

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

May 17, 2010

A special meeting of the Board of Trustees was called to order at 6:00 P.M. by Mayor Gross.

The following Board Members were in attendance:

Mayor Joseph J. Gross
Deputy Mayor Barbara Gosda
Trustee Mark J. Edsall
Trustee Douglas Vatter
Trustee James P. Kane

Trustee Edsall moved to adjourn the meeting into Executive Session to conduct interviews for professional legal services which was seconded by Trustee Kane and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 6:01 PM.

Trustee Edsall made a motion to exit Executive Session at 7:30 P.M. which was seconded by Deputy Mayor Barbara Gosda and carried by a vote of 4 Ayes and 0 Nays.

Trustee Edsall made a motion to close the Special Meeting which was seconded by Trustee Vatter and carried by a vote of 4 Ayes and 0 Nays.

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 (arrived 7:50 P.M.)
Deputy Mayor Barbara Gosda
Trustee Mark J. Edsall
Trustee Douglas Vatter
Trustee James P. Kane

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

PUBLIC HEARING – 2010 MS4 ANNUAL REPORT was called to order at 7:33 PM by Deputy Mayor Gosda.

Pat Brady, the engineer hired by the Board to assist DPW Superintendent Halvorsen in the completion of the 2010 MS4 Annual Report, presented the Board with copies of its draft for the 2009/2010 Reporting Year. He also provided guidelines the Village will need to undertake throughout the year, including an increase in public notifications, preparation a stormwater shed map, and to provide additional education through schools and outreach programs. The report must be filed by June 1st.

Trustee Edsall asked if a separate memo can be prepared containing recommended actions over the next 12 months to provide DPW Superintendent Halvorsen a checklist for the 6 goals. It will assist him to understand specific items he can undertake and plan them out over the year. Mr. Brady agreed to provide an executive summary and recommendations of any outside work may be required over the course of the year. This was followed by board discussion.

Having no one from the public speak for or against said plan, Trustee Edsall made a motion to close the Hearing at 7:38 PM which was seconded by Trustee Vatter and carried by a vote of 4 Ayes and 0 Nays.

Trustee Edsall made a motion authorizing the Mayor to sign the annual report once in final form for submittal to the DEC Central Office which was seconded by Trustee Vatter and carried by a vote of 4 Ayes and 0 Nays.

Trustee Edsall requested the minutes of the April 19, 2010 Regular Meeting be corrected on page #8, in his response to Mr. Polonski to include “nor was he designer of the structure”. In addition to amend page #12, last paragraph to remove “the expedient outside review conducted”. Finally to include on the last page that the Board went back into session after the executive session and ended the meeting.

Trustee Vatter then moved for the acceptance of the Minutes as corrected, on a motion seconded by Trustee Edsall, the minutes were approved 4 ayes and 0 nays.

Trustee Edsall moved for the acceptance of the May 10, 2010 Special Meeting Minutes as written, on a motion seconded by Trustee Vatter and carried by a vote of 4 ayes and 0 nays.

TREASURER’S REPORT

Deputy Mayor Gosda stated that a treasurer’s report has been prepared through April and distributed to the Village Board for review. Trustee Vatter suggested the new Treasurer be instructed to begin work toward providing the Board department level budget outcomes by month and a full set of financials.

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

Village water, sewer, garbage & penalties	\$ 205,366.44
Town water & penalties	233,417.77

Which included 2 finals/adjustments for the Village and 5 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$ 272,877.40
Water Fund claims in the amount of	127,396.28
Sewer Fund claims in the amount of	7,178.25

Mayor Gross arrived.

DEPARTMENT REPORTS

The Water Department reported an average daily production of 1.149 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 48). It was also reported that 44 meters were repaired or replaced, 8 special readings were taken, and fire hydrant flushing was completed in the Town. In addition to routine property maintenance and mowing, service line leaks were repaired at 181 Willow Avenue and 8 Andrews Street, 3 private service line leaks were repaired by owners, 57 dig safe requests were completed, a culvert pipe on Reservoir Road was replaced, and maintenance of roads and buildings along with spring clean up was performed.

