

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

July 20, 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 James P. Kane  
Trustee David Carnright  
Trustee Kenneth A. Schmidt

Also present were: Water Superintendent Robert June, DPW Superintendent David Halvorsen, Police Chief Steven Dixon, 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.

**MINUTES**

Mayor Coyne made a motion to accept the June 15, 2015 Business Meeting Minutes as prepared which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the June 23, 2015 Special Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the July 13, 2015 Special Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

**CORRESPONDENCE**

Mayor Coyne is in receipt of the following correspondence:

- Letter from Thomas DiNapoli, NYS Comptroller acknowledging that he received a copy of Mayor Coyne’s letter to Department of Transportation Secretary Anthony Foxx regarding vacant crude oil trains.

**TREASURER’S REPORT**

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

Village water, sewer, garbage & penalties \$ 280,051.69  
Town water & penalties 280,592.29  
which included 8 final/adjustments for the Village and 6 for the Town.

Warrant #7 – Trustee Carnright made a motion to approve the July 2015 Warrant (#7) and authorize payments totaling \$230,895.43, which was seconded by Deputy Mayor Edsall and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported receipt of \$3,859,248.61 (55.89%) in anticipated revenues and \$1,545,377.38 (22.38%) in anticipated expenditures through the end of June.

Ms. Mahoney further reported that \$2,466,838.38 has been collected in Village taxes through June 30<sup>th</sup>. The Sewer Capital Fund balance is \$137,654.47 (including interest) through June 30<sup>th</sup>.

## **BOARD DEPARTMENT REPORTS**

Building Department Trustee Carnright reported 12 building permits were issued, 9 certificates of compliance/were issued, 36 onsite inspections were performed, and 4 fire inspections were conducted. Inspector Maggio worked 80 hours in June.

Fire Department – Deputy Mayor Edsall reported 1 vehicle fire, 1 hazardous condition, 9 medical calls, 2 automatic alarms, 2 motor vehicle accidents, 2 good intent, 2 fire prevention details, 2 meetings, 8 drills, 6 E.M.T. classes, 4 work details, 2 fund raising details, and 1 public relations detail for a total of 42 events and 652.74 man hours.

Deputy Mayor Edsall further reported that hydro testing of S.C.B.A. cylinders is ongoing, a fire prevention class was taught to Camp Olmstead summer camp leaders during orientation as well as campers for the first session, installation of electric, water sprinkler pipe, and IT cable to outdoor sign and firefighter memorial was completed (mostly through volunteer labor, and donated supplies and equipment), completed litter clean-up of Shore Road prior to River-fest, began project to bring annual physicals (required by firefighters) into NFPA compliance, and Multiple Alarm Mutual Aid (MAMA's) plan is on hold while OC 911 upgrades the CAD system (it is hoped that the new CAD will go online sometime this fall). The annual Fireman's Fair will be held from July 22<sup>nd</sup> – 25<sup>th</sup>.

Mayor Coyne thanked the fire department for hosting a reception after Coach Glen McGinnis' funeral. The volunteers did a great job.

Police Department Trustee Kane reported 2 burglaries, 1 robbery, 1 attempted burglary, 1 criminal tampering, 2 petty larcenies, 1 harassment, 4 misdemeanor arrests, 1 warrant arrest, 2 traffic accidents, 42 traffic summons issued, 41 warnings issued, 15 parking summons issued, 6 fire response calls, 4 domestic incident calls, 8 alarm response calls, 3 noise complaints, 3 suspicious person calls, 5 suspicious activity calls, 7 suspicious vehicle calls, 5 animal complaints, 2 disorderly juvenile calls, 7 assists to the Town of Cornwall Police Department, 10 EMS assist calls, 2 assists to other agencies, and 1 citizen assist for a total of 356 total calls for service.

