

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

February 28, 2011

The regular meeting of the Board of Trustees was called to order at 7:30 P.M., with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

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

Also present were: Water Superintendent Robert June, DPW Superintendent David Halvorsen, Police Chief Paul N. Weber, Village Treasurer Stephen Auffredou, and Village Clerk Jeanne Mahoney.

Trustee Gosda made a motion to accept the January 18, 2011 Regular Meeting Minutes as presented, which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Trustee Edsall requested a correction in the January 24, 2011 minutes. Page #5 third paragraph from bottom, first sentence should read "Trustee Edsall reported that there are some improvements needed to the treatment system at the Sewer Plant that serves both the Town and Village." Trustee Vatter moved for the acceptance of the January 24, 2011 Special Meeting Minutes as corrected on a motion seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Trustee Gosda made a motion to table acceptance of the January 27, 2011 Special Meeting Minutes which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

TREASURER’S REPORT

Village Treasurer Auffredou presented the treasurer’s report through January. He reported receipt of 89% in anticipated revenues and 80% in anticipated expenditures so far this fiscal year.

The February 28, 2011 warrant total is \$322,220.80.

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

Village water, sewer, garbage & penalties	\$ 38,460.80
Town water & penalties	403,214.59

Which included 5 final/adjustment for the Village and 1 for the Town.

DEPARTMENT REPORTS

The Water Department reported an average daily production of 1.480 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 38). It was also reported that 21 meters were repaired or replaced, and Village meter reading was estimated due to snow and ice storms. In addition to routine building and grounds clean up and snow removal, 62 utility mark-outs were done, routine maintenance was done to pressure reduction valves (PRV), snow was removed from all properties and fire hydrants, and the department assisted the Department of Public Works with snow removal.

Water Superintendent June further reported that the Black Rock plant is back online and is presently providing half of the daily demand. The Catskill plant is offline for cleaning. The Department of Environmental Protection (DEP) closed the aqueduct over the weekend.

The Department of Public Works reported repairs to Village vehicles, cold patching of potholes, plowing and sanding of roads, snow maintenance of sidewalks, snow removal in parking and business areas, hauling of snow from fire house to river front park, maintenance to sewers, repairs to sewer back-ups in two locations, repairs to the lift pump on the 1996 International garbage truck and the breaking system on the 1987 Mack garbage truck. In addition, the new bobcat has been delivered.

DPW Superintendent Halvorsen thanked SKEC #2 Fire Chief Armitage and Butch Cocks for their assistance in the removal of a fallen tree on Idlewild Park Drive this past Friday.

The Police Department reported 1 felony crime, 7 misdemeanor/violations, 3 arrests, 9 vehicle accidents, 27 violations issued, 13 warnings, 13 disabled vehicles and lockouts, 5 domestic incidents, 11 suspicious vehicles and/or persons, 7 animal complaints, 4 disorderly conduct, 8 responses to alarms, 5 assists to the Town of Cornwall Police Department, 22 EMS assist calls, and 7 assists to other agencies.

The Fire Department reported 29 events, including 7 emergency medical service (EMS) calls, for a total of 211 volunteer man hours.

The Building Inspector/Code Enforcement Officer report indicated 1 certificate of occupancy/certificates of compliance was issued.

CORRESPONDENCE

Mayor Gross is in receipt of a letter dated February 4, 2011 from Assemblywoman Nancy Calhoun regarding the Governor's proposals for the 2011/12 State budget.

Mayor Gross is in receipt of a letter dated February 7, 2011 from Assemblywoman Nancy Calhoun regarding requirements for Home Rule legislation.

Mayor Gross is in receipt of a letter dated February 14, 2011 from Cornwall Lions Club, requesting permission to hold a "Fall Harvest Race" on November 13, 2011 starting at 8:30 AM and ending around 11:00 AM.

Trustee Vatter made a motion to approve the request which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Mayor Gross is in receipt of an original application notice form dated February 11, 2011 from The Trestle for a liquor license at 2 Idlewild Avenue.

Mayor Gross is in receipt of an original application notice form dated February 18, 2011 from Sawatdee, Inc. for a liquor license at 181 Hudson Street.

Mayor Gross is in receipt of a letter dated February 8, 2011 from Kenneth & Deborah Kukkonen owners of 309 Hudson Street regarding problems they are experiencing in getting a final inspection for issuance of a Certificate of Occupancy. They request that the Village Board take immediate action in an interim basis to fill the vacant building inspector position.

Mayor Gross is in receipt of a letter dated February 3, 2011 from Assemblywoman Nancy Calhoun regarding Senate Bill S.2339A which proposes to eliminate the requirement for the use of electronic voting machines during Village elections through December of 2012.

Mayor Gross is in receipt of a letter dated January 24, 2011 from Raymond Yannone, Jr. of Storm King Associates regarding “misrepresentations” in Mr. Missere’s January 11, 2011 correspondence to the Village Board.

Mayor Gross is in receipt of a letter dated January 24, 2011 from NYS Department of Environmental Conservation regarding their intention to conduct a comprehensive program evaluation of the Village’s Phase II municipal separate storm water management plan (MS4) on February 15, 2011..

Mayor Gross is in receipt of a letter dated January 24, 2011 from Executive Directors of the Nancy Calhoun Fan Club with attached flyer outlining some of her “achievements”.

Mayor Gross is in receipt of a letter dated January 19, 2011 from Cornwall Town Supervisor D. Kevin Quigley regarding a draft 90 days Inter-municipal Agreement for building inspector services in the Village.

Mayor Gross is in receipt of a letter dated February 17, 2011 from NYS Department of State regarding the Code Enforcement Officer vacancy in the Village. This item will be discussed later in tonight’s agenda.

PUBLIC COMMENT

Kerry Merritt of 14 Jean Court stated that as a taxpayer she finds the Code Enforcement Officer issue to be “deplorable” and “unacceptable”. That is a basic service that the Village should supply its residents. In December she remembers that the Board authorized Mayor Gross to enter into an agreement with the Town to “cover us” for a short period of time. She doesn’t know why it wasn’t done, but it should have been done.

Chad McCormick of 26 Duncan Avenue stated that he is financially “bleeding to death” because the Village does not have a building inspector and he cannot get a permit or inspections to make his home habitable. It is unacceptable and he would like to see progress made on this issue.

Kenneth Kukkonen, owner of 309 Hudson Street asked for status of the Village’s compliance with the Department of State letter regarding establishment of “some means” to provide these types of services to

the residents. Mayor Gross replied that he has corresponded with the Acting Secretary of State on this issue.

Melissa Vellone of Bayview Avenue stated that she has researched minutes of previous Village Board meetings. She found issues with the appointment of Mr. Yancewicz back in April of 2010. She encourages residents to research these minutes before forming an opinion.

OLD BUSINESS

MS4 STORMWATER MANAGEMENT PLAN – AUTHORIZE ATTORNEY TO PREPARE CERTIFICATION LETTER

Clerk Mahoney reported that she spoke with a NYS Department of Environmental Conservation (DEC) representative after the audit was complete. She was told that the Village will be issued a Notice of Violation because we do not have an “attorney certification letter” on file. Failure to produce this letter within 4 weeks may result in penalties and fines up to \$37,500.00 per day.

Trustee Edsall reported that this is a “standard procedural issue”. When our stormwater management plan and illicit discharge laws were prepared and adopted, the attorneys should have prepared the certification indicating that the Village’s local laws complied with or exceeded the DEC’s model local laws. He then made a motion to authorize the Attorney for the Village to review the adopted Village local laws and prepare certification letters if such laws comply with DEC requirements. Trustee Kane seconded the motion.

After Trustee Gosda stated her concern about the time the attorney will need to review and prepare the letter, Trustee Edsall amended his motion to include a “not to exceed” \$2,000 in legal fees which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

GARBAGE RATES FOR FY 2011-2012 – INCREASE EXPLANATION

Village Treasurer Auffredou reported that when he did the calculations on garbage rates for the final budget, the line item for garbage collection should have been the same as the prior year, it was not. This will cause a shortfall in budgeted general fund revenue of approximately \$60,000. He has been in touch with the NYS Comptrollers’ Office and has requested guidance. This item was tabled for discussion at the next work session.

Mayor Gross is in receipt of correspondence from the NYS Office of the State Comptroller dated February 23, 2011. The Village has been selected for an audit that will focus on an evaluation of internal control primarily covering the last completed fiscal year and up to the start of the audit. Discussion followed regarding who should be responsible to pay the cost of software programming that will allow data to be extracted in a format acceptable to the State Comptroller.

Trustee Kane made a motion to authorize the Village Clerk to send the State Comptroller’s a letter asking them to pay the \$3,200.00 in software programming charges to reformat the data to their specifications which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

RESOLUTION TO AUTHORIZE INCREASE IN PAYMENT TO LOUCKS

Treasurer Aufferdou reported that on July 19, 2010, the Board passed a resolution to contract with Mr. Daniel Loucks for geotechnical/structural engineering work and analysis in a sum not to exceed \$5,000. The final bill is \$5,680.00 and we have been holding back payment.

Trustee Vatter made a motion to authorize the immediate payment of \$5,000 to Mr. Loucks and request a breakdown of the additional \$680.00 so the Board can determine where the increase incurred. Trustee Edsall seconded the motion which was then carried by a vote of 5 Ayes and 0 Nays.

BUDGET TRANSFERS

This item was tabled for discussion at the next work session.

AUTHORIZATION/STATUS of INTERMUNICIPAL AGREEMENT WITH TOWN OF CORNWALL – BUILDING INSPECTOR SERVICES

Mayor Gross stated that at the December 20, 2010 Village Board meeting, Trustee Vatter made a motion to authorize the Mayor to enter into an Intermunicipal Agreement (IMA) with the Town of Cornwall for building inspectors services. The motion was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays. He met with Supervisor Quigley during this timeframe and let him know the difficulties we were having without inspections. He reminded Mr. Quigley of the longstanding IMA between the Town and Village. Mr. Quigley informed him that the Town Board was “not happy with the situation in the Village” and decided not to honor this agreement. He agreed to go back to his board and ask them to reconsider.

On January 19, 2011, Mayor Gross received a letter from Supervisor Quigley stating that the Town Board agreed to “consider approving an agreement to allow the Village to use the services of the Town Building Inspector on an interim basis”. The Town will charge the Village on an hourly basis “to recompense its expenses”. He enclosed a draft IMA which would require a unanimous vote of the Village Board before the Town Board would hold a vote to approve.

Trustee Edsall stated that he spoke at the last work session about “citizens/residents in distress”, that in his opinion the Town Board was not unsympathetic, and that he would reach out to the Town Supervisor to see if their board would consider allowing “a majority vote”. He reached out electronically (via text message) to Supervisor Quigley and it is his understanding that the Town Board agreed to accept a majority vote in order to support the Village.

Mayor Gross stated that the Wednesday after the work session, he was informed by Ms. Roberts, Clerk to the Building Inspector, that the Town was doing inspections in the Village. At that time he was unaware of any agreement having been made. He spoke with Supervisor Quigley who indicated that he was ready to sign an agreement with only 3 Trustees. He then reached out to counsel at NYCOM for a legal opinion. On February 23, 2011 he received a response, which indicated that the Board should approve the “actual agreement”. It recommended that the agreement be reviewed by an attorney prior to a board vote to insure that it is in compliance with Article 5G of the General Municipal Law and laws of the State of New York.

Trustee Vatter stated that he was asked to review the draft agreement from an insurance perspective. He had a minor concern with the wording regarding liability and workers compensation; however since the insurance is all in place it is a “non-issue”.

Mayor Gross stated that although individual board members indicated via email they did not wish to have this reviewed by an attorney he requested an estimate of the work involved from Kristen Wilson of the Harris Beach law firm. She estimated it would take approximately one hour to review the IMA at an hourly rate of \$205.00.

Mayor Gross further stated that he received a letter dated February 17, 2011 from the Acting Secretary of State "alerting us to the lack of code enforcement in the Village". He response letter went out on February 25, 2011.

Trustee Edsall wanted to clarify that this was more than a letter from the Acting Secretary of State, it was an order telling the Village to take action to provide building inspection and code enforcement under section 381(4)(a) of the Executive Law.

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

WHEREAS, at the October 11, 2010 work session meeting of the Village Board of Trustees the Attorney for the Village advised the Board that the current Code Enforcement Officer (hereinafter CEO), Bruce Yancewicz, did not meet the village code residency requirement and, therefore, his appointment as such was a nullity and created an immediate vacancy in said office, such opinion being provided in a memorandum dated October 11, 2010; and

WHEREAS, since it was determined that there was a need to amend the residency requirements for the CEO position and via e-mail dated October 15, 2010, the Attorney for the Village provided to the Board two drafts of the proposed amendments to the law regarding the residency requirement for the CEO; and

WHEREAS, at the October 18, 2010 Village Board meeting, the Attorney for the Village presented the two amendments to the Village Code relating to the residency requirement under Chapter 15 for our consideration and further advised that in order to change said law, it was necessary the Board adopt a resolution to schedule a public hearing on the proposed law; and

WHEREAS, at the October 18, 2010 Village Board meeting there were also discussions regarding entering into a temporary contract with Bruce Yancewicz to authorize him to enforce the applicable codes, as well as the option to enter into an inter-municipal agreement (hereinafter IMA) with another municipality; and

WHEREAS, by memorandum dated October 22, 2010, the Attorney for the Village advised the Board that the firm's research and telephone conferences with Robert Smith, NYS Regional Code Compliance Specialist and Ron Piester, Director, State Code Enforcement Division, it was determined that the Village could not enter into a temporary contract with Bruce Yancewicz, because he could not enforce the New York State Building and Fire Codes and was not authorized to issue building permits, certificates of occupancy, orders to remedy and summonses; and that said legal memorandum further advised that pursuant to General Municipal law 5G the Village could exercise the option of entering into an IMA; and further that modifying the residency requirement of the Village code continued to be a viable option; and

WHEREAS, on October 27, 2010, via e-mail, Mayor Gross asked the Attorney for the Village whether the Village "waiver" or "estoppel" were applicable to said residency requirement, and by memorandum dated October 27, 2010, the Attorney for the Village advised that since both the Public

Officer Law and the Village Law require a village officer to be a resident and that the Village Code requires the Code Enforcement Officer to be an officer, the Village cannot waive the statutory requirement of the law; nor would estoppel prevent it from complying with the state and village law; nor could such requirement be resolved via the adoption of a local law and, instead, must schedule a public hearing regarding such change; and

WHEREAS, on October 28, 2010, Mayor Gross, via e-mail, asked whether waiver was applicable to other village officer positions other than Code Enforcement Officer, the Attorney for the Village by memorandum dated October 28, 2010, concluded that again, the Board cannot waive the residency requirements of the Public Officers Law and Village Law and that the Board need to determine which positions, other than Code Enforcement Officer were deemed officers or employees; and

WHEREAS, on November 1, 2010, Mayor Gross again asked the Attorney for the Village whether waiver and estoppel were applicable to officers of the Village, and by memorandum dated November 5, 2010, said Attorney advised that as in his previous three memorandums, his opinion remained unchanged and that he provided the Board with a framework to determine who was an officer and the proposed solution such as an IMA, adoption of a revised residency requirement or both; and

WHEREAS, subsequent to all of the above Mayor Gross advised the Board via e-mail that Bruce Yancewicz was now a village resident and therefore no further action need be taken; and

WHEREAS, following such advisory by the Mayor, members of the Board asked that Mr. Yancewicz enter his legal address on file with the Village Clerk to memorialize his compliance with the local residency law, with the clerk having never received such document; and

WHEREAS, by letter dated December 13, 2010, Bruce Yancewicz, advised that after speaking with the Attorney for the Village and being advised of the residency requirement, tendered his resignation effective December 13, 2010; and

WHEREAS, by certified mail, with handwriting on Mr. Yancewicz's December 13, 2010 letter of resignation, Mayor Gross advised Mr. Yancewicz that he refused to accept his resignation, and furthermore, via e-mail to the Board, Mayor Gross advised the same because "it was not what they discussed", and by letter dated December 20, 2010, Mr. Yancewicz confirmed his letter of resignation dated December 13, 2010; and

WHEREAS, at the December 20, 2010 meeting of the Village Board of Trustees, Mayor Gross advised that the job opening for Code Enforcement Officer had been advertised, that the Village received some inquiries, that the residency requirement would be discussed at the next work session, and that he had spoken with the Town of Cornwall Supervisor Quigley about continuing the "reciprocal inspections" between the Village and Town until such time the Village could hire a Code Enforcement Officer; whereupon a motion made by Trustee Vatter and seconded by Trustee Kane, passed 5 Ayes to 0 nays "authorizing Mayor Gross to enter into an Inter-municipal Agreement with the Town of Cornwall for Building Inspector services"; and

WHEREAS, the. Town of Cornwall provided code enforcement building inspection services from on or about December 20, 2010 through January 27, 2011 without objection by Mayor Gross until Mayor Gross terminated said service on January 28, 2011, and

WHEREAS, at the January 10, 2011 work session of the Village Board of Trustees, the residency requirements for Code Enforcement Officer and other positions were discussed, and at that time Mayor Gross advised that he had not entered into an IMA with the Town as authorized on December 20, 2010, and

WHEREAS, Mayor Gross also subsequently advised the Board that he along with Deputy Mayor Gosda were scheduling interviews for three individuals who applied for the Code Enforcement Officer position, and thereafter conducted said interviews on or about January 11, 2011; and further, that at the meeting of the Village Board on January 18, 2011, the Mayor recommended appointment of John Fenton, a part time Code Enforcement officer in the Village of Wappingers, to fill the CEO position; and in response Trustee Edsall advised such appointment would be contrary to law given the fact that the residency requirement had not been changed, and further noted that the temporary services by IMA with the Town of Cornwall were both cost effective and lawful, further noting his desire to avoid litigation with the last CEO who resigned because he was not in compliance with the residency requirement, with Trustee Kane thereafter advising the Board they should accept Mr. Yancewicz's resignation to avoid exposing the Village to litigation with him particularly if we hire an individual from Wappingers Falls with the residency law having not been changed; and

WHEREAS, on January 28, 2011, the Village received a written proposed IMA for Building Inspector Services from the Town of Cornwall wherein the Town agreed to provide building inspection services for 90 days, at the rate of \$45.00 per hour, that while performing said service, the Town inspector was to be considered an employee of the village for liability and worker's compensation purposes, and that such agreement was subject to unanimous consent of the Village Board; and

WHEREAS, by e-mail dated January 28, 2011, Mayor Gross advised the Town that "we do not have "unanimous" agreement on the proposal to the Village and regrets that the Town could not honor the "previous longstanding agreement", however failing to identify whom had changed their support since the December 20, 2010 unanimously adopted resolution; and

WHEREAS, pursuant to Mayor Gross's response, on January 28, 2011, Town Supervisor Quigley advised the Board that since we could not come together to sign a 90 day temporary agreement to assist the Village out of its' predicament, he had to direct the Town to stop all Village work until further notice; and

WHEREAS, at the February 14, 2011, work session for the Village Board of Trustees, relative to the status of the IMA with the Town, Mayor Gross advised that the Board was not in unanimous agreement, but again failed to identify the person or persons objecting to an IMA which was unanimously approved at the December 20, 2010 meeting; and thereafter advised the public in attendance at the work session that if they had a complaint regarding lack of services they should contact the State of New York Codes Division directly; and

WHEREAS, following such advisory from Mayor Gross, and while still in work session meeting, Trustee Edsall advised that it was his belief that the Town Board was supportive of the Village residents and advised the Board that he intended to "reach out" to the Town Supervisor as soon as possible to inquire if they would consider a majority vote to authorize the IMA; and

WHEREAS, immediately upon conclusion of the Village Board's work session, Trustee Edsall contacted Supervisor Quigley and inquired as to acceptability of a majority vote of the Village Board for

the IMA at which time the Town of Cornwall Board (still gathered following their regular board meeting) reconvened and noted the majority vote would be adequate; and

WHEREAS, following the above, Supervisor Quigley spoke to Mayor Gross and affirmed the Town's offer of assistance and willingness to enter into the IMA; and

WHEREAS, since February 15, 2011, despite repeated requests by Trustees Kane, Vatter and Edsall via e-mail to sign the IMA Mayor Gross has refused to do so; and

WHEREAS, on February 17, 2011, by letter dated February 17, 2011, the Acting Secretary of State, New York State Department of State, issued an ORDER that, pursuant to section 381 (4)(a) of the Executive Law of the State of New York. the Village of Cornwall on Hudson comply with the minimum standards for administration and enforcement of the Uniform Code and Energy code, providing options for such compliance, with one such option being entering into an IMA; and

WHEREAS, on February 25, 2011, Mayor Gross advised the NYS Dept. of State that the Village has received a draft IMA which he expects will be ratified at the February 28, 2011 meeting and that he intends to ask the Board to appropriate the funds to authorize counsel to review the contract and approve a change to our local residency law to allow us to hire someone from outside the Village and in addition; and

WHEREAS, the minutes of the December 20,2010 meeting already reflect authorization for Mayor Gross to enter into the IMA and provide the services mandated by the State of New York; and

WHEREAS, the Board has received and reviewed the IMA provided by the Town; and

WHEREAS, the Village budget already contains an allocation for Building Inspector and Code Enforcement services and it has been documented that the cost for such services via the IMA will be equal to or less than the cost for the part-time employee anticipated in the budget and therefore no additional appropriation is needed; and

WHEREAS, an issue concerning wording within the IMA in relation to insurance coverage has been raised and was subsequently reviewed and commented on by Trustee Vatter, an expert in insurance matters;

NOW, THEREFORE, BE IT RESOLVED as follows: That the Village Board hereby determines that it is appropriate and necessary that the Village enter into an IMA, with the same being a temporary 90 day agreement with the Town of Cornwall, to provide vital building inspection and code enforcement services, as mandated by the ORDER from the State of New York, and

That the Village Board hereby determines that the conditions within said IMA with the Town are acceptable, suitable and adequate for a temporary agreement of 90 days; and

That the Village Board hereby determines that there are adequate funds budgeted for the required services inasmuch as the costs will be equal to or less for the IMA services in comparison to the budgeted part-time employee; and

That the Village Board hereby approves the IMA as received on January 28, 2011 as presented by Town of Cornwall and authorizes its immediate execution, and

That the Village Board of Trustees does hereby direct that the Mayor execute the IMA provided by the Town, as received on January 28, 2011, for building inspection and code enforcement services under the terms and conditions as set forth in such Agreement; and

That the Mayor is directed to execute the IMA and cause the executed agreement to be delivered to the Town of Cornwall Supervisor's Office no later than the close of business on March 1, 2011; and

That if Mayor Gross refuses or fails to comply with this lawful direction of the Village Board, in conformance with the ORDER from the State of New York, as outlined above, Deputy Mayor Gosda is hereby directed to execute said IMA and cause the executed agreement to be delivered to the Town of Cornwall Supervisor's Office no later than the close of business on March 2, 2011; and

That if Mayor Gross and Deputy Mayor Gosda refuse or fail to comply with the lawful direction of the Village Board as contained herein above, this resolution shall authorize the execution of an IMA, in a form acceptable to the Town of Cornwall, by any three Village Board members representing the majority vote in support of adoption of this resolution, or as an alternative, if acceptable to the Town of Cornwall, a certified copy of this resolution shall be provided to document acceptance of the IMA and its conditions, with such action to be taken as soon as possible so as to cause compliance with the ORDER of the State of New York and provide the necessary services to the residents of the Village.

The foregoing resolution was seconded by Trustee Edsall.

Trustee Gosda stated that this started out as a residency issue for the Building Inspector. It was given to the "attorney for the board" to see how it could be fixed. A small issue quickly became a larger issue because it grew into the other department heads as well. If the Board agreed to hire someone under NYS law, they could have bypassed Village law and hired within the county. The position was advertised and she and Mayor Gross interviewed 3 certified applicants. That could have resolved the issue while the residency law was changed. The Village should not be asking the Town, we should hire our own Building Inspector.

Trustee Vatter replied that the Board cannot ignore our own law.

Trustee Edsall stated that on October 22nd the discussion of an IMA started. For some reason, there is a refusal on behalf Trustee Gosda and Mayor Gross to consider it. In addition, when the residency issue was raised, threats were made to other department heads that if the Building Inspector had to be a resident "you better be careful with your job because I'm going to fire you too". That was inappropriate. The attorney was asked to review that as well since the Board needs to change the residency law it should take care of everything once and get it done right. Further the Board cannot hire someone illegally "just for a little while". Therefore the local law had to be corrected and the IMA was a "stop gap measure". People were left "hanging out there" because there was a refusal to sign the IMA.

Trustee Kane stated the Mr. Yancewicz would file a suit against the Village if someone was hired outside the Village.

Trustee Gosda stated that when the attorney did the research on the residency issue, "maybe he should have investigated our situation with the state law". She would like to have had the legal bills with her this evening to show how "much we spent". Mayor Gross answered the amount was \$7,000.00.

Mayor Gross stated that members of the Board have gone on record that it would be illegal to hire a code enforcement officer who resides outside the Village, but insist that he sign the agreement which would have been an “illegal act” on his part.

Trustee Kane stated that the letter from the Acting Secretary of State provides an option to enter into an “intermunicipal agreement with another local government within Orange County”.

Mayor Gross stated that he felt coming into tonight’s meeting we had support for this agreement. He is “not crazy about it” but people need inspections. He apologized to the residents who have not been able to get inspections, and also that people have had to sit through a certain amount of “political theater”.

The Mayor then called the motion which resulted in 4 Ayes, 0 Nays, and 1 Abstain (Gross).

CODE ENFORCEMENT OFFICER – RESIDENCY REQUIREMENT CHANGE

Trustee Edsall requested this item be placed on the work session agenda in order to review the proposed local law and review guidance already received from the Attorney for the Village.

STATUS OF REPORT TO SECRETARY OF STATE – FEBRUARY 25, 2011 DEADLINE

Mayor Gross read the letter he sent to the Acting Secretary of State on February 25, 2011 regarding steps being taken to resolve the Building Inspector issue.

ANIMAL CONTROL LAW

Trustee Kane stated that there has been a “misunderstanding” with regard to the Animal Control Law. A letter was received from the American Kennel Club (AKC) a while back challenging our local law. The attorney was asked to review this and found the AKC was “confusing the difference” between what was a dangerous dog and making the interpretation that pit bulls are dangerous dogs. A dangerous dog is a “judicial determination”. Our law is fine the way it is.

IMPROPER PRACTICE CHARGE HEARING – VILLAGE REPRESENTATION

This item was tabled for Executive Session discussion later this evening.

AUTHORIZATION TO PURCHASE INTERNET ROUTER – VILLAGE HALL FRONT OFFICES

After some discussion, and hearing no objection from the Village Board, the Police Chief will contact our internet provider regarding frequent loss of internet service and take corrective action.

RESOLUTION – STOP DWI

Trustee Edsall introduced the following motion and moved for it’s adoption.

WHEREAS, the County of Orange has funds to be distributed to local law enforcement agencies for the purpose of conducting enforcement activities related to the STOP DWI program, and

WHEREAS, the Village of Cornwall on Hudson does wish to participate in said program,

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Cornwall on Hudson approves the receipt of said funds on behalf of the Village of Cornwall on Hudson Police Department from the County of Orange and authorizes the Chief of Police, Paul N. Weber, to execute all necessary contracts and documentation for the year 2011 in regard to available funds.

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

STATUS OF DPW BUILDING/WIEBOLDT PAYMENT/BRADY PAYMENT

Treasurer Auffredou reported that payment to David Wieboldt, the architect, was mailed on Friday. The check for Pat Brady, the engineer on the MS4 Stormwater Management plan, is being processed with this month's bills.

STATUS OF BUILDING DEPARTMENT SOFTWARE PROGRAM – GRANT PROCEEDS

Treasurer Auffredou reported that Ms. Roberts is currently working on forms with the software company.

MAPLE AVENUE RENOVATION

Trustee Gosda stated money was allocated in the Water Department budget that was not spent due to changes in the DPW situation. Money is also budgeted for the new fiscal year. She would like to see this money used to renovate the Maple Avenue building in order to get our water department employees back in there.

Trustee Edsall requested a final number of available money for discussion at the next work session. Discussion followed with the Water Superintendent regarding work that needs to be done on the building.

NEW BUSINESS

REMOTE PHONE AT POLICE STATION

Trustee Vatter made a motion to authorize the police chief to purchase a new remote telephone for outside the station, in accordance with his email request, which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

2011-2012 INSURANCE – MCKANE GROUP

Trustee Vatter made a motion to accept the insurance proposal from the McKane Group in the amount of \$133,420.92 and amend if necessary once the Clerk confirms the vehicle schedule, which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

AUTHORIZATION TO PURCHASE NEW ID MAKER – POLICE DEPARTMENT

Trustee Vatter made a motion to authorize the police chief to purchase a new employee ID maker, in accordance with his email request, which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

CODE ENFORCEMENT WITHIN THE VILLAGE

This item was discussed earlier in tonight's agenda.

ELECTION INSPECTOR APPOINTMENTS – REVISED LIST

Upon the recommendation of Clerk Mahoney, Trustee Vatter made a motion to authorize the Village to appoint additional election table inspectors for the March 15th Village Election which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

MARCH 2011 MEETING SCHEDULE

Trustee Edsall made a motion to revise the March meeting schedule to hold the work session on March 21st at 7:00 PM and the regular meeting on March 28th at 7:30 PM which was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

INTERMUNICIPAL AGREEMENT WITH NEW WINDSOR – INFORMATION TECHNOLOGY

This item was tabled for review and discussion at the next work session agenda.

WATER DEPARTMENT PERSONNEL

This item will be discussed in later in Executive Session.

DUDMAN SEWER RELOCATION PROJECT

DPW Superintendent Halvorsen reported that he sent out the plans to several contractors to review. He set a date of March 14th for proposals to be accepted. He requests the Board consider holding a special meeting prior to the next work session to address this item.

Trustee Vatter made a motion to authorize the Village Clerk to schedule a special meeting for purposes of the Dudman sewer relocation project, if needed, to review documents which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Having concluded the business set before them, Trustee Edsall moved to adjourn into Executive Session in order to discuss the Improper Practice Charge and the Water Department Personnel issue, with Chief Weber, Water Superintendent June, and Clerk Mahoney present, which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays the meeting was adjourned at 9:38 PM.

The meeting was reconvened at 10:05 PM on a motion brought by Trustee Edsall, seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

WATER DEPARTMENT PERSONNEL

Relative to a personnel matter involving Keith Gessel, Trustee Edsall made a motion stating that the Village Board concurs with Water Superintendent June proceeding with the prescribed course for a

suspension and charges which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

IMPROPER PRACTICE CHARGE HEARING – VILLAGE REPRESENTATION

Trustee Edsall made a motion to authorize Police Chief Weber to represent the Village in the improper practice charges matter, PERB Case #U30284, that he be the representative of record, and Attorney for the Village be available for consultation if required. Further to authorize the Village Clerk to request Mr. McKay submit a letter to the AOG advising that he is no longer representing the Village on this PERB matter. The motion was seconded by Trustee Vatter and carried by a vote of 4 Ayes, 0 Nays, and 1 Abstain (Gross).

Having concluded the business set before them, Trustee Vatter moved to adjourn the meeting at 10:06 PM which was seconded by Trustee Edsall and carried upon a vote of 5 Ayes and 0 Nays.