

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

August 19, 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 David Carnright

Absent was: Trustee Peter Russell (vacation)

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Storm King Engine Co. #2 Fire Chief Robby Vought, Building Inspector Ben Maggio, 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 COMMENT

Robert Schwarzler of the Cornwall Historical Society stated that former Historical Society President Bruce Bryan asked to meet with the Village Board a year ago to discuss the chapel located at Cornwall Landing. He was asked to wait until the following month but then received no further response. Since that time, an email and more recently a letter was sent requesting permission to post a historical plaque on the building. Mr. Schwarzler would also like to know what is being done to preserve the building (i.e. is it being maintained). The Historical Society is only interested in the chapel's historical preservation, not to take the building over.

Deputy Mayor Edsall replied that after initial discussions by the Village Board, this matter was turned over to the Attorney for the Village to determine the land status.

Attorney for the Village McKay stated that the Historical Society had requested the chapel be made open to the public. He researched the deeds/conveyances from Consolidated Edison (Con Ed) to the Village back in the 1980's. Certain parcels were specifically deeded to the Village to become parkland and open space. The parcels that the chapel sits on were specifically conveyed to the Village for use by the Cornwall Yacht Club not the public; therefore, the Village is using the parcels properly. Back in the early 1980's, the Village entered into a lease agreement with Cornwall Yacht Club. The lease includes the property that the chapel sits on and obligates Cornwall Yacht Club to maintain the building in the same condition it was at the time that the Village entered into the agreement. The Village has no ability or right to make the chapel open to the public given the way the property was deeded to the Village and given the existing lease terms and conditions with the Cornwall Yacht Club.

Mayor Coyne mentioned that he has discussed the status of the matter several times with Village Historian, Colette Fulton.

Deputy Mayor Edsall stated that he and Trustee Kane have met with representatives from Cornwall Yacht Club to discuss a possible lease modification that would give the Village some long term ability to make the chapel building accessible to the public. Together they are exploring options to change a portion of the lease. At their next meeting he will see if the yacht club has any objection to have the historic marker erected.

Trustee Kane stated that although the chapel is used as a storage building by the yacht club, it has been maintained. No changes have been made to the building. Mr. Kane further stated that after Mr. Bryan spoke with the Village Board and provided the park preservation booklet, he reviewed Village Board minutes and law for guidance. In addition analysis was conducted by the Attorney for the Village. This all took longer than expected.

Deputy Mayor Edsall apologized for not communicating with Mr. Schwarzler sooner. Going forward he will provide progress on the “global issue” but also on the request to erect a 4x4 post and historic marker.

Village Historian Colette Fulton stated that she has been working on this issue for a long time. John Stillman, a member of the Cornwall Yacht Club back in the 1980’s and former Village Attorney, asked Con Ed specifically to preserve the building because he knew it was historic. The chapel is on the State and National Historic Register and must be preserved.

Kris Seiz, owner of Storm King Adventure Tours (SKAT) read a letter in response to an article in the Cornwall Local that erroneously reported that her business was bringing more than 3 trailers of kayaks to the riverfront. In the seven years she has been in business, SKAT has obtained 3 trailer passes for her 3 trailers. Mountain Valley Guides obtained 5 trailer passes this year. Her business has always abided the rules set forth by the Village Board and is grateful for their ongoing support. SKAT is a vital and thriving business that supports other local businesses and has hired 11 local people this season. She is in support of safety controlling measures being proposed by Deputy Mayor Edsall to limit the number of trailers and kayaks at the waterfront.

MINUTES

Mayor Coyne made a motion to accept the July 15, 2013 Business Meeting Minutes, as written, which was seconded by Trustee Carnright and carried upon a vote of 3 Ayes, 0 Nays, and 1 Abstain (Kane).

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from NYC Department of Environmental Protection regarding a water conservation survey.

- Letter from Orange County Department of Finance announcing issuance of the annual finance report.
- Letter from Orange County Partnership requesting a meeting to discuss Village businesses.
- Letter from Ken Nelson regarding his concerns with West Street. Mayor Coyne has addressed Mr. Nelson's concerns with Building Inspector Maggio and DPW Superintendent Halvorsen.

TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$ 117,657.87
Town water & penalties	658,107.30

which included 4 final/adjustment for the Village and 7 for the Town.

Warrant #8 – Mayor Coyne made a motion to approve the August 2013 Warrant (#8) and authorize payments totaling \$257,590.82, which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported receipt of \$3,655,124.45 (54.95%) in anticipated revenues and \$2,393,405.39 (35.98%) in anticipated expenditures through the end of July.

Treasurer Mahoney also reported that \$2,271,951.11 has been collected in Village taxes through July 31st.

Treasurer Mahoney reported that she is in receipt of \$500 from Orange County for a 2013 grant awarded to the Village for the preservation of items of an historic nature.

Budget Transfer – Upon the recommendation of Treasurer Mahoney, Mayor Coyne made a motion to authorize a budget transfer of \$500.00 from General Fund Revenue – County Grants (A4389) to General Fund Expenditure – Beautification & Tree Service (A8510.4). The motion was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne reported that this grant money was used for beautification in front of Village Hall including placement of the horse water trough and hitching post once located at Cornwall Landing and recently given to the Village Historian. He thanked Village Historian Colette Fulton for her help.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 12 building permits were issued, 11 certificates of compliance/occupancy were issued, 15 onsite inspections performed, 2 violations, 1 stop work order, and 4 fire inspections were conducted. Inspector Maggio worked 80 hours in July.

Building Inspector Maggio reported that violations were issued to residents who put up 3' rubber pools without proper permits and fencing. Both residents removed the pools.

Fire Department – Deputy Mayor Edsall reported 1 brush fire, 2 automatic alarms/CO calls, 10 medical calls, 1 mutual aid call-to scene, 2 wires down, 1 person search, 7 work details, 3 fire prevention events, 1 parade, 4 fair events, and 6 in house drills for a total of 51 events and 1433.5 man hours.

In addition the department participated in Cornwall July 4th parade, took delivery of the recently purchased ladder Truck 413, conducted day-long training, and aerial training is on-going. It is expected that the truck will be placed in service on or about September 1st. In the meantime, Cornwall Fire Department will be covering.

It was further reported that the annual Fireman's Fair was held. Chief Vought thanked the Village Board, Village Police Department, Department of Public Works, Cornwall-on-Hudson Elementary School and the Village community for all their support.

Police Department Trustee Kane reported 5 criminal mischief, 3 petty larceny, 6 fraud, 6 misdemeanor arrests, 2 violation arrests, 1 warrant arrest, 8 traffic accidents, 12 traffic summons issued, 23 warnings issued, 7 parking summons issued, 5 fire response calls, 3 domestic incident calls, 16 alarm response calls, 5 noise complaints, 5 suspicious person calls, 1 suspicious activity call, 3 suspicious vehicle calls, 9 animal complaints, 7 assists to the Town of Cornwall Police Department, 8 EMS assist calls, 8 assists to other agencies, 2 welfare checks, and 2 citizen assists for a total of 314 total calls for service.

Trustee Kane further reported that the department continues to participate in the Orange County "STOP DWI" enforcement program. In addition, the department assisted with both traffic control and security at both the annual 4th of July parade/fireworks and the annual "Storm King Engine Fire Company Carnival/Fair".

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 on Park Street and at municipal lot, brush cutting/cleanup of municipal lot, assisted fire department with fair set up and cleanup, assisted Town of Cornwall with July 4th set up, sewer maintenance, and maintenance to Village owned vehicles. In addition the sewer jet has been repaired and back in service.

Trustee Carnright further reported that the department is planning to chip and seal Maple Road and Shore Road in August.

Water Department – Trustee Kane reported an average daily production of 1.218 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 60). A total of 192 utility mark-outs were done, 9 meters were repaired or replaced, 17 miscellaneous repairs were completed, and 6 final meter readings were done. In addition 14 pressure reducing valves were rebuilt and the department continues to track pressure problem in the Town, fire hydrant maintenance is continuing, water leak areas on Maple Street and Meadow Ave were blacktopped, and a damaged lawn on Maple Ave was repaired.

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

RESOLUTION TO ACCEPT GRANT FOR BANDSTAND CONCERTS

Mayor Coyne announced that the Village has been awarded a 2013-14 Orange County Arts Grant in the amount of \$2,000 for our bandstand concerts.

