

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

May 21, 2012

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 Peter Russell

Absent Was: Trustee James P. Kane

Also present were: DPW Superintendent David Halvorsen, Attorney for the Village Joseph McKay, and Recording Secretary Kristen Boyle.

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

PUBLIC HEARINGS

PUBLIC HEARING - INTRODUCTORY LOCAL LAW I-3 of 2012 entitled “A Local Law to Regulate Filming and Audio Visual Productions within the Village of Cornwall-on-Hudson”. Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on April 16, 2012, the Public Hearing on a Local Law to Regulate Filming and Audio Visual Productions within the Village of Cornwall-on-Hudson was called to order at 7:01 PM on a motion by Deputy Mayor Edsall, seconded by Trustee Russell and carried by a vote of 3 Ayes and 0 Nays.

Hearing no one speak for or against the introductory local law, Deputy Mayor Edsall made a motion to close the public hearing at 7:02 pm which was seconded by Trustee Russell and carried by a vote of 3Ayes and 0 Nays.

PUBLIC HEARING - INTRODUCTORY LOCAL LAW I-4 of 2012 entitled “A Local Law Amending the Village Code of the Village of Cornwall-on-Hudson New York, Prohibiting Parking on Portions of Church Street, Clark Avenue, and Duncan Avenue”. Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on April 16, 2012, the Public Hearing on a Local Law Amending the Village Code of the Village of Cornwall-on-Hudson New York, Prohibiting Parking on Portions of Church Street, Clark Avenue, and Duncan Avenue was called to order at 7:03 PM on a motion by Mayor Coyne, seconded by Deputy Mayor Edsall and carried by a vote of 3 Ayes and 0 Nays.

Hearing no one speak for or against the introductory local law, Deputy Mayor Edsall made a motion to close the public hearing at 7:04 pm which was seconded by Trustee Russell and carried by a vote of 3Ayes and 0 Nays.

PUBLIC HEARING – MS4 STORMWATER MANAGEMENT PLAN. Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on the MS4 Stormwater Management Plan was called to order at 7:05 PM on a motion by Deputy Mayor Edsall, seconded by Trustee Russell, and carried by a vote of 3 Ayes and 0 Nays.

Hearing no one speak for or against the MS4 Stormwater Management Plan, Trustee Russell made a motion to close the public hearing at 7:06 pm which was seconded by Deputy Mayor Edsall and carried by a vote of 3 Ayes and 0 Nays.

PUBLIC COMMENT

Doug Land of Deer Hill Road requested information regarding the “Hike and Bike”.

Deputy Mayor Edsall replied that the “Hike and Bike” actually occurs outside the Village limits – on Route 218, which is a NYS road, from the Town of Cornwall to the Town of Highland. At this time the Village Board is in a “waiting pattern” until the organizing group obtains the necessary permits and insurance coverage.

Mayor Coyne added that since the event takes place outside our jurisdiction the Village Board simply voted in support of it last year.

Brigid Flynn of 28 Andrews Street stated that she here this evening regarding the View Preservation Law proposed revisions.

Mayor Coyne replied that this item will be discussed later in tonight’s agenda.

MINUTES

Mayor Coyne reported that there are no minutes available for approval this evening.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from American Legion inviting the Village Board to participate in the Memorial Day Parade.

TREASURER’S REPORT

Mayor Coyne reported that the Treasurer is in receipt of two (2) petitions from Village residents for refund of Village taxes as a result of decision to reduce property assessments by Orange County Small Claim Assessment Review (SCAR). She has asked the Village Board to approve the refunds.

Deputy Mayor Edsall made a motion to approve a refund of \$146.54 from the 2012-13 Village tax payment previously paid by Mary Ellen Roth and John Hornman (106-3-38.22) of 4 Summer Winds Court which was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve a refund of \$175.87 from the 2012-13 Village tax payment previously paid by Martin Leach (107-8-7.1) of 52 Lafayette Street which was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

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

Village water, sewer, garbage & penalties	\$ 224,470.01
Town water & penalties	394,990.07

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

Warrant #5 – Trustee Russell made a motion to approve the April 2012- Warrant (#5) and authorize payments totaling \$353,715.84 which was seconded by Deputy Mayor Edsall and carried by a vote of 3 Ayes and 0 Nays.

Mayor Coyne reported receipt of \$2,589,748.64 (40.17%) in anticipated revenues and \$827,494.95 (12.83%) in anticipated expenditures through the end of April.

