

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

August 17, 2009

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 Barbara J. Gosda
Trustee Mark J. Edsall
Trustee Richard Gioia
Trustee Douglas Vatter

Also present were: DPW Superintendent David Halvorsen, Police Chief Charles Williams, Water Superintendent Robert June, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Mark Taylor (arrived late), and Village Clerk Jeanne Mahoney.

PUBLIC HEARING VERIZON FIOS - Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on Verizon FIOS was called to order at 7:31 PM by Mayor Gross.

John Harrington – of Verizon’s Telecommunications Insight Group read a prepared statement outlining the proposed franchise agreement and the customer benefits when competition exists in the cable business. He then introduced John Butler of Verizon External Affairs Division, and Jeremy Schofer, Esq., Verizon’s outside counsel.

Trustee Vatter spoke of a problem he has been experiencing in getting a Verizon service representative to show up for a scheduled appointment to repair improperly grounded lines. Mr. Harrington replied that a “cable franchise service manager” will be assigned to the Village and will “take all calls with any complaints about any service related aspect”.

Trustee Gosda asked if the advertised promotions currently running are restricted to specific geographical areas. Mr. Butler replied these promotions are not.

Trustee Gioia asked about the 2 remaining poles still standing at the Dock Hill/Route 218 intersection. Mr. Butler replied that he has been working with DPW Superintendent Halvorsen and his staff. The remaining poles will be removed as soon as the incumbent is “off the poles”.

Trustee Edsall wanted the record to be clear that the only work not finished, can’t be finished because Verizon is waiting for Time Warner Cable to remove their lines from the 2 remaining poles before taking them down.

Elizabeth Hellwege of 7 Winterview Lane asked several questions, including:

1. Is the Verizon franchise in addition to or replacing Time Warner Cable’s franchise?
 - a. Verizon will be in addition to Time Warner Cable.
2. Has Time Warner Cable’s franchise expired?

- a. Yes
- 3. Is the Village still signing 10 year agreements?
 - a. That is unclear at the moment.
- 4. What is the proposed length of Verizon's agreement
 - a. A 15 year agreement

Ms. Hellwege is opposed to a 15 year agreement. She sees no benefit to the Village to lock in for such a long period of time, especially with current technology.

Trustee Vatter explained that cable competition is restricted to businesses that currently have or are willing to install necessary infrastructure.

Mr. Harrington further explained Verizon's infrastructure is already in place as a telephone provider. Recently they have upgraded their lines from cable to fiber optic. A 15 year agreement is important because of the "enormous amount" of expense incurred in bringing this technology to the Village.

Ms. Hellwege expressed concern about cable rates. She stated that every time Time Warner Cable "tweaks" their lineup, they increase rates. Does Verizon plan on doing the same?

Mr. Harrington replied that competition is the "biggest weapon a consumer has" to prevent these types of instances.

Trustee Edsall explained that in earlier franchise agreements, the Village could regulate cable fees. That was later removed by New York State law. The franchise term was very important back then because it could be used for leverage. Today, he feels, the term length "does not mean a lot".

Andrew Maroney of 4 Barr Avenue asked how many televisions he can operate with basic FIOS installation.

Mr. Harrington replied one "set top" box can feed 4 TV's.

Barry Gruber of Bayview Terrace asked if the current practice of "jacking up" commercial sound is done through the provider. In addition, will there be a delay in providing FIOS cable to streets with underground services?

Mr. Harrington replied that he does not have an answer at the moment, but will look into it and get back to him. In addition, the aerial connections are generally done first. Underground connections are technically more difficult and expensive for Verizon to do.

Deputy Village Attorney Mark Taylor arrived at 8:00 PM.

Edward Casey of 19 Washington Street is a Village resident and a local Verizon construction manager. He is proud that our community will have the opportunity to enjoy the benefits of an all digital fiber optic video network. He urges the Village Board to approve the cable franchise application.

Ms. Hellwege asked if there is a power loss, how does FIOS provide continued phone service.

Mr. Harrington replied that a battery back up on the terminal will give a customer an estimated 6-8 hours of telephone usage.

Trustee Gioia stated that through a franchise agreement, Verizon will be contractually obligated to provide FIOS service to the entire Village.

