

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

July 15, 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 Peter Russell
Trustee David Carnright

Absent was: Trustee James P. Kane (military service)

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

LOCAL LAW AMENDING CHAPTER 126, ARTICLE VI OF THE VILLAGE CODE OF THE VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK, TO APPORTION COSTS ASSOCIATED WITH THE ONGOING USE, OPERATION AND MAINTENANCE, AND CAPITAL IMPROVEMENTS OF THE VILLAGE SEWER SYSTEM. Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on the Local Law Amending Chapter 126, Article VI of the Village Code of the Village of Cornwall-on-Hudson, New York, to apportion costs associated with the ongoing use, operation and maintenance, and capital improvements of the Village Sewer System was called to order at 7:01 PM on a motion by Trustee Carnright, seconded by Trustee Russell, and carried by a vote of 4 Ayes and 0 Nays.

Gerald Jacobowitz of 15 Taft Place stated that residents of Taft Place do not have Village sewer, and there is no sewer nearby. The proposed local law “works” in concept because it does not affect properties that are not connected; however, he is concerned with language in the paragraph defining “Benefitted Properties”. It reads in part “Properties that are either currently connected to the Village’s sewer service, or receive a benefit from the construction of adjacent or proximate sewer-related improvements...” He feels that definition lacks “clarity” and it is unclear in how the law will be enforced.

Attorney for the Village McKay replied that “Benefitted Properties” is defined as properties that are either currently connected to the Village’s sewer system or receives a “benefit” from construction of adjacent or proximate sewer-related improvements. He suggested that the Village Board discuss or clarify this point.

Mr. Jacobowitz stated that he is also here this evening representing Painters Tavern. The establishment is a “hybrid” commercial property consisting of a restaurant with 3 apartments and several guest rooms. He asked the Board to provide the number of points that would be prescribed to this property. In addition Mr. Jacobowitz stated that this section of the proposal local law lacks a provision to file an appeal.

Mayor Coyne replied that in accordance with the “Schedule of Property Classifications and Number of Unit Values” in the proposed local law, Painters would fall under two categories; Restaurant – 51-80 seats, and Multi-family dwelling.

Deputy Mayor Edsall stated a restaurant is a specific type of non-residential classification because its impact is different than a general commercial establishment and will be based on its seating capacity.

Hearing no one further speak for or against the proposed local law, Deputy Mayor Edsall made a motion to close the public hearing at 7:13 pm which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Deputy Mayor Edsall stated that it might benefit the Village Board to clarify the definition of a benefitted property in order to avoid future disputes. One suggestion is to define a benefitted property as any property that could be reasonably connected to our sewer system without the need of a sewer main extension.

Trustee Russell responded to Mr. Jacobowitz’s concern that the proposed local law provides no opportunity to file an appeal by reading a clause in it which states “Owners of properties that are not connected to the Village’s sewer service and are not proximate to sewer-related improvements may request an exemption from Capital Improvement Rent.”

Mayor Coyne stated that the Board has been discussing this matter for approximately 1 ½ years. The Village needs a mechanism in place to take care of anticipated costs for capital improvements to the Town of Cornwall Sewer Plant.

Deputy Mayor Edsall reported that the Town of Cornwall must address the need for improvements to the Sewer Plant because of damage caused by Hurricane Irene as well as DEC mandated upgrades. These improvements and mandated upgrades will have a serious financial impact and the cost must be fairly distributed between the Town and Village.

Trustee Russell stated that the Board is trying to avoid a “catastrophic tax event” which would be a huge burden on our community.

Deputy Mayor Edsall stated that Mr. Jacobowitz is here this evening representing himself as a Village resident who is not connected to the Village sewer service, and also representing Painters Tavern which is a multi-use establishment. In response to Mr. Jacobowitz’s concerns, Mr. Edsall stated that the point assessment is not intended to “double hit” our businesses. A business will be classified one way or another – and assigned the approximate number of point values. Further Mr. Edsall stated that a provision for an appeal process is contained in the proposed local law.

Attorney for the Village McKay provided the Board with a revised draft earlier in which certain words were changed for clarification purposes. He stated that the phrase “sewer-use rent” is defined by two

separate components. It should be clarified to indicate that the Operation and Maintenance Rent (OMR) portion is based on *water* usage. In addition, Section 126-52A can be better clarified by deleting the last clause which contains “surplus language”. Discussion followed.

