

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

September 10, 2015

The Special Meeting of the Board of Trustees was called to order at 5:33 P.M., at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Brendan G. Coyne
Trustee James P. Kane
Deputy Mayor Mark J. Edsall

Absent were: Trustee David Carnright (medical appointment)
Trustee Kenneth A. Schmidt (working on the primary)

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Attorney for the Village Joseph McKay, and Village Clerk Jeanne Mahoney.

Mayor Coyne read the Special Meeting Notice.

Trustee Kane made a motion to enter into Executive Session at 5:35 P.M. in order to discuss proposed litigation which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to reconvene the Special Meeting at 5:57 PM which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

KIRYAS JOEL ANNEXATION PETITIONS

Mayor Coyne reported that a group of eight (8) municipalities have been meeting regularly to discuss the Kiryas Joel (K.J.) annexation petitions. Now that Kiryas Joel and the Town of Monroe have both voted to accept the annexation petition, it is time to initiate litigation. It is important that residents of the Village of Cornwall-on-Hudson and Town of Cornwall realize that this Board is trying to protect our water supply. Maser Consulting, the Engineers for the Village, conducted a study and determined that the proposed K.J. well, which is to be located on the Woodbury/Cornwall border, will have a negative impact on our water supply. The Village and Town have a plan, originating back in 2002, to expand our water system to include the Mountainville area. This Village Board takes the spending of tax payer money very serious, and the amount of money suggested to initiate litigation is understandably a lot for this small community; however, the Board believes it is in the “best interest of our tax payers” of the town and village to pursue litigation. It is also important for the county, for the state, and even for the country. The idea of “religious community” “getting what it wants at times” must be resolved.

Deputy Mayor Edsall reported that back in 2002, the Town and Village worked together to identify a “Water District”, located in the Town of Cornwall, with a map plan and report. The purpose of that effort was to identify a service area that the town felt was likely to require water service in the near future. The Village Board has made a “significant investment” in its water resources, and tonight when we look at the amount of money needed to spend to protect those resources through litigation, it is a small percentage of the investment already made. When there is potential that our ability to move forward, as a result of our efforts back in 2002, and keep our resources in good condition for our residents is in jeopardy, the decision is “easy”. Mr. Edsall believes this justifies the money being spent in order to take action and overturn what may be a detriment to our water system.

Trustee Kane reported that Maser Consulting has indicated that the annexation of the two properties to K.J and the proposed well in Woodbury/Cornwall would have an “adverse impact” on the drawing of water from our wells located in Mountainville. In addition the report issued by the Town of Monroe’s Consultant, which reviewed the Final Generic Environmental Impact Statement (FGEIS) of K.J., concluded on three separate occasions that “it is clear that the FGEIS does not address additional water supply and sanitary sewer treatment demands that will be initiated by this annexation” over ten (10), twenty (20) and twenty five (25) year periods. The numbers used in the report were too low. It is in the best interest of the Village that we join with the other 4 Villages and 3 Towns to make sure that everything is done in an upfront and honest manner. Mr. Kane is not looking to waste tax payer money; however, this is very important and we must “get ahead of it” and prevent it from happening if possible.

Mayor Coyne further reported that in their “desires” to have the petitions granted, K.J. discussed the proposed well on the Woodbury/Cornwall border as being a secondary source of water while they continued to build their pipeline up to a connection with the New York City Aqueduct. Subsequently they changed it to a primary water source and that is very concerning. It is a “whole new ballgame”. Mr. Coyne has written to the DEC on behalf of the Town of Cornwall, Village of Woodbury, Town of Woodbury, and Village of Cornwall-on-Hudson requesting a new public hearing. It is “incredible” how much water will be taken from that well while/when they continue to work on the pipeline. The private wells in Mountainville are already subject to “drying up” and this could only make matters worse.

Trustee Kane further reported that the petition involves two (2) annexations. One is a 507 acre parcel and the other parcel is 164 acres. Several days ago, K.J. approved the proposal for annexation of both parcels. On Tuesday, the Town of Monroe approved annexation of only the 164 acre parcel; however it still impacts water on both parcels.

Deputy Mayor Edsall further reported that the FGEIS, adopted by the Village of Kiryas Joel who is also lead agency, pertains to the total annexation. Therefore if that findings statement is allowed to stand, it could be the basis of approval of the full annexation at a later time. The time is now to show concern on the findings.