Deputy Village Attorney Taylor stated that the Village is entitled to negotiate a shorter term length agreement, if it deems that to be in our best interest. A 15 year agreement is the maximum currently allowed by law. Removal of the remaining 2 poles is a “sidebar issue” and not a “franchise issue”.

Mr. Harrington stated that although removal of the poles is not a cable issue, Verizon in good faith agreed to remove them as part of the franchise negotiations.

Trustee Vatter stated that the franchise fee paid to the Village will be a set percentage of the cable rate not a flat fee. Deputy Attorney Taylor added that the percentage proposed in the franchise application is the maximum allowed and matches the percentage paid by Time Warner Cable.

Discussion followed regarding how franchise fees are collected. Trustee Vatter stated that it is in the best interest of the Village to “extract” the maximum fees allowed from cable providers, which happens to be paid by cable subscribers. He feels this is why competition is so important.

Mr. Gruber asked if the franchise fee is solely for cable service. Based on the discussion this evening, he feels the Village will not see any increase in franchise fees. Rather with competition controlling cable rates, the Village will see a decrease.

Trustee Edsall agreed that no big increase in franchise fees will be realized; however, a second cable franchise will create competition and gives residents an option.

Board discussion followed regarding the proposed agreement term. Deputy Village Attorney Taylor advised the Board that the general business terms must equal any future agreement with Time Warner Cable.

Having no one further speak for or against this matter, Trustee Edsall made a motion to close the public hearing at 8:20 PM which was seconded by Trustee Gosda and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall moved for the acceptance of the July 20, 2009 Regular Meeting Minutes as presented, on a motion seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays.

Trustee Edsall suggested that “for clarity” a revision be made to the minutes of the July 27, 2009 special meeting. On the resolution requesting assistance from the Orange County Water Authority (page #4 - last paragraph) he would like the following underlined words added after “...ownership and purposes of the Village of Cornwall-on-Hudson” including service area in the Town of Cornwall Water District”.

Trustee Vatter moved for the acceptance of the July 27, 2009 Special Meeting Minutes as amended, 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 partial treasurer’s report has been prepared through July and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties	\$ 86,882.49
Town water & penalties	403,195.85

Which included 7 final/adjustment for the Village and 2 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$344,687.98
Water Fund claims in the amount of	189,591.27
Sewer Fund claims in the amount of	4,840.00

COMMITTEE REPORTS

Donahue Memorial Park – Trustee Gioia reported that he has received positive responses from local businesses to sell weekend day passes. He expects it to be “up and running” within the next few weeks.

Board of Assessment Review – Mayor Gross asked the Board to review the letter from NYS Office of Real Property Services regarding the possibility of eliminating the Board of Assessment Review for discussion at the next work session.

Police – Mayor Gross reported that Chief Williams has announced his plan to retire. The Board is awaiting a briefing from counsel in order to determine what can be done in the interim until the DCJS study report is received. Once received the Board can “chart a course”.

DEPARTMENT REPORTS

The Water Department reported an average daily production of 1.772 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 52 utility locations were made, 28 meters were repaired or replaced, 7 special readings were taken, and meter reading was completed. In addition to routine property maintenance, a curb box was repaired at 64 Maple St., curb boxes were located at 3 Cottage St. and 35 Pine St., a water leak was repaired at 13 Union St., fire hydrants were painted, and department personnel attended Laboratory training class.

Water Superintendent June further reported that Siemens will be providing a quote for air valves and water valves. He expects to bring the plant back online within two weeks.

The Department of Public Works reported weekly yard waste collection, blacktop patching, roadway sweeping, weekly mowing of Village owned properties, maintenance of Village sewer lines, true and leveling along Cliffside, Taft Place and areas of Bayview Avenue for chip/sealing, removal of hazardous trees, installation of new signs on Mountain Road and Pagenstecher Park, and repairs and maintenance of all Village owned vehicles.

DPW Superintendent Halvorsen reported that he has successfully completed the second round of code enforcement classes. The next round will take place early in September.

Mayor Gross reported that the Village is working to control the water infiltrating the sewer system, and will be looking for any illegal connections of sump pumps which should not be attached to the sanitary sewer system. He asked the local media to report this to the public because everyone has to pay for the increase use of the sewer processing through the Sewer Plant.

Mayor Gross acknowledged the pending retirement of Chief Charles Williams from the Village of Cornwall-on-Hudson Police Department after many years of service. He thanked him for his time and dedication and “the work he has put into the job”.

The Police Department reported 8 COVAC assists; 6 calls were covered for/assisted to Town Police; 10 responses to burglar alarms; 3 E-911 hang-ups; 7 domestic incidents; 11 crimes were committed; 16 non criminal activities were reported; 16 arrests were made; 3 vehicle lockouts, 6 accidents were investigated; 37 moving violations; 21 vehicle and traffic stops with warning; and 20 parking tickets were issued. Total patrol miles = 2,862, not including mileage on Chief’s vehicle.

Chief Williams also reported that investigation of five (5) active open cases continues.

In addition, July 4th and Storm King Fair were covered without major incident.

Chief Williams further reported that he has notified the Board under separate cover of his intention to retire effective September 16, 2009. He stated that it has “been an honor and privilege to serve the residents of Cornwall-on-Hudson”.

The Fire Department reported 45 events, including 14 emergency medical service (EMS) calls, for a total of 1299 volunteer man hours in July.

On behalf of Storm King Engine Co. #2, Fire Chief Armitage thanked Chief Williams, Water Superintendent June, and DPW Superintendent Halvorsen for their continued support of their annual Firemans Fair. He stated that the money raised is used for scholarships, fire prevention classes, and Halloween & Christmas events.

He further reported that the company has been selected to host a Hazmat Train Derailment Drill sometime in the spring of 2010. A matching \$1,000 grant has been received from the NYS Department of Environmental Conservation for a compartment on top of a tank on the new brush truck, as well as installation of rear body protection.

In addition, on behalf of Storm King Engine Co. #2, Fire Chief Armitage wishes Chief Williams the best. He has worked with the fire department “hand in hand” for many years, the last 8 years as Chief, and the Village will have a “great loss” with his departure.

The Building Inspector/Code Enforcement Office reported 46 site inspections, 1 fire inspection, 6 building permits, 1 stop work order, 1 unregistered vehicle, 12 property maintenance violations, and 12 certificate of occupancy/certificate of compliance were issued.

CORRESPONDENCE

Mayor Gross is in receipt of a letter from Cornwall United Soccer Club requesting permission to hold a car wash on August 23rd from 9:00 AM – 1:00 PM.

Trustee Edsall made a motion authorizing the request which was seconded by Trustee Vatter. Trustee Gioia suggested that biodegradable wash products be used. The motion was then carried by a vote of 5 Ayes and 0 Nays.

Mayor Gross is in receipt of letter dated July 31, 2009 from PERMA regarding transitional duty programs. Currently they are unable to provide figures on potential savings to our municipality if a transitional duty policy is enacted.

Mayor Gross is in receipt of a letter dated August 7, 2009 from Orange County Health Department regarding the Summer Playground Program.

Mayor Gross is in receipt of a letter dated August 3, 2009 from NYS Emergency Management Office regarding debris management workshops for local governments on September 17, 2009.

Mayor Gross is in receipt of a copy of a letter from Storm King Engine Co. #2 to the Cornwall Local and Cornwall-on-Hudson.com encouraging the Village to “take a stand” regarding the proposed changes at Cornwall Hospital.

Mayor Gross is in receipt of a notice from Time Warner Cable regarding programming changes and a proposed rate increase.

Mayor Gross is in receipt of a newsletter dated August 6, 2009 from Brian Watson of the NYS Assembly regarding the negative effects from the MTA bailout on Mid Hudson drivers.

Mayor Gross is in receipt of a letter from Ethel Spenser Brabsen of Spruce Street regarding the Missere application to the Zoning Board.

Mayor Gross is in receipt of an invitation from Orange County Association of Towns/Village/Cities to a luncheon on August 25, 2009.

Mayor Gross is in receipt of letters dated July 28th and August 6, 2009 from Literacy Orange regarding a change in the proposed route of the planned “Ride to Read Motorcycle Event” on August 22nd which will no longer travel through the Village.

Mayor Gross is in receipt of a copy of a letter dated July 20, 2009 sent to SKEC #2 Fire Chief Armitage by the NYS Department of Environmental Conservation informing him that a \$1,000 matching grant has been awarded to purchase “much needed equipment”.

