

# VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

April 18, 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, Code Enforcement Officer Ben Maggio, Attorney for the Village Joseph McKay, and Village Clerk Jeanne Mahoney.

Mayor Coyne reported that 2 tragedies have occurred over the past couple of weeks. A serious assault took place in the Village on April 6<sup>th</sup> and a suicide occurred in the Village over the weekend. He asked for a Moment of Silence for the families.

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**

Dr. William Geiser of 20 Washington Street stated that he didn't receive the original tax bill last month and is now being charged a 5% penalty for late payment. He has lived in the Village for 38 years and always paid his bills on time. Dr. Geiser has also been involved with community service including many years serving on the Village Zoning Board. He is seeking relief of the penalty charge.

Bambi Becker of 32 Duncan Avenue stated that her handicapped son goes to the Village Elementary School on a daily basis. She spoke with the mayor approximately 2 years ago regarding the need for handicap access at the crosswalk between Storm King Engine Co. #2 and the Village Elementary School. The existing curb on the school side is approximately 6-8" high and her son has to crawl to cross over it which is unsafe. The school is currently considering modifying a ramp at the steps onto school grounds to accommodate her son.

After some discussion, Deputy Mayor Edsall agreed to look into this with Trustee Carnright and DPW Superintendent Halvorsen. It will require engineering assistance as well.

**PUBLIC HEARING - INTRODUCTORY LOCAL LAW #1 OF 2016 - AMENDING CHAPTER 155 OF THE VILLAGE CODE OF THE VILLAGE OF CORNWALL-ON-HUDSON, ESTABLISHING A NO PARKING AREA FOR CERTAIN LENGTHS OF HUDSON STREET WEST OF ACADEMY AVENUE AND A TIME LIMIT PARKING AREA FOR CERTAIN LENGTHS OF HUDSON STREET WEST OF CHERRY AVENUE**

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on Amending Chapter 155 of the Village Code of the Village of Cornwall-on-Hudson, establishing a no parking area for certain lengths of Hudson Street west of Academy Avenue and a time limit parking area for certain lengths of Hudson Street west of Cherry Avenue was called to order at 7:05 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried by a vote of 5 Ayes and 0 Nays.

Doug Land of 60 Deer Hill Road stated that he owns a business at 208 Hudson Street. The proposed local law to reduce time limit parking on Hudson Street near Cherry Avenue from 2 hours to 15 minutes will create a “significant hardship” for his business. Mr. Land further stated that the change will not create any additional safety for the community.

Mayor Coyne is in receipt of a letter dated April 18, 2016 from Howard Protter, Esq. of Jacobowitz & Gubits, LLP. Mr. Protter represents Debbie-Lynn LLC, the business owned by Mr. Land. He opposes the proposed change to time limit parking on Hudson Street west of Cherry Avenue because it will have a “severe impact” on his client’s customers and guests. He suggests that the current 2 hour parking restriction be enforced by the police department. If the purpose of the proposed change is safety related, Mr. Protter suggests one space closest to the corner of Hudson Street and Cherry Avenue be eliminated completely.

Deputy Mayor Edsall stated that the Board has received a lot of complaints. Entering Hudson Street from Cherry Avenue is a “tough spot” to get out of.

Trustee Kane suggests the Board consider removing one parking space rather than reducing the time limit for parking as proposed.

Trustee Schmidt is in receipt of an email from Patricia Parker of 22 Idlewild Park Drive in support of the proposal to remove one parking space on Hudson Street at the intersection of Academy Avenue. It will help improve the sight line for vehicles turning left on Hudson Street from Academy Avenue.

After some discussion, Trustee Kane made a motion to keep the Public Hearing open until the May 16<sup>th</sup> Business Meeting on a proposed local law to establish a no parking area for certain lengths of Hudson Street west of Academy Avenue (in front of 2 Alices Coffee Shop) and a time limit parking area for certain lengths of Hudson Street west of Cherry Avenue in order to receive additional information and public comment on improving site vision at the Cherry Avenue/Hudson Street intersection. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

**PUBLIC HEARING - MS4 STORMWATER MANAGEMENT PLAN**

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on the MS4 Stormwater Management Plan was called to order at 7:15 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried by a vote of 5 Ayes and 0 Nays.

