

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

June 20, 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: 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.

Mayor Coyne asked for a Moment of Silence in honor of Ted Dobias who passed away earlier this month. Mr. Dobias worked for the Village of Cornwall-on-Hudson as a part-time school crossing guard at Cornwall-on-Hudson Elementary School for many years.

**PUBLIC HEARING – ORDERING ABATEMENT OF A PUBLIC NUISANCE AT 12 PAYSON ROAD**

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing Ordering Abatement of a Public Nuisance at 12 Payson Road was called to order at 7:01 PM on a motion by Mayor Coyne, seconded by Trustee Schmidt, and carried by a vote of 5 Ayes and 0 Nays.

It was noted that the respondent, Ms. Kathy Suto, is present this evening.

Carol Miller of 13 Payson Road stated that in 1994 she and her husband returned to the house that she grew up in. Ms. Suto vacated the house at 12 Payson Road shortly thereafter. Since that time the house and property have “turned to ruins”. She has observed kids drinking on the property. Over the years neighbors have mowed the lawn but they finally stopped because they couldn’t continue to take care of a property that wasn’t being taken care of by its owner. Ms. Miller acknowledged that Ms. Suto did some cleanup work over the weekend. This morning a large amount of unbundled wood was left at roadside along with other trash. It is a troublesome situation for Ms. Miller’s family as well for as her neighbors.

Ken Wright of 33 Payson Road stated that he lives with his mother in the house directly across the street from 12 Payson Road. He and his mother have lived in this house for more than 50 years and have watched the property go downhill over the past 20 years. Mrs. Wright’s health has been affected by this

situation. Mr. Wright wants to the Village Board to resolve this issue. If not, he will reach out to local congressmen and senators until he finds someone who will.

Nora Cascino of 11 Payson Road stated that she lives next door to 12 Payson Road. She takes pride in her home, takes care of her property, and is upset with the “urban blight” next door. Ms. Cascino stated that she pays a lot in taxes to live here and feels that if she were to have to sell her home, the condition of the property next door would have an adverse impact. She suggested that since the property has been vacant for so long, Ms. Suto should just sell it.

Code Enforcement Officer Maggio stated that he takes pride in keeping things “fair and just”. He has had ongoing problems with getting mail to Ms. Suto. Last month a letter was served upon Ms. Suto citing outstanding violations on her property. As of today some progress has been made. The front yard was mowed, most of the back yard has been mowed, the fence was repaired, the gutter hanging off the back of the house was removed, and some scraping of the garage door has been done. Other issues still exist including removal of a piece of gutter on the front of the house, garage door repairs, peeling paint on the brick façade, replacement of missing capping on fascia board at top of the roof line (which is subject to water damage if not covered), and a safety issue involving a small gazebo type structure in back of the house. Earlier today Mr. Maggio saw the brush along with other items left in front of the driveway and he has instructed Ms. Suto that it must be bundled in no more than 3 foot pieces.

Attorney for the Village McKay asked the Code Enforcement Officer how many violations at this point have been remedied. Mr. Maggio said of the 7 violations that were cited, 2 were remedied. The lawn was mowed and the gate was repaired.

Deputy Mayor Edsall asked Mr. Maggio if it is possible for animals such as squirrels to infest the home gaining access through missing capping and fascia along the roofline. Mr. Maggio stated that the openings there are not large enough at this time for animals; however the roof and home are subject to water damage. Smaller animals such as mice can get in to the garage through the unrepaired door.

Chris Miller of 13 Payson Road stated that over the past 20 years there have been numerous violations and family domestic disputes at 12 Payson Road that the neighbors have had to deal with. Previously he had asked that the electric be removed from the home because he feels that it is a fire hazard. The home is not habitable. Large animals are in the back yard. Over the weekend bundles of wood were left in front of a fire hydrant blocking access to it. Mr. Miller stated thanked Code Enforcement Officer Maggio for his due diligence; however, short-lived “band-aid approaches” are not what the community wants.

Kathy Suto, owner of 12 Payson Road, apologized for the current condition of her property. Over the past week she has been working hard and is trying to remedy the problems. Ms. Suto was not aware that the Department of Public Works would not pick up the bundles of wood that were left at roadside. She will have that remedied so it can be picked up on Thursday.

Attorney for the Village McKay stated that the Board can allow the property owner additional time to complete the repairs or make a determination tonight to affirm, modify, or vacate the Order. If additional time is provided, Mr. McKay asked if Ms. Suto would consent to allowing the Code Enforcement Officer to inspect the interior of the home for violations.

Hearing no one further speak for or against an order to abate a public nuisance at 12 Payson Road, Deputy Mayor Edsall made a motion to close the public hearing at 7:27 pm which was seconded by Trustee Schmidt and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall stated that he appreciates the public's elaboration of the problems that have existed for a very long time. With regard to the enforcement procedure, the Board must look at when the violations were issued and that an effort has been made to take action. The Code Enforcement Officer has indicated that an ongoing discussion to take action occurred before the violations were issued. Mr. Maggio tried to help the property owner understand there was a problem so that action could be taken. Unfortunately since no action was taken, the formal violations were issued. Mr. Edsall supports the Board taking action authorizing the Village to perform what is needed if the cleanup is not complete and existing violations are not cured within 7 days from tonight.

Trustee Schmidt stated that repairs need to be completed by a definite date. If repairs are not completed, the property owner should be responsible for the expense if the Village has to clean it up.

Trustee Carnright stated that this is an unfortunate situation. He appreciates the neighbors for coming tonight to speak to the Board. Mr. Carnright stated that Deputy Mayor Edsall's proposed 7 day timeline is fair.

Trustee Kane stated that this problem has gone on far too long. He thanked the neighbors for coming out and explaining to the Board what has gone on for such a long time. Mr. Kane does not understand how the property owner could allow this to happen and why she would take "advantage of" her neighbors help over all these years despite the effect this has had on them and potentially their property value. The Village Board has been put in this position because of Ms. Suto's unwillingness to address these problems until the Code Enforcement Officer issued violations. The neighbors and the community have waited too long and Mr. Kane agrees that the property owner should be allowed 7 days to remedy the violations or the Village will. Mr. Kane does not want to see this property owner back before the Board again. It is not fair to the neighbors and community.

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

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CORNWALL-ON-HUDSON ORDERING ABATEMENT OF A PUBLIC NUISANCE AT 12 PAYSON ROAD**

**WHEREAS**, it is necessary for the public health safety and general welfare of the residents of the Village of Cornwall-on-Hudson to keep properties clean and free from vermin, noxious weeds and disease-bearing insects and properly maintain properties so they are also kept free of nuisances, hazards, debris and litter; and

**WHEREAS**, the Village Board is empowered by Chapter 120 of the Village Code addