

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 17, 2011

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 (arrived 7:16 PM), DPW Superintendent David Halvorsen, and Village Clerk Jeanne Mahoney.

PUBLIC HEARING

MS4 Stormwater Management Plan

James Fitzsimmons, Engineer for the Village, reported that back in 2003 the Village prepared the initial stormwater management plan for coverage under the general permit for Municipal Separate Storm Sewer Systems (MS4) and included 6 minimum control measures. The Village also identified the following pollutants of concern: oil/grease/salt from roadways and parking areas, illicit discharges such as failing septic systems, fertilizing from lawn maintenance, and pet waste. The annual report recently submitted is for the reporting year ending March, 2011 and included status on the control measures. *Public Education/Outreach:* Through our partnership with Orange County Soils and Water Conservation District, 380 Cornwall Central School District students were educated. A display was available for public review at Riverfest, the Village distributed flyers about the various issues of concern that have been identified, and a spot on the Village's website was established to provide MS4 information to the public. *Public Involvement/Participation:* An annual Public Hearing is part of this measure. In addition the Village assisted with the annual Hudson River cleanup. *Illicit Discharges:* The Village previously prepared a stormwater outfalls map and continues to screen for illicit discharges. In the coming year, a stormwater shed map to the outfalls will be prepared and the Village will develop a tracking method. *Construction Site Stormwater:* The Village's current local law contains controls over construction sites. *Post Construction Stormwater Management:* The majority of stormwater control ponds are privately owned. Village code includes ordinances which require property owners to take proper measures for maintenance and provides ability for the Village to enforce. *Pollution Prevention/Good Housekeeping:* This includes sweeping of Village streets (all were swept last year). In addition, 85 catch basins were cleaned and proper care was taken to avoid spills at the Department of Public Works site. The Village must prepare and maintain a formal "log" and additional staff training in the coming year in all these areas.

Trustee Argenio asked if the Village has been keeping records. Mr. Fitzsimmons replied that the Village began keeping formal records approximately 9 months ago as a result of an audit. These logs were lost in the flood at the DPW site from Hurricane Irene. The Village has taken and is taking corrective action

on keeping better records, so we “should be fine”. Trustee Gosda asked if there is a map of our catch basins. Mr. Fitzsimmons replied we have a map of outfalls, not stormwater infrastructure. DPW Superintendent Halvorsen added that he recently inventoried Village streets and counted 288 catch basins. Trustee Argenio asked what our procedure is regarding catch basin cleaning. DPW Superintendent Halvorsen replied that the Village sweeper, which is currently out of service, vacuums out catch basins.

Mayor Coyne invited the public to speak. Hearing none, Deputy Mayor made a motion to close the Public Hearing at 7:15 PM which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

PUBLIC COMMENT

Robert Smith of 45 Clark Avenue stated that the Village DPW did a great job cleaning up all the items left out for clean-up day including items damaged by Hurricane Irene.

Mayor Coyne reminded the public that he is happy to meet with anyone at any time by phone and email to discuss any issue.

MINUTES

Deputy Mayor Edsall moved to table acceptance of the September 19, 2011 Regular Meeting Minutes which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall asked the Village Clerk to amend the October 10, 2011 draft minutes to include page numbers and the word “annual” to the approval for outdoor dining at the Trestle Restaurant. Trustee Gosda moved to table acceptance of the October 10, 2011 Special Meeting Minutes which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Mr. & Mrs. Sweeney of 339 Hudson Street regarding their ongoing drainage problem.
- Thank you notes from Knight sisters regarding property along Dock Hill Road they donated to the Village.

Sweeney Drainage – DPW Superintendent reported that he anticipates making changes to the Hudson Street/Willis Avenue line after fall clean-up has been completed and necessary machinery has been acquired. The situation is being monitored during rain storms and, on October 12th, the pipe had a flow of 1 ½” of water. He attempted to meet with the Sweeney’s several times last week, unfortunately they were not available. He did meet with them earlier this evening and let them know that he hopes to start making changes in their backyard later this week including installation of “stand up chimneys”. He spoke with Mr. Sweeney regarding a change in the weather conditions and re-routing his sump pump back to its original location which Mr. Sweeney agreed is not an issue.

