

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 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 Edsall made a motion to approve the February 28, 2011 Regular Meeting Minutes as presented, which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Trustee Edsall made a motion to approve the March 7, 2011 Special Meeting Minutes as presented which was seconded by Trustee Vatter and carried by a vote of 4 Ayes, 0 Nays, and 1 Abstain (Gosda).

TREASURER’S REPORT

Village Treasurer Auffredou presented the treasurer’s report through February. He reported receipt of 95.69% in anticipated revenues and 88.89% in anticipated expenditures at the end of that fiscal year.

The March, 2011 warrant total is \$523,061.63.

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

Village water, sewer, garbage & penalties	\$ 212,229.23
Town water & penalties	232,200.52

Which included 2 final/adjustment for the Village and 1 for the Town.

DEPARTMENT REPORTS

The Department of Public Works reported weekly yard waste collection has resumed, maintenance done on Village sewer system, cleaning of storm drains for snow melt, service of street sweeper which is now ready for service, maintenance to Village owned vehicles, preparation of equipment for spring (blacktopping), and the Spring bulk clean-up is scheduled for May 2, 2011.

DPW Superintendent Halvorsen presented a proposal for “single stream recycling” to the Village Board. This will increase the annual total paid to the Village by Hudson Baylor by approximately \$4,800.00. It will follow the same collection schedule. The Village will also realize savings in manpower, fuel, and vehicle maintenance. Residents will place all recyclables in one container.

Trustee Edsall made a motion to authorize DPW Superintendent Halvorsen to coordinate with the Village Clerk and proceed with implementation of “single stream recycling program” which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

The Water Department reported an average daily production of 1.694 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 73). It was also reported that 19 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, 60 utility mark-outs were done, routine maintenance was done to pressure reduction valves (PRV), snow was removed from all properties and fire hydrants, and flooding occurred at all locations as a result of heavy rainfall.

Water Superintendent June further reported that the Black Rock plant was totally cleaned. The Catskill plant is offline for repairs.

Upon the recommendation of Water Superintendent June, Trustee Edsall made a motion to authorize posting of Water Department Laborer position which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Trustee Kane made a motion to authorize the Water Superintendent to submit information to the agency currently under NYS bid to obtain pricing on a “lease to buy” agreement and/or purchase of three (3) vehicles which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

The Police Department reported 9 misdemeanor/violations, 3 arrests, 2 vehicle accidents, 39 violations issued, 36 warnings, 4 disabled vehicles and lockouts, 1 domestic incident, 4 suspicious vehicles and/or persons, 3 animal complaints, 2 disorderly conduct, 6 responses to alarms, 6 assists to the Town of Cornwall Police Department, 9 EMS assist calls, and 7 assists to other agencies.

The Fire Department reported 21 events, including 9 emergency medical service (EMS) calls, for a total of 289 volunteer man hours.

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

Mayor Gross reported that the Department of State was in last week looking at the work that the “Town is doing” and seems to be “satisfied with everything as it stands at the moment”.

CORRESPONDENCE

Mayor Gross is in receipt of a notice from Water Superintendent June with spring hydrant flushing schedule.

Mayor Gross is in receipt of a copy of a letter dated March 28, 2011 from DPW Superintendent Halvorsen to Michael Bigg, Jr. of Quality Auto Towing & Recovery thanking him and his staff for responding to our call for service on March 23rd when one of our trucks got stuck in mud after a partial road collapse. The care used to remove the truck prevented any damage and allowed it to remain in service that evening.

Mayor Gross is in receipt of a Notice of Violations dated March 21, 2011 from Natalie Brown of the NYS Department of Environmental Conservation regarding MS4 storm-water management plan requirements. This item is scheduled for discussion later in tonight's agenda.

Mayor Gross is in receipt of an email dated March 24, 2011 from Jim Impallaria and John Braunagel requesting permission to allow full service outdoor dining including alcoholic beverages between the hours of 12:00 PM – 9:00 PM at their business "The Trestle" (located in the former Drews at the Square).

Trustee Edsall stated that he has no issue with this request and made a motion to refer it to counsel for preparation of an agreement acknowledging the need for proper insurance and compliance with seating layout as presented. The motion was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Mayor Gross is in receipt of an alteration application notice form dated March 24, 2011 from Atticus Max, LLC – 2 Alices Coffee Lounge 311 Hudson Street, to allow use of front patio for wine and beer consumption.

