

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 19, 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 (arrived at 7:20 P.M.)  
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 Recording Secretary Roberta Hastey.

Absent was: Village Clerk Jeanne Mahoney (vacation)

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 September 21, 2015 Business Meeting Minutes as amended which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to table acceptance of the October 5, 2015 Special Meeting Minutes 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 American Cancer Fund for Children announcing that Childhood Cancer Awareness Week will be next month.
- Letter from Susan and Frank Ostrander thanking the Village for the prompt response to their request for repairs to the gutter along Grandview Avenue in front of their house. The Department of Public Works did a “great job”.

**TREASURER’S REPORT**

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

Village water, sewer, garbage & penalties	\$ 180,361.14
Town water & penalties	543,904.32

which included 6 final/adjustments for the Village and 8 for the Town.

Warrant #10 – Mayor Coyne made a motion to approve the October 2015 Warrant (#10) and authorize payments totaling \$229,926.41, which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

It was further reported that the Village is in receipt of \$4,716,258.36 (68.31%) in anticipated revenues and \$3,427,682.39 (49.64%) in anticipated expenditures through the end of September. In addition, \$2,525,254.62 has been collected in Village taxes through September 30<sup>th</sup> and the Sewer Capital Fund balance is \$158,002.52 (including interest) through September 30<sup>th</sup>.

## **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 September.

Fire Department – Deputy Mayor Edsall reported 1 structure fire, 1 high angle rescue, 1 motor vehicle accident, 1 hazardous condition, 2 medical calls, 3 automatic alarms, 1 meeting, 3 drills, 1 CSX railway training, 9 work details, 1 public relations detail, 1 parade (OCVFA), 1 9/11 memorial, and 1 fund raising event for a total of 27 events and 527.96 man hours.

Deputy Mayor Edsall further reported that Fire Prevention Week was October 4<sup>th</sup> through 10<sup>th</sup> with classes to be taught at Cornwall-on-Hudson Elementary School, Village Nursery School, and Storm King School. In addition, “CSX Operation Respond” training was held at the fire station on September 15<sup>th</sup>, with approximately 100 first responders in attendance, annual firefighter physicals are ongoing, and refurbishment of the fire department mechanics workshop is underway.

Mr. Edsall also reported that the department has implemented the first phase of a smart phone app for text messaging of alarms which provides navigation to the scene of the incident and allows for firefighters to report if they are responding to the station and their current location. Next year, the second phase will include apparatus mounted tablets that will provide pre-plan fire information as well as other property related information to first responders while they are on scene.

Correspondence from Fire Chief Jeff Armitage:

- Letter to Mayor Coyne regarding the Orange County Volunteer Firemen’s Association Annual Parade held in Highland Mills. He reported that Storm King Engine Co. #2 was awarded 1<sup>st</sup> place for their brush fire unit and 2<sup>nd</sup> place for their original fire apparatus at the parade. In addition, Storm King Auxiliary won best overall. Chief Armitage thanked Police Chief Dixon and the Village Police department for providing an officer to escort Highland Fire District to the scene of any incidents.

- Copy of letter to Highland Fire District Chief Peter Miller thanking him and his department for covering the Village for Storm King Engine Co #2 during the Orange County Volunteer Firemen's Association Parade.
- Letter to Deputy Mayor Edsall requesting approval for up to six firefighters to attend a "Crude by Rail" training course being offered by the Security and Emergency Response Training Center (SERTC) in Pueblo, Colorado next month. The cost of the training, including travel and lodging, is being paid by the Department of Homeland Security. Chief Armitage also requests that any firefighter attending this training who is also a Village employee, be allowed to attend with pay and without use of accrued leave. This request will be discussed with the Fire Chief.

Police Department Trustee Schmidt reported 1 petty larceny, 6 misdemeanors, 1 warrant arrest, 4 traffic accidents, 35 traffic summons issued, 25 warnings issued, 19 parking summons issued, 3 fire response calls, 2 domestic incident calls, 6 alarm response calls, 7 noise complaints, 1 suspicious person call, 1 suspicious activity call, 2 suspicious vehicle calls, 4 animal complaints, 3 disorderly adult calls, 13 assists to the Town of Cornwall Police Department, 8 EMS assist calls, 2 assists to other agencies, 3 welfare checks, and 5 citizen assists for a total of 340 total calls for service.

Trustee Schmidt further reported that the department officers continued participating in Orange County "STOP DWI" enforcement. In addition, Chief Dixon, P.O. Terwilliger, P.O. Pena, P.O. Nye, P.O. Frattarola, P.O. Armstrong, and P.O. Moran attended "CSX Emergency Training" held at Storm King Engine Co. #2.

Mayor Coyne reported that Chief Dixon is in the process of looking for candidates for a third full-time police officer.

Department of Public Works – Trustee Carnright 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 raised on Mountain Road to complete paving, fence and gate installation at DPW facility has started, work has begun to ready equipment for winter, trimming of trees on Hudson Street, and Fall Bulk Pick-Up will be the week of October 26<sup>th</sup>. DPW Superintendent Halvorsen will be attending NYCOM Public Works School in Cooperstown from October 25<sup>th</sup> through 29<sup>th</sup>. Working Leader Wayne Yeoman will be in charge while he is away.

Upon the recommendation of DPW Superintendent Halvorsen, Mayor Coyne made a motion to authorize the sale of a previously surplused 1996 Melrose Bobcat RBM (VIN #512219443) to John Speranza for \$500.00. It was noted that the Bobcat is not operational and can only be used for parts. The motion 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 1,031,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 32). A total of 148 utility mark-outs were done, 5 meters were replaced, 22 miscellaneous repairs were completed, and 11 final meter readings were done. In addition, a water service leak was repaired at Walden Savings Bank, fire hydrant maintenance is continuing, property maintenance is continuing, cutting of the dams is continuing, and members of the department completed removal of the liner from our clear well at Black Rock Treatment Plant. Water Superintendent June will be attending NYCOM Public Works School in Cooperstown from October 25<sup>th</sup> through October 28<sup>th</sup>.

Black Rock Clearwell Rehabilitation – Water Superintendent June reported that bid packages have been picked up by two interested contractors. The clearwell liner has been removed by Water Department personnel along with cloth material located below the original liner, as well as gravel and a french drain. Mr. June hopes to schedule installation of a new liner sometime in November.

Trustee Kane arrived at 7:20 PM.

## RESOLUTIONS

### ELECTION RESOLUTION

Mayor Coyne made a motion providing notice that public voting for the election of two Trustees, for terms of two years, will be held from noon to 9 p.m. on March 15, 2016, which was seconded by Deputy Mayor Edsall and carried by a vote of 5 Ayes and 0 Nays.

### ANNUAL SUPPLY BIDS

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM on November 9, 2015 for Water Treatment Chemicals, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:15 PM on November 9, 2015 for Water Meters, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:30 PM on November 9, 2015 for #2 Fuel Oil & "Off Road Diesel", which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:45 PM on November 9, 2015 Sludge Removal Services, which was seconded by Trustee Carnright, and carried upon a vote of 5 Ayes and 0 Nays.

### ORANGE COUNTY PROPERTY TAX EXEMPTION RESOLUTION

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

WHEREAS, the Village of Cornwall-on-Hudson is the owner of real property in the Town of Cornwall and Town of New Windsor, County of Orange, identified on the tax map as follows:

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56

	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND, WHEREAS, the above real property is devoted solely to public use and part of the Village owned water system as the sites for water wells, plant treatment, chlorinator and water shed; and

WHEREAS, the Real Property Tax Law, Section 406(3) provides the authority for each taxing district in which municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS, such exemption for the Village of Cornwall-on-Hudson water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Cornwall-on-Hudson which would enhance real property ownership, encourage industrial and commercial development and exemplify a spirit of intermunicipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Cornwall-on-Hudson on behalf of the Village of Cornwall-on-Hudson, its taxpayers, water system users and citizens hereby petition the County of Orange, Town of Cornwall, and Town of New Windsor to grant a whole exemption from State, County, and Town real property taxes commencing for calendar year 2017 for the parcels of real property identified above in the Town of Cornwall and Town of New Windsor.

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND IT IS FURTHER RESOLVED, that the Mayor and Village Attorney are authorized to attend such meeting of the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations in this petition by that body.

The foregoing resolution was seconded by Trustee Carnright, and upon a vote of 5 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 19, 2015.

#### WATER DEPARTMENT VACANCIES – AUTHORIZE ADVERTISEMENT

Deputy Mayor Edsall made a motion authorizing Water Superintendent June to post and advertise openings in the Water Department for a Water Maintenance Worker/Assistant Water Plant Operator and Laborer which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) CONSENT ORDER – MS4

Deputy Mayor Edsall made a motion to table this item for discussion in Executive Session later this evening which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## **OTHER BUSINESS**

### **HALLOWEEN HOUSE: STORM KING ENGINE**

Mayor Coyne announced that Storm King Engine Co. #2 will once again host the “Corn Estate” haunted house on October 17, 18, 24, 25 and 31. The Building Inspector conducted an inspection of the space in advance of the event.

### **HUDSON RIVER SNAPSHOT DAY**

Mayor Coyne announced that the Willow Avenue fourth graders will hold the annual “Hudson River Snapshot Day” at Donahue Memorial Park on Tuesday, October 20<sup>th</sup>.

### **LAND DONATION – STATUS**

Mayor Coyne announced that he has received a donation offer of a 1.3 acre parcel to the Village. Trustee Kane has offered to assist when the need arises to complete that transaction.