Mayor Coyne reported that K.J. intends to continue to work on getting approval on annexation of the 507 acre parcel.

Attorney for the Village McKay stated that this Board has identified all the serious issues the Village of Cornwall-on-Hudson is facing. Since the Village of Kiryas Joel voted to approve both annexation petitions at 10:00 PM this past Sunday, we now have 30 days from then to challenge things associated with the annexation.

RESOLUTION AUTHORIZING THE VILLAGE OF CORNWALL-ON-HUDSON TO INITIATE AS WELL AS OTHERWISE PARTICIPATE IN LITIGATION

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

WHEREAS, the Village Board of Trustees (“Board”) of the Village of Cornwall-on-Hudson, New York (“Village”) has a right and responsibility to be certain all laws, rules and regulations are complied with involving matters impacting on Village residents; and

WHEREAS, the Village has previously been involved in review of the Annexation Petitions filed concerning property in the Town of Monroe, New York to be annexed to the Village of Kiryas Joel, New York (collectively the “Annexation Petition”); and

WHEREAS, the Village of Kiryas Joel, New York has recently voted to approve both of the Annexation Petitions; and

WHEREAS, the Town of Monroe has voted to deny the 507+/- acre annexation petition, and has vote to approve the 160 +/- annexation petition; and

WHEREAS, the potential development as a result of annexations are to be served by wells within the Town of Cornwall, which would likely negatively impact the Village’s existing wells and future capacity of the same. As such, the Village believes there is a direct impact to the Village of Cornwall-on-Hudson in addition to any other indirect impacts which may affect our Village and other communities; and

WHEREAS, the Village Board has been informed by its legal Counsel that critical environmental and other requirements were not complied with in that Annexation Petition process; and

WHEREAS, the Village Board desires to initiate as well as participate in any and all lawful challenges to that Annexation Petition,

NOW THEREFORE it is resolved by the Village Board as follows:

1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full herein.

2. The Village Mayor is authorized to execute a Retainer Agreement as recommended by the Attorneys for the Village to provide for the retention of Legal Counsel to file any and all necessary litigation to address any and all unlawful procedural or substantive aspects of the Annexation Petitions.
3. The Village Mayor is also authorized to execute an Inter-Municipal Agreement as recommended by the Attorneys for the Village to allow for the expeditious and economical aforesaid lawful challenges to be pursued.
4. The Village Board hereby authorizes the expenditure of \$25,000 for said litigation. The Village Board reserves all rights to make such additional expenditures from time to time for said litigation as appropriate.
5. This Resolution shall take place effective immediately.

The foregoing resolution was seconded by Deputy Mayor Edsall.

Mayor Coyne stated that there will likely be additional costs (i.e. our own legal counsel and engineering). The Village has already expended money to address the annexation in public hearings and have been reporting on that.

Trustee Kane reported that all 8 municipalities are agreeing to each spend \$25,000 so we are getting a “good bang for the buck”. It is money well spent.

Mayor Coyne reported that as of Wednesday, 6 of the 8 municipalities have already agreed to this resolution. Trustees Carnright and Schmidt have both acknowledged their support for this resolution.

Mayor Coyne then called a vote which resulted in 3 Ayes and 0 Nays. Motion was carried.

Having concluded the business set before them, Deputy Mayor Edsall moved to reconvene into Executive Session to discuss a potential disciplinary matter involving an employee of the Water Department at 6:15 PM which was seconded by Trustee Kane and carried by a vote of 3 Ayes and 0 Nays.

Mayor Coyne made a motion to reconvene the Special Meeting at 6:45 PM which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

COMMENCEMENT OF ADDITIONAL DISCIPLINARY CHARGES

Deputy Mayor Edsall made a motion to prefer additional disciplinary charge #02-2015 against the subject Water Department employee which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

Trustee Kane made a motion that the Water Department employee who is subject to current disciplinary charges be immediately suspended without pay until further notice from the Village Board. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

Having concluded the business set before them, Deputy Mayor Edsall moved to adjourn the Special Meeting at 6:48 PM which was seconded by Mayor Coyne and carried by a vote of 3 Ayes and 0 Nays.