

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 15, 2010

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 Gosda
Trustee Mark J. Edsall
Trustee Richard Gioia

Absent was: Trustee Douglas Vatter

Also present were: Water Superintendent Robert June, Police Chief Paul Weber, DPW Superintendent David Halvorsen, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Jeffrey Sculley, and Village Clerk Jeanne Mahoney.

Trustee Edsall requested the minutes of the February 22, 2010 Regular Meeting be amended on page #4 to read "After Board discussion, Mayor Gross requested Trustee Edsall assist with the preparation of the scope of work..." In addition, the second paragraph of correspondence should reflect that Village Counsel was requested not only report back to the Village Board, but also to advise the building inspector accordingly. He then moved for the acceptance of the Minutes as amended, on a motion seconded by Trustee Gioia, the minutes were approved 4 ayes and 0 nays.

Trustee Edsall moved to table acceptance of the March 8, 2010 Special Meeting Minutes for review, on a motion seconded by Trustee Gioia and carried by a vote of 4 ayes and 0 nays.

TREASURER'S REPORT

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

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

Village water, sewer, garbage & penalties	\$ 212,369.98
Town water & penalties	181,141.98

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

The following claims were approved for payment:

General Fund claims in the amount of \$ 334,083.82
Water Fund claims in the amount of 43,169.16

Sewer Fund claims in the amount of 4,786.05

COMMITTEE REPORTS

Fire – Trustee Edsall reported he was asked by the Fire Chief to look at a settlement problem in the southwest back corner of the fire truck bay. It is a concern they have been monitoring on an on-going basis and which he now believes is getting worse. It is causing some lateral cracking in the masonry wall. It is an issue that must be addressed this year.

Workplace Violence – Trustee Edsall reported that he is still waiting for information from CSEA liaison Jeff Dobbens. Once received, and a volunteer from each department has come forward, he expects to schedule a “kick-off” meeting for next month.

Revitalization - Trustee Gioia reported that he attended the March 8th Greater Cornwall Chamber of Commerce meeting where he encouraged the Chamber to consider programs that will revitalize the “failing downtown”. He suggested that landlords be encouraged to allow local artists to use vacant store fronts, rent free, for studio use.

Energy – Trustee Gioia stated that he recently attended a conference at SUNY New Paltz on “Keeping Pace with Energy Options”. It provided a comprehensive view of what municipalities can do to take advantage of sustainable energy options. He noted that the Village is currently conducting an energy audit of all municipal owned buildings.

Treasurer – Trustee Gosda reported that the Village Treasurer resigned in February. She is confident that the position will be filled with a “strong candidate”.

DEPARTMENT REPORTS

The Water Department reported an average daily production of 1.181 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 65). It was also reported that 19 meters were repaired or replaced, 3 special readings were taken, and meter reading was completed for Town and Village. In addition to routine maintenance, fire hydrants were inspected and winterized, a water main break was repaired on Peter Scot Drive, a total of 129.5 man hours were expended with snow removal, and maintenance work was performed on Pecks Road, and Water Department roads and buildings.

The Department of Public Works reported cold patching of potholes, plowing from snow storms, snow removal from parking areas and intersections, tree clean up from storm, collection of brush (which should take several weeks to complete) and cleaning of sewer lines. The new one-ton dump truck is scheduled for delivery this week.

DPW Superintendent Halvorsen further reported that only emergency repairs are being performed to Village vehicles. He wanted to thank the Town of Cornwall Department of Works for their assistance during a recent storm to make emergency repairs to two (2) vehicles.

Upon the recommendation of DPW Superintendent Halvorsen, Trustee Edsall made a motion to authorize the disposal of surplus old sweeper parts and a partial unimog (which has no title) which was seconded by Trustee Gosda and carried by a vote of 4 ayes and 0 nays.

In addition, the MS4 report needs to be completed and DPW Superintendent Halvorsen requested assistance. An engineer must be appointed to review the completed report, and then a public hearing scheduled.

The Fire Department reported 55 events, including 11 emergency medical service (EMS) calls, for a total of 825 volunteer man hours.

SKEC #2 Fire Chief Armitage commended the volunteer members of his department, the Department of Public Works, Water Department and Mr. Bob Quillin, the Fire Department Mechanic, for their countless hours of hard work and assistance to residents during the recent snow storm.

SKEC #2 First Chief Armitage further reported that ladder truck 413 went out of service as of Thursday for installation of a new swivel. It will be out of service for approximately 2-3 weeks.

The Police Department reported 14 EMS assists; 11 calls were covered for/assisted to Town Police; 4 assists to other agencies; 12 responses to burglar alarms; 7 domestic incidents; 2 felony crimes were reported; 3 misdemeanor/violations were reported; 20 non criminal activities were reported; 4 arrests were made; 9 disabled vehicles/lockouts were reported; 7 accidents were investigated; 24 moving violations; and 13 vehicle and traffic stops with warning were issued. Total patrol miles = 2,102, not including mileage on Chief's vehicle.