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

WHEREAS, the Village of Cornwall-on-Hudson provides its residents with many of the services traditionally provided by municipal governments, including cultural and recreational activities; and

WHEREAS, The Village sponsors weekly summer bandstand concerts which are free to the public; and

WHEREAS, the Orange County Tourism grant program is committed to foster art and culture in Orange County; 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 Mayor be authorized to accept the \$2,000 County of Orange Arts grant from Orange County Tourism for Bandstand Concerts; and

BE IT FURTHER RESOLVED, that the Mayor 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 Carnright and carried upon a vote of 4 Ayes and 0 Nays.

RESOLUTION TO APPROVE PINE STREET BLOCK PARTY – 9/7/13

Mayor Coyne made a motion to approve the request to hold a Pine Street block party on September 7, 2013 subject to their coordination with the Village police department which was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

OTHER BUSINESS

SUMMER RECREATION PROGRAM

Mayor Coyne reported that the program went well. Approximately 110 children attended. The director and assistant director did an excellent job, and Mayor Coyne will ask them to put the details of the program in writing. This will help keep things running smooth next year and we will know what to expect.

Deputy Mayor Edsall suggested that a “checklist” of counseling training be kept on file for future reference.

ECONOMIC DEVELOPMENT GRANTS – CONSOLIDATED FUNDING APPLICATION

Mayor Coyne reported that he has completed a comprehensive federal grant application and submitted it electronically. Originally Mr. Victor Cornelius was going to write the grant application, but Mayor Coyne handled it himself. The Village is seeking funds for “AmeriCorps” volunteer and marketing money to promote the riverfront. Many grants require the Village to put in “matching funds” and in the future, Mayor Coyne hopes to budget for that.

Trustee Kane stated that there are 18 consolidated funding grant categories and the Village only qualified for the 2 that the Mayor applied for.

FEDERAL GRANT APPLICATION – DISASTER RECOVERY INFRASTRUCTURE PROJECTS

Mayor Coyne reported that the Village “piggy backed” with the Town of Cornwall on an application for sewer plant repairs/upgrades. The money we are seeking will help with streets and other areas that are contingent upon what is done with the sewer plant.

KIRYAS JOEL’S PIPELINE/PROPOSED MOUNTAINVILLE WELL

Mayor Coyne reported that a judge gave a “go ahead” on the Kiryas Joel pipeline project. No date has been set for a public hearing on the proposed Mountainville well. The Village has joined many other municipalities in a request to the DEC to be heard at a future public hearing.

MOODNA CREEK WATERSHED INTERMUNICIPAL COUNCIL

Mayor Coyne reported that the Village recently joined this council and he attended the July 29th meeting. The organization’s mission is to clean up the Moodna and to prevent situations similar to Hurricane Irene that struck this area 2 years ago.

ETHICS LAW – ANNUAL DISCLOSURE STATEMENT

Mayor Coyne thanked the Village Clerk for distributing the annual disclosure statement.

RIVERFRONT PARK – KAYAK USE

Deputy Mayor Edsall reported that he is in receipt of a letter from a resident who is concerned about a potential dangerous situation resulting from the intensity of use at the riverfront by kayak businesses. The letter is similar to the Board’s concerns when permits were issued earlier this year. The Board discussed this issue at the work session and may consider an “additional control” which will restrict the number of kayaks allowed to prevent a dangerous situation. This item was tabled for additional discussion in Executive Session later this evening.

HAZARD MITIGATION PLAN

Deputy Mayor Edsall reported that a Hazard Mitigation Plan has been submitted to NYS Emergency Management Office (SEMO) for approval. This submittal is a joint venture with the Town of Cornwall

at a shared cost. The Plan classifies different types of hazards and emergencies that can occur, addresses them, performs pre-planning, and helps identify actions that can be taken in advance to limit damage. Having a Hazard Mitigation Plan that is approved by FEMA and SEMO will benefit the Village because it makes us eligible for grant money during disasters.

FYI

NEW YORK MILITARY ACADEMY (NYMA)

Mayor Coyne reported that he will meet with the NYMA new Board President on August 20, 2013.

CORNWALL CENTRAL SCHOOL DISTRICT

Mayor Coyne reported that he will meet with Neil Miller, the new School Superintendent, shortly.

NATIONAL HONOR SOCIETY CAR WASH

Mayor Coyne reported that the Cornwall Central National Honor Society will hold a car wash in the Village Hall parking lot on Saturday, August 24th.

