

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

June 17, 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, Water Superintendent Robert June, Storm King Engine Co. #2 Fire Chief Robby Vought, Summer Playground Director Jen Pryne, 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.

MINUTES

Mayor Coyne made a motion to accept the May 20, 2013 Business Meeting Minutes, as presented, 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 June 10, 2013 Special Meeting Minutes, as presented, which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from residents of Carol Terrace and Jean Court regarding a problem with shrubs on a Village right-of-way that are growing into the street.
- Letter from Cornwall Central Middle School thanking the Village for allowing use of the Village Hall parking lot for a car wash.

OTHER BUSINESS

STEWART AIRPORT SAFETY

Mayor Coyne welcomed David Briseño, a Wildlife Biologist with the US Department of Agriculture (USDA), and Kenneth Preusser of the USDA Wildlife Services. He invited them to speak with the Board regarding their proposal to address “wildlife strikes” which is an important safety issue for air traffic within 7 miles of Stewart International Airport. Their plan is to remove “non-migratory” Canadian geese from local areas including the Donahue Memorial Park. They have obtained all the necessary permits from the NYS Department of Environmental Conservation and US National Fish and Wildlife Services. Lengthy discussion followed.

Trustee Kane made a motion to designate the Village of Cornwall-on-Hudson as lead agency with respect to the execution of this agreement, designate this as an unlisted action under SEQRA, determine that there are no adverse negative environmental impacts that arise from this contractual agreement, and authorize the Mayor to execute an agreement for Wildlife Services to come onto Village property to remove the geese which was seconded by Trustee Carnright.

Deputy Mayor Edsall stated that the Village Board acts on many things for safety reasons. In the not so distant past there was a bird strike involving a plane that resulted in an emergency landing in the Hudson River, now known as “Miracle on the Hudson”. That cannot “become the norm”. It is an important issue, and we must do whatever we can so that our regional airport can operate safely.

Mayor Coyne added that the only Miracle on the Hudson that he wants to see “is the movie”.

The matter was then put to a vote which resulted in 5 Ayes and 0 Nays.

SUMMER PLAYGROUND

Summer Playground Director Jen Pryne reported that the first registration day was held on Saturday, June 15th, and 30 campers registered. A second registration day will take place on Thursday, June 20th, and a third will be held on Monday, June 24th. Flyers were previously distributed to the local schools.

Ms. Pryne further reported that she, Assistant Director Kathleen Hand, and Trustee Russell conducted interviews last week for Counselors.

Upon their recommendation, Mayor Coyne made motion to appoint Alison Reintenbach, Ashley Conklin, Charles Paffenroth, Courtney Engen, Kristina Grace, Kenneth Kirshner, Alexander Cruz, Kyle Halvorsen, Irene Talt, and Olivia Kerr as Summer Playground Counselors at a salary of \$8.50 per hour. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint James Parisi, Johanna Caufaglione, and Jacklyn Clancy as Alternate Summer Playground Counselors at a salary of \$8.50 per hour to work if a vacancy arises or the number of campers requires an additional counselor. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Jeremy Ascencio as Summer Playground EMT at a salary of \$11.00 per hour which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne disclosed that Kyle Halvorsen is the son of DPW Superintendent David Halvorsen, and Jacklyn Clancy is the daughter of Water Department employee Matthew Clancy.

TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$ 78,238.87
Town water & penalties	544,860.07

which included 8 final/adjustment for the Village and 3 for the Town.

Warrant #6 – Deputy Mayor Edsall made a motion to approve the June 2013 Warrant (#6) and authorize payments totaling \$255,779.99, which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported receipts of \$2,974,708.48 anticipated revenues and \$1,585,257.32 (23.83%) in anticipated expenditures through the end of May.

Treasurer Mahoney also reported that \$2,243,833.76 has been collected in Village taxes through May 31st.

Treasurer Mahoney further reported that she has been speaking with Betty Jurgens, who is involved with the Newburgh Ministry (Winterhaven). They are in desperate need of toiletries. Ms. Mahoney requested permission from the Village Board to hold a “community drive” and offer the Village Hall as a drop off location for these items. If it works out well, she would like to arrange future drives.

Deputy Mayor Edsall made a motion to authorize Treasurer Mahoney to use the Village Hall as a collection site for the Newburgh Ministry and offer the Board’s support for the project which was seconded by Trustee Kane.