Mayor Coyne stated that the report was prepared by Village Engineer Andrew Fetherston of Maser Engineering and must be filed with the Department of Environmental Conservation (DEC) by June.

DPW Superintendent Halvorsen stated that the Village is “meeting the requirements” of the MS4 Stormwater Management Plan.

Hearing no one speak for or against the MS4 Stormwater Management Plan, Deputy Mayor Edsall made a motion to close the public hearing at 7:17 pm which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

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

The Public Hearing to Order Repairs of building at 7 Derby Lane was reopened at 7:18 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried by a vote of 5 Ayes and 0 Nays.

Mr. Jaweed Chaudhary, owner of the property located at 7 Derby Lane, stated that he has made “great efforts” to clean and secure the basement. He has paid someone to do the lawn and clean up the outside, but that work can’t be done until Central Hudson reactivates the electricity which will be in about 3 weeks. Mr. Chaudhary stated that has also removed a lot of debris from the property.

Code Enforcement Officer Maggio provided the Board with pictures that he took earlier today. The pictures show a large number of cardboard boxes in a back room which is a fire hazard. There is also debris inside and outside, and Mr. Maggio stated that electricity is not required to remove the debris. Mr. Chaudhary needs to get a private dumpster on the site.

Mayor Coyne stated that stated that the work Mr. Chaudhary has done is not acceptable. Electricity isn’t needed to clean the property; it requires a dumpster.

Attorney for the Village McKay reported that the Village Board determined to keep last month’s public hearing open with the condition that cleaning be done to the satisfaction of the Code Enforcement Officer. The Board can make a determination tonight to affirm or modify the Order.

Code Enforcement Officer Maggio made his initial effort to have the property cleaned up back in 2014. It is now 2 years later and there has not been any significant change.

Trustee Kane asked Mr. Chaudhary to provide him with a written job estimate from anybody to do anything as ordered by the Village Board. Mr. Chaudhary could not provide anything in writing tonight.

Deputy Mayor Edsall stated that the Village Board and Mr. Chaudhary’s neighbors have waited long enough. Mr. Chaudhary did not comply with the conditions set by the Village Board last month to clean the interior of the building, clean and repair the building exterior, clean-up the yard and landscaping, and provide the Village Board with written job estimates/and dates scheduled to complete electric and plumbing repairs by tonight’s meeting.

Mayor Coyne made a motion to affirm the March 15, 2016 Order. In addition to order appropriate repairs to the property located at 7 Derby Lane to make the premises clean and safe, and to assess a lien for all costs and expenses incurred by the Village in such repairs/removal of debris against the land on

which the building is located. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

## MINUTES

Mayor Coyne made a motion to accept the March 21, 2016 Business Meeting Minutes as prepared which was seconded by Deputy Mayor Edsall and carried upon a vote of 3 Ayes, 0 Nays, and 2 Abstain (Carnright and Schmidt who were absent).

Mayor Coyne made a motion to accept the April 4, 2016 Reorganization Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$ 95,470.74
Town water & penalties	278,888.29

which included 3 finals/adjustments for the Village and 3 for the Town.

Warrant #4 – Trustee Carnright made a motion to approve April 2016 Warrant #4 and authorize payment of \$452,573.32, 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 \$6,553,748.20 (94.92%) in anticipated revenues and \$6,410,274.17 (92.84%) in anticipated expenditures through the end of February (end of fiscal year updated).

The Sewer Capital Fund balance is \$119,695.90 (including interest) through March 31st.

The amount collected in 2016 Village property taxes is \$2,440,572.95 through March 31<sup>st</sup>.

Camera System Proposals – Ms. Mahoney received proposals from Vector Security (\$2,695), American Alarm Co (\$2,675 + \$25 monthly service fee), and Precision Security (\$1,520).

