

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

December 16, 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 (family emergency)

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, 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

INTRODUCTORY LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Village Board of the Village of Cornwall-on-Hudson as follows:

Section 1. Legislative Intent

While a cap on the property tax levy may provide “political appeal in its simplicity,” according to the New York Conference on Mayors’ Mayoral Task Force on Mandate and Property Tax Relief, a cap without specific exclusions - such as costs associated with health care, pensions, extraordinary capital expenditures and reductions in state aid - and relief from state mandates will result in destructive local budget deficits, decimated municipal work forces and a dangerous reduction in the essential services provided by local governments.

In order to provide essential municipal services, and truly achieve property tax relief, the state must first reform the cost drivers that lead to high property taxes in New York, particularly the many mandates on local governments pertaining to collective bargaining and managing workforce costs.

It is the intent of this local law to allow the Village of Cornwall-on-Hudson the flexibility to adopt a budget for the fiscal year commencing 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c if necessary to provide essential services. The law further provides the mechanism whereby if the state comptroller determines that the Village has exceeded the 2% tax levy cap, the Village is a position to allocate funds to pay the difference.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Cornwall-on-Hudson, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Proof of Notice, Affidavit of Posting and Publication having been furnished, a Public Hearing to Override the Tax Levy Limit was called to order at 7:02 PM on a motion by Deputy Mayor Edsall, seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Hearing no one speak for or against the introductory local law, 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 4 Ayes and 0 Nays.

Mayor Coyne stated that the Village Board may need to override the tax levy limit, which is 1.77% this year, in order to provide essential services. The Board was able to adopt a budget that stayed within the tax cap over the past two years but it is been very difficult.

Trustee Kane stated that the department heads did a good job in bringing “flat budget” requests to the Board. The Village Board will work hard to try to keep the levy under the tax cap.

Deputy Mayor Edsall stated it is important to have the tax cap override in place as a “safety measure” because once we send our budget numbers to Albany, the State Comptroller’s calculations could potentially put us over the 1.77% threshold.

Trustee Carnright stated that the Board does not take this tax cap lightly and he hopes they will not have to override it.

TAX LEVY CAP OVERRIDE - RESOLUTION OF ADOPTION

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

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Cornwall-on-Hudson on November 18, 2013 scheduling a public hearing to be held by said governing body on December 16, 2013 at 7:01 p.m. to hear all interested parties on a proposed local law entitled a “Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c”; and

WHEREAS, on November 18, 2013 the Village Board designated itself as the Lead Agency with respect to SEQR review of the foregoing proposed local law, classified the proposed action as an unlisted action under SEQR, and scheduled a public hearing with respect to the action, and

WHEREAS, the notice of said public hearing was duly advertised in the Cornwall Local the official newspaper of said Village according to the law; and

WHEREAS, said public hearing was held on December 16, 2013 at or about 7:01 p.m. at Village Hall, 325 Hudson Street, Cornwall-on-Hudson, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said to proposed local law or any part thereof; and

WHEREAS, the Board of Trustees of the Village of Cornwall-on-Hudson has reviewed the proposed local law, the short Environmental Assessment form prepared in connection therewith and the public comment provided at the aforesaid public hearings and after duly deliberations thereon;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon, that the adoption of the proposed local law is in the best interest of the residents of the Village and hereby adopts said local law #4 of 2013 entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c” a copy of which is attached hereto and made a part of this resolution; and

HEREBY directs the Village Clerk to enter said local law in the minutes of this meeting and in the local law book of the Village of Cornwall-on-Hudson and to give due notice of the adoption of said local law to the Secretary of State of New York.

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

MINUTES

Mayor Coyne made a motion to accept the November 18, 2013 Business Meeting Minutes as presented, which was seconded by Trustee Carnright and carried upon a vote of 3 Ayes, 0 Nays, and 1 Abstain (Edsall, who did not attend the 11/18/13 meeting).

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from NYS Hazard Mitigation Grant Program requesting additional information before our grant application is submitted to FEMA for review. This will be addressed later in tonight’s agenda.
- A letter from Morwood Oaks Management Associates, a company that specializes in tax compliance and recovery of tax revenues paid by telecommunication service providers and utility companies.

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute an agreement with Morwood Oaks Management Associates, LLC to perform an audit on behalf of the Village for a percentage of the recovery only (no additional fees to the Village) which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties	\$ 151,083.50
Town water & penalties	296,372.71

which included 6 final/adjustments for the Village and 3 for the Town.

Warrant #12 – Trustee Carnright made a motion to approve the December 2013 Warrant (#12) and authorize payments totaling \$611,306.21, which was seconded by Deputy Mayor Edsall and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported receipt of \$4,969,291.96 (74.71%) in anticipated revenues and \$4,852,466.26 (72.96%) in anticipated expenditures through the end of November.

Treasurer Mahoney reported that she attempted to get additional quotes for the equipment needed to upgrade the Village’s telephone and voice mail system which is no longer covered under our service agreement. She stated that IWATSU is the manufacturer and its equipment is only available through an authorized dealer. ITC is the local authorized dealer. Ms. Mahoney spoke with Keith Studt of ITC and asked him to revise his quote by removing the equipment associated with bundling the fire department into our system. That will save us approximately \$4,000.

After some discussion Deputy Mayor Edsall made a motion authorizing Mayor Coyne to sign an agreement with ITC, the sole source for equipment upgrades to the telephone and voice mail system, at a cost not to exceed \$6,803.91. The motion was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney further reported that she spoke with the Village’s bond counsel regarding a potential settlement of a worker compensation claim. She asked if it was possible to borrow the money needed to settle the claim. Ms. Mahoney was advised that money can only be borrowed if the settlement is “court ordered”.

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

WHEREAS, in accordance with the New York State Village Law § 5-508(3), the Village Board of the Village of Cornwall-on-Hudson wishes to set a time and place for a public hearing to obtain input and to consider the proposed budget for the Village's 2014 fiscal year;

NOW, THEREFORE, it is hereby

RESOLVED, that a Special Meeting be scheduled by the Village Board for the purpose of conducting a public hearing in order to receive public comment regarding the proposed Village Budget on January 13, 2014 at 7:01 pm at the Village Hall located at 325 Hudson Street, Cornwall-on-Hudson, New York, and any other business that may come before the Board; and it is further

RESOLVED, that the Village Clerk 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 Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 10 building permits were issued, 12 certificates of compliance/ were issued, 25 onsite inspections were performed, 1 violation was issued, 1 stop work order was issued, and 4 fire inspections were conducted. Inspector Maggio worked 80 hours in November.

Discussion followed regarding a proposal to increase fees and fines associated with the Building Department.

Fire Department – Deputy Mayor Edsall reported 1 automatic alarm/CO call, 8 medical calls, 2 motor vehicle accidents, 11 work details, and 5 in house drills/18 drills outside of firehouse for a total of 62 events and 457 man hours.

In addition the department assisted the Village with tree lights, prepared the fire house for the holidays, hosted the Lions' Club Race, sent T-413 to the County Training center to help with Firefighter I class, prepared for "Santa In the Village" on Saturday, December 21st, prepared for 2014 Officer Elections on December 4th, participated with Cornwall Fire Department in Firefighter Assist Search Team drill on November 19th and 23rd, and attended DPW Superintendent Halvorsen's father's wake on November 15th. In addition, it was reported that Fire Chief Vought will remain on medical leave for another 1-2 weeks.

Mayor Coyne made a motion to affirm the election of Robby Vought as Fire Chief, and Steven Calamari as Asst. Fire Chief effective January 1, 2014 which was seconded by Deputy Mayor Edsall and carried by a vote of 4 Ayes and 0 Nays.

Police Department Trustee Kane reported 1 burglary, 11 criminal mischief, 2 petty larceny, 1 fraud, 1 felony arrest, 2 misdemeanor arrests, 3 violation arrests, 1 warrant arrest, 4 traffic accidents, 29 traffic summons issued, 17 warnings issued, 3 parking summons issued, 1 fire response call, 1 domestic

incident call, 7 alarm response calls, 2 noise complaints, 2 suspicious person calls, 2 suspicious activity calls, 1 suspicious vehicle call, 4 animal complaints, 2 disorderly adults, 9 assists to the Town of Cornwall Police Department, 7 EMS assist calls, 3 assists to other agencies, 1 welfare check, and 6 citizen assists for a total of 303 total calls for service.

Trustee Kane further reported that department assisted with traffic and security at the annual 5K/10K “Harvest Run”, and participated in Orange County “STOP DWI” enforcement.

Mayor Coyne reported that the new traffic tickets have been ordered and delivery is expected in about one week.

