

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 10, 2011

The special meeting of the Board of Trustees was called to order at 7:00 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

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Police Officer John Peña, Building Inspector Benigno Maldonado, and Village Clerk Jeanne Mahoney.

NEW BUSINESS

ANNUAL MS4 STORMWATER MANAGEMENT REPORT – SET PUBLIC HEARING

Trustee Kane made a motion to schedule a public hearing on the MS4 Stormwater Annual Report on October 17, 2011 at 7:00 which was seconded by Trustee Edsall.

Trustee Gosda asked if the MS4 report includes storm drain maintenance. DPW Superintendent Halvorsen replied yes. Mrs. Gosda then stated she needs to know how we maintain them especially if they are a part of the MS4 report.

Trustee Argenio asked DPW Halvorsen if his report indicated that 85 storm drains were cleaned. Mr. Halvorsen replied that James Fitzsimmons, the Engineer for the Village, prepared the report. Mr. Halvorsen further replied that his department regularly cleans the drains. Mr. Argenio stated that he and Trustee Gosda walked around the Village and spoke with residents about problems with storm drains. Mr. Argenio noted that they found approximately 20 drains that were not cleaned out. He questioned whether we are actually cleaning drains, or if this is “just a form we fill out”. Mayor Coyne indicated that due to recent weather issues, including Hurricane Irene, the DPW crew has been quite busy and some drains may have clogged. Mr. Argenio pointed out that Hurricane Irene occurred over a month ago and they have observed grass growing out of one drain and another on Willis Avenue had layers of oil and chip. Mr. Argenio cannot say that this

report “is accurate” as Mayor Coyne did when he signed it, when his “quick inspection” shows it wasn’t done. Mayor Coyne will check into this during the week before signing off on the report Monday evening.

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

CORRESPONDENCE

- Letter from Mr. & Mrs. Brian Sweeney of 339 Hudson Street regarding ongoing drainage problems. This will be discussed later in tonight’s agenda.
- Letter from the Orange County Legislature regarding the annual request for tax exemptions on property owned by the Village to maintain the water system in other parts of the county.

TREASURERS REPORT

Village Treasurer Mahoney reported that monthly bank statements are being reconciled, and the GASB45 report is now complete and was forwarded to Nugent & Hauessler in order to complete the corrected 2009-2010 annual report (a copy of the final report is expected to be received and distributed to the Board later this week). Although it is not a budgeted item, Ms. Mahoney asked the Board to authorize her to contract with our auditors for an audit of the 2010-2011 fiscal year and assistance with that annual report. Given that we are 7 months into the current fiscal year, and will be soon working on the 2012-2013 budget, she feels their assistance is critical to bring us up to date and provide accurate fund balance. Ms. Mahoney further reported that October 1st is the taxable status date for the Village and she is currently preparing the tentative assessment roll for November 1st. In addition, she continues to work with other department heads on storm damage estimates and repairs. Bills are just starting to come in, and she has asked for copies of these vouchers to keep good records. She hopes to be able to provide some numbers to the Board at next week’s business meeting. Further Ms. Mahoney and DPW Superintendent Halvorsen met with a representative from Servpro to inspect areas affected by flooding from Hurricane Irene. These areas include the Village Hall Board Room, Police Station, and Hallway; along with all buildings located at 50 Shore Road. She is in receipt of an estimate which will be shared with the Board once it has been discussed with our insurance carrier.

Mayor Coyne indicated that he would be more comfortable if some “hard numbers” were available for the upcoming budget preparation. Trustee Gosda stated that she will need to review “budgeting figures” to see “where we are going” before she considers authorization of an unbudgeted expense. Trustee Kane asked Ms Mahoney is she is comfortable with figures provided by former Treasurer Auffredou. Ms. Mahoney replied that she does not feel comfortable with financial reports that were distributed to the Board for the 2010-2011 year based on the corrections made to the 2009-2010 year. Trustee Kane stated that it is vital to have correct information to work with. Trustee Argenio stated that if we can “find the money” it is always worthwhile to have an audit. The Board needs good numbers to work with. Deputy

Mayor Edsall requested the Village Clerk speak with our auditing firm about performing a “compilation” to verify any break in the accounting for line items vs. a complete report in order to do what is “needed to support” the preparation of the budget now followed by a complete report in January/February. This will allow the Village to pay for a partial unbudgeted audit this year and the completed audit next fiscal year. Ms. Mahoney agreed to reach out as soon as possible.