Trustee Gosda asked about the water coming down Willis Avenue. She states there is a drain on Willis Avenue that needs to be cleaned out. DPW Superintendent replied that the “pill box” needs to be cleaned out; however, the outflow pipe is working.

Deputy Mayor Edsall stated that there are 2 issues. The first is possible “milling” along the curb line to try to create reveal to keep water from “jumping” onto the Sweeney property. The next catch basin would effectively get whatever “skipped” past their driveway. The second is the capacity of the line as stormwater runs through, and he asked Mr. Fitzsimmons if he has had an opportunity to look at grades in that line to see what kind of “theoretical capacity” exists. Mr. Fitzsimmons replied that he has not been given approval to do this work, and would need to “check some grades”, check elevations at the pond, and do some analysis on the 12” pipe. Trustee Argenio “strongly” suggested this work be done as soon as possible. He stated that “a lot of people are pumping into the street”. “If we don’t solve the problem”, and tell the Sweeney’s to pump back into the basin behind their house, the water will go back into a loop and into their basement. He does not see how the Village can “arbitrarily” tell them they can no longer pump into the street.

Deputy Mayor Edsall made a motion authorizing James Fitzsimmons of Stantec to work with our DPW to obtain the surveying information to perform a “desk top” analysis for a “rough” capacity of the system which was seconded by Trustee Argenio and carried by a vote of 5 Ayes and 0 Nays. After some discussion, Deputy Mayor Edsall made a motion that subject to our engineer verifying that the capability is reasonably adequate for “normal storm events”, the Village Board authorizes DPW Superintendent Halvorsen to move forward to implement those improvements to get the Sweeney’s some relief as soon as possible. After a brief discussion, Deputy Mayor Edsall amended his motion to include directing DPW Superintendent Halvorsen to coordinate both information and timing with the Sweeney’s. Trustee Kane seconded the motion as amended which was carried by a vote of 5 Ayes and 0 Nays.

After some additional discussion, and because of “extenuating circumstances due to a problem with the municipal system”, it was stated that water from the Sweeney’s property can continue to discharge onto the street until the system in the backyard is installed and approved. DPW Superintendent Halvorsen reminded Board members that pumping onto the street is illegal and against Village Code.

TREASURER’S REPORT

Treasurer Mahoney reported receipt of \$4,539,668.55 and 63.58% in anticipated revenues and \$3,062,964.72 and 42.9% in anticipated expenditures through the end of September.

She referred to page #2 of the expenditure report – general line item A5110.410 (street maintenance equipment expense). Approximately 50% of the budget for that code was expended during September to repair vehicles and equipment that were out of service as a result of Hurricane Irene.

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

Village water, sewer, garbage & penalties	\$ 121,681.58
Town water & penalties	565,197.49

which included 2 final/adjustments for the Village and 2 for the Town.

Warrant #10 - Deputy Mayor Edsall made a motion to approve the October 2011- Warrant (#10) and authorize payments totaling \$225,061.24 which has been provided to the Village Board for review this evening. Trustee Kane seconded the motion and it was carried by a vote of 3 Ayes, 0 Nays, and 2 Abstain (Argenio, Gosda).

Ms. Mahoney also reported that she has received the 2009-2010 audit report from Nugent & Haessler and distributed it to the Board for review. She also provided the Board with copies of an engagement letter for a “compilation” of the 2010-2011 fiscal year.

Trustee Argenio made a motion authorizing Mayor Coyne to sign a contract with Nugent & Haeussler for a 2010-2011 compilation report at a cost not to exceed \$12,000 to be paid out budget line A1132.1 (General Fund Treasurer Salary). The motion was seconded by Deputy Mayor Edsall and opened for discussion.

Deputy Mayor Edsall stated that last week when he made the suggestion to have a compilation report done it was his intent to save the Village money. Trustee Argenio added that we are saving money by having “good hard numbers” to work with for our next budget. Trustee Gosda asked the Board to consider not working from this year’s expenses and do a more “grass roots” budget. Mayor Coyne agreed that the Board needs a “starting point” and a compilation audit provides one. Mrs. Gosda doesn’t want a starting point”; she would like to “go beyond” what was spent this year and determine what each department really costs the Village. Deputy Mayor Edsall asked how this Board can prepare any budget without a base line and/or confirmed operating costs. Trustee Kane stated that it is imperative that this compilation audit gets done considering the mistakes found by Nugent & Haeussler in the 2009-2010 audit report. This Board needs correct numbers to work with. The motion was then called to a vote which resulted in 4 Ayes and 1 Nay (Gosda).

Discussion followed including questions about several budget line items in the September expenditure/revenue report. Ms. Mahoney will look into these line items and get back to the Board. Attorney for the Village McKay suggests that the Board, during the upcoming budget process, consider modifying the Village Code and adopt a schedule of fees and escrow to have in place at the beginning of the next fiscal year. That could save a substantial amount of money paid by the Village each year on legal and engineering fees.

BOARD DEPARTMENT REPORTS

Building Department Mayor Coyne reported that he is interacting with the new Building Inspectors on a daily basis. Although working on different schedules, they have been able to “work together” and keep the hours at or under 20 hours per week.

Fire Department Deputy Mayor Edsall reported 6 medical calls, 4 public service calls, 1 automatic alarm, 1 motor vehicle accident, 1 boat fire, 3 mutual aid, 1 structure fire, 7 training, 3 drills, 1 “911 day”, 4 work details, and 1 parade for a total of 33 events and 464 man hours.

He further reported that a “live burn drill” took place on September 23rd, preparation work for Annual Fire Prevention week is ongoing, training for cutting metal with new saw is scheduled, preparation work is being done on annual “Bruce Armitage” weekend and the 2012 Orange County Parade/Convention, and a new hot water heater was installed to replace the one lost in basement flooding caused by Hurricane Irene.

Deputy Mayor Edsall congratulated the Storm King Ladies Auxiliary for winning first place award, Class B at the Annual Orange County Volunteer Fireman's Parade on September 24th.

Trustee Gosda asked why the Village Board is not receiving information on current projects at the firehouse (i.e. bid documents, inspections of work done). Deputy Mayor Edsall replied that the department has been making interior finish (non-structural) improvements and termite damage structural repairs using Storm King Engine Company funds. He will need to verify if the recent outside curbing work is also being paid with their funds. Trustee Argenio stated that concrete for the curbing was poured this past Saturday, during the Appletime Fair event, and asked if any DPW employees were present. DPW Superintendent Halvorsen replied that he had also scheduled concrete work. Unfortunately because of recent weather conditions, the contractor was not able to start work until late Saturday morning. He scheduled workers to come in that day for pouring of concrete for a park bench near Dock Hill Road, repairs to the curb near the post office, and to fix the sidewalk on Hudson Street between Payson Road and Cherry Avenue. Trustee Argenio then suggested that a "hatched crosswalk" be painted on the walkway in front of the truck bays. Deputy Mayor will defer this suggestion to Chief Armitage because when equipment is out of the bays it may overlap any type of walkway.

Police Department Trustee Kane reported 0 felony crimes, 7 misdemeanor/violations, 2 vehicle accidents, 30 violations issued, 17 warnings, 4 disabled vehicles and lockouts, 4 arrests, 3 domestic incidents, 6 suspicious vehicles and/or persons, 7 animal complaints, 4 disorderly conducts, 14 responses to alarms, 6 assists to the Town of Cornwall Police Department, 12 EMS assist calls, and 15 assists to other agencies.

Mayor Coyne reported that issuance of a *local emergency order* on Halloween is under consideration. Board members gave their support to the Mayor and Police Officer Pena to determine the appropriate action they deem necessary.

Mayor Coyne reported that he would like to discuss ongoing negotiations with a candidate for the *police chief* position with the Board in Executive Session later this evening.

On behalf of Police Officer Pena, Mayor Coyne warned residents that there have been bear sightings in the Town and Village and to use caution.

Mayor Coyne is in receipt of a letter from Officer Pena regarding the events of October 2nd. The "River View Run for Parkinson's Research" was held over Route 218 that morning and the weekly "*Hike and Bike*" was cancelled for that afternoon. At noon time Officer Pena observed people walking, some with strollers, on the roadway unaware the event was cancelled and that the roadway was open for vehicular traffic. He escorted them safely back to the gate. A short time later, he was involved in a motorcycle chase over 218 after the driver failed to stop. There were more people walking. Officer Pena is very concerned about this safety issue and indicated that signs should have been placed at the 218 gates to inform people the event was cancelled. Lengthy discussion followed about who was responsible for making this notification. (i.e. A representative(s) from the Hike and Bike organization, Village of Highland Falls, or the NYS Department of Transportation).

Department of Public Works

Taylor Biomass Upon the recommendation of Attorney for the Village McKay, Trustee Kane made a motion to extend the bid submitted by Taylor Biomass (the apparent low bidder) on September 26, 2011

for an additional 45 days from today (October 17th) which was seconded by Deputy Mayor Edsall and carried by a vote of 5 Ayes and 0 Nays.

DPW Building – Mayor Coyne reported that Maser Engineering has received all documentation. They plan to perform site work at the DPW site after mold remediation is complete. The buildings will be closed in advance to assure proper testing.

Variance Hearing – Mayor Coyne reported that on October 11th, he attended a hearing on our petition for variances to the DPW garage along with Trustee Kane, DPW Superintendent Halvorsen, Building Inspector Ben Maggio, and Engineer David Wieboldt. No variances were approved by the Board due to handicap accessibility. The plans will now have to be refigured before we proceed any further.

RFP/RFQ Litigation – Deputy Mayor Edsall made a motion to authorize the issuance of a Request for Proposal/Request for Qualifications for professional legal services in order to act as the Village’s representative relating to the possible prosecution against potential claims against parties liable for the defects in construction of the Village’s Department of Public Works Building on Shore Road. The motion was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion authorizing the Village Clerk to advertise for the RFP/RFQ with a return date of November 15, 2011. The motion was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Water Department – Water Superintendent June’s report indicated that he met with Lee Burgess of the Orange County Health Department on October 12th, and an annual inspection was conducted. On October 13th, Mr. June attended a meeting with the N.Y. Department of Environment Conservation to review plans for shutdowns and maintenance to the aqueducts.

Orange County Property Tax Exemption Resolution - Trustee Gosda introduced the following resolution and moved for its adoption.

WHEREAS, the Village of Cornwall-on-Hudson is the owner of real property in the Town of Cornwall and Town of New Windsor, County of Orange, identified on the tax map as follows:

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND, WHEREAS, the above real property is devoted solely to public use and part of the Village owned water system as the sites for water wells, plant treatment, chlorinator and water shed; and

WHEREAS, the Real Property Tax Law, Section 406(3) provides the authority for each taxing district in which municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS, such exemption for the Village of Cornwall-on-Hudson water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Cornwall-on-Hudson which would enhance real property ownership, encourage industrial and commercial development and exemplify a spirit of intermunicipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Cornwall-on-Hudson on behalf of the Village of Cornwall-on-Hudson, its taxpayers, water system users and citizens hereby petition the County of Orange, Town of Cornwall, and Town of New Windsor to grant a whole exemption from State, County, and Town real property taxes commencing for calendar year 2013 for the parcels of real property identified above in the Town of Cornwall and Town of New Windsor.

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND IT IS FURTHER RESOLVED, that the Mayor and Village Attorney are authorized to attend such meeting of the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations in this petition by that body.

The foregoing resolution was seconded by Trustee Kane, and upon a vote of 4 Ayes, 0 Nays, 1 Abstain (Edsall) the Mayor declared the resolution adopted on October 17, 2011.

Annual Supply Bids - The Village Clerk presented the annual supply bids to include #2 Fuel Oil & "Off-Road Diesel", Water Treatment Chemicals, Water Meters, and Sludge Removal Services. The bid opening is to be held November 10th beginning at 2:00 PM at the Village Hall.

Trustee Argenio made a motion to approve the specifications of the bid documents, seconded by Deputy Mayor Edsall, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Trustee Argenio then made a motion to authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM for Water Treatment Chemicals, 2:15 PM for Water Meters, 2:30 PM for #2 Fuel Oil & "Off Road Diesel", and 2:45 PM Sludge Removal Services on November 10, 2011, which was seconded by Deputy Mayor Edsall, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Non-Revenue Water Recovery – Mayor Coyne reported that Water Superintendent June met with representatives of the company working with the Village to discuss ways of improving our water system.

Grievance Day - Trustee Kane made a motion to set the annual Village Grievance Day for Tuesday, November 15, 2011 from 4:00 - 7:00 PM., in the Village Hall Board which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays. Mayor Coyne tabled discussion on appointments to the Board of Assessment Review for Executive Session later this evening.

Election Resolution – Deputy Mayor Edsall made a motion providing notice that the Annual Election for the election of two trustees, for terms of two years, will be held from noon to 9 p.m., March 20, 2012 in the Meeting Room of the Village of Cornwall-on-Hudson, 325 Hudson St., Cornwall-on-Hudson, N.Y., which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

OTHER BUSINESS

AUFFREDOU – ARTICLE 78

Attorney for the Village McKay reported that a motion to dismiss and opposition documents have been submitted. He requested this item be table for discussion in Executive Session later this evening.

COMPUTER/INTERNET USAGE POLICY

Trustee Gosda stated that she has copies of a draft policy which will be turned over to Attorney for the Village McKay for review.

CORNWALL YACHT CLUB

Trustee Kane reported that Ron Salvatore of the Cornwall Yacht Club will meet with Village Historian Colette Fulton on October 18th regarding the chapel. Responding to a question from Trustee Argenio, Trustee Kane stated that the property is not parkland so the lease is legal.

CSEA NEGOTIATIONS

Trustee Gosda requested this item be tabled for discussion in Executive Session later this evening.

KNIGHT GIFT

Mayor Coyne reported a concrete slab for a park bench has been poured just off Dock Hill Road on the property donated to the Village by the Knight family.

LAUREL CREST ROAD RACE

Mayor Coyne announced that this race is scheduled to take place on Sunday, October 23, 2011.

LIONS CLUB ROAD RACE

Mayor Coyne announced that this race is scheduled to take place on Sunday, November 13, 2011.

ORANGE COUNTY ECONOMIC DEVELOPMENT: SURVEY

Mayor Coyne reported that the questionnaire sent to Village Board members has been returned. He will forward their responses to the Orange County Committee for Economic Development.

ROUND TOP TREES

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

TRESTLE: OUTDOOR DINING

Trustee Kane stated that he has drafted an outdoor dining license agreement for consideration. This item was then tabled for discussion in Executive Session later this evening.

PUBLIC COMMENT

Jan Smith of 45 Clark Avenue stated that she recently read that Taylor Biomass permits were rescinded. She asked the Board if this makes them unqualified and their bid for disposal of municipal waste no good. Deputy Mayor Edsall replied that earlier this evening the Village voted to extend the bid 45 days to provide them time to resolve the permit issues. He further stated that Taylor Biomass was the sole bidder.

Jay Ziegler, of Cherry Avenue asked the Board who will be held responsible if water draining onto Hudson Street from the Sweeney property contributes to an accident.

BOARD MEMBER ACTIVITIES/COMMENTS

Trustee Kane thanked Carol O’Keefe and members of the Storm King Ladies Auxiliary for the Craft and Soup event held October 8th. He said it was a great event and the soup was delicious.

Trustee Argenio stated that the Community Yard Sale and Appletime Fair were both held on October 15th and the Village was “hopping” with a lot of activity.

Deputy Mayor Edsall thanked our Department of Public Works for all their hard work on cleanup of storm damage and fall bulk cleanup which started today.

Trustee Gosda wanted to acknowledge the Storm King Ladies Auxiliary for their hard work during and after Hurricane Irene. Last month the Village Board resolved to provide refreshments at their October meeting. The membership didn’t want the Village to bear this expense so they graciously declined. Mrs. Gosda announced that the 5th annual “Village Wide Yard Sale” took place on Saturday, October 15th was a success and had approximately 100 participants.

Mayor Coyne reported that that annual Town/Village Softball game has been postponed until Sunday, October 23rd.

Having concluded the business set before them, Deputy Mayor Edsall moved to adjourn the meeting into Executive Session at 8:50 PM in order to discuss ongoing police chief negotiations, appointments to the Board of Assessment Review, the Auffredou Article 78 proceeding, CSEA & PBA Negotiations, and the Trestle property. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays. Mayor Coyne indicated that the board may take action upon conclusion of the executive session.