

# VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

February 22, 2016

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: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Police Chief Steven Dixon, Attorney for the Village Joseph McKay, and Village Clerk Jeanne Mahoney.

Mayor Coyne asked for a Moment of Silence to honor 2 very important people from our community who died this past week. Tom O'Keefe was a long-time member and Treasurer of Storm King Engine Co. #2, and Mary Jane ("Chickie") Hahn, the wife of former Village Deputy Mayor/Trustee Charles ("Rudy") Hahn and mother of our Emergency Manager Kurt Hahn.

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**

Butch Cocks of 218 Hudson Street asked the Village Board to consider removing school signs along Hudson Street near St. Thomas Church since there is no longer a school there.

Trustee Schmidt stated that St. Thomas and St. Joseph religious education (CCD) classes still take place in the school and there is a large number of cars at the school on those days.

Mr. Cocks also asked the Village Board to consider removing one parking spot on Hudson Street at the Academy Avenue intersection to address a "blind-spot" when turning left onto Hudson Street from Academy Avenue. Further to convert 2 parking spots on Hudson Street at the Cherry Avenue intersection from 30 minute parking to 15 minute parking to help address a vision issue when entering Hudson Street from Cherry Avenue.

After some discussion, the Village Board agreed to consider these suggestions.

## **EXCEPTIONAL SERVICE AWARD PRESENTATION**

Police Chief Dixon reported that in 2015, P.O. Hal Desjardines affected approximately 53 arrests (most of which were self-initiated arrests), and issued approximately 273 vehicle and traffic summons. P.O. Desjardines has been a part-time officer with the Village of Cornwall-on-Hudson Police Department for 1 ½ years. This is a “tremendous accomplishment” for a part-time officer, and P.O. Desjardines is a major asset to both the residents of Cornwall-on-Hudson and its police department.

Chief Dixon then presented a Village of Cornwall-on-Hudson Police Department “Exceptional Service Award” certificate and citation bar to P.O. Hal Desjardines.

## **MINUTES**

Mayor Coyne made a motion to accept the January 25, 2016 Business Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## **CORRESPONDENCE**

Mayor Coyne reported that this month’s correspondence has been incorporated into tonight’s agenda.

## **TREASURER’S REPORT**

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

Village water, sewer, garbage & penalties	\$ 71,959.03
Town water & penalties	294,436.00

which included 3 final/adjustments for the Village and 1 for the Town.

Warrant #2 – Trustee Carnright made a motion to approve February 2016 Warrant #2 and authorize payment of \$136,948.60, which was seconded by Trustee Schmidt and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported that the Village is in receipt of \$6,135,212.25 (88.86%) in anticipated revenues and \$5,664,566.41 (82.04%) in anticipated expenditures through the end of January.

The Sewer Capital Fund balance is \$99,304.10 (including interest) through January 31<sup>st</sup>.

Treasurer Mahoney reported that payment of \$15,000 was received from Orange County Office of Community Development for the Donahue Memorial Park Riverfront Gazebo Accessibility grant.

Treasurer Mahoney requested that the Village Board review proposals from JP Morgan Chase Bank and Orange County Trust for “Remote Deposit” systems to handle Village deposits at the March work session.

Mayor Coyne is in receipt of a “Fiscal Stress Summary” from the NYS Comptroller’s Office based upon their review of our 2015 Annual Update Document (AUD). As of December 31, 2015, the Village is

once again classified as “No Designation” (which means we are not experiencing fiscal stress) with a score of 14.2%. In 2013 our score was 17.5%, and in 2014 our score was 17.5%.

Mayor Coyne thanked Deputy Mayor Edsall for his efforts over the years to reduce the Village’s debt. The Village is “on a good road” financially.

## **BOARD DEPARTMENT REPORTS**

Building Department Trustee Carnright reported 6 building permits were issued, 7 certificates of compliance/were issued, 21 onsite inspections were performed, 2 violations were issued at 378 Hudson Street/DB Mart, and 4 fire inspections were conducted. Inspector Maggio worked 80 hours in January.

Fire Department – Deputy Mayor Edsall reported 1 motor vehicle accident, 4 medical calls, 4 automatic alarms, 3 good intent calls, 1 public service call, 1 agency assist, 2 meetings, 6 drills, 1 firefighter survival class, 3 work details, and 1 public relations detail for a total of 28 events and 195.65 man hours.

