

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

December 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: Water Superintendent Robert June, DPW Superintendent David Halvorsen, Building Inspector Bruce Yankewicz, Sr., Police Chief Paul N. Weber, Deputy Village Attorney Jeffrey Sculley, and Village Clerk Jeanne Mahoney.

Trustee Gioia moved for the acceptance of the November 16, 2009 Regular Meeting Minutes as written, on a motion seconded by Trustee Gosda. Mayor Gross requested that a clarification be made on page 7 relating to the Disaster Mitigation Plan. He would like the sentence to read “As per the request of Mayor Gross, Fred Donneit of the Turner Miller Group has provided a proposal for professional services to include the Village in the Town’s Hazard Mitigation in Plan the amount of \$7,000.” The motion, as amended, was then carried by a vote of 5 ayes and 0 nays.

Trustee Gioia moved for the acceptance of the October 12, 2009 Special Meeting Minutes as amended, on a motion seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Trustee Gioia moved for the acceptance of the December 7, 2009 Special Meeting Minutes as written, 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 November and distributed to the Village Board for review. He further stated that the water revenues are coming up “short” and residents should anticipate a rate increase for the upcoming year. Discussion followed regarding water rate calculation throughout the county.

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

Village water, sewer, garbage & penalties	\$ 118,727.99
Town water & penalties	272,321.45

Which included 2 finals/adjustments for the Village and 3 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$177,601.44
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Water Fund claims in the amount of	266,561.47
Sewer Fund claims in the amount of	4,337.20
Trust & Agency claims in the amount of	10.80

DEPARTMENT REPORTS

The Water Department reported daily production numbers were not available in time for tonight’s meeting. All bacteria samples passed N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 61). It was also reported that 39 utility locations were made, 24 meters were repaired or replaced, 5 special readings were taken, and meter reading was completed. In addition to routine property maintenance, snow plows have been prepared for the winter season, a curb box was repaired at 46 Maple St., flushing of town hydrants and the Mountain system was completed, and Village fire hydrant flushing has begun.

Black Rock Plant

Water Superintendent June reported that the Black Rock plant was brought back online November 1st, and is producing approximately 500,000 to 600,000 daily. He further reported that upper and lower float relief valves were repaired, and a leak was repaired on Reservoir Rd.

Water Superintendent June also reported that he has contracted with Boyd Well Drilling, a company that will be overseeing the testing of our wells and installing piping that will safely return water back into the stream. Discussion regarding the Kiryas Joel pipeline followed.

The Building Inspector/Code Enforcement Officer reported 20 on site inspections, 1 fire inspection, 3 building permits, 30 code violations, 5 resolutions, and 3 certificate of occupancy/certificate of compliance were issued.

Upon the recommendation of Building Inspector Yancewicz, Trustee Edsall made a motion to waive the application fee for George Edgar to return to the Zoning Board after being referred to the Planning Board for an interpretation, which was seconded by Trustee Gioia and carried by a vote of 5 Ayes and 0 Nays.

The Department of Public Works reported finished blacktop patching for the season, removal of three Village trees on Bayview Avenue and 2 Village trees on Duncan Avenue, removal of boat docks for the winter, rebuilt of 1999 Dodge truck snow plow, modification of sander to fit 2008 International, replacement of exterior lights at Village Hall, decoration of Christmas tree and placement of menorah at bandstand, brush cutting, continuing cleaning of storage yard, snow removal, routine maintenance of Village properties and vehicles, and sidewalk grinding.

The Police Department reported 22 COVAC assists; 11 calls were covered for/assisted to Town Police; 12 responses to burglar alarms; 5 E-911 hang-ups; 10 domestic incidents; 2 major crimes were reported; 20 crimes/petty offenses were reported; 20 non criminal activities were reported; 5 arrests were made; 4 vehicle lockouts, 10 accidents were investigated; 47 moving violations; 16 vehicle and traffic stops with warning; and 3 parking tickets were issued. Total patrol miles = 2,775, not including mileage on Chief’s vehicle.

Upon the recommendation of Chief Weber, Trustee Edsall made a motion to appoint Charles Broe and Robert Dowd as Part-Time Police Officers, subject to the provisions of the current PBA contract. The motion was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays. Deputy Village Attorney Sculley will review their offer to provide necessary uniforms and weapons.

The Fire Department report indicated 44 events, including 16 emergency medical service (EMS) calls, for a total of 410.5 volunteer man hours in October.

In addition, company 2010 elections were held on December 2nd. Jeff Armitage will be Chief and Chris O'Dell will be Assistant Chief.

CORRESPONDENCE

Mayor Gross is in receipt of multiple letters/notices from Time Warner Cable and Verizon regarding their programming.

