

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

August 15, 2011

The regular meeting of the Board of Trustees was called to order at 5:30 P.M., at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Brendan G. Coyne
Deputy Mayor Mark J. Edsall
Trustee Barbara J. Gosda
Trustee James P. Kane
Trustee Andrew Argenio

Deputy Mayor Edsall moved to adjourn the meeting into Executive Session to conduct interviews for Building Inspector which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 5:31 PM.

Deputy Mayor Edsall moved to adjourn out of Executive Session at 6:55 PM on a motion seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

The regular meeting of the Board of Trustees was called to order at 7:00 P.M., with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Brendan G. Coyne
Deputy Mayor Mark J. Edsall
Trustee Barbara J. Gosda
Trustee James P. Kane
Trustee Andrew Argenio

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

MINUTES

Trustee Argenio moved for the acceptance of the July 18, 2011 Regular Meeting Minutes as presented on a motion seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall moved for the acceptance of the August 6, 2011 “Dialogue” Minutes which was seconded by Trustee Kane. After some discussion Deputy Mayor Edsall withdrew his motion.

Trustee Argenio moved to table acceptance of the August 6, 2011 “Dialogue” Minutes which was seconded by Trustee Gosda. The Clerk was instructed to revise the minutes and include comments from

audience members who asked to speak and was recognized by Mayor Coyne. The motion was then carried by a vote of 5 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Cornwall Historical Society regarding a memorial service on 9/11/11.
- Letters from Michael O'Connor, Esq. and Anthony Missere regarding the Riverbank Restaurant.
- Letter from Caroline Yarton regarding the Summer Playground program.
- Application from The Rockwall Pub & Grub for a liquor license.

TREASURER'S REPORT

Village Treasurer Mahoney reported receipt of \$3,848,324.48 in anticipated revenues and \$1,989,393.13 in anticipated expenditures through the end of July.

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

Village water, sewer, garbage & penalties	\$ 103,817.79
Town water & penalties	569,724.67

which included 3 final/adjustments for the Village and 1 for the Town.

Budget Transfers Ms. Mahoney provided the Board with a memo dated August 15th requesting two budget transfers for July. The first is from General Fund to Water Fund (Cash Accounts) – \$70,000 (repayment of June loan). The second is from Water Fund to General Fund (Cash Accounts) – \$350,000 (repayment of June loan).

Mayor Coyne is in receipt of a letter from Gary C. Theodore of Nugent & Haeussler regarding Board approval of transfers. The Village Board should approve transfers (loans) from one fund to another. Board approval is not required for transfers for the purpose of paying expenses, payroll and payroll taxes.

Discussion followed regarding payment of interest when a loan is repaid.

Deputy Mayor Edsall made a motion to approve the budget transfers as requested subject to an additional interest payment if needed which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Ms. Mahoney reported that Warrant #8 is not ready for Board approval this evening. She provided vouchers requiring Board signatures before the warrant can be prepared.

After some discussion, Trustee Gosda made a motion to schedule a special meeting on Thursday, August 18, 2011 at 4:30 in order to approve Warrant #8 to pay July bills which was seconded by Deputy Mayor Edsall and carried by a vote of 5 Ayes and 0 Nays.

Mayor Coyne prepared a draft budget calendar which starts the process a month earlier and distributed it to the Board for their review.

Tax Bill Relief - Deputy Mayor Edsall made a motion to grant tax penalty relief in the amount of \$138.55 for property located at 191 Mountain Road (115-1-4.1) because of late notice from the county on the property sale. The motion was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

GASB-45 – Mayor Coyne reported that the Board passed a resolution back in November of 2010 authorizing the Mayor to sign an agreement for GASB-45 (Post-Employment Benefits Actuarial Services). That agreement was never signed and the work was not completed.

Trustee Gosda made a motion authorizing the Mayor to sign an agreement with Armory Associates to complete GASB-45 as an element of the 2009-10 audit and pay \$3,900 for the work. The motion was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

BOARD DEPARTMENT REPORTS

Building Department Mayor Coyne reported that 10 building permits were issued, 10 certificates of compliance/occupancy were issued, 20 onsite inspections performed, 10 fire inspections performed, and 4 property notices were issued for a total of 22.5 hours in June.

