

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

December 15, 2014

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 David Carnright
Trustee Kenneth A. Schmidt

Absent was: Trustee James P. Kane – Military Duty

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 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 2015 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 2015 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 7:01 PM on a motion by Mayor Coyne, 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 7:02 pm which was seconded by Trustee Schmidt 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 1.58% this year, in order to provide essential services. This will be the fourth year that the Village Board has sought to override the tax cap.

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 17, 2014 scheduling a public hearing to be held by said governing body on December 15, 2014 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 17, 2014 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 14, 2014 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 #2 of 2014 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 Carnright and carried upon a vote of 4 Ayes and 0 Nays.

MINUTES

Mayor Coyne made a motion to accept the November 17, 2014 Business Meeting Minutes as presented, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the December 8, 2014 Special Meeting Minutes as presented, which was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Orange County Community Development Office announcing that interest-free loans are available to county residents.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties \$ 184,682.10
Town water & penalties 282,067.90
which included 6 finals/adjustments for the Village and 5 for the Town.

Warrant #12 – Trustee Carnright made a motion to approve the December 2014 Warrants (#12) and authorize payments totaling \$860,480.88, which was seconded by Mayor Coyne and carried by a vote of 4 Ayes and 0 Nays.

The monthly revenue/expenditure report indicates receipt of \$5,191,637.24 (75.96%) in anticipated revenues and \$3,968,178.44 (58.06%) in anticipated expenditures through the end of November.

Village Treasurer Mahoney reported that Morwood Oaks Management Associates, LLC conducted an audit of local Gross Receipts Tax Returns filed by Verizon New York with the Village for the years 2008-2013 and found certain revenue items were previously omitted from their filed returns. As a result of the audit, Verizon has sent a reimbursement check in the amount of \$6,214.60, including penalty and interest. The Village’s agreement with Morwood Oaks calls for us to pay “50% of any amounts that are recovered” which will be \$3,107.30.

BUDGET AMENDMENT

Mayor Coyne made a motion to increase Revenue line A1130 (General Fund Utilities Gross Receipts) by \$3,107.30 which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to increase Expenditure line A1620.410 (General Fund Consultant) by \$3,107.30 which seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

REQUEST FOR PROPOSALS – DONAHUE MEMORIAL PARK RIVERFRONT GAZEBO ACCESSIBILITY

Clerk Mahoney reported that the Village sought out Requests for Proposals on the Donahue Memorial Park Riverfront Gazebo Accessibility project with a return date of December 8, 2014 at 2:00 PM. No proposals were received.

Mayor Coyne made a motion authorizing the Village Clerk to readvertise a Request for Proposals on the Donahue Memorial Park Riverfront Gazebo Accessibility project with a return date of January 21, 2015 at 2:00 PM which was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

Clerk Mahoney also reported that she recently attended a “Property Tax Freeze” workshop on December 10th in Fishkill where she learned that the Village’s Allowable Levy Growth Factor (tax cap) for 2015-2016 will be 1.58%. In 2014-2015 the tax cap was 1.70%. The “property tax freeze”, which was adopted as part of the 2014-2015 State Budget, is an optional two-year program that is intended to encourage the sharing of services among local governments and the implementation of efficiencies.

2015-2016 DRAFT BUDGET

Mayor Coyne provided the draft 2015-2016 budget to the Village Board for review. The draft budget calls for an increase of .4% in tax levy and approximately 1.75% increase in tax collection. Proposed salary increases for DPW and Water Department employees are included in this budget. Deputy Mayor Edsall had concerns regarding the percentage used to calculate salary increases. He stated that the

percentage appears to differ from line item to line item. Clerk Mahoney replied that the projected salaries in the Water Department are affected by the loss of two employees and the recent hiring of four employees. She will provide the Board a breakdown of the formula used to draft salaries on the proposed budget. Deputy Mayor Edsall then requested an explanation on why there are decreases in the general insurance, fire house mechanic, and sanitation expense lines. Mayor Coyne replied the decreases are the result of lower anticipated costs in those lines for the upcoming year. Discussion followed regarding budgeting for capital reserves and capital improvements in the Sewer Fund.

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 2015 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 12, 2015 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 Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

MONTHLY DEPARTMENT REPORTS - NOVEMBER

Building Department Trustee Carnright reported 3 building permits were issued, 6 certificates of compliance/occupancy were issued, 30 onsite inspections were performed, 2 violations were issued, and 8 fire inspections were conducted. Inspector Maggio worked 80 hours in November.