Deputy Mayor Edsall made a motion to accept the proposal from Precision Security in the amount of \$1,520 to install a camera system in the Village Hall which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Alarm System Proposals – Ms. Mahoney received proposals from Vector Security (\$1,995 + \$35 monthly monitoring) and American Alarm Co (\$1,675 + \$45 monthly monitoring).

Mayor Coyne made a motion to accept the proposal from Vector Security, who already provides fire protection in the Village Hall, in the amount of \$1,995 (plus \$35 monthly for monitoring) to install an alarm system in the Village Hall which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Side Door Replacement Proposals – Ms. Mahoney received proposals from Reliable Glass (\$8,076) and Nu-Glass (\$7,200).

Deputy Mayor Edsall made a motion to accept the proposal from Nu-Glass in the amount of \$7,200 to replace the 2 side doors at Village Hall which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

## **BOARD DEPARTMENT REPORTS**

Building Department Trustee Schmidt reported 8 building permits were issued, 4 certificates of compliance/were issued, 29 onsite inspections were performed, a violation was issued at DB Mart (debris in rear of building), and 10 fire inspections were conducted. Inspector Maggio worked 80 hours in March.

Fire Department – Deputy Mayor Edsall reported 1 mutual aid given, 1 motor vehicle fire, 1 hazardous condition, 1 medical call, 2 public assist calls, 4 meetings, 10 drills, 19 state/federal training classes, 3 work details, 1 public relation detail, and 1 fund raising detail for a total of 44 events and 581.74 man hours.

Deputy Mayor Edsall further reported that the communication system relocation project has been completed, 4 probationary firefighters are currently enrolled in the NYS Firefighter 1 class at the Orange County Fire Training Center, the department participated in a “Live Burn” training exercise at the Orange County Fire Training Center on April 10<sup>th</sup>, the department will host a 4 hour CSX safety class for first responders on April 27<sup>th</sup>, the NYS Department of Environmental Conservation has issued a statewide ban on “open burning” through May 14<sup>th</sup>, and 5 new sets of bunker gear have been ordered. This begins the long term replacement plan of all bunker gear that no longer meets NFPA guidelines.

Training classes attended in March included: Firefighter 1, Wildland Fire Suppression, ICS-100 Introduction to the Incident Command System, EMT refresher training, and a Continuing Education Seminar for chief officers.

Long Term Goals of the department include replacement of the 1989 Pierce Arrow Pumper Truck (Engine 412), and the 1991 Mack/4 Guys Tanker (Tanker 415).

Short Term Goals of the department include upgrades to communications/information technology, improvements to facility security, replacement of the Assistant Fire Chief’s command vehicle, upgrade of fire station air conditioning, bunker gear replacement, and Self-Contained Breathing Apparatus (SCBA) upgrades and cylinder replacement.

Police Department Trustee Kane reported 1 felony criminal mischief, 1 fraud, 3 petty larcenies, 1 harassment, 2 misdemeanor arrests, 1 violation arrest, 8 property damage accident, 27 traffic summons issued, 50 warnings issued, 12 parking summons issued, 1 domestic incident call, 15 alarm response calls, 1 noise complaint, 2 suspicious person calls, 10 suspicious vehicle calls, 5 suspicious activity calls, 4 animal complaints, 8 assists to the Town of Cornwall Police Department, 7 EMS assist calls, 5 assists to other agencies, 2 welfare checks, and 3 assists to citizens for a total of 390 total calls for service.

Trustee Kane further reported that the department held a formal tour of its headquarters to the local Cornwall/Village of Cornwall-on-Hudson “Daisy” Girls Troop, and continued participating in Orange County “STOP-DWI” Enforcement.

Mayor Coyne commended Chief Dixon for his handling of the media conference following the recent assault in the Village. Mr. Coyne also commended P.O. Guarnieri for his actions in response to the assault and suicide.

Department of Public Works – Trustee Carnright reported cold patching of roads, sewer main maintenance, cleaning catch basins of dirt and debris, roadside trimming of trees, installation of new traffic control and advisory signs at river front park, and has resumed weekly yard waste pick up.