Trustee Edsall suggested that this may need to return to the Planning Board for an amended site plan approval. Mayor Gross asked the clerk to make the referral.

Mayor Gross is in receipt of a renewal application notice form dated January 3, 2011 from Chaudhary Jaweed – Citgo Gas & Grocery for a license to sell beer and wine at 374 Hudson Street.

Mayor Gross is in receipt of a copy of a letter dated March 10, 2011 from Clerk Mahoney to Christopher Ellis of the NYS Comptrollers' Office asking them to pay the \$3,200.00 in software programming charges to reformat the data to their specifications in accordance with the resolution passed at the February 28th Village Board meeting.

Mayor Gross is in receipt of a letter dated March 1, 2011 from Anthony Solfaro, President of NYS Union of Police Associations regarding the collective bargaining agreement between the Village and the PBA.

Mayor Gross is in receipt of a letter dated March 14, 2011 from Jon & Janka Harbison of 34 Shore Road regarding the "prompt, professional, and complete job" done by the DPW Superintendent and his staff during a recent flooding condition on their property.

Mayor Gross is in receipt of the annual Agreement for Pavement Marking on Non-County Roads – 2011 Season from the Orange County Department of Public Works.

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

WHEREAS, the Village of Cornwall-on-Hudson wishes to enter into an agreement with the Orange County Department of Public Works for pavement markings on non-county roads for the 2011 season; and

WHEREAS, the Village of Cornwall-on-Hudson further certifies that they have read and understood the Agreement for Pavement Markings on Non-County Road for the 2011 season as provided by the Orange County Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby authorize the Mayor to sign the agreement upon review by Village counsel.

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

PUBLIC COMMENT

Brigid A. Flynn of 28 Andrews Street read a letter to the Village Board dated March 28, 2011 complimenting one of the Village employees.

Trustee Edsall stated that he can attest to the Clerk's capability, thinks she does a "great job", and made a motion to enter the letter verbatim into the minutes as a complement to her which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

"Dear Mayor and Members of the Board,

As an Election Inspector and a citizen of the Village of Cornwall-on-Hudson, I am asking the Village Board and people of the village to thank our Village Clerk, Jeanne Mahoney, for her outstanding performance during the past election.

She performed her duties well above and beyond her duties as Village clerk by her action and knowledge of the Village election. She remained calm under extreme circumstances.

The Village of Cornwall is honored to have such a dedicated employee.

As a Election Inspector and citizen of the Village, it was an honor to serve with such a leader. I say, "Thank You".

Sincerely,

Brigid A. Flynn"

OLD BUSINESS

DPW LITIGATION

Trustee Kane made a motion to approve a \$400 expenditure, which is detailed on page #5 of a confidential letter from John Harwick of Hacker Murphy, LLP under recommendation, paragraph 2 which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

DUDMAN SEWER RELOCATION PROJECT

DPW Superintendent Halvorsen reported that he sent out the plans to several contractors to review, and set a date of March 14th for proposals to be received. Three (3) proposals were received from Schmidt Excavating, Spagnoli Excavating, and Nannini & Callahan Excavating. Nannini & Callahan Excavating is the apparent low bidder with \$26,856.16 for relocation of the sewer line, and he recommends the Village Board approve the proposal so this project can move forward.

Trustee Edsall stated that under NYS General Municipal law, anything that is under \$30,000.00 in total cost for the labor and materials is not subject to bidding regulations/laws. A project under \$30,000.00 must comply with the Village's Procurement Policy which is adopted annually at the Reorganization Meeting. Since DPW Halvorsen requested and received three (3) proposals that come in under the \$30,000.00 limit, he is in compliance with our current procurement policy. He made a motion to authorize the Mayor to execute an agreement, for the construction encompassed in the proposal from Nannini & Callahan Excavating, to be prepared by the Village Clerk and reviewed by counsel. Further to require submittal of the proper insurance forms. The motion was seconded by Trustee Vatter and carried by a vote of 5 Ayes and 0 Nays.

