

# VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 16, 2015

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, 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 COMMENT**

Anne Pavek – co-owner of the Hudson Street Café presented a letter to the Board, signed by Cornwall-on-Hudson Business owners, regarding difficulties they have experienced this winter because sidewalks and parking spaces were not cleared of snow in a timely manner. Areas have become icy and they are concerned that someone may fall and get injured. Ms. Pavek suggests alternate side of the street parking when there are storms so Village workers can keep the parking areas and sidewalks clear.

Lynn Peebles – owner of a business at 208 Hudson Street and Village resident, stated that we have a small business district and need to find a creative solution to this problem. She suggests that the Village ask Senator Larkin for assistance.

Mayor Coyne replied that he has met with Donna Hammond, of the Hudson Street Café, and explained that the Village is trying to come up with a solution to this problem. This has been one of the worst winters in years and a difficult time for our Department of Public Works because several employees have been out. Mr. Coyne added that the business district on Hudson Street/Route 218 is a state road and not maintained by the Village.

Deputy Mayor Edsall stated that the State Department of Transportation (DOT) is responsible for the roadway from “curb to curb”. The Village has no responsibility to that area; however, it goes “hand to hand” with removal of snow from sidewalks.

Trustee Carnright stated that he understands the problem businesses are experiencing. This has been a bad winter. The Village cannot close the roadway for snow removal without permission from the State DOT. He is confident that we will be able to come up with a plan for snow and ice removal from the business district going forward.

DPW Superintendent Halvorsen stated that this has been an “extraordinary winter for us” due to the number of winter storms from January 1<sup>st</sup> through March 2<sup>nd</sup>. Several of his employees have been out on workers comp injuries, illness, death in the family, etc. for extended periods and he has had to deal with many storms with only 3 workers.

## **MINUTES**

Deputy Mayor Edsall made a motion to accept the February 23, 2015 Business Meeting Minutes with corrections, 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 Cornell Cooperative Extension regarding agriculture benefits to Orange County.
- Letter from Catholic Daughters of the Americas announcing they will celebrate their 100<sup>th</sup> anniversary on June 14<sup>th</sup>.

## **TREASURER’S REPORT**

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

Village water, sewer, garbage & penalties	\$ 224,831.41
Town water & penalties	225,516.35

which included 0 final/adjustments for the Village and 2 for the Town.

Warrant #3 – Trustee Carnright made a motion to approve the March 2015 Warrant (#3) and authorize payments totaling \$300,484.54, which was seconded by Deputy Mayor Edsall and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported receipt of \$6,569,033.60 (96.11%) in anticipated revenues and \$6,371,299.39 (93.22%) in anticipated expenditures through the end of February.

## **BOARD DEPARTMENT REPORTS**

Building Department Trustee Carnright reported 3 building permits were issued, 2 certificates of compliance/were issued, 20 onsite inspections were performed, and 20 fire inspections were conducted. Inspector Maggio worked 80 hours in February.

Fire Department – Deputy Mayor Edsall reported 8 medical calls, 4 automatic alarms, 1 good intent call, 1 hazardous condition, 1 mutual aid given, 1 storm standby, 2 wake/funeral details, 3 meetings, 4 drills, 12 training classes, and 3 work details for a total of 40 events and 364.33 man hours.

Deputy Mayor Edsall further reported that hydro testing of S.C.B.A. bottles is ongoing, S.C.B.A Pak testing is complete, and 4 spare S.C.B.A Pak’s are being upgraded to new standards. In addition, the new low band radio in communication room is now in service, CPR/AED/First Aid training is complete, turn-out gear cleaning and inspection is ongoing, and repaired pagers have been returned and are available to the membership.

Deputy Mayor Edsall made a motion authorizing Storm King Engine Co. #2 to continue providing emergency services/medical calls in the Village of Cornwall-on-Hudson which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion authorizing Mercedes Benz/Fast Company to film a commercial at Storm King Engine Co. #2 on April 3<sup>rd</sup> subject to receipt of proper insurance certificates to be reviewed by the Attorney for the Village, review of the application by the police chief and building inspector, and a fee to be set by Mayor Coyne. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Police Department Trustee Schmidt reported 1 identity theft, 1 harassment, 8 misdemeanor arrests, 2 violation arrests, 2 warrant arrests, 2 traffic accidents, 23 traffic summons issued, 26 warnings issued, 4 parking summons issued, 5 fire response calls, 3 domestic incident calls, 9 alarm response calls, 1 suspicious activity call, 4 suspicious vehicle calls, 4 animal complaints, 4 assists to the Town of Cornwall Police Department, 10 EMS assist calls, 2 assists to other agencies, 2 welfare checks, and 3 citizen assists for a total of 285 total calls for service.

