

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

November 20, 2006

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 Edward C. Moulton, Jr.  
Trustee Charles R. Hahn (arrived at 7:40 P.M.)  
Trustee William T. Fogarty  
Trustee Mark J. Edsall  
Trustee Peter J. Miller

Also present were: DPW Superintendent Robert Gilmore, Water Superintendent Robert June, Police Chief Charles Williams, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

Trustee Fogarty moved for the acceptance of the October 16, 2006 Regular Meeting Minutes as read, on a motion seconded by Trustee Miller, the minutes were approved 4 ayes and 0 nays.

**TREASURER'S REPORT**

Mayor Moulton stated that a treasurer's report has been prepared through October and distributed to the Village Board for review. In addition, he stated that the Deputy Clerk has forwarded the list of unpaid town water rents totaling \$87000.01 for relevy on the 2007 Town of Cornwall tax bill.

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

Village water, sewer, garbage & penalties	\$ 214,587.65
Town water & penalties	95,518.29

Which included 4 finals/adjustments for the Village and 8 for the Town.

Upon the recommendation of the Village Clerk, Trustee Edsall made a motion to authorize a budget revision increasing A3089 (General Revenue – State Aid Other) by \$10,000.00 and A7510.4 (General Historian Expense) by \$10,000.00 in order to receive and expend the State grant monies received by the Village Historian. The motion was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

The following claims were approved for payment:

General Fund claims in the amount of \$ 249,651.37

Water Fund claims in the amount of 106,430.29

Sewer Fund claims in the amount of 9,025.77

Trust & Agency claims in the amount of 646.15

## **DEPARTMENT REPORTS**

The Code Enforcement Officer reported 5 certificates of occupancy were issued. In addition 6 property maintenance and 1 unregistered vehicle violations were issued.

The Building Inspector reported 81 on site inspections, 2 fire inspections, and 15 building permits were issued.

The Department of Public Works reported sweeping of roadways, blacktopping of potholes, leaf pick up, and grinding/blacktopping of roadway on Elpis, Taylor and Lafayette Street.

Trustee Fogarty reported that 15 tree stumps have been removed, 6 new trees have been planted and another 6 will be planted in November. In addition, on November 2<sup>nd</sup> he met with Russ Wilbur, a Central Hudson representative, to discuss their tree trimming program. Mr. Wilbur explained that this is a 3-4 year program to trim 5' from each side of trees in order to keep growth from interfering with their power lines.

The Police Department reported 7 COVAC assists; 11 calls were covered for/assisted to Town Police; 14 responses to burglar alarms; 7 E-911 hangups; 4 domestic incidents; 46 crimes were committed (36 of which were disorderly conduct calls); 4 vehicle lockouts; 10 accidents were investigated; and 15 moving violations were issued. Total patrol miles = 3,754, not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation of eight (8) open cases. In addition, Sgt. Park, and P.O.'s Bailey, Terwilliger and Willard attended a 2-day "in service" training.

Chief Williams further reported that his department provided traffic control for the annual Apple Time Fair at Cornwall Presbyterian Church.

The Fire Department reported 48 responses, including 5 emergency medical service (EMS) calls, for a total of 978.5 volunteer man hours.

Fire Chief Armitage reported that the annual Volunteer Firefighter Convention is scheduled to take place in the Village of Cornwall-on-Hudson sometime in 2012.

Mayor Moulton is in receipt of a memo from Fire Chief Armitage requesting a budget transfer in the amount of \$5,000.00 from A9025.8 (General Fund Service Award Expense) to A 3411.4 (General Fire Operation Expense). Hearing no objection from the board, this item was tabled.

The Water Department reported an average daily production of 1.158 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 38 utility locations were made, 14 meters were repaired or replaced, and 12 special readings were taken. In addition to routine maintenance, a curb box was repaired at 223 Hudson St., a curb valve was repaired at 33 Payson Rd., a 1" water service was repaired at 21 Idlewild Ave., and the fire flow test on Holloran Rd was completed.

Water Superintendent June reported that the float relief vault and float assembly was installed and tested at the Black Rock Microfiltration Plant. U.S. Filter is scheduled to perform a "walk thru" the week of December 4<sup>th</sup> and testing will begin the week of December 11<sup>th</sup>.

## RESOLUTION STANDARDIZING WATER PRESSURE REDUCTION VALVES

**WHEREAS**, the water rules and regulations of the Village require water customers to utilize and install only approved equipment when making either connections or improvements to the Village's water system; and

**WHEREAS**, pursuant to General Municipal Law §103 (5), for reasons of efficiency or economy, there is a need to standardize water pressure reduction valve in pre-packaged valve vaults; and

**WHEREAS**, the standardization of pressure reduction valves in pre-packaged valve vaults results in savings both in terms of parts, maintenance, installation, training and skill with respect to the use and repair of pressure reduction valves; and

**WHEREAS**, most, if not all pressure reduction valves currently installed in the Village's water system are produced by Ross Valve Manufacturing Co., Inc. of Troy New York;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of CORNWALL-ON- HUDSON, Orange County, New York, that the Village of CORNWALL-ON- HUDSON, upon the recommendation of the water superintendent, hereby adopts a resolution of standardization, providing that water pressure reduction valves in pre-packaged valve vaults consisting of a Bypass Pressure Reducing Valve Ross Model 40WR and the Bypass Reducing Valve shall be a Ross 2" Model 98 EP, manufactured by Ross Valve Manufacturing Co., Inc. of Troy New York, a sole source;

And Be It Further Resolved that the water superintendent is authorized pursuant to the authority of the Board of Trustees and within the limits of the adopted budget, together with any amendments thereto, to acquire a water pressure reduction valve in a pre-packaged valve vault to meet the needs of

the Village and its customers.

On a motion by Trustee Hahn, seconded by Trustee Miller, the foregoing resolution was adopted on a vote of 4 Ayes 1 Nays (Trustee Fogarty) 0 Abstentions.

The Mayor declared the resolution adopted.

Trustee Edsall stated that this standardization represents a significant improvement and will result in a quicker response time in the future.

## **CORRESPONDENCE**

Mayor Moulton is in receipt of a letter from Ruth Bowles of the Orange County Alcohol & Drug Abuse Council inviting residents to attend a meeting on November 28<sup>th</sup> at 7:00 PM at the Village Hall Board Room. At this meeting a vote will be taken to move ahead with a plan to create a positive change in our community.

Mayor Moulton is in receipt of a letter from Brendan Coyne, President of the Cornwall Board of Education regarding recent youth conduct on school property. At their work session on October 23<sup>rd</sup> their policy on this subject (adopted in 1990) was reviewed. He encourages a joint effort in working toward a solution.

Trustee Edsall stated that he and the Police Chief met with school officials. The school is working on a revision to their "Code of Conduct", including violation enforcement, and will provide a copy to the Village when complete. A common goal is to promote safe activities and appropriate behavior.

Mayor Moulton is in receipt of a petition requesting modifications to parking restrictions along Maple Avenue Ext. It is suggested that from 8:15 to 9:00 AM and 3:00 to 3:45 PM, the times when students are dropped off and picked up from COH Elementary School, no parking be allowed for safety reasons. Discussion followed.

Trustee Edsall stated that this item was also discussed at the meeting. Trustee Hahn suggested that the school district assist with policing during drop off and pick up times. Hearing no objection from the Board, Mayor Moulton requested the Deputy Village Attorney draft a proposed amendment to Village Code §155-22 (Vehicle and Traffic) with assistance from the Police Chief.

Mayor Moulton is in receipt of a petition requesting the addition of 7<sup>th</sup> and 8<sup>th</sup> graders to our Summer Playground Program. He requested that Trustee's Edsall and Miller look into this and report back to the Board.

Mayor Moulton is in receipt of a letter from George Green, Supervisor of the Town of New Windsor denying our request for a tax exemption for 2008.

Mayor Moulton is in receipt of a copy of a letter in support of a COVAC Special Operations Response Vehicle sent by Fire Chief Armitage to Town of Cornwall Supervisor Richard Randazzo on October 18,

2006. Unfortunately, this request was turned down by the Town Board.

Mayor Moulton stated that the Village has been soliciting Requests for Proposals (RFP's) for a traffic study of our central business district. The proposals are currently under review for budgetary consideration.

## **PUBLIC COMMENT**

Eileen Schilling of 14 Academy Avenue stated that skateboarders need a safe place to practice and asked what is preventing the Village from providing a location. Mayor Moulton replied that the Village would encounter a "specific risk" relating to insurance and legal issues. It would be cost prohibitive.

## **OLD BUSINESS**

### **BLACK ROCK FILTER PLANT STATUS/MODIFICATIONS**

Mayor Moulton stated that testing of the plant is slated to begin in early December.

### **JOINT SEWER PLANT DISCUSSION**

Trustee Hahn stated that he will be contacting Supervisor Randazzo in order to schedule a meeting next week.

### **ORANGE COUNTY COMMUNITY DEVELOPMENT GRANT**

Village Clerk Mahoney stated that a final contract signing has been scheduled for November 22<sup>nd</sup>. Work is scheduled to begin in mid December. The samples taken from an independent agency for traces of asbestos have been tested. No asbestos was found.

### **STEEP SLOPES/VIEW PRESERVATION REVISIONS**

Mayor Moulton stated that this item has been under review by the Master Plan Committee. Any proposed changes will be sent to the Planning Board and Village Board for additional review.

### **LOCAL DEVELOPMENT CORPORATION (LDC)**

Mayor Moulton stated that an election was held at their meeting on October 3<sup>rd</sup>. Upon their recommendations, Trustee Miller made a motion to accept the following appointments:

Dikran Hazirjian – President, Peter Buttiglieri – Vice President, Ray Yannone – Treasurer, and Douglas Land – New Member. The Secretary position will be filled on a rotating basis.

The appointments were seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

### **WATERFRONT REVITALIZATION COMMITTEE**

Mayor Moulton stated that the committee has been meeting regularly to gain public input. A report will be provided to the Village Board shortly thereafter.

#### CSEA & PBA NEGOTIATIONS

Mayor Moulton stated that negotiations on a CSEA contract are basically complete. Only one issue remains outstanding. A meeting date for PBA negotiations has been scheduled for December 19<sup>th</sup> at 7:00 PM.

#### ENCROACHMENTS

Mayor Moulton stated that he met with DPW Superintendent Gilmore to review the draft notice that will go out to homeowners regarding encroachments of several properties onto the Village right of way along Cornwall Avenue, Grandview Avenue, River Street, Hudson St., etc.

#### INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

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

BE IT ENACTED by the Village Board of the Village of Cornwall-on-Hudson, Orange County,

State of New York, as follows:

**Section 1.** Chapter 118 of the Code of the Village of Cornwall-on-Hudson entitled “Peddling and Soliciting” is amended by creating a new Article entitled “Hand Bill and Unsolicited Printed Materials” to read as follows:

#### § 118-20. Purpose; intent.

A. The purpose of this chapter is to protect the rights of Village residents who desire not to receive unwanted print or other written materials, whether commercial or noncommercial in nature, including unsolicited newspapers. The right of privacy affords citizens an unquestionable and enforceable right to determine and limit the materials they will allow to be delivered on their private property. A person may not be compelled to listen to or view any unwanted communication, spoken or written, whatever its merit, in the privacy of his home. When a resident affirmatively provides notice that he desires not to receive delivery of unsolicited print or other written materials, to deliver is, in effect, a trespass against the resident.

B. This chapter is intended to ensure and protect the privacy rights of Village residents on their private property and to deter the accumulation of unsolicited literature that might signal that a house is unoccupied. It is further intended to prevent littering and protect the aesthetic appearance of the Village by reasonable regulation of the time, place and manner of the distribution and delivery of unsolicited print or written materials in the Village.

C. This Chapter is not intended to regulate the delivery of unsolicited materials through the US mail, United Parcel Service, DHL, Federal Express and similarly situated delivery services.

D. This Chapter is not intended to regulate non-commercial protected speech.

**§118-21. List of residents not to receive unsolicited materials.**

I. The Village Clerk shall maintain a list of all Village residents, by address, who have filed a written notice with the Village Clerk requesting that all, or certain, unsolicited print or other written materials not be delivered onto their premises.

II. Written notice shall be effective for a period not to exceed two years. The list shall be revised from time to time as the Clerk is notified by an owner or person in charge of the premises that he wishes to have his property either removed from or placed on the list. Whenever the Village Clerk becomes aware that the ownership or occupancy of any listed premises has changed, the list shall be revised by deleting said address from the list. Nothing in this chapter, however, shall require the Village Clerk to verify the identity of any owner or person in charge of any premises or to verify any change of ownership, occupancy or control. The Village shall not be liable for any errors or omissions on the list.

**§ 118-22. Registration of distributors; information required.**

J. No person, organization, society, association, company or corporation, or their agents or their representatives, may distribute or deliver any unsolicited print or other written material upon the property of any Village resident without first having registered with the Village Clerk prior to such distribution or delivery. The registration shall be signed and duly acknowledged by a person who is an owner or authorized agent and accepts responsibility for the receipt of the list of residents described in §118-21 hereof and for the compliance by delivery persons and carriers with the provisions of this chapter.

K. The registrant shall also provide to the Village Clerk the name of the print or other written material to be distributed, the name, addresses and telephone number of the distributor, a list containing the names and addresses of all carriers and delivery persons who will be distributing or delivering its print or other written material in the Village and a list of the license plate numbers of any motor vehicles used by the carriers and delivery persons in making their deliveries. The authorized agent shall be responsible for updating and keeping these lists current with the Village.

**§ 118-23. Prohibition on delivery to listed residents.**

No person, organization, society, association, company or corporation, or their agents or representatives, including but not limited to the authorized agent described in § 118-22 hereof and the actual deliverer or carrier, shall deliver, distribute, throw, cast or place or cause or permit to be delivered, distributed, thrown, cast or placed any unsolicited print or other written material of any nature whatsoever upon the premises of any Village resident who has requested that such print or other written material not be delivered to his premises and whose address has been listed with the Village pursuant to § §118-21 hereof and provided to the registrant in accordance with §118-22 hereof.

**§ 118-24. Delivery in public places.**

No person shall throw, cast or place in or upon any Village right-of-way, street, avenue or highway any unsolicited print or other written material, including but not limited to newspapers, handbills, circulars, advertising and cards.

**§ 118-25. Removal.**

Any person, organization, society, association, company or corporation, or their agents or representatives, who or which delivers or distributes any unsolicited print or other written materials shall be responsible to clean up and remove all of its print or other written materials from public places within the Village .

**§ 118-26. Delivery to residences.**

It shall be unlawful for any person to throw, cast or place upon any residential property in the Village any unsolicited print or other written materials commercial in nature, whatsoever, including but not limited to handbills, circulars, advertising, newspapers and cards.

**§ 118-27. Penalties for offenses.**

Any organization, society, association, company, corporation or individual who or which commits, takes part or assists in any violation of this chapter shall, for each and every violation, for each and every day that such violation continues, be subjected to a fine of not more than \$250.

**Section 2. Effective Date.**

This local law shall take effect upon its filing in the office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

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

WHEREAS, an Introductory Local Law entitled “Hand Bill and Unsolicited Printed Materials Local Law” was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York on November 20, 2006; and

NOW, THEREFORE, BE IT RESOLVED, that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Cornwall-on-Hudson Village Hall, 325 Hudson Street, Cornwall-on-Hudson, New York, at 7:30 o’clock P.M. on December 18, 2006, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least ten (10 days prior thereto.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

**ANNUAL SUPPLY BIDS**

Mayor Moulton stated that a bid opening was held in the Village Office on November 17, 2006.

Water Meters Trustee Edsall made a motion to table award to the sole bidder, Ti-Sales, in order to allow more time to review the numbers which was seconded by Trustee Fogarty, and upon a vote of 5 ayes and 0 nays, the motion was carried.

Water Treatment Chemicals Trustee Edsall made a motion to award the bid for items #1-4 to Duso Chemical, and award the bid for item #5 to Shannon Chemical, which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

Fuel Oil #2 and "Off-Road" Diesel Trustee Miller made a motion to award the bid to SOS Fuels, the sole bidder, which was seconded by Trustee Hahn, and upon a vote of 5 ayes and 0 nays, the motion was carried.

Alum Sludge Removal Services Trustee Edsall made a motion to award the bid to North Star Waste, LLC, which was seconded by Trustee Miller, and upon a vote of 5 ayes and 0 nays, the motion was carried.

## **NEW BUSINESS**

### **GRIEVANCE DAY**

Mayor Moulton announced that the annual Village Grievance Day to be held on Tuesday, November 21, 2006 from 4:00 - 7:00 PM.

### **2009 QUADRICENTENNIAL COMMITTEE APPOINTMENTS**

Trustee Miller made a motion to appoint Lee Murphy and Dikran Hazirjian as Co-Chairpersons to the joint Village of Cornwall-on-Hudson and Town of Cornwall 2009 Quad-Centennial Committee which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

### **RIVERBANK RESTAURANT REVISED PLAN REVIEW**

Upon the request of Anthony Missere, owner of the Riverbank Restaurant, this item will be tabled until next month.

Having concluded the business set before them, Trustee Fogarty moved to adjourn the meeting into Executive Session to discuss personnel matters with the Village Clerk, DPW Superintendent, and Deputy Village Attorney which was seconded by Trustee Hahn and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 8:40 PM.

The meeting was reconvened at 9:05 PM.

Trustee Edsall made a motion to authorize Mayor Moulton to meet with Paula Sebesta, Part-Time Clerk, to offer her the full time position of Deputy Treasurer at a beginning salary not to exceed \$35,000.00 which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

Having concluded the business set before them, Trustee Miller moved to adjourn the meeting which was seconded by Trustee Hahn and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:08 PM.