Mayor Gross is in receipt of a copy of a petition sent to Town and Village officials along with Assemblyperson Calhoun and Senator Larkin expressing concern over current drilling and testing along Taylor Rd on former Star Expansion wells.

Mayor Gross is in receipt of correspondence and the 2010-2011 membership dues statement from NYS Conference of Mayors.

Trustee Gioia suggested that the Board consider whether or not to renew membership this year in order to cut budget costs. Mayor Gross encouraged Trustee Gioia to meet with the Village Clerk to discuss this item further.

Mayor Gross is in receipt of a letter dated December 6, 2009 from NYS Governor Paterson's Office.

Mayor Gross is in receipt of a letter dated December 9, 2009 from Roemer Wallens and Mineaux, LLP adjourning a hearing relative to personnel.

Mayor Gross is in receipt of correspondence from Storm King Associates regarding the New Year's Eve celebration.

Trustee Edsall made a motion to accept the Ball Drop activity, conditioned upon receipt of the additional insurance endorsement 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 December 4, 2009 from Marilyn D. Berson, Esq. regarding PBA retirement issues.

Mayor Gross is in receipt of an email dated November 25, 2009 from David Wingfield regarding an incident on Pine Street.

Mayor Gross is in receipt of an email from David Church regarding our Community Planning grants from 2007 and 2009.

Mayor Gross is in receipt of an invitation dated December 11, 2009 from New Windsor Police Department to a Pre-Disaster Mitigation meeting on December 22nd.

Mayor Gross is in receipt of an email from William Garrison, of Mountain Valley Guides informing him that Camp Olmsted has turned down his request to store kayaks on their property. He will continue to look for space in the Village.

Mayor Gross is in receipt of a copy of a letter dated December 14, 2009 to our Building Inspector from Tom McKeveny of 22 Clark Avenue regarding charging a fee for issuance of a certificate of compliance.

Mayor Gross is in receipt of a letter dated December 7, 2009 from Senator Larkin regarding the recent passage of the Deficit Reduction plan.

Mayor Gross is in receipt of a letter dated December 2, 2009 from NYS Office of Parks, Recreation and Historic Preservation regarding the Dock Hill Road Extension stone arch bridge.

Mayor Gross is in receipt of a letter dated December 9, 2009 from COVAC announcing the results of their 2010 elections.

Mayor Gross is in receipt of a letter dated December 7, 2009 from The Centre, LLC discontinuing Village garbage collection effective December 7, 2009. Discussion followed.

Mayor Gross is in receipt of a letter dated November 10, 2009 from Wilma dePauloff of San Francisco, CA regarding the deer hunt.

Mayor Gross is in receipt of the list of Christmas tree light donors. He wanted to publicly acknowledge their generosity and thank: *Michael Lug, Village Pizza, Trustee Edsall, the Carnright family, Chief Weber, Dennis and Maureen Wood, James Kane, Greta McLaughlin, Patricia Bennett, the Greater Cornwall Chamber of Commerce, Bob and Jan Smith, the Cornwall Local, and Joe and Janet Gill.*

Mayor Gross is in receipt of a copy of a letter dated December 1, 2009 to the Village Clerk from Town of New Windsor Supervisor George A. Green denying our request for exemption of 2011 taxes for Village owned water supply properties.

Mayor Gross is in receipt of a letter dated December 7, 2009 from Candace Rivera of Hudson Highlands Nature Museum requesting permission to bring cable service to the Wildlife Education Center at 25 Boulevard.

Trustee Vatter made a motion to authorize the Hudson Highlands Nature Museum to bring cable service into the Wildlife Education Center located at 25 Boulevard, Cornwall-on-Hudson at their sole cost 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 December 10, 2009 from Orange County Department of Emergency Services regarding implementation of an Automatic Vehicle Locator Dispatching System (AVL) for Orange County.

Trustee Edsall made a motion to table approval of an Inter-Municipal Agreement with Orange County Department of Emergency Services for AVL technology, and authorize Orange County Department of

Emergency Services to provide any additional information Chief Weber requires to him directly, which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Mayor Gross is in receipt of a letter dated December 18, 2009 from Cornwall Lions Club requesting approval to host the “Fall Harvest 5K Race on November 14, 2010 and each year after on the second Sunday in November.

Rich Gaillard, representing the Cornwall Lions Club provided details of the proposed “Fall Harvest Race 2010” including a 5K race to begin at 8:30 AM, a 7.5 mile race at 9:00, and a Kids Fun Run at 10:00 am. Discussion regarding potential parking issues followed.

Trustee Vatter made a motion to approve the 2010 race, subject to coordination with the Cornwall-on-Hudson Presbyterian Church and Storm King Engine Co #2, as well as a parking plan approved by Chief Weber. In addition, costs for additional police staffing is to be shared between the Village and Cornwall Lions Club. This motion was seconded by Trustee Gioia and carried by a vote of 4 Ayes, 0 Nays, and 1 Abstain (Edsall).

PUBLIC COMMENT

Barry Gruber of Bayview Terrace stated he first came to the Village Board 4 years ago regarding delivery of unwanted phonebooks. Since then, an “Opt-Out Plan” was initiated to allow people the opportunity not to receive unwanted phonebooks. Unfortunately, some companies are still delivering books to people who are on the list. He is asking the Village Board take necessary action to stop this practice. Discussion followed.

Trustee Edsall made a motion to authorize the Village Clerk to send a letter to Yellow Book advising them that the Village has received complaints and would appreciate improved efficiency of their delivery system by next year. This motion was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

OLD BUSINESS

WATERFRONT REVITALIZATION COMMITTEE REPORT

Deputy Village Attorney Sculley reported that on December 14th he provided a detailed response to McClaren Group regarding their initial contract proposal. A conference call will be scheduled shortly.

DEER MANAGEMENT TASK FORCE

Mayor Gross stated that he continues to receive many letters and emails regarding deer hunting in the Village.

DCJS STUDY

Mayor Gross stated that the final study was received and made public. To date, he has received no public response to the report.

Trustee Gioia stated that he re-read the final study and finds it an “extremely bureaucratic document”. Most suggestions made by the Village Board weren’t taken into consideration. It appears the preliminary report was “bundled” with the word final printed on front page. This is a major disservice considering the time the Board put into its response. However, there is some value to the document. The annual cost to run our entire Village Police Department is \$532,000. In addition, Village residents also pay the Town approximately \$200,000 annually for dispatch services, court attendance, and animal control salaries. That number appears out of proportion and he wants to explore how it is calculated.

Trustee Edsall stated that he finds the final report to be an “embarrassment to DCJS”. They were shown clear errors and direction toward misuse of numbers and calculations, and did nothing to fix a faulty report. It considers it to be a waste of time to pursue this any further with DCJS and deal directly with the Town of Cornwall.

Trustee Vatter stated that DCJS completely ignored GML §150 which requires Town to bill back for police services.

Trustee Gosda stated that the Board asked DCJS to take their numbers and put it into our scenario and they didn’t. She questions how the \$200,000 number on the report was arrived at, because on several occasions the Town was asked to provide us a number for the shared services, and could not break all of these services out.

MAPLE AVENUE PROPERTY

Mayor Gross stated that he has received no inquires for this property.

Trustee Vatter made a motion authorizing the Village Clerk to contact local (Town and Village) brokers and further authorize her to sign contract for MLS listing, subject to review by the Deputy Village Attorney, which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

TRANSITIONAL DUTY POLICY

Deputy Village Attorney Sculley stated that the Water Superintendent and DPW Superintendent have reviewed the amended policy and have no objections. He will now send to CSEA for review and possible sign off.

NEW BUSINESS

BOARD OF ASSESSMENT REVIEW RECOMMENDATIONS

Trustee Edsall stated that the Assessment Board of Review met on November 17, 2009 to hear grievances. Subsequent meetings took place to finalize application review. He thanked Tom Petersen and Susan Ostrander for their time and effort put forth during the review process.

Upon their recommendations, Trustee Edsall made a motion to approve the following reductions:

Degroat	101-1-8	No Change	M&D Duncan	107-1-16	\$32,508
Welch	102-2-4	\$76,650	Hogan	107-2-40	\$34,300
Hoffmann	102-9-11.2	\$71,900	O’Dell	107-2-41	No Change
Farr	102-9-18	\$18,700	Hogan	107-4-25.2	\$41,330

Kingseed	102-9-6	\$91,690	Larkin	107-4-31	\$4,755
266 Hudson	102-12-15	\$163,174	Newman	107-8-9	\$45,000
Doyle	104-1-53.44	\$52,400	Ferretti	108-2-5	\$33,115
Crandell	104-1-55	\$69,010	Clarino	109-1-15.1	\$70,000
Silverman	104-2-6.2	No Change	Attenborough	110-2-13	\$34,500
Bannon	105-7-2	\$48,250	Cirenza	110-4-19	\$38,800
Moulton	105-9-6	No Change	Crotty	114-1-7.2	\$103,200
Petersen	106-3-35.2	\$26,200	Schrag	116-1-7.3	24,000
Loggia	107-1-13	\$22,050	Redden	118-1-1	\$47,518
Murphy	107-1-15	\$13,438	Novotny	119-1-3.11	\$38,400

Trustee Vatter seconded the motion and upon a vote of 5 ayes and 0 nays, the motion was carried.