Trustee Schmidt further reported that P.O. Desjardines attended “NIK” Narcotic Identification Kit training which was held in New Windsor.

Department of Public Works – Trustee Carnright reported repairs to village vehicles, cold patching of potholes, plowing and sanding of roads, snow maintenance of sidewalks, snow removal in parking and business areas, sewer maintenance, Christmas tree pickup and clearing of storm drains for runoff.

Mayor Coyne reported that a sewer spill occurred last week while DPW Superintendent Halvorsen was on vacation. It was responded to in a timely manner by Working Foreman Wayne Yeoman. A report of the spill has been made with the NYS Department of Environmental Conservation (DEC). DPW Superintendent Halvorsen thanked Water Superintendent June for assisting with the DEC paperwork during his absence.

DPW Superintendent Halvorsen reported that a stone arch bridge located on Partridge Road is in need of an emergency repair.

Deputy Mayor Edsall made a motion to waive the requirement for competitive quotes and authorize Nannini & Callahan to make emergency repairs to “shore up” the stone arch wall of a bridge on Partridge Road at a cost not to exceed \$3,500.00 which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Water Department – Trustee Schmidt reported an average daily production of 974,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 46). A total of 36 utility mark-outs were done, 4 meters were replaced, 11 miscellaneous repairs were completed, and 1 final meter reading was done. In addition, the department completed installation of markers on fire hydrants, assisted with 2 repairs to fire service main at Scenic Technology on Shore Road, assisted with repairs to water main at NYMA, cleared snow from fire hydrants, roofs, Catskill Treatment Plant and Maple Road tank, assisted Department of Public Works with snow removal, and removed snow at water department properties.

Trustee Schmidt further reported that Water Superintendent June attended a meeting in Maybrook regarding solar power with Spear Point Energy, visited car dealerships looking to replace 2 vehicles, met with the engineer for the Village regarding repairs to Black Rock’s clear well, and will be attending New York Rural Water Association’s Annual Technical Conference.

#### LEASE TO PURCHASE – UTILITY TRUCK & UTILITY VAN

Upon the recommendation of Water Superintendent June, Mayor Coyne made a motion to authorize 4 year lease to purchase agreements with First Niagara Leasing, Inc. for a 2015 Chevy Silverado 1-Ton Utility Truck (\$50,049.95) and 2015 Chevy 1-Ton Utility Van (\$35,752.30) off the current county bid which was seconded by Trustee Carnright. These vehicles will replace the 2003 Dodge Dakota and 1998 Chevy Pick-up Truck. The motion was then carried upon a vote of 4 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to declare the 2003 Dodge Dakota (VIN #1GBJK34123E366279) and 1998 Chevy Pickup Truck (VIN # 1GCHK34FXWZ242344) surplus upon receipt of the replacement vehicles and authorize the Village Clerk to advertise them for sale which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Water Superintendent June is in receipt of engineering estimates for a Vulnerability Assessment and Emergency Action Plan, Black Rock Water Treatment Plant Clearwell improvements, and Pumps, Controls, Generator upgrades at Taylor Road Well Field. He would like to review these estimates with the Board at the April work session.

## RESOLUTIONS

### TAX CAP REFORM

Trustee Carnright introduced the following resolution and moved for its adoption.

**WHEREAS**, New York State is in the process of considering extending the Tax Cap Law; and

**WHEREAS**, as currently designed the tax cap makes it virtually impossible for the Village of Cornwall-on-Hudson to meet the law’s criteria due to mandated expenses such as the cost of pensions and health care that consumes most of the allowable cap, and should, therefore, be exempted from the tax cap law; and

**WHEREAS**, the present tax cap law severely restricts the Village Board from performing its fiduciary duties to its residents to effectively provide for: infrastructure improvements and repairs; road

maintenance (including snow removal); repair and renovation; capital projects and infrastructure improvements in utilities, transportation and communication, expenses derived from consent orders and smart growth initiatives, extraordinary expenses required to respond to public health emergencies, and should, therefore, be exempted from the tax cap law; and

**WHEREAS**, the Village Board further recommends an amendment to the tax cap formula to address disincentives to offer PILOTS, as well as an amendment to address disincentives to consolidate services.

**NOW, THEREFORE, BE IT RESOLVED**, that Governor Andrew Cuomo, members of the New York State Senate and members of the New York State Assembly consider the recommendations for reform of the Tax Cap law that are hereby put forth; and

**BE IT FURTHER RESOLVED** that we respectfully request that the New York State Senator William J. Larkin and Assemblyman James G. Skoufis advocate for the reforms hereby put forth.