Water Superintendent June further reported that he will be attending the NYS Rural Water Works conference next week.

The Department of Public Works reported blacktop patching, sweeping of roadways, repair of guard rail at Riverfront Park, removal of tree debris from wind storm, trimming of bushes along sidewalks, repairs to sidewalks on Hudson Street, weekly yard waste collection, mowing of parks and Village property, maintenance of Village buildings, and emergency repairs to Village vehicles.

DPW Superintendent presented purchase orders to the Board for approval including one to purchase pilings for the Village Boat ramp. He explained that 5 of the 8 the pilings installed last year were destroyed by river currents. He expects to have the docks in and launch area ready by Memorial Day.

Trustee Gosda asked about traffic counters placed on Hudson St. DPW Superintendent Halvorsen explained they were put in by the NYS Department of Transportation to monitor traffic on Hudson St and Dock Hill Rd.

Trustee Kane asked if the DOT approved pedestrian crossing signs on Hudson Street could be replaced. DPW Superintendent Halvorson said they cost an estimated \$300.00 each and are not in this year's budget.

Trustee Edsall asked the DPW Superintendent to look at the Vehicle and Traffic law regarding our signage at the bottom of Dock Hill Road and Shore Road, to make sure it is "properly signed". In addition the yield signs going southbound on Shore Road are obstructed.

Mayor Gross stated there is a stop sign heading west on Boulevard at the intersection with Payson Road which is "pretty far from the intersection".

The Fire Department reported 34 events, including 4 emergency medical service (EMS) calls, for a total of 471.5 volunteer man hours.

SKEC #2 First Chief Armitage further reported that the annual ladder and pump testing has been completed. For the first time in 5 years, the tower ladder truck passed, due in part to the new swivel installed earlier this year.

The Police Department reported 12 EMS assists; 8 calls were covered for/assisted to Town Police; 1 assist to other agencies; 11 responses to burglar alarms; 4 domestic incidents; 2 felony crimes were reported; 10 misdemeanor/violations were reported; 37 non criminal activities were reported; 7 arrests

were made; 5 disabled vehicles/lockouts were reported; 10 accidents were investigated; 64 moving violations; and 53 vehicle and traffic stops with warning were issued. Total patrol miles = 2,567, not including mileage on Chief's vehicle.

Chief Weber reported that in response to public concerns, a traffic monitoring device was placed at the corner of Payson Road and Boulevard to obtain data on vehicular traffic patterns and speed. In addition, police were posted at that location to issue citations to violators of the stop sign.

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

Trustee Vatter asked the Police Chief for the results of the traffic study. Chief Weber replied most vehicles obeyed the speed limit; however, some registered over the limit.

The Building Inspector/Code Enforcement Office reported several inspections have been scheduled, attempting to "catch up" on the inspections back log, 34 open building permits, 4 certificates need to be issued, 10 certificates have payments due, 5 building permits are awaiting approval, and 1 municipal search needs to be done. The Zoning Board agenda is clear for May.

CORRESPONDENCE

Mayor Gross is in receipt of an email dated May 17, 2010 from Bill Garrison of Hudson Valley Guides notifying the Board that they are rescheduling their Friday Kids Kayak program and will notify Storm King Adventure Tours if they have a large group using the launch site on the same dates/times. He is very interested in working with the Board and SKAT to "assure a smooth operation at the waterfront".

Trustee Edsall stated he thanks Mr. Garrison for being helpful.

Mayor Gross is in receipt of an email dated May 12, 2010 from Lynn Knight thanking him for his response to her request for placement of memorial benches and plaques to her parents at the riverfront park.

Mayor Gross is in receipt of a letter dated May 4, 2010 from NYS Department of State regarding a complaint filed by Philip and Kim Rainaldi. It provides a building code and enforcement which sets "minimum standards for code enforcement programs, obliges local governments charged with enforcement..... to provide for construction inspections of projects for which a building permit has been issued".