RESOLUTION AUTHORIZING SETTLEMENT WITH FORMER POLICE CHIEF

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

WHEREAS, Charles Williams retired as Chief of Police for the Village of Cornwall-on-Hudson, effective September 15, 2009; and

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson and Charles Williams desire to finally resolve all issues regarding Mr. Williams' employment as Chief of Police, including, but not limited to, the disposition of any leave amounts Mr. Williams may have accrued but not utilized as of the date of his retirement; and

WHEREAS, the Mayor of the Village of Cornwall-on-Hudson, acting pursuant to authority provided to him by the Board of Trustees of the Village of Cornwall-on-Hudson, has negotiated a final resolution of the issue of Charles Williams' entitlement to compensation for his leave amounts accrued but not utilized as of the date of his retirement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Cornwall-on-Hudson does hereby authorize Charles Williams to be paid \$32,500.00 in full settlement and final compensation for his leave amounts accrued but not utilized as of the date of his retirement, pursuant to the provisions set forth herein; and

BE IT FURTHER RESOLVED, that the sum of \$32,500.00 shall be paid by the Village of Cornwall-on-Hudson to Charles Williams as follows: \$25,000.00 to be paid on or before the latter of December 31, 2009, or the date on which the Settlement Agreement and Covenant Not to Sue ("Agreement and Covenant") described below is fully executed, with the balance of \$7,500.00 being paid on or before March 3, 2010; and

BE IT FURTHER RESOLVED, that the Mayor and Village legal counsel shall prepare a Agreement and Covenant setting forth the detailed terms of settlement between the Village of Cornwall-on-Hudson and Charles Williams; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Cornwall-on-Hudson authorizes the Mayor, the Clerk and all other Village officials and employees to take all actions necessary to effectuate and carry out the intent of the foregoing Resolution; and

BE IT FURTHER RESOLVED, by the Board of Trustees of the Village of Cornwall-on-Hudson that the aforesaid Resolution shall be effective upon the execution of the Agreement and Covenant by both the Mayor, or his duly designated representative, and Charles Williams.

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

ZONING BOARD APPOINTMENT

Trustee Gosda made a motion to appoint Thomas Peterson to fill the unexpired term of Michael DeFranco on the Village of Cornwall-on-Hudson Zoning Board which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

Trustee Gioia thanked Dan Poindexter for his interest in the position.

DISASTER MITIGATION PLAN

Deputy Village Attorney Sculley suggested that Turner Miller Group provide a regular fee schedule as referenced on page #2 of the agreement before it is signed by Mayor Gross. In addition the Village Board should specify how many of the proposed six (6) meetings should be held in public.

ORANGE COUNTY TRUST – REMOTE DEPOSIT SERVICE AGREEMENT

Clerk Mahoney reported that Orange County Trust has offered to provide necessary equipment and software for “remote deposit services” at no cost to the Village. Checks received for payment of water, sewer and garbage bills can be scanned and transmitted electronically to Orange County Trust for deposit. The physical checks would be stored in a secure location in the Village Office for 90 days and then destroyed. Discussion followed.

Trustee Vatter made a motion to authorize Mayor Gross to sign the Remote Deposit Service Agreement with Orange County Trust, subject to counsel review and verification of back out fee protection which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

2010-2011 BUDGET PROCEDURE

Trustee Vatter questioned Mayor Gross’ “new plan” for the budget, and asked for clarification.

Mayor Gross stated that since he became Budget Officer, he has assembled individual department head budget requests, met with them individually (either alone or with other board members), put everything together and presented a tentative budget to the Board for approval. This year, in consideration of the current cash flow problems, he feels it to be more appropriate to present the department head budget requests to the entire Board who can look at it together to and make necessary cuts.

Trustee Edsall stated that he commends the Mayor for suggesting the Board get together for budget discussions “up front”; however, he would like to schedule those for a reasonable time in advance to avoid “crisis mode”. In addition, these discussions should be true work sessions, meaning for purposes of the Board to meet with department heads, not to let them become public hearings. The public hearing on the budget occurs at the end. Discussion followed.

DOG NUISANCE VIOLATION ENFORCEMENT

In response to a request from members of the Board, Chief Weber provided suggestions for new/revised Village Codes to assist in the enforcement of dog nuisance violations. Discussion followed.

Trustee Edsall suggested this matter be referred to Village counsel for review and comment.

WORKPLACE VIOLENCE POLICY

Clerk Mahoney provided the Board with information last month regarding a NYS law enacted earlier this year requiring municipalities to have a “Workplace Violence Policy” in effect. She requests the Village Board review the information provided for discussion at a future work session.

COLETTE FULTON

Trustee Gosda recognized Village Historian Colette Fulton for a program she presented on December 13th commemorating the 125th anniversary of the Village of Cornwall-on-Hudson. This program will be presented again on February 21, 2010.

Having concluded the business set before them, Trustee Vatter moved to adjourn the meeting into Executive Session in order to discuss Police and Water personnel issues, and litigation which was seconded by Trustee Gioia and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:55 PM.