Mayor Coyne also reported that interviews were scheduled and held earlier this evening for the building inspector position. One candidate did not show up. They are seeking a part-time employee who is certified by NYS and has experience.

Mayor Coyne reported that Michele Gorta has visited the neighborhood where there has been an ongoing problem with feral cats. She has offered to assist the Village and will most likely visit the area again.

Clerk Mahoney provided Board members with a proposal from General Code Publishers to put the Village Code Book online. Any updates will be an additional charge and the Village will be subject to an annual licensing fee.

Trustee Argenio stated that would like to move forward on this. It will be a benefit to our residents. Discussion followed.

Fire Department Deputy Mayor Edsall reported 2 wires down, 6 medical calls, 1 public service call, 2 motor vehicle accidents, 1 brush fire, 1 mutual aid standby, 1 parade, 8 work details, 6 training, 2 fire prevention, and 4 annual fair for a total of 34 events and 1,129.5 man hours.

On August 6th, there was a structure fire at Tom's Tavern. The department made a “nice stop” with help from Cornwall Fire Department and Vails Gate Fire Department. The New Windsor Fire Department covered the Village.

Members of the department have completed painting the outside of firehouse, treatment of termites in training room, and update of hazmat meter. They also completed annual driver training for old and new

members, and a hands on drill at the fair. In addition fire prevention programs took place at the Village playground camp, Five Point mission camp, and the annual fair.

The department is currently preparing work (to start this November) for the Annual 2012 parade and convention, repairing sidewalk around new sign in cooperation with the DPW, conducting annual SCBA testing, and developing a plan for the 1973 tower ladder truck. The new Assistant Chief leased vehicle should be delivered this fall.

A moment of silence was observed in honor of the late Bart Bryan, a long-time member of the department (46 years of service) who served as Chief in 1977/78 and Treasurer from 1980-1990.

PUBLIC COMMENT

Melissa Vellone of Bayview Avenue read a letter from Mr. Walter George Burger who could not attend tonight's meeting. He wants the people involved in the project held responsible for any costs that may occur. In addition, a "trust fund" should be established for future repairs. Village taxpayers paid for the building once and should not have to pay again.

Mayor Coyne again reminded the audience that he is available by phone and email and is happy to meet with anyone anytime.

Police Department Trustee Kane reported 1 felony crime, 6 misdemeanor/violations, 6 vehicle accidents, 23 violations issued, 15 warnings, 6 disabled vehicles and lockouts, 9 misdemeanor arrests, 5 domestic incidents, 16 suspicious vehicles and/or persons, 9 animal complaints, 19 disorderly conducts, 9 responses to alarms, 4 assists to the Town of Cornwall Police Department, 12 EMS assist calls, and 6 assists to other agencies.

Mayor Coyne reported that the first interviews were held for a new police chief prior to the work session last Monday. The Board hopes to bring someone "on board" soon.

Vehicle and Traffic Law - Mayor Coyne reported that the Department of Public Works and Police Department are working with the Attorney for the Village to make some changes regarding parking along both Duncan Avenue and Church Street.

Department of Public Works – Trustee Gosda reported weekly yard waste collection, weekly mowing/trimming of malls and Village owned properties, sweeping of Village roadways, cleaning of drains, assist to Town of Cornwall DPW with July 4th set up and clean up, maintenance of Village vehicles, removal of damaged concrete on Paula Court (replaced with blacktop), purchase of pavers for bandstand area and paperwork filed with Village Clerk to meet grant deadline, starting work on River Avenue drainage pipe to eliminate hazardous gutter.

DPW Facility – 50 Shore Road - Mayor Coyne reported that Mr. Wieboldt provided a proposed design and cost estimate at the last work session. He will come to the September 12th work session with bid documents.

