

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

May 20, 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
Deputy Mayor Mark J. Edsall
Trustee James P. Kane
Trustee Peter Russell
Trustee David Carnright

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

MS4 STORMWATER MANAGEMENT PLAN. Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on the MS4 Stormwater Management Plan was called to order at 7:01 PM on a motion by Mayor Coyne, seconded by Trustee Kane, and carried by a vote of 5 Ayes and 0 Nays.

Hearing no one speak for or against the MS4 Stormwater Management Plan, Deputy Mayor Edsall made a motion to close the public hearing at 7:03 pm which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

PROJECTS TO BE CONSIDERED FOR FUNDING UNDER ORANGE COUNTY COMMUNITY DEVELOPMENT PROGRAM. Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on projects to be considered for funding under Orange County Community Development Program was called to order at 7:04 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne stated that the Village Board is considering a project to provide handicap access to the gazebo at Donahue Memorial Park. The application deadline is May 31st. Discussion followed.

Hearing no one speak for or against a proposed project, Deputy Mayor Edsall made a motion to close the public hearing at 7:10 pm which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Hudson Valley Pattern for Progress regarding school enrollments.
- Letter from The Dax Law Firm, P.C. regarding a planned electric transmission line that will connect National Grid's Leeds Substation (located in the Town of Athens, Greene County) and Consolidated Edison's Buchanan North Substation (located in the Village of Buchanan, Westchester County). After some discussion, Trustee Kane stated that he will request a CD copy of the Application.
- Letter from Cornwall-on-Hudson Elementary School requesting permission to use the Village Bandstand on June 20th for their moving up reception.

Deputy Mayor Edsall made a motion to permit the Cornwall-on-Hudson Elementary School use of the Village Bandstand on June 20th for a moving up reception which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

- Letter from Get your Guts in Gear regarding a charity bicycle ride on June 8th which will begin on Dock Hill Road and follow Shore Road to River Avenue and then merge onto Route 9W.

MINUTES

Mayor Coyne made a motion to accept the April 1, 2013 Reorganization Meeting Minutes, as prepared, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the April 15, 2013 Business Meeting Minutes, as prepared, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the May 7, 2013 Special Meeting Minutes, as prepared, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, 1 Abstain (Edsall).

TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$ 206,298.15
Town water & penalties	359,767.97

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

Warrant #5 & 5a – Mayor Coyne made a motion to approve the May 2013 Warrant (#5 & 5a) and authorize payments totaling \$314,217.73, which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported that receipts of anticipated revenues have not yet been posted and \$766,620.70 (11.53%) in anticipated expenditures through the end of April.

Treasurer Mahoney also reported that \$2,217,738.76 has been collected in Village taxes through April 30th.

Trustee Mahoney further reported that on May 16th she met with representatives from Glatfelter Insurance along with DPW Superintendent Halvorsen, Water Superintendent June, Fire Chief Vought and Jeff Armitage. Topics of discussion included risk management strategies, personnel management, and Village operation. In addition, inspections were conducted of approximately 75% of Village facilities.

BUDGET TRANSFER

Mayor Coyne made a motion to authorize a budget transfer of \$22,835.29 from A1990.4 (General Fund – Contingency) to A8160.4 (General Fund – Sanitation Expense) to cover the cost of repairs to the sanitation vehicle. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

STORMWATER MANAGEMENT PLAN

Mayor Coyne made a motion to accept the MS4 annual report as prepared by Maser Consulting for the period March 10, 2012 to March 9, 2013 and authorize the Mayor to sign and file the report with the state which was seconded by Trustee Russell and carried by a vote of 5 Ayes and 0 nays.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 10 building permits were issued, 8 certificates of compliance/occupancy were issued, 30 onsite inspections performed, 1 violation, and 5 fire inspections were conducted. Inspector Maggio worked 80 hours in April.

Fire Department – Deputy Mayor Edsall reported 1 structure fire, 2 automatic alarms/CO calls, 2 motor vehicle accidents, 8 medical calls, 1 mutual aid call-to scene, 2 landing zone calls, 1 public service call, 4 work details, and 15 in house drills/1 drill outside of firehouse for a total of 37 events and 436 man hours.

In addition the truck T413 committee reported to the Village Board and looked at a used truck on Long Island on May 9th. The department put 3 new sets of turn out gear in service, held search/rescue training at the county training center on April 10th, reported several firefighters are taking state level training courses, gained 3 new firefighters of the past few months, is preparing for the Memorial Day parade, and will hold bail-out training on Saturday, May 18th at Vails Gate Fire Department. George Lindenberger resigned as 1st Lieutenant. Eric Chatfield will move up and Matt Milich was elected as 2nd Lieutenant. Fire Chief Vought will be on medical leave for 5-6 weeks beginning on June 7th. Asst. Chief Tom Lyons will be in charge during that time.

Police Department Trustee Russell reported 2 attempted burglaries, 1 grand larceny, 1 sexual abuse, 1 criminal mischief, 1 felony arrest, 2 misdemeanor arrests, 4 violation arrests, 4 traffic accidents, 16 traffic summons issued, 35 warnings issued, 2 parking summons issued, 2 fire response calls, 1 domestic incident, 3 alarm response calls, 3 noise complaints, 6 suspicious person calls, 4 suspicious vehicle calls,

4 animal complaints, 2 disorderly adults, 3 disorderly juveniles, 6 assists to the Town of Cornwall Police Department, 7 EMS assist calls, and 6 welfare checks for a total of 288 total calls for service.

Trustee Russell further reported that Police Officer Moran attended a “Taser” Instructor Training School at the Westchester County Police Academy, Valhalla, NY. Police Officer’s Pena, Nye and Police Chief Dixon attended the annual Orange County “STOP DWI” Conference held at Anthony’s Pier 9, New Windsor, N.Y. In addition the department held Firearms Qualification Training on May 4th & 5th. Officers were re-qualified in both their .40 caliber pistol duty weapon and 12 gauge shotgun, continued participating in Orange County “STOP DWI” enforcement, participated in State Highway Grant Program “STEP (Selective Traffic Enforcement Program) which is geared for preventing, enforcing and making the community aware of aggressive driving on the roadways, and applied for a 2014 State Highway Grant for traffic and seatbelt enforcement/awareness.

Upon the recommendation of Police Chief Dixon, Mayor Coyne made a motion to declare the 1987 Honda 3-Wheeler, VIN# JH3TE040XHM300502, surplus which was seconded by Trustee Russell and carried upon a vote of 5 Ayes and 0 Nays.

Discussion followed regarding a memo from Police Chief Dixon regarding the need to update parking tickets. Attorney McKay will prepare a rough draft for the Board shortly.

Department of Public Works – Trustee Kane reported repairs and maintenance of Village vehicles and summer equipment, maintenance to Village sewer system, street sweeping has resumed, expanded the parking lot area at the DPW facility, removed shrubbery at the Village Hall and installed drainage, yard waste collection has resumed, stated repairs to lawns from plow damage, winter equipment has been serviced and placed into storage, mowing and trimming of Village properties, and removed several hazardous trees.

Trustee Kane further reported that the boat docks and porta-potty were installed at Donahue Memorial Park as of May 1st, and the new sewer camera has been delivered and in-service training has begun.

VILLAGE HALL BEAUTIFICATION

Mayor Coyne stated that beautification of the Village Hall is almost done thanks to the efforts of Eagle Scout candidate Tyler Kolfrat, scouts from Troop #206, and our DPW-who did a lot of work. We also received assistance from Jayne Peterson President of the Cornwall Garden Club, Phil Adams a landscape architect/zoning board member, Justin Dates of Maser Consulting, and Collete Fulton the Village Historian. A hitching post and horse water troth have been donated back to the Village and Mayor Coyne hopes to receive a small grant from the county to help defray the costs.

SUMMER HELP

Upon the recommendation of DPW Superintendent Halvorsen, Mayor Coyne made a motion to hire Jack Storer as a summer help laborer in the Department of Public Works not to exceed 20 hours per week, for a period not to exceed 6 months, and at the same rate of pay as last year (\$14.00 per hr). The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne announced that starting next week the county will begin to spray larvacide in catch basins throughout the Village.

Water Department – Trustee Carnright reported an average daily production of 1.287 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 33). A total of 116 utility mark-outs were done, 21 meters were repaired or replaced, 2 final meter readings were taken, and water meter reading was completed. Water main breaks were repaired on Grandview Ave and Dock Hill Road, spring hydrant maintenance has started, performed building maintenance-cleaned all water department locations, performed maintenance on Black Rock flow controls, began hydrant flushing in the Town, repaired the plow on truck #46, sent truck #42 out for plow repair, and picked up a new trailer for moving equipment.

Trustee Carnright further reported that Water Superintendent June and Mayor Coyne met with Jay Beaumont about electric load shedding/Demand Response. Mayor Coyne has requested that a presentation be made to the Village Board at the June work session.

Upon the recommendation of Water Superintendent June, Mayor Coyne made a motion to approve the change of job title for Donald Bryde from Sr. Water Maintenance Worker to Water Plant Operator with no change in pay. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne announced that the June 10th work session will be held at the DPW facility on 50 Shore Road starting at 6:30 p.m. with the presentation by Mr. Beaumont. He wants to give the public an opportunity to see the building, so in a sense the work session will also be an “open house”.

OTHER BUSINESS

CHRISTOPHER DONATO - RESIGNATION

Mayor Coyne made a motion to accept the letter of resignation from Christopher Donato effective the week ending May 17, 2013 with regret which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays. The Mayor and Village Board members thanked Mr. Donato for his years of service to the Village and wished him well in his new career.

USED AERIAL LADDER FIRE FIGHTING VEHICLE – SET BID DATE

Deputy Mayor Edsall made a motion to accept the scope and details of the bid documents and specifications as submitted by the Fire Chief with some possible revisions to be discussed in Executive Session later this evening and to authorize advertisement for bids and set a bid date for a used Aerial Ladder Fire Fighting Vehicle for Friday, June 14, 2013 at 2:00 p.m. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

BOND RESOLUTION – USED AERIAL LADDER FIRE FIGHTING VEHICLE

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

A RESOLUTION AUTHORIZING THE PURCHASE OF AN AERIAL LADDER FIRE FIGHTING VEHICLE, IN AND FOR THE VILLAGE OF CORNWALL-ON-HUDSON, ORANGE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$300,000 AND AUTHORIZING THE ISSUANCE OF \$300,000 SERIAL BONDS OF SAID VILLAGE TO THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed, NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York, as follows:

Section 1. The purchase of an Aerial Ladder Fire Fighting Vehicle, including apparatus and incidental expenses in connection therewith, in and for the Village of Cornwall-on-Hudson, Orange County, New York, is hereby authorized at a maximum estimated cost of \$300,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$300,000 serial bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized therefore will not exceed five years.

Section 4. The faith and credit of said Village of Cornwall-on-Hudson, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution 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
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The motion was seconded by Trustee Carnright.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows: AYES: (5) NOES: (0)

The resolution was declared adopted.

RESOLUTION TO PERMIT FILMING – DONAHUE MEMORIAL PARK

Discussion took place regarding a request from Columbia Pictures to permit filming of a scene for an upcoming movie entitled “London Calling” at Donahue Memorial Park on June 4th or 5th. The Attorney for the Village has drafted an indemnification agreement for consideration. In addition the Village Board discussed how much should be collected in fees/security deposit. This item was tabled for additional discussion at a special meeting if needed.

RESOLUTION TO AUTHORIZE ENGINEERING FUNDS REGARDING KIRYAS JOEL’S PROPOSED MOUNTAINVILLE WELL

Deputy Mayor Edsall reported that representatives from Kiryas Joel have submitted an application to the NYS DEC for water supply from a well near the Woodbury and Cornwall boundary lines. Maser Consulting, engineers for the Village, have submitted a proposal in the amount of \$8,700 to the Town of Cornwall for hydrogeologic review services of the application and its potential impacts. Rather than working independently, the Town and Village would like to work jointly on this matter and share the costs. This item was tabled for discussion in Executive Session later this evening.

INFRASTRUCTURE FUNDING

Mayor Coyne reported that grant money is available through Congressman Maloney’s office for infrastructure funding. Victor Cornelius, grant writer for the Town of Cornwall, has offered to assist the Village in preparation of an application; however, he must have information by tomorrow on the projects we want to apply for funding consideration.

After some discussion, Mayor Coyne made a motion to proceed with a grant application through Congressman Maloney’s office for shoreline stabilization with assistance from Victor Cornelius subject

to further discussion regarding his fees and whether this is a “matching grant”. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

ECONOMIC DEVELOPMENT GRANTS

Mayor Coyne reported that he is seeking ways to work with the Town of Cornwall on an economic development grant application. This includes support of the Town proposal for funds to make necessary repairs and upgrades to the Sewer Plant as well as requesting funds for Village projects.

DEMAND RESPONSE PROGRAM

Mayor Coyne announced that Jay Beaumont has been invited to the June 10th work session to report on this item.

SUMMER PLAYGROUND PROGRAM

Mayor Coyne reported that the Summer Playground committee will begin interviews for a Director next week. The program will start on Monday, July 8th and run through Friday, August 16th.

FYI

RIVERFEST

Mayor Coyne announced that the annual Riverfest celebration will take place on Saturday, June 1st.

CORNWALL CHAMBER OF COMMERCE – CHICKEN BARBECUE

Mayor Coyne announced that the Cornwall Chamber of Commerce will hold a chicken barbecue on June 2nd at Donahue Memorial park.

BANDSTAND CONCERTS

Mayor Coyne announced that the Village Bandstand concerts will begin on Tuesday, June 4th.

SENIOR PROM – JUNE 7TH

Mayor Coyne announced that the Senior Prom will take place on June 7th and many who attend will have pictures taken at Donahue Memorial Park beforehand. The police department will be present to assist with traffic flow.

DUNCAN AVENUE BLOCK PARTY

Mayor Coyne announced that the annual Duncan Avenue “Block Party” will take place on Saturday, June 8th. Mayor Coyne made a motion granting permission for them to partially block the roadway in order to slow traffic flow; however, emergency vehicle access will be required at all times. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

FILMING – APRIL 20th

Mayor Coyne reported that filming of “Young Stan” took place on April 20th at Donahue Memorial Park and near the Village Police Department.

RIVERFRONT CLEANUP: MAY 11TH

Mayor Coyne announced that the annual Riverfront Cleanup took place on Saturday, May 11th. Approximately 20 volunteers cleaned the shoreline with assistance from our DPW.

BIKE AND HIKE

Mayor Coyne announced that the Bike and Hike committee is seeking volunteers. The program cannot start in June because they do not have enough volunteers to assist at this time.

VILLAGE HALL

Mayor Coyne announced that the Village Hall/Police Department cleaning person has resigned and we will be advertising for applications for a replacement.

PUBLIC COMMENT

Carol O’Keefe of 2 Payson Road stated that the Department of Public Works crew did a “fantastic” job with spring clean-up and she thanked them for their hard work in getting the cleanup done quickly.

Brigid Flynn asked if the Village Board would be pursuing plans to beautify the entrance into the Village at the end of Route 218 before the Bike and Hike program starts this year.

Mayor Coyne replied that plans to construct a kiosk and beautify the surrounding area have been discussed and he hopes to have it done before the Bike and Hike program begins.

BOARD ACTIVITIES/COMMENTS

Trustee Kane reported that the American Legion #353 will hold a breakfast this Saturday starting at 8:00 a.m., followed by placement of flags on gravestones of our service men and women. The Memorial Day parade will take place on Monday at 10:00 a.m.

Trustee Kane also wanted to personally thank Chris Donato for his service to the Village and wished him well. He will be sorely missed.

Trustee Carnright thanked the fire department volunteers for their hard work in finding a ladder truck and getting it here for testing.

Trustee Russell thanked Chris Donato for his years of service and wished him the best of luck in the future.

Deputy Mayor Edsall also thanked the fire department volunteers.

Mayor Coyne thanked that fire department for their perseverance in finding a ladder truck. It will be a huge asset and a huge cost savings for the Village. He hopes a deal can go through.

Mayor Coyne further reported that a vote on the School budget will be tomorrow at the Cornwall Central Middle School.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 8:25 PM with Attorney for the Village McKay in order to discuss potential litigation and the professional proposal involving Kiryas Joel's wells, bid documents for a used ladder truck with Fire Chief Vought, sewer fees, an update on CSEA/PBA negotiations, CSX/Cornwall Yacht Club lease agreement, and Sweeney litigation. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 8:33 p.m. on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried upon a vote of 5 Ayes and 0 Nays.

BID DOCUMENTS – USED AERIAL LADDER FIRE FIGHTING VEHICLE

Deputy Mayor Edsall made a motion to modify the previously adopted resolution by authorizing revisions and additional details to be included in the specifications for the fire truck, with the specifications to be as per final version prepared by the Fire Chief. In addition authorizing revisions of the Information for Bidders document as per the recommendations of the Attorney for the Village. The motion was seconded by Trustee Russell and carried upon a vote of 5 Ayes and 0 Nays.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting back into Executive Session at 8:47 p.m. which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 9:55 p.m. on a motion by Deputy Mayor Edsall, seconded by Trustee Carnright, and carried upon a vote of 5 Ayes and 0 Nays.

AUTHORIZATION OF ENGINEERING SERVICES IN CONNECTION WITH REVIEW OF KIRYAS JOEL WELL LOCATED IN THE ROUTE 32 AREA NEAR THE MOUNTAINVILLE AREA IN THE TOWN OF CORNWALL

Mayor Coyne made a motion authorizing Maser Consulting, engineers for the Village, to perform evaluations and studies as per their proposal dated May 17, 2013, with the understanding that this work will be a joint venture with the Town of Cornwall (subject to their action) with the Village share of the cost not to exceed \$4,350.00 (50% of the overall cost). In addition the Village Board authorizes Mayor Coyne to execute the agreement. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting at 9:56 p.m. which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.