Trustee Carnright further reported the Spring Bulk cleanup will begin on April 25<sup>th</sup>.

DPW Superintendent met with the Engineer for the Village to complete the MS4 report, met with several consultants regarding Village Hall air conditioning replacement, and has been meeting regularly with representatives from Central Hudson and Precision Pipeline regarding gas main replacements.

#### MS4 STORMWATER MANAGEMENT PLAN

Deputy Mayor Edsall made a motion to accept the MS4 annual report as prepared by Maser Consulting for the period March 10, 2015 to March 9, 2016 and authorize the Mayor to sign and file the report with the Department of Environmental Conservation which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 nays.

Water Department – Trustee Schmidt reported an average daily production of 1,064,000 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 209 utility mark-outs were done, 8 meters were replaced, 16 miscellaneous repairs were completed, and 2 final meter readings were done. Fire hydrants were serviced, a water service was repaired at 221 Hudson Street, a water main was repaired on Route 218, and a water line was replaced at 53 Maple Ave.

Catskill Treatment Plant - A valve was installed in the raw water line, and the department is installing drainage around the plant.

#### RESOLUTIONS

##### SUMMER PLAYGROUND – APPOINTMENT OF DIRECTOR & ASSISTANT DIRECTOR

Mayor Coyne made a motion to appoint Jennifer Borland to the position of Summer Playground Director at a salary of \$3,000 which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Kristina Grace to the position of Assistant Director at a salary of \$1,800 which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

##### SUMMER PLAYGROUND REGISTRATION FEES

Mayor Coyne made a motion to increase the fee for Village residents to \$150 per child (\$325 maximum per family) and increase the fee for non-Village residents to \$250 per child. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne noted that this year's program is scheduled to run from Wednesday, July 6<sup>th</sup> through Friday, August 12<sup>th</sup>.

#### APPROVE PURCHASE OF RESCUE BOAT FOR STORM KING ENGINE CO. #2

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

WHEREAS in the past the Storm King Engine Company maintained a boat for rescues on the Hudson River; and

WHEREAS, the Storm King Engine Company wishes to purchase a boat from the Newburgh City Police Department as a rescue boat; and

WHEREAS, the cost of the boat, \$10,000, will be split equally between the village and Storm King Engine Co.; and

WHEREAS, the Storm King Engine Company will outfit the boat with funds from its budget; and

WHEREAS, the Cornwall Yacht Club has agreed to store the boat.

NOW THEREFORE, the Cornwall-on-Hudson Village Board does approve the expenditure of \$5,000 for a boat.

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

#### APPROVE DUES FOR MOODNA CREEK INTERMUNICIPAL COUNCIL

Mayor Coyne made a motion to approve payment of \$500 in dues to the Moodna Creek Intermunicipal Council which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

#### APPROVE FORM OF OFFICAL UNDERTAKING

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

WHEREAS, pursuant to New York Village Law §3-306, the Village Clerk and Village Treasurer are required to execute an official undertaking in such sum and form, and with such sureties as the board of trustees shall direct and approve; and

WHEREAS, in accordance with Village Law §3-306, the board of trustees is authorized to determine what additional officers shall be required to execute an official undertaking and to determine the amount of any bond or undertaking required; and

WHEREAS, the board of trustees has previously secured and currently maintains insurance coverage with respect to the handling of village funds;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, by the Village Board of the Village of Cornwall-on-Hudson, that the Village Clerk, Deputy Village Clerk, Village Treasurer and Deputy Village Treasurer shall be required to execute an official undertaking in the form annexed hereto.

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

Attorney for the Village McKay stated that this undertaking should become part of the annual Reorganization Meeting going forward.

**OTHER BUSINESS**

**CENTRAL HUDSON GAS LINE REPLACEMENTS**

Mayor Coyne reported that Central Hudson continues to replace gas lines in the Homeland Avenue area. A spike in the number of Water Department mark-outs is related to this project.