Budget Calendar Mayor Coyne presented the Board with a draft calendar which moves the budget process up by one month.

DEPARTMENT REPORTS

Building Department Building Inspector Maldonado reported 7 building permits were issued, 10 certificates of compliance/occupancy were issued, 11 onsite inspections performed, and 1 violation notices was issued.

Mayor Coyne reported that Inspector Maldonado worked 4.5 hours in his first week and 6.5 in his second week. Inspector Maggio worked 10 hours in his first week and 10.5 in his second week.

Fire Department Trustee Edsall congratulated members of SKEC#2 for winning the best overall trophy at this year’s county parade.

Police Department Officer Pena reported that Deer Season begins on October 15th. In addition he received some complaints regarding cancellation of the October 2nd “Hike and Bike”. Participants, unaware the event was cancelled, showed up which created a safety hazard. He suggested a sign be placed at the hike/bike start locations on dates the event is canceled.

Mayor Coyne reported that he is considering issuing a Local Emergency Order for Halloween and asked for comments from the Board. Members indicated their support.

Police Chief Search Mayor Coyne reported that he would like to discuss ongoing negotiations with the Board in Executive Session later this evening.

Department of Public Works DPW Superintendent Halvorsen reported weekly yard waste collection, weekly mowing/trimming of malls and Village owned properties, and 6 vehicles were sent out for complete fluid changes as a result of the flooding (3 garbage trucks, 2 dump trucs and a street sweeper). These vehicles have been returned to service. Other equipment including the leaf machine, sewer jet, blacktop roller, one ton dump truck, service truck, lawn equipment, and chain saws were all serviced in house. He further reported that work was performed at the DPW site to mitigate mold, River Avenue binder was applied and work should be completed by the end of October (recent rain storms have hampered progress), fall bulk cleanup has been scheduled for October 17th. In addition, he is waiting on FEMA representatives to address areas damaged by the storm.

Trustee Argenio asked Mr. Halvorsen and Ms. Mahoney if there is an amount that we applied to FEMA for. Mr. Halvorsen replied that FEMA representatives have come to assess some critical sites and he expects them to come back at some point to complete their assessment. An application for FEMA relief was completed by Water Superintendent June when they attended a recent “kick-off” meeting at the County 911 Center. Once FEMA representatives complete their assessment, they will provide the Village with a cost estimate.

Disposal of Municipal Solid Waste Bid Mayor Coyne reported that a bid opening was held on September 26th and two bid packages were received. The package from Interstate Waste included a letter of interest but no bid. The other was from Taylor Biomass.

Trustee Argenio reported that Interstate did not bid because there was no “escalation clause”. He would like that to be corrected because he knows that Taylor Biomass has one. After some discussion, the Board agreed to table this item until the regular meeting in order to discuss with the Attorney for the Village.

DPW Building Litigation Trustee Kane reported that an RFQ was prepared and presented to the Board at the September meeting. There was some question as to whether the Board took action last month to approve the RFQ and advertise. Clerk Mahoney will review the audiotape from the meeting, if it was approved she will advertise as soon as possible; if it was not approved she will make sure it is on the business meeting agenda.

Environmental Audit of Air Quality Mayor Coyne reported that Maser Engineering postponed air sampling in order to let things “air out” and get cleaned up, including mold mitigation, from the flooding caused by the hurricane. DPW Superintendent Halvorsen added that he has provided Maser all records needed to perform the environmental audit. Trustee Gosda restated her concern that the building be closed up and “sealed” when the air quality test is done.

