

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 21, 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

Absent were: Trustee David Carnright (vacation)  
Trustee Kenneth A. Schmidt (vacation)

Also present were: DPW Superintendent David Halvorsen, Water Superintendent Robert June, Code Enforcement Officer Ben Maggio, 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 HEARING – ORDER REPAIRS OF BUILDING AT 7 DERBY LANE**

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing to Order Repairs of building at 7 Derby Lane was called to order at 7:01 PM on a motion by Mayor Coyne, seconded by Trustee Kane, and carried by a vote of 3 Ayes and 0 Nays.

Mr. Chaudhary, owner of the property located at 7 Derby Lane, was not present.

Code Enforcement Officer Maggio stated that Mr. Chaudhary met with him earlier today and indicated that he would be here this evening. Mr. Chaudhary understands the severity of the issue, and requested that a friend of his be permitted to start making repairs to the building sometime in July.

Hearing no one further speak for or against an order to repair the building at 7 Derby Lane, Trustee Kane made a motion to temporarily close the public hearing at 7:03 pm until Mr. Chaudhary arrives which was seconded by Mayor Coyne and carried by a vote of 3 Ayes and 0 Nays.

**MINUTES**

Mayor Coyne made a motion to accept the February 22, 2016 Business Meeting Minutes as prepared which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the March 7, 2016 Special Meeting Minutes as prepared which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the March 14, 2016 Special Meeting Minutes as prepared which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

## **CORRESPONDENCE**

Mayor Coyne is in receipt of the following correspondence:

- Letter from United Way announcing an online database for disability resources.

## **TREASURER’S REPORT**

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

Village water, sewer, garbage & penalties	\$ 263,395.93
Town water & penalties	141,542.44

which included 1 final/adjustments for the Village and 6 for the Town.

Warrant #3 – Mayor Coyne made a motion to approve March 2016 Warrant #3 and authorize payment of \$343,147.60, which was seconded by Trustee Kane and carried by a vote of 3 Ayes and 0 Nays.

Treasurer Mahoney reported that the Village is in receipt of \$6,243,802.41 (90.43%) in anticipated revenues and \$6,410,274.17 (92.84%) in anticipated expenditures through the end of February.

The Sewer Capital Fund balance is \$116,408.08 (including interest) through February 29<sup>th</sup>.

Treasurer Mahoney presented the Village Board with proposals from Vector Security and American Alarm for replacement of panic buttons, installation of motion detectors with an alarm keypad, and installation of cameras. She asked the Board to review these proposals at the April work session.

Treasurer Mahoney presented the Village Board with proposals from Reliable Glass and Nu-Glass to replace 2 side doors at Village Hall. She asked the Board to review these proposals at the April work session.

## **REMOTE BANK DEPOSIT SYSTEM**

Mayor Coyne made a motion authorizing Treasurer Mahoney to obtain scanners and install software from JP Morgan Chase and Orange County Trust in order to make bank deposits remotely, based on both banking institutions waiving fees. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

## **VILLAGE HALL COPIER LEASE**

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to sign a 5 year lease agreement with Konica Minolta for a “Bizhub Color C454E eprinter/copier/scanner” with features discussed. The motion was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

## **BOARD DEPARTMENT REPORTS**

Building Department Mayor Coyne reported 5 building permits were issued, 5 certificates of compliance/were issued, 14 onsite inspections were performed, a violation was issued at 41 River Ave (drainage pipe), and 6 fire inspections were conducted. Inspector Maggio worked 80 hours in February.

Fire Department – Deputy Mayor Edsall reported 1 electrical fire, 4 mutual aid calls, 1 motor vehicle accident, 6 medical calls, 4 automatic alarms, 2 public service calls, 1 meeting, 7 drills, 2 work details, 1 wake (Tom O’Keefe-Life Member), and 1 fund raising detail for a total of 30 events and 328.83 man hours.

Deputy Mayor Edsall further reported that on February 27<sup>th</sup>, the department assisted Cornwall Fire Department in a joint mountain rescue incident in Storm King State Park off Mountain Road. In addition, grant recipients of the assistance to firefighters grant will begin to receive notifications this month, and the communication system relocation project should be completed this month. On April 27<sup>th</sup>, there will be a 4 hour CSX safety class for first responders at the firehouse, and the NYS Department of Environmental Conservation has issued a statewide ban on “open burning” from March 16<sup>th</sup> through May 14<sup>th</sup>.

The annual “Easter Breakfast” will take place at the firehouse on Sunday, March 27<sup>th</sup> from 7:00 AM – 12:00 PM.