Trustee Kane further reported that P.O. Desjardines attended “Missing and Abducted Children-Investigative Practices” training held in Pomona, NY, P.O. Pena attended “Field Training Officer” training and certification held in New Windsor, NY, and the department officers assisted with the annual CCHS Senior Prom photographs traffic detail at Donahue Memorial Park, participated in Orange County “STOP DWI” vehicle and traffic enforcement, and participated in the NYS Governors Traffic Safety Committee (GTSC), “Police Traffic Services” vehicle and traffic enforcement grant.

## LIFE SAVING AWARD PRESENTATION

Police Chief Dixon reported that on May 14, 2015, P.O. Jill Nye responded to an emergency call in the Town of Cornwall for a male who was unresponsive and not breathing. Officer Nye performed Cardio Pulmonary Resuscitation (CPR) on the male subject until he was transported to St. Lukes/Cornwall Hospital Emergency Room where a pulse was detected. Subsequently the patient became responsive and was breathing normally on his own. Based upon P.O. Nye’s quick response and proper knowledge and application of CPR, she helped save this gentleman’s life.

Chief Dixon presented a Village of Cornwall-on-Hudson Police Department “Life Saving Award” certificate and citation bar which will be given to P.O. Jill Nye who was unable to attend tonight’s meeting.

Department of Public Works – Trustee Schmidt reported repairs to village vehicles, sweeping of village streets, sewer maintenance, weekly yard waste pick up, blacktop patching, building maintenance, preparation for River-fest, weekly mowing and trimming of Village properties, repairs to guardrail on Mountain Road, line striping of parking areas and crosswalks, and assisted the Police Department with road closures for July 4th.

DPW Superintendent Halvorsen reported that paving of the top portion of Mountain Road is tentatively scheduled for July 24<sup>th</sup>. In addition the handicap access project at the gazebo located in Donahue Memorial Park is almost complete. The sidewalk and ramp have been installed, the parking area will need to be blacktopped and the guardrail replaced to complete the project.

Water Department – Trustee Carnright reported an average daily production of 1,006,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 54). A total of 84 utility mark-outs were done, 8 meters were replaced, 22 miscellaneous repairs were completed, and 14 final meter readings were done. In addition, a fire hydrant was repaired on Mountain Rd, all water repair sites were blacktopped, hydrant maintenance was started, and brush was cut at all dams. Water Superintendent June will be away from July 22<sup>nd</sup> through August 2<sup>nd</sup> for vacation.

## RESOLUTIONS

### GENERAL ELECTRIC – PCB DREDGING OF HUDSON RIVER

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

**WHEREAS**, the Hudson River is an important resource for the Village of Cornwall-on-Hudson, the Hudson Valley, New York State and all of the United States; and

**WHEREAS**, General Electric generated huge amounts of PCB waste that was dumped into the Hudson River; and

**WHEREAS**, General Electric has cleaned up much of the contamination of the Hudson River; and

**WHEREAS**, General Electric intends to stop cleaning up the PCB contamination soon;

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Cornwall-on-Hudson does request that General Electric continue its clean-up; and

**BE IF FURTHER RESOLVED**, that the Board will forward its request to General Electric and the elected state officials representing the Village.

The foregoing resolution was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported that there will be candlelight vigils on this topic in Beacon and Newburgh on July 23<sup>rd</sup> at 7:30 pm.

#### REQUEST FOR RELIEF DUE TO WATER LEAK – 22 CORNWALL AVENUE

Mayor Coyne is in receipt of a letter from Kathleen Milich and Charles T. Milich who own a home at 22 Cornwall Avenue requesting relief on a high water bill they recently received. The rental home was vacant from May 1st to July 1<sup>st</sup> and a toilet leak was not detected during this time resulting in a high water bill.

