

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

September 15, 2008

The regular meeting of the Board of Trustees was called to order at 7:30 P.M. with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Joseph J. Gross  
Trustee Mark J. Edsall  
Trustee William T. Fogarty  
Trustee Barbara J. Gosda  
Trustee Richard Gioia

Also present were: Police Chief Charles Williams, DPW Superintendent David Halvorsen, Water Superintendent Robert June, SKEC #2 Fire Chief Jeffrey Armitage, Interim Deputy Village Attorney Jeffrey Sculley, and Recording Secretary Kristen Boyle.

PUBLIC HEARING INTRODUCTORY LOCAL LAW I-6 of 2007 - "Creating an Ethics and Disclosure Law for the Village of Cornwall-on-Hudson". "Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the revised text having been given to each Board Member on August 21, 2008, the Public Hearing on Creating an Ethics and Disclosure Law for the Village of Cornwall-on-Hudson was called to order at 7:31 PM by Mayor Gross.

Having no one speak for or against said proposed law, Trustee Edsall made a motion to close the public hearing at 7:32 PM which was seconded by Trustee Gioia and carried by a vote of 5 Ayes and 0 Nays.

Trustee Fogarty moved for the acceptance of the August 18, 2008 Regular Meeting and September 2, 2008 Special Meeting Minutes as presented, on a motion seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

**TREASURER'S REPORT**

Mayor Gross stated that a treasurer's report has been prepared through August and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties	\$ 237,121.51
Town water & penalties	214,195.60

Which included 6 finals/adjustments for the Village and 3 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$ 359,972.55  
Water Fund claims in the amount of 165,252.13  
Sewer Fund claims in the amount of 4,055.36  
Trust & Agency claims in the amount of 559.10

## **COMMITTEE REPORTS**

Summer Playground-Trustee Gosda reported that this year's program didn't have the anticipated enrollment which resulted in a \$2,331 deficit; however, the program speaks well for the community and was successful overall. Trustee Gioia added that the new rate structure was a factor in the enrollment decline and he hopes a balance will be found in the near future.

Fire Committee-Trustee Edsall stated that \$2,275 is needed at the firehouse for duct work and a fan because of lack of ventilation. There is money available in the current budget and this is a priority item. He further stated that the Fire Chief should budget for the potential close out of a petroleum tank at the site next year. Discussion followed.

## **DEPARTMENT REPORTS**

The Police Department reported 11 COVAC assists; 5 calls were covered for/assisted to Town Police; 10 responses to burglar alarms; 5 E-911 hangups; 3 domestic incidents; 11 crimes were committed; 25 non criminal activities were reported; 5 arrests were made; 8 vehicle lockouts; 7 accidents were investigated; 33 moving violations; 10 parking tickets; and 26 vehicle and traffic stops with warning were made. Total patrol miles = 3,075, not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation of four (4) active open cases. In addition, the department covered events at Donahue Memorial Park and Bandstand concerts.

He further reported that the new chief's vehicle is on the road. His old vehicle has been outfitted for patrol use. The 1997 Ford Crown Victoria is now ready to be declared surplus and disposed of. The department's fleet has been reduced by one vehicle to a total of 7.

The Department of Public Works reported black top patching, preparation of Donahue Memorial Park for hospital gala, mowing and trimming of Village properties, preparation work for chip and seal of Duncan Avenue, Boulevard and Dock Hill Road, cleaning of storm drains, beginning work on water infiltration in sewer system along Mountain Road, and repair and maintenance of Village vehicles.

He further reported that guard rail at Donahue Memorial Park was recently removed for the hospital gala. It will be put back shortly. Further a recent heavy rain storm caused stone to create a "washboard" along Dock Hill Road. Once the polymer is set, the area can be swept and the roadway will be smoothed out.

The Water Department reported an average daily production of 1.058 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 39). It was also reported that 57 utility locations were made, 7 meters were repaired or replaced, and 2

special readings were taken. In addition to routine maintenance, a curb valve was replaced at Cornwall Manor, a curb box was replaced at 33 Elm Street, curb boxes were repaired at 126 Russell Street and 33 Frost Lane, 3 water service turn on/off requests were completed, and Village meter reading/billing was completed.

Black Rock – A new float relief PRV was repaired, replacement pumps are 90% complete, and reservoir inspections were completed.

He reported that once the replacement of pumps is completed, the plant can increase production. In addition, Time Warner Cable will install internet cable to the Catskill plant this week which will allow a central location to store information.

Water Superintendent June further reported that his department attended continuing education seminar for water treatment licensing through the Hudson Valley Water Works Conference.

The Building Inspector reported 63 site inspections, 1 fire inspection, 7 building permits, and 5 municipal searches were issued.

The Code Enforcement Officer reported 6 certificates of occupancy/compliance, and 6 property maintenance violations were issued.

The Fire Department reported 43 responses, including 10 emergency medical service (EMS) calls, for a total of 267.5 volunteer man hours.

Trustee Gioia expressed concern that the budget expenditures line for repairs is close to line. Fire Chief Armitage replied that he is waiting for the Village Treasurer to do a budget transfer of \$25,000, already approved by the Village Board, to replenish funds to the current year that were used to pay last year invoices.

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter dated August 18, 2008 from NYS Office of Parks Recreation and Historic Preservation regarding stone arch bridges in the Village of Cornwall-on-Hudson.

Mayor Gross is in receipt of a letter dated September 5, 2008 from the NYS Department of Health regarding the Drinking Water State Revolving Fund and projects readiness list.

Kris Seiz, Manager of SKAT asked for status of her request from last month for permission to have a group of volunteers from Storm King School, without valid stickers, park at Donahue Memorial Park on September 20th from 1:00 PM to 3:00 PM. These volunteers, who will be provided kayaks, will be cleaning up the shoreline from south of the Cornwall Yacht Club to the Moodna Marsh. Discussion regarding insurance concerns followed.

Trustee Edsall made a motion to authorize this event and an exemption for parking on that date as well, with preference that sufficient insurance be provided; otherwise, authorize the Department of Public Works to provide minimal supervision. The motion was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

## **PUBLIC COMMENT**

Lee Murphy of 269 Hudson Street and Chairman of the Village Master Plan Committee outlined two years worth of work that “11 concerned citizens” put into the draft Master Plan which was presented to the Village Board in June of 2007. This draft has already been reviewed by the Orange County Department of Planning who recommended its adoption, with minor changes. He has offered to meet with the Board with no response. It is now time for the Board to decide where they stand.

Trustee Gosda replied that the Master Plan is “alive and well”. The Board has had many issues to address. They have been waiting for a time to come when “quality time” can be spent on it. There is also a financial consideration as new code books will have to be provided.

Trustee Gioia added that the Board hopes to conclude the Introductory Ethics Law this evening. This will provide room for other matters to be addressed. He would like to see some things on the draft restricted more. In addition there is need for a policy on water conservation and future granting of water permits for large and small scale use.

Trustee Fogarty stated that the Board has been looking at items involving the waterfront, the Village Square, municipal parking, and signage. Steps have already been taken.

Trustee Edsall stated that he would like to see a time where the Board can sit with the Master Plan Committee to discuss the draft plan which is a large document. Further, the plan is a “concept plan” with no standing to modify zoning, etc. The Board will need to create/adopt local laws for implementation that they are comfortable with; otherwise, it becomes a “waste of time”.

Doug Vatter of Riverside Lane stated that the Village Board of Trustees was elected to make decisions on behalf of its citizens. The draft plan should be looked at as a “menu” rather than “all or nothing”.

Mayor Gross appreciates the work the committee put into the draft plan. The best thing to come out so far is the “public awakening”. It has not been forgotten. The Board needs to be well prepared with time and expenses. He looks forward to getting to work on it. He apologizes for the frustration that Mr. Murphy feels that this item has been “stalled” which it hasn’t been.

Andrew Maroney of Barr Avenue and member of the Master Plan Committee stated they never assumed to be writing new laws and realized existing Village code would require updating. That is their reason for preparing the draft.

John Wenz of 40 Duncan Avenue urged the Board to act on the plan which addresses many issues. A lot of bickering has been going on because there isn’t a solid identity in the community. The draft plan was put together by a group of people that can help.

Deke Hazirjian of Grandview Avenue stated that the Food Bank of the Hudson Valley is an organization within our community that helps folks who can’t afford to eat. He has volunteered there, and the Board and residents should be proud of the work they do. Approximately 1 ½ years ago Mayor Gross informed the Board that the property is a toxic waste site. Since taking office, what has been done to mitigate that problem and protect the citizens of this community?

Mayor Gross asked that Mr. Hazirjian not put “words in his mouth”. It is private property, and he was advised by private counsel to not make accusations about that property. Discussion followed.

## **OLD BUSINESS**

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Committee Member Andrew Maroney stated that a Request for Qualifications (RFQ) was provided to the Village Board for consideration.

Interim Deputy Village Attorney Sculley stated that he has reviewed the draft dated July 8<sup>th</sup> to develop a waterfront plan and returned to the Village Clerk with suggested revisions which have been made. In addition, counsel has signed off on the project narrative.

Trustee Gosda stated that the Village Clerk has been working on this item. Trustee Edsall requested that the Clerk circulate finalized copies of the forms to the Village Board.

### **HUDSON-FULTON COMMITTEE REPORT**

Trustee Gosda stated that a grant application seeking \$15,000 has been submitted to the County Planning Department for consideration. The proposal covers projects/activities including a sculpture exhibit from June – September, along with a one day event featuring “Arms of the Seas” puppeteers, lectures regarding the railroads and steamboat traffic, a one-act play by Donald Kimbel telling the story of Henry Hudson, and music from the River Bank Banjo Band.

Barbara Gioia of 167 Hudson Street hopes to install 12 sculptures that frame or relate to the Hudson River and Storm King Mountain. She would like to see local businesses join in.

Discussion regarding insurance concerns followed.

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

**WHEREAS**, the Village of Cornwall-on-Hudson is hereby submitting its application for consideration from the Hudson-Fulton-Champlain Quadricentennial Grant Program under the NYS Department of Environmental Conservation; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby authorize and direct the Mayor to file an application for funds from the Hudson-Fulton-Champlain Quadricentennial Grant Program in accordance with the Hudson-Fulton-Champlain Quadricentennial Act, in an amount not to exceed \$15,616.00, and upon approval of said request to enter into and execute a state assistance contract with the Department of Environmental Conservation for such financial assistance to this Village of Cornwall-on-Hudson for *2009 Hudson-Fulton-Champlain Quadricentennial Celebration*.

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

### **INTRODUCTORY LOCAL LAW I-6 OF 2007 – ETHICS LAW**

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

**WHEREAS**, a Local Law Creating an Ethics and Disclosure Law for the Village of Cornwall-on-Hudson was first introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York on December 17, 2007; and

**WHEREAS**, a public hearing was held by the Board of Trustees concerning the enactment of said Local law on January 28, 2008; and

**WHEREAS**, following said public hearing the Board of Trustees determined it to be in the best interest of the Village to amend certain provisions of said Local law; and

**WHEREAS**, a second public hearing concerning the enactment of said Local Law was conducted by the Board of Trustees on July 21, 2008; and

**WHEREAS**, following the second public hearing the Board of Trustees determined it to be in the best interest of the Village to further amend certain additional provisions of said Local Law; and

**WHEREAS**, a third public hearing to hear all interested parties concerning the enactment of said Local Law Creating an Ethics and Disclosure Law for the Village of Cornwall-on-Hudson was conducted by the Board of Trustees on September 15, 2008; and

**WHEREAS**, a notice of Public Hearing for said third public hearing was duly advertised on August 28, 2008 in The Cornwall Local and posted on the Village Clerk's sign board on August 19, 2008; and

**WHEREAS**, the Public Hearing was duly held on September 15, 2008 at 7:30 o'clock p.m., at the Board Room of the Village Office, located at 325 Hudson Street, Cornwall-on-Hudson, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, the adoption of said Local Law creating an Ethics and Disclosure Law for the Village of Cornwall on Hudson constitutes a legislative action pertaining to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson, after due deliberation finds it in the best interest of the Village to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Cornwall-on-Hudson hereby adopts said Local Law #2 of 2008 entitled "A Local Law Creating an Ethics and Disclosure Law for the Village of Cornwall-on-Hudson".

**BE IT FURTHER RESOLVED** that the Village Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Village of Cornwall-on-Hudson and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

Discussion regarding tax assessments and a need to “maintain the integrity” of this new Ethics Law followed. An Ethics Board, consisting of volunteers, will be established to address these types of issues.

#### MAPLE AVENUE SALE

Discussion took place regarding the residents request for a “turn around” or “T” intersection at the dead end of Maple Avenue.

Chief Williams stated that a vehicle counter has been in place since last week which will record dates and times. He will try to get a total from three different locations to gain an accurate number of vehicles that travel on Maple Avenue.

This matter was tabled for additional discussion at the next work session.

Water Superintendent June was asked to provide copies of any correspondence he has received from the Department of Environmental Conservation regarding fuel storage tanks.

#### NUGENT & HAEUSSLER – ANNUAL AUDIT AGREEMENT

Trustee Fogarty made a motion to authorize the Mayor to sign the annual audit agreement with Nugent & Haeussler in the amount \$19,950.00 which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

#### WATER DEPARTMENT STORAGE BUILDING

Water Superintendent June stated that he has nothing new to report on this item. He is waiting for the Board to determine what type of building they want before proceeding.

#### **NEW BUSINESS**

#### STORM KING ENGINE CO. #2- REQUEST FOR WAIVER OF ALCOHOL BAN

Trustee Edsall made a motion to suspend the temporary ban on social functions at Storm King Engine Co. #2, provided an officer is present, for the following purposes:

1. Vegas Night – September 21<sup>st</sup>.
2. Orange County Volunteer Fireman’s Association Parade – September 26<sup>th</sup>
3. Bruce Armitage Softball Tournament – October 17-20 (plus 2 day set up)
4. 13-Run Pool Baseball party - Date to be Determined
5. Christmas Party – Date to be Determined
6. New Year’s Day Party – January 1, 2009
7. 2009 Super Bowl

This motion was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

#### STORM KING ENGINE CO. #2- REQUEST FOR REPAIRS

Trustee Edsall made a motion to authorize Storm King Engine Co. #2 to proceed with installation of the in-take air fan and duct work, to help mitigate and correct the moisture problem in basement room, in an amount not to exceed \$2,275.00 paid out of current budget funds which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

#### HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Trustee Edsall made a motion to accept the proposal for a feasibility study by Windsor Machinery, subject to their acknowledgment of all the terms and conditions to be outlined by the Deputy Village Attorney, which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

#### WATER DEPARTMENT WORKSITE UTILITY TRUCK

Trustee Edsall made a motion to approve the specifications and bid documents, for a worksite utility truck, to be purchased using current budgeted funds, which seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Trustee Edsall 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 on September 29, 2008 which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays.

#### WATER DEPARTMENT WORKSITE TRAILER

Trustee Edsall made a motion to approve the specifications and bid documents, as revised by the Deputy Interim Village Attorney, for a worksite trailer, to be purchased using current budgeted funds, which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Trustee Edsall then made a motion to authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:10 PM on September 29, 2008 which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays the motion was carried.

#### SURPLUS OF POLICE VEHICLE

Upon the recommendation of Chief Williams, Trustee Edsall made a motion to declare surplus the 1997 Ford Crown Victoria, VIN#2FALP71WXVX171955, and authorize the Chief to dispose of the vehicle which was seconded by Trustee Fogarty and carried by a vote of 5 Ayes and 0 Nays.

#### VILLAGE SQUARE IMPROVEMENT COMMITTEE

Trustee Gosda stated that the committee has recommended the enhancement of the bandstand walkway. The Village received 2 grants from Nancy Calhoun in the amount of \$5,000.00 each. One grant is for the walkway and the other, from 2004, is for a cost overrun during the bandstand improvements project in 2002. She has sent in paperwork and hopes they will be “on board” with both. Discussion regarding other proposed Village Square improvements followed.

#### BUDGET TRANSFER

Upon the recommendation of DPW Superintendent Halvorsen, Trustee Fogarty made a motion to transfer \$8,579.07 from A4989 (General Fund Revenue –FEMA) to A5110.4 (General Fund Expenditure-Street Maintenance). This money is FEMA reimbursement for repairs done during this budget cycle. The motion was seconded by Trustee Edsall and carried by a vote of 5 Ayes and 0 Nays.

## RECYCLING

DPW Superintendent Halvorsen announced that the Village will hold Electronics Recycling Days on Sunday, October 19<sup>th</sup> and Saturday, October 25<sup>th</sup> (4 hours each day). Village residents can bring their electronic equipment to the DPW property on Shore Road. A DPW employee will be available to assist.

## FORMER BLACKSMITH SHOP

Trustee Gosda stated that she has been approached by Doug Cooper of the Cornwall Historical Society who is interested in preserving the Blacksmith Shop on a Village location. If the Village Board and community are interested, he can have workers disassemble the old barn and reassemble it at its new location.

Mayor Gross would like to see the barn saved and kept in the Village. He would be in favor of saving it down by the river, but without a firm commitment he is reluctant to take on another project involving volunteer labor.

After some discussion, the Village Board agreed to invite Mr. Cooper to a future work session to discuss his plan in further detail.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session to discuss personnel matters in the Department of Public Works and Police Department, which was seconded by Trustee Fogarty and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9:55 PM.