it is determined that a \$0.20 savings a day is worth it.

He does agree with some of the recommendations; however common sense dictates them. Of the 9 recommendations in the report, 3 are already in progress. This is a "public friendly police station" and he disagrees with bringing subjects up to the confines of the Town police station where it is a little bit more rigorous, unless the offender is violent.

He feels we would be "selling ourselves short" to be without a Village police department because of the services we can provide. The report bases their statistics on a department that was "in flux" with no leadership during the time data was accumulated. Going forward, we are on the right track and he would like to see this study revisited a year from now.

Mayor Gross thanked all the Board members and the Police Chief for their comments which cover much of what he had to "bring to the table". Initially this Board's discussion about consolidation with the Town and requesting this study was based on making the department better and more efficient. He feels the study is not without merit, but falls short in many areas of day to day operations which cannot be quantified. It is the minutia of the department that makes it effective. The Village is a very unusual place that requires an unusual police force. When the Board sat down to discuss a new chief, which turned out to be interim-part time, the areas of concerns were covered. He is pleased to say that the department is moving in a new direction, where we can better identify the short comings in the

department and build on the strengths of it. We cannot rely on an outside agency to tell us what the savings would be if we are not sitting down with the Town to discuss them. With new leadership, he hopes the police officers see a direction we are going in and appreciate the efforts of both the new and old chief as well as the intent of this Board to give the residents the best we can give them for the best dollar cost.

Mayor Gross then opened the topic for public discussion.

James Kane of 297 Hudson Street asked if in addition with the “Disneyland” figure of \$68.00 per call, did DCJS provide a “Disneyland” prediction of the savings to each Village taxpayer?

Trustee Edsall replied the report only provided “rough numbers”. The \$68.00 per call is premised on the only value of having police department is if they respond to a call. They accounted, disappointingly to him, a “zero” value for having 24 hour, 7 day a week coverage. He finds it egregious that a report would be prepared ignoring that benefit.

Kris Seiz – of Avenue A stated that she disagrees with Trustee Gosda about having another cost analysis or another committee to look at the cost analysis. As a Village resident she sees our patrolmen around, they stop, they wave, they help people cross that street and you can’t put a price on that. Instead of consolidation, we should be discussing cooperation. Let’s provide an opportunity to develop some new ideas.

Trustee Gosda responded that the report should have looked at what consolidation would save us in terms of an officer in the Village 24/7. The Board needs to provide comments to DCJS so that the report can be released to the public.

Trustee Edsall stated that he is unsure whether he wants to put State of New York or the Village through the “misery” of proving that we’re not going to save money. In his opinion, if we want 24/7 coverage, plus all our events, it’s either going to be the Town police or the Village police. There is an obvious cost (i.e. labor, benefits, vehicle, operating, etc.) inherent to having a police department and there would be no savings in contracting it out. The Village would also lose direct ability to work with our department. He does not understand what can be proved by having DCJS “correct factual errors”, and we’re getting nowhere. The Board should work with our chief and the Town chief to improve what we already have.

Trustee Gioia stated that he doesn’t want to “belabor” this process either because, in his opinion, we see what we are dealing with. As he reviewed the previous DCJS study from years ago, the tone is not much different although it seemed more thorough and “disciplined”. They held to their statistics more evenly. This report resorted to repetition which instantly made him suspicious. The Board “went down this road” to get an unbiased/objective perspective. He is willing to accept the possibility that there might be some valuable data gleaned from this. There is no harm in revisiting this document in a year to see how valid or ridiculous it is. “Let’s put these guys on notice that they have a D-, and await their second draft”.

Trustee Edsall stated that the Village Board’s time would be better spent on the zoning issues that have been “just hanging”.

Trustee Vatter stated that we are objecting to conclusions not to the facts. His position is to attach all the trustee comments to every report that gets “handed out”.

Trustee Gosda stated that the Board needs to complete the process just to have it finalized and made available to the public.

Chief Weber cautioned the Board against making the report public because it may open a “pandoras’ box” causing them to have to explain themselves over and over again.

Trustee Edsall stated that this report is not meeting the goal the Board intended, in fact it is counterproductive. There is more error in the report than benefit.

Jonathan Chase of 1 Taft Place stated that it would be a big mistake to “bury the report”. Provide your comments to the preparer(s) of the report, but remember “you asked for it, you got it”.

Mayor Gross stated that this Board has wrestled with many contentious issues over the last couple of years since he has been serving, and all have been “tackled head on”. It is obvious that we aren’t going to agree on everything, but a lot of effort has already been put into this process for all the right reasons and it should be concluded for the right reasons. He hopes the process will not put any additional burden on the chief’s day to day operation if more facts and figures are requested.

Trustee Gioia explained that the chief has the full support of the board. There is no dissent, and no one is second guessing Chief Weber. The trust is there; however this is a process and he feels there may be some value to pull from it. He wondered if the board is obligated to release the report to the public.

Deputy Village Attorney Sculley explained that once the document is finalized, it must be provided in response to a Freedom of Information Law (FOIL) request.

Trustee Gosda stated that board members should make their comments about the report public once it is released.

## **NEW BUSINESS**

### **CODE ENFORCEMENT**

Mayor Gross stated this is another departmental issue the Board has been dealing with. Mr. William Lee has announced his retirement, and the position has been duly advertised. Approximately 15 applications have been received, and a couple of interviews will take place this week. He hopes to have a replacement “on board” prior to the time Mr. Lee leaves.