Deputy Mayor Edsall further reported that the assistance to firefighters grant has been submitted in the amount of \$109,682. If awarded, the Village share will be \$5,218. In addition, the department has begun moving equipment and materials back into the refurbished mechanics room at the fire station, and meetings were held with CSX representatives to discuss Shore Road railroad crossings on January 18<sup>th</sup> and February 1<sup>st</sup>.

Mayor Coyne reported that he has written a letter of support for the assistance to firefighters grant.

Communication System Relocation Project The department is waiting for the attorney for the Village to complete his review of the lease agreement. This item was tabled for further discussion in Executive Session later this evening.

Police Department Trustee Kane reported 1 felony criminal mischief, 2 petty larcenies, 5 misdemeanor arrests, 1 violation arrest, 1 personal injury accident, 2 property damage accidents, 31 traffic summons issued, 45 warnings issued, 4 parking summons issued, 3 fire response calls, 4 domestic incident calls, 18 alarm response calls, 2 noise complaints, 1 suspicious person call, 4 suspicious vehicle calls, 5 suspicious activity calls, 2 animal complaints, 8 assists to the Town of Cornwall Police Department, 13 EMS assist calls, 1 assist to other agencies, 1 welfare check, and 6 assists to citizens for a total of 345 total calls for service.

Trustee Kane further reported that P.O. Guarneiri attended “Arresting Communication” training in West Nyack, and P.O. Terwilliger attended “Cell Phone Investigations” training in New Windsor.

## **ORANGE COUNTY STOP DWI AGREEMENT**

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

**WHEREAS**, the County of Orange has funds to be distributed to local law enforcement agencies for the purpose of conducting enforcement activities related to the STOP DWI program, and

**WHEREAS**, the Village of Cornwall on Hudson does wish to participate in said program,

**NOW, THEREFORE BE IT RESOLVED**, the Village Board of the Village of Cornwall-on-Hudson approves the receipt of said funds on behalf of the Village of Cornwall on Hudson Police Department from the County of Orange and authorizes Mayor Brendan G. Coyne, to execute all necessary contracts and documentation for the year 2016 in regard to available funds.

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

Department of Public Works – Trustee Schmidt reported cold patching of roads, sewer main maintenance, cleaning catch basins of dirt and debris, roadside trimming of trees, DPW yard cleanup to assist with writing of a storm water management plan for the facility, completion of GIS mapping by Maser Consulting along with dry weather inspections, updating street signs, cleaning leaves from ditch lines, repairs to sewer jet, service and repairs to Village owned vehicles, and treatment of roadways.

Trustee Schmidt further reported that on January 29<sup>th</sup> roadways were “pretreated” with a salt paste using our new truck and the results were “excellent”. The center of the roads remained clear until approximately 3” of snow fell and reduced the time for final cleanup.

#### LEASE TO PURCHASE – ONE-TON RAM 3500 PICKUP TRUCK

Upon the recommendation of DPW Superintendent Halvorsen, Mayor Coyne made a motion to authorize a 5-year lease to purchase agreement through Robert Green Auto & Truck for a 2016 Ram 3500 4X4 SRW Pickup Truck with plow and lift gate (\$53,226.00) off the Onondaga statewide bid which was seconded by Trustee Carnright. This vehicle will replace the 2003 Dodge Pickup Truck. The motion was then carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall stated that this is consistent with the Village’s intent to “progressively replace equipment” without borrowing money to do so. Mr. Edsall requested DPW Superintendent Halvorsen pursue an extended warranty for this vehicle.

Water Department – Trustee Carnright reported an average daily production of 957,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 27). A total of 30 utility mark-outs were done, 4 meters were replaced, 15 miscellaneous repairs were completed, and 4 final meter readings were done. Fire hydrants were serviced and hydrant markers were installed, a water main was repaired on Robert Road, a curb box was shut off at 315-317 Hudson Street, installation of the new security gate at Catskill Treatment Plant was completed, and rebuilding of all catch basins on Pecks Road was completed.

