

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

December 17, 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 Mark J. Edsall
Trustee James P. Kane
Trustee Peter Russell (arrived 7:22 p.m.)
Trustee David Carnright

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

Absent was: Village Clerk Jeanne Mahoney (on Christmas 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.

DEDICATION – ROBERT E. D'EGIDIO

Police Chief Dixon welcomed the family of fallen Village of Cornwall-on-Hudson Police Officer Robert E. D'Egidio. Officer D'Egidio died in the line of duty on April 12, 1991. Chief Dixon presented a memorial, created by fellow officer Michael Lug, which will be displayed in the Village Hall.

Officer Lug stated that he wanted to create something to remember his fallen co-worker and friend. On behalf of the Village Board and our residents, Mayor Coyne thanked Police Officer Lug for honoring Officer D'Egidio.

A moment of silence was observed for the tragedy that took place in Newtown, CT on Friday, December 14th. After, Mayor Coyne commended the Cornwall Lions Club for the vigil held on Saturday evening.

A moment of silence was observed for Robert Quillin, a longtime member of Storm King Engine Co. #2 and Village Zoning Board member who passed away last week. After, Fire Chief Vought stated that the fire department held a tribute to Mr. Quillin honoring his years of service to the community. Mayor Coyne and Deputy Mayor Edsall fondly remembered Mr. Quillin as well.

INFORMATIONAL HEARING ON A PROPOSAL TO AMEND CHAPTER 155-48 OF THE VILLAGE CODE CHANGING THE PROHIBITIONS OF PARKING ON HOLTS LANE

Proof of Notice, Affidavit of Posting and Publication having been furnished, an Informational Hearing to amend Chapter 155-48 of the Village Code changing the prohibition of parking on Holts Lane was called to order at 7:14 PM on a motion by Trustee Kane, seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Hearing no one speak for or against an amendment to Chapter 155-48, Deputy Mayor Edsall made a motion to close the informational hearing at 7:15 pm which was seconded by Trustee Kane and carried by a vote of 4 Ayes and 0 Nays.

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

WHEREAS, amending the parking restriction on Holts Lane to one sided parking is in the overall public interest; 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 amending the parking restriction on Holts Lane to one sided parking;

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 amendment to the local law amending the parking restriction on Holts Lane to one sided parking, and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on January 21, 2013, 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.

INTRODUCTORY LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Village Board of the Village of Cornwall-on-Hudson as follows:

Section 1. Legislative Intent

While a cap on the property tax levy may provide “political appeal in its simplicity,” according to the New York Conference on Mayors’ Mayoral Task Force on Mandate and Property Tax Relief, a cap

without specific exclusions - such as costs associated with health care, pensions, extraordinary capital expenditures and reductions in state aid - and relief from state mandates will result in destructive local budget deficits, decimated municipal work forces and a dangerous reduction in the essential services provided by local governments.

In order to provide essential municipal services, and truly achieve property tax relief, the state must first reform the cost drivers that lead to high property taxes in New York, particularly the many mandates on local governments pertaining to collective bargaining and managing workforce costs.

It is the intent of this local law to allow the Village of Cornwall-on-Hudson the flexibility to adopt a budget for the fiscal year commencing 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c if necessary to provide essential services. The law further provides the mechanism whereby if the state comptroller determines that the Village has exceeded the 2% tax levy cap, the Village is a position to allocate funds to pay the difference.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Cornwall-on-Hudson, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Proof of Notice, Affidavit of Posting and Publication having been furnished, a Public Hearing to Override the Tax Levy Limit was called to order at 7:18 PM on a motion by Trustee Kane, seconded by Trustee Carnright and carried by a vote of 4 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 7:19 pm which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Mayor Coyne stated that in terms of raising the tax levy, a 1% increase represents approximately \$20,000. There are some “real needs” in the Village for the 2013-2014 year, and it is difficult to “come up with a budget” that doesn’t go over \$40,000.

Trustee Kane stated that it is important to have the tax cap override in place as a “safety net” because once we send our budget numbers to Albany, calculations could potentially put us over the 2% threshold.

MINUTES

Trustee Carnright made a motion to accept the November 19, 2012 Business Meeting Minutes as written which was seconded by Mayor Coyne and carried by a vote of 3 Ayes, 0 Nays, and 1 Abstain (Edsall).

Trustee Russell arrived.

Deputy Mayor Edsall made a motion to accept the December 10, 2012 Special Meeting Minutes as written which was seconded by Trustee Carnright and carried upon a vote 5 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from NYS Department of Public Service regarding their program to provide information and assistance to people with fuel energy.
- Letter of Resignation from Tom Petersen, effective immediately, from the Village Zoning Board.
- Letter from NYS Department of Historic Preservation reporting that the Union Chapel is now on the register of historic places.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties	\$ 162,713.55
Town water & penalties	396,248.20

which included 3 final/adjustments for the Village and 1 for the Town.

Warrant #12 – Trustee Kane made a motion to approve the December 2012 Warrant (#12) and authorize payments totaling \$425,657.63, which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported receipt of \$5,575,636.18 (86.48%) in anticipated revenues and \$4,922,441.08 (76.35%) in anticipated expenditures through the end of November.

Mayor Coyne thanked Treasurer Jeanne Mahoney and Deputy Treasurer Paula Sebesta for their efforts in helping with the 2013-2014 draft budget. He also thanked the department heads for their help.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 5 building permits were issued, 4 certificates of compliance/occupancy were issued, 15 onsite inspections performed, 4 violation notices were issued, 1 stop work order was issued, and 6 fire inspections were conducted. Inspector Maldonado worked 40 hours and Inspector Maggio worked 40 hours in November.

Mayor Coyne stated Code Enforcement Officer Benigno Maldonado has submitted his letter of resignation effective December 28, 2012. Mayor Coyne thanked Mr. Maldonado for his service to the Village.

Code Enforcement Officer Ben Maggio has agreed to pick up Mr. Maldonado's hours.

Fire Department – Deputy Mayor Edsall reported 1 structure fire, 1 automatic alarm/CO call, 4 medical calls, 1 public service call, 2 mutual aid calls in quarters and 2 mutual aid calls to scene, 1 vehicle accident, 10 work details, and 7 drills outside of firehouse/3 in house drills for a total of 32 events and 550.5 man hours.

In addition the department hosted the Cornwall Lions' Club race, will hold annual company elections in December, is working on Insurance Services Office improvement plan (targeted for completion before holidays), is exploring proposals for tower ladder truck replacement, is exploring a new Orange County Emergency Communication System (cost yet to be determined), and responded to fire at Curie Road Apartments on November 29, 2012 which could have led to extensive damage had it not been caught so early.

Police Department Trustee Russell reported 2 criminal mischief, 1 aggravated harassment, 3 petty larceny violations, 1 misdemeanor arrest, 5 traffic accidents, 20 traffic summons issued, 25 warnings issued, 1 parking summons, 1 fire response call, 4 alarm response calls, 1 noise complaint, 1 suspicious person call, 4 suspicious vehicle calls, 9 animal complaints, 5 assists to the Town of Cornwall Police Department, 4 EMS assist calls, 1 assist to other agencies, 4 welfare checks, and 5 citizen assists for a total of 184 total calls for service.

In addition Police Officers Nye and McGann attended a four-day training course pertaining to "Child Physical Abuse & Neglect" in Albany, the department is looking toward the purchase of a security camera system for its headquarters through Precision Security & Electronic Systems, Inc. for \$2,305.00, and recently instituted a "Bicycle I.D. Program" where residents can bring their bicycle to police headquarters to have a Police Department serial number stamped/imprinted on it. The department will maintain a bike I.D. log book which will have owners name, address, phone number, bike brand, and police department serial number information on file to assist in recovery efforts in the event a bicycle is lost or stolen.

Deputy Mayor Edsall made a motion to extend the pilot program of shift adjustments for an additional three (3) month period through March 31, 2013, subject to approval by the Police Chief, and authorize the Mayor to sign a memorandum of agreement subject to review and in an acceptable form by Village counsel which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Department of Public Works – Trustee Kane reported weekly yard waste collection, blacktop patching of roads, sweeping of roadways, sewer maintenance, continued clean-up of downed trees/limbs, began clean-up of Donahue Memorial Park, installed guide rail on Mountain Road, serviced winter equipment/plows, cleaned leaves from gutters/ditches on Hudson Street and Mountain area, made

repairs to sidewalk and curb in the area of Cumberland Farms, installed lights and made repairs to Building/Police/Fire departments shared vehicle, routine maintenance of DPW vehicles, serviced and repaired two (2) fire trucks, prepared Christmas tree in Village Square for lighting, and prepared flower beds in Bandstand and Village Hall for the season.

In addition upgrades to office areas at the Municipal Services complex are nearing completion.

Water Department – Trustee Carnright reported an average daily production of 1.059 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 42). A total of 61 utility mark-outs were done, 22 meters were repaired or replaced, 7 final meter readings were taken, and water meter reading was completed. The bi-annual hydrant inspection was completed, winter stakes were put on hydrants, water leaks were repaired on Willow Ave/ Mailler Ave., Maple Road, and Deer Hill Road, a water main shut off valve to Willow Avenue School was replaced, a water main break was repaired on Willow Avenue, weekly maintenance on flow controls to Black Rock plant was performed, and buildings and grounds maintenance/cleanup is ongoing.

In addition Water Superintendent June attended an informational meeting at the Orange County 911 Center for FEMA and the well testing at Taylor Road has started.

After some discussion, Mayor Coyne made a motion authorizing the Mayor to sign a DEC consent order and pay a fine of \$6,000 for a violation regarding chemical storage at the Catskill Treatment Plant which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

OTHER BUSINESS

2% TAX LEVY CAP OVERRIDE - RESOLUTION OF ADOPTION

Trustee Kane 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 November 19, 2012 scheduling a public hearing to be held by said governing body on December 17, 2012 at 7:00 p.m. to hear all interested parties on a proposed local law entitled a “Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c”; and

WHEREAS, on November 19, 2012 the Village Board designated itself as the Lead Agency with respect to SEQR review of the foregoing proposed local law, classified the proposed action as an unlisted action under SEQR, and scheduled a public hearing with respect to the action, and

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

WHEREAS, said public hearing was held on December 17, 2012 at or about 7:00 p.m. at Village Hall, 325 Hudson Street, Cornwall-on-Hudson, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said to proposed local law or any part thereof; 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 duly deliberations thereon;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon, that the adoption of the proposed local law is in the best interest of the residents of the Village and hereby adopts said local law #7 of 2012 entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c” a copy of which is attached hereto and made a part of this resolution; and

HEREBY directs the Village Clerk to 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 New York.

The foregoing resolution was seconded by Trustee Russell and carried upon a vote of 5 Ayes and 0 Nays.

2013-2014 DRAFT BUDGET

Mayor Coyne made a motion to set the public hearing on the proposed budget for the Village of Cornwall-on-Hudson for fiscal year 2013-14 commencing March 1, 2013 at a Special meeting to be held on January 14, 2013 at 7:00 P.M., and to authorize the Village Clerk to publish the notice, which was seconded by Trustee Carnright and carried by a vote of 5 ayes and 0 nays.

BUDGET TRANSFERS

Mayor Coyne made a motion authorizing a transfer of \$131,329.07 from the water fund (W630) to the sewer fund (S391) to pay the Town of Cornwall for annual operation and maintenance of the sewer plant. These funds are to be reimbursed from sewer to water prior to the end of this fiscal year. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion authorizing a transfer of \$41,867.66 from A1990.4 (General Fund Expense – Contingency) to A9040.8 (General Fund Expense – Workers Compensation) in order to pay a “tail end claim” which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne stated that the next transfers and amendments are related to costs and FEMA reimbursements in response to our claims associated with Hurricane Irene. He thanked DPW Superintendent Halvorsen and Village Treasurer Mahoney for their efforts and hard work on this.

Mayor Coyne made a motion authorizing a transfer of \$67,084.72 from A4989 (General Fund Revenue – Federal Disaster Assistance) to W4989 (Water Fund Revenue – Federal Disaster Assistance) for payments of claims which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion authorizing a transfer of \$22,361.57 from A3960 (General Fund Revenue – State Disaster Assistance) to W3960 (Water Fund Revenue – State Disaster Assistance) for payments of claims which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion authorizing the following budget amendments:

- A5110.4 (General Fund Expense – Street Maintenance) \$143,589.28
- A8160.4 (General Fund Expense – Sanitation) \$10,035.62
- W8340.4 (Water Fund Expense – Transmission/Distribution) \$73,545.83
- W8400.4 (Water Fund Expense – Property Maintenance) \$29,351.85
- W8320.1 (Water Fund Expense – Source of Supply Salary) \$14,643.49

The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne is in receipt of a memo from the Village Treasurer which indicates that two resolutions for budget transfers were adopted by the Village Board of Trustees for new filter membranes at the Black Rock Plant. One was adopted on May 21, 2012 and the second was adopted on September 17, 2012.

Mayor Coyne made a motion to rescind the resolution dated May 21, 2012 for a budget transfer of \$80,000 from W1990.4 to W8330.4 which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

2013-2014 PROPOSED BUDGET

Mayor Coyne stated he has prepared a draft budget which is below the 2% tax cap. He has concerns about staying under the cap since there are at least three (3) major items that are not included in the draft budget and require the Board’s attention. The first is a new packer for one of our sanitation trucks, the second is an additional workers’ compensation payout to a former employee, and the third is potential first-year costs associated with the two employee union contracts which are being negotiated. Discussion followed regarding the sewer fund and a potential change in the way sewer rents are billed.

Mayor Coyne spoke with Treasurer Mahoney regarding establishment of a “capital reserve”. The Village cannot establish a budget line for a capital reserve; however, unassigned fund balances at the close of a fiscal year can be posted to a capital reserve line on the balance sheet for that purpose.

Trustee Russell would like to “explore” this and establish a capital reserve fund because the Village cannot rely on borrowing every time something comes up like the new packer needed for the sanitation truck. Deputy Mayor Edsall is 100% in agreement.

WORKERS COMPENSATION INSURANCE

Mayor Coyne stated that Public Employer Rick Management Association (PERMA) is the current provider of workers compensation insurance for the Village. That policy is up for renewal on January 1, 2013. He is in receipt of a proposal from Safety Group 497, prepared by the McKane Group, which should be reviewed by the Village Board. Since there isn’t enough time to thoroughly compare the two proposals, Mayor Coyne recommends that the policy with PERMA be renewed for one more year. Discussion followed.

DPW BUILDING LITIGATION

Mayor Coyne reported that a letter, which has been reviewed by our counsel, will be sent to an individual who was involved with the DPW building construction sometime next week.

CSX MEETING

Deputy Mayor Edsall reported that he and Mayor Coyne recently met with Robert Rohauer, the CSX Regional representative for New York, who provided information on how to contact the automated system at CSX to notify of activities that may affect train traffic. The representative also provided contact information so we can reach out to maintenance crews in the event there is a problem with one of the crossings or needed improvements. In addition they discussed a proposed revision to the lease agreement with the Cornwall Yacht Club that would benefit the Yacht Club and help the Village in its use of the newly identified historic registered Union Chapel.

Mayor Coyne reported that the CSX representative is also a trainer. He would like to have our Police and Fire departments meet with him to discuss potential emergency situations (i.e. train derailment, spills, etc.)

NEW YEARS EVE BALL DROP

Mayor Coyne was happy to report that the event will take place again this year. The Village's ladder truck will be used to drop the ball at midnight. It has been a tradition for about 12 years now and he thanked Storm King Engine Co. #2 for stepping forward to help.

BOARD ACTIVITIES/COMMENTS

Mayor Coyne declared his candidacy for Mayor. He is happy to run for another two-year term. He acknowledged his fellow Board members who have become a "real strong team" who work well together. Although it has been a difficult job, Mayor Coyne feels that we are making progress.

Deputy Mayor Edsall stated that we have a good team now that works in a professional and businesslike manner and declared his candidacy for another two year term as Trustee. He feels that he still has something to contribute and enjoys working with the other Board members and Village employees. Deputy Mayor Edsall feels we are starting to make some accomplishments.

Deputy Mayor Edsall stated that he would like the Village to look into investing in or getting local businesses donate money toward the purchase of decorative ornaments which can be placed on utility poles. It would help make the Village more "festive".

Trustee Carnright stated that he has enjoyed his brief time on the Village Board and has worked hard to get "up to speed". He further stated that he has a construction background and committee background as well having served on the School Board for 9 years. Trustee Carnright declared his candidacy for Trustee. He has served the community in different capacities for many years now and wants to continue to serve and help make things better.

Trustee Kane thanked Ben Maldonado for his service to the Village as one of our Code Enforcement Officers. He feels Mr. Maldonado did a very good job and wishes him the best of luck in his new position.

Trustee Kane wished everyone a Merry Christmas and Happy New Year.

Trustee Russell wished everyone a Merry Christmas and belated Happy Hanukkah. He thanked Mayor Coyne, Deputy Mayor Edsall, and Trustee Carnright for running again and stated that they bring “a lot to the table”.

Mayor Coyne wished everyone a Happy Christmas and Happy Holidays.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting into Executive Session in order to discuss CSEA/PBA contract negotiations at 8:45 PM which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 9:37 PM on a motion by Trustee Kane seconded by Trustee Carnright and carried upon a vote of 5 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 Russell and carried upon a vote of 5 Ayes and 0 Nays. At 9:38 P.M.