After some discussion, Deputy Mayor Edsall made a motion authorizing the removal of \$413.21 in sewer charges associated with the water leak. This is consistent with past actions by the Village Board. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

#### FIRST NIAGARA LEASE AGREEMENT

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

**WHEREAS**, the Village of Cornwall-on-Hudson hereinafter referred to as “Lessee” is a political subdivision in New York State and is duly organized and existing pursuant to the Constitution and laws of the State; and

**WHEREAS**, pursuant to applicable law, the governing body of the Lessee (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee; and

**WHEREAS**, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements (“Equipment Leases”) in the principal amount not to exceed \$50,049.95 (“Principal Amount”) for the purpose of acquiring the property generally described below (“Property”) and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee;

Brief Description of Property:

One (1) Chevrolet Silverado 3500HD/ VIN: 1GB3KYC85FZ538337

WHEREAS, First Niagara Leasing, Inc. (“Lessor”) is expected to act as the Lessor under the Equipment Leases; and

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases (“Lease Purchase Proceeds”) for such expenditures and such expenditures are not expected to exceed the Principal Amount; and

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (“the “Project”) and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. The Village Mayor (an “Authorized Representative”) acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Leases and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 5 years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of 4 years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b) (3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law of Section 109-b of the General Municipal Law.

The foregoing resolution was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

## **OTHER BUSINESS**

### **SUMMER RECREATION PROGRAM**

Trustee Schmidt reported that the camp has gotten off to a “great start” with about 129 registered campers. So far campers have enjoyed arts and crafts, outdoor field games, special theme days, swimming in the Town pool, and taken their first trip to go bowling.

#### CONSOLIDATED FUNDING APPLICATION

Mayor Coyne announced that he will be submitting 3 grant applications to Consolidated Funding for mapping of our sewer system, riverfront work/kayak racks/automated payment machine for one day parking permits at Donahue Memorial Park, and revitalization of Hudson Street to accommodate more traffic and activity. The application deadline is July 31<sup>st</sup>.

#### COMPLETE STREETS: COUNTY PLANNING DEPARTMENT VISIT JULY 13, 2015

Mayor Coyne reported that he met with representatives from the Orange County Planning Department regarding funding for a “complete streets” study to help the Village gain more traffic and activity along Hudson Street on July 13<sup>th</sup>.

#### DAM COMPLIANCE: MASER PROPOSAL

Mayor Coyne reported that at the June Business Meeting, the Village Board voted to accept a revised proposal from Maser Consulting to provide engineering services for the Water Department. The proposal was to be revised to include lump sum figures for each task and indicate that Maser would try to obtain three quotes for subcontract services. Upon receipt of the revised proposal, Mayor Coyne was authorized to sign it.

Deputy Mayor Edsall will remind Andrew Fetherston to forward a revised proposal for signature.

#### PILGRIM PIPELINE

Mayor Coyne is in receipt of a letter from Kathi Ellick of Mountainville regarding the Pilgrim Pipeline proposal to transport oil through Mountainville. She is asking the Village Board to join the Cornwall Town Board by adopting a resolution opposing the pipeline in our community.

Trustee Kane has been gathering information regarding the proposal and preparing a draft resolution for the Village Board to review at the August work session. Discussion followed.

#### RIVERFRONT SIGN

Mayor Coyne announced that a sign welcoming people to Donahue Memorial Park was installed on July 13<sup>th</sup>. The sign was built by Leif Syvertsen and paid for through a grant. Discussion followed regarding replacement of guardrail at the park.

#### WATER INFRASTRUCTURE IMPROVEMENT ACT

Mayor Coyne reported that the deadline for submittal of grant proposals is September 4<sup>th</sup>.

#### COMMERCIAL KAYAK LAUNCH PERMITS

Trustee Kane reported that the Village Board passed a resolution back in 2013 restricting commercial kayak use and storage at the riverfront to a maximum of 36 kayaks and 3 trailers. Mr. Kane was at the riverfront yesterday and counted the number of kayaks for Storm King Adventure Tours and Mountain Valley Guides. He observed that Mountain Valley Guides had 41 kayaks. They are in violation of that resolution and Mr. Kane has prepared a letter putting them on notice. If Mountain Valley Guides is found to be in violation again, he recommends that the Village Board suspend their operating permit. Discussion followed.