Mayor Gross is in receipt of a letter July 27, 2009 from Anthony Missere, President of The River Bank Restaurant announcing his intention to renew their liquor license.

Mayor Gross is in receipt of a letter August 3, 2009 from Tracey Shaffer of Tom’s Tavern announcing her intention to renew their liquor license.

Mayor Gross is in receipt of minutes from the August 6, 2009 regular session of the Orange County Legislature.

Mayor Gross is in receipt of an invitation from Edward Diana, Orange County Executive to participate in a Public Officials Conference at the Orange County Emergency Services Center on September 10, 2009.

Mayor Gross is in receipt of copies of thank you letters dated July 25, 2009 from Storm King Engine Co. #2 Fire Chief Armitage to Police Chief Williams, Water Superintendent June, and DPW Superintendent Halvorsen for their support of the 2009 Annual Fireman's Fair.

Mayor Gross is in receipt of a letter dated August 3, 2009 from People for the Ethical Treatment of Animals (PETA) regarding their opposition to the proposal by the Deer Task Force to allow bow hunting in the Village as a method to reduce the number of deer.

Mayor Gross is in receipt of a letter dated July 23, 2009 from Melinda Scott of the NYS Office of Parks, Recreation and Historic Preservation extending the grant deadline on the Historian grant until December 31, 2009.

Mayor Gross is in receipt of a newsletter from Central Hudson Gas & Electric regarding their petition to set delivery rates for electricity and natural gas effective July 1, 2010.

Mayor Gross is in receipt of a letter dated August 17, 2009 from Planning Board Chairman Jeffrey Small regarding proposed planning changes. This will be discussed in further detail at the next work session.

PUBLIC COMMENT

Water Superintendent Robert June stated that since coming to work for the Village Water Department 4 ½ years ago, Chief Williams has been a great help both on and off the job and wanted to thank him publicly.

DPW Superintendent David Halvorsen stated that he met Chief Williams 18 years ago and has valued him as a fellow employee and good friend since. He will be sorely missed.

Jeff Armitage 12 Holts Lane stated that there is a lot of junk/garbage outside of Tom's Tavern. It is in poor condition and in possible violation of Village code. Mayor Gross replied that the Code Enforcement Officer will be asked to look into this item.

Liz Hellwege of 7 Winterview Lane stated that it is a pleasure to live in the Village. She also thanked the Department of Public Works for the great work they do.

OLD BUSINESS

WATERFRONT REVITALIZATION COMMITTEE REPORT

Committee member Andrew Maroney stated that they met with the selected consultants and explained our goals.

HUDSON FULTON COMMITTEE

Trustee Gosda reported that the “River Journey” sculpture exhibit officially closed on August 8th. The exhibit was well received with an estimated 700 visitors. She thanked Barbara Gioia, the event curator, for her hard work in supporting this event. Grant paperwork will now be submitted for reimbursement from Orange County for both this event and “Hudson-Fulton Day”. In addition, the next “Silent Walk on the Half Moon” will be on August 27th at the Stone Pillars on Mountain Road.

Mayor Gross thanked Barbara Gioia and the committee for presenting the exhibit.

DEER MANAGEMENT TASK FORCE

Mayor Gross stated there is nothing no to report on this item.

DRAFT COMPREHENSIVE PLAN

Brief discussion took place between the Board, Planning Board Chairman/Master Plan Committee Member Jeffrey Small and Zoning Board Member/Master Plan Committee Member Andrew Maroney. The committee members both urged the Board to not abandon the draft plan as a whole but rather work toward adoption of at least parts of it.

HYDRO-ELECTRIC FEASIBILITY PROPOSAL

Water Superintendent June stated that Windsor Machinery representatives visited the site today to review their data. All information originally provided by the Village to Windsor Machinery several months ago was re-verified today. Trustee Gioia added that it is in the Village’s best interest to work with Black Rock Consortium who has been pursuing a “parallel path” to tap into the stream running next to our feed line when we are ready to seek funding.

VERIZON – FIOS CABLE FRANCHISE AGREEMENT

Trustee Vatter made a motion to authorize Mayor Gross to sign the 15 year franchise agreement with Verizon FIOS which was seconded by Trustee Edsall after confirming with Deputy Village Attorney Taylor there to be no apparent drawbacks to a 15 year agreement, the motion was carried by a vote of 5 ayes and 0 nays.

MAPLE AVENUE PROPERTY

Mayor Gross stated that there is nothing new to report on this item.

DRAFT TRANSITIONAL DUTY POLICY

Trustee Edsall would like the Village Board to continue to pursue this matter with PERMA. At some point they should certainly have records on potential cost savings. Discussion regarding enactment of a transitional duty policy followed.

SUMMER PLAYGROUND

Trustee Gosda reported that this year’s program ended on Friday, August 14th. She thanked Dylan Reitenbach for his time and assistance in getting the necessary paperwork completed and sent to the

Orange County Health Department. She also thanked Scott Valens for his work as Director of this year's program. It was well received by the community with approximately 100 children who attended.

ETHICS BOARD

Village Clerk Mahoney reported that the policy was sent to the appropriate Village employees', all but 12 have been signed and returned. Two employees did not sign the policy under advice of their union counsel. She is waiting until this is resolved to set up the first meeting of the Ethics Board.

NEW BUSINESS

WATER DEPARTMENT EMPLOYEE LARRY LAWLESS

After some discussion, Trustee Edsall made a motion to authorize Village employees to contribute/transfer accrued leave into an "employee pool" to benefit Water Department employee Larry Lawless who has been out of work due to health problems, subject to Village Board authority to audit this record, which was seconded by Trustee Vatter and carried by a vote of 5 ayes and 0 nays. The Village Board wishes him a speedy recovery.

TREASURER COMPUTER

Upon the recommendation of the new Village Treasurer, for a "more portable" device to assist her in accessing Village information after hours, Mayor Gross suggested the Village Board authorize the purchase of a laptop. Discussion followed regarding importance of Village records and having a secure network and software program to work from. This item was then tabled for future discussion.

GREENWAY GRANT APPLICATION

Trustee Edsall made a motion authorizing the Mayor to submit a grant application to Greenway for engineering a foot bridge off Dock Hill Road which was seconded by Trustee Gioia and carried by a vote of 5 ayes and 0 nays.

GLENDENING DRAINAGE EASMENT

Mayor Gross has been in contact with Ms. Susan Glendenning regarding property damage and erosion she claims has been caused by a drainage stream which runs through an existing easement agreement she has with the Village. Deputy Village Attorney Taylor provided an overview of the easement agreement. DPW Superintendent Halvorsen provided a description of the drainage stream that runs through Ms. Glendenning's property. Mayor Gross asked him to provide a cost estimate for necessary repairs. Discussion followed.

VILLAGE CROSSWALKS

Trustee Vatter stated that he has been told by a resident that there are crosswalks along Hudson Street/Route 218 that have not been approved by NYS Department of Transportation. DPW Superintendent Halvorsen has been asked to "catalog" all crosswalks on the state highway to determine

which were installed by the state DOT and which were installed by the Village. Further he will contact the state DOT office to request copies of crosswalk permits filed.

Mayor Gross reported that the Village has been awarded a \$7,250 grant through Orange County Planning Department to address “walkability” in the Village. These two issues may somehow tie in to one another so Village should go forward cautiously.

PUBLIC COMMENT

Liz Hellwege of 7 Winterview Lane stated that the Dock Hill Road/Route 218 intersection is getting “squirrely”. The crosswalks and traffic flow turning from Route 218 onto Dock Hill Road is confusing and dangerous.

Trustee Edsall replied there is little the Village can do since it is a state highway other than continue to press the state DOT to make necessary improvements.

John Donnellan of First Street asked why the Village Board has not taken an official stand on the Cornwall Hospital issue. He stated that Dr. Bambino has indicated the hospital will be closed.

Mayor Gross stated that he feels it is out of his jurisdiction to speak about what the hospital is doing. He attended several meetings for the Cancer Center Project but has not spoken publicly about the plan.

Trustee Edsall stated that the issue goes beyond aesthetics or development. The availability of emergency services is the issue. It will be a detriment if emergency services are removed. He would support drafting “a very narrow resolution of support to maintain the availability of those facilities”.

Discussion followed regarding the affects this will have on emergency, fire, ambulance, and police response times.

Having concluded the business set before them, Trustee Vatter moved to adjourn the meeting into Executive Session in order to discuss DPW and Police personnel issues which was seconded by Trustee Edsall and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 10:00 PM.