### **MOUNTAINVILLE WELL**

Mayor Coyne announced that the Village is considering filing an Article 78 petition against the DEC for the “dismal effort on their part to respond to the many questions that were made” in April of last year. The Village will be joining the Town of Cornwall, Town of Woodbury, and Village of Woodbury in this action. He tabled this item for further discussion in Executive Session later this evening.

### **HALLOWEEN CURFEW**

Mayor Coyne reported that issuance of a local emergency order on Halloween is under consideration.

### **COMMERCIAL FILM SHOOT**

Mayor Coyne reported that filming of a Lincoln Ford commercial over Route 218 (Storm King Highway) has been postponed.

## **FYI**

### **BULLYING AWARENESS MONTH & DOMESTIC VIOLENCE AWARENESS MONTH**

Mayor Coyne reported that October is “Bullying Awareness” month and “Domestic Violence Awareness” month.

### **WALK/RUN FOR CANCER RESEARCH – OCTOBER 11, 2015**

Mayor Coyne reported that the annual Walk/Run for Cancer Research took place on Sunday, October 11<sup>th</sup>. It was well attended.

#### CUB SCOUT PACK 6 – SCOUTING EVENT

Mayor Coyne reported that Cub Scout Pack 6 held a scouting event at Donahue Memorial Park on Tuesday, October 13<sup>th</sup>. The scouts used two of the new charcoal grills to complete an outdoor cooking requirement.

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

Mayor Coyne announced that the Village-wide yard sale, Apple Time Fair, and Bandstand Event all took place on Saturday, October 17<sup>th</sup>.

#### CAR WASH

Mayor Coyne reported that the October 18<sup>th</sup> car wash to benefit Cornwall Girls Soccer Club was postponed.

#### CORNWALL LIONS FALL HARVEST RACE

Mayor Coyne announced that the Cornwall Lions “Fall Harvest” race will take place on November 8<sup>th</sup>.

#### BOARD ACTIVITIES/COMMENTS

Trustee Schmidt stated that he will once again be an Election Table Inspector at the November election; however, in doing so there is no conflict with the Village Elections. He wished everyone a Happy Halloween.

Trustee Carnright congratulated our Storm King Engine Co. #2 volunteers for receiving awards at the Orange County Volunteer Firemen’s Association Parade. Mr. Carnright then expressed his disappointment in the DEC ruling. After all the hard work and after hearing all the people who spoke, “it is a shame that we were overlooked”.

Trustee Kane would like to hold an “open discussion” regarding the issue with parking and deliveries near Cumberland Farms on Saturday, October 31<sup>st</sup> from 10:00 AM – 12:00 PM in the Village Hall Board Room. Mr. Kane then stated that wires are hanging on at least 6 utility poles located on Hudson Street between Village Hall and Cumberland Farms. He will take photos of them and asked DPW Superintendent Halvorsen to reach out to Verizon and the cable companies to file a report. Mr. Kane is disappointed there will be no “Soupfest” this year at Storm King Engine Co. #2.

Deputy Mayor Edsall reported that a request for a zoning amendment was brought to the Board by Susan Glendenning to consider moving an existing zoning line that cuts through her property. The Board has previously met on site to review existing conditions. He and Trustee Kane recently met and reviewed some ideas. He requests that this item be discussed with counsel in Executive Session later this evening.

Mayor Coyne reported that the Kiryas Joel annexation litigation is ongoing. There will be further documentation forwarded by the attorneys. The involved municipalities continue to meet weekly to try to “hammer out” our best attempt to challenge the annexation.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting into Executive Session at 7:45 PM with Attorney for the Village McKay in order to receive legal advice regarding issues concerning the DEC MS4 consent order, the Mountainville well, potential litigation against the DEC, update on the Sweeney litigation, update on Bull Run Properties escrow, a proposal from Maser Consulting, Glendening zoning amendment request, CSEA negotiations, execution of the PBA contract, and personnel issues regarding two (2) Water Department employees which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 9:13 PM on a motion by Deputy Mayor Edsall which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

#### DEC CONSENT ORDER

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to sign the DEC consent order as reviewed by Attorney for the Village McKay which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

#### MASER PROPOSAL

With regard to the Maser Consulting proposal dated October 7, 2015, Deputy Mayor Edsall made a motion to approve the proposal on a not to exceed basis for all work tasks, with Task 1 to be reduced to the maximum extent possible via use of N.Y. Rural Water for accumulation of field GIS data in conjunction to GIS work being performed for the Water Department. Deputy Mayor Edsall will discuss this aspect with the Village Engineers. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

#### VACATION TIME REIMBURSEMENT

On a motion by Mayor Coyne and seconded by Trustee Kane, the Board authorized the buyout of 6 weeks’ vacation time from Water Superintendent June. Passed by a vote of 5-0.

On a motion by Deputy Mayor Edsall and seconded by Trustee Carnright, the Board adjourned the meeting at 9:27 pm. Passed 5-0.