

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

November 19, 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
Trustee James P. Kane
Trustee Peter Russell
Trustee David Carnright

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

Absent was: Deputy Mayor Mark J. Edsall (vacation)
Village Clerk Jeanne Mahoney (vacation)

Mayor Coyne 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.

PUBLIC HEARING

INTRODUCTORY LOCAL LAW I-6 of 2012 entitled “A Local Law Amending the Village Code of the Village of Cornwall-on-Hudson, New York, adopting a Code of Ethics pursuant to Article 18 of the General Municipal Law.” Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on November 13, 2012, the Public Hearing on a Local Law Amending the Village Code of the Village of Cornwall-on-Hudson, New York, adopting a Code of Ethics pursuant to Article 18 of the General Municipal Law was called to order at 7:01 PM on a motion by Trustee Kane, seconded by Trustee Russell and carried by a vote of 4 Ayes and 0 Nays.

Trustee Kane requested two (2) revisions to the proposed local law. Section 7(G) should read “If a vacancy shall occur otherwise than by expiration of a term, such as someone resigning or being removed by the board of village board of trustees, the **Mayor** shall appoint a new member for the unexpired term” rather than **village board**. Section 8(A) should include the following language. “To prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with this code **subject to review and approval of the Village Trustees**”.

Attorney for the Village McKay requested that Section 9 be amended to remove “**In any other provision of law**”.

Hearing no one further speak for or against the introductory local law, Trustee Russell made a motion to close the public hearing at 7:10 pm which was seconded by Trustee Kane and carried by a vote of 4Ayes and 0 Nays.

RESOLUTION OF ADOPTION – LOCAL LAW #6 OF 2012 AMENDING THE VILLAGE CODE OF THE VILLAGE OF CORNWALL-ON-HUDSON NEW YORK ADOPTING A CODE OF ETHICS PURSUANT TO ARTICLE 18 OF THE GENERAL MUNICIPAL LAW.

Trustee Kane 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 Adopting a Code of Ethics Pursuant to Article 18 of the General Municipal Law" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on August 20, 2012 and upon notice duly published and posted, a hearing was held on November 19, 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 Adopting a Code of Ethics Pursuant to Article 18 of the General Municipal Law" of the Village of Cornwall-on-Hudson be and hereby is adopted, as amended, as Local Law #6 of 2012 of the Village of Cornwall-on-Hudson on November 19, 2012.

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

MINUTES

Mayor Coyne made a motion to accept the October 15, 2012 Business Meeting Minutes as written which was seconded by Trustee Russell and carried by a vote of 4 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Assemblywoman Nancy Calhoun regarding traffic at Academy Avenue and Route 218.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties	\$ 296,755.71
Town water & penalties	450,238.48

which included 2 final/adjustments for the Village and 8 for the Town.

Mayor Coyne reported receipt of \$4,691,252.43 (72.76%) in anticipated revenues and \$3,252,390.61 (50.45%) in anticipated expenditures through the end of September.

Warrant #11 – Trustee Carnright made a motion to approve the November 2012 Warrant (#11) and authorize payments totaling \$487,562.04, which was seconded by Trustee Russell and carried by a vote of 4 Ayes and 0 Nays.

ASSESSMENT ROLL/EXEMPTIONS

Mayor Coyne made a motion to adopt the Town of Cornwall’s final assessment roll and exemption values which was seconded by Trustee Russell and carried upon a vote of 4 Ayes and 0 Nays.

2013-2014 BUDGET

Mayor Coyne reported that he is working on a draft budget for the Village Board to discuss at the next work session.

REVENUE ANTICIPATION NOTE – GARBAGE FEES

Trustee Kane offered the following resolution and moved its adoption.

REVENUE ANTICIPATION NOTE RESOLUTION DATED NOVEMBER 19, 2012.

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 \$50,000.00 REVENUE ANTICIPATION NOTES OF SAID VILLAGE IN ANTICIPATION OF THE REVENUES TO BE RECEIVED AS GARBAGE FEES 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, Orange County, New York, as follows:

Section 1. The power to authorize the sale and issuance of not to exceed \$50,000.00 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 in anticipation of Garbage 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 Trustee Russell and carried by a vote of 4 Ayes and 0 Nays.

ANNUAL SUPPLY BIDS

Mayor Coyne reported that a bid opening was held in the Village Office on November 9, 2012. Mayor Coyne then noted that he has no connection to Coyne Chemical.

Water Treatment Chemicals Trustee Carnright made a motion to award the bid for items #1, 2, 3 & 4 to Slack Chemicals Co., Inc., and item #5 to Coyne Chemical, in the bid amounts received November 9, 2012, which was seconded by Trustee Russell and carried by a vote of 4 ayes and 0 nays.

Water Meters Trustee Carnright made a motion to award the bid to Ti-Sales, the sole bidder, in the bid amounts received November 9, 2012, which was seconded by Trustee Russell, and carried by a vote of 4 ayes and 0 nays.

Fuel Oil #2 and "Off-Road" Diesel Trustee Kane made a motion to award the bid to Porco Energy Corp., in the bid amounts received November 9, 2012, which was seconded by Trustee Carnright and carried by a vote of 4 ayes and 0 nays.

Alum Sludge Removal Services Mayor Coyne made a motion to award the bid to Residuals Management, d/b/a Earthcare, as per the November 9, 2012 bid, which was seconded by Trustee Carnright and carried by a vote of 4 ayes and 0 nays.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 11 building permits were issued, 4 certificates of compliance/occupancy were issued, 20 onsite inspections performed, 5 violation notices were issued, and 8 fire inspections were conducted. Inspector Maldonado worked 40 hours and Inspector Maggio worked 40 hours in October.

Fire Department – Trustee Russell reported 1 structure fire, 1 vehicle fire, 8 automatic alarms/CO calls, 9 medical calls, 1 rescue call, 3 wires down/electric emergencies, 5 public service calls, 2 mutual aid calls in quarters, 1 storm standby, 5 work details, 6 fire prevention details, 1 memorial service, and 9 drills outside of firehouse/4 in house drills for a total of 57 events and 991.5 man hours.

In addition the department participated in the Fort Montgomery 9/11 ceremony, CPT Calamari conducted Village-wide fire prevention at schools, participated in Village Halloween festivities, worked on ISOP improvement plan (targeted for completion before holidays), has been updating software and internet systems to include Building inspection and Water departments, responded to a structure fire at “The Grail” on 10/27/12 (crews did an excellent job of containing fire), and held stand-by during Hurricane Sandy – only had 9 storm-related calls.

On behalf of the fire department, Fire Chief Vought recognized the Highway department for their diligence in keeping all roads passable for emergencies. In addition Chief Vought reminds residents on private roads/drives to properly maintain them (low hanging trees, road maintenance) for emergency vehicle access.

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

BE IT RESOLVED that the Village Board authorizes the Mayor to enter into a five-year contract with Xerox subsidiary ACS Software that will allow the Village to:

1. Move the Fire Department reporting software to a web-based (“cloud”) platform from the single-computer, non-web-enabled platform where it exists today; and
2. Move the Water Department fire hydrant reporting to the same platform; and
3. Automate the building inspection process including inspection reports and inspection storage.

for the sum of \$1,799 annually, the costs of which to be borne equally between the Fire, Water and Building departments;

BE IT FURTHER RESOLVED that:

1. The Mayor be authorized to expend \$1,500 for one-time set up costs for iPad building and water reporting modules, and \$150 annually beginning in the second year for technical support thereon; and
2. The Mayor be authorized to purchase two iPads at a cost of no more than \$1,500.

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

Police Department Trustee Kane reported 1 grand larceny, 4 criminal mischief, 1 petty larceny violations, 1 felony arrest, 2 misdemeanor arrests, 1 warrant arrest, 5 traffic accidents, 10 traffic summons issued, 9 warnings issued, 1 parking summons, 4 fire response calls, 1 domestic incident, 5 alarm response calls, 10 noise complaints, 1 suspicious person call, 4 suspicious vehicle calls, 10 animal complaints, 5 assists to the Town of Cornwall Police Department, 9 EMS assist calls, and 1 assist to other agencies for a total of 246 total calls for service.

In addition the department has received a \$900 grant for “Buckle Up New York” (BUNY) and a \$1,800 grant for “Selective Traffic Enforcement Program” (STEP) for 2013 through the NYS Governor’s Traffic Safety Committee. The department has also received a \$5,100 grant for the purchase of Bullet Proof Vests through the Bureau of Justice Vest Partnership Program. Police Officers Nye and McGann attended a one day seminar on “Forensic Interviewing with Children” in Newburgh.

Department of Public Works – Trustee Carnright reported weekly yard waste collection, mowing of Village properties, blacktop patching of roads, fall bulk clean-up completion, sweeping of roadways, repairs to Deer Hill Road and Boulevard (FEMA), sewer maintenance, clearing of streams and brooks in anticipation of Hurricane Sandy, bridge on Mountain Road was replaced with new box culvert (FEMA), replaced damaged culvert on Mountain Road just above new box culvert, DPW Superintendent Halvorsen Working Leader Donato attended the NYCOM Public Works School, and work is ongoing on Phase 2 of DPW Building renovations (should be completed by end of November).

Hurricane Sandy - He reported that the Department of Public Works with assistance from the Water Department worked nearly around the clock to mitigate damages and keep roadways open for police, fire and EMS responders. Clean-up of fallen trees and limbs has begun and will continue.

Water Department – Trustee Russell reported an average daily production of 1.029 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 41). A total of 61 utility mark-outs were done, 26 meters were repaired or replaced,

7 final meter readings were taken, and water meter reading was completed. Painting of fire hydrants is ongoing, fire hydrant flushing has started, weekly maintenance on flow controls to Black Rock plant was performed, clear well tank at Black Rock Treatment Plant was cleaned, and buildings and grounds maintenance/cleanup is ongoing.

Hurricane Sandy – He reported that a temporary generator was installed at Riley Road station and will be purchased as a back-up at that location. A temporary drainage ditch was installed around Catskill Treatment Plant, an emergency start-up of Black Rock Treatment Plant was performed, water treatment chemicals were moved, and all Water Department equipment was moved to water treatment facilities.

OTHER BUSINESS

ROCK WALL TAVERN

Trustee Kane made a motion authorizing removal of Village garbage fees and services, effective August 24, 2012, from Rock Wall Tavern which has hired a private hauler with the understanding that the tavern will no longer be entitled to recycling pick-up, yard waste pick-up or bulk pick-up. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

RIVERFEST 2013

Trustee Russell made a motion to grant approval to hold the 16th annual RiverFest celebration on Saturday, June 1, 2013 which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

2% TAX LEVY CAP

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

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CORNWALL-ON-HUDSON SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

WHEREAS, the Village Board is mindful that prudent fiscal decisions are one of the mainstays of good government, the Village Board is also mindful that certain essential services must be provided to the residents of the Village of Cornwall-on-Hudson. The Village Board desires to have the flexibility to adopt a budget for the fiscal year commencing 2013 that exceeds the real property “tax levy limit” as defined by General Municipal Law § 3-c if necessary to provide essential services; and

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider overriding the tax levy limit established in General Municipal Law §3-c; 10.

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 override of the tax levy limit established in General Municipal Law §3-c, and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on December 17, 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 Carnright and carried upon a vote of 4 Ayes and 0 Nays.

HOLTS LANE PARKING – SET PUBLIC HEARING DATE

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

WHEREAS, residents have requested that the Village re-visit the law prohibiting parking on Holts Lane; and

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider the adoption of an amendment to Chapter 155-48 of the Village Code changing the prohibition of parking on Holts Lane;

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 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 prohibition of parking on Holts Lane and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on December 17, 2012 at 7:02 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 Carnright and carried upon a vote of 4 Ayes and 0 Nays.

PHASE 2 DPW INTERIOR RENOVATIONS – CHANGE ORDERS

Trustee Kane made a motion authorizing two (2) change orders from Verticon Construction for renovations to the DPW building and the payment of no more than \$30,000 to furnish and install a steel staircase, provide a handicapped shower room and renovate Water Department office area (Change Order #1) and the payment of no more than \$15,000 for replacement of water-damaged sheetrock (Change Order #2) and further authorizes the transfer of \$45,000 from General Fund Contingency (A1990.4) to General Fund Building Maintenance (A5132.4). The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

PLANNING GRANT - NYS DEPARTMENT OF STATE

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

WHEREAS, the Town of Cornwall, New York is applying to the New York State Department of State for a planning grant under the **Local Government Citizens Reorganization Empowerment Grant** for a project entitled “The Comprehensive Assessment of Wastewater Treatment Plant and Collections Systems Issues” to be located in the Village of Cornwall-on-Hudson and Town of Cornwall, New York; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the Village Board of the Village of Cornwall-on-Hudson, New York does hereby approve and endorse the application for a grant from the New York State Department of State for a planning grant under the **Local Government Citizens Reorganization Empowerment Grant Program** for a project known as the “Comprehensive Assessment of Wastewater Treatment Plant and Collections Systems/Water Distribution System Issues” and located within this community.

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

PLANNING BOARD APPOINTMENT

Trustee Carnright made a motion to re-appoint Wynn Klosky to the Village of Cornwall-on-Hudson Planning Board for a term ending on April 3, 2017 which was seconded by Trustee Russell and carried upon a vote of 4 Ayes and 0 Nays.

ZONING BOARD APPOINTMENT

Trustee Kane made a motion to appoint J. Blake Haase to the Village of Cornwall-on-Hudson Zoning Board of Appeals for a term ending on April 3, 2017, replacing Peter Osinski, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

ETHICS BOARD APPOINTMENTS

Trustee Kane made a motion to appoint Peter Miller to the Village of Cornwall-on-Hudson Ethics Board, replacing Thomas Bailey, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Trustee Kane made a motion to appoint Matthew Bannan to the Village of Cornwall-on-Hudson Ethics Board, replacing Elisabeth Hellwege, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

VILLAGE TREE LIGHTING

Mayor Coyne reported that the annual lighting of the Village tree will take place on Sunday, December 2nd at 5:00 p.m.

PUBLIC COMMENT

Brigid Flynn of 28 Andrews Street stated that the “welcome sign” located on State property near the Route 218 gate needs repair and the surrounding area needs to be “spruced up”. In addition, she suggests an information kiosk be placed at that location.

Carol O’Keefe of 2 Payson Road asked when the newly formed Ethics Board will meet.

Trustee Kane replied that rules and regulations must first be approved and he hopes that will be done sometime next month.

BOARD ACTIVITIES/COMMENTS

Mayor Coyne reported that the Board members have been given a preliminary 2013-2014 budget this evening. He would like to discuss this at the next work session.

Trustee Kane made a motion to hold a work session to discuss the preliminary 2013-2014 budget on Monday, December 10, 2012 at 5:00 p.m. which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Trustee Kane stated that he participated in the Lions Club race. It was a great day and the event was well run.

Trustee Carnright wished everyone a Happy Thanksgiving.

Having concluded the business set before them, Trustee Kane moved to adjourn the meeting at 8:00 PM which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.