

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

April 19, 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 Douglas Vatter
Trustee James P. Kane

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

Trustee Edsall moved for the acceptance of the March 8, 2010 Special Meeting Minutes as presented, on a motion seconded by Trustee Kane, the minutes were approved 5 ayes and 0 nays.

Trustee Gosda moved for the acceptance of the March 15, 2010 Regular Meeting Minutes, on a motion seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Trustee Gosda moved for the acceptance of the March 30, 2010 Special Meeting Minutes, on a motion seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall requested that the minutes of the April 5, 2010 Reorganization Meeting be amended on page #2, paragraph 3 to include "After board discussion, it was agreed that the agendas would be available on Monday for the public". In addition, Deputy Village Attorney Dunn requested that the Mayoral Appointments on page #3 read "approve" not "appoint". Trustee Edsall then moved for the acceptance of the Minutes as corrected, on a motion seconded by Trustee Vatter, the minutes were approved 5 ayes and 0 nays.

TREASURER'S REPORT

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

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

Village water, sewer, garbage & penalties	\$ 67,795.52
Town water & penalties	325,605.27

Which included 0 finals/adjustments for the Village and 3 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$ 345,753.56

Water Fund claims in the amount of 163,056.79

Sewer Fund claims in the amount of 7,910.73

COMMITTEE REPORTS

Workplace Violence – Trustee Edsall reported that the volunteer committee is set, information has been received from the union, and a “kick-off” meeting will be scheduled shortly.

Summer Playground - Trustee Kane reported that last year’s file is “missing”. Discussion followed. He and Trustee Gosda will be meeting to discuss this year’s program and the appointment of a director and counselors.

Labor – Trustee Vatter reported that negotiations with the PBA and CSEA have been opened.

DPW Garage – Mayor Gross reported that Tectonic Engineering has compiled information and an analysis should be ready by the end of this week.

DEPARTMENT REPORTS

The Water Department reported an average daily production of 1.185 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 52). It was also reported that 23 meters were repaired or replaced, 3 special readings were taken, and meter reading was completed for Town and Village. In addition to routine maintenance, a water main break was repaired on Peter Scot Drive, fire hydrants were repaired at Clinton and Hazen St., and 2 Mill Street, a water shut off valve was repaired at 3 Cottage Street, assisted DPW with snow removal and spring clean up of roadways and buildings, completion of distribution work on trailer, and the department investigated numerous possible water leaks - all were found to be ground water.

Water Superintendent June further reported that the water plants were off-line periodically in March due to high turbidity in the raw water. Discussion followed.

Water Superintendent June requested permission to order 2 Mem-Clean drums for the Black Rock Plant (\$1,596.00) and CL2 reagents for Catskill and Black Rock Plants (\$800.00). In addition, he requested authorization to release a Request for Proposal (RFP) on an emergency action plan for the dams.

Trustee Edsall made a motion to grant pre-authorization for the purchase of drums and chemicals, and to grant authorization for release of the RFP with a return date prior to the next work session, which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

In addition, Water Superintendent June reported that fire hydrant flushing started in the Town and will take approximately two weeks. Once completed, flushing will begin on the mountain system, and then the Village. Each will take approximately one week to complete.

The Department of Public Works reported weekly yard waste collection, brush pick up, repairs from plow damage started, pothole blacktopping started, mowing of Village properties, removal of 5 hazardous trees, sweeping of roadways, assisted Tectonic with evaluation of DPW building, made emergency repairs to Village owned equipment, and spring bulk clean up began.

The Fire Department reported 35 events, including 8 emergency medical service (EMS) calls, for a total of 229.5 volunteer man hours.

SKEC #2 First Chief Armitage further reported the annual fire hose testing was completed today with minimal loss. In addition, the tower ladder truck (413) has been repaired and put back into service as of Friday. The cost of the repairs was \$21,800.00.

The Police Department reported 18 EMS assists; 7 calls were covered for/assisted to Town Police; 5 assists to other agencies; 8 responses to burglar alarms; 2 domestic incidents; 3 felony crimes were reported; 15 misdemeanor/violations were reported; 39 non criminal activities were reported; 4 arrests were made; 7 disabled vehicles/lockouts were reported; 6 accidents were investigated; 50 moving violations; and 39 vehicle and traffic stops with warning were issued. Total patrol miles = 2,412, not including mileage on Chief's vehicle.

Chief Weber warned residents to keep car doors locked and wear seat belts while driving.