GARBAGE RATES FOR FISCAL YEAR 2011-2012

Village Treasurer Auffredou reported that there is a \$65,000.00 error in the budget, and a garbage rate increase will be needed to correct it. The earliest that an increase can be implemented is with the June 15th billing for the two months prior.

After some discussion, Trustee Vatter made a motion to authorize an 8% increase in garbage rates to take effect on the June 15, 2011 billing. The motion was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

BUDGET TRANSFERS

Village Treasurer Auffredou prepared a schedule of budget transfers for the Village Board to approve for fiscal year ending February 28, 2011.

After some discussion regarding the schedule, it was determined that the Board is not in a position to vote this evening. A restraining order has been issued by an Orange County Supreme Court Judge preventing the Village Board from moving money. These transfers will have to be tabled until the Article 78 proceeding filed by the Mayor against the Village is resolved.

NEW BUSINESS

FEMA – GRANT REQUEST/ SEMO – LETTER TO MS. WOLLABER

Mr. Simon Gruber reported that Mayor Gross recently solicited bids for shoreline stabilization, with assistance from DPW Superintendent Halvorsen, in order to submit pricing quotes to SEMO. This was in response to an email from Ms. MaryAnn Wollaber, the project manager at SEMO, suggesting that FEMA may approve a reduced scope of work for this project (electing not to be hazard mitigation

work). He and Mayor Gross have prepared a letter to her and will also request a one year extension to complete the project.

Trustee Edsall suggested that the letter not refer to an “inadequate budget, but rather indicate the FEMA budget, based on their own estimate following the disaster, was 25% of the actual cost. Their estimate “was so far off” that we can’t pursue the project. He is concerned that if FEMA isn’t reminded of this, they may refuse to authorize any new money to the Village because we “turned down a grant”. We need to protect ourselves from future criticism.

Trustee Edsall made a motion authorizing the letter, with his suggested adjustment to first paragraph, which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

ROUND TOP PARK REFORESTATION

Mayor Gross reported there was approximately ½ acre of tree cutting on steep rocky slopes in Round Top Park several years ago. He introduced John Brady of Black Rock Consortium to speak on this issue.

Mr. John Brady reported that soil erosion around this area is extreme and vegetation helps keep it in place. It took “many decades” for chestnut oak trees to grow there and they have been eliminated. To get back to that state would take “generations of shrubbery and tree growth”. He proposes the Village Board get that started at an accelerated rate by authorizing a planting by volunteers and Boy Scout Troop 118. Black Rock will supply vegetation and he suggests a “protected planting” using 6’ fence diameters to keep deer out.

Trustee Vatter made a motion to approve this volunteer activity, to be overseen by DPW personnel, which was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

Village Board members thanked Mr. Brady, Boy Scout Troop 118, and Mayor Gross for participating in this recovery.

MS4 STORMWATER MANAGEMENT PLAN LETTER

Trustee Edsall stated it is consistent with last month’s report. The MS4 stormwater management/illicit discharge laws are in review and the recent letter from the NYS DEC has been forwarded to Village counsel for response by April 8th.

WATER DEPARTMENT PERSONNEL

This item will be discussed in later in Executive Session.

DONAHUE MEMORIAL PARK – GUARDRAIL

DPW Superintendent Halvorsen stated that the guardrail at Donahue Memorial Park is “in bad shape”. He proposes that the existing guardrail be removed (starting near the Cornwall Yacht Club), have it pressure washed, painted, and reinstalled using 4’ x 6’ pressure treated lumber. The cost for materials is approximately \$2,000 and 2 weeks of labor and money is available in the budget. Hearing no objection from the Board, he will move forward.

Trustee Gosda recognized Mayor Gross for the 4 years he served as Chief Officer of the Village. It has been her pleasure to work with him. She has admired his commitment to this community, and feels we have been “well served”. Trustees Kane and Edsall thanked Mayor Gross for his service to the community. Trustee Edsall acknowledged Trustee Vatter for his service to the community as well. He always appreciated his “honest quick input”.

Having concluded the business set before them, Trustee Edsall moved to adjourn into Executive Session in order to discuss a Water Department Personnel issue, with Water Superintendent June present, which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays the meeting was adjourned at 8:40 PM.