The Building Inspector/Code Enforcement Office reported 9 on site inspections, 1 violation, and 3 certificate of occupancy/certificate of compliance were issued.

Code Enforcement Officer Yancewicz further reported that in response to complaints filed with the Department of State Codes Division, he is working daily to bring the violations into compliance.

It was also reported that Requests for Proposals on "Engineering Services Structural and Code Compliance Evaluation of Department of Public Works/Water Facility were sent out and seven (7) have been received. They will be reviewed. In addition, an office trailer has been delivered to Shore Road and temporary electric service will be installed tomorrow.

Mayor Gross wanted to respond to a recent letter to the editor of the Cornwall Local by former Mayor Edward Moulton. Until the position for Building Inspector was advertised, he "never laid eyes on Mr. Yancewicz", nor did he have any relationship with him. The allegation of a previous relationship is "totally false".

CORRESPONDENCE

Mayor Gross is in receipt of announcement from Orange County Association of Towns & Villages and Cities of a meeting on March 30, 2010.

Mayor Gross is in receipt of a copy of a letter dated March 10, 2010 to Zoning Secretary Arlene Roberts from Anthony Missere requesting a refund of zoning application fees paid in December of 2007. Deputy Attorney Sculley will discuss this request with his associate, Mr. Justin Rider, who is counsel to the Zoning Board.

Mayor Gross is in receipt of a letter dated March 2, 2010 from Marilyn Berson, PBA Counsel regarding four (4) part-time Village police officers who seek enrollment in retirement plan section 384-d. She is seeking information on the cost for this enrollment.

Mayor Gross is in receipt of a copy of a letter dated March 4, 2010 sent from the Village Clerk to Senator William Larkin seeking legislation to re-open Section 384-d to enrollment of the four (4) Village part time police officers.

Mayor Gross is in receipt of announcement regarding Governor Pattersons' plans to close Schunemunk State Park, Minnewaska State Park, along with 90 other state parks and historic sites. Village residents are encouraged to call, write, or email our state senators and assemblypersons urging them to sign the "Park Restoration Petition".

Mayor Gross is in receipt of an announcement from Orange County Planning Department regarding upcoming workshops on March 17th and April 7th on water issues.

Mayor Gross is in receipt of a retainer agreement from Nugent & Haussler dated February 13, 2010.

Mayor Gross is in receipt of an announcement from Keeping Pace with Energy Options regarding a briefing on new energy efficiency and alternative energy initiatives which was held on February 27th in SUNY New Paltz and attended by Trustee Gioia.

PUBLIC COMMENT

Jonathan Chase of Taft Place suggests that the Village Board "revisit" the section of Village Code which currently allows the Building Inspector to waive inspections, at his/her discretion, and consider rescinding or placing restrictions on it.

OLD BUSINESS

WATERFRONT REVITALIZATION COMMITTEE REPORT

Chairperson Simon Gruber stated that a memo is ready to go to the State Emergency Management Office (SEMO) with updates on the FEMA shoreline grant and asking for assurance that they will pay the full cost of proposed engineering services.

He further stated that the existing Request for Proposal (RFP) meets the terms set forth by the NYS Office of Parks and Recreation for the pierhead grant. He recommends that the Village Board authorize use of the existing RFP submitted by McClaren Engineering for a scope of work, subject to review and

approval by the Deputy Village Attorney. Once a contract is executed between the Village and a consultant, the state will “cut a check for most of the money” awarded.

Mr. Gruber indicated that the committee will resume meeting shortly to begin work with the consultants.

HAZARD MITIGATION PLAN

Trustee Edsall disclosed that the Town of Cornwall has asked him to serve on the committee as the Town Engineer. He will gladly share status and information with the Board, but will recuse himself from any voting.

He reported that Mr. Fred Doneit is attempting to schedule a “kick off meeting” within the next couple of weeks, followed by monthly meetings. The plan should take approximately 12 months to complete. There will be public participation, and the Town, as lead agent, will probably call a public hearing. A joint meeting between the Town and Village may be needed “down the road” to identify potential hazards, categorize them by priority, assess for potential damages (i.e. property damage, public property damage, roadway damage, public improvements, etc.), and attempt to identify mitigation.

He further reported that without a plan in place the Village is not eligible for FEMA disaster funding.

DOG NUISANCE VIOLATION ENFORCEMENT

Deputy Village Attorney Sculley reported that his office has not received any requests to review complaints regarding animal control matters.

Police Chief Weber stated that he was under the impression that the Deputy Village Attorney would be creating a new local law regarding enforcement. Deputy Village Attorney Sculley responded that there is an open agenda item to address defecation by cats and dogs “where they shouldn’t be”, but that has not been given a “top priority”. Enforcement of the current law would involve his office only if a complaint was to be prosecuted. Chief Weber replied that there is a new prosecutor through the Town Justice Court to handle our cases on a local level. Discussion followed.

WORKPLACE VIOLENCE POLICY

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

QUIGLEY SEWER DAMAGE CLAIM

Mayor Gross reported that Trustee Vatter has been working with the Village insurance carrier in hope that they would reconsider this claim. Once again, the claim has been denied and the Village has now exhausted all efforts to receive insurance reimbursement. It is his recommendation that the Village Board authorize payment to Mr. Quigley for damages incurred.

Trustee Edsall made a motion to authorize payment to D. Kevin Quigley for the damages incurred from a sewer line back up based on bills on record which was seconded by Trustee Gosda and carried by a vote of 4 ayes and 0 nays.

SEWER/WATER LINE INSURANCE

Trustee Gioia stated that he spoke with John Mancini, an attorney with NYCOM and Mark Stevens of the NYS Comptrollers Office. He has requested a formal advisory opinion to determine if the Village is within its legal bounds to enter into a service agreement with Home Service USA. There is a differentiation between a “warranty plan” and an “insurance plan”. Deputy Village Attorney Sculley will review the proposal from Home Service USA.

NEW BUSINESS

ELECTION DAY – MARCH 16, 2010

Mayor Gross announced that the Village Election day will be held this Tuesday in the Village Hall Board Room between the hours of 12:00 PM to 9:00 PM.

CORRECTIONS TO 2010 TAX ROLL – SULLIVAN & FITZGERALD

Clerk Mahoney reported that Sullivan - 7 Cornwall Avenue (105-6-3) and David Fitzgerald - 7 Taft Place (108-2-19) received late reductions to their assessed values through the Town Assessor, not the grievance board. An assessment inventory was conducted and the property was subsequently re-evaluated. The Village roll needs to be corrected to the new assessment totals.

Trustee Edsall made a motion to make adjustments to the 2010 tax roll in accordance with the information submitted for Sullivan and Fitzgerald which was seconded by Trustee Gioia and carried by a vote of 4 ayes and 0 nays.

UTILITY SERVICE PAYMENT AGREEMENTS

Clerk Mahoney provided three (3) utility service payment agreements to the Board for consideration. They were prepared back in January, and in accordance with the resolution adopted on February 22nd require Village Board approval rather than the Mayor’s acceptance.

Trustee Edsall made a motion not to approve the utility service payment agreements consistent with the policy established last month. The three (3) property owners are to be notified that the Board is willing to consider a twelve (12) month repayment plan upon receipt of updated agreement forms and clarification of hardship involved. The motion was seconded by Trustee Gosda and carried by a vote of 4 ayes and 0 nays.

WATER RELEVY AGREEMENT – TOWN OF CORNWALL

Clerk Mahoney provided an updated water relevy agreement for the Board to consider. The existing agreement originally dated 1999, was extended for a five (5) year period, and ended December 2008.

Upon the recommendation of Deputy Village Attorney Sculley, Trustee Edsall made a motion to table action on this agreement, authorize him to consult with the Town Attorney, and prepare a revised document for the next regular meeting. The motion was seconded by Trustee Gioia and carried by a vote of 4 ayes and 0 nays.

REVENUE ANTICIPATION NOTE – WATER RENTS

Trustee Edsall offered the following resolution and moved its adoption.

REVENUE ANTICIPATION NOTE RESOLUTION DATED MARCH 15, 2010.

A RESOLUTION DELEGATING TO THE VILLAGE TREASURER OF THE VILLAGE OF CORNWALL ON HUDSON, ORANGE COUNTY, NEW YORK, POWER TO AUTHORIZE THE SALE AND ISSUANCE OF NOT TO EXCEED \$89,500 REVENUE ANTICIPATION NOTES OF SAID VILLAGE IN ANTICIPATION OF THE REVENUES TO BE RECEIVED AS WATER RENTS BY SAID VILLAGE IN THE 2010-2011 FISCAL YEAR OF SAID VILLAGE.

BE IT RESOLVED, by the Board of Trustees of the Village of Cornwall on Hudson, Orange County, New York, as follows:

Section 1. The power to authorize the sale and issuance of not to exceed \$89,500 revenue anticipation notes of the Village of Cornwall on Hudson, Orange County, New York, including renewals thereof, in anticipation of the receipt of revenues to be received by said Village as water rents during the 2010-2011 fiscal year of said Village, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents as may be determined by said Village Treasurer, pursuant to the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Trustee Gioia and duly put to a vote which resulted in 4 Ayes and 0 Nays.

The resolution was declared adopted.

CENTRAL HUDSON GAS & ELECTRIC

Deputy Village Attorney Sculley stated that the Village Clerk forwarded him a letter from Central Hudson Gas & Electric charging an administrative fee for “collecting taxes charged to its customers”. He has been researching this matter, and so far has found no authority for Central Hudson to discount the cost of its tax payment to the Village.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session in order to discuss a personnel issue in the Village Clerk’s Office, and the Village Treasurer position which was seconded by Trustee Gosda and upon a vote of 4 Ayes and 0 Nays, the meeting was adjourned at 8:55 PM.