

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

September 21, 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, 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

Peter Neuman of 9 Braden Place stated that he is here this evening to speak to the “non-contract” that the highway department has. It was his understanding that they were going to get the same contract as the police department. The contract is now not the same and, to the highway department, it makes a great deal of difference. Interest rates are expected to go up and for them not to get the same raise that the police department got, “just smacks of inequality and unfairness”. Mr. Neuman feels that the work that they do is not being appreciated. There is enough money in this budget for “new street signs and things like that”. The Board should be able to find the same amount of money for these people, who work so hard, give so much, and who do not get paid that much, as they did for the police department. It is only fair and right. He asks that when the Board continues negotiations, that they give them the same benefits as were given to the police department including no contribution to health insurance.

Michael Trainor of Elsie Circle (and Village of Cornwall-on-Hudson Water Department Working Leader) stated that the current CSEA contract expired March 1, 2010, and the members have not received a wage increase since March 1, 2009. Throughout the whole negotiations process, the only “parameter” requested was that “all employees be treated equally and fairly” with regard to health insurance and pay raises. When the Police Benevolent Association (PBA) reached a settlement with the Village, the CSEA was “forced” to request a copy of that settlement through the Freedom of Information Law (FOIL) to find out exactly what type of wage increase and health insurance package the police received. To their “dismay” it was much more favorable to them. CSEA members reviewed their concerns with the Board at last week’s work session. They would like to know “why is the work performed by the CSEA workers valued less than that of other employees”.

Mr. Trainor further stated that over the past 5 1/2 years several major storms occurred, causing “devastating effects on the Village and surrounding area”. During these historical events, CSEA employees were on the “front lines” spending days away from their families and their own homes to ensure that Village residents made it through with as “minimal impact as possible”. They had to perform these duties without a contract, lacking a proper base of operation, and from various Village locations, because the DPW facility was closed down for a 28 month period. These workers “didn’t think twice about it” because they are a dedicated group of employees that often put the needs of the Village before their own. CSEA members have upheld their “end of the bargain” by coming to work faithfully on a daily basis, dedicated to the Village residents and to the community. They now ask the Village Board to uphold their “promise” of treating CSEA employees fairly and equally throughout the collective bargaining process.

James Sebesta – Village Mechanic and CSEA president stated that during the negotiations process they were “promised something” and he brought that back to the membership. Over the past month, he feels the situation with Kiryas Joel has put the CSEA contract negotiations on the “back burner” and that is not right.

Nancy Bryan of Quaker Avenue stated that she is here to show support for the Village DPW and Water Department employees who have been working without a contract for 5 ½ years. Their last raise was 6 ½ years ago. They are dedicated employees who continue to get the “run-around” and “disrespected” by not having a fair and equitable contract settlement and are seemingly held to less regard than the PBA who settled their contract with alleged more favorable benefits. Village residents should know that over the past 5 ½ years, the DPW and Water Department employees have continued to provide them with the quality of service they expect and deserve all while being given the “run-around” by the Village Board. It is time for the disrespect of these dedicated workers to stop now. Settle the contract and give them fair and equitable wages and benefits.

Mayor Coyne stated that a contract was settled 3 months ago with CSEA except for a Memorandum of Agreement (MOA) which unfortunately they have not been able to finish because of problems that have come up. Mr. Coyne appreciates the recognition that this Village Board has re-opened the DPW facility for our workers; however, he takes exception to some of the remarks made this evening particularly with regard to Kiryas Joel (KJ) and our workers being given the “run-around”. There is no such thing as a “run-around”. Contract negotiations will be re-opened if that is what the employees want.

Deputy Mayor Edsall stated that he is disappointed in hearing the reference to “run-around” because he has spent as much time as anybody on these negotiations, working years to get a contract that was negotiated and fixed. The Village Board voted on June 23rd to approve a contract that was given to them in a form they had been told was fine. Mayor Coyne has signed that contract. Since then, the Board has been in a “holding pattern” waiting for the CSEA. Mr. Edsall does not want to try this in the press, and it is unfortunate that it is the direction this seems to be going. He is certainly willing to continue negotiations and doesn’t believe he was ever disrespectful to anyone. Mr. Edsall stated that in fact he pushed heavily to acknowledge the employee’s work during Hurricane Irene and its aftermath by declaring a day off. He is disturbed to now hear references to “run-around” and “disrespect” thrown back in his face. With regard to “equality”, Mr. Edsall recalls discussions about having one insurance package; however, he does not recall any time where having one identical contract was discussed. The PBA and CSEA are two different contracts, two different unions, with two different criteria, and one is controlled by different laws in the State of New York. Everyone needs to be treated fairly but there is no way that there can be one same contract. Mr. Edsall hopes this can move forward in a positive direction rather than the direction he seems to be hearing tonight.