BOARD DEPARTMENT REPORTS

Building Department Trustee Russell reported 5 building permits were issued, 7 certificates of compliance/occupancy were issued, 16 onsite inspections performed, 2 violation notices were issued, and 1 fire inspection was conducted. Inspector Maldonado worked 40 hours and Inspector Maggio worked 40 hours in April.

Fire Department – Deputy Mayor Edsall reported 3 outside/brush fires, 1 automatic alarm, 10 medical calls, 2 mutual aid calls stand by to scene, 1 public service call, and 9 work details for a total of 55 events and 697 man hours.

He further reported that Firefighter Matt Milich recently completed the NYS Emergency Medical Technician class at the Montour Falls Academy of Fire Science. On April 28th, five (5) members completed the DEUS (bailout system) “Train the Trainer” class at the Vails Gate Fire Training Center. On May 4th, the Apparatus Committee met with Excelsior Fire Apparatus Sales to discuss the specs for a remount of Tower ladder 413. On May 5th, twenty (20) members completed their life saving “Bail Out” training.

Police Department Trustee Russell reported 2 burglaries, 1 criminal mischief, 1 petit larceny, 3 arrests, 4 traffic accidents, 20 traffic tickets issued, 28 warnings issued, 2 fire response calls, 2 domestic incidents, 9 alarm response calls, 1 check welfare call, 6 animal complaints, 7 noise complaints, 2 suspicious vehicle calls, 3 suspicious person(s) calls, 4 assists to the Town of Cornwall Police Department, 7 EMS assist calls, and 3 assists to other agencies.

He also reported that Police Officer Maeang attended "Interview & Interrogation" Training which was held at the Orange County Police Academy. P.O. Frattarola attended "Missing Person(s)/Amber Alert Protocol" Training in Carmel, NY. In addition the department reinstated "Vacant House Checks" for residents who request their house be checked by police while they are away. The department also instituted "Post #1 Checks" which are Security Foot Patrol(s) in the Village Business District on Hudson Street during both day and overnight hours, along with "Post #2 Checks" which involve Foot Patrol Security Checks of the buildings and grounds at Cornwall-on-Hudson Elementary School. Officers have also been working Orange County Stop DWI, funded by both the state and county to combat DWI, speeding/traffic violators and subject(s) operating motor vehicles while being suspended.

RESOLUTION OF ADOPTION – LOCAL LAW #4 OF 2012 TO AMEND THE VILLAGE CODE OF THE VILLAGE OF CORNWALL-ON-HUDSON NEW YORK, PROHIBITING PARKING ON PORTIONS OF CHURCH STREET, CLARK AVENUE, AND DUNCAN AVENUE

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

WHEREAS, an Introductory local law entitled " A Local Law Amending the Village Code of the Village of Cornwall-on-Hudson New York, Prohibiting Parking on Portions of Church Street, Clark Avenue and Duncan Avenue" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on March 26, 2012 and upon notice duly published and posted, a hearing was held on May 21, 2012 before the Board of Trustees; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Introductory local law is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Introductory Local Law entitled "A Local Law Amending the Village Code of the Village of Cornwall-on-Hudson New York, Prohibiting Parking on Portions of Church Street, Clark Avenue, and Duncan Avenue " of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #4 of 2012 of the Village of Cornwall-on-Hudson on May 21, 2012.

The foregoing resolution was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

PART-TIME POLICE OFFICER APPOINTMENT

Upon the recommendation of Police Chief Dixon, Mayor Coyne made a motion to appoint Lindsay McGann a Part-Time Police Officer for the Village of Cornwall-on-Hudson, effective immediately, and subject to the current union contract which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

Department of Public Works – Deputy Mayor Edsall reported old boat docks have been removed from park, bulk cleanup was completed, weekly meetings with FEMA representative/preparing project worksheets for the Village, repair and maintenance of Village vehicles and equipment, repairs to guide rail at Donahue Memorial Park, sweeping of streets, weekly yard waste collection, planting of 2 trees near the school, removal of 6 trees due to poor condition, weekly mowing and trimming of Village

grounds, and aerating and fertilizing of Donahue Memorial park with assistance from Walt Moran and Cornwall Central School grounds crew.

He also reported that DPW Superintendent Halvorsen and Arlene Roberts attended an 18 hour Code Enforcement Officer training course. A total of 24 hours of training is required each year in order to maintain their certification. On May 16th, some DPW employees will attend a "Chain Tie Down" training course provided by the NYS Police Department of Transportation Unit on transporting equipment.

In addition, DPW modifications continue to make progress. Phase 2 of the project is being coordinated.

STORMWATER MANAGEMENT PLAN

Deputy Mayor Edsall made a motion to accept the MS4 annual report as prepared by Maser Consulting and authorize the Mayor to sign and file the report with the state which was seconded by Trustee Russell and carried by a vote of 3 Ayes and 0 nays.

Water Department – Mayor Coyne reported an average daily production of 1.040 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 48). A total of 63 utility mark-outs were done, 27 meters were repaired or replaced, 1 final meter reading was taken, and water meter reading was completed. Water leaks were repaired on Chestnut Street and Main Street and flushing of the town system was completed. In addition, weekly maintenance was performed on flow controls to Black Rock Plant, maintenance of pressure reducing valves within the system was started, all pressure gauges were replaced, water leak detection is ongoing, buildings and grounds maintenance/cleanup is ongoing, replacement of split rail fencing damaged or lost during Hurricane Irene at the well field has started, and flushing of the Village system is ongoing.

He also reported that Water Superintendent June attended a meeting on "Code Red"- an emergency notification system, an updated quote for replacement filter membranes at Black Rock Filter Plant has been received, and a 2012-13 fee proposal from Stantec Engineers has been received. At the work session Water Superintendent June reported on the proposed survey of riverfront and museum properties and on hiring a new employee in his department.

AUTHORIZE PURCHASE OF FILTER MEMBRANES AT BLACK ROCK FILTER PLANT

Deputy Mayor Edsall made a motion authorizing a budget transfer of \$80,000.00 from W1990.4 (Water Fund Contingency Expense) to W8330.4 (Water Fund Purification Expense) and authorizing purchase of filter membranes for the Black Rock Filter Plant to be paid out of budget line W8330.4 (Water Fund Purification Expense). The motion was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays. Trustee Russell noted that the Board is "moving quickly" because the membranes are currently in the United States. If we were to wait the membranes would have to be shipped from overseas and cost approximately \$13,000.00 more.

LABORER POSITION

Trustee Russell made a motion authorizing Water Superintendent June to advertise an open Laborer's position in the Water Department which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

OTHER BUSINESS

RESOLUTION OF ADOPTION – LOCAL LAW #3 OF 2012 TO REGULATE FILMING AND AUDIO VISUAL PRODUCTIONS WITHIN THE VILLAGE OF CORNWALL-ON-HUDSON

Deputy Mayor Edsall made a motion to declare a negative declaration with regard to part 617 of the State Environmental Quality Review Act (SEQRA) which was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

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

WHEREAS, an Introductory local law entitled "A Local Law to Regulate Filming and Audio Visual Productions Within the Village of Cornwall-on-Hudson" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on March 26, 2012 and upon notice duly published and posted, a hearing was held on May 21, 2012 before the Board of Trustees; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Introductory local law is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Introductory Local Law entitled "A Local Law to Regulate Filming and Audio Visual Productions Within the Village of Cornwall-on-Hudson" of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #3 of 2012 of the Village of Cornwall-on-Hudson on May 21, 2012.

The foregoing resolution was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

RESOLUTION – ACCEPT COMPUTER SYSTEM AND INTERNET USAGE POLICY

After some discussion, Deputy Mayor Edsall made a motion to accept the computer system and internet usage policy, in its revised form as prepared by counsel, which was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

CSEA/PBA CONTRACTS

Deputy Mayor Edsall reported that he joined Trustee Kane on the CSEA and PBA Contract Negotiation Committee this year. In order to move this item along, they met with counsel from Tarshis, Catania, et.al., specializing in labor negotiations, and a contract offer was drafted. Last week Mayor Coyne and Mr. Edsall met with representatives from both unions, the offer was presented, and is now under consideration. He looks forward to a "cooperative effort" to get matters resolved and a new contract in place. This item will be further discussed in Executive Session later this evening.

VIEW PRESERVATION LAW

Mayor Coyne reported that this item was discussed at last week's work session. It has been a "complex and confusing law" since it was passed. The Village Board seeks to revise it in such a way that people "will understand it and that we can somehow enforce it".

Deputy Mayor Edsall reported that the Board wishes to clarify the intent of the law which is to protect public views of the Hudson River and not to provide a mechanism for neighbor to sue neighbor in order to compel them to "hack apart" trees which are blocking views. The Board is proposing 11 corrections to the existing law, mostly inserting the word "public" where it should have been. In addition, creating a new section which indicates what the law is NOT intended to do, including to protect views from private properties, limit the development or use of one private property via restrictions on uses of another private property, cause the elimination, cutting, or other trimming of existing naturally growing vegetation on private property to preserve or protect the use from another private property or from public property, enact controls to protect views other than from a public road, park or legally accessible public property, enact controls of properties other than those located within the View Preservation District defined herein this article and cause any change in the assessed value of any property via an implied protection of any views from said property via a misapplication of this law.

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CORNWALL-ON-HUDSON STATING ITS INTENTION TO BE THE LEAD AGENCY WITH RESPECT TO A LOCAL LAW TO AMEND ZONING CODE 172-73 ENTITLED "SCENIC RESOURCE PROTECTION" PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

WHEREAS, in or about 1992, the Village of Cornwall-on-Hudson enacted a "Scenic Resource Protection Law" to protect, enhance and perpetuate public views of the Hudson River; and

WHEREAS, the Village Board of Trustees has been made aware that misunderstanding exists by property owners and the public as to the applicability of the provisions of the Scenic Resource Protection Law; and

WHEREAS, the Village Board of Trustees has drafted a local law to amend Article XIV of the Zoning Code of the Village of Cornwall-on-Hudson in order to clarify the provisions of the existing local law and their application; and

WHEREAS, a short environmental assessment form ("EAF") has been prepared with respect to the proposed action;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, pursuant to, and in accordance with, the provisions of Section 617.6 of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), the Village Board determines that the proposed local law to amend zoning code 172-73 entitled "Scenic Resource Protection" is an action subject to SEQRA; and it is further

RESOLVED, the Village Board preliminarily classifies the aforementioned proposed action as an unlisted action; and be it further

RESOLVED, that the Village Board hereby declares its intent to act as the SEQRA lead agency with respect to the consideration, review and determination of the significance of the aforementioned action; and be it further

RESOLVED, that the Village Board directs the Village Clerk/Treasurer to distribute a Notice of Intent to Act As Lead Agency, indicating the Village’s intention to coordinate review of the proposed project along with copies of this resolution, the EAF and related project documents, to the New York State Department of Environmental Conservation, the Orange County Planning Department, the Town of Cornwall, and the Town of New Windsor as Interested Agencies, and to such other identified Interested agencies, if any.

The foregoing resolution was seconded by Mayor Coyne and carried upon a vote of 3 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to **schedule a public hearing** in order to receive comments and suggestions regarding the proposed amendment to Section 172-73, Article XIV of the Zoning Code of the Village of Cornwall-on-Hudson entitled “Scenic Resource Protection” and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, **on June 18, 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 said public notice of said hearing to be given as provided by law.

The foregoing resolution was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

STORM KING RUN

Deputy Mayor Edsall made a motion to endorse a “Storm King Run” on Sunday, August 26th, subject to review by the Attorney for the Village, coordination with appropriate Village Department heads, and receipt of an insurance certificate listing the Village as additionally insured. In addition authorizing Mayor Coyne to meet with organizers to establish an escrow account to cover Village expenses associated with coverage of the event. The motion was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

BULL RUN PROPERTIES

Upon the recommendation of Attorney for the Village McKay, this matter will be discussed in Executive Session later this evening.

SUMMER PLAYGROUND

Mayor Coyne announced that the Summer Playground Program will begin on Monday, July 2nd and will run Monday through Friday 9:00 AM – 1:00 PM until Friday, August 19th at the Cornwall-on-Hudson Elementary School.

PUBLIC COMMENT

Brigid Flynn of 28 Andrews Street requested that the proposed revisions to the View Preservation Law be posted on the Village website.

BOARD COMMENTS

Trustee Russell attended the circus earlier this evening with his children. There was a good turnout at the 5:30 show despite the inclement weather. Everything was well organized and the Village Police Department was present.

Deputy Mayor Edsall stated that he is pleased to be working with other Board members on getting “some things moving” because there was a “terrific backlog” of issues that had been brought to our attention that were “sitting stagnant”.

Mayor Coyne reported that the Food Bank of the Hudson Valley will hold its annual reception on Thursday, May 24th from 6:00 – 8:00 PM and invited other Board members to attend.

Having concluded the business set before them, Mayor Coyne moved to adjourn the meeting into Executive Session at 8:02 PM in order to discuss hiring of laborers in both the Water Department and Department of Public Works, a lease agreement with the Hudson Highlands Nature Museum, Bull Run Developers Agreement negotiations, payment request by Trustee Argenio, and to receive advice from the Attorney for the Village on open building code violation matters. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.