#### RESOLUTIONS

##### GIRLS ON THE RUN 5K RACE – JUNE 18, 2016

Mayor Coyne made a motion approving a request to hold the Girls on the Run 5K Race on Saturday, June 18, 2016 which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

##### APPROVAL OF 2016 KAYAK PERMITS

Discussion took place regarding increasing the commercial permit fee for annual use of a portion of the parking lot and riverfront landing at Donahue Memorial Park to launch kayaks. Currently Storm King Adventure Tours (SKAT) and Mountain Valley Guides launch a high volume of kayaks from the shoreline and the Board will not permit any additional commercial use. The Board also discussed controlling the number of kayaks going out by issuing a permanent “identifying” feature (i.e. decal) for each kayak in use.

Trustee Kane made a motion to approve 2016 commercial permits for SKAT and Mountain Valley Guides, subject to all conditions previously set by the Village Board, and subject to additional control measures, at a cost of \$1,250 each which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

#### APPROVE USE OF VILLAGE BANDSTAND – JUNE 26, 2016

Mayor Coyne made a motion approving a request from Main Street Music and Art Studio to hold a concert for its students at the Village Bandstand on Sunday, June 26, 2016 from 1pm-5pm. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### SET PUBLIC HEARING TO ORDER REPAIRS OF BUILDING AT 7 DERBY LANE

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

**WHEREAS**, unsafe buildings pose a threat to life and property in the Village of Cornwall-on-Hudson; and

**WHEREAS**, the Village Board is obligated to take action to provide for the health, safety and general welfare of persons and property in the Village of Cornwall-on-Hudson by requiring that unsafe buildings be repaired or demolished and removed; and

**WHEREAS**, the Village Building Inspector has made an inspection of the premises located at 7 Derby Lane and has reported in writing to the Village Board that for an extended period of time the building on the premises has had no water service, no electric service and no operating heating system; and

**WHEREAS**, the Building Inspector has determined that the condition of the building is unsafe and dangerous, and he has asked the Village Board to take action to have the premises repaired by the owner, or, if the building cannot be repaired, to have the same demolished; and

**WHEREAS**, the Village Board is empowered by Chapter 61 of the Village Code to order property owners to repair their unsafe buildings, or if any building cannot be properly repaired, to order its demolition; and

**WHEREAS**, after the review of the Building Inspector’s report and the documentation and photographs included therein, and after due deliberation thereon;

**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 action (the “project”) in accord with the 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 let it be further

**RESOLVED**, that the Village Board hereby classifies the action as a Type II action pursuant to SEQRA Part 617.5(c)(2), for which no further environmental review is required; and let it be further

**RESOLVED AND DETERMINED**, by the Village Board of the Village of Cornwall-on-Hudson that the building located at section 106, block 1, lot 19 within the Village of Cornwall-on-Hudson, also known as 7 Derby Lane, is dangerous and unsafe to the public; and

**IT IS HEREBY ORDERED**, that the owner of said property, Jaweed K. Chaudhary, shall make all necessary repairs to the premises to make the building safe; and it is further

**RESOLVED**, that a hearing be by held by the Village Board at 7:00 p.m. on March 21, 2016, at Village Hall 325 Hudson Street, to determine whether **THIS ORDER** to repair the building on the property of Jaweed K. Chaudhary at 7 Derby Lane should be affirmed or modified or vacated, and in the event of modification or affirmance, to assess all costs and expenses incurred by the Village of Cornwall-on-Hudson in the repair of the premises against the land on which said building is located; and it is further

**RESOLVED**, that a notice be served upon the property owner pursuant to Chapter 61 of the Village Code; and it is further

**RESOLVED**, that the Village Clerk is hereby authorized and directed to cause 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 5 Ayes and 0 Ayes.

#### 2016 - 2017 INSURANCE

Clerk Mahoney reported that the McKane Group has provided an insurance proposal from CNA Insurance. The premium will be \$157,728.00. Last year’s premium was \$155,304.00.

Trustee Carnright made a motion to accept the insurance proposal from CNA and National Casualty Company in an amount not to exceed \$157,728.00 which was seconded by Deputy Mayor Edsall and carried by a vote of 5 Ayes and 0 Nays.