The Building Inspector/Code Enforcement Office reported 10 on site inspections, 5 violations, 12 building permits, and 4 certificate of occupancy/certificate of compliance were issued.

Code Enforcement Officer Yancewicz further reported that he is awaiting results of the engineering report on the DPW facility in order to issue a temporary certificate of occupancy. In addition the large number of requests under the Freedom of Information Law (FOIL) is "taking a lot of time for both Arlene and myself".

CORRESPONDENCE

Mayor Gross is in receipt of a letter dated April 15, 2010 from Time Warner Cable regarding programming changes.

Mayor Gross is in receipt of a letter dated April 13, 2010 from Assemblyperson Nancy Calhoun regarding LED municipal street lighting.

Trustee Edsall reported that several units within Orange County have installed HID and LED street lights. He is unsure if Central Hudson has offered this type of lighting as part of their package. This is a "green approach" to street lighting as it requires less power and provides comparable lighting levels. It is something we should encourage Central Hudson to make available.

Mayor Gross is in receipt of announcement from Orange County Association of Towns & Villages and Cities of a meeting on April 27, 2010.

Mayor Gross is in receipt of a letter from Michael Nelson of 10 Hirle Street regarding illegal dumping at the end of Hirle Street. DPW Superintendent reported that signs have been posted to prevent further dumping.

Mayor Gross is in receipt of an email dated March 16, 2010 from Carol Miller regarding an ongoing property maintenance issue at 12 Payson Road. This has been forwarded to the Code Enforcement Officer.

Mayor Gross is in receipt of an email from Citizens for Preservation of Woodbury regarding a hearing. He noted that the hearing has already taken place.

Mayor Gross is in receipt of a letter dated April 2, 2010 from Verizon regarding their programming.

Mayor Gross is in receipt of a letter from Lee Murphy of 269 Hudson Street regarding the “inept and sloppy process surrounding the hiring and employment of the Code Enforcement Officer”. He is calling for an investigation into this matter by an outside agency (i.e. county, state or justice department).

Deputy Village Attorney Dunn reported that Mr. Yancewicz is the only individual in the department and therefore is head of the department. Orange County Civil Service designates the position, and that is Building Inspector #3. Local and state codes provide him the authority to enforce local codes such as write summons, inspect and issue building permits, certificates of occupancy, and stop work orders. In addition these codes provide him the authority to enforce the uniform codes of the state. In his capacity as a “public officer”, which is recognized by civil service, he is currently in a “hold over” position because another has not been appointed to replace him by the Board. As a “hold over public officer”, there are only three ways he may be replaced. First is by his resignation, second by order of the Supreme Court if an action is brought in the name of the Village; and third, by reappointment by the Mayor and subject to Board approval.

Mayor Gross is in receipt of a letter dated April 15, 2010 from Kris Seiz owner of Storm King Adventure Tours regarding inappropriate actions taken by the Building Inspector/Code Enforcement Officer during a March 30th meeting relating to the site plan at 178 Hudson Street.

Mayor Gross is in receipt of a letter dated April 16, 2010 from James & Nancy Montgomery of 8 Abbott Lane, also present for tonight’s meeting, requesting relief of a past due penalty on his 2010 Village Real Estate Tax Bill. He states that he never received the first notice. Upon receipt of the past due notice, he immediately went to the Village Office to pay but was told there is a 5% penalty charge in addition to the base amount. Discussion followed.

Hearing no motion from the Board, Mayor Gross indicated it would be inappropriate to change operating procedure, and the matter was closed.

Mayor Gross is in receipt of a letter dated April 15, 2010 from Kris Seiz owner of Storm King Adventure Tours regarding a proposed “staggered time for kayak departures”. Discussion followed regarding the limited space for launching kayaks at the park.

Hearing no objection from the Board, Clerk Mahoney was instructed to invite Ms. Seiz and Mr. Garrison of Mountain Valley Guides to the next work session to discuss this matter further.

Mayor Gross is in receipt of a letter dated March 25, 2010 from Senator William Larkin announcing that the Village has received a \$5,000 grant toward purchase of a new integrated property system software package for our Building Department.

Mayor Gross is in receipt of a letter dated March 24, 2010 from Assemblyperson Nancy Calhoun regarding implementation of Home Rule legislation

Mayor Gross is in receipt of a letter dated March 18, 2010 from NYS Office of Parks, Recreation and Historic Preservation regarding historic designation of the Lower Dock Hill Road Stone Arch Bridge.

