

# VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 25, 2013

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

Absent was: Deputy Mayor Mark J. Edsall – vacation  
Attorney for the Village Joseph McKay – another standing municipal appointment

Also present were: DPW Superintendent David Halvorsen, Storm King Engine Co. #2 Fire Chief Robby Vought, and Village Clerk Jeanne Mahoney.

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 COMMENT**

John Wells of 15 Paula Court stated that the condition of Village roads is “pitiful”. The patchwork that is being done isn’t keeping on top of it.

DPW Superintendent Halvorsen responded that if funds were available he would love to pave all Village roads. He has been working to develop/prioritize a plan; however, that plan would somehow need to be funded. Mr. Halvorsen further stated that patching/repairs of potholes will resume after blacktop plant open for the season.

Trustee Kane stated that state aid has steadily been decreasing. In addition there has been no increase to DPW Superintendent’s budget in at least 4 years. Mayor Coyne added that until the state budget is adopted we will not know how much money will be allocated to the Village.

Helen Bunt a resident of the Town of Cornwall suggested the Village apply for a Community Block Grant to offset paving costs.

Clerk Mahoney responded that the Village has pursued those grants in the past; however, they are income based. The median income in the Village is higher than their allowance so we do not qualify for assistance.

## **CORRESPONDENCE**

Mayor Coyne is in receipt of the following correspondence:

- Letter from Laberge Group regarding the municipal grants process.
- Letter from Orange County Water Authority regarding monitoring of stream water quality.
- Letter from Orange County Agricultural & Farmland Protection Board encouraging development and improvement of agricultural lands.
- Letter from Eric Baal of Holts Lane regarding a recent incident at the Rock Wall Tavern. Trustees Kane and Russell indicated they would like to see increased enforcement there.
- Letter from Orange County Community Development announcing the availability of home improvement loans to low income residents up to \$20,000.

## MINUTES

Mayor Coyne made a motion to accept the March 11, 2013 Special Meeting Minutes as prepared by Deputy Mayor Edsall, which was seconded by Trustee Carnright and carried upon a vote 4 Ayes and 0 Nays.

## TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$ 187,481.94
Town water & penalties	295,855.69

which included 2 final/adjustments for the Village and 3 for the Town.

Warrant #3 – Mayor Coyne made a motion to approve the March 2013 Warrant (#3) and authorize payments totaling \$632,645.67, which was seconded by Trustee Russell and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported receipt of \$6,281,372.86 (92.48%) in anticipated revenues and \$6,407,453.55 (94.34%) in anticipated expenditures through the end of February.

Budget Transfer Requests – Mayor Coyne made a motion authorizing a budget transfer of \$4,896.17 from A3410.11 (Firehouse Equipment Mechanic) to Line A3411.4 (Firematic) which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays. Mayor Coyne made a motion authorizing a budget transfer of \$1,303.00 from A9025.8 (Firehouse Annuity) to Line A3411.4 (Firematic) which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays. Mayor Coyne made a motion authorizing a budget transfer of 3,102.00 from A9025.8 (Firehouse Annuity) to Line A3410.4 (Firehouse Maintenance) which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney also reported that Independent Telecommunications Corp (ITC) will no longer be able to cover the voice mail system at Village Hall. The manufacturer requires that it be upgraded. After some discussion it was determined that the upgrade will have to wait until the next budget cycle.

## **BOARD DEPARTMENT REPORTS**

Building Department Trustee Carnright reported 6 building permits were issued, 6 certificates of compliance/occupancy were issued, 18 onsite inspections performed, 1 violation notice was issued, and 10 fire inspections were conducted. Inspector Maggio worked 80 hours in February.

Fire Department – Trustee Kane reported 9 automatic alarms/CO calls, 1 gas leak/odor call, 1 mutual aid call-stand-by in quarters, 2 mutual aid calls-to scene, 1 storm standby call, 8 medical calls, 6 work details, and 5 drills outside of firehouse/11 in house drills for a total of 44 events and 828.5 man hours.

In addition the department held the annual inspection dinner on February 2<sup>nd</sup>, ordered 3 sets of turn out gear and 6 new helmets through Hi-Tech Fire Equipment totaling \$7,473.08, applied for a grant through Assemblyman Skoufis’ office, re-certified SCBA packs on February 13<sup>th</sup>, installed new blue lenses to rear of E-411 and M-414 for better warning to oncoming traffic, is ordering new software and IPAD for an April delivery, is preparing a presentation for the next work session concerning T-413 replacement, held a “Burning Down the House” fund raiser at Painters on February 27<sup>th</sup>, and will hold “Kegs & Eggs” fund raiser on St. Patrick’s Day from 7-11 AM. Further it was reported that the new firehouse mechanic has started work.

Police Department Trustee Russell reported 1 grand larceny, 1 criminal mischief, 3 petty larceny violations, 3 misdemeanor arrests, 2 violation arrests, 1 warrant arrest, 3 traffic accidents, 10 traffic summons issued, 11 warnings issued, 2 parking summonses issued, 7 fire response calls, 10 alarm response calls, 2 suspicious person calls, 2 suspicious vehicle calls, 1 animal complaint, 1 disorderly juvenile, 1 fight response call, 2 assists to the Town of Cornwall Police Department, 5 EMS assist calls, 1 welfare check, and 1 citizen assist for a total of 157 total calls for service.

Trustee Russell further reported that Police Officers Terwilliger and Nye attended an “In Their Shoes” seminar in Newburgh pertaining to Teenage Dating Violence, Chief Dixon met with administrative staff and school security at Storm King School to discuss enhancing school security, and the department has been updating its’ commercial business emergency contract information with local businesses/Chief Dixon met with several local business owners and merchants.

Department of Public Works – Trustee Carnright reported continuation of storage yard cleaning, repairs/maintenance to Village vehicles, maintenance to Village sewer system, cleaning of storm drains for snow melt, service to the street sweeper, cold patching of potholes, and plowing/sanding of roadways.

Mayor Coyne tabled discussion on the vacant DPW positions for Executive Session later this evening.

Water Department – Trustee Russell reported an average daily production of 1.246 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 90). A total of 52 utility mark-outs were done, 29 meters were repaired or replaced, 4 final meter readings were taken, and water meter reading was completed. A water main break was repaired on Meadow Ave, a check of all pressure reduction valves/vaults was completed, the road/trail to Black Rock flow control vaults was repaired, building maintenance/cleaning was performed at all Water Department locations, performed maintenance on Black Rock flow controls, worked on plow repairs/replaced pistons on trucks #42 and #46 and sent them to Hudson River Truck & Trailer for an

evaluation of the plow set-up. In addition the well test report has been completed and an application for a well production increase will be made by Maser Consulting to the DEC.

Trustee Russell further reported that Water Superintendent June will be attending the NY Rural Water Association Annual Technical Conference/Exhibition at the Lake Placid Conference Center from May 19<sup>th</sup> – 23<sup>rd</sup>.

Upon the recommendation of Water Superintendent June, Mayor Coyne made a motion to change the job title for Edgar Hembree from Water Plant Operator #2 to Chief Water Plant Operator, with no change in pay rate, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne reported that he sent a letter to the DEC on March 20<sup>th</sup> regarding Kiryas Joel's proposed pump station in Mountainville. The Village was not notified of this proposal and the Board is concerned that it might impact our ability to provide water to our clients as well as impact residents of Mountainville with private wells. Mayor Coyne stated that letters of concern and requests for a public hearing were also sent to the DEC from Assemblyman Skoufis, Orange County Legislator Hines, and the Town of Cornwall.

Taylor Road Wellfield - Mayor Coyne is in receipt of a request dated March 25<sup>th</sup> from Maser Consulting to the DEC for a “pre-application” meeting to discuss permitting increased water withdrawal from the existing wells from 1 MGD to 2 MGD.

## **OTHER BUSINESS**

### **RESOLUTION TO HOLD A PUBLIC HEARING ON MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**

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

**WHEREAS**, the Village Board wished to set a time and place for a public hearing to consider the adoption of the Municipal Separate Storm Sewer Systems (MS4) audit.

### **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 it is further –

**RESOLVED**, that the Village Board hereby classifies the action as an unlisted action under SEQRA; and it is further –

**RESOLVED**, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the audit of the Municipal Separate Storm Sewer Systems (MS4), and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on April 15, 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 said 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.

**RESOLUTION AUTHORIZING THE VILLAGE HISTORIAN TO PREPARE A GRANT APPLICATION**

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

**WHEREAS**, the Village of Cornwall-on-Hudson is in possession of the following items of an historic nature requiring funding that preserves, and enhances the safe display of, said items: A hitching post and drinking trough once used by horses in the Village.

**WHEREAS**, the Orange County Historian recognizes the significance of the Village of Cornwall-on-Hudson's collections and has offered a \$500 grant to assist in the preservation and display of the aforesaid item(s); and

**WHEREAS**, the Village of Cornwall-on-Hudson has determined that accepting such a grant is in the best interest of the Village;

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Cornwall-on-Hudson, New York, that the Village Historian be authorized to accept the \$500 grant from the Orange County Historian for the purpose of conservation and display of the aforementioned items; and

**BE IT FURTHER RESOLVED**, that the Village Historian is further authorized to execute the necessary documents as may be appropriate and necessary to accept such funds.

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

**RESOLUTION TO AUTHORIZE THE EXECUTION OF A MEMORANDUM OF AGREEMENT TO BECOME A MEMBER OF THE MOODNA CREEK WATERSHED INTERMUNICIPAL COUNCIL**

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

**WHEREAS**, the Moodna Creek Watershed (hereinafter "Watershed") is contained entirely in Orange County and covers approximately 180 square miles, including all or part of the following twenty-two municipalities: Towns of Blooming Grove, Chester, Cornwall, Goshen, Hamptonburgh, Highlands, Monroe, Montgomery, New Windsor, Newburgh, Tuxedo, Warwick, Woodbury; and the Villages of Chester, Cornwall-on-Hudson, Goshen, Maybrook, Monroe, Montgomery, South Blooming Grove, Washingtonville, and Woodbury; and

**WHEREAS**, in 2010, the Moodna Creek Watershed Conservation and Management Plan (hereinafter "Plan") was completed by the Orange County Water Authority (hereinafter "OCWA"), with partial funding from the NYS Department of Environmental Conservation Hudson River Estuary Program, and such Plan identifies threats to the Watershed as well as recommendations to protect and restore the water and habitat quality of the Watershed; and

**WHEREAS**, the primary recommendation of the Plan is to form an intermunicipal watershed group to develop a long-term mechanism for intermunicipal coordination on priority watershed goals; and

**WHEREAS**, the OCWA has been working with municipalities, community groups, environmental organizations, educational institutions, interested individuals and other stakeholders since 2009 to develop a structure for the Moodna Creek Watershed Intermunicipal Council; and

**WHEREAS**, the Village of Cornwall-on-Hudson wishes to enter into a written agreement with other municipalities located in the Moodna Creek Watershed and OCWA to join the Moodna Creek Watershed Intermunicipal Council and to formally affirm their continuing partnership in the protection, conservation and enhancement of the water resources of the Moodna Creek and its Watershed; and

**WHEREAS**, the Village Board of the Village of Cornwall-on-Hudson has reviewed and agrees with the terms of the Memorandum of Agreement establishing the Moodna Creek Watershed Intermunicipal Council; and

**NOW, THEREFORE, BE IT -**

**RESOLVED** that the Memorandum of Agreement, in the same form and substance as annexed hereto be, and the same hereby is authorized and approved; and be it further

**RESOLVED** that the Mayor of the Village of Cornwall-on-Hudson is hereby authorized to enter into and execute the Memorandum of Agreement with other participating municipalities in the Moodna Creek Watershed and the Orange County Water Authority; and be it further

**RESOLVED** that this Resolution shall take effect immediately.

The foregoing resolution was seconded by Trustee Carnright and opened for discussion.

Trustee Kane requested the resolution be amended to include the October 4, 2010 memorandum of agreement date, the 5 year agreement can be terminated at any time, and no payment is required. Hearing no objection the resolution was so amended and carried upon a vote of 4 Ayes and 0 Nays.

#### **RESOLUTION TO SUPPORT PROPOSED NYS LAWS REGARDING CONTACT INFORMATION FOR VACANT STRUCTURES**

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

**WHEREAS**, vacant abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

**WHEREAS**, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

**WHEREAS**, lending institutions that hold mortgages on said vacant structures do not always provide the contact information for a responsible party; and

**WHEREAS**, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding the vacant structures; and require good faith in obtaining a foreclosure; and

**WHEREAS**, the Village of Cornwall-on-Hudson Village Board supports the passage of said Bills.

**NOW THEREFORE, BE IT –**

**RESOLVED** that the Village of Cornwall-on-Hudson hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Village of Cornwall-on-Hudson support the passage of said Bills; and be it further

**RESOLVED** that copies of this Resolution be forwarded to Assemblyman Michael Kearns, co-sponsor of this bill; Assemblyman James Skoufis; and Senator William Larkin.

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

#### DPW LITIGATION

Mayor Coyne tabled this item for discussion in Executive Session later this evening.

#### PROPOSED FILMING (JOE SCHUFREIDER): UPDATE

Mayor Coyne reported that the applicant is currently seeking the required insurance certificates to film in the Village.

#### FYI

#### HIKE & BIKE – 2013

Mayor Coyne reported that he recently met with Ms. Olga Anderson, the event coordinator. She is hoping to start in May this year and stop earlier in the Fall. She is seeking volunteers.

#### MEETING WITH CONGRESSMAN MALONEY’S REPRESENTATIVE

Mayor Coyne reported that he recently met with Oscar Dunwell, the local representative for Congressman Maloney, to discuss the Village’s needs. Mayor Coyne expressed that the Village is in need of funds to repair our roads and purchase a new fire ladder truck.

#### INSTALLATION OF DOCKS

Mayor Coyne reported that a new permit application must be submitted to the DEC for approval prior to installation of the boat docks at Donahue Memorial Park. DPW Superintendent Halvorsen and Secretary Arlene Roberts are in the process of completing the application.

#### RE-ORGANIZATION MEETING: MONDAY 4/1/2013

Mayor Coyne announced that the annual Re-organization Meeting will take place at 7:00 p.m. on Monday, April 1<sup>st</sup>. He is considering changes to some committee and board appointments.

## **PUBLIC COMMENT**

Angelina Navarra – owner of The Rock Wall Pub & Grub at 55 Academy Avenue asked for permission to respond to the letter submitted by Mr. Baal about a recent disturbance caused by some “bad seeds”. She does not want to see the business get a bad reputation, she put a lot of “heart and energy” into opening a nice establishment. In addition she encourages patrons to park on Curie Road and will comply with all Village parking regulations. Discussion followed regarding finding a balance to help her business “thrive” while being mindful of the residents and regulations in the area.

## **BOARD ACTIVITIES/COMMENTS**

Trustee Kane reported that the Annual Fireman’s Installation Dinner was “outstanding” and he thanked the Fire Chief as well as his entire department.

Trustee Russell commended Ms. Navarra for speaking with the Board this evening.

Trustee Carnright congratulated the recently re-elected Mayor and Board members.

Mayor Coyne stated that he appreciates the support of the Village residents in voting him back into office and re-electing Deputy Mayor Edsall and Trustee Carnright. He believes this Board makes a “good team” and is getting things done by moving items forward.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 8:08 PM in order to discuss DPW and Water Personnel matters, DPW Litigation, discuss the museum contract, and to discuss the Sweeney lawsuit, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

The meeting was reconvened at 8:29 PM on a motion by Mayor Coyne seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

## **DPW APPOINTMENTS**

Upon the recommendation of DPW Superintendent Halvorsen, Mayor Coyne made a motion to appoint Wayne Yeoman to the position of Working Leader and appoint Tom Lyons to the position of Senior MEO (Supervisory), effective immediately, as per the union contract and subject to a one year probationary period which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Having no further business set before them, Mayor Coyne made a motion to adjourn the meeting back into Executive Session at 8:33 PM which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.