#### FUEL OIL #2 AND “OFF-ROAD” DIESEL BID – FEBRUARY 5, 2016

Clerk Mahoney reported that a bid opening was held in the Village Office on February 5, 2016, and bids were received from Mirabito Energy Products, SOS Fuels, Wilson Oil, and Porco Energy Group.

Trustee Carnright made a motion to award the bid to Mirabito Energy Products, the apparent low bidder, in the amounts received February 5, 2016, which was seconded by Trustee Schmidt and carried by a vote of 5 Ayes and 0 Nays.

#### OTHER BUSINESS

## ORANGE COUNTY ROWING ASSOCIATION

Mayor Coyne reported that representatives from the Orange County Rowing Association made a presentation at the February work session requesting to relocate their club from the City of Newburgh to the Village. Mr. Coyne is unsure if the Village can accommodate their request, and will discuss this further with Chairman Austin DuBois.

## SHORE ROAD RAILROAD CROSSING

Mayor Coyne attended a meeting to discuss the Shore Road Railroad Crossing on February 1, 2016 along with representatives from CSX, NYS Department of Transportation, Federal Railroad Association, Senator Schumer's Office, Representative Maloney's Office, Assemblyman Skoufis' Office, Police Chief Dixon, SKEC #2 Fire Chief Armitage and DPW Superintendent Halvorsen. Mr. Coyne is pleased with the suggestions made by the NYS Department of Transportation including installing signage and painting the roadway to indicate you are approaching a railroad crossing, providing additional LED lighting, and making railroad gate improvements. Mr. Coyne appreciates Senator Schumer's efforts on this matter.

Deputy Mayor Edsall suggested that when the Village completes our safety improvements, a letter be sent to everyone indicating that "we have done our share" and put CSX on notice.

## WATER PROJECTS – TAYLOR ROAD WELLFIELDS AND CLEARWELL REHABILITATION

Mayor Coyne reported that Andrew Fetherston, the Engineer for the Village, attended the February 8<sup>th</sup> work session and provided the Board with an update on the Taylor Road Wellfield Improvement Project and Clearwell Rehabilitation Project.

Water Superintendent June reported that the Taylor Road Wellfield Improvement project is still on the engineers "drawing board". An engineer has visited the Clearwell Rehabilitation Project site to see the tank. Mr. June is waiting to hear if any revisions to design/bid documents will be needed.

## VILLAGE HISTORIAN

Mayor Coyne announced that Village Historian Colette Fulton has submitted a letter of resignation effective April 1, 2016. Mayor Coyne will accept the resignation with regret at the Reorganization Meeting. Mrs. Fulton was appointed in the 1970's by former Mayor Obremski and has been the Village's only Historian. The Board will acknowledge Mrs. Fulton efforts to collect and restore artifacts, photos and document at a future meeting. It has been a pleasure working with Mrs. Fulton.

## MEDICAL MARIJUANA

Mayor Coyne tabled this item for discussion in Closed Session with the Attorney for the Village later this evening.

## NON-UNION EMPLOYEE AGREEMENT – STATUS REPORT

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

## PROPOSED REVISIONS TO FEE SCHEDULE

Clerk Mahoney has drafted a revised fee schedule for the Village Board to review at the March work session.

## CODE VIOLATIONS – 7 DERBY LANE & 10 WASHINGTON STREET

Mayor Coyne tabled this item for discussion in Executive/Closed Session with the Attorney for the Village later this evening.

## TREE CUTTING

Mayor Coyne reported that the Village Board will study an issue involving tree cutting.

## RIVERFRONT PARCEL

Trustee Kane reported that J.T. Abstract conducted a title search on the property and it was “good”. Mr. Kane will prepare a deed and recording documents for legal review. He hopes to complete this transfer sometime next month.

Trustee Kane made a motion authorizing Mayor Coyne to sign the recording documents, subject to legal review, for the donation of the Diorio property located on Shore Road (103-1-13.2) to the Village. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

## FLAGPOLE AT DONAHUE MEMORIAL PARK

Mayor Coyne reported that the flagpole located at Donahue Memorial Park “snapped” during a recent wind storm and needs to be replaced.

## CENTRAL HUDSON MEETING – GAS MAIN REPLACEMENTS

Mayor Coyne attended a meeting on February 17<sup>th</sup> along with DPW Superintendent Halvorsen in which Central Hudson representatives outlined the upcoming gas main replacement project in the Avenue A, Homeland Avenue area. Approximately 18 affected residents also attended the meeting.