Mayor Gross stated that the Rainaldi's inspection has been done and he hasn't been receiving calls about inspections going undone.

Mayor Gross is in receipt of several anonymous letters regarding various Village property maintenance issues and dead trees.

Mayor Gross is in receipt of a letter dated May 15, 2010 from Colette Fulton inviting the Village Board to a special Anniversary Celebration – 125 years since the Village was incorporated.

Mayor Gross is in receipt of a letter dated May 7, 2010 from Nicholas Anderson requesting the boat launch be opened because it is fishing season.

Mayor Gross is in receipt of a letter from Patrick Conklin requesting a refund for the vehicle and trailer permits purchased earlier this year. He has not been able to use the boat ramp because the docks have not been installed. Discussion followed.

Mayor Gross stated that no refunds have been issued in the past, and hearing no objection from the Board this request will be declined.

Mayor Gross is in receipt of a letter dated May 10, 2010 from NYS Office of Parks, Recreation and Historic Preservation announcing that the stone arch bridge located on Lower Dock Hill Road has been listed on the National Register of Historic Places.

Mayor Gross is in receipt of a letter from The American Legion requesting the “usual services and cooperation” from the Village for this year’s Memorial Day Parade on Monday, May 31st beginning at 10:00 AM at Payson Road.

Mayor Gross is in receipt of a letter and accompanying information dated May 12, 2010 from NYS Department of Public Service regarding the application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need.

Mayor Gross is in receipt of a letter dated April 18, 2010 from Walter George Burger, Jr. of Vinebrook Avenue regarding various issues including the current view preservation law, the draft master plan, employee contracts, LDC projects, DPW facility, and the patio at Riverbank Restaurant.

Mayor Gross is in receipt of a letter dated May 13, 2010 from Aurelia Windborn of 2 Alices Coffee Lounge regarding their intention to renew the wine and beer tavern license with NYS Liquor Authority.

Mayor Gross is in receipt of a newsletter from Orange County Arts Council which he gave to the Village Clerk to post in the front lobby.

Mayor Gross is in receipt of a letter dated May 10, 2010 from Thomas Petersen of 38 Duncan Avenue requesting road 4 blocks and cones be dropped off at 38 Duncan Avenue in time for the 4th annual block party on June 12th from 3:00 PM – 8:00 PM.

Based on prior history, Trustee Edsall made a motion to approve the event cooperation with barriers and police monitoring which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

Mayor Gross is in receipt of an announcement from Orange County Association of Towns, Villages and Cities regarding a meeting on May 25, 2010.

Mayor Gross is in receipt of a letter sent to Clerk Mahoney dated May 10, 2010 from NYS Governor David A. Paterson acknowledging receipt of a village resolution in opposition of a plan to close parks and historic sites.

Mayor Gross is in receipt of a letter dated April 19, 2010 from Beverly Soderberg of 5 Donahue Lane requesting to “opt out” of garbage removal from the Village.

After Board discussion, the Village Clerk was authorized to respond to Mrs. Soderberg's letter and turn down her request in accordance with past practice.

Mayor Gross is in receipt of a letter dated May 7, 2010 from Dominic Cordisco of Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC regarding interim Village counsel. Mayor Gross stated that this item has been "resolved at the moment".

Mayor Gross is in receipt of a copy of a letter sent to the editor dated May 7, 2010 from Thom Munterich and Members of Storm King Engine Co. #2 regarding his comments relating to Storm King Engine.

Mayor Gross is in receipt of an invitation to "Smart Management for Small Communities..." on June 2, 2010 at Bear Mountain Conference Center.

Mayor Gross is in receipt of a letter dated April 30, 2010 from Congressman John Hall regarding FEMA's "Assistance to Firefighters Grant Program" (AFG) which application period is currently open. The deadline is May 28, 2010.