Department of Public Works – Trustee Carnright reported fall cleanup of park and bandstand area, weekly yard waste collection, blacktop patching of roads, sweeping of streets, cleaning of storm drains, roadside leaf collection, lights on tree at bandstand, sewer line maintenance, and preparing Village vehicles for winter (plow installs, sanders). DPW Superintendent Halvorsen and 2 DPW employees responded to a report of sewer running into the home at 92 Boulevard on November 28th and found it to be the homeowner’s problem.

Trustee Carnright further reported that the 1994 International garbage truck is out of service as of November 25th for in-house repairs to the vehicle chassis.

After some discussion, Deputy Mayor Edsall made a motion authorizing DPW Superintendent to prepare specifications and Attorney for the Village McKay to prepare bid documents for a new sanitation truck. In addition, the motion authorizes the Mayor to set a bid date/time and the Village Clerk to advertise for bids. The motion was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

Water Department – Deputy Mayor Edsall reported an average daily production of 1.171 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 72). A total of 58 utility mark-outs were done, 1 meter was replaced, 11 miscellaneous repairs were completed, and 4 final meter readings were done. In addition, water services were replaced on Main Street and Tamara Lane due to leaks, 2 fire hydrants were rebuilt or repaired, servicing of pressure reduction valves (PRV’s) and float controls is ongoing, grass/brush cutting has been completed at all dams, and 8 trees were removed along spillways and embankments.

Water Superintendent June applied to the Orange County Water Authority (OCWA) for reimbursement toward our leak detection program and was awarded \$8,250.00 to complete the survey. Mr. June will issue a report of findings to the OCWA on or before March 1, 2014.

Water Superintendent June is waiting to hear back from New York Water/Wastewater Agency Response Network (NYWARN) regarding a mutual aid agreement.

Deputy Mayor Edsall made a motion authorizing Water Superintendent June to post an announcement of the open position for Water Maintenance Worker which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

RESOLUTIONS

EAGLE SCOUT PROJECT – ROE MEMORIAL PARK

Deputy Mayor Edsall made a motion to grant approval to an Eagle Scout project to improve Roe Memorial Park, under the oversight of the Mayor, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

OTHER BUSINESS

ETHICS BOARD MEETING – 12/3/2013

Attorney for the Village McKay reported that the Ethics Board held their first meeting on December 3rd and elected Peter Miller as Chairman. They plan to reconvene in January to continue the unfinished business left by the prior board.

JOINT HAZARD MITIGATION PLAN

Deputy Mayor Edsall reported that the required joint public meeting with the Town of Cornwall was held on December 12th. The revised plan will now be submitted by year end in order to be eligible for some “non-emergency” funding.

HAZARD MITIGATION GRANT

Mayor Coyne reported that additional information was requested by the NYS Division of Homeland Security and Emergency Services after reviewing our Hazard Mitigation Grant Program application. That information will be submitted later this week.

SEWER RENTS

Mayor Coyne reported that the Sewer budget is falling short on Operation and Maintenance (O&M) revenue. Currently sewer rents are billed at 85% of water consumption. He suggests the Board consider raising that percentage to 100% to help bridge that shortfall.

Deputy Mayor Edsall stated that the problem is on “both sides”. Not only is there a current shortfall on O&M but we will “definitely” have a more aggravated condition once capital improvements begin at the sewer plant. The Board has created a new capital improvement portion of sewer rents which is well on its way toward being put in place; however mandates imposed by NYS DEC is causing O&M costs to increase dramatically. After some discussion, this matter was tabled until later this evening.

KAYAK/BOAT STORAGE AT RIVERFRONT

Trustee Kane reported that he has attempted to set up a meeting with the Chief of Parks and Recreation Department at the Village of Irvington but so far a date has not been set.

UNION CONTRACT NEGOTIATIONS

This item was tabled for discussion in Executive Session later this evening.

TRUSTEE REPLACEMENT

Mayor Coyne reported that Trustee Peter Russell, who was recently elected Councilman for the Town of Cornwall, will be providing his letter of resignation from the Village Board shortly. Mr. Coyne stated that he considered several candidates and is happy to suggest that Kenneth Schmidt be appointed to the vacancy once Trustee Russell resigns. He encouraged the other board members to reach out to Mr. Schmidt.

