

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 26, 2012

The regular meeting of the Board of Trustees was called to order at 6:30 P.M., with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Brendan G. Coyne  
Deputy Mayor Mark J. Edsall  
Trustee Barbara J. Gosda  
Trustee James P. Kane  
Trustee Andrew Argenio

Also present were: Police Chief Steven Dixon and Village Clerk Jeanne Mahoney

Trustee Kane moved to adjourn the meeting into Executive Session to conduct interviews for Part-Time Police Officer which was seconded by Trustee Gosda and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 6:31 PM.

Deputy Mayor Edsall moved to adjourn out of Executive Session at 7:00 PM on a motion seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

The regular meeting of the Board of Trustees was called to order at 7:00 P.M., with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Brendan G. Coyne  
Deputy Mayor Mark J. Edsall  
Trustee Barbara J. Gosda  
Trustee James P. Kane  
Trustee Andrew Argenio

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Police Chief Steven Dixon, SKEC #2 Fire Chief Christopher O'Dell, and Village Clerk Jeanne Mahoney.

Mayor Coyne announced that there is a binder on the back table for anyone interested in looking at resolutions, correspondence, and the State Comptrollers Report that will be discussed this evening.

**FIRE DEPARTMENT PRESENTATIONS**

Fire Chief O'Dell reported that on January 13, 2012 at 4:56 AM, Cornwall-on-Hudson Fire Department was dispatched simultaneously with COVAC, Trans Care paramedics, and Police Officer Peña to a medical emergency involving a month old not breathing on Taylor Place. Thanks to their valiant efforts the patient was successfully resuscitated and transported to the Westchester Medical Center. Unfortunately 18 hours later the patient passed away with his family at his side.

Fire Chief O'Dell presented Unit Citations to the following members of the Cornwall Volunteer Ambulance Corp (COVAC): Sean Patterson, Kevin Smith, and Christopher Dietz. A citation was also presented to Chief Kristen Sebesta-Boyle on behalf of the corp.

Fire Chief O'Dell presented Unit Citations to the following members of the New Windsor Volunteer Ambulance Corp: Michael Bigg, Chief and Dennis Murphy.

Fire Chief O'Dell presented Unit Citations to the following members of Trans-Care Paramedics: Dennis Murphy, Tessa Pizutto, Sean McMahon.

Fire Chief O'Dell presented Unit Citations to the following members of Storm King Engine Co: Kurt Hahn, probationary fireman Jeremy Ascencio (his 2<sup>nd</sup> earned citation under 18), Kerry Hogan, Nancy Bryan, and Assistant Fire Chief Robby Vought.

Fire Chief O'Dell presented a Unit Citation to Village of Cornwall-on-Hudson Police Officer John Peña.

On behalf of the Village Board and residents, Mayor Coyne thanked these men and women for their efforts.

## **MINUTES**

Deputy Mayor Edsall moved for the acceptance of the February 13, 2012 Special Meeting Minutes as written which was seconded by Trustee Gosda and carried by a vote of 4 Ayes, 0 Nays, and 1 Abstain (Kane).

Mayor Coyne moved to table acceptance of the February 27, 2012 Business Meeting Minutes which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

## **CORRESPONDENCE**

Mayor Coyne is in receipt of the following correspondence:

- Letter from CCHS Class Reunion of 1962 requesting permission to take pictures at Donahue Memorial Park on July 27<sup>th</sup>.
- Letter from Orange County Partnership regarding concerns with expansion of wetlands throughout the county.
- Letter from West Point/Highland Falls Rotary regarding a "Storm King Run" on September 26<sup>th</sup>.
- Letter from Bull Run Properties regarding parkland fees.
- Letter from Cornwall Little League inviting the Village Board to Opening Day Ceremonies on April 14<sup>th</sup>.
- Letter from SKAT regarding a Riverfront Cleanup on April 15<sup>th</sup>.

## **TREASURER'S REPORT**

Treasurer Mahoney reported that during the month of February, she reconciled monthly bank statements, completed the tax roll, and printed-sorted-mailed 2012 Village of Cornwall-on-Hudson Real Estate Tax Bills.

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

|   |               |
|---|---------------|
| Village water, sewer, garbage & penalties | \$ 214,625.74 |
| Town water & penalties                    | 305,684.07    |

which included 1 final/adjustments for the Village and 2 for the Town.

Treasurer Mahoney reported receipt of \$6,513,971.97 (91.24%) in anticipated revenues and \$5,425,088.68 (75.99%) in anticipated expenditures through the end of February.

Warrant #3 – Trustee Kane made a motion to approve the March 2012- Warrant (#3) and authorize payments totaling \$280,205.63 which was seconded by Deputy Mayor Edsall and carried by a vote of 4 Ayes (Coyne, Edsall, Kane, Argenio) 0 Nays, and 1 Abstain (Gosda).

## **BOARD DEPARTMENT REPORTS**

Building Department Mayor Coyne reported 4 building permits were issued, 4 certificates of compliance/occupancy were issued, 14 onsite inspections performed, 3 violation notices were issued, and 2 fire inspections were conducted. Inspector Maldonado worked 40 hours and Inspector Maggio worked 40 hours in February.

Fire Department – Deputy Mayor Edsall reported 5 automatic alarms, 5 medical calls, 2 gas odor/carbon monoxide detectors, and 7 work details for a total of 36 events and 481.5 man hours.

He also reported that equipment lost or broken at the 2 Mill Street fire totaling \$7,036.00 has been ordered. We will be reimbursed by the Canterbury Fire District. Tower ladder 413 has been repaired and is back in service. The repair cost of \$3,334.00 was significantly lower than expected; however, more repairs are expected in the near future. Brush truck M-414 has been out for compartment repairs as of March 13<sup>th</sup> and is expected to be out of service for 2 days.

*Special Event Wine and Beer Permit for OCVFA convention 9/22/12-* Deputy Mayor Edsall made a motion authorizing the activity subject to necessary insurance paperwork and license being submitted to the Attorney for the Village for review. The motion was seconded by Trustee Argenio and carried by a vote of 5 Ayes and 0 Nays.

Police Department Trustee Kane reported 1 burglary, 1 attempted assault 2, 1 leaving scene of motor vehicle accident, 1 fraud, 2 petit larceny, 3 criminal mischief, 5 arrests, 1 traffic accident, 22 traffic tickets issued, 27 warnings issued, 6 fire response calls, 2 domestic incidents, 6 alarm response calls, 3 check welfare calls, 3 animal complaints, 1 noise complaint, 6 suspicious vehicle calls, 1 assists to the Town of Cornwall Police Department, and 6 EMS assist calls.

He also reported that P.O. Terwilliger attended “Street Encounters” and “Advanced Street Encounters” training courses at the Rockland County Police Academy. A new pass code entry door lock was

installed in the prisoner booking room, and a new prisoner intake and bail intake procedure is being put into place.

Chief Dixon presented a citation to Police Officer John Peña for his dedication to service and outstanding work performed during the 9 month period prior to his arrival as Police Chief.

Mayor Coyne stated that he is very grateful to Officer Peña. During the 9 month period without a Chief, there was “never a time” Officer Peña wasn’t available to him or the residents of the Village.

*Part-Time Police Officer Appointment* - Deputy Mayor Edsall made a motion to appoint Stephen Berean a Village of Cornwall-on-Hudson Part-Time Police Officer, effective April 15, 2012 and per PBA contract conditions, which was seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Department of Public Works – Trustee Gosda reported cold patching of potholes around the Village, cleaning of catch basins, plowing, sanding, and salting of roadways, water pump of street sweeper was rebuilt, cleanup of Municipal Services Complex continues, a dump truck if out of service – yoke on transmission has to be made, 2011 International 4X4 is out of service for warranty work, office trailer was removed, weekly meetings with FEMA representatives preparing project worksheets for the Village continue, continue to repair and maintain Village vehicles and equipment, the MS4 reporting period ended March 9<sup>th</sup> (a public hearing must be scheduled), and spring cleanup will start the week of April 30<sup>th</sup>.

Water Department – Trustee Argenio reported an average daily production of 1.084 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 43). A total of 47 utility mark-outs were done, 28 meters were repaired or replaced, 4 final meter readings were taken, and water meter reading was completed. In addition, weekly maintenance was performed on flow controls to Black Rock Plant, maintenance of pressure reducing valves with the system was started, and water leak detection is ongoing. Further, work is continuing on the generator installations for the wells and Riley Rd station, FEMA project worksheets for Continental Road embankment repairs and upgrade to the French drains around the Catskill Treatment Plant have been signed off – work will be completed as weather and manpower permits. Hydrant flushing will start on April 2<sup>nd</sup>.

## **OTHER BUSINESS**

### **BULL RUN**

Mayor Coyne is in receipt of a letter from Andrew T. Bell, developer of Bull Run Properties, dated March 7<sup>th</sup> regarding issues that need to be addressed by the Village Board before he receives final subdivision approval by the Village Planning Board. The first item is “parkland fees” and the second item is the “new sewer main”.

After some discussion, Deputy Mayor Edsall suggested that this matter be turned over to Attorney for the Village McKay in order to draft a “developers’ agreement” whereby “payment in lieu of parkland fees” can be addressed and where the installation of 275’ of new sewer main by Mr. Bell can be acknowledged.

CSEA/PBA

This item was tabled for discussion in Executives Session later this evening.

## COMMERCIAL AUDIOVISUAL PRODUCTIONS

Deputy Mayor Edsall introduced the following resolution and moved for its adoption.

WHEREAS, the Village Board wishes to regulate filming and audio visual productions within the Village; and

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider the adoption of the proposed local law;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and let it be further

RESOLVED, that the Village Board hereby classifies the action as an unlisted action under SEQRA; and let it be further

RESOLVED, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the proposed local law to regulate filming and audio visual productions within the Village, and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on April 16, 2012, at 7:01 p.m. at the Village Hall located at 325 Hudson Street, Cornwall-on-Hudson, New York; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

The foregoing resolution was seconded by Trustee Kane and upon a vote of 4 Ayes, 0 Nay, 1 Abstain (Gosda), the motion was carried.

Discussion followed regarding establishing a fee schedule.

## COMPTROLLER’S REPORT

Mayor Coyne reminded the audience that the NYS Comptroller’s Report is in the binder at the back of the Board Room. He is preparing a response to the report which is due May 15th.

## KAYAK BUSINESSES

Mayor Coyne reported that an increase in annual fees to \$300 was discussed at the work session. In addition, Mr. Coyne stated that he has concerns that trailers parked by Mountain Valley Guides on Hudson Street may be “hurting traffic”. He then asked for Board comments or concerns.

Trustee Gosda suggested that Mountain Valley Guides be made aware of the trailer parking concerns and see how they respond to it. Previous issues, especially with use of the riverfront, have been successfully worked out.

Trustee Kane feels that Mountain Valley Guides (MVG) needs to go before the Planning Board for site plan approval. Mr. Yancewicz, the former Building Inspector, required Storm King Adventure Tours (SKAT) go through “several things” prior to issuing a certificate of occupancy; yet Mr. Yancewicz waived the same requirements for Mountain Valley Guides. From his perspective, the businesses should be treated the same. Mr. Kane does not want to lose business in the Village, so he suggested that the Board issue a temporary permit to MVG, advise them to go before the Planning Board, and ask Building Inspector Maldonado to review the file.

Trustee Argenio stated that the “conditions that existed”, whether questionable or not, existed when we issued the last permit. He suggested that issuing a permit to run a kayak business out of the riverfront is different than whether their building permit/site plan approval was correct.

Mayor Coyne suggested a “conditional permit” be issued so as not to “hurt their business”.

Deputy Mayor Edsall stated again for the record that he disagreed with the “waiver” granted under Section 172-9 of the Village Code effectively suggesting there was no change of use and would have no impacts so no Planning Board approval was needed. One of the conditions in granting this “waiver” was that MVG would not be parking trailered kayaks along the road. Mr. Edsall has received numerous complaints and photos showing kayak racks in front of the Village Bandstand and along the side road blocking traffic, so it is a site plan concern. It has nothing to do with the river. In his opinion, it is “fair” to let MVG continue to operate their business down at the riverfront and issue them a conditional/temporary permit; however, require they seek site plan approval. In addition the Board has previously raised concerns about other kayak businesses from out of the area/region coming to our riverfront to launch kayaks. He suggests that in the future, as part of receiving a permit for use of the riverfront, an approved site plan from the Village Planning Board be a requirement.

Deputy Mayor Edsall made a motion to grant a 2012 commercial permit to Storm King Adventure Tours (SKAT) in the amount of \$300 and authorize issuance of a maximum of 7 riverfront parking passes at \$35.00 each. In addition require SKAT to complete an application for the permit when it becomes available and require proof of necessary insurance certificates naming the Village as additionally insured. The motion was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to grant a conditional 2012 commercial permit to Mountain Valley Guides (MVG) subject to their appearing before the Planning Board within two (2) months. The permit fee to be in the amount of \$300 and authorize issuance of a maximum of 7 riverfront parking passes at \$35.00 each. In addition require MVG to complete an application for the permit when it becomes available and require proof of necessary insurance certificates naming the Village as additionally insured which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

## MOVIE SHOOT REQUEST

Mayor Coyne stated that he received a request from Ted Schaefer to hold a “movie shoot” on the Boulevard Saturday March 31<sup>st</sup>.

After some discussion, Deputy Mayor Edsall made a motion authorizing the activity subject to receipt of a \$200.00 non-refundable application fee, require an escrow deposit to cover estimated costs to be incurred by the Department of Public Works and Police Department, and require proof of necessary insurance certificates naming the Village as additionally insured. The motion was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

#### MUSEUM LEASE RENEWAL

Mayor Coyne reported that he is trying to gather the costs associated for the Village in helping to run the museum facility. Along with Deputy Mayor Edsall, he will meet with museum representatives to discuss a possible “lease to buy”.

#### VIEW PRESERVATION LAW

Mayor Coyne reported that this item has been turned over to Attorney for the Village McKay to research possible revisions to the law.

#### BOARD COMMENTS

Trustee Gosda reported that Cornerstone Telephone has requested renewal of a three (3) year contract with the Village for telephone service.

Deputy Mayor Edsall thanked Mrs. Gosda for her efforts. Village Trustee is not an “easy job”, and he appreciates her efforts toward contribution to the Village.

Trustee Argenio also thanked Mrs. Gosda and wished her well. Her effort in “various things throughout the Village” will be missed.

Trustee Kane thanked Mrs. Gosda for her service to the Village. He spent a lot of time with Mrs. Gosda working on the CSEA agreement and that will continue to move forward. Mr. Kane also thanked Village residents for their support in last week’s election. Mr. Kane then expressed his disappointment with Mrs. Gosda and Trustee Argenio with respect to their actions in a “smear campaign” lodged against him by posting pension system forms on utility poles throughout the Village. Mr. Kane stated that neither Mrs. Gosda or Mr. Argenio “had the decency” to ask anyone in the Village Clerk’s office if any documentation regarding the amount of hours worked in a month had ever been submitted. Mr. Kane suggested that Mr. Argenio has a “credibility gap”, and he will make sure that Village residents are made aware of such misrepresentations.

Trustee Gosda replied that Trustee Kane “sunk to a new low” at a Village Board meeting.

Mayor Coyne thanked Mrs. Gosda for her efforts on behalf of the Village over the past 4 years.

Having concluded the business set before them, Deputy Mayor Edsall moved to adjourn the meeting into Executive Session at 8:02 PM in order to discuss CSEA/PBA contract negotiations and a personnel issue. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 8:25 PM on a motion introduced by Deputy Mayor Edsall, seconded by Trustee Gosda and carried by a vote of 5 Ayes and 0 Nays.

Having no further business set before them, Mayor Coyne moved to adjourn the meeting at 8:25 PM which was seconded by Deputy Mayor Edsall and carried by a vote of 5 Ayes and Nays.