Mayor Gross is in receipt of an email dated May 10, 2010 from Brenda Velez, Director of Before/After School Programs requesting space to use/lease for before/after school extended day program for Cornwall School District elementary school students beginning in September, 2010.

Mayor Gross is in receipt of an email dated May 5, 2010 from Steve Buckhout regarding concerns with what may occur in the future with the NYMA property. He urges the Village to take any available steps to preserve this property from development.

Mayor Gross stated that he has received numerous emails regarding this matter. This is certainly a concern for him especially with the possibility of large portions being sold off for development and possible new Village's being formed. He invited comments on this subject from the Board.

Trustee Kane stated he is very concerned and the Village must consider all options. The Town is having a Special Meeting on May 18th at 6:00 and the Village Board has been invited to attend. If entities intend on getting property, there is only so much we can do.

Trustee Vatter stated a big question the community will have to address is how much money we are willing to spend to deal with the problem. If we don't want the property to be used a certain way, does it make sense as a community to purchase it. He is not suggesting that; however, it has to be included in the range of possibilities. It is important for the community to express how they want to resolve this issue.

Mayor Gross stated that this property is located wholly in the Town of Cornwall even though it has a Village of Cornwall-on-Hudson mailing address.

Trustee Gosda stated that she has been approached by several residents, particularly neighbors who are concerned and feel there is some urgency since decisions will be made within the next few weeks. She hopes there will be a community meeting to provide residents correct information and include NYMA

representatives to explain what direction they are headed in order to give the sense of everyone working together.

Trustee Edsall stated that he agrees with the board members statements. New York Military Academy has a long history and is an important part in the community. Although we all have an interest and should make ourselves available to assist the Town in dealing with the aspect of permissible uses and the future of the property, the reality is short of an annexation the Village has no authority regarding zoning and use of NYMA because it is not in the Village.

Mayor Gross is in receipt of a letter dated April 20, 2020 from Captain Robert Watts of NYMA regarding ongoing financial difficulties faced by NYMA over the past two years. Despite attempts to improve their financial status, NYMA does not have adequate operational cash flow to finance the 2010-2011 academic years. Therefore, they are suspending operations after the current academic year and have made the decision not to reopen in the fall.

Mayor Gross is in receipt of a letter dated May 5, 2010 from NYMA Association of Graduates regarding annual alumni weekend fireworks display on May 15, 2010.

Mayor Gross is in receipt of a letter dated May 6, 2010 from Time Warner Cable regarding programming changes.

Mayor Gross is in receipt of a letter dated April 28, 2010 from Tom Howe and Tom Smidt of “Deerwoods” regarding a recent water leak resulting in an \$861.56 bill. They ask for an adjustment or reduction to reflect average water usage.

Hearing no objection from the Board, Mayor Gross tabled this request to allow Water Superintendent June time to look into this matter.

Mayor Gross is in receipt of a letter dated May 4, 2010 from Andrew Argenio and Maryanne O’Dell, members of the Planning Board seeking advice in regard to actions of Lee Murphy, a fellow Planning Board.

Mayor Gross is in receipt of a letter dated April 28, 2010 from Mark C. Taylor, Esq. of Rider, Weiner & Frankel P.C. acknowledging receipt of verbal notice and draft minutes of the April 19th meeting in which the Board of Trustees voted to terminate his firm’s contract and services.

Mayor Gross is in receipt of a letter dated April 29, 2010 from Orange County Water Authority regarding the allocation of funding to conduct leak detection surveys and safe yield analysis of municipal water systems in the county.

Water Superintendent June reported that he has filed paperwork and a grant application for assistance on the Taylor Road wells.

Mayor Gross is in receipt of an announcement from Orange County Department of Emergency Services regarding a workshop on May 20th.

Mayor Gross is in receipt of a letter dated April 22, 2010 from Aleis Raccasi of Drew's on the Square to renew their application for outdoor seating this season. It will be the same layout plan used last year.