**TAYLOR ROAD WELL FIELD – UPDATE ON GRANT/LOAN APPLICATION**

Mayor Coyne reported that a grant application was submitted on our behalf by Maser Consulting before the April 15<sup>th</sup> deadline. He thanked Clerk Mahoney for her assistance in completing the application.

**GLENDENING DEVELOPER’S AGREEMENT**

Trustee Kane reported that Attorney for the Village Furst has reviewed the proposed developer’s agreement and made some additional revision recommendations. He hopes to incorporate them into the agreement and send it to Ms. Glendening in “short order”.

**PROPOSED REVISIONS TO FEE SCHEDULE**

Deputy Mayor Edsall will be circulating some “mark-ups” to the proposed fee schedule shortly .

**KIRYAS JOEL COALITION**

Mayor Coyne attended a coalition meeting on April 12th. The coalition is waiting for the new judge to make a decision. He is optimistic that the previous decision will be overturned.

**RIVERFRONT PARCEL**

Trustee Kane reported that he has emailed the recording documents to the Diorio family representative and is waiting for a closing date.

## DRAFT COMPREHENSIVE PLAN

Mayor Coyne reported that he spoke with Planning Board Chairman Jeff Small and others about forming a committee to “take up” the comprehensive plan that was drafted some years ago and hopefully get it finalized. He hopes to have that done in time for the May work session.

## GEISER PROPERTY TAX BILL – REQUEST FOR RELIEF OF PENALTY CHARGE

Attorney for the Village McKay reported that NYS Real Property Tax Law provides that neither the Receiver of Taxes nor any other official of the Village Board has legal authorize to waive penalty charges, and there is absolutely no discretion in this matter.

Deputy Mayor Edsall sympathized with Dr. Geiser, stating that he is “disappointed” in the post office for ongoing delivery problems and errors.

## KLEIN – REQUEST TO REMOVE GARBAGE CHARGES

Mayor Coyne is in receipt of a letter from Nita Klein of 53 Weeks Avenue requesting that garbage charges be removed for the cottage she owns. It has been empty for a number of years.

After some discussion, Deputy Mayor Edsall made a motion to table this request until the May Business Meeting. The Village Clerk was asked to see how the property is listed on the assessment roll and the Code Enforcement Officer was asked to do a site visit of the property to see the primary residence and “cottage”. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

## TRANSITIONAL DUTY POLICY

DPW Superintendent Halvorsen requested that the Village Board address the need for a draft Transitional Duty Policy. He has an employee who has been out due to a on the job injury and will ready to return to work soon for “light” or “transitional” duty.

After some discussion, this matter was tabled to receive advice of counsel later this evening.

## **FYI**

### CITIZEN PREPAREDNESS TRAINING – APRIL 17, 2016

Mayor Coyne thanked Emergency Manager Kurt Hahn for organizing a “Citizen Preparedness Training” event on Sunday, April 17<sup>th</sup> at St. Thomas School. Water Superintendent June and DPW Superintendent Halvorsen represented the Village. Unfortunately this event conflicted with republican presidential candidate Donald Trump’s local visit.

### DONALD TRUMP VISIT – APRIL 17, 2016

Mayor Coyne announced that republican presidential candidate Donald Trump visited New York Military Academy on Sunday, April 17, 2016 before attending an event in Poughkeepsie.

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 8:28 PM with the Attorney for the Village to discuss a transitional/light duty policy, non-union employment agreements, and code violations. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 9:22 PM on a motion by Mayor Coyne, seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### TRANSITIONAL/LIGHT DUTY POLICY

Deputy Mayor Edsall made a motion authorizing the Attorney for the Village to modify the Draft Transitional/Light Duty Policy as discussed in closed attorney session. The policy is to take effect Monday, April 25, 2016. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### LEASE TO PURCHASE 2016 CHEVY TAHOE

Deputy Mayor Edsall made a motion authorizing a lease purchase agreement for a 2016 Chevrolet Tahoe 4WD 4-Door at a cost of \$37,180.44 from Cappellino Chevrolet as per state bid, with authorization to execute GM Financial paperwork. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Having concluding the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting at 9:27 PM which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.