The foregoing resolution was seconded by Deputy Mayor Edsall and carried upon a vote of 4 Ayes and 0 Nays.

#### RESOLUTION TO HOLD A PUBLIC HEARING ON MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)

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

**WHEREAS**, the Village Board wishes to set a time and place for a public hearing to consider the adoption of the Municipal Separate Storm Sewer Systems (MS4) audit.

**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 it is further –

**RESOLVED**, that the Village Board hereby classifies the action as an unlisted action under SEQRA; and it is further –

**RESOLVED**, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the audit of the Municipal Separate Storm Sewer Systems (MS4), and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on April 20, 2015 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 Clerk is hereby authorized and directed to cause said 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.

COVAC PICNIC – MAY 16, 2015

Deputy Mayor Edsall made a motion authorizing Cornwall Volunteer Ambulance Corp (COVAC) to hold a picnic at Donahue Memorial Park on May 16, 2015 and to waive the application fee since COVAC is a not-for-profit local emergency service, which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays. Mayor Coyne will ask COVAC to coordinate parking for the event.

## **OTHER BUSINESS**

### **ENERGY PRICE MANAGEMENT GROUP**

Mayor Coyne reported that a representative from Energy Price Management Group met with the Village Board at the March work session and presented a proposal for paying a fixed rate on our electricity bills. Mayor Coyne further reported that a representative from Energy Resources Corp. would like an opportunity to speak with the Board at the April work session.

Trustee Carnright reported that he reviewed the proposal at Central Hudson and was told it was a “good deal” as long as we could lock in for 30 months.

### **30-DAY ADVANCED NOTICE OF WINE & BEER LICENSE APPLICATION**

Mayor Coyne is in receipt of a 30-Day Advanced Notice of a wine and beer license application from 3 River Ave Corp. for a new restaurant to be called “Piattini”.

### **SNOW STORMS**

Mayor Coyne commended our DPW and Water Department employees for their efforts during an “extremely difficult year for snow and snow removal”. We hired seasonal employees this year and it worked out well. The DPW is now dealing with potholes.

### **ROUTE 9W OVER STORM KING MOUNTAIN – VARIABLE MESSAGE BOARDS**

Mayor Coyne attended a meeting on February 13<sup>th</sup> that was organized by Kurt Hahn, our Emergency Manager to discuss ways to make Route 9W safer to travel in the winter. Variable message boards are now available to help update motorists of changing road conditions.

### **UNION CONTRACT NEGOTIATIONS**

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

## **FYI**

### **VILLAGE ELECTION – MARCH 18, 2015**

Mayor Coyne announced that due to St. Patrick’s Day, this year Election Day in the Village will be Wednesday, March 18, 2015 from 12:00pm to 9:00pm.

## MAYOR'S ROUNDTABLE

Mayor Coyne attended a "Mayor's Roundtable", which was organized by the Orange County Citizens Foundation to discuss common difficulties and concerns, at the Hudson Street Café on February 25<sup>th</sup>.

## REGIONALISM VS LOCALISM: PRESENTATION ON CONSOLIDATION

Mayor Coyne reported that the Association of Town, Villages and Cities will host a presentation regarding the benefits and downsides of consolidation on April 20, 2015 at the Orange County Citizens Foundation headquarters in Sugarloaf.

## LECTURE ON LAC-MEGANTIC OIL TRAIN DISASTER

Mayor Coyne attended a lecture on the Lac-Megantic Oil Train Disaster at West Point on February 27<sup>th</sup>. The devastation was horrendous.

## BOARD ACTIVITIES/COMMENTS

Trustee Schmidt will be attending a bandstand committee meeting this week. He is looking forward to getting repairs done to the bandstand roof, kiosk, and flagpole now that the weather is improving. Invitations to the 30<sup>th</sup> anniversary celebration of the Bandstand will go out in May. Storm King Engine Co. #2 will host a small reception after the celebration.

Trustee Carnright encouraged residents to exercise their right to vote on Wednesday.

Deputy Mayor Edsall stated that our crews did the "best they could" and worked very hard, but the department was shorthanded. We were pummeled with winter storms this year and it created a cumulative problem for snow removal.

Mayor Coyne reported that the sole proposal received for "Riverfront Gazebo Accessibility" was higher than expected. He will request another extension in order to work on the proposal. In addition, Mr. Coyne hopes that people turn out to vote on Wednesday.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 8:10 PM with Attorney for the Village McKay in order to receive legal advice regarding a potential residency issue, status of union contract negotiations, an administrative personnel issue, status of litigation involving Aufferdou and Sweeney, NYMA's bankruptcy filing, and code enforcement status which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.