Deputy Mayor Edsall stated that he has known the Jurgens family his whole life and Mrs. Jurgens is one of the “nicest” people we have in our community. He stated that if Betty Jurgens is involved in this organization than he is in support of it. Mayor Coyne added that Mr. & Mrs. Jurgens will be the Grand Marshalls of this year’s July 4th parade. Trustee Russell volunteered himself and his children to help move items up to the Newburgh Ministry when needed. The motion was put to a vote which resulted in 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 May.

Fire Department – Deputy Mayor Edsall reported 2 automatic alarms/CO calls, 2 motor vehicle accidents, 12 medical calls, 1 mutual aid call-to scene/3 calls to stand-by, 1 landing zone call, 1 smoke investigation, 2 wires down, 7 work details, 1 parade, and 11 in house drills/8 drill outside of firehouse for a total of 51 events and 970.5 man hours.

In addition Chief Vought is on medical leave for 5-6 weeks (Assistant Chief Tom Lyons is in charge), the truck T413 committee went to Long Island to look at a replacement ladder truck (that truck was in the Village to test fit in firehouse and on streets – truck fit well), sealed bids are currently being accepted for truck 413 replacement, bail-out training was held at Vail’s Gate training center on May 19th for 14 firefighters (a second date will be schedule in June for remaining firefighters), the annual softball tournament was held on May 4th, and participated in the Annual Cornwall Memorial Day parade/ceremony.

RESOLUTION AUTHORIZING PARTICIPATION IN THE ORANGE COUNTY FIRE MUTUAL AID PLAN

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

RESOLVED, that the Village of Cornwall-on-Hudson Board of Trustees approves the participation by the Storm King Engine Co. #2 in the Orange County Fire Mutual Aid Plan as now in effect and as amended from time to time (“Plan”); and, be it further

RESOLVED, that the Village of Cornwall-on-Hudson Board of Trustees acknowledges and accepts its financial responsibility for such participation pursuant to General Municipal Law Section 209 (2)-(4); and, be it further

RESOLVED, that Storm King Engine Co. #2 agrees to comply with all the provisions of this Plan and will respond to all calls for assistance from another fire company or fire department through the County Division of Emergency Communications; and, be it further

RESOLVED, that the Village of Cornwall-on-Hudson Board of Trustees, to the best of its knowledge, knows of no resolution or agreement against “outside service” by Storm King Engine Co. #2 that would affect the power of such company to participate in the Plan; and, be if further

RESOLVED, that the Mayor of the Village of Cornwall-on-Hudson is hereby authorized to sign the Plan; and, be it further

RESOLVED, that Storm King Engine Co. #2 will deliver to the County of Orange Fire Coordinator, an executed copy of the Plan and a certified copy of this Resolution upon adoption.

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

USED AERIAL LADDER FIRE FIGHTING VEHICLE - AWARD OF BID

Mayor Coyne reported that a bid opening was held on June 14, 2013 for a “Used Aerial Ladder Fire Fighting Vehicle”. The bid form included a base bid for the vehicle and alternate #1 for purchase of the vehicle with trade in of the 1973 Mack Ladder Fire Truck (VIN: CF685FAP1574).

Trustee Kane made a motion to award the bid and alternate #1 to Command Fire Apparatus, the sole bidder, in the amount of \$247,500.00. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to declare the 1973 Mack Ladder Fire Truck (VIN: CF685FAP1574) surplus effective on the date of receipt of the replacement ladder fire truck which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Police Department Trustee Russell reported 1 grand larceny, 1 criminal mischief, 2 petty larceny, 2 felony arrests, 1 misdemeanor arrest, 1 violation arrest, 4 traffic accidents, 20 traffic summons issued, 24 warnings issued, 3 parking summons issued, 4 fire response calls, 12 alarm response calls, 3 noise complaints, 2 suspicious person calls, 4 suspicious vehicle calls, 10 animal complaints, 1 disorderly adult, 3 disorderly juveniles, 5 assists to the Town of Cornwall Police Department, 9 EMS assist calls, and 3 citizen assists for a total of 303 total calls for service.

Trustee Russell further reported that Police Officers Antinori and Nye attended “Motorcycle Enforcement Training” at the Orange County Police Academy, New Windsor, NY. Police Officer Terwilliger attended “Detective/Investigator Training” at the Orange County Police Academy, New Windsor, N.Y. In addition the department continued to participate in Orange County “STOP DWI” enforcement, participated in the statewide “Buckle-Up New York” initiative, and Chief Dixon attended a press event promoting “Motorcycle Safety Awareness” held at the Motorcyclopedia Motorcycle Museum, Newburgh, N.Y.

Discussion followed regarding the need to update parking and traffic fines. Attorney McKay will prepare a rough draft for the next work session.

Department of Public Works – Trustee Kane reported yard waste collection has resumed, blacktop patching of roadways, completion of spring bulk collection, striping of parking areas, maintenance to Village sewer system, 1,000 feet of sewer main was treated by Duke’s Root Control as a trial, the 2003 sanitation Mack truck has been refurbished and returned to service, mowing and trimming of Village properties, preparation of Donahue Park for Riverfest, installed new gutters at Village Hall, completed landscaping at Village Hall, and continued repairs/maintenance of Village vehicles and summer equipment.

Trustee Kane further reported that the 1994 garbage truck is in need of repair. DPW Superintendent Halvorsen provided an estimate from Arkel Motors to replace the fuel injection pump and make other necessary repairs in the amount of \$11,226.21.

Trustee Kane made a motion to accept the Arkel Motors proposal dated June 13, 2013 to make necessary repairs to the 1994 International garbage truck in the amount of \$11,226.21 which was seconded by Deputy Mayor Edsall.

Deputy Mayor Edsall stated that Arkel Motors is the authorized International truck dealer for this area; therefore obtaining additional quotes from other authorized dealers that are further away from us will not be necessary.

The motion was then put to a vote which resulted in 5 Ayes and 0 Nays.

Water Department – Trustee Carnright reported an average daily production of 1.319 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 76 utility mark-outs were done, 18 meters were repaired or replaced, 7 final meter readings were taken, and water meter reading was completed. Spring hydrant maintenance

and flushing is ongoing, black topping water leak areas on Firth Street and at Riverfront Park, and maintenance was performed on Black Rock Flow controls.

Trustee Carnright further reported that Water Superintendent June recently gave a tour of the water treatment plants to our insurance carrier representatives, and he attended the New York Rural Water Association Technical Conference in Lake Placid, N.Y. from May 20-23rd.

SUMMER HELP

Upon the recommendation of Water Superintendent June, Mayor Coyne made a motion to hire Dante Gianetta as a summer help laborer in the Water Department not to exceed 20 hours per week, for a period not to exceed 6 months, and at the rate of \$14.00 per hour. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

OTHER BUSINESS

RESOLUTION DESIGNATING THE NEW YORK STATE SECRETARY OF STATE AS AGENT FOR SERVICE OF A NOTICE OF CLAIM

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

WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the “Act”); and

WHEREAS, Section Six (§ 6) of the Act amends the General Municipal Law by adding a new Section Fifty-Three (§ 53), effective June 15, 2013; and

WHEREAS, New York General Municipal Law § 53(2) requires that all public corporations, who are entitled to service of a Notice of Claim as a condition precedent to commencement of an action or proceeding shall file a Certificate with the Secretary of State designating the Secretary of State as agent for service of a Notice of Claim; and

WHEREAS, the Village of Cornwall-on-Hudson must file such Certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law § 53 took effect;

NOW, THEREFORE, the Village Board of Trustees of the Village of Cornwall-on-Hudson, duly convened in regular session, does hereby resolve as follows:

Section 1. The Clerk of the Village of Cornwall-on-Hudson be and she hereby is directed and empowered to forward to the New York State Secretary of State a Certificate pursuant to General Municipal Law § 53, designating the Secretary of State as agent for service of a Notice of Claim where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Village of Cornwall-on-Hudson, or any officer, appointee or employee of the Village and to take any and all other actions required to carry out the provisions of this Resolution.

Section 2. This Resolution shall take effect immediately.

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

SET PUBLIC HEARING ON PROPOSED LOCAL LAW – SEWER RENTS AMENDMENTS

Attorney for Village McKay stated that there is one classification of sewer rents under existing Village Code and it covers all of the expenses to maintain the Village sewer system and appurtenances. Sewer rents are currently based upon water consumption. The proposed amendment would break out the sewer rent into two separate components; one would be operation and maintenance, and the second would be a capital improvement, collected on a “point basis”. There have been several revisions to the proposed local law and Mr. McKay will provide the Board with a final “clean” draft shortly. In addition a final draft will be made available to the public a minimum of 5 days before the public hearing. Discussion followed.

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

WHEREAS, the Village Board wishes to adopt an amendment to Chapter 126, Article VI of the Village Code to provide a mechanism to apportion the total costs associated with the continued use and maintenance of the Village’s sewer system into separate operation and maintenance (O&M) rents and Capital Improvement (CI) rents for all benefitted properties within the Village; and

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider the adoption of the proposed local law;

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 sewer rents local law and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA on July 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 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 5 Ayes and 0 Nays.

COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor Coyne reported that he met with representatives from the Orange County Community Development Office and DPW Superintendent Halvorsen on June 13th at Donahue Memorial to discuss our grant application for handicap access to the Riverfront Shelter/Gazebo.

ECONOMIC DEVELOPMENT GRANTS – CONSOLIDATED FUNDING APPLICATION

Mayor Coyne reported that he received a proposal today from Victor Cornelius of Endeavor, in the amount of \$3,000 to prepare a consolidated funding grant application, and “shepherd” it through the application process. Mayor Coyne suggested the following projects for the Board’s consideration under this funding application request: “rip rap” at the riverfront to stabilize the shoreline, development of a swimming/recreation area in the cove near the Yacht Club, and improvements to the bock docks/ramp area.

After some discussion, Deputy Mayor Edsall made a motion authorizing the Mayor to execute an edited agreement with Endeavor in an amount not to exceed \$3,000, plus expenses, with the work application to be based upon a priority list developed by Mayor Coyne with input from the Village Board. The motion was seconded by Trustee Carnright.

Mayor Coyne stated that we “need to get into the game”. It is the third year these economic grants have been made available and the Village should apply for funding. The motion was then put to a vote of 5 Ayes and 0 Nays.

FEDERAL GRANT APPLICATION – DISASTER RECOVERY INFRASTRUCTURE PROJECTS

Mayor Coyne reported that with input from DPW Superintendent Halvorsen and Deputy Mayor Edsall, a letter of interest been submitted for consideration.

KIRYAS JOEL PROPOSED MOUNTAINVILLE WELL

Mayor Coyne reported that he is in receipt of the signed agreement with Maser Consulting to perform further research in the Mountainville area for an upcoming hearing on this project.

NEW YORK MILITARY ACADEMY (NYMA)

Mayor Coyne reported that he recently met with representatives from Obridge Academy along with Town Supervisor Kevin Quigley, and Town Deputy Supervisor MaryBeth Greene-Krafft. He requested to go into Executive Session later this evening to discuss this item further.

MUSEUM – LEASE DISCUSSION

Mayor Coyne stated that this item will be discussed in Executive Session later this evening.

DEMAND RESPONSE PROGRAM

Mayor Coyne reported he spoke with Jay Beaumont regarding how this process would work since we do not have an internet service connection at each location. Mr. Beaumont explained that a cellular modem will be provided to each location by his company. He hopes to begin work sometime next month.

FYI

BIKE AND HIKE

Mayor Coyne announced that the Bike and Hike will not take place over the summer. He reminded everyone that the Bike and Hike is not a Village program, it is coordinated through Olga Anderson from

the Town of Highlands Green Committee. It may not take place until October due to a lack of volunteers.

BOARD ACTIVITIES/COMMENTS

Mayor Coyne reported that the School budget re-vote will take place on June 18th; the new cleaning service team performed an outstanding job on their first cleaning of Village offices; the Cornwall-on-Hudson Elementary School “Moving Up” ceremony will take place in the Village Bandstand on June 20th; the summer bandstand concerts have started; and the work session was held at the DPW facility last week and a tour was provided to interested parties. It was well received.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting into Executive Session at 8:55 PM with Attorney for the Village McKay in order to in order to get legal advice with respect to NYMA billing and expense allocations, seek legal advice regarding the Museum lease negotiations, and receive an update on CSEA/PBA union negotiations. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.