### **STORM KING ADVENTURE TOURS – 2010 COMMERCIAL PERMITS**

Kris Seiz, manager of Storm King Adventure Tours requests approval of her application for a 2010 commercial permit (@ \$150), to run from October to October coinciding with her season, along with seven (7) parking permits (@ \$35 each).

Trustee Edsall stated that he likes to support local business whenever possible, because it is part of what makes the Village so nice and unique. He made a motion authorizing the issuance of a 2010 permit, with the same conditions and costs as 2009 but a different term (from October 1<sup>st</sup> to September 30th).

Further to authorize the Clerk and Attorney to verify that the permit issued matches last years. The motion was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Trustee Vatter suggested that if a bus will be used to carry kayakers to the riverfront, it should display 2 parking stickers. Discussion on parking busses at the riverfront followed.

ELECTION RESOLUTION

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

Notice is hereby given that the Annual Election will be held in the Meeting Room of the Village of Cornwall-on-Hudson, 325 Hudson St., Cornwall-on-Hudson, N.Y., on the 16th day of March, 2010, between the hours of Noon and 9 PM and that at such election, the following officers are to be elected for the terms set opposite thereto, respectively.

Trustee Two Years, Trustee Two Years

The foregoing resolution was seconded by Trustee Gosda, and upon a vote of 5 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 19, 2009.

GRIEVANCE DAY

Trustee Edsall made a motion to set the annual Village Grievance Day for Tuesday, November 17, 2009 from 4:00 - 7:00 PM., which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Trustee Gosda stated that she has received requests from some residents to make the assessment roll available after normal business hours. She then offered to open the Village Hall on Saturday, November 7<sup>th</sup> from 9:00AM - 1:00 PM to have the roll available to residents. Trustee Edsall suggested that as records officer, the Village Clerk should be the one making the records available to the public, not individual trustees.

Trustee Vatter made a motion authorizing the Village Clerk to open the Village Office on a Saturday which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

ORANGE COUNTY PROPERTY TAX EXEMPTION RESOLUTION

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

WHEREAS, the Village of Cornwall-on-Hudson is the owner of real property in the Town of Cornwall and Town of New Windsor, County of Orange, identified on the tax map as follows:

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND, WHEREAS, the above real property is devoted solely to public use and part of the Village owned water system as the sites for water wells, plant treatment, chlorinator and water shed; and

WHEREAS, the Real Property Tax Law, Section 406(3) provides the authority for each taxing district in which municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS, such exemption for the Village of Cornwall-on-Hudson water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Cornwall-on-Hudson which would enhance real property ownership, encourage industrial and commercial development and exemplify a spirit of intermunicipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Cornwall-on-Hudson on behalf of the Village of Cornwall-on-Hudson, its taxpayers, water system users and citizens hereby petition the County of Orange, Town of Cornwall, and Town of New Windsor to grant a whole exemption from State, County, and Town real property taxes commencing for calendar year 2011 for the parcels of real property identified above in the Town of Cornwall and Town of New Windsor.

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND IT IS FURTHER RESOLVED, that the Mayor and Village Attorney are authorized to attend such meeting of the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations in this petition by that body.

The foregoing resolution was seconded by Trustee Vatter, and upon a vote of 5 Ayes and 0 Nays the Mayor declared the resolution adopted on October 19, 2009.

**ANNUAL SUPPLY BIDS**

The Water Superintendent presented the annual supply bids to include #2 Fuel Oil & "Off-Road Diesel", Water Treatment Chemicals, Water Meters, and Sludge Removal Services. The bid opening is to be held November 13th beginning at 2:00 PM at the Village Hall.

Trustee Edsall made a motion to amend the bid form documents, as outlined by the Deputy Village Attorney, which was seconded by Trustee Vatter, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Trustee Edsall then made a motion to authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM for Water Treatment Chemicals, 2:15 PM for Water Meters, 2:30 PM for #2 Fuel Oil & "Off Road Diesel", and 2:45 PM Sludge Removal Services on

November 13, 2009, which was seconded by Trustee Vatter, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

#### HALLOWEEN CURFEW DISCUSSION

Discussion took place regarding a curfew on Halloween night. Mayor Gross stated he will take the comments into consideration in his decision.

#### WATER SYSTEM ANALYSIS

Trustee Edsall stated that on several occasions, he and Water Superintendent June have discussed a better determination of available capacity for the well fields. That analysis has been completed by SSEC, a hydro-geologist firm.

Trustee Edsall made a motion authorizing those professional services in an amount not to exceed \$4,200 for the testing equipment and data logging, and \$1,000 for the report. The motion was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays. The form of the contract for professional services will be subject to verification from the Deputy Village Attorney.

#### PUBLIC COMMENT

Carol O'Keefe – 2 Payson Road asked what will be the Halloween curfew. Mayor Gross replied that he expects it to be the same as last year. Trustee Edsall added that the Mayor and Police Chief will determine the potential for issues and make that executive decision.

Having concluded the business set before them, Trustee Gioia moved to adjourn the meeting into Executive Session in order to discuss Police, Water Department, and IT personnel issues, which was seconded by Trustee Vatter and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:19 PM.