Trustee Argenio reviewed the Wieboldt proposal and is concerned that #11 reads "strip footings that support concentrated loads at garage door posts have not been designated to minimize long term differential settlement". Mr. Wieboldt's suggestion is "the use of steel columns in the interior of the

building allows for the embedment length required for the columns to be achieved”. “It also encompasses the area around the existing columns.” “Based on the soil report, long term differential settlement is a possibility without the use of deep foundation (piles) which are not used”. Mr. Argenio is concerned that the cost estimate provided might not provide a solution to the soil calculation report regarding settlement. He thinks we should have an engineer put “his stamp on the line” to make sure we have a solution. Mayor Coyne replied that he will make sure this is addressed with Mr. Wieboldt at the September 12th work session.

Trustee Argenio made a motion authorizing Mayor Coyne to obtain engineering quotes for a review of corrective structural design on the DPW building which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

After some discussion, a resolution authorizing Mayor Coyne to contract for an environmental audit of the entire Village yard on Shore Road was tabled until Thursday’s special meeting in order to obtain additional information on one of the quotes received.

Taylor Biomass – Attorney for the Village McKay spoke with Jim Rollins from Taylor Biomass about general issues. There was no specific resolution to any of those issues; however the timeframe for signing the contract keeps shifting. Taylor has not been communicating with local municipalities because they have been negotiating a contract with the county. If a contract is finalized with the county, how will that affect contracts with local municipalities? He does not have much information on that now. Mr. McKay asked Mr. Rollins if the contract with municipalities is negotiable or is it “take it or leave it”. He was told that each time a contract is modified; Taylor Biomass must get it approved by their Washington, D.C. attorney’s. When Mr. McKay brought up his concerns with the liquidated damages provision, the response was vague. A meeting has been scheduled this Wednesday with Mr. Rollins, local Mayors and municipal attorneys to discuss the contract timeline, what in the contract is negotiable, and what is not. It appears that the 20 year contract term is not negotiable because of Taylor’s loan guarantees and funding.

After some discussion a decision on signing the contract was tabled until the Thursday special meeting so that Mayor Coyne can get questions answered at the joint meeting on Wednesday.

Summer Playground Trustee Gosda reported the program ended this past Friday. She recognized Scott Valens for doing a terrific job this year as our director. She read the letter from Ms. Yarton expressing gratitude for running another wonderful summer program. The addition of several field trips added a “new dimension and variety” to the camp program. Camp counselors were kind individuals who genuinely cared for our children.

Water Department Trustee Argenio reported average daily production of 1.338 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 39). A total of 63 utility mark-outs were done, 31 meters were repaired or replaced, 4 final meter readings were taken, and water meter reading was completed. Flow testing of 22 fire hydrants between the Town and Village was completed (ISO fire ratings). The Orange County Water Authority leak detection survey report indicated 3 leaks were found. As of August 8th the department has rechecked these possible leaks and found nothing to support the reports findings.

In addition, the department completed moving all controls for North well above ground/flood plain, continued cutting the over growth on all dams, ongoing grass cutting on all Village properties, and began repair/maintenance work on Peck Road. Romar is building drive shafts and started installation of

bearings at Catskill Treatment Plant as of August 9th. The Maple Road pump station is in need of a new soft starter and a new booster pump. Water Superintendent June has rewired the good booster pump to be run from good soft starter as a temporary fix until the replacement equipment is delivered and installed. Water Superintendent June, Donald Bryde, Doug Seely and Matt Clancy attended training on August 11th in Harriman.

Water/Sewer Bill Relief Requests – 1) A request for relief of sewer charges at 4 Homeland Avenue from a broken outdoor garden hose. Upon the recommendation of Water Superintendent June and since the water did not enter the sewer system, Deputy Mayor Edsall moved to grant a reduction of the sewer overage which was seconded by Trustee Argenio and carried by a vote of 5 Ayes and 0 Nays.

2) A request for relief of sewer charges at 57 Spruce Street from a toilet leak. Upon the recommendation of Water Superintendent June, and because the water did go through the sewer system, to consistent with prior decisions this request is denied.

OTHER BUSINESS

AUFFREDOU – ARTICLE 78

Trustee Gosda recused herself from this discussion and left the board room.

Deputy Mayor Edsall made a motion to retain the law firm of Tarshis, Catania, Liberth, Mahon & Milligram, PLLC to respond to the Article 78 filed by Stephen Auffredou which was seconded by Trustee Kane and carried by a vote of 4 Ayes and 0 Nays.

AUDIOVISUAL PRODUCTION PERMITS

Upon the recommendation of Trustee Kane, this item was tabled to provide him additional time to request scheduling fees from other municipalities.

BANDSTAND PAVING

Mayor Coyne reported that the materials have been purchased. He spoke with Mr. Speranza who indicated he is not able to do the work “at this time”. He has not yet spoken with Mr. Randazzo. It is expected that the work will start after the bandstand concert season ends. DPW Halvorsen was asked to provide a proposed start “window” of dates at the next work session.

CSEA NEGOTIATIONS

This item was tabled for Executive Session later this evening.

CORNWALL YACHT CLUB

Trustee Kane reported that a second meeting took place and information was exchanged. Another meeting has been scheduled for September.

PBA NEGOTIATIONS

This item was tabled for Executive Session later this evening.

PUBLIC COMMENT

Andrew Maroney of 4 Barr Avenue asked for present status of litigation proceedings in connection with the DPW building. He stated that the Village website has a “wealth of knowledge” in connection with documents solicited and received for professional findings at the DPW site. The Tectonic report lists “all kinds of faults” found when they inspected the site. There are the also 28 code violations compiled by New York State.

Mayor Coyne responded that the Board has discussed this matter “a number of times”, and special counsel Hacker Murphy was hired to address it. We anticipate receipt of the documents from them shortly.

Deputy Mayor Edsall stated that all of the items listed in the Tectonic report are being evaluated. As part of the follow up review of that report, which was requested by the Board, at least one inaccuracy was identified. They missed the fact that laminated poles were treated wood, indicating in their report the wood was not treated.

Emily Thomas of 224 Hudson Street requested clarification. She understood that the documents were being returned by Hacker Murphy because their work was complete and nothing more was going to happen.

Trustee Kane responded that Hacker Murphy has provided a report and will be returning documents to the Village. The Board now has to determine, based upon the estimates provided, whether or not to move forward with an RFQ seeking an attorney to litigate this on behalf of the Village. If a decision is made to litigate, based upon the fact that the Village was involved, we must determine the extent of our own liability. The Board must also consider the potential cost of litigation.

Deputy Mayor Edsall added we are still waiting to receive the file back from Hacker Murphy. It is hoped that file will provide additional information because the report letter did not contain much.

Discussion followed regarding the type of qualifications/experience the Board will seek in an RFQ. A scope of work must also be drafted.

BOARD MEMBER ACTIVITIES/COMMENTS

Trustee Gosda asked DPW Superintendent Halvorsen for information regarding the erosion on Dock Hill Road.

Mr. Halvorsen reported that a tree fell down. Upon the recommendation of the Orange County Water & Soil Conservation, he plans to backfill the area that has eroded and put down a matting material along a test area of 40’x100’ to see how it works on the hill. That will occur sometime in mid to late September, once the growing season has ended. So far he has only received one bid.

Mrs. Gosda asked Mayor Coyne for status of a request for meeting with Central Hudson regarding road opening permits for replacement of gas service lines throughout the Village.

Mayor Coyne responded that he has reached out to a Central Hudson representative and left a message but has not yet received a call back.

Deputy Mayor Edsall reported that committee members are making progress on a Workplace Violation Prevention program. Their input sheets are to be completed by next week at the latest. He anticipates that a committee meeting will be scheduled for early September.

Trustee Argenio asked Mayor Coyne if we got “anything together” for the Greenway Grants. Mayor Coyne replied that we did not.

Mr. Argenio then stated that there will be another “Dialogue with the Residents” on Saturday, September 24th. He invited all Board members to attend.

Having concluded the business set before them, Trustee Kane moved to adjourn the meeting into Executive Session at 8:23 PM in order to discuss CSEA and PBA negotiations, Taylor Biomass, the Auffredou Article 78 proceeding, and a personnel matter/potential litigation issue was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays. Mayor Coyne indicated that the board would not transact any business upon conclusion of the executive session.