Mayor Coyne stated that Trustee Russell is a “level headed” person and has been a tremendous “boon” to this Board. He assisted with negotiations regarding police matters, the recreation department, and other items as well. Mr. Coyne was pleased when Mr. Russell agreed to run. He was “one of the final pieces” in putting a strong Board together that is interested in the future not in the past. Since then a great deal of progress has been made. Mr. Russell has been a great asset and Mr. Coyne is sorry to see him leave the Board; however, he will now be a great asset to the Town and the Village. Mr. Coyne wished Mr. Russell well.

Deputy Mayor Edsall stated that Trustee Russell has been a “tremendous addition” to the Village Board. He has been “level headed and analytical”. In the short time Mr. Russell was on the Village Board, Mr. Edsall gained insight on how to handle some important issues. Mr. Russell will be missed and Mr. Edsall wishes him success in the Town.

Trustee Kane stated that Trustee Russell was a “solid individual” with good experience in getting things accomplished. He wished him the best of luck.

Trustee Carnright stated that he has known Trustee Russell for a long time and is a friend. He wished him well.

TIME WARNER CABLE – CONTRACT RENEWAL

Mayor Coyne reported that Attorney for the Village McKay is reviewing the draft franchise renewal agreement submitted by Time Warner Cable in order work toward getting the best deal for Village residents. Discussion followed.

UNION CONTRACT NEGOTIATIONS

This item was tabled for discussion in Executive Session later this evening.

FYI

TREE LIGHTING CEREMONY

Mayor Coyne reported that the annual tree lighting went well and had a good turnout. He thanked the Department of Public Works, Storm King Engine Co. #2, and Colette Fulton for their efforts.

FILMING IN VILLAGE NYU STUDENTS – 12/1/13 – 12/4/13

Mayor Coyne reported that the filming done by NYU students from December 1st – 4th went smoothly.

NEW YEARS EVE BALL DROP

Mayor Coyne announced that the New Years' Eve Ball Drop will take place with help from Storm King Engine Co. #2 and The Trestle Restaurant.

STORM KING MOUNTAIN BATTLE - SCENIC HUDSON

Mayor Coyne reported that a short video on the first 50 years and the next 50 years of Scenic Hudson will be shown at Storm King School on January 9, 2014.

BOARD ACTIVITIES/COMMENTS

Trustee Carnright wished everyone Happy Holidays.

Trustee Kane wished everyone a Merry Christmas, Happy Holidays, and a Happy New Year.

Deputy Mayor Edsall wished everyone a Merry Christmas and Happy Holidays. He also thanked the Village Board members and Village staff for a pleasant year. He has enjoyed working with people toward a "common goal" of what's best for the Village. It hasn't always been that way.

Mayor Coyne wished everyone a Merry Christmas, Happy Holidays, and a Happy New Year. He is pleased that this Village Board continues to move forward. There are some surprises along the way and the Board tries to deal with them as they come. Mr. Coyne thanked the Village Clerk and the department heads for their assistance with the proposed budget.

Having concluded the business set before them, Trustee Carnright made a motion to adjourn the meeting into Executive Session at 8:26 PM with Attorney for the Village McKay, DPW Superintendent Halvorsen, and Water Superintendent June in order to get legal advice with respect a potential disciplinary matter involving a DPW employee, a personnel issue involving a Water Department employee, an update on union contract negotiations, and contract issues regarding leases for Village properties. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne announced that Board may reconvene after Executive Session in order to take action.

The meeting was reconvened at 9:40 PM on a motion by Mayor Coyne which was seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

DEPARTMENT OF PUBLIC WORKS

On a motion by Mayor Coyne which was seconded by Trustee Kane, the Board adopted a motion to suspend a DPW employee effective immediately with the term of the suspension as indefinite. Further the Board authorized the office of the Attorney for the Village to prepare notification of the suspension, and prepare other related personnel documents as discussed during the Executive Session. The motion passed by a vote of 4 Ayes and 0 Nays.

PUBLIC HEARING – SEWER RENTS

On a motion by Mayor Coyne which was seconded by Trustee Kane, a Public Hearing will be scheduled for modifications to the Sewer Rates, setting such hearing for January 13, 2014 at 7:02 PM, or as soon thereafter as the matter may be heard. The motion passed by a vote of 4 Ayes and 0 Nays.

Having no further business to come before the Board, Deputy Mayor Edsall made a motion to adjourn the meeting at 9:45 PM which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.