VILLAGE YARD SALE

Mayor Coyne announced that the Village wide yard sale will take place on Saturday, October 19th.

RIVERFRONT WEDDING

Village Clerk Mahoney is in receipt of an application to reserve the gazebo and adjoining lawn area for a wedding ceremony on July 3, 2014 from a Village resident. The expected number of guests is 70 and 30 vehicles are anticipated. In accordance with the 2009 adopted fee schedule, Village Board approval is required for this type of request.

After some discussion, Deputy Mayor Edsall made a motion to approve the event subject to receipt of final details which are acceptable so as to not congest the riverfront and collection of the appropriate fee. The motion was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

PUBLIC COMMENT

Andrew Maroney of 4 Barr Avenue requested clarification as to ownership of the property that the chapel sits on.

Attorney for the Village McKay responded that the property was deeded to the Village by Con-Ed back in the 1980s. The Village then leased the property to Cornwall Yacht Club. That 25 year lease was renewed 2 years ago.

Trustee Kane stated that the lease is for a very small portion of land, approximately 40'x30'. The parcel contains the chapel with a small amount of land on either side and goes back to the river. It does not include the entire property that the Cornwall Yacht Club is on.

Kris Seiz submitted a photo of approximately 80 kayaks leaving the riverfront area at the same time for the Board to review. She is concerned that under current conditions, this is an “accident is waiting to happen”.

Water Superintendent June reported that he already completed the water conservation survey that was listed under Correspondence earlier this evening. In addition he has been in contact with a NYC DEP representative for several months now.

Margaret Flint of Weeks Avenue read in the Cornwall Local that the Village is seeking grant money to put up signs encouraging people to use the park. She enjoys a quiet park and does not like the idea of encouraging more people to visit it. She asked that if more people visit the park, will the police department check for stickers.

Sandy Faurot of Avenue A asked if this grant is approved, will the Village have to open the park to the general public. He does want to see the riverfront turned into a “Gully’s”.

Village Clerk Mahoney responded that there are grants which are only available to communities with “open” parks. The Village is limited on grant opportunities because when the park was deeded from Con Ed to the Village, a restriction was placed on the parcel requiring it be used for “passive recreation”. The Village cannot open the park to the general public.

LETTER OF RESIGNATION

Deputy Mayor Edsall made a motion to accept a letter of resignation submitted by Dante Giannetta, a seasonal employee with the Water Department which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

BOARD ACTIVITIES/COMMENTS

Deputy Mayor Edsall thanked the Water Department for their work on the pressure reducing valves (prv’s). He acknowledged that prv’s are a “pain in the neck” to deal with and keeping them working properly is a very important task.

Mayor Coyne stated that the “Hike and Bike” organizers are still looking for volunteers in order for the program to take place this Fall.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting into Executive Session at 7:50 PM with Attorney for the Village McKay, DPW Superintendent Halvorsen, and Water Superintendent June in order to get legal advice with respect to the medical information of a particular employee relating to the Family Medical Leave Act (FLMA), an employment issue involving a DPW employee, kayak permits, the ongoing water agreement with NYMA, CSEA/PBA negotiations, and correspondence received today from Alex Smith, Esq. The motion was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

The meeting was reconvened at 9:05 pm.

FAMILY MEDICAL LEAVE ACT REQUEST

On a motion by Deputy Mayor Edsall and seconded by Trustee Kane, the Board authorized Attorney for the Village McKay to prepare a letter to employee Matt Clancy regarding medical time off, based on the following determinations:

Mr. Clancy must use sick time, followed by other accrued leave then he will be eligible to use FMLA time.

Based on the specific conditions of his treatment schedule and location, the Board authorized use of benefit time in one-hour blocks.

Passed by vote 4-0

RIVERFRONT PARK – ANNUAL KAYAK PERMITS

On a motion by Mayor Coyne and seconded by Trustee Carnright, the Board voted to clarify the conditions of the Riverfront Kayak Annual Commercial Permits to include a restriction of a maximum of 36 kayaks per vendor total at the riverfront (in use or otherwise stored for use) at any one time. This restriction shall be effective on September 1, 2013. These permit clarifications are in response to a concern for public health, welfare and safety. Passed by a vote of 4-0.

On a motion by Deputy Mayor Edsall and seconded by Trustee Carnright, the Board adjourned the meeting at 9:08 pm. Passed 4-0.