Fire Department – Deputy Mayor Edsall reported 5 automatic alarm/CO calls, 1 transformer fire, 1 motor vehicle accident, 6 medical calls, 1 public service call, 13 work details, a Lions' Club Race, 6 in-house and 3 outside drills for a total of 23 events and 298.5 man hours.

Deputy Mayor Edsall reported that the department responded to three storm-related calls during Thanksgiving, hosted the Lions' Club Race on November 9th, attended the Washingtonville Christmas Parade on December 6th and the Village Tree Lighting with Santa on December 7th, will participate in "Santa-in-the-Village" on December 20th and New Year's Eve Ball Drop on December 31st, conducted annual bailout classroom training on November 12th and actual bailout jumps on November 19th (which is required by NY State Law), and held Battalion 4 Chiefs' meeting on November 24th.

Deputy Mayor Edsall reported that this is the final monthly report from outgoing Storm King Engine Co. #2 Fire Chief Robby Vought and he thanked Mr. Vought for his hard work and countless hours spent on behalf of the Village. Mayor Coyne stated that he enjoyed working with Fire Chief Vought.

2015 LINE OFFICERS

Deputy Mayor Edsall reported that 2015 Storm King Engine Co. #2 elections were held on December 3rd. Firematic Officers will be: Chief – Jeff Armitage; Asst. Chief – Mike Trainor; Captain – Eric Chatfield; 1st Lieutenant – Charles Quinn; 2nd Lieutenant – Carlos Asencio. Company Officers will be: President – Nancy Bryan; Vice President – Steve Johnson; Financial Secretary – Kurt Hahn; Recording Secretary – Kerri Hogan; Property Custodian – Charles Tonneson; Treasurer – Tom O’Keefe. Trustees will be: Jimmy Pacenza, Joe Cruz, Brian Moynihan, Andrew Stambaugh, Andy Stathes, and Doug Vatter.

Deputy Mayor Edsall made a motion to approve the 2015 Storm King Engine Co. #2 Firematic Line Officers which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Police Department - Trustee Schmidt reported 3 criminal mischief, 1 identity theft, 6 petty larceny, 1 trespass, 1 assault, 1 felony arrest, 4 misdemeanor arrests, 1 violation arrest, 2 traffic accidents, 24 traffic summons issued, 33 warnings issued, 5 parking summons issued, 3 fire response calls, 2 domestic incidents, 8 alarm response calls, 3 noise complaints, 1 suspicious person call, 5 suspicious activity calls, 3 suspicious vehicle calls, 2 animal complaints, 2 disorderly adults, 1 disorderly juvenile, 7 assists to the Town of Cornwall Police Department, 5 EMS assist calls, 4 assists to other agency, 1 welfare check, and 4 citizen assists for a total of 299 total calls for service.

Trustee Schmidt reported that the department assisted with the Cornwall Lions’ Club annual “Harvest Run”, and participated in Orange County “STOP DWI” enforcement.

Department of Public Works – Trustee Carnright reported weekly yard waste collection, prepping plows for winter snow removal, black top patching, pumping of sidewalks on Hudson Street to level, roadside leaf collection, replaced electric feed line for street light on Braden Place, upgraded electric at bandstand, routine maintenance of Village vehicles, and removed trees on Duncan Avenue, Mountain Road, and Maple Road.

DPW Superintendent Halvorsen reported that the new garbage truck is now in service.

Mayor Coyne made a motion to declare the 1987 Mack Garbage Truck, VIN: 1M2K125COHM010385 surplus and authorize DPW Superintendent Halvorsen to offer the truck to other municipalities for fair market value and then authorize Village Clerk Mahoney to advertise for sale on GovDeals which was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

Water Department – Trustee Schmidt reported an average daily production of 904,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 30). A total of 86 utility mark-outs were done, 3 meters were replaced, 19 miscellaneous repairs were completed, and 8 final meter readings were done. The department repaired 2 fire hydrants, installed new 4” shutoff valves for Storm King School, repaired curb boxes at 10 Broadway and 215 Maple Road, started fire hydrant flushing, replaced culvert pipe at Maple Road tank, relocated gate at Maple Road tank, installed new fire hydrant markers, removed upper portion of Upper Chlorinator building, and repaired a leak on Alec Meadow feed into Upper Chlorinator building.

Mayor Coyne reported that two Water Department employees will attend school in Buffalo in May of 2015.

Mayor Coyne is in receipt of a letter from Judy Granata of 78 Holloran Road requesting relief of \$207.53 in penalty charges on past due water bills. Ms. Granata purchased her home in January 2013 and was unaware that she needed to notify the Village Water Department. The bills continued to be sent to the former owner and were never forwarded to her until recently.