#### **PARKING OF RECREATIONAL VEHICLE**

Mayor Coyne received a request from Debra Degraw of 15 Grandview Avenue to allow a 19' recreational vehicle to park in the Village municipal lot for 2 weeks from the end of July through first week in August. After some discussion, Mayor Coyne will suggest Ms. Degraw request permission from the Food Bank to park it there.

#### **UNION CONTRACT NEGOTIATIONS**

Mayor Coyne stated that we are “making progress” on a Memorandum of Agreement with the CSEA. There is one issue left to negotiate with the PBA. This issue will be discussed in Executive Session later this evening.

#### **FYI**

#### **PANEL DISCUSSION ON KIRYAS JOEL**

Mayor Coyne reported that he attended and spoke at a panel discussion regarding the proposed Kiryas Joel annexation on June 24<sup>th</sup> at SUNY Orange in Middletown.

#### **CONSTELLATION – BANNERMAN’S ISLAND**

Mayor Coyne reported that the “Constellation” light project on Bannerman’s Island started on June 28<sup>th</sup> and will continue for 2 years.

#### **COACH GLEN MCGINNIS**

Mayor Coyne reported that several hundred people came to pay their respects at the wake and funeral service for Coach Glen McGinnis on July 10<sup>th</sup> and 11<sup>th</sup> at St. Thomas of Canterbury Church requiring police support for traffic and parking. Storm King Engine Co. #2 hosted a reception after the funeral.

#### **HARRY HOULIS MEMORIAL SERVICE**

Mayor Coyne reported that a memorial service was held for Harry Houlis on July 11<sup>th</sup> at Donahue Memorial Park. The family plans to donate a stone bench at the river in his memory.

#### **FORGE HILL ROAD BRIDGE REOPENING**

Mayor Coyne reported that the bridge on Forge Hill Road reopened for traffic on July 2<sup>nd</sup>. It was heavily damaged by Hurricane Irene back in 2011.

## FIREMEN'S FAIR

Mayor Coyne announced that the annual Storm King Engine Co. #2 Firemen's Fair will take place behind Cornwall-on-Hudson Elementary School from July 22<sup>nd</sup> through 25<sup>th</sup>.

## CSX TRAINING

Mayor Coyne reported that Storm King Engine Co. #2 and other neighboring departments will participate in CSX training on September 15<sup>th</sup>.

## BOARD ACTIVITIES/COMMENTS

Trustee Schmidt congratulated P.O. Nye for her heroism and receiving a Life Saving Award. He offered his condolences to the McGinnis and Houlis families. Mr. Schmidt gave kudos to the July 4<sup>th</sup> committee for another successful July 4<sup>th</sup> celebration in our community.

Trustee Carnright offered his condolences to the McGinnis and Houlis families. He was out of town and unable to attend the funeral and memorial service. Mr. Carnright stated that Coach McGinnis was involved in the Summer Playground program for about 20 years. Mr. Houlis was a long time member of the July 4<sup>th</sup> committee.

Trustee Kane also offered his condolences to the families. Coach McGinnis was well known and a gentleman who be sorely missed. Mr. Kane also thanked Mayor Coyne and members of the July 4<sup>th</sup> committee for an outstanding day that included a parade, run and fireworks display.

Deputy Mayor Edsall offered his condolences. Coach McGinnis was a fixture in our community who affected a lot of people in a very positive way. Mr. Edsall congratulated P.O. Nye for her special effort and knowing what to do.

Mayor Coyne stated that Glen McGinnis was a coach for over 50 years. He was a great person who gave so much to our community and won't be replaced. Mr. Coyne also commended the actions of P.O. Nye.

Mr. Coyne reported that Green Light Galley will be showcasing the work of photojournalist Chet Gordon there from July 18<sup>th</sup> through September 13<sup>th</sup>.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 7:53 PM with Attorney for the Village McKay in order to receive legal advice regarding the status of PBA and CSEA union contract negotiations which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.