## ACTIVE SHOOTER RESPONSE TRAINING SEMINAR

Mayor Coyne reported that the Orange County Sheriff Special Operations Group is presenting a seminar entitled “Active Shooter Response Training for Businesses – How to Respond” at the Orange County Emergency Services Center in Goshen on Wednesday February 24 from 9:00 a.m. to 11:00 a.m. The seminar is being sponsored by the Orange County Chamber of Commerce, and co-hosted by County Executive Steve Neuhaus and Sheriff Carl DuBois. Water Superintendent June will be attending.

## **FYI**

## VILLAGE REGISTRATION DAY

Mayor Coyne announced that voter Registration Day will take place on Saturday, March 5<sup>th</sup> from 12:00 – 5:00 PM in the Village Hall Board Room.

#### VILLAGE ELECTION

Mayor Coyne announced that Village Election Day is Tuesday, March 15<sup>th</sup> from 12:00 – 9:00 PM. Voting will take place in the Village Hall Board Room.

#### PAINTERS TAVERN LTD – LIQUOR LICENSE RENEWAL

Mayor Coyne reported that the Village has received formal notice from Painters Tavern Ltd. of its intent to renew their liquor license.

#### REQUESTS FOR RELIEF OF SEWER CHARGES

Mayor Coyne is in receipt of a couple of requests for relief of sewer charges resulting from water leaks. He will discuss this matter with the Water Superintendent.

#### VILLAGE HALL AIR CONDITIONING UNIT

DPW Superintendent Halvorsen reported that the air conditioning unit for Village Hall “malfunctioned” this afternoon necessitating a fire department response. We will need to expedite its replacement.

#### BOARD ACTIVITIES/COMMENTS

Trustee Kane stated that he seeking reelection on March 15<sup>th</sup> to the office of Village Trustee.

Mr. Kane asked if Mayor Coyne had received a response from Cumberland Farms to the issue of trucks blocking the street when making deliveries to Cumberland Farms. Mayor Coyne has not yet received any response.

Trustee Schmidt expressed his condolences to the O’Keefe and Hahn families for their loss. Mr. Schmidt congratulated P.O. Desjardines on his excellent police work. He stated that it has been a pleasure working with Colette Fulton and wishes her well in her retirement. Mr. Schmidt will be attending an “ArtFest” meeting along with Mayor Coyne this week. He will be on vacation and will miss the March 21<sup>st</sup> Business Meeting.

Mr. Schmidt is also seeking reelection to the office of Village Trustee on March 15<sup>th</sup> and encouraged residents to vote.

Trustee Carnright offered his condolences to the O’Keefe and Hahn families. We lost 2 people who were community minded and had the “spirit of volunteerism”. Mr. Carnright wishes Colette Fulton well and thanked her for procuring a replacement.

Deputy Mayor Edsall stated that the Village has lost some wonderful people, including Jean Bryan, wife of former Storm King Engine Co. #2 Fire Chief Bart Bryan, who passed away earlier today.

Mayor Coyne offered his condolences to Carol O’Keefe and the Hahn family. The Village is fortunate to have people so engaged in our community. It is what makes us special.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the meeting into Executive Session at 8:13 PM with the Attorney for the Village to discuss status of pending disciplinary charges, potential language change to negotiate into the PBA agreement, and pending litigation at 7 Derby Lane. In Closed Session the Village Board will seek legal advice regarding the Village’s Drug Policy-Medical Marijuana, potential action with respect to 10 Washington Street, Fire Department Communication Tower Sub-Lease Agreement, an easement agreement, Glendening property developer’s agreement, and the Non-Union Employee Agreement. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 9:30 PM on a motion by Mayor Coyne which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### STORM KING ENGINE CO. #2 - COMMUNICATION SYSTEM RELOCATION PROJECT

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute appropriate documents to have fire company communications equipment relocated to Vails Gate Fire District tower on Snake Hill in New Windsor. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

On a motion by Deputy Mayor Edsall and seconded by Trustee Kane, the Board adjourned the meeting at 9:32 pm. Passed 5-0.