Mayor Gross is in receipt of an announcement from New York Conference of Mayors for the 101st Annual Meeting and Training School on May 16, 2010.

Mayor Gross is in receipt of a letter dated March 24, 2010 from NYS Department of Transportation regarding plans to resurface a portion of Route 9W southbound in its entirety within Village lines.

Mayor Gross is in receipt of a letter dated April 11, 2010 from Lee Murphy of 269 Hudson Street regarding the appointment classification of Mr. Bruce Yancewicz as “Part-time Village Code Enforcement Officer” and the limitations of his authority as such.

Mayor Gross is in receipt of a letter addressed to Clerk Mahoney dated April 7, 2010 from Susan Gagliardo of 17 River Avenue requesting removal of a tree in front of her home. DPW Superintendent Halvorsen was provided a copy of the letter and asked to address this request.

Mayor Gross is in receipt of a proposal dated March 26, 2010 from RLH Websites & Graphics. This will be put on the work session agenda for discussion.

Mayor Gross is in receipt of a letter dated March 26, 2010 from Shaw Engineering regarding engineering services.

Mayor Gross is in receipt of a letter dated March 17, 2010 from John Schreiner of 19 Andrews Street regarding a “dangerous” tree located on the corner of Andrews and Hirle Streets. DPW Superintendent Halvorsen reported that the tree has been removed.

Mayor Gross is in receipt of a letter dated April 12, 2020 from Brady Engineering conveying their interest in providing engineering services.

Mayor Gross is in receipt of a letter sent to Clerk Mahoney dated April 8, 2010 from NYS Office of the State Comptroller regarding her request for a cost estimate to move four (4) part-time police officers into the 384-d plan. The annual premium is estimated to increase by \$2,300 and the “immediate past service cost” is estimated to be \$81,700.00.

Mayor Gross is in receipt of a letter sent to Clerk Mahoney dated April 8, 2010 from Jay Townsend requesting permission to hold a press event at Donahue Memorial Park on Saturday, May 1st from 9:00 AM – 11:00 AM.

Board discussion followed. Trustee Vatter made a motion to authorize this event, authorize the Clerk impose a fee in accordance with past practice, coordinate the event with Chief Weber, and instruct

applicant to restore the park to its original condition which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

PUBLIC COMMENT

Anthony Missere of 3-5 River Avenue stated that at a previous meeting he requested that the Village Board suspend Mr. Yancewicz, who continues to have a “working relationship” with Storm King Associates, from his duties, for lack of disclosure. No action was taken.

Mr. Missere stated his concerns about the hiring process of Mr. Yancewicz and made a presentation to the Board outlining his individual requests for information under the Freedom of Information Law (FOIL). One sought copies of applications for employment filed from 2009 to present. Mr. Yancewicz’ application states that he resides in Montgomery. Village code mandates that employees reside in the Village of Cornwall-on-Hudson. He pointed out several areas in the application that were not completed or incorrect. The application is dated November 25, 2010 but was hired prior to that date.

The county job description states that he should “perform his duties with impartiality, ability to communicate clearly and concisely both orally and in writing, ability to prepare activity and case reports, ability to enforce laws, codes, and ordinances with fact and impartiality”. If there is a relationship that has not been disclosed, it goes against his position requirements.

Mr. Missere stated that Mr. Yancewicz disclosed that he was charged with a misdemeanor on his application. According to a Times Herald Record article, he was charged with a felony for possession of stolen property. Mr. Yancewicz accepted a plea reducing the charge to a misdemeanor and paid a fine. His application should have reflected that.

Mr. Missere provided the Board with a copy of a December 31, 2009 letter from his attorney, Michael O’Connor, protesting the placement of a “port-a-potty” right outside the door of the Riverbank Restaurant two years in a row on New Years’ Eve. He referenced Mr. Yancewicz’s response which stated Mr. Yannone applied for and was issued an operating permit and certificate of occupancy all on the same day, December 22nd. He cites a Village code section regarding flood damage control as a basis to authorize placement of the “port-a-potty”. The chemical smell coming from the “port-a-potty” forced Mr. Missere to turn away 25-30 people away on New Years’ Eve.

He then provided photographs of a staircase placed on a public street, and of a high beam hanging over a public street and sidewalk counterbalanced with only cinder blocks. Both conditions pose a public safety issue, but Mr. Yancewicz did nothing.

Mr. Missere stated that both Mr Yancewicz and Mayor Gross have spoken publicly that the outdoor patio will be removed and restaurant shut down. He pays taxes on the outdoor patio, as well as improvements made inside the restaurant building. Mr. Yannone does not pay taxes on the apartment upstairs, or the ice cream shop.

He provided the Board with copies of Mr. Yancewicz’s monthly reports and highlighted citations issued for fences without proper permits or certificates of occupancy/compliance. There is a stockade fence placed two feet off Mr. Yannone’s property line, which was cited by the former Code Enforcement Officer, and not on the assessment roll.

Mr. Missere asked for the Board's patience with him, because he is being treated by a physician for asthma and feeling "a little doped up" this evening.

Mr. Missere provided the board with site plan maps, surveys, and applications submitted over the years by Storm King Associates for 2-8 Idlewild Avenue. He pointed out plans of one such application for a proposed dance studio with additional parking in the rear, which never happened. A subsequent site plan application listed the proposed use as a restaurant/café including fast food. An ice cream shop, under our code, is not considered fast food. The minutes for that application state "Mr. Yannone stated that the restaurant has now leased the entire theater building". "The proposed renovations will be a 6X3 window with two sliders for takeout items, such as ice cream". "The existing lobby area will not be accessible to the public". The building permits filed and certificate of occupancies issued list the use as restaurant, not "retail". He does not see any approved parking plan and no approved lobby access.

Mr. Yancewicz issued a permit and certificate of occupancy/compliance for a kayak shop in the former ice cream shop without referring Mr. Yannone to the Planning Board for site plan approval. Mr. Yannone "backtracked" and filed for a second permit only after Mr. Missere spent \$500.00 to challenge the approval through the Zoning Board of Appeals.

Mr. Missere provided copies of his response to the five (5) violations issued against the Riverbank Restaurant from Mr. Yancewicz, along with copies of inspections and compliances indicating no violations were found issued by the former Code Enforcement Officer on March 27, 2009. If the Village wishes to pursue this matter further, they should "take me to court".

Mr. Missere provided copies of a zoning map dated October 10, 2007 that Mayor Gross signed and certified as the "1977 map" on October 12, 2007. This coincides with the timeline of Mr. Missere's application before the Planning Board for restaurant expansion. This map was posted as the "official map" on the Orange County website. It was determined not to be the official map and subsequently removed, but not before his application was heard before the planning board, and a complaint was lodged by Storm King Associates to the Department of State to pull the license of Steven Drabick, a land surveyor, for changing the lines from a residential district to a central business district.

Mr. Missere stated that the mayor has the power under General Municipal Law "letter f of the Powers and Duties" to "intervene in any and all actions at the direction of the Board of Trustees". Additionally, Village Law Section 712-718 provides that "The Village may remove any member of a planning board or zoning board of appeals for cause". He stated that "there is a lot of conflict of interest running around here" including a Zoning Board Chairperson, who has publicly supported Mr. Yancewicz. In addition members of the law firm Deputy Attorney Dunn represents have had a past affiliation with Storm King Associates.

Barbara Farabaugh of Cornwall Avenue asked who decides what trees get cut down. DPW Superintendent Halvorsen replied that he does a visual inspection when a hazardous tree complaint is received. If warranted, he will call in a tree expert to determine whether or not the tree should come down.

John O'Reilly of Avenue A stated that Mr. Missere has described a "horrendous situation" this evening. If false documents have been filed by the Building Inspector, it should be reviewed in detail by the Board, and if necessary filed with an outside criminal enforcement agency.

Lee Murphy of 269 Hudson Street stated for the record that although Mr. Missere provided him copies of documents and maps this evening, they are “not in this together”. He assumes copies were given to him in his capacity as a planning board member.

He further stated that a few days after he publicly “clashed” with Mr. Yancewicz over the need for site plan approval prior to a building permit and certificate of occupancy issuance at Storm King Theater, and after Trustee Vatter had “taken his to task” at a public meeting regarding the closure of the DPW building, Mr. Yannone submitted “19 FOIL’s”. Of the 19 submitted, the first two people contacted by the Code Enforcement Officer were himself and Trustee Vatter. Mr. Yancewicz wanted to inspect his 106 year old shed, and the building in which Trustee Vatter rents space for his business.

Gary Polonski of Cornwall Avenue stated that the Board should be concerned about the missing certificate of occupancy for the DPW building. Others issues being brought up appear to be the “usual smoke screen” to try to draw attention away. The “whistle blower” should not be punished for finding problems, we should be figuring out why these problems keep occurring. He asked Trustee Edsall for an explanation regarding the problems with the DPW facility.

Trustee Edsall stated that he was not Building Inspector when the building was constructed, he was not Clerk that did the paperwork when the permits were or were not applied for, he was not a member of the Local Development Corporation who was the applicant, nor was he a designer of the structure. In fact he has said all along that he has a “serious problem with” the fact we don’t have the proper paperwork and don’t have the certificate of occupancy. He made the motion to hire the engineering firm now looking into it.

Jon Chase of Taft Place stated that the county is presently amending their Master/Comprehensive plan involving a revision to the Water Master Plan. He believes that this is an attempt by the county to take home rule rights away from local municipalities. Ultimately it may indirectly relate to the pipeline that is being connected to the aquifer to supply water to Kiryas Joel. The well they acquired from Star Expansion in Mountainville is proposed to be a major part of their water supply “backup”. There is not enough capacity in the aquifer for Kiryas Joel to use as their sole backup, and will cause a major load on the aquifer, a primary water source for us. Public forums and committee hearings are scheduled.

Mr. Chase further stated that in regard to tonight’s discussion, if there is a personnel problem, it should be addressed. Also, he stated that it is spring clean up time. The Village should consider purchase or rental of a chipper to create mulch.

Andrew Argenio – 18 Church Street stated that he has spoken with DPW Superintendent Halvorsen regarding a continual brush cleanup process that could be turned into a reusable product and then sold. In addition, Mr. Missere’s issues should be brought before the Zoning Board, not the Village Board.

Karen Schaack of Grandview Avenue requested that the Riverfront Revitalization Committee be invited to the discussion regarding kayak business at the work session. As a potential solution to this issue, she suggested the Village boat ramp also be utilized for kayak launching.

Daniel Degroat of 57 River Avenue requested status on three FOIL’s he submitted seeking information on the DPW facility. Clerk Mahoney responded that due to the sheer volume in the number of FOIL

requests in her office, there is a backlog. He can expect a response shortly. Mr. Degroat then suggested people stop trying to hurt each other, love one another, and learn to get along.

Having no one further wishing to speak, Trustee Vatter made a motion to close public comment at 10:02 PM which was seconded by Trustee and carried by a vote of 5 Ayes and 0 Nays.

OLD BUSINESS

WATERFRONT REVITALIZATION COMMITTEE REPORT

Chairperson Simon Gruber stated that the waterfront master plan contract contains the same scope of work already approved by Deputy Village Attorney Sculley, except the that the FEMA grant portion has been removed, and a task to produce an engineering report/documentation for the estimated cost of the FEMA project has been added. The pier head design contract has been reviewed by Mr. Sculley and aside for a few comments is ready to go. Discussion followed.

Trustee Edsall made a motion to award the waterfront master plan agreement and pier head design engineering service agreement to M.C. McClaren P.C. in an amount not to exceed \$25,000 and \$60,000 respectively, subject to corrections identified by Mr. Sculley and FEMA cost estimate included into waterfront master plan agreement. Further to authorize the Mayor to execute the agreements once in proper form. The motion was seconded by Trustee Kane and opened for discussion. Trustee Edsall then amended his motion to require Village Board approval prior to reproduction of documents to defray substantial duplication costs. The motion was then carried by a vote of 5 Ayes and 0 Nays.

Trustee Gosda agreed to serve on the Waterfront Revitalization Committee as Board Liaison.

Chairperson Gruber stated that regular meetings of the committee will resume shortly.

WORKPLACE VIOLENCE POLICY – SET MEETING DATE

Mayor Gross reported that this item was addressed earlier in tonight's agenda.

SSEC REPORT - DISCUSSION AND ACTION PLAN

Mayor Gross stated that testing of the Village wells on Taylor Road is complete and modeling results have been provided to the Board along with a rough estimate of the potential productivity from our wells. An engineer will need to review this information which will ultimately be forwarded on to the NYS Department of Environmental Conservation.

Trustee Edsall made a motion authorizing Water Superintendent June to seek proposals for this work in time for the May 10th work session which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

INTRODUCTORY LOCAL LAW #1 OF 2010 – ANIMAL CONTROL

Trustee Edsall made a motion to table introduction of local law #1 of 2010 for discussion at the May 10th work session which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

QUIGLEY SEWER BACKUP – REIMBURSEMENT

Trustee Vatter reported that he continues to work with senior insurance people at Great American toward reimbursement of repair/replacement costs incurred by Mr. & Mrs. Quigley after a sewer back up last year. At last month's meeting payment was authorized to the Quigleys' so this will now be a Village recovery.

NEW BUSINESS

RFP – ENGINEERING SERVICES 2010-2011

Trustee Edsall made a motion authorizing the Village Clerk to publish a legal notice seeking Request for Proposal for Engineering Services and make the informational page available to interested parties which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

RFP – LEGAL SERVICES 2010-2011

Trustee Edsall made a motion authorizing the Village Clerk to publish a legal notice seeking Request for Proposal for Legal Services and make the informational page available to interested parties which was seconded by Trustee Kane.

Trustee Gosda stated that she doesn't not support this Request for Proposal as our current attorney's support our needs. Mayor Gross stated that he too does not support this and does not want to waste the Clerk's time.

The motion was then put to a vote and carried by a vote of 3 Ayes (Edsall, Vatter, and Kane) and 2 Nays (Gross, Gosda).

SPECIAL CONSULTANT – MS4 ANNUAL REPORT – QUOTATION CLARIFICATION

Trustee Edsall stated that quotes have been received Kendall Stormwater Services, LLC and Brady Engineering. Shaw Engineering declined to quote. Discussion followed.

Trustee Vatter made a motion to appoint Brady Engineering as Special Consultant on the Village of Cornwall-on-Hudson MS4 Annual Report in an amount not to exceed \$1,400.00 which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Trustee Vatter made a motion to schedule the annual public hearing for the May 17, 2010 regular meeting which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

SPECIAL CONSULTANT–REVIEW OF DOH WATER APPLICATION–QUOTATION CLARIFICATION

Trustee Edsall stated that quotes have been received from Shaw Engineering and Brady Engineering. Discussion followed.

Trustee Vatter made a motion to appoint Shaw Engineering as Special Consultant on the Cornwall Commons Project - Department of Health Water Application at a rate of \$135.00 per hour which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Trustee Edsall made a motion authorizing the Clerk to seek escrow fees from the applicant in the amount of \$5,400.00 (40 hours @ \$135.00 per hour) which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

SUMMER PLAYGROUND – DISCUSSION ON PROGRAM COSTS AND BUDGET

Trustee Gosda reported that last year's program ended with a \$3,600 deficit. The fee schedule for this year needs to be established. Last years' director, Scott Valens, would like to return and will need to submit the required paperwork to the county. She and Trustee Kane will meet soon to prepare a proposal.

AUTHORIZE REFURBISHMENT 1-TON TRUCK – DPW

DPW Halvorsen reported that he recently sold the 1985 Unimog tractor for \$5,000.00. He would like authorization to move this money from revenue to expenditure line for use toward refurbishment of the 1-Ton Dump Truck.

Trustee Edsall made a motion authorizing a budget transfer in the amount of \$5,000.00 from A2665 (Sale of Equipment – General Fund Revenue) to A5110.41 (Street Maintenance Equipment – General Fund Expenditure) which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Trustee Edsall thanked DPW Superintendent Halvorsen for his “creative measures” during hard financial times.

AUTHORIZE WASTE REMOVAL AT DPW STORAGE YARD – REVIEW QUOTES

DPW Superintendent Halvorsen reported that quotes were received from Taylor Recycling and Nannini and Callahan for the removal of waste at the DPW Storage Yard. Discussion followed.

Trustee Edsall made a motion awarding the quote to Nannini & Callahan for cleanup of the DPW Storage Yard in an amount not to exceed \$12,000 which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

ORANGE COUNTY WATER MASTER PLAN – DISCUSSION AND ACTION PLAN

Mayor Gross stated that he has attended a number of meetings on county water issues. He asked for input from the Board for future meetings.

Trustee Edsall stated that he finds it disturbing that the hard efforts we have put toward building a proper water system with secure backups might be taken by others for distribution.

Mayor Gross stated that he has met with Town Supervisor Quigley and encouraged the Town to “take a stand” on this issue. The Kiryas Joel pipeline is a major issue.

Trustee Kane stated that he attended a hearing at the Orange County Water Authority. He shares Trustee Edsall's concerns. This plan would give the Water Authority enormous power and contains an amendment which does not allow municipalities to "opt out".

Trustee Gosda stated it is "startling" that our water supply is part of the plan. We shouldn't forget "we have water and they need it".

Water Superintendent June stated that both the County Master Plan and Power Point Plan are on the county website and encouraged people to view them.

Mayor Gross reminded Village residents that if Village water is used to fill a swimming pool this summer, they are entitled to a sewer credit on the number of gallons used.

BUILDING INSPECTOR AND CODE ENFORCEMENT POSITIONS

Trustee Kane stated that although he was not on the Board when Mr. Yancewicz was hired, he attended the meetings. Mr. Yancewicz was hired on November 16, 2009, but did not submit an application until one week later. Further, the Board has not seen the application and was not fully informed about his background. He doesn't hold the conviction against Mr. Yancewicz, everyone deserves a second chance, but it should have been disclosed. In addition, he was hired as Code Enforcement Officer; however the county lists the job title as "Building Inspector 3".

Trustee Kane further stated that Mr. Yancewicz has not demonstrated an "even-handed" approach to code enforcement. He issued a certificate of occupancy to Mountain Valley Guides without requiring site plan approval by the Planning Board, but when Storm King Adventure Tours came before him they were sent to the Planning Board.

He also questions the timeline provided by Mr. Yancewicz relative to how and when Mr. Smith of the Department of State first became aware of "problems" with the DPW building. He has a copy of an email inviting Mr. Smith to discuss the DPW building.

Based on these observations, Trustee Kane has lost confidence in Mr. Yancewicz ability to be our Code Enforcement Officer in future applications of the code. Mr. Yancewicz is subject to a probationary period of a minimum of 8 weeks and maximum of 52 weeks and can be terminated during this period.

Trustee Gosda stated that many accusations have been made against Mr. Yancewicz who has not yet had the opportunity to address. She will hold her comments until then.

Trustee Edsall stated that he shares Trustee Kane's concerns. The paperwork issues can be resolved; however, misrepresentations made regarding the DPW building, and lack of communication to the full board is disconcerting. He is troubled with the letters of intimidation by Mr. Yancewicz being received. He is also troubled with the process in which the kayak business was handled. As he has already stated, this application should have gone to the Planning board for site plan approval. He is disturbed by Mr. Yancewicz handling of his job, beyond the problem with his application. He believes in counseling employees; however it is obvious the issues here go beyond counseling. When members of the Board offered corrective actions, it "fell on deaf ears".

Trustee Vatter stated that Mr. Yancewicz refused to issue a temporary certificate of occupancy for fear of being personally sued. He is suspicious of him and his motivation.

Mayor Gross stated that based upon allegations made this evening he wants the opportunity to speak with Mr. Yancewicz and do an internal investigation to seek resolution. No one is perfect and he stands by his words and Mr. Yancewicz.

Trustee Kane according to his resume, Mr. Yancewicz is a “seasoned Building Inspector” and based upon his job performance, he has no confidence in him. Under Rule 15 of the Orange County Civil Service Rules, the probationary period allows for dismissal/termination if the Board is unhappy with his performance. Mr. Yancewicz position can be terminated, and through an inter-municipal agreement, we can use the Town Building Inspector according to General Municipal Law, Article 5. Mr. Yancewicz is receiving \$25.00 per hour and works 20 hours weekly. The Village may see cost savings through such an agreement. Supervisor Quigley has been contacted, and has assured that the Town will cooperate if possible.

Trustee Gosda stated she is not in favor of dismissal. She does not feel it is in the best interest of the Village to seek joint services. These issues should be addressed by the Village.

Mayor Gross agrees with Trustee Gosda. The police consolidation matter came down to styles. The Village needs to address these issues under our own oversight. He is not ready to relinquish that.

Trustee Kane made a motion to terminate the employment status of Bruce Yancewicz who has served as Code Enforcement Officer for twenty-two (22) weeks and eliminate the position. In addition, authorize the formation of a committee to work with the Town of Cornwall to set parameters for an inter-municipal agreement for these services. Trustee Vatter seconded the motion.

Deputy Village Attorney Dunn again stated that the position of Code Enforcement Officer or Building Inspector 3 carries a one year term. Mr. Yancewicz was sworn into office and as a public officer is a “hold over” who cannot be terminated. Discussion followed.

Trustee Kane amended his motion to reduce Mr. Yancewicz hours to 5 minutes per work, ask for his resignation, and if he refuses, file a motion with the Supreme Court seeking removal from office. The motion was seconded by Trustee Vatter and carried by a vote of 3 Ayes (Edsall, Vatter, Kane) to 2 Nays (Gross, Gosda).

INTERIM ATTORNEY

Trustee Vatter made a motion to terminate the professional legal services of Rider, Weiner and Frankel, PC effective 12:01 A.M. which was seconded by Trustee Edsall and opened for discussion.

Deputy Village Attorney Dunn stepped down from the dais at 11:00 P.M.

Trustee Vatter stated that it is apparent that this law firm “works for the Mayor”, as evident by the last agenda item. Mr. Dunn offered no advice to help the Board with Mr. Yancewicz removal from office. In addition, poor legal advice resulted in a decision against the Village on an arbitration involving a different employee.

Trustee Edsall once again stated that he was happy with the service provided by this law firm on certain issues; however, he is deeply troubled that the job classification prepared for Mr. Yancewicz was not done properly. In addition, the firm has not provided proper support to the Planning Board. Therefore he supports this motion.

Trustee Gosda stated that members of this Board want an attorney to “tell them what they want to hear”. When an interpretation of law is provided contrary to their position, it is “very sad” that they immediately seek removal. The firm has been upfront on labor issues and has been “very professional”.

Mayor Gross stated that members of this firm have invested more time than we paid for. Although, they are “not perfect” the Village has always received clear and unbiased opinions. He stands by the advice from Mr. Dunn this evening.

The matter was then brought to a vote which resulted in 3 Ayes (Edsall, Vatter, Kane) and 2 Nays (Gross, Gosda).

Trustee Vatter made a motion to appoint the law firm of Drake, Loeb, Heller, Kennedy, Gogerty, Gaba, and Rodd, PLLC, at a rate of \$175.00 per hour, interim attorney for the Village for a term not to exceed months or completion of a Request for Proposals. The motion was seconded by Trustee Edsall.

Mayor Gross stated that he has serious concerns with using the same law firm at the Town of Cornwall.

Trustee Gosda stated she does not support this motion.

The matter was then brought to a vote which resulted in 3 Ayes (Edsall, Vatter, Kane) and 2 Nays (Gross, Gosda).

VILLAGE TREASURER

Trustee Edsall made a motion to request the new attorneys to complete an employment contract for a full-time Village Treasurer for discussion at the May 10th work session which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CORNWALL-ON-HUDSON EXPRESSING ITS FERVENT AND STEADFAST OPPOSITION TO GOVERNOR PATTERON’S PROPOSAL TO CLOSING AND/OR CUTTING FUNDS FOR PUBLIC PARKS AND HISTORICAL SITES IN THE LOWER HUDSON VALLEY

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

WHEREAS, New York State Governor David Paterson intends to cut funding for local state parks and historical sites in the lower Hudson Valley; and

WHEREAS, nearly one half-million people frequent these parks and historical sites in the lower Hudson Valley; and

WHEREAS, during difficult economic times, public parks and historical sites provide an invaluable resource to New York local communities, students, and attract visitors to the region; and

WHEREAS, the moneys that might be saved by the park and historical site closings would account for less than one-tenth of one percent of the overall New York State Budget gap that New York State faces this fiscal year; and

WHEREAS, these closings will only harm local business and tourism to our region:

NOW, THEREFORE, BE IT RESOLVED, that on behalf of the residents of the Village of Cornwall-on-Hudson, the Village Board fervently express its steadfast and unwavering opposition to New York State Governor David Paterson's intended cuts to funding for local state parks and historical sites in the lower Hudson Valley, and it is further

RESOLVED, that the Clerk of the Village of Cornwall-on-Hudson is hereby authorized and directed to send a certified copy of this resolution to New York State Governor David Paterson, to the Hon. William Larkin, Assemblywoman Nancy Calhoun, whose districts include all or part of the Village of Cornwall-on-Hudson, and Commissioner Carol Ash of the Parks, Recreation and Historical Preservation Commission, so that they may be apprised of the sentiment of the Village Board and this Legislative body and take appropriate action to provide the necessary funding in the New York State Budget to adequately fund the local New York State Parks and Historical sites.

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

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session in order to discuss a police matter involving section 207c, and a personnel issue in the Village Clerk's Office which was seconded by Trustee Vatter and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 11:20 PM.

The meeting reconvened at 11:45 PM.

CLAIMS MANAGER APPOINTMENT

Trustee Vatter made a motion to appoint John F. O'Reilly, Esq. Claims Manager for the Village of Cornwall on Hudson relative to all police 207c issues. The motion was seconded by Trustee Kane 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 at 11:55 P.M. which was seconded by Trustee Kane and carried by a vote of 5 ayes and 0 nays.