Police Department Trustee Kane reported 1 fraud, 3 petty larcenies, 1 harassment, 6 misdemeanor arrests, 1 violation arrest, 1 property damage accident, 33 traffic summons issued, 69 warnings issued, 11 parking summons issued, 6 fire response calls, 5 domestic incident calls, 10 alarm response calls, 2 suspicious person calls, 1 suspicious vehicle call, 1 suspicious activity call, 8 animal complaints, 1 disorderly adult call, 5 assists to the Town of Cornwall Police Department, 11 EMS assist calls, 2 assists to other agencies, 5 welfare checks, and 2 assists to citizens for a total of 352 total calls for service.

Trustee Kane further reported that P.O.s Guarneiri and Desjardines attended “Criminal & Drug Interdiction Roadside Interview” training at Orange County E911 Center in Goshen.

Department of Public Works – Deputy Mayor Edsall reported cold patching of roads, sewer main maintenance, cleaning catch basins of dirt and debris, roadside trimming of trees, updating street signs, cleaning leaves from ditch lines, and service and repairs to Village owned vehicles.

Water Department – Trustee Kane reported an average daily production of 964,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 33). 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, a water main was repaired on Robert Road, assisted Department of Public Works with storm clean-up, and catch basins were cleaned on Pecks Road. Water Superintendent June will attend the New York Rural Water conference in Lake Place from May 15<sup>th</sup> through May 19<sup>th</sup>.

On February 29<sup>th</sup>, there was a water supply issue from our tap at the NYC Aqueduct. Water Department employees worked through the night to correct the problem. Water Superintendent June commended his entire staff who worked together behind the scenes to keep this “valuable commodity” flowing to our customers and community.

Deputy Mayor Edsall reported that our Water Department employees were able to avoid a loss of water and prevent a long term water outage. On behalf of the Village Board, Mayor Coyne also commended the Water Department and expressed appreciation for their efforts. Crews worked for 36 hours straight.

### **PUBLIC HEARING – ORDER REPAIRS OF BUILDING AT 7 DERBY LANE**

The public hearing was reopened at 7:20 PM on a motion introduced by Deputy Mayor Edsall, seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

Mr. Jaweed Chaudhary, owner of the property located at 7 Derby Lane, stated that his former tenant incurred large utility bills, and did not pay rent. The electricity was eventually turned off and the house had to be vacated. The tenant then lived in the backyard for a period of time. The property has been vacant since January, 2014. Mr. Chaudhary requests the Village Board vacate the Order and give him until this summer to clean-up the building.

Mayor Coyne stated that Mr. Chaudhary is a “charitable man”; however, the property is in “deplorable” condition. It is time for the Village Board to take care of this issue.

Trustee Kane stated that two (2) years have passed since the property was vacated and Mr. Chaudhary has taken no steps to rectify the situation with the former tenant and clean-up the property. Mr. Kane suggested that Mr. Chaudhary, as a landlord, should have taken private action to formally evict his tenant and put the items that were left behind in storage and then back charge the tenant.

Attorney for the Village McKay reported that the Order served upon Mr. Chaudhary compelled him to make the necessary repairs. According to Village Code, Mr. Chaudhary must commence repairs within seven (7) days. Based upon when the Order was served, the time to start is tomorrow and Mr. Chaudhary then has thirty (30) days to complete. The Board may either keep the public hearing open for 30 days and reserve decision until the next Village Board meeting, or make a determination tonight to affirm, modify, or vacate the Order. Code Enforcement Officer Maggio should provide Mr. Chaudhary with a schedule and list of repairs that are required.

Code Enforcement Officer Maggio stated that the contents inside the building must be removed, a new heating system needs to be installed, the electric is “tagged” and must be turned back on, the portable tent outside and debris must be removed, and the landscaping cleaned up.

Deputy Mayor Edsall appreciates the kindness Mr. Chaudhary has shown to his former tenant; however, the Village Board has a responsibility to the Village and the neighbors. There must be a balance between being kind to the tenant without creating an unacceptable condition for the neighbors. The Board has been waiting for 2 years for this issue to be resolved. Action must be taken. There needs to be a “substantial difference” in the condition of the property between this meeting and next month’s meeting.

Deputy Mayor Edsall made a motion to continue the Public Hearing at the April 18, 2016 Business Meeting. Mr. Chaudhary is required to clean the interior of the building, clean and repair the building exterior, clean-up the yard and landscaping within thirty (30) days, and provide the Village Board with written job estimates/and dates scheduled to complete electric and plumbing repairs at or before the April 18<sup>th</sup> Business Meeting. The motion was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

## RESOLUTIONS

### TAYLOR ROAD WELL FIELD IMPROVEMENT PROJECT – AUTHORIZE A GRANT APPLICATION TO THE NYS WATER INFRASTRUCTURE IMPROVEMENT ACT ROUND 2 AND A LOAN TO THE DOH/EFC DRINKING WATER STATE REVOLVING FUND

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

WHEREAS, the Village of Cornwall-on-Hudson intends to file an application with the New York State Department of Health/ Environmental Facilities Corporation for the Taylor Road Well Field Improvements Project and other water improvements; and,

WHEREAS, the project is identified as 18268 on the Intended Use Plan.