Trustee Edsall made a motion to approve the renewal application for outdoor seating with same conditions as prior approval 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 April 23, 2010 from Michael Pillmeier, Chairman of Orange County Legislature regarding a referral of proposed amendments to the Orange County Comprehensive Plan, Strategies for Quality Communities previously adopted in 2003.

Mayor Gross is in receipt of a letter dated April 27, 2010 from Susan Rasser of 214 Hudson Street requesting a payment plan on her water bill. She is offering to pay \$250.00 against the outstanding balance every other month and keep current on billings.

After some Board discussion and in accordance with current policy, the Village Clerk was authorized to request additional information including the reason for hardship.

Mayor Gross is in receipt of a letter dated April 26, 2010 from Ralph Caruso of Citizens for the Preservation of Woodbury regarding a recent forum held to discuss concerns and ramifications associated with recent events with the KJ pipeline, Orange County Sewer District, and Water Authority's Water Master Plan.

Mayor Gross is in receipt of a letter dated April 27, 2010 from David Church, Commissioner of Orange County Planning Department inviting municipalities to apply for the "Municipal Partners Incentive Financing Matching Grant Program.

Mayor Gross is in receipt of a letter dated April 30, 2010 from Anthony Missere requesting the Village Board intervene in the certificate of occupancy issued to Storm King Associates in March 2010. He states it was issued in error and outside the jurisdiction of the Code Enforcement Officer as per the job description.

PUBLIC COMMENT

Wayne Yeoman, DPW employee and CSEA union president read a list of questions and concerns prepared by the union membership with regard to the DPW facility. They are:

1. What is being done to get them back into the building and how soon can they expect to back to normal operations?
2. During the major snowstorm in February, the Departments had no safe place to go for rest periods – had to sleep in cars outside.
3. When will the truck bays and mechanics area be issued a temporary certificate of occupancy? It is costing more money because vehicles have to be sent out for repairs and the mechanic does not have access to his tools or a safe work area to do his job.
4. They were told the building had to be vacated for "health and safety concerns". It has become difficult to work efficiently, and they feel their work is more dangerous now under current conditions. Moral is at an all time low.

5. Water Department employees report to work at the Catskill Filter Plant located just outside Vails Gate. There is insufficient parking for vehicles and equipment. This means more travel time, limited time spent on jobs in Town and Village, and a longer response time to an emergency call.
6. Department personnel can only gain access to the DPW facility if a supervisor is present. Many items must be stored in the building to prevent theft. There is no other area to safely store these items. If a supervisor is not available and a certain tool is needed, it has to be purchased.
7. Department personnel have no locker room to change clothes and store personal safety equipment. They must use their personal vehicles for this purpose.
8. DPW employees report to work each day at the Village Hall Meeting Room. This is fine unless the room is needed for another function, then they are told to relocate. The departments serve the public the best they can even under these trying conditions, but feel they are being “bounced around like rubber ball”.

Mayor Gross thanked Mr. Yeoman for sharing these concerns with the Board. He has tried to reach Mr. Jeff Dobbens, the CSEA representative for assistance.

In response to these questions and concerns, Mayor Gross offered the following information.

1. An engineer was hired to do an evaluation of the building and the subsequent report spells out the structural and code problems.
2. That report was sent to Albany for review by the state engineers, and he expects to receive their analysis any time now. This will either confirm or deny what the engineers determined about the building and whether or not it is safe to occupy.
3. Department personnel were asked to vacate the building because of safety concerns. He understands that it is inconvenient to all residents and especially people working from there.
4. He has asked Tectonic engineers to provide an action plan for necessary steps to correct building deficiencies.
5. Further discussion is needed regarding rest periods.
6. He agrees that this is a “great expense” aside from being an inconvenience. A portable trailer was brought in to accommodate “some of you”. Concerns have been raised about that cost, and it appears the trailer will be returned after the 6 month rental. The Board will need discuss ways to recover our losses in “righting the building and finding the money to do it”.
7. He relates to personnel being “on edge and frustrated”. He has been “consumed with this” since it has transpired.
8. He frequently speaks with DPW Superintendent Halvorsen and Water Superintendent June with regard to exploring possibilities in the event repairs cannot be made to the building. Based on the engineers report, the repairs are extensive and will be costly.
9. There is no quick easy answer regarding the limited parking available at the Catskill Filter Plant and access to the DPW facility to recover tools and equipment. Everyone will need to “put their heads together” to figure out what we can do in the interim.
10. A couple of board members requested a temporary certificate of occupancy, and he expects the state report will address that.