Trustee Kane agrees with Mayor Coyne and Deputy Mayor Edsall with regard to Ms. Bryan’s comment about being given the “run-around”. He whole heartedly disagrees with that opinion. During the 3 year timeframe he was part of negotiations, a lot of time was spent on the healthcare issue. In the end, that issue was tabled. Each negotiation session was done in “good faith” and Mr. Kane feels both sides worked well together. He does not want this matter to be “played out in the press” because it will become a “he said – she said thing”. In the end all that will resonate is the words “run-around”. A contract was negotiated, and the Board agreed to it. Now the CSEA wants to go “back to the table” and that is fine. The idea is not to be “at odds” but rather to get to the negotiating table and get it done and over with. Although it has taken 5 ½ years, at the end of the day it has not been wasted time.

MINUTES

Mayor Coyne made a motion to accept the August 17, 2015 Business Meeting Minutes as amended which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, and 1 Abstain (Edsall who was absent).

Mayor Coyne made a motion to accept the August 25, 2015 Special Meeting Minutes as presented which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, and 1 Abstain (Kane who was on vacation).

Mayor Coyne made a motion to accept the September 10, 2015 Special Meeting Minutes as presented which was seconded by Trustee Kane and carried upon a vote of 3 Ayes, 0 Nays, and 2 Abstain (Carnright and Schmidt who were absent).

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from Kathy Ferraro thanking everyone involved with the project to provide handicap access and ramp to the gazebo at Donahue Memorial Park. She is now able to go there to “visit” with her late husband, Anthony Ferraro, a long-time Village Trustee and Deputy Mayor to whom the gazebo was dedicated.

TREASURER’S REPORT

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

Village water, sewer, garbage & penalties	\$ 362,165.78
Town water & penalties	353,863.97

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

Warrant #9 – Trustee Carnright made a motion to approve the September 2015 Warrant (#9) and authorize payments totaling \$359,492.02, which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported receipt of \$4,391,441.50 (63.60%) in anticipated revenues and \$2,834,200.95 (41.05%) in anticipated expenditures through the end of August.

Ms. Mahoney further reported that \$2,525,254.62 has been collected in Village taxes through August 31st. The Sewer Capital Fund balance is \$148,408.68 (including interest) through August 31st.

Clerk Mahoney, Deputy Clerk Dennett, and Deputy Treasurer Sebesta recently participated in a “webinar” with The Satellite.biz. This company will work with the Village, at no cost to us, to create a “gateway” through our website and provide a handheld card reader so we can begin to accept credit and debit card payments. Ms. Mahoney requested permission from the Village Board to move ahead with this. Hearing no objection she will contact other municipalities who use type of this system for referrals.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 11 building permits were issued, 10 certificates of compliance/were issued, 42 onsite inspections were performed, 1 violation was issued (211 Hudson Street – unregistered vehicle), and 4 fire inspections were conducted. Inspector Maggio worked 80 hours in August.

Mayor Coyne reported that at this morning’s department head meeting, Inspector Maggio discussed potential legal action involving two property maintenance issues that he would like to discuss with the Board in Executive Session later this evening

Fire Department – Deputy Mayor Edsall reported 1 structure fire, 3 motor vehicle accidents, 1 rubbish fire, 1 hazardous condition, 7 medical calls, 2 automatic alarms, 1 fire prevention detail, 4 meetings, 9 drills, 4 work details, and 1 public relations detail for a total of 34 events and 300.01 man hours.

Deputy Mayor Edsall further reported that the new Orange County 911 CAD system has been implemented, “CSX Operation Respond” training will be held at the fire station on September 15th, annual firefighter physicals are ongoing, the department continues to work on the 2016-2017 operating budget, and is planning for long/short range equipment replacement and costs,

The Quillin family will be making a monetary donation to Storm King Engine Co. #2 in memory of their late father, Robert Quillin. Mr. Quillin died in December 2012 at the age of 93 after 55 years of service to the fire company. At the time of his passing, Mr. Quillin was serving as the fire department mechanic. In his honor, this donation will be used to upgrade the mechanic’s room in the fire station.

