

**REGULAR MEETING
OCTOBER 15, 2008**

The Regular Meeting of the Village Board of Trustees was held on October 15, 2008 at Watts dePeyster Hall. Called to order at 7:05pm.

The meeting was opened with the Pledge of Allegiance.

Present: Mayor Cordier, Deputy Mayor Cranna, Trustees Staffiero, Leedy and Ezrati

Public: Fred Cartier (P.A.N.D.A.), Christine Chale, Attorney, Barbara Eichen, Jeffrey Scales, Bob Juliano, Darryl Juliano, Dave Champlin and Danielle O'Hanesian.

The Clerk reported the following:

- 1) National Election day is Tuesday, November 4, 2008. The polling place for Tivoli is the third floor of the Watts dePeyster Hall. Polls open at 6:00 am and close at 9:00 pm.

The September 17, 2008 Regular Meeting Minutes were approved on a motion by Deputy Mayor Cranna and seconded by Trustee Leedy, all in favor.

Treasurer's Report: The bills for Abstract #5 (157-211) in the amount of \$69,875.91 were approved to be paid on a motion by Trustee Ezrati, seconded by Trustee Leedy, all in favor.

Treasurer's Budget Modifications: Mayor Cordier explained these modifications would even out an \$84,000.00 swing because of increased Village of Red Hook Police coverage costs and fuel increases. This will balance a surplus in the General Fund vs. a deficit in the Water and Sewer Fund. This imbalance was corrected because of labor time expended by DPW, Clerk and Treasurer.

The Treasurer's Budget Modifications were approved on a motion made by Trustee Ezrati, seconded by Deputy Mayor Cranna, all in favor.

The Treasurer's Payroll Allocations were approved on a motion made by Trustee Ezrati, seconded by Deputy Mayor Cranna, all in favor.

Deputy Mayor Cranna asked that the Treasurer be present at the Trustee Meetings in the future when there are Budget Modifications.

The Treasurer's Report was accepted on a motion made by Trustee Leedy and seconded by Trustee Staffiero.

The ZEO Activity Report dated October 15, 2008 was submitted (see attached) by Trustee Ezrati.

Mayor Cordier reported the following:

- 1) There was a meeting hosted by the Northern Dutchess Alliance for a presentation by Central Hudson on their program on tree trimming and vegetation control. Central Hudson has new more strict policies that allow them to cut down any tree they deem too near the power lines. On 10/15/08 at Cornell Co-operative Extension Central Hudson again gave Town and Village officials guidelines regarding the tree cutting. Although trees increase property values by 20 – 30% Central Hudson can come in every four or five years and cut trees, as Central Hudson says branches and trees falling on wires are the leading cause of power outages. Mayor Cordier noted that power outages in Tivoli are often caused by squirrels. Central Hudson has installed squirrel guards and there have been no more problems. The distribution center is in Rhinebeck and Tivoli is the end of the line, as a result there are problems when there is a even a brief power outage the PANDA television station has to be reset. There are seven utilities in New York State that are tree line utilities that protect the trees. Central Hudson is not one of them. There are no plans for Central Hudson to join them. Central Hudson pointed out that villages should never plant Bradford pears in village streets, which Tivoli had planted 12 – 15 years ago. At that point Assemblyman Molinaro came in and pointed out that Central Hudson had suggested planting those trees at that time. At that time resident Danielle O'Hanesian interrupted by saying that's a major problem. Mayor Cordier told her she was out of order and he would have to call the Sheriff if she interrupted again. Danielle O'Hanesian replied "Fine, sweetie, call the Sheriff, go ahead". Mayor Cordier thanked Assemblyman Molinaro for his help with Central Hudson.
- 2) Mayor Cordier reported that Vin Roca has submitted a letter of resignation to the Zoning Board of Appeals because his work/travel schedule prevents him from attending meetings. The Mayor then appointed Robert (Bob) Juliano to the Zoning Board of Appeals. Bob has had a house in Tivoli for about twenty years and has been a full time resident for the last two years. Robert spent quite a few years as Deputy Mayor of the Village of Wappingers Falls and was liason to their Planning and Zoning Boards and knows the regulations and job and the Mayor welcomed him. Bob thanked the Mayor. Deputy Mayor Cranna thanked Vin Roca for his service. A motion to appoint Robert Juliano to the Zoning Board of Appeals as an alternate member was made by Trustee Leedy and seconded by Trustee Ezrati.
- 3) The Street painting Festival was held on October 4, 2008. It was very successful. There were 107 squares painted in 2007 and fifty more had to be added to accommodate everyone in 2008. The Mayor thanked Harry Colgan for volunteering his time that day and noted that he would need more volunteers for the end of the day for clean – up the following year. Trustee Ezrati said people were very generous with their donations and she raised about \$3200.00 in donations, part of which came from the Dutchess County Council on the Arts and \$1700.00 of in-kind donations and gifts such as apples from local farmers, water from Hannaford, rollers & brushes from

Williams Lumber and Fabulous Yarn donated the sign for 9G. The live music was recorded on a CD. The Mayor mentioned that John Vincent shot a video. Trustee Ezrati pointed out that the festival was put on with no cost to taxpayers and there were even complaints from people who said they weren't asked to donate. Trustee Leedy then thanked Trustee Ezrati for all of her hard work running the Street Painting Festival.

- 4) Mayor Cordier brought up Noise issues in the Village. The Village is investigating complaints and meeting with the police. There are complaints that the police are not performing their job. The Chief of Police of Red Hook said he read the letter to the editor in the Daily Freeman entitled "Sleepless in Tivoli" that alleged that the police were called but didn't respond. The Police Chief said he personally went to the resident and said the Red Hook Police were not the agency who didn't respond and gave the resident his personal cell phone number and told the resident that he wants to know when there are noise problems. The Mayor said the police have very few problems with Bard students when they go to break up a party, there is no resistance and the situation is resolved. The Mayor said he personally went to three parties and had no problems once he told the residents they were violating the noise ordinance. The Mayor said that the police will not break up a party unless there is a complaint. Trustee Leedy pointed out that the noise ordinance goes into effect at 10:00 pm nightly and the police should respond to excessive noise whether there is a complaint or not. The Mayor said he would check on that. Danielle O'Hanesian interrupted saying "I have the noise ordinance right here". The Mayor held up his hand and said okay and then Ms. O'Hanesian left the meeting, saying "you guys are pathetic, especially the Mayor". The Mayor said that Ms. O'Hanesian had come into the Village Hall a few weeks before and been very abusive, yelling and cursing at him. David Champlin then said he would talk to the Mayor during the public comment portion of the meeting. The Mayor pointed out that this was a college town and has been for a while. An attorney friend of the Mayor works for the State Agriculture Agency and does work for farms. When noise complaints arise about the farmers the law used to defend the farmers is one entitled "Coming To The Nuisance". When the Mayor talks to residents on Montgomery Street many of the residents understand there's going to be noise when the students depart the shuttle late at night. Deputy Mayor Cranna said he wanted to remind residents that the Board is a legislative body of the government and it is not the responsibility of the Board to enforce these laws and stressed that if residents feel there is excessive noise or mass gatherings it is the residents responsibility to call the police. The Board of Trustees does take these complaints seriously and works with the police to get them to enforce the Tivoli laws. Deputy Mayor Cranna said he is setting up another Rental/Landlord Committee meeting for October 29th and will address some of these issues then. Mayor Cordier added that he is in touch with other towns that have a large college population and one of them has a law allowing a \$500.00 fine for loud parties. He is in touch with the clerk of that town and will obtain a copy of that law.

- 5) Montgomery Street/Washburn Water Main replacement will commence at the end of October, the contractor will repave sidewalks and replace 3 - 4 hydrants on Montgomery Street because some of the existing hydrants get hit by automobiles.
- 6) The Mayor brought up the Watts dePeyster Hall heating system – Bob Juliano gave some guidance on the needs of the system. The radiators need to be tilted and new thermostats installed, which should improve the efficiency of the heating system. Mayor Cordier thanked Bob for his help.
- 7) **RESOLUTION: 20-2008**, Explore NY 400 Community Resolution, sponsored by Deputy Mayor Cranna, was approved on a motion made by Deputy Mayor Cranna, seconded by Trustee Staffiero. The Mayor discussed the fact that Streetpainting 2009 will have a Quadracentennial theme. The Mayor has paintings and booklets from 1909 showing different celebrations in New York. Explore NY 400 will link the Village of Tivoli with other Explore 400 municipalities to celebrate the Quadracentennial. Deputy Mayor Cranna discussed celebrating the Quadracentennial on Tivoli Day 2009 and other events. Grants will be available to Explore NY 400 communities for these events. The first planning meeting will be at the Village Hall November 6. Residents may google Explore NY 400 to find listings of events.
- 8) **RESOLUTION; 21-2008**: LOSAP account with RBC Wealth Management was approved on a motion made by Trustee Ezrati, seconded by Deputy Mayor Cranna, Trustee Leedy in favor, Trustee Staffiero recused. Roll call vote ensued.
- 9) The next regular meeting will be held Wednesday, November 19, 2008 at 7 pm. (Workshop 6:30 pm)

Deputy Mayor Cranna reported the following:

- 1) The Deputy Mayor announced that the first planning meeting for Tivoli Day 2009 will be held November 6th at 7:00 pm at the Village Hall, all residents interested in being involved are urged to attend. One of the first committees the Deputy Mayor will set up is a sponsorship/fundraising committee to keep costs low for the Village.
- 2) Deputy Mayor Cranna spoke to Scott Brandt who is one of the captains of one of the Softball Leagues that use the Memorial Park ball field. Mr. Brandt volunteered his team to come in and work on the net. The Deputy Mayor spoke to one of the neighbors near the ball field and agreed with them that the present net has seen its last year. Mayor Cordier noted that the leagues had been asked to insure their organization this year, before the season started, which they did. Mayor Cordier also asked if perhaps the league could make a financial donation to cover the costs of the cleanup during the season. Deputy Mayor Cranna said he would sit down with the league before the start of the next season and discuss what the Village expects.
- 3) Deputy Mayor Cranna asked the Clerk to direct the DPW to remove the Merry-ground at the park at the end of the season. It will be replaced with different playground equipment.
- 4) There will be a presentation by the Dutchess County Sheriff's Department and Village of Red Hook Police scheduled for October 23, 2008 6:00 pm at the Village Hall on drug use and illegal drug use. This program will be geared towards parents and teens.

- 5) Mayor Cordier spoke to Deputy Mayor Cranna about Bianca Scarano, who teaches children horseback riding. Deputy Mayor Cranna said he had been playing phone tag with her. Mayor Cordier spoke about the possibility of Ms. Scarano running a program in the park for children.
- 6) Deputy Cranna said that there will be a presentation by Bill Johnson of STOP DWI, in December, date to be announced, at the Village Hall. This program will be geared towards students in Tivoli and also Red Hook High School students.

Trustee Staffiero reported the following:

- 1) The DPW, along with the Town of Red Hook, patched and milled around the manhole covers to prevent the snowplows from catching on them. Trustee Staffiero thanked the Town of Red Hook for their help. Mayor Cordier also thanked the Town of Red Hook and Wayne Hildenbrand for sweeping Tivoli's streets Friday before the Street Painting.

Trustee Leedy reported the following:

- 1) Trustee Leedy presented the Justice Court Report for September.
- 2) Trustee Leedy asked that perhaps he, Justice Clark, the Mayor and Attorney Chale meet with the contractor who is supposed to renovate the courtroom door to discuss the contractors request for a hold harmless letter.
- 3) Trustee Leedy asked that they hold interviews for the Acting Justice soon.
- 4) Water report – Well output for September.
- 5) The Mayor and Trustee Leedy will meet with the Village of Red Hook regarding the joint garbage pickup contract. There are some problems with billing, and some residents not getting picked up.

Trustee Ezrati reported the following:

- 1) The Planning and Zoning have met in the last month but the minutes are not yet approved so she has no comment on that.
- 2) The Architectural Review presentation was made at last month's meeting and the follow up to that is Michelle Greig, of Greenplan, will work on how the recommendations can be worked into the Village's Zoning laws. This will be a sort of roadmap to precede public discussions/hearings on the recommendations.

Public Comment:

David Champlin: Mr. Mayor, first let me apologize for my wife's outburst, her frustration level is overwhelmed by what's been going on. The noise issue is not the problem, it's the travelers up and down the street. But since we complained about the noise its escalated to last Thursday night we had three students at 1:30 in the morning throwing a steel rod at one of our front windows which we called the police. My wife actually doesn't sleep all night long, she watches out the window from about 10:00 on. She actually watched these three students . We called the police. She actually watched them throw the steel rod over my car at the window. We had the cops there, the Red Hook cops were in town and responded in five minutes but without a photograph or witnessing it happen they couldn't do anything. They've had their cars written on. Dave

went on to say they have to watch the house constantly. The Mayor responded by saying that the Landlord had addressed the noise problem across from the Champlin's house. These students have been cooperative since.

There was further discussion about late night revelers coming back from the bars, carrying on in the streets. The Mayor said this was the first he'd heard and David should let him know. The Mayor once received a complaint about a live band playing loudly in an apartment on Broadway and went there and told the band members he'd have the sheriff there if they played and he also reminded the landlord to have the tenants keep the noise down.

Karen Cleveland then said the past Thursday there was tremendous noise in the streets. She then said she never considered this a college town, it's a Village, for everyone to live in.

Mayor Cordier replied that 75% of the off campus Bard students live here.

Trustee Ezrati said that both Ms. Cleveland and Mr. Champlin did the right thing by calling police and please don't put themselves at risk.

More discussion followed between Mr. Champlin and Mayor Cordier regarding noise and vandalism.

Jeff Scales: Just like to know what in this point anything is happening regarding the Village's purchase of the property down below, I guess if there's still a review going on the purchase agreement and if there's a chance for the public to see that agreement?

Mayor Cordier: Where we're at is we met about three weeks ago with the Office of General Services and of course the railroad is giving us the property in the sale but there are some parcels the state gave in the 1840's and the OGS is going to sell us these parcels for a dollar so that's taken a little bit longer and they've got to go through their procedure and we met with them with our engineers and the OGS and they've agreed to give us this land and it's just a complicated process and they've got to identify these spot's in the river and we hope to get that done this week and we hope to sign the purchase agreement next week.

Jeff Scales: As you know a lot of numbers of residents of the village brought up a lot of issues and concerns that relate to a lot of liability issues and exposures the Village could be getting into regarding the properties and other issue.

Mayor Cordier: We've got a list that you gave us and me and Susan are working on them but we've got a list of major projects we've been working on especially the street painting and I've been working on the noise problems so we'll probably have those questions answered next week sometime.

Jeff Scales: So are we to assume that those questions will be answered prior to the signing of the purchase because of those are some very significant issues.

Mayor Cordier: I wasn't planning on it. I think we've worked out and looked at all the insurance and liability issues as I think far as I'm concerned and the Board we're ready to purchase the land.

Jeff Scales: So in other words our comments were...

Mayor Cordier: Hey, I said we would answer your comments.

Jeff Scales: You just said you were not going to answer them before you signed the agreement.

Mayor Cordier: If I see something detrimental to us signing the contract I've talked to a lot of outside people about these comments and I have not getting anyone who said these were showstoppers and I've talked to some people from the state and elected officials outside of the Village and I've been contacting other areas and everyone said yes, there are a lot of the issues we're going to have when we have a waterfront.

Jeff Scales: I really don't think that's an answer though – it's very vague and not answering our concerns.

Susan Ezrati: The process of negotiating an agreement is a somewhat delicate one and Chris would you speak to opening up that entire process to the Village.

Further discussion ensued regarding the waterfront issues, with Mayor Cordier pointing out to Jeff Scales that the Mayor had spent a couple of hours with Jeff Scales and Barbara Eichen showing them the plans for the waterfront park before they had purchased their property on Diana St., and showing them it was part of Tivoli's Master Plan.

Barbara Eichen then said that someone who worked in the Mayor's office had said at the time that it would not happen in their lifetime.

Discussion ensued regarding insurance issues, structural blocking of the Scales/Eichen view from their property, etc.

Meeting adjourned at 8:50.

Respectfully submitted,

Laura Queen
Village Clerk