Mayor Gross invited board members to speak on this item.

Trustee Kane asked if Tectonic Engineering has given any indication to the Mayor whether or not they would agree to a temporary certificate of occupancy. Mayor Gross discussed that item with them and it

was not part of their review nor are they in a position to issue a temporary C/O. Mr. Kane sees no indication of “imminent danger” in the report although there are problems with the building.

Trustee Vatter stated that codes and safety are “linear” not “binary” functions. The Board should determine if the building poses a danger and what needs to be done to bring it up to code. The engineering report has indicated that the building does not meet current code, and there obvious issues with it; however, no one, including Robert Smith a state code compliance officer, has stated is unsafe and poses an “imminent danger”. He sees no reason why the garage section can’t be occupied. If the state report does not offer options, and instead says the building cannot be occupied, he supports filing of an Article 78 proceeding. He does not understand why Mayor Gross and Trustee Gosda appear to be “lined up” to keep us out of the building.

Mayor Gross stated that it is not in “imminent danger” of collapse; however, the lack of fire separation is a major point and it can’t be ignored. He believes it is important for the Village Board to await the state report. He is in favor of acting as “expeditiously as possible” to find suitable space if we cannot get into the building because “we can’t go on like this”.

Trustee Gosda stated that issues regarding the building have already been determined. To consider sending employees back into the building brings forth the question – would our workers comp carrier want them back there? Especially since we have a report that says there are issues with the building. Trustee Vatter replied that there is no exclusion for this. She wants our employees to be safe and the Village not to have a liability with that building.

Trustee Edsall agrees that the fire separator is an issue that must be addressed. The rest of the issues are structural, some of which deal with code compliance issues regarding wind loads for deflection of 90 MPH winds for 3 seconds. In his opinion, the building may flex under that condition, but will not collapse and does not pose a danger. He continues to support a temporary C/O for the garage area allowing workers to work on/maintain vehicles and use equipment in a safe area. The office area should remain closed until the fire separation is installed. If the state recommends the building not be used at all, that will be “extraordinarily restrictive” to what should be a reasonable use of the building and a reasonable interpretation of the code. Common sense must come into play. To believe that a snow load will bother that building, think back to the snowstorm in February – it’s still standing while others collapsed. There is a difference between safe and 100% code compliant. For example, does it make a 10 year old pole building in the state of NY any less occupy able than our building? Our lack of proper paperwork does not mean the building is unsafe or in imminent danger of failure. The report indicates certain things must be done to make it meet code and these are two different discussions.

Jon Chase of Taft Place stated that the Board is “wasting it’s time” in engaging in hypothetical discussions when the state report has not yet been received. The Village has an indemnification provision in our code for Village officers. He asks the members of the DPW staff to consider the ramifications if a fire occurred in that building and someone’s widow was at a board meeting wondering why the building was “cleared to be occupied”. The people to “thank for the condition of that building” are those who commissioned, authorized and had it built”. He expects the Village Board to exhaust all possible remedies against the people responsible for construction of that building. He hopes the state report will help assess whether we can occupy the building or secure substitute quarters.

Mayor Gross anticipates the state report will be received within the next 24 hours. Upon receipt he will turn it over to the Village Clerk for distribution. He stated that “this is serious business” and he cannot, in good conscience, authorize anyone to work in the building until it can be proven to him that it is safe.

Trustee Kane stated that if the report recommends that we do not occupy the building, the Board will need to begin discussions on where the employees will go. These men are looking for guidance and direction toward a “back up plan”. There are options available, including the unoccupied Maple Avenue building which will first require some repairs.