Police Department Trustee Kane reported 1 harassment, 1 felony arrest, 10 misdemeanor arrests, 1 violation arrest, 2 warrant arrests, 7 traffic accidents, 75 traffic summons issued, 37 warnings issued, 31 parking summons issued, 4 fire response calls, 1 domestic incident call, 12 alarm response calls, 7 noise complaints, 1 suspicious person call, 1 suspicious activity call, 3 suspicious vehicle calls, 11 animal complaints, 5 assists to the Town of Cornwall Police Department, 6 EMS assist calls, 3 assists to other agencies, 1 welfare check, and 5 citizen assists for a total of 408 total calls for service.

Trustee Kane further reported that the department officers continued participating in Orange County “STOP DWI” enforcement, submitted a grant application to the National Rifle Association (NRA), and

was recently awarded \$2,489.85 grant award from the Bureau of Justice Vest Partnership Program for the 2015-2016 year toward the purchase of new bullet proof vests for our officers.

Department of Public Works – Trustee Schmidt reported weekly mowing and trimming of Village properties, weekly yard waste collection, blacktop patching of roads, sweeping of streets, roadside mowing, sewer main maintenance, catch basin repairs, new garbage and recycling cans put at Donahue Memorial Park, and ADA work at riverfront has been completed. Central Hudson is doing gas main replacement in 2 areas of the Village and as part of that work, the sidewalk on Academy Avenue will be replaced.

Trustee Schmidt further reported that the new truck is in service. We are now just waiting for Reed Systems to move the storage tank and install a new pump.

BULK PICK-UP – Mayor Coyne announced that the annual Fall Bulk Pick-Up Date will be the week of October 26th.

Water Department – Trustee Carnright reported an average daily production of 1,054,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 34). A total of 68 utility mark-outs were done, 10 meters were replaced, 18 miscellaneous repairs were completed, and 15 final meter readings were done. In addition, a water service leak was repaired at Walden Savings Bank, and water main breaks were repaired at Shore Road and on Firth Street (by adding a new operating valve), fire hydrant maintenance is continuing, property maintenance is continuing, cutting of the dams is continuing, and members of the department removed the liner from our clear well at Black Rock Treatment Plant.

RESOLUTIONS

RIVERFRONT GAZEBO ACCESSIBILITY – AUTHORIZE PAYMENT

Deputy Mayor Edsall made a motion authorizing payment of invoices/vouchers submitted by Nannini & Callahan for the handicap accessible walkway so they can be forwarded to the Orange County Office of Community Development for reimbursement. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

ADOPTION OF STORM WATER MANAGEMENT PLAN

After some discussion to finalize the plan drafted by Maser Consulting, the Engineers for the Village, Trustee Kane made a motion to adopt a Storm Water Management Plan for the Village of Cornwall-on-Hudson. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

RESOLUTION ADOPTING A STANDARD WORK DAY FOR APPOINTED/ELECTED OFFICIALS

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

WHEREAS, the New York State Comptroller requires that all local governments adopt a Standard Work Day and Reporting Resolution along with record-keeping requirements for monthly

credits for the New York State Employees' Retirement System for elected and appointed officials participating in the retirement system; and

WHEREAS, the New York State Comptroller further advises that Regulation 315.4 also requires that participating employers pass a Resolution for "all paid elected and appointed officials (and their deputies/assistants), who are members of the Retirement System" at the first meeting after 180 days of the start of any new or subsequent term of office;

WHEREAS, the Village Board wishes to comply with these state regulations;

NOW THEREFORE, LET IT BE HEREBY,

RESOLVED, that the Village Board of the Village of Cornwall-on-Hudson hereby establishes the standard work day for elected and appointed officials as shown on the attached form RS 2417-A, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

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

BUDGET TRANSFER – KIRYAS JOEL ANNEXATION LITIGATION

Mayor Coyne made a motion authorizing a budget transfer of \$15,000 from Water Fund Contingency line (W1990.4) to Water Fund Legal Expense line (W8310.410) and a budget transfer of \$10,000 from General Fund Contingency line (A1990.4) to General Fund Litigation Expense line (A1420.410). The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

WEDDING AT DONAHUE MEMORIAL PARK – OCTOBER 3, 2015

Mayor Coyne made a motion authorizing a wedding ceremony to take place in the gazebo at Donahue Memorial Park on Saturday, October 3rd, which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays. Mayor Coyne reported that he will officiate that wedding.