Mayor Coyne made a motion to waive the \$207.53 in penalty charges on account #006013612 with Judy Granata of 78 Holloran Road which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

RESOLUTIONS

SET BID OPENING DATE – REMOTE CONTROLLED MOWER

Mayor Coyne made a motion to accept the bid documents and specifications for a Remote Controlled Mower with Single Purpose Trailer and authorized the Village Clerk to advertise for bids with flexibility to set a bid date and time dependent upon which budget the funds will be expended. The motion was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

GET YOUR GUTS IN GEAR RIDE

Mayor Coyne made a motion to approve the “Get Your Guts in Gear” Ride through the Village on June 13th and 14th, 2015 which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

OTHER BUSINESS

UNEMPLOYMENT HEARING

Mayor Coyne reported that the second session of a hearing regarding unemployment benefits for a former Village employee took place on December 3rd.

OIL TRAINS: RIVERKEEPER TO CONTINUE CHECKING RAILROAD TRACKS

Mayor Coyne reported that Riverkeeper will continue checking railroad tracks and beds along this side of the river.

CORNWALL YACHT CLUB

Mayor Coyne tabled this item for discussion later this evening.

CODE RED

Mayor Coyne reported that the Code Red notification system is almost ready to go into service. Training on using the system will take place shortly.

NEW YEAR’S EVE BALL DROP

Mayor Coyne reported that preparations are under way for the annual New Year's Eve Ball Drop. This year he hopes to have music to entertain the crowd. He thanked Storm King Engine Co. #2 for their help.

UNION CONTRACT NEGOTIATIONS

Mayor Coyne reported that the negotiation team is making progress on the CSEA contract. This will be discussed in Executive Session later this evening.

HAMLET GROVE

Mayor Coyne tabled this item for discussion in Executive Session later this evening.

FYI

TREE LIGHTING

Mayor Coyne reported that the annual tree lighting took place on December 7th. He thanked Colette Fulton for organizing the event, Storm King Engine Co. #2 for bringing Santa to the bandstand and hosting a reception after, and Mary and Pat Donahue for decorating the Bandstand.

BOARD ACTIVITIES/COMMENTS

Trustee Schmidt reported that he will be playing a small role on a program entitled "Crime to Remember" on the ID channel Tuesday night starting at 10:00 pm and encouraged everyone to watch. He wished everyone a Happy Hanukkah, Merry Christmas, and a Happy, healthy New Year.

Trustee Carnright thanked Fire Chief Robby Vought for his service to the community. He wished everyone Happy Holidays.

Deputy Mayor Edsall wished everyone a Merry Christmas and Happy Hanukkah. Trustee Kane is stationed in Afghanistan and Mr. Edsall prays that he and all our service men and women who are currently in harm's way will come home safe.

Mayor Coyne reported that he attended a benefit hosted by Storm King Engine CO. #2 for the family of Christian Martinisi, the boy who died earlier this year. It was an "amazing affair" and a good sum of money was raised to help build a playground in his memory. Mr. Coyne also attended a small holiday gathering of Village employees at Painters this past Friday. He wished everyone a Happy Christmas, Happy Hannakuh, and Happy New Year.

Mayor Coyne announced that he will seek a third term as Mayor in 2015. He is happy with the team we've had here for the past few years. Mr. Coyne is grateful for his fellow Trustees, the Village staff, Attorney for the Village Joseph McKay, Maser Consulting (Village Engineers), and Nugent & Haeussler (Village Auditors). He believes that things are getting done and, although there are still some challenges to take care of at the moment, we have managed to help Village residents continue to live in a wonderful community.

Deputy Mayor Edsall announced that he will seek his ninth term as Trustee in 2015. He would like to keep contributing his time to the Village. Mr. Edsall enjoys the nice working relationship he has with a “great group” of people and appreciates all the support he receives. The Department Heads are very helpful and do great job.

Trustee Carnright announced that he will seek a second term as Trustee in 2015. He is happy to run again and continue serve on a Board that puts the needs of the community first. Mr. Carnright stated that “a lot gets done behind the scenes” and he thanked Mayor Coyne, Deputy Mayor Edsall, Village Clerk Mahoney, all the Village departments, and Attorney for the Village McKay.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 8:08 PM with Attorney for the Village McKay, Village Clerk Mahoney, and DPW Superintendent Halvorsen, in order to discuss union contract negotiations, seek advice of counsel regarding: Cornwall Yacht Club, Hamlet Grove, Museum lease, Sciple Subdivision, the ZBA process, and DPW contract repairs. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.