Discussion followed regarding possible use of the trailer temporarily located at 50 Shore Road.

Andrew Argenio – 18 Church Street stated that the engineers report uses the word insufficient eight times.

He then read the letter he has submitted to the Ethics Board requesting an opinion on possible violations against the ethics law pertaining to conflicts of interest, standards of conduct, recusal, and disclosure of interest concerning Trustee Edsall and Trustee Vatter.

Jon Chase of Taft Place stated that under upcoming events there are three that Village residents should be made aware of. One is an Orange County Water Authority festival taking place this weekend, at the Thomas Bull Park. On May 25th, there will be a hearing in the legislative chamber relative to an application from MountCo to bring the former Camp Laguardia property into sewer district #1 as a non-contiguous addition to the Moodna District. On June 7th at the 911 building in Goshen, there will be the first of three public comment sessions on the County Comprehensive Master Plan and Water Master Plan.

In addition, he stated there are a number of matters that come up before the Board that require legal counsel. It is vital that the Board have counsel to deal with matters such as the DPW facility and water issues. He further stated that New York State Village Law confers upon the Mayor the right to appoint Village Attorney subject to Board approval. “It is a matter of statutory law”, Section 4-400(1)(c)(1) Village Law. “Any attempt by the Board to usurp that authority or discharge counsel is in violation of Home Rule Law Section 23, subsection 2F which if there is any attempt to abrogate or attenuate power of an appointed officer under Village Law has to be put to a referendum”.

Trustee Kane stated that for the record he does not totally agree with Mr. Chase’s position on the Village Attorney, but will leave that up to counsel once appointed.

Trustee Edsall stated that for the record the identical question was posed to several other attorneys, extremely experienced with governmental and municipal law, who had the “exact opposite opinion”. Clearly we have a situation where different attorneys are giving different opinions, and he thinks the Board should “nail it down” with a more authoritative board than individual attorneys reciting their own opinions.

Mayor Gross stated that he hopes that the Board can work together on an appointment and avoid further legal discussion. Earlier tonight there were 3 good interviews. The Board will need to negotiate and discuss this in order to get somebody in here representing the Village.

OLD BUSINESS

WATERFRONT REVITALIZATION COMMITTEE REPORT

Mayor Gross stated that the 2 McClaren contracts have been signed and sent to their counsel for review.

RFP – LEGAL SERVICES 2010-2011

Mayor Gross reported that interviews were held earlier this evening.

INTERIN VILLAGE COUNSEL

Mayor Gross tabled this item pending resolution of the legal service issue.

SUMMER PLAYGROUND

Trustee Gosda stated that she and Trustee Kane met with Director Scott Valens. He has submitted paperwork to the county, so our permit will be issued shortly. Mr. Valens is working on filling staff positions.

RFP – ENGINEERING SERVICES 2010-2011

Trustee Edsall stated that there are 2 different sets of proposals. One is for general engineering. The other, which has an August 2nd deadline, is for evaluation of the wellfields and reporting requirements/studies for DEC on the dams. He suggests that the Board, along with Water Superintendent June, review the proposals for the Water Department issues, attempt to create a short list of 2 preferred engineers, and create a sub-committee to conduct interviews, create a scope of services, and bottom line number.

Trustee Vatter made a motion to appoint Trustee Edsall and Mayor Gross to the sub-committee for an emergency action plan on the dams which was seconded by Trustee Gosda.

Trustee Edsall disclosed that he is an engineer and knows some of the firms that submitted proposals. If it is not offensive to the Board, he may in fact have worked as a municipal representative on an application made by one of these firms. He is very concerned if the Board finds that acceptable.

The motion was then carried by a vote of 5 Ayes and 0 Nays.

WORKPLACE VIOLENCE POLICY

Trustee Edsall reported there is a meeting scheduled for this Wednesday with representatives from Water, DPW, and Village Hall staff.

Mayor Gross excused himself and stepped off the dais to take a telephone call.