WALK/RUN FOR CANCER RESEARCH – OCTOBER 11, 2015

Mayor Coyne made a motion authorizing the Walk/Run for Cancer Research to take place on Sunday, October 11th which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

COMMERCIAL FILM SHOOT

Mayor Coyne reported that he has received an application for a Special Event Permit for a Lincoln Ford commercial to be filmed over Route 218 (Storm King Highway). The film company is seeking to use the "turn around" located at the Village boundary line for staging purposes.

Deputy Mayor Edsall made a motion authorizing the event with the fee to be based upon receipt of further information from the film company. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

OTHER BUSINESS

VILLAGE HALL – AIR CONDITIONING REPLACEMENT

Mayor Coyne reported that the air conditioning unit located on the Village Hall roof is over 35 years old and needs to be replaced.

Deputy Mayor Edsall made a motion authorizing Maser Consulting to review the current systems and prepare a design proposal-cost estimate to replace the air conditioning unit at the Village Hall which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

BLACK ROCK WATER TREATMENT PLANT – CLEARWELL REHABILITATION PROJECT

Deputy Mayor Edsall made a motion to accept the bid documents prepared by Maser Consulting for the Black Rock Water Treatment Plant Clearwell Rehabilitation Project which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Water Superintendent June reported that the project documents were provided to the Orange County Health Department for review and approval. He expects to receive that approval within the next two weeks.

Deputy Mayor Edsall made a motion authorizing the Village Clerk to advertise for receipt of bids on the Black Rock Water Treatment Plant Clearwell Rehabilitation Project at 11:00 A.M. on October 13, 2015. Any other information will be coordinated between the Water Superintendent, Mayor Coyne, and Village Clerk who are preauthorized to issue an addendum to extend the bid date if we do not hear back from the Orange County Health Department. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

NEW YORK MILITARY ACADEMY

Mayor Coyne reported that the New York Times ran a story today about the New York Military Academy (NYMA). He had written to the reporter of that article indicating that “it would be nice if Mr. Donald Trump would come to the aid of his high school alma mater before it closes”. For Mr. Trump it would be “mere Trump change”.

CENTRAL HUDSON LED STREET LAMPS

Mayor Coyne reported that Central Hudson is looking into providing LED street lights, at no cost to municipalities, to help save on energy costs. Trustee Carnright and DPW Superintendent Halvorsen are looking into this program for the Village.

DISCUSSION OF ISSUES INVOLVING A CURRENT EMPLOYEE

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

DISCUSSION OF ISSUES INVOLVING A FORMER EMPLOYEE

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

WATER INFRASTRUCTURE IMPROVEMENT ACT

Mayor Coyne reported that based on guideline requirements for funding under the Water Infrastructure Improvement Act, the Village is not eligible.

BLOCK PARTIES – PINE STREET AND DUNCAN AVENUE

Mayor Coyne reported that a Pine Street block party was held on September 12th and a Duncan Avenue block party was held on September 19th.

OCTOBER WORK SESSION

Mayor Coyne reminded the Board that the Village Board work session will take place on Monday, October 5th instead of October 12th.

VILLAGE-WIDE YARD SALE & APPLE TIME FAIR – OCTOBER 17, 2015

Mayor Coyne announced that the Village-wide yard sale and Apple Time Fair will take place on Saturday, October 17th.

VILLAGE BULK PICK-UP – WEEK OF OCTOBER 26th

Mayor Coyne announced that the Fall Bulk pick-up will take place the week of October 26th.

CSEA CONTRACT NEGOTIATIONS

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

FYI

BLACK ROCK RACES

Mayor Coyne reported that the “Black Rock Race” event was postponed on September 12th. A new date has not been provided.

CAR WASHES

Mayor Coyne reported that car washes were held on August 29th (Cornwall Central High School Swim Team), September 5th (Cornwall Central High School Cheerleading Team), and September 19th (Cornwall Sea Dragons) in the Village Hall parking lot.