Variance Hearing Mayor Coyne announced that a hearing will take place before the Department of State Codes Division tomorrow, October 11th for the DPW building. He will attend along with Deputy Mayor Edsall, DPW Superintendent Halvorsen, Inspector Maggio, and our engineer David Wieboldt.

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to make application and represent the Village along with Mr. Wieboldt and other departmental officials towards curing the appropriate variances. The motion was seconded by Trustee Kane. Discussion followed.

The motion was called to a vote which resulted in 3 Ayes (Coyne, Edsall, and Kane), 0 Nays, and 2 Abstain (Gosda, Argenio).

Water Department Water Superintendent June reported an average daily production of 1.3 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 46). A total of 73 utility mark-outs were done, 12

meters were repaired or replaced, 2 final meter readings were taken, water meter reading was completed, and 3 possible water leaks were investigated – all were unfounded. The department re-graded a portion of Pecks Road in order to open the roadway, continued cutting overgrowth on all dams, continued grass cutting on all properties and replaced water services to 328 and 330 Main Street. New drive belts for the flock drives will be ordered for immediate installation upon receipt (approximately 10 weeks). Mr. June will meet with representatives of DEP in reference to their proposed 2013 shutdowns of the aqueduct systems in White Plains on October 11th. The annual inspection by the Orange County Health Department will take place on October 12th.

Deputy Mayor Edsall suggested that Mr. June include the “wasted processed water”, used to start the Catskill Plant up during the storm, in his application to FEMA. If we had not gotten that plant online, we would have had a greater disaster and the only way to get the plant online so quickly was to accelerate the startup and waste the water.

Hurricane Irene Mr. June reported that approximately 218.76 man hours were expended on the storm. Damage includes, but is not limited to, the total washout of Pecks Road (repairs made and road subsequently reopened), well controls (had just been raised 4.5’) were flooded under 8.3’ of water and must be replaced, an area along Continental Road, and encroaching onto our water line, was washed out, and massive flooding around the Catskill Filter Plant. He attended a “kick off” meeting with Lee Burgess of Orange County Health Department, and representatives from FEMA, SEMO and OCOEM. They then toured and inspected these locations. It was a “positive meeting”, and he expects to have scopes of work for these 4 locations in the water system within the next couple of weeks. Inspections will start on stream crossings once streams recede.

Mr. June further reported that FEMA representatives are inspecting water treatment and wastewater treatment facilities first due to the environmental impact. If his application is approved, FEMA will “bring everything back up to its original standard”. FEMA will not provide a cost estimate “number”, instead they will indicate what work needs to be done and provide a scope of work they expect to see done. If agreeable, we can move forward. The Village will have to pay costs upfront and FEMA will reimburse. Most of the work will have to be contracted out and must follow FEMA’s scope of work unless a change is approved by them. Emergency repairs that have already been done will be reimbursed by FEMA. Mr. June and Mr. Halvorsen are the primary Village contacts to FEMA and everything must go through them. No one else should try to reach out to FEMA with any questions or concerns.

Trustee Argenio would like to know how much the Village is spending and how much we will be reimbursed.

Annual Supply Bids – Clerk Mahoney will have the annual bid documents for water meters, water treatment chemicals, fuel oil #2/off road diesel, and sludge removal ready for the Board in time for Monday’s business meeting.

Non-Revenue Water Recovery Water Superintendent June reported that he has met with the company assisting us in this matter several times, reviewed maps, and identified several areas of concern. This is a “fairly large and complex system” to do. The 3 water supply systems must be up and running to make sure customers will have water or the testing will not work.

Water System Improvements Trustee Argenio requested that Mr. June provide a “prioritized list” of necessary system improvements for the Board to consider while working on the next budget. Discussion followed.

OTHER BUSINESS

Auffredou Article 78 – Mayor Coyne reported that Mr. Auffredou’s attorneys have received another affidavit they had been waiting on and the law firm for the Village has provided supplemental information as of October 7th.

Election Resolution – Clerk Mahoney announced the next Village election will take place on March 20, 2012 for 2 Trustee positions.

Computer/Internet Usage Policy – Trustee Gosda stated that the Village does not have this type of policy in effect and would like get one enacted so that everyone will understand what is expected.

Cornwall Yacht Club – Trustee Kane spoke with Ron Salvatore who will be meeting with Colette Fulton to exchange information. In addition, Mr. Kane is preparing a memo for the Attorney for the Village addressing whether proper designation of the property is parkland and whether the building is a chapel.

CSEA Negotiations – Trustee Gosda would like to discuss this item in Executive Session later this evening.

Grievance Day – Mayor Coyne announced that the annual grievance day is Tuesday, November 15th from 4 PM – 7 PM. He will contact members of the Board of Assessment Review to see if they are interested in serving this year and will provide a list to the Board for approval Monday evening.

After some discussion, Deputy Mayor Edsall made a motion to ask the Attorney for the Village to prepare the proper legal steps to move forward on terminating the Village as a separate assessing unit which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Knight Gift – Mayor Coyne met with the daughters of a couple who donated property along Dock Hill Road to the Village. In gratitude for this gift, the Village will place a bench in that area.

Lions Road Race – Mayor Coyne announced that the Lions Road Race will take place on Sunday, November 13th.

Riverfest – Deputy Mayor Edsall made a motion authorizing the annual Riverfest event for June 2, 2012, subject to execution of the standard agreement including insurance requirement which is to be reviewed by counsel. The motion was seconded by Trustee Argenio and carried by a vote of 5 Ayes and 0 Nays.

Round Top Trees – Mayor Coyne thanked Boy Scout Troop 118 and John Brady, Forest Manager for Black Rock Consortium, for organizing the planting of shrubs to restore Round Top Park to pre-cutting condition.

Softball Game – Mayor Coyne announced the annual Village/Town Softball Game is scheduled for Sunday, October 16th.

Sweeney Property – Mayor Coyne is in receipt of a report from Jim Fitzsimmons, the Engineer for the Village. Trustee Argenio feels the report “makes it clear” that the work previously done by the Village was not sufficient to support the load and drain the site. Trustee Gosda is concerned that the water is on Willis Avenue and wants to speak with Mr. Fitzsimmons about it. Deputy Mayor Edsall stated that the problem goes beyond just the downstream capacity - it is a problem in getting water into the system. The report suggests “getting something” that will provide more of an under-drain benefit which will drop the underground water level through the easement rather than trying to contain it in a pipe which then doesn’t allow a depression in the groundwater table.

DPW Superintendent Halvorsen met with the Sweeneys and understands their problem with water. Currently there is “standing water” in the rear of their house within the drainage easement. Mr. Halvorsen suggests that we dig in a couple of locations within the easement around the pipe in the low areas where the water is collecting, especially where there is a footing drain coming off someone’s house that is constantly flowing water. Place “chimney” columns and another pipe off the existing pipe, in 2 locations, in a vertical position perforated with a catch basin lid on top of it surrounded by ¾” stone wrapped in filter fabric to lower the water table. The report also suggests we do some site work with elevations to confirm information while other work is done. Discussion followed.

The Sweeney’s were invited to speak with the Board. Mr. Sweeney stated that the existing pipe is “failing” onto his property even when weather conditions are not “extreme”. Mrs. Sweeney stated that in addition street water runs over the driveway into basement windows and then drains through the driveway. There is ankle high water in the driveway when there is heavy rain. Deputy Mayor Edsall stated that the report suggests “milling” along the curb line to aid in keeping water in the street. Mr. Sweeney suggested that a storm drain be added onto Willis Avenue before his property. Mayor Coyne asked Mr. Halvorsen to reach out to Mr. Fitzsimmons and ask that he modify his report based on tonight’s discussion and get something back to the Board in time for Monday night. Discussion followed.

Trestle Restaurant – Mayor Coyne is in receipt of a lengthy memo from Mr. McKay which was distributed to the Board. Deputy Mayor Edsall reported that the memo refers to Village Code Section 135-7 which grants the Village Board the ability to issue permits or licenses for any “special or general use” in the “street, sidewalk or place as the Board may in its discretion deem reasonable and proper”. The Board based its previous approvals and licenses for sidewalk café’s using this code section. According to Mr. McKay, it is “irrelevant if the sidewalk is there by an easement or by ownership”. The procedure by which the Board acts on these requests should be “cleaned up”. In addition, the Board should consider requiring an annual application for outdoor dining and issuing a license agreement that is “pro forma”.

Deputy Mayor Edsall made a motion that the Village assume the position of lead agency under SEQRA and determine this to be a Type 2 action which was seconded by Trustee Argenio and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the annual request from Trestle Restaurant for outside seating subject to filing of proper insurance and completing an application form which was seconded by Trustee Argenio and carried by a vote of 5 Ayes and 0 Nays.

Trustee Kane stated that this should also be “cleaned up” with regard to Mr. Missere because it appears that the Planning Board had no jurisdiction over this issue. Discussion followed.

Silverman Refund Request – Mayor Coyne is in receipt of an email from Mr. Todd Silverman owner of 164 ½ Hudson Street who is requesting a full refund on the trailer sticker he purchased earlier this year to use the boat ramp at Donahue Memorial Park. Mr. Silverman writes in part “the inability to maintain access has rendered the permit useless”. Mayor Coyne stated that Mr. Silverman had use of the ramp from at least June through the end of August. After some discussion, the Board agreed that Mayor Coyne should respond to Mr. Silverman and deny his request and include a copy of the rules and regulations regarding the boat ramp.

BOARD ACTIVITIES/COMMENTS

Trustee Gosda reported that a “Dialog with the Residents” was held on September 24th and some residents expressed concern because their questions are not getting answered by the Board during Public Comment in the Business Meeting. Mayor Coyne responded that it is his position that he will answer questions whenever they are brought to him or phoned in to him. At a meeting, he takes notes of questions when raised and responds at a later time. It makes for a good meeting. In addition Mrs. Gosda reported that the Village Wide Yard Sale will take place on Saturday, October 15th from 9:00 AM to 4:00 PM.

Deputy Mayor Edsall reported that he is pleased the Board “got some things off the agenda tonight”.

Trustee Argenio reported that he is pleased that the Board is moving forward on the Sweeney issue. In addition, the Hike and Bike is going well and over 400 people attended this past Sunday.

Trustee Kane thanked Michael Kelly for organizing the “Parkinsons Run” on Route 218 this past October 2nd. It was a well-run event and a “good day for a good cause”. He is also pleased that progress is being made on Sweeney matter.

Mayor Coyne reported at the August “Dialog with the Residents” an issue was raised concerning Central Hudson. He and DPW Superintendent Halvorsen met with Ralph Scandariato of Central Hudson regarding Village streets being torn up for installation of new service lines. Some of these streets were recently paved by the Village and this work is causing damage to the repaired roadways. Central Hudson has agreed to defer work on Cherry Ave, Vinebrook Ave, and Clark Ave and will work on other streets in the meantime. In addition, they will stay in touch with Mr. Halvorsen and the Mayor about those streets.

Orange County Economic Development – Mr. Gerald Jacobowitz, a current member of the Orange County Planning Board, came to speak with the Board regarding the Comprehensive Plan which is currently under review. A more ambitious approach is being taken this time. The Land Use Plan was adopted last November by the County Legislature. There are other component plans consisting of a Master Water Plan, Park and Recreation Plan, Open Space Plan, and Housing Plan (all adopted) which was never part of the 2004 Comprehensive Plan. One component remains, an Economic Development Plan. Approximately one month ago, Commissioner Church emailed an “outreach” to all the communities in Orange County and included a two page questionnaire. They are seeking input on what issues are important to communities to see if they “can help” and also come up with components for a plan. A couple of issues deemed important for the entire county are 1) Medical Services, and 2) Tourism. The completed questionnaire should be returned by the first week in November.

Having concluded the business set before them, Deputy Mayor Edsall moved to adjourn the special meeting and work session into Executive Session in order to discuss CSEA Negotiations and Police Chief Negotiations which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:10 PM.