NOW, THEREFORE BE IT RESOLVED, that Mayor Brendan G. Coyne be authorized to act as the Authorized Representative to represent the Village of Cornwall-on-Hudson in all matters relating to the project undertaken pursuant to the above referenced NYS DOH/EFC grant and/or loan to be executed with the NYS DOH/EFC. The Authorized Representative may be contacted at Village of Cornwall-on-Hudson, 325 Hudson Street, Cornwall-on-Hudson, NY 12520; 845-534-4200.

The foregoing resolution was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

Mayor Coyne noted that the grant application is due by April 15<sup>th</sup>.

### BLACK ROCK WATER TREATMENT PLANT – CLEARWELL REHABILITATION PROJECT

Trustee Kane made a motion to accept the amended bid documents prepared by Maser Consulting for the Black Rock Water Treatment Plant Clearwell Rehabilitation Project and authorize the Village Clerk to advertise for receipt of bids at 2:00 P.M. on May 6, 2016. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

### SOLAR LIBERTY – INTER-MUNICIPAL AGREEMENT TOWN OF CORNWALL

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute an inter-municipal agreement with the Town of Cornwall to participate in the Solar Liberty lease agreement, subject to legal review of the documents, which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

### MELISSA FUND SUN RUN – MAY 14, 2016

Mayor Coyne made a motion authorizing the “Melissa Fund Sun Run” to take place on Saturday, May 14<sup>th</sup>, subject to legal review of the documents. The course route will once again go through portions of the Village and Town of Cornwall. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

#### HUDSON RIVER ARTFEST – JUNE 5, 2016

Mayor Coyne made a motion granting permission for a Hudson River “ArtFest” event to be held on June 5<sup>th</sup> from 12:00 pm – 4:00 pm at Donahue Memorial Park which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

#### BUDGET TRANSFER

Mayor Coyne made a motion authorizing a budget transfer of \$16,715.61 from A1990.4 (General Fund Expenditure – Contingency) to A5132.4 (General Fund Expenditure – Building Maintenance) to pay for the LED lighting improvements in Village owned buildings. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

Deputy Mayor Edsall noted the 2/3 of the costs for the LED lighting improvements were paid by Central Hudson.

#### **OTHER BUSINESS**

#### VILLAGE ELECTION – MARCH 15, 2016

Mayor Coyne congratulated Trustees Kane and Schmidt on being elected to another 2-year term as Village Trustees.

#### CENTRAL HUDSON GAS LINE REPLACEMENTS

Mayor Coyne reported that Central Hudson is replacing gas lines in the Homeland Avenue area. Crews are moving along well. The Village is allowing the contractors working on behalf of Central Hudson to use the DPW facility yard to store equipment and vehicles.

#### ORANGE COUNTY ROWING ASSOCIATION

Mayor Coyne reported that Scenic Technologies has agreed to accommodate Orange County Rowing Association. It is very good news; he thanked Scenic Technologies and wishes the Rowing Association good luck.

#### GLENDENING DEVELOPER’S AGREEMENT

Trustee Kane reported that Attorney for the Village McKay has reviewed and revised the proposed developer’s agreement. He hopes to send the agreement to Ms. Glendenning in “short order”.

#### ETHICS COMMITTEE RESIGNATION

Mayor Coyne is in receipt of a letter of resignation from Peter Miller, Chairman of the Ethics Committee. He will accept the resignation at the Reorganization Meeting next month and will begin to look for a replacement.

#### MS4 – STATUS REPORT

DPW Superintendent Halvorsen will meet with Andrew Fetherston of Maser Consulting later this week to prepare a draft MS4 report. A public hearing will need to be scheduled and the file report must be filed with the NYS Department of Environmental Conservation in June.

#### PROPOSED REVISIONS TO FEE SCHEDULE

Deputy Mayor Edsall will circulate some “mark-ups” to the proposed fee schedule so that it may be finalized in time to be included into the Reorganization Meeting agenda.

#### CODE VIOLATIONS – 10 WASHINGTON STREET

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

#### KIRYAS JOEL COALITION

Mayor Coyne attended a coalition meeting on March 8<sup>th</sup>. He was asked to draft a response to the Times Herald-Record editorial regarding Kiryas Joel growth and annexation. Mayor Coyne has prepared and circulated a response to the other members of the coalition and is awaiting feedback from legal counsel. The next meeting is scheduled for April 12<sup>th</sup>.

#### RIVERFRONT PARCEL

Trustee Kane reported that the title, deed and recording documents were sent to Attorney for the Village McKay for legal review. Discussion followed regarding an existing easement that allows a rail line to be on the property. A CSX rail line runs near the property but not on the property. A second easement allows overhead lines and poles to cross the property. Attorney for the Village McKay reported that the title is “clean”, and as long as the Board is aware of the information contained in the “Due Diligence” report and the easements, he has no objection to the property transfer.

Trustee Kane made a motion authorizing Mayor Coyne to execute the recording documents pertaining to the donation of the Diorio property located on Shore Road (103-1-13.2) to the Village of Cornwall-on-Hudson. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.

#### DRAFT COMPREHENSIVE PLAN

Mayor Coyne reported that Planning Board Chairman Jeff Small spoke with the Board at the March work session regarding the draft comprehensive plan. He asked the Board to revisit this issue. Mr. Small will meet with Mr. Coyne to try to reestablish a committee to “take up” the comprehensive plan that was drafted some years ago and hopefully get it finalized. Deputy Mayor Edsall suggested that the

committee consist of 5 members including a planning board member, zoning board member, and that it be included in the Reorganization Meeting appointments.

#### SUMMER RECREATION PROGRAM

Mayor Coyne and Trustee Schmidt met with Summer Recreation Director Jen Borland to review preliminary plans for this year's program. He anticipates that the fees will "slightly increase" this year and will have them ready for the April meeting. The program will begin after July 4<sup>th</sup> and will include Kindergarten through 7<sup>th</sup> graders.

#### FYI

#### ANNUAL ETHICS DISCLOSURE STATEMENT

Mayor Coyne announced that the annual ethics disclosure statements are due to the Village Clerk by March 31<sup>st</sup>.

#### VILLAGE REORGANIZATION MEETING

Mayor Coyne announced that Village Reorganization Meeting will be held on Monday, April 4<sup>th</sup> at 7:00 PM in the Village Hall Board Room.

#### CORNWALL LITTLE LEAGUE – OPENING DAY

Mayor Coyne reported that opening day for Cornwall Little League is Saturday, April 16<sup>th</sup>.

#### EARTH DAY CELEBRATION

Mayor Coyne announced that the Town of Cornwall has set April 24<sup>th</sup> as a tentative day for its Earth Day Celebration.

#### SPRING BULK PICKUP

Mayor Coyne announced that the Spring Bulk pickup in the Village will take place the week of April 25<sup>th</sup>.

#### PUBLIC COMMENT

Carol O'Keefe of 2 Payson Road asked for clarification of the proposed Glendening Developer's Agreement.

Deputy Mayor Edsall explained the Ms. Glendening has a "very unique collection" of museum pieces. She would like to section off a portion of her property and create a museum. The zoning use requires approval from the Village Board. The museum, as a legal entity, has already been created. The Board has visited and reviewed the extent of her collection, and it is "amazing". The Board is looking to make this a permanent part of the community. Mr. Edsall feels that residents will be amazed when/if a



museum opens to see what is there and that it will bring people here that will appreciate the patent model collection that she has.

Trustee Kane added that Ms. Glendening has already gone through the proper procedures by filing an application with the State to be recognized as a non-profit museum. That approval/recognition as a state landmark has been granted.

## **BOARD ACTIVITIES/COMMENTS**

Trustee 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 still not yet received any response and agreed to follow up with them.

Mr. Kane reported that there will be an observance for Medal of Honor recipients this Saturday, March 25<sup>th</sup> at 10:00 AM in front of Cornwall Town Hall.

Mr. Kane reported that at last month's meeting, Mr. Cocks asked the Village Board to look into reducing the 2 hour time limit allowed for 2 parking spaces located at the corner of Cherry Avenue and Hudson Street to 15 minutes. This would prevent trucks from parking there for extended periods of time that improve visibility of traffic entering Hudson Street from Cherry Avenue.

Deputy Mayor Edsall added that Mr. Cocks also asked the Board to eliminate the first parking space at intersection of Hudson Street and Academy Avenue across from 2 Alices Coffee Shop to improve visibility of traffic turning left onto Hudson Street from Academy Avenue.

Attorney for the Village McKay was asked to prepare a draft Local Law to address these parking issues.

After some discussion, Deputy Mayor Edsall made a motion authorizing a Public Hearing for Local Law #1 of 2016 to amend Village Code parking regulations for these locations at the April 18, 2016 Business Meeting which was seconded by Trustee Kane and carried upon a vote of 3 Ayes and 0 Nays.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting into a meeting to receive advice of counsel at 8:20 PM with the Attorney for the Village to discuss non-union employment agreements, and potential action with respect to 10 Washington Street. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes and 0 Nays.