SEWER CAPITAL FEES ON VACANT LAND

Deputy Mayor Edsall reported that he has been looking into this item in response to the letter received last month from Mr. & Mrs. Beal of Weeks Avenue regarding a sewer capital fee on their small adjoining vacant lot as well as their home. He has reviewed the provisions of Village Code section 172-53.2 entitled “New structures on lots small than minimum required area or dimension” with Building Inspector Maggio and will speak with Attorney for the Village McKay. It may benefit the Beals to merge the two lots, since they both appear to be non-conforming, in order to receive one bill.

TAYLOR ROAD WELLFIELDS – EFC LOAN APPLICATION

Mayor Coyne made a motion authorizing payment to Maser Consulting in an amount not to exceed \$8,000, in accordance with their September 14th Client Authorization Form proposal, to prepare documents on a future loan application through the NYS Environmental Facilities Corporation (EFC) including a draft budget for repairs to the Taylor Road Wellfields. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

PUBLIC COMMENT

James Sebesta stated that he and Michael Trainor took time to go through the Memorandum of Agreement which “apparently there was a problem with” in resolving the negotiated contract. They had spent approximately 5-6 hours on it, and completed ½ of the memorandum, when they received the PBA agreement through a FOIL request. Before going any further, they met with their co-workers to “see what they felt they wanted to do”. He feels that any delay came from both sides.

James Moore of Cornwall-on-Hudson and Sanitation employee stated that he has worked for the Village for 1 ½ years and that no one meant any disrespect in using the term “run-around”. Village employees are hard workers and many have to work 2-3 jobs just to make ends meet. He feels they should be rewarded for all that they do.

Deputy Mayor Edsall stated that there have been comments in both directions about the status of things. At the Special Meeting of June 23rd when Mayor Coyne was authorized to execute the CSEA agreement, the resolution acknowledged the “upfront and cooperative effort” the CSEA negotiating team had with the Board. He would like that to continue. There is no effort here to “stir the pot”. The bottom line is that the Village Board thought this was at an “end point” but the MOA was “problematic”. We just need to move forward with the same cooperative effort that both sides had up to that point.

BOARD ACTIVITIES/COMMENTS

Trustee Schmidt attended the Kenneth Kumpel 9/11 dedication ceremony. It was outstanding in every way and he expressed gratitude to everyone responsible for making this event so memorable. Mr. Schmidt then stated that he hopes we can all come together despite this little “bump in the road” to resolve the CSEA contract. He has been impressed with the integrity of all members of the Village Board and entire CSEA unit.

Trustee Carnright also attended the 9/11 ceremony and thought it was outstanding. The fire departments and everyone who spoke did a “great job”. The turnout was amazing. It was a tribute to Nancy Kumpel, her family, and all the people who worked behind the scenes. Although he hasn’t been on the Board very long, Mr. Carnright feels a settlement of the contract is close and we should all be able to get together to resolve the remaining issues. This has gone on way too long, and contracts should never be allowed to be out this far.

Trustee Kane gave “kudos” to the Town and Mary Anne O’Dell in regard to the 9/11 memorial for Ken Kumpel.

Deputy Mayor Edsall stated that his office was involved with the 9/11 memorial early on. His partner, Pat Hines prepared all the plans on behalf of the family and Mr. Edsall is glad it worked out so well. It was rewarding to see so many people there because it was the “right thing to do”.

Mayor Coyne stated that the memorial service was very impressive with the largest crowd in attendance since 9/11/2012. Ken Kumpel’s son Greg did a wonderful job speaking on behalf of his family. Mr. Coyne then reported that the CBS show “48 Hours” aired a segment entitled “Death on the Hudson” on September 12th which dealt with the kayak incident this past spring. Mr. Coyne will be attending the Orange County Partnership breakfast on October 1st. He further reported that he will be attending the Sands Ring Homestead dinner fundraiser on September 27th.

Mayor Coyne congratulated Joseph McKay, Attorney for the Village, who has been recognized as being among the “premier 100 trial attorneys in New York State”.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 8:00 PM with Attorney for the Village McKay in order to receive legal advice regarding issues concerning a current employee and a former employee claim, CSEA contract negotiations, KJ Annexation litigation, NYMA bankruptcy update, possible adoption of a drug policy, and correspondence received from the NYC Department of Environmental Conservation counsel’s office which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.