

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

July 16, 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 James P. Kane (arrived at 7:24 p.m.)
Trustee Peter Russell

Also present were: DPW Superintendent David Halvorsen, Storm King Engine Co. #2 Fire Chief Robby Vought, Attorney for the Village Joseph McKay, and Recording Secretary Kristen Boyle.

Mayor Coyne announced that the Village Board met with representatives from a bonding company who provided information on the bonding process at 6:00 this evening. In addition he announced that there is a binder on the back table for anyone interested in looking at resolutions and meeting-related documents that will be discussed this evening.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties	\$ 243,496.54
Town water & penalties	434,884.95

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

Warrant #7 – Mayor Coyne made a motion to approve the July 2012- Warrant (#7) and authorize payments totaling \$234,272.00 which was seconded by Deputy Mayor Edsall and carried by a vote of 3 Ayes and 0 Nays.

REVENUE ANTICIPATION NOTE – WATER RENTS 2011/2012

Upon the recommendation of Treasurer Jeanne Mahoney, Mayor Coyne made a motion to authorize payment of \$100,000 in principal and \$13,786 in interest on the \$350,000 RAN for water rents that will mature on July 27, 2012. The motion was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

CORNERSTONE TELEPHONE

Upon the recommendation of Treasurer Mahoney, Deputy Mayor Edsall made a motion authorizing Mayor Coyne to sign a service agreement with Cornerstone Telephone Company for another three-(3) year period which was seconded by Trustee Russell and carried upon a vote of 3 Ayes and 0 Nays.

REQUEST FOR RELIEF OF TAX PENALTY

Mayor Coyne is in receipt of a request for relief of tax penalty from Mr. & Mrs. Danneels of 57 Duncan Avenue. They state that their tax payment had been mailed prior to the due date but was never received by the Village Office. Discussion followed regarding this request and past practice by the Village Board on other similar requests.

Mayor Coyne made a motion to deny the request for relief of tax penalty by Mr. & Mrs. Danneels of 57 Duncan Avenue which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

BOARD DEPARTMENT REPORTS

Building Department Deputy Mayor Edsall reported 7 building permits were issued, 10 certificates of compliance/occupancy were issued, 11 onsite inspections performed, 8 violation notices were issued, and 4 fire inspections were conducted. Inspector Maldonado worked 40 hours and Inspector Maggio worked 40 hours in June.

Fire Department – Trustee Russell reported 1 structure fire, 8 automatic alarms, 5 medical calls, 1 wires down/electrical emergency, 3 mutual aid to scene, 1 mutual aid standby, 1 public service call, 1 car fire, 7 work details, 1 fire prevention detail, 28 drills (5 in firehouse and 23 outside of firehouse) for a total of 57 events and 998.5 man hours.

He further reported that on June 20th, the department responded to a commercial structure fire at 2 Mill Street. This is the second major fire at this location this year. In addition on June 14th, the department responded to a residential structure fire at 35 Ridge Road.

Trustee Russell also reported that the countywide river emergency training took place on July 14th, fire prevention sessions are ongoing at Camp Olmstead, the annual Fireman's Fair will run from July 25th through July 28th behind Cornwall-on-Hudson Elementary School, and ongoing research continues for possibilities to replace the 1973 Tower Ladder Truck.

Police Department Deputy Mayor Edsall reported 6 criminal mischief, 2 fraud, 6 petty larceny violations, 4 arrests, 3 traffic accidents, 17 traffic tickets issued, 18 warnings issued, 2 parking tickets, 4 fire response calls, 4 domestic incidents, 2 alarm response calls, 7 noise complaints, 2 suspicious vehicle calls, 2 suspicious person(s) calls, 10 animal complaints, 7 assists to the Town of Cornwall Police Department, 2 EMS assist calls, and 2 assists to other agencies.

He also reported that Chief Dixon and Police Officer Terwilliger attended "Detective/Investigator In-Service" Training which was held at the Orange County Police Academy, New Windsor, NY. Chief Dixon also attended "Police Protocol for Officer related shootings" held at the Orange County E911 Training Center, Goshen, NY and sponsored by the orange county District Attorney's Office. Officer Terwilliger received a "Certificate of Proclamation" from Senator William Larkin for his efforts in resuscitating an elderly male in May.

In addition Deputy Mayor Edsall reminded residents to secure their vehicles when not in use and to avoid leaving any valuable items in plain sight.

Department of Public Works – Trustee Russell reported weekly mowing and trimming of Village properties, weekly yard waste collection, preparation of park for Riverfest, trimming of trees along Hudson Street sidewalks, blacktop patching of roads, sweeping of streets, issuance of Certificate of Occupancy for DPW building, cleanup of DPW - Highway and Water crews have begun moving operations back into the building, meetings with FEMA representative/preparing project worksheets for the Village continue, excavated material removed from storage yard by Clean Earth of New Jersey (note: testing results classified this as non-hazardous waste), meetings with Dave Wieboldt to finalize plans for phase 2 of the DPW building continue, met with Maser Engineering to look into drainage improvements in Weeks Ave/Willis Ave area, and repaired kiosk at Bandstand.

He further reported that DPW Superintendent Halvorsen had an exit briefing with FEMA representatives on July 6th. A total of 12 projects were approved, including debris removal, damaged bridge, boat dock replacement, building damage – lost contents and equipment repairs. Mr. Halvorsen thanked Chris Donato, Arlene Roberts, and Jeanne Mahoney for their help in gathering documentation, inventory, and photographs. It was a long process and a lot of work but in the end the Village received as much federal aid as possible.

Water Department – Mayor Coyne reported water production figures were not available in time for tonight’s meeting. All sanitary samples collected passed N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 71). Lead and copper sampling was completed. A total of 47 utility mark-outs were done, 23 meters were repaired or replaced, 1 final meter reading was taken, and water meter reading was completed. A water leak was repaired on Chestnut Street, a 1” water service line from main to curb box on Division Street was replaced, and a water main break on 2 Mill Street was repaired by owner. In addition to ongoing routine building and grounds maintenance/cleanup, weekly maintenance was performed on flow controls to Black Rock Plant, water leak detection is ongoing, and brush cutting off the dams was started.

He further reported that the Stantec report on the Village’s chemical tank inspection and Spill Prevention Report has been received along with an updated Emergency Action Plan. Both will be forwarded to the NYS DEC. In addition, a demonstration of “Code Red”- an emergency notification system took place on June 21st. Water Superintendent June would like to set up a meeting on August 13th for the Town and Village Boards to discuss a joint purchase of this system.

OTHER BUSINESS

REVISION OF “PROTECTION OF PUBLIC VIEWS OF THE HUDSON RIVER” LOCAL LAW - RESOLUTION OF ADOPTION

Attorney for the Village McKay provided the Board with copies of an administratively revised draft law as requested. Notice was previously sent to the Orange County Department of Planning and they have determined it to be an “entirely local action”. They provided no other comments or changes. Mr. McKay further reported that the Village Board is changing, as part of the amendment to the local law, the title of the Chapter from “Scenic Resource Protection” to “Protection of Public Views of the Hudson River”.

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

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Cornwall-on-Hudson on May 21, 2012 scheduling a public hearing to be held by said Governing Body on June 18, 2012 at 7:00pm, to hear all interested parties on proposed local law entitled “Local law to Amend the Zoning Code of The Village of Cornwall-on-Hudson at Article XIV, Entitled ‘Scenic Resource Protection’”; and

WHEREAS, on May 21, 2012, the Village Board of the Village of Cornwall-on-Hudson, designated itself as the Lead Agency with respect to the review of the proposed local law in accordance with Part 617 of the rules and regulations implementing SEQRA; and

WHEREAS, on May 21, 2012, the Village Board of the Village of Cornwall-on-Hudson preliminarily classified the action as an unlisted action and authorized the Village Clerk to send appropriate notices, the draft local law, EAF and all other applicable information to interested agencies and to refer the action to the Orange County Department of Planning, the Town of Cornwall and other entities as required by section 239m of the General Municipal Law; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald Record, the official newspaper of said Village, according to law; and

WHEREAS, said public hearing was duly held on June 18, 2012, at or about 7:00pm at the Village of Cornwall-on-Hudson Village Hall, 325 Hudson Street, Cornwall, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and to comment upon any potential adverse environmental impacts of the proposed local law in accordance with part 617 of the regulations implementing SEQRA; and

WHEREAS, the public hearing was closed to verbal comments on June 18, 2012 but remained open for the submission of further written comments; and

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson received any written comments from the Orange County Department of Planning stating that the matter was one for local determination and commended the board for the proposed amendments to the law; and

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and the public comment provided at the aforesaid public hearings, and after due deliberation thereon,

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The board determines that proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon;
2. The adoption of the proposed local law is in the best interests of the residents of the Village, and hereby adopts so Local Law No. 5 of 2012, entitled “Local Law to Amend the Zoning Code of The Village of Cornwall-on-Hudson at Article XIV, Entitled ‘Scenic Resource Protection;’” and

3. The Village Clerk shall enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Cornwall-on-Hudson, and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

The foregoing resolution was seconded by Trustee Russell and carried upon a vote of 4 Ayes and 0 Nays.

BOND ANTICIPATION NOTE – DPW RENOVATIONS

Mayor Coyne introduced the following resolution and moved for its adoption.

BOND RESOLUTION OF THE VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK, ADOPTED JULY 16, 2012, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE'S DEPARTMENT OF PUBLIC WORKS BUILDING, STATING THE ESTIMATED TOTAL COST THEREOF IS NOT TO EXCEED \$300,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF CORNWALL-ON-HUDSON, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES *(by the favorable vote of not less than two-thirds of all the members of said Board of Trustees)* AS FOLLOWS:

Section 1. The Village of Cornwall-on-Hudson, in the County of Orange, New York (herein called the "Village"), is hereby authorized to construct improvements to the Village's Department of Public Works building. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is not to exceed \$300,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$300,000 serial bonds of the Village to finance said appropriation and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of not to exceed \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued exceeds five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.
- (b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is

made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

- (c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village, or to the Deputy Village Treasurer.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "The Cornwall Local," a newspaper published in Cornwall, New York, having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

The adoption of the foregoing resolution was seconded by Trustee Kane and duly put to a vote on roll call, which resulted as follows: AYES: (4) NOES: (0)

The resolution was declared adopted.

Deputy Mayor Edsall stated for the record that the foregoing bond resolution is for the total cost of all remaining phases of the DPW Facility Renovations.

REVENUE ANTICIPATION NOTE – WATER RENTS

Mayor Coyne introduced the following resolution and moved for its adoption.

A RESOLUTION DELEGATING TO THE VILLAGE TREASURER OF THE VILLAGE OF CORNWALL-ON-HUDSON, ORANGE COUNTY, NEW YORK, POWER TO AUTHORIZE THE SALE AND ISSUANCE OF NOT TO EXCEED \$250,000.00 REVENUE ANTICIPATION NOTES OF SAID VILLAGE IN ANTICIPATION OF THE REVENUES TO BE RECEIVED AS WATER RENTS BY SAID VILLAGE IN THE 2012-2013 FISCAL YEAR OF SAID VILLAGE.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CORNWALL-ON-HUDSON IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:

Section 1. The power to authorize the sale and issuance of not to exceed \$250,000.00 Revenue Anticipation Notes of the Village of Cornwall-on-Hudson, Orange County, New York, including renewals thereof, in anticipation of the receipt of revenues to be received by said Village as water rents during the 2012-2013 fiscal year of said Village, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents as may be determined by said Village Treasurer, pursuant to the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Deputy Mayor Edsall and duly put to a vote on roll call, which resulted as follows:

AYES: [4]

NAYS: [0]

The resolution was declared adopted.

DPW FACILITY RENOVATIONS/INTERIOR ALTERATIONS (PHASE 2) - SET BID DATE

Deputy Mayor made a motion to authorize advertisement for bids and set a bid date for Interior Alterations at the Department of Public Works for Monday, August 13, 2012 at 3:00 p.m. which was seconded by Trustee Russell and carried upon a vote of 4 Ayes and 0 Nays.

SUMMER RECREATION PROGRAM

Mayor Coyne reported that the Village received \$550.00 from the Cornwall Lions Club for five (5) scholarships. In addition \$12,445.00 has been received in camp registration fees to date for approximately 100 campers.

HIKE & BIKE

Mayor Coyne reported that he spoke with Olga Anderson who is the coordinator for the Town of Highlands Green Team. They have recently received support from West Point. This year's program start date has not yet been determined.

APPOINTMENT OF VILLAGE TRUSTEE

Mayor Coyne introduced the following resolution.

WHEREAS, based upon the resignation of former Trustee Andrew Argenio, a vacancy exists in the office of Village Trustee; and

WHEREAS, pursuant to New York State Village Law section 3-312(3)(b)(1), vacancies occurring in the office of Trustee, which are not caused by the expiration of their term, are filed by the Mayor;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor of the Village of Cornwall-on-Hudson,

THAT David Carnright is appointed Trustee of the Village of Cornwall-on-Hudson, for a term to expire at noon on the first Monday in April, 2013.

Mayor Coyne stated that he is very pleased that Mr. Carnright made himself available. He has worked with Mr. Carnright on the Cornwall Independence Committee for many years as well as the Cornwall School Board. Mr. Carnright is well respected in the community and will "add a great deal to our Board".

Deputy Mayor Edsall stated that this is a "great selection" in his opinion and he appreciates that the Mayor reached out to the Board members to discuss many different candidates.

PLANNING BOARD APPOINTMENT

Mayor Coyne made a motion to appoint Vishwa Chaudhry to fill the unexpired term of James Patch on the Village of Cornwall-on-Hudson Planning Board which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne then reported that Planning Board Chairman Jeffrey Small has returned to serve on the Board after a 6 month absence.

WEEKS AVENUE DRAINAGE

Mayor Coyne reported that he is in receipt of a report from Maser Engineering. This report will be reviewed for discussion at the August 13th work session.

PUBLIC COMMENT

Joe Suto of Washington Street stated there has been a 10"-12" deep "washout" on Washington Street for a couple of months now. He is concerned that a child will get hurt and requests that it be repaired. Discussion followed.

BOARD COMMENTS

Trustee Russell asked DPW Superintendent Halvorsen if anything can be done with the storm drain located at the Weeks Avenue/Willis Avenue intersection. In addition the Barr Avenue roadway was “destroyed” when gas lines were replaced last year.

DPW Superintendent Halvorsen replied that this storm drain was evaluated by Maser Engineering and is part of the report to be discussed at the next work session. His department will spread ¼” stone on Barr Avenue to prevent the soft tar from tracking.

Trustee Kane made a motion authorizing the Village to purchase an ad in the Orange County Volunteer Firemans Association Convention Journal which was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

Deputy Mayor Edsall stated that almost 20 years ago a View Preservation Law was enacted. During his tenure as Trustee, he has received comments from many residents and professionals who indicated the law was difficult to deal with. Every Code Enforcement Officer who has worked for the Village has complained about the law. Although it is not a “perfect law”, he is pleased that this Board accomplished what at least 3 previous administrations did not and that is to clarify the law’s intent.

Mr. Edsall also stated that original firehouse structural plans have been located, scanned, and sent to Maser Engineering for review and preparation of repair designs. Test borings and excavation test pits will be done after the firemen’s parade in September.

Mayor Coyne complimented Deputy Mayor Edsall for “taking on” the task of clarifying the View Preservation law. In addition, a possible bond sale for Fire House repairs and a generator at our well fields will be discussed in August.

Fire Chief Vought reported that the Hudson River Emergency Exercise took place in the morning of July 14th. The exercise involved a report of 2 missing boats with 10 people onboard. Boats from various departments were put into action. The Village and Town fire departments provided ground support. It was a successful event.

Having concluded the business set before them, Mayor Coyne moved to adjourn the meeting into Executive Session at 7:57 PM in order to discuss a lease agreement with the Hudson Highlands Nature Museum, Yacht Club agreement, Hamlet Grove Developers Agreement negotiations, Village zoning maps, Mountain Valley Guides, and payment request by Trustee Argenio. The motion was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

The meeting was recovered at 9:20 PM on a motion by Deputy Mayor Edsall seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays. Having no further business set before them the meeting was adjourned on a motion by Deputy Mayor Edsall seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays. At 9:21 P.M.