INTRODUCTORY LOCAL LAW #1 OF 2010 – ANIMAL CONTROL

Trustee Edsall made a motion to table this item until counsel is appointed which was seconded by Trustee Vatter and carried by a vote of 4 Ayes and 0 Nays.

Deputy Mayor Gosda stated that the draft local law has no provision for muzzling or dog control (i.e. jump, bite, harass a person to intimidation, or kills another animal).

REQUEST FOR ENGINEERING PROPOSALS – EMERGENCY ACTION PLAN VILLAGE DAMS

Deputy Mayor Gosda stated this item was addressed earlier in tonight's agenda.

NEW BUSINESS

RETIREMENT/REINSTATEMENT – POLICE OFFICER MICHAEL LUG

Deputy Mayor Gosda read a letter of resignation from Police Officer Michael Lug effective June 21, 2010 and request for reinstatement as Police Officer effective July 2, 2010.

Trustee Edsall made a motion to table this item for executive session discussion which was seconded by Trustee Vatter and carried by a vote of 4 Ayes and 0 Nays.

Mayor Gross returned to the dais.

SHORE ROAD DPW/WATER FACILITY

Mayor Gross stated that he has just received the NYS Department of State report dated May 17, 2010. It states, in part, that "Based on the report and drawings (from Tectonic), it is our view that there are serious violations of the State Uniform Fire Prevention and Building Code, and the State Emergency Conservation Construction Code". It also states that their comments are not "based on direct observations of the building, but rather are founded on the observations of Tectonic". It further states they "would also recommend that the Village of Cornwall-on-Hudson engage the services of engineers and/or architects to prepare a remediation plan to bring the building into compliance with the Uniform Code and Energy Code". The report goes on to state "that a variance cannot be granted if doing so would substantially affect adversely the Uniform Code's provisions for health, safety, and security". Many of the violations identified in this review are "of such a nature that it is extremely unlikely that a variance or modification of the underlying code provisions could be granted under any circumstances".

Mayor Gross will give the report to the Village Clerk for distribution to the Board.

MAYOR'S ADVISORY COMMITTEE

Mayor Gross stated that he is sanctioned to and is considering forming a committee of interested parties to whom he can seek special counsel on current matters before the Board (i.e. DPW facility, Water issues, NYMA).

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session in order to discuss a water department personnel issue, legal services RFP and interim counsel, and Officer Lug which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:05 PM.

The meeting reconvened at 11:00 PM.

Discussion was held as to a format by which an attorney can be brought on board to represent the Village. Trustee Edsall made a motion to authorize the Village Clerk to ask all three prospective attorneys that were interviewed earlier in the evening to answer the following question.

“Is it legally permissible for a Village to contract with a law firm for Attorney for the Village via a resolution made by one of the Trustees, with the same not being an appointment of the Mayor.”

The motion was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall made a motion to call a special meeting on May 24, 2010 at 7:00 PM in order to select an attorney and/or interim attorney for the Village which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 Nays.

In the interim, the Board agreed that the Mayor should contact Tarshis, Catania, Liberth, Mahon & Milligram, PLLC as “working counsel” should any questions arise that must be answered.

POLICE OFFICER MICHAEL LUG

Trustee Vatter made a motion to accept the resignation of Police Officer Michael Lug effective June 21, 2010 which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Trustee Edsall made a motion to rehire Michael Lug as a Part-Time Police Officer effective June 2, 2010 which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

FAMILY MEDICAL LEAVE ACT – MICHAEL TRAINOR

Trustee Edsall made a motion to grant a leave of absence in accordance with the Family Medical Leave Act to Michael Trainor, Sr. through June 14th, on the condition that he utilize benefit time (vacation and sick time) in order to continue to receive pay, and that he coordinate such time, his return, or any extension, with his Supervisor, Robert June, Water Superintendent. The motion was seconded by Trustee Gosda 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 11:10 P.M. which was seconded by Trustee Edsall and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned.