

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 7, 2011

The Emergency (Special) Meeting of the Board of Trustees was called to order at 5:35 P.M., at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

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

Absent was: Trustee Barbara Gosda

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Police Chief Paul Weber, Village Attorney for the Village Joseph McKay, and Village Clerk Jeanne Mahoney.

**NEW BUSINESS**

**RESOLUTION TO AUTHORIZE COUNSEL TO REPRESENT VILLAGE OF CORNWALL-ON-HUSON, TRUSTEE EDSALL, TRUSTEE KANE AND TRUSTEE VATTER IN THE ARTICLE 78 PETITION FILED BY MAYOR GROSS**

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

**WHEREAS**, the Village Board on March 7, 2011 requested an emergency meeting to meet the same day to provide, pursuant to Village Code Section 20-1 through 20-9 for the defense and indemnification of the Village of Cornwall-on-Hudson and elected officials (defendants/respondents) named in an Article 78 proceeding initiated by Mayor Joseph Gross on or about March 3, 2011 against the Village and/or same elected officials; and

**WHEREAS**, Village Code Section 20-1 through 20-9 provides for the defense and indemnification of the Village and elected officials (defendants/respondents) and that Sections 20-1 through 20-9 provides that said elected officials are entitled to legal representation relating to such action and the Village has a duty to defend and indemnify said elected officials; and

**WHEREAS**, the Village of Cornwall-on-Hudson and elected officials named as defendants/respondents in such Article 78 proceeding request that the such legal representation be provided in defense of the Village and such elected officials;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

That the Village Clerk notify and provide copies of all documents served upon the Village relating to said Article 78 proceeding to the Attorney for the Village (Tarshis, Catania, Liberth, Mahon and Milligram PLLC) pursuant to Village Code Section 20-3 and 20-5 and that it is resolved that the Village of Cornwall-on-Hudson and the elected officials named in such Article 78 as defendants/respondents will be provided legal representation in defense of said Article 78;

That the Village Board hereby retains the services of the firm of Dickover, Donnelly, Donovan & Biagi, LLP of Goshen, New York for all parties named as defendants/respondents in said Article 78 proceeding in accordance with the proposal for services dated March 7, 2011 and direct that the Attorney for the Village provide all related documentation to said firm without delay; and

That the Village Clerk notify and provide copies of all documents served upon the Village Clerk relating to said Article 78 to the Insurer for the Village of Cornwall-on-Hudson and notify the same that the Village of Cornwall-on-Hudson and the elected officials named as defendant/respondents in such Article 78 proceeding resolve that legal representation be provided by said Insurer to the Village of Cornwall-on-Hudson and such elected officials in defense of said Article 78.

The foregoing resolution was seconded by Trustee Edsall and the motion was called to a vote which resulted in 3 Ayes (Edsall, Kane, and Vatter) and no vote (Gross).

Having concluded the business set before them, Trustee Edsall moved to adjourn the emergency (special) meeting at 5:40 P.M. which was seconded by Trustee Kane and upon a vote of 3 Ayes and no vote (Gross), the meeting was adjourned.