RESOLUTION OF ADOPTION

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

WHEREAS, an Introductory local law entitled " A Local Law Amending Chapter 126, Article VI of the Village Code of the Village of Cornwall-on-Hudson, New York, to apportion costs associated with the ongoing use, operation and maintenance, and capital improvements of the Village Sewer System” was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on June 17, 2013 and upon notice duly published and posted, a hearing was held on July 15, 2013 before the Board of Trustees; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Introductory local law is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Introductory Local Law entitled "Local Law Amending Chapter 126, Article VI of the Village Code of the Village of Cornwall-on-Hudson, New York, to apportion costs associated with the ongoing use, operation and maintenance, and capital improvements of the Village Sewer System" of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #2 of 2013 of the Village of Cornwall-on-Hudson on July 15, 2013.

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

PUBLIC COMMENT

Gerald Jacobowitz of 15 Taft Place stated that “the horse is out of the barn” with regard to the local law; however, he still feels it is necessary to bring something to the Boards’ attention. He understands Trustee Russell’s point; however, the section he refers to deals with Village-wide improvements. That means everyone in that category will have to apply for an exemption, and that is a lot of people. Mr. Jacobowitz asked why a property that is not connected to the sewer system and is not adjacent or proximate to sewer-related improvements isn’t exempted under the law. Also the term “adjacent or proximate” properties is broad and should be clarified by providing a distance marker. He feels something is missing and that the law needs “sharpening”. A law should not create an administrative burden to the Village.

MINUTES

Mayor Coyne made a motion to accept the June 17, 2013 Business Meeting Minutes, as presented, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Maryanne O'Dell, Town of Cornwall Historian requesting a letter of support from the Village as she seeks funding opportunities to make necessary repairs to Sands Ring Homestead.

Deputy Mayor Edsall stated that the Town is “struggling” to find a way to fund these repairs in their budget. The Village Board should support their efforts to obtain grants as well.

- Letter from Carole & Mike Incantalupo of 3 Carol Terrace thanking the Village for helping to get the lot on Carol Terrace cleaned up.

Mayor Coyne reported that he has been working with the Building Inspector and DPW Superintendent for some time and is glad the matter has finally been resolved.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties	\$ 286,457.72
Town water & penalties	447,760.60

which included 9 final/adjustment for the Village and 6 for the Town.

Warrant #7 – Mayor Coyne made a motion to approve the July 2013 Warrant (#7) and authorize payments totaling \$542,160.62, which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported receipts of \$3,277,708.94 (49.29%) in anticipated revenues and \$1,681,047.33 (25.27%) in anticipated expenditures through the end of June.

Treasurer Mahoney also reported that \$2,261,791.80 has been collected in Village taxes through June 30th.

Treasurer Mahoney further reported that she closed on a Bond Anticipation Note for the purchase of an Aerial ladder Fire Fighting Vehicle. Orange County Trust Co. was awarded the bid with an interest rate of 2.45%. A total of \$260,427 was borrowed (\$247,500 for the truck w/trade-in and \$12,927 for equipment).

DPW FACILITY PHASE 2 RENOVATIONS – VERTICON FINAL PAYMENT REQUEST – BUDGET TRANSFER

Treasurer Mahoney is in receipt of a final payment request from Verticon in the amount of \$5,000.00 for retainage. Upon her recommendation, Mayor Coyne made a motion to authorize change order #3 in the amount of \$2,151.00, approve overrun costs of \$2,956.02 from Verticon change orders #1 and #2, and authorize a budget transfer of \$5,107.02 from General Fund Contingency (A1990.4) to Capital Fund DPW Project (H5110.4). The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney has received final payment from NYS Department of State in the amount of \$5,000.00 from 2011 grant TM02796 for purchase/reimbursement of an Integrated Property System software package for our Building Department.

REVENUE ANTICIPATION NOTE – WATER RENTS

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

A RESOLUTION DELEGATING TO THE VILLAGE TREASURER OF THE VILLAGE OF CORNWALL-ON-HUDSON, ORANGE COUNTY, NEW YORK, POWER TO AUTHORIZE THE SALE AND ISSUANCE OF NOT TO EXCEED \$125,000.00 REVENUE ANTICIPATION NOTES OF SAID VILLAGE IN ANTICIPATION OF THE REVENUES TO BE RECEIVED IN ANTICIPATION OF WATER RENTS BY SAID VILLAGE IN THE 2013-2014 FISCAL YEAR OF SAID VILLAGE.

BE IT RESOLVED by the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange, New York, as follows:

Section 1. The power to authorize the sale and issuance of not to exceed \$125,000.00 Revenue Anticipation Notes of the Village of Cornwall-on-Hudson, Orange County, New York, including renewals thereof, in anticipation of the receipt of revenues to be received by said Village in anticipation of Water Rents during the 2013-2014 fiscal year of said Village, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents as may be determined by said Village Treasurer, pursuant to the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Trustee Carnright and duly put to a vote on roll call, which resulted as follows:

AYES: [4]

NAYS: [0]

The resolution was declared adopted.

Treasurer Mahoney reported that the current Revenue Anticipation Note (RAN) of \$250,000 will mature on July 26th. The budgeted amount of \$125,000 will be paid down and a new Note borrowed for the balance of \$125,000. It is anticipated that this note will be paid off in 2014.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 13 building permits were issued, 18 certificates of compliance/occupancy were issued, 22 onsite inspections performed, 8 violations, 2 stop work orders, and 6 fire inspections were conducted. Inspector Maggio worked 80 hours in June.

Fire Department – Deputy Mayor Edsall reported 1 structure fire, 1 car fire, 3 automatic alarms/CO calls, 11 medical calls, 1 mutual aid call-to scene/2 calls to stand-by, 1 landing zone call, 2 wires down, 5 work details, and 8 in house drills/7 drill outside of firehouse for a total of 51 events and 770.5 man hours.

In addition the department participated in Riverfest, conducted bail out training on June 23rd (another session will take place in August), is preparing for July 4th parade, and is awaiting delivery of new truck 413 (delivered July 15th). Formal training will be on July 19th, and it is anticipated that the truck will be out of service for a couple of weeks while drivers/operators are trained on its use. The Cornwall Fire Department will respond with a ladder truck in the meantime.

As of June 30th, there were 125 calls for service in 2013. The department did not reach 125 calls in 2012 until August 10th.

Mayor Coyne congratulated the fire committee for their perseverance which helped save the Village almost one-half million dollars.

Deputy Mayor Edsall credited the committee members who found the truck and stated that he is happy that this Board was able to act quickly and not lose the opportunity.

Police Department Trustee Russell reported 1 attempted burglary, 1 burglary, 3 criminal mischief, 2 petty larceny, 1 misdemeanor arrest, 2 violation arrests, 8 traffic accidents, 18 traffic summons issued, 14 warnings issued, 5 parking summons issued, 2 fire response calls, 3 domestic incident calls, 8 alarm response calls, 4 noise complaints, 3 suspicious person calls, 3 suspicious activity calls, 9 animal complaints, 3 disorderly adults, 1 disorderly juvenile, 6 assists to the Town of Cornwall Police Department, 8 EMS assist calls, 2 assists to other agencies, 2 welfare checks, and 1 citizen assist for a total of 298 total calls for service.

Trustee Russell further reported that Police Officers Terwilliger and Peña attended “Concealed Compartments Training” at the Orange County Police Academy. In addition, the department has continued participation in Selective Traffic Enforcement Program (“STEP”) and in Orange County “STOP DWI” enforcement.

Department of Public Works – Trustee Carnright reported weekly mowing and trimming of Village properties, weekly yard waste collection, blacktop patching of roads, sweeping of streets, cleaning of storm drains, roadside mowing, tree removal at Village Hall, installation of new gutters on Village Hall, installation of new fence in police department parking area, clean-up of property on Carol Terrace, line striping of parking spots and lots has started, sewer line cleaning, and replacement of pickup bed that was damaged this past winter.

Trustee Carnright further reported that the department assisted the Town of Cornwall with set up for July 4th, and had to call in TAM Industries to clear out our sewer jet after a sewer plug up. Repair parts are on order.

Mayor Coyne thanked the DPW for their work at the Village Hall and stated that he is happy with how everything looks and with the new fencing in back.

Water Department – Deputy Mayor Edsall reported an average daily production of 1.344 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 29). A total of 72 utility mark-outs were done, 21 meters were repaired or replaced, 13 miscellaneous repairs were completed, 15 final meter readings were taken, water leak areas on

Grandview Ave and Firth Street were blacktopped, and spring hydrant maintenance continued. Water main breaks were repaired on Orrs Mills Road, Maple Street, and Willow Avenue.

Water Superintendent June requested Executive Session later this evening to discuss a personnel issue.

In addition, Water Superintendent June requested that consideration once again be given to implementing the Code Red Notification System. During the water break on Orrs Mills Road, the Village Office received 97 calls and the Town of Cornwall Police Dispatch Center received over 100 calls. Answering that volume of calls took the dispatcher away from other duties, and Mr. June feels many calls could have been averted if an emergency notification system was in place to alert the general public. Deputy Mayor Edsall stated that the Village Board remains interested in this system and hopefully the Town of Cornwall will find a way to fit that into their ongoing budget operations.

Water Superintendent June reported that the cause of a high water pressure problem in portions of the Town appears to have been a pressure reduction by-pass valve in the open position. Since the valve has been closed, pressure has been dropping back down to normal levels. Along with representatives from the valve manufacturer, his department is continuing maintenance and repairs of our pressure reduction valves.

OTHER BUSINESS

SUMMER RECREATION PROGRAM

Trustee Russell reported that the program began on July 8th, and is going very well. He thanked the Cornwall Central School District for their support and assistance. As of today 106 children have registered and the county has inspected the program twice – no issues were noted. He further reported that Jeremy Ascencio, the programs EMT, has been called in for 2 weeks of military training. A substitute EMT is needed. An additional counselor is also needed in the younger grades.

Trustee Russell made a motion to appoint Kaitlyn Masopust as Substitute EMT during Mr. Ascencio's absence and further to amend the appointment of Johanna Caufaglione from alternate counselor to counselor for the duration of the summer recreation program. Deputy Mayor Edsall seconded the motion.

Mayor Coyne stated that we are fortunate to have extra people available to the Village and the program will not suffer.

The motion was put to a vote which resulted in 4 Ayes and 0 Nays.

ECONOMIC DEVELOPMENT GRANTS – CONSOLIDATED FUNDING APPLICATION

Mayor Coyne reported that he has nothing new to report on this item except that Trustee Kane's requested changes will be incorporated into an agreement with Victor Cornelius.

FEDERAL GRANT APPLICATION – DISASTER RECOVERY INFRASTRUCTURE PROJECTS

Mayor Coyne reported that he has spoken with a representative from Congressman Maloney's office and our application is "moving along". In addition, the Village will "piggy back" on the Town of Cornwall's proposal.

FYI

CORNWALL GIRL UP CLUB: BENEFIT CONCERT – JULY 18th

After some discussion, Mayor Coyne made a motion to approve a benefit concert for the "Cornwall Girl Up Club" to be held at the Village bandstand on July 18th which was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

BOARD ACTIVITIES/COMMENTS

Trustee Carnright stated that he is happy the Summer Recreation Program is going well.

Trustee Russell stated that he is also happy the Summer Recreation Program is going well. The Director, Assistant Director, and Counselors are doing a great job. Mr. Russell is also pleased that the Village is paying down its debt, trying to avoid incurring a large future debt with the sewer rents, and is heading in the right direction.

Deputy Mayor Edsall credited Trustee Russell for getting "ahead of the curve" and getting the Summer Recreation Program on track this year.

Mayor Coyne stated that he is pleased that the July 4th celebration was a success and thanked the Department of Public Works for helping the Town of Cornwall with preparations.

LOCAL LAW – SEWER RENTS DISCUSSION

Attorney for Village McKay said that although the Board has already adopted the local law, he has reviewed it again to see where, if any, clarifications could be made. The intent of the law, in his opinion, is that if the Village puts someone on notice or requires someone to pay a capital improvement rent, that property owner can appeal if they are not connected to the system or doesn't receive a benefit from the system because they are not adjacent or proximate. Perhaps a few words can be changed. Currently the law reads "properties that are not connected to and are not proximate to..." He suggests the wording be changed to properties that are not connected to the system or are not proximate to sewer related improvements can request an exemption. Discussion followed.

Deputy Mayor Edsall stated that the intent was not that a property owner would have to file for an exemption otherwise would receive a bill.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 7:55 PM with Attorney for the Village McKay, DPW Superintendent Halvorsen, and Water Superintendent June in order to get legal advice with respect to the intermunicipal agreement between the Town of Cornwall and Village of Cornwall-on-Hudson, a potential DPW personnel appointment, a Water Department personnel issue, and a legal matter involving Village properties. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.