

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

May 10, 2010

The Special Meeting of the Board of Trustees was called to order at 7:00 P.M., 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 was: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Police Chief Paul Weber, and Village Clerk Jeanne Mahoney

NEW BUSINESS

INTERIM VILLAGE ATTORNEY APPOINTMENT

Trustee Vatter stated that the Board is “stalemated relative to some items before us” and he would like an attorney appointed to resolve these issues.

Mayor Gross stated that he is responsible for the “day to day business of this Village” and former counsel has dealt with many current issues and is familiar with them. If he knew prior to the Reorganization Meeting on April 5th that the newly convened Village Board wanted to replace Rider, Weiner & Frankel, PC, he would have suggested that we continue with them until such time that the proposals received for new Village council were properly reviewed and a new firm agreed upon. Mayor Gross suggests that the Board “wrap up what we have” with Rider, Weiner & Frankel, PC so that the business of the Village can continue.

Trustee Edsall stated that Requests for Proposals have been sent out and four (4) were received. These should be distributed to the Board for review and a “short list” created to start interviews.

Trustee Edsall made a motion to table this item and to call a Special Meeting for 6:00 PM, prior to the regular meeting on May 17th for purposes of conducting interviews from a “prepared short list”. Discussion followed.

Trustee Vatter suggested that special council be appointed to assist the Board with the Code Enforcement/Building Inspector position.

Mayor Gross stated that he has received numerous complaints from residents who are awaiting inspections. He is in receipt of a letter from the Department of State suggesting that the Village has an obligation to provide a service to the residents for inspections. Therefore, he requests that Mr.

Yancewicz return to work and do what needs to be done to get “up to speed”. He will take any action necessary to put him back to work tomorrow morning, his regular work day.

Trustee Vatter agrees that Board action is necessary; however, there are alternatives available and Mayor Gross should consider them.

Trustee Edsall stated that a majority of the Village Board limited Mr. Yancewicz's efforts. The Board did not intend to stop inspections, they simply intended to “change the manner” in which inspections were done. An arrangement was made for shared services, which is both endorsed by the State of New York and authorized by the Board to move forward. Mayor Gross has stopped the “mechanism agreed to at the last meeting” and caused the problem.

Mayor Gross stated that the Board “needs to realize” that he “runs the day to day business of the Village and has been hamstrung since the last meeting because the Board chose to surprise” him at the last meeting.

Trustee Vatter stated that he appreciates the Mayor's position; however, the majority of the Board feels differently. He asked the Mayor not to “pre-decide on this”. The matter of inspections can be resolved fairly quickly.

Trustee Kane stated that the Mayor has already decided, as indicated in a letter to the public, what he plans on doing with the Building Inspector despite what the majority voted. Prior to his “unannounced press conference” the Building Inspector was not working the minimum hours imposed upon him. He asks if this is a “futile attempt” at moving forward.

Mayor Gross agreed to discuss this matter further in Executive Session; however, it is within his authority to appoint the Building Inspector. He does not believe it is in the best interest of Village residents to have the Town doing inspections for us. It is a “consolidation of services” which should get public input and a referendum before consideration.

Trustee Kane stated that the job title issue aside, Mr. Yancewicz is probationary status (minimum of 8 weeks, maximum of 52 weeks). This must also be taken into consideration.

Mayor Gross stated having worked day to day with the Building Inspector he has not received complaints to warrant his dismissal. With that in mind, we need to move forward, deal with items at hand, and get the work done which he intends to do.

Trustee Edsall stated back to the agenda item, he is willing to select counsel for the balance of the year rather than interim; however, he does not want this to become an exercise in inability for the Board to do its job. There is plenty of time to “short list” between now and next week for interviews. To delay review of the proposals, which were specifically received in time for the meeting, is wrong. He is not willing to allow the Board to “drag its feet” and he is not willing to back off on the interim attorney if it will be pushed off “month after month”.

Trustee Gosda does not want the Board to appoint an interim attorney under any circumstances. She wants an attorney who “gets to know the Village”, understands where we are coming from, and issues that are pending. The attorney cannot be “conflicted” and have to recuse themselves. It must be “our attorney” and someone Mayor can go forward with. He needs someone he can have “faith in”.

Trustee Kane reminded Trustee Gosda that the Village Attorney represents a municipality and the Board, not the Mayor individually or in his capacity as Mayor.

Trustee Vatter stated that with regard to Rider, Weiner & Frankel, P.C. and the selection of a new attorney, the Board and the Mayor have a “fundamental difference” in interpretation. A Village Attorney is not appointed, but contracted out to a law firm which is a Board function. The Board is trying to work with the Mayor to “get things moving”.

Trustee Edsall reminded the Board of his motion earlier to table the Interim Village Attorney appointment for purposes of initiating interviews from a “prepared short list” and calling for an earlier meeting time of 6:00 PM on May 17th. The motion was seconded by Trustee Vatter.

Mayor Gross stated that he is not willing to move on a motion if business that needs to be taken care of in a timely fashion by current counsel is not included.

Trustee Edsall amended his motion to include that McClaren contracts, planning, zoning, ethics board meetings, and introductory local law #1- Animal Control proceed with some assistance by Rider, Weiner & Frankel, P.C. Trustee Vatter seconded the motion which was carried by a vote of 5 ayes and 0 nays.

MS4 STORMWATER MANAGEMENT – ENGINEER BRIEFING

Pat Brady, an engineer hired by the Board to assist DPW Superintendent Halvorsen in the preparation of the 2010 MS4 Annual Report, briefed the Board on findings in this year’s report, including need to update the stormwater management plan, better record keeping, and preparation of a stormwater water shed map. A public hearing must be held and the final report submitted by June 1st.

MICHAEL J. FOX – 5K 10K RUN/WALK SEPTEMBER 25, 2010

Michael Kelly requested permission from the Village Board to hold a 5K 10K Run/Walk on September 25, 2010. The event will start at the base of Route 218 and proceed to Lee Gate and back. It covers property in the Village of Cornwall-on-Hudson, Town of Cornwall, and Town of Highlands. He has spoken with the NYS Department of Transportation and they require a letter of approval from each municipality. Discussion followed regarding potential parking problems in the Village.

Trustee Edsall made a motion to endorse/approve the Michael J. Fox 5K 10K Run/Walk on September 25, 2010 subject to coordination with the Police Chief regarding “offsite” parking. The motion was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Clerk Mahoney was instructed to draft a letter for the Mayor’s review and signature.

SKAT – MOUNTAIN VALLEY GUIDES KAYAKS – SCHEDULING OF RAMP ACCESS

Kristen Seiz of Storm King Adventure Tours and William Garrison of Mountain Valley Guides were invited this evening to discuss potential conflicts with kayak launching by both companies at Donahue Memorial Park. Conflicts reported include 23 “events” scheduled by on same date and time, a pre-teen program scheduled on same day/morning of the week, ingress and egress of trailers, parking, traffic, and potential issues with the Cornwall Yacht Club. Discussion followed.

Trustee Vatter called upon the representatives from both businesses to work together and compromise. These conflicts should not involve the Village Board which does not have intervention authority.

DUDMAN – GRANDVIEW AVENUE SEWER PROBLEM

DPW Superintendent Halvorsen reported that the Dudman home was built at the same time as sewer lines were installed. The sewer line is located under the basement with ties in two places of the Dudman residence. He has located a property easement, but it does not mention the home.

He further reported that corrective action is needed including seeking legal counsel regarding the easement, hiring an engineer to prepare “as-built” drawings, and hire a surveyor.

Trustee Edsall made a motion to authorize DPW Halvorsen to obtain a quote for engineering from Brady Engineering, and quotes from Steven Drabick and Richard Dekay for surveying. 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 Edsall moved to adjourn the meeting and open the regular work session at 8:20 P.M. which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned.