

# VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 20, 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, Water Superintendent Robert June, SKEC #2 Fire Chief Jeffrey Armitage, Interim Deputy Village Attorney Bruce Dunn, and Recording Secretary Arlene Roberts.

Trustee Gioia moved for the acceptance of the September 15, 2008 Regular Meeting Minutes as presented, on a motion seconded by Trustee Fogarty 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 September and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties	\$ 104,797.64
Town water & penalties	374,415.20

Which included 5 finals/adjustments for the Village and 7 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$ 222,777.28
Water Fund claims in the amount of	202,621.81
Sewer Fund claims in the amount of	290,494.12

## **COMMITTEE REPORTS**

Hydro-Powered Energy Project-Trustee Gioia reported that Windsor Machinery, the company asked to prepare a feasibility study of a hydro-powered energy recovery system, has concerns with the proposal as

amended by the Interim Deputy Village Attorney. They will seek advice from their counsel, and he expects to receive a counter-proposal shortly.

Recycling Committee-Trustee Gioia reported that the Village's first "Electronics Day" was held on October 19<sup>th</sup> and was a great success. After 4 hours, the dumpster was approximately 4/5 full. A second "Electronics Day" is scheduled for October 25<sup>th</sup>.

Deer Hill Road Drainage Project-Trustee Edsall stated that he had the opportunity to work with DPW Superintendent Halvorsen on this project. He commended that department for their hard work on this difficult project and keeping costs down.

Hudson-Fulton Committee-Trustee Gosda reported that on January 22<sup>nd</sup>, the Village Board passed a resolution to be a participating community, but we are not listed with the State. She will follow up on that item. In addition, she continues to work on a possible sculpture exhibit with Barbara Gioia, and expects to hear back on the proposal she submitted sometime in November.

Village Square Committee-Trustee Gosda stated that paperwork was never submitted on a 2004 grant, through Assemblyperson Calhoun's office, for bandstand improvements overrun costs. She is working with Ms. Calhoun's office to try to change the purpose of this grant to receive the \$5,000.00 grant.

Community Yard Sale-Trustee Gosda reported that on October 18<sup>th</sup>, the second annual "Community Yard Sale" was held throughout the Village with approximately 100 homes participating.

Budget Committee-Trustee Fogarty reminded all department heads to use proper account codes for line items on upcoming budget requests.

## **DEPARTMENT REPORTS**

The Water Department reported an average daily production of 1.03 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 57). It was also reported that 71 utility locations were made, 22 meters were repaired or replaced, and 11 special readings were taken. In addition to routine maintenance, a curb box was repaired at 114 Mill Street, water was turned off at 174 Willow Avenue, a possible leak at Quaker Avenue and Mill Street was investigated, and the department assisted with a private water leak at 156 Hudson Street. Further, the department assisted DPW with paving, assisted New York Leak Detection with a leak survey of the Mountain Road area, painted fire hydrants, and attended a continuing education seminar for water treatment licensing through the Hudson Valley Water Works Conference.

Black Rock – An old float relief PRV and a control valve were repaired, reservoir inspections were completed and no trespassing signs were posted.

Mayor Gross asked why production numbers at the Black Rock are low. Water Superintendent June explained that was due to problems with two (2) float assemblies on the transmission line coming down off the mountain, repair of a valve that had "blown apart", and quarterly chemical feeding of the microfiltration screens. Discussion followed regarding delays and programming updates necessary to get the plant running at capacity.

The Fire Department reported 63 responses, including 13 emergency medical service (EMS) calls, for a total of 1008.5 volunteer man hours.

Fire Chief Armitage further reported that the annual fire prevention training is being given to children at the Village Elementary School, St. Thomas School, and Nursery Schools.

The Police Department reported 13 COVAC assists; 7 calls were covered for/assisted to Town Police; 11 responses to burglar alarms; 7 E-911 hangups; 8 domestic incidents; 8 crimes were committed; 26 non criminal activities were reported; 5 arrests were made; 3 vehicle lockouts; 5 accidents were investigated; 25 moving violations; and 18 vehicle and traffic stops with warning were made. Total patrol miles = 2,989, 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 the St. Luke's/Cornwall Hospital Gala.

He further reported that the department was present at all schools during their first week back. Chief Williams met with school administrators as part of a Counter Terrorism Zone 4 protocol.

The Department of Public Works reported grinding and re-shaping of 1,600 feet of Deer Hill Road, mowing and trimming of Village properties, drainage improvements and paving on Deer Hill Road, major repairs to 1989 International truck, maintenance of Village owned vehicles, routine maintenance of Village parks and properties, and sweeping of streets.

Upon the recommendation of DPW Superintendent Halvorsen, Trustee Edsall made a motion to authorize budget revisions totaling \$16,161.76 in FEMA reimbursements for repairs on Deer Hill Road, Mountain Road and Boulevard. The motion was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

Upon the recommendation of DPW Superintendent Halvorsen, Trustee Fogarty made a motion to declare the 1980 Ford F80 (VIN: 1FDNF82HXBVJ12843) surplus and authorize its sale which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Discussion followed regarding a report filed by DPW Superintendent Halvorsen on the recent improvements made on Deer Hill Road, and the chip/seal of portions of Duncan Avenue, Dock Hill Road, and Boulevard.

The Building Inspector reported 83 site inspections, 2 fire inspections, 5 building permits, and 3 municipal searches were issued.

The Code Enforcement Officer reported 10 certificates of occupancy/compliance, 1 unregistered vehicle and 6 property maintenance violations were issued.

## **CORRESPONDENCE**

Mayor Gross is in receipt of a letter from Senator Charles Schumer's Office regarding available money for Brownfields assessment and clean-up. The deadline for proposals is November 15<sup>th</sup>.

Mayor Gross is in receipt of a copy of a letter from the NYS Governors Traffic Safety Committee to Police Chief Williams announcing that the Village will receive \$3,400 to participate in the statewide “Buckle-Up New York Program”.

Mayor Gross is in receipt of a letter dated October 9<sup>th</sup> from NYS Department of Criminal Justice Services (DCJS) regarding a consolidation study. A written request from both the Town and Village is necessary to begin the process. An administrative study of the Village department solely will require a written request from the Mayor or Police Chief.

Mayor Gross is in receipt of a letter dated October 14<sup>th</sup> from George Krom of Maple Avenue requesting a reduction in garbage charges. They will be away from October 17, 2008 to May 17, 2009.

In accordance with existing Village policy, Trustee Edsall made a motion to authorize a 50% reduction in garbage charges for the time period requested which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Mayor Gross is in receipt of a letter from Lee Record of Virginia Beach regarding deteriorating road conditions in the Cliffside Park area. In addition, small trees, hedges, and bushes are encroaching into the roadway.

Mayor Gross stated that DPW Superintendent Halvorsen addressed this issue with the Village Board at the work session. Discussion followed regarding possible safety concerns and soliciting feedback from Cliffside residents to see if they agree with Mr. Record.

Mayor Gross is in receipt of a letter from Richard Gaillard of Cornwall Lions Club announcing the 1<sup>st</sup> annual “Fall Harvest 5K Race” on Sunday, November 9, 2008 beginning at 1:00 PM.

Discussion followed regarding police coverage for this event.

Mayor Gross is in receipt of a letter dated September 20<sup>th</sup> from Cheryl Bainnson regarding her disappointment in the condition of the riverfront after the hospital gala.

## **PUBLIC COMMENT**

Susan Ostrander of Grandview Avenue stated that there is a faded stop sign that needs to be replaced at the end of River Street which is also partially blocked by hedges. In addition, where Grandview Avenue loops around Cornwall Avenue there is hill side erosion visible from Dock Hill Road.

Ms. Ostrander then asked Trustee Gosda to clarify who is responsible for not submitting the paperwork on the two grants mentioned earlier. Mrs. Gosda replied that it was a Village oversight.

Deke Hazirjian of Grandview Avenue read minutes from 2007 in which Mayor Gross spoke about an increase of cancer affecting neighbors due to mercury on the Food Bank property.

Mr. Hazirjian further spoke regarding the formation of an Ethics Committee in the Village. He would like to see this future committee investigate the current assessment of Mayor Gross' home. His property has had an open building permit for the last 4 years.

Jerry Gage of Maple Avenue requested an update as to the Village's plans to sell the former Water Department building on Maple Avenue.

Mayor Gross replied that the Board is not ready to take action yet. He would like to discuss details that might affect its property value later tonight in Executive Session.

Lee Murphy of Hudson Street questioned why the Board would wish to go into Executive Session to discuss sale of the Maple Avenue property.

Trustee Gioia explained that this item was publicly discussed at the last work session. Trustee Edsall added that there are two issues the Board needs to address. First is the use of the property, and second is what sale could occur and for what use. At the work session the Board also publicly discussed the ability to develop a turn around. The acquisition, sale or lease of a real estate parcel owned by the Village is a legal reason to enter into Executive Session.

Tom Gordon of 3 Braden Place asked what criteria the Village uses to decide which roads get paved. He has lived on Braden Place for 11 years and seen no improvements on it during this time.

Mayor Gross replied he has had discussions with both the current and former DPW Superintendents and learned that the road improvements made this year were in "the works" years prior. He has heard numerous complaints from residents regarding poor conditions on several other roadways.

Trustee Fogarty stated that a proposal for River Avenue Improvements did not move forward because of monetary restraints. The DPW Superintendent makes recommendations for road improvements to the Village Board every year at the Reorganization Meeting and the Board must decide what to accept and what to turn down.

Trustee Edsall replied that the DPW Superintendent keeps a constant list of roads that "are failing". That list gets prioritized first by traffic volume and then conditions. Depending on funding availability, improvements are then made.

Kris Seiz of Avenue A stated that there should be a different way of prioritizing roads. It should be safety first, and volume/traffic patterns second.

Judy Rife of Maple Avenue thanked Trustee Gosda for organizing the 2<sup>nd</sup> Annual Community Yard Sale and the Village Board for sponsoring and promoting the event. A good time was had by all. In the future she suggests "memorializing" the date with the Presbyterian Church's annual Apple Time Fair to provide more for the public to see and do. In addition, copies of the yard sale list and map should be available in several locations.

Ms. Rife further stated that at a work session, the Village Board discussed the installation of a sign to encourage traffic to use turn around at the end of Maple Avenue. She would like to see this done sooner rather than later.

## **OLD BUSINESS**

### **PLANNING CONSULTANT RFQ – RESOLUTION**

Trustee Edsall made a motion to accept the Request for Qualifications (RFQ) on waterfront planning and design, prepared September 4, 2008, authorize circulation to qualified professionals on list provided by DEC, and post in several trade journals which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall then made a motion to set December 1, 2008 at 4:30 P.M. as the return date and time for receipt of completed RFQ's which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

### **WATERFRONT REVITALIZATION COMMITTEE REPORT**

Committee Member Andrew Maroney stated that he is pleased that the Request for Qualifications (RFQ) was accepted. The committee needs that information in order to move forward.

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

Discussion regarding status of the appointed committee members took place. The Village Board has not received any status reports from this committee in months and is unsure what, if any, action has been taken. It is necessary that the Board is informed if the committee is still active, and if not, it should be dissolved. A new committee can then be formed to pursue a "Stand Alone" one day event on August 29, 2009. An invitation to a special session, to be determined by the Mayor and Town Supervisor, will be sent to all members of the current committee to discuss their progress.

### **MAPLE AVENUE SALE**

Mayor Gross stated that there has been no action taken on this item.

### **VILLAGE SQUARE COMMITTEE REPORT**

Trustee Gioia stated that due to cutbacks on grant funding from the state, the committee will have to scale back on some recommendations.

Trustee Edsall reported that he spoke with Steven Drabick, who surveyed the property for the Village, and representatives from the school district regarding the municipal sign. He learned that the property along Maple Avenue Extension belongs to the school district, not the Village. The school representatives will meet with Mr. Drabick to mark out where the sign can be located.

### **HYDRO-ELECTRIC FEASIBILITY PROPOSAL**

Discussion with Deputy Interim Village Attorney Dunn took place regarding Windsor Machinery's concerns of liability in the event of design defects.

### **WATER DEPARTMENT WORKSITE UTILITY TRUCK – BID AWARD**

Water Superintendent June stated that a bid opening was held on September 29, 2008 with one bid received. The bid was from Pine Bush Equipment Co. Inc., in the amount of \$18,896.00. He recommends that the Board award the bid to Pine Bush because the vehicle meets our specifications and is within budget.

Trustee Fogarty made a motion to accept the bid of \$18,896.00 from Pine Bush Equipment Co., Inc. which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

#### **WATER DEPARTMENT WORKSITE TRAILER**

Water Superintendent June stated that a bid opening was held on September 29, 2008 with one bid received. The bid was from Paul Congelosi Sales, Inc., in the amount of \$6,900.00. He recommends that the Board award the bid to Paul Congelosi because the trailer meets our specifications, offers upgrades, and is within budget.

Trustee Edsall made a motion to accept the bid of \$6,900.00 from Paul Congelosi Sales, Inc. which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

#### **DCJS STUDY LETTER**

Mayor Gross stated that he has not yet heard back from the Town Supervisor regarding the September 2<sup>nd</sup> special meeting. He has spoken with a representative of the Division of Criminal Justice Services (DCJS) who has advised that the Village can conduct a study without Town involvement. This study will focus on administrative efficiency not consolidation. Discussion followed. Trustee Edsall offered to speak with Supervisor Quigley and request that the Town Board make a formal decision on this matter.

#### **NEW BUSINESS**

#### **ELECTION RESOLUTION**

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

Notice is hereby given that the Annual Election will be held in the Meeting Room of the Village of Cornwall-on-Hudson, 325 Hudson St., Cornwall-on-Hudson, N.Y., on the 18th day of March, 2009, between the hours of Noon and 9 PM and that at such election, the following officers are to be elected for the terms set opposite thereto, respectively.

Mayor Two Years, Trustee Two Years, Trustee Two Years

The foregoing resolution was seconded by Trustee Gosda, and upon a vote of 5 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 20, 2008.

#### **GRIEVANCE DAY**

Trustee Edsall made a motion to set the annual Village Grievance Day for Tuesday, November 18, 2008 from 4:00 - 7:00 PM., establish a committee member stipend equivalent to a planning board member

meeting rate, and appoint Susan Ostrander and Thomas Petersen to the Grievance Committee, which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0 nays. Trustee Edsall offered to serve as the Village Board liaison that evening. Discussion regarding establishing a deadline for submittal followed in order to allow the committee sufficient time to review applications.

**ORANGE COUNTY PROPERTY TAX EXEMPTION RESOLUTION**

Trustee Gioia 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 2010 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 Gosda, and upon a vote of 4 Ayes, 1 Nay, and 1 Abstain (Edsall) the Mayor declared the resolution adopted on October 20, 2008.

#### ANNUAL SUPPLY BIDS

The Water Superintendent 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 14th beginning at 2:00 PM at the Village Hall.

Trustee Edsall made a motion to approve the specifications of the bid documents, seconded by Trustee Fogarty, 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 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 14, 2008, which was seconded by Trustee Fogarty, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

#### HALLOWEEN CURFEW DISCUSSION

Discussion took place regarding a curfew on Halloween night. Mayor Gross stated he will take the comments into consideration in his decision.

#### PUBLIC COMMENT

David House of 221 Hudson Street asked Deputy Interim Village Attorney Dunn if there is a public law that prohibits personal attacks on Board members.

Mr. Dunn responded there is no public law on personal attacks.

Having concluded the business set before them, Trustee Gosda moved to adjourn the meeting into Executive Session to discuss the sale of Maple Avenue property, and a personnel matter in the Police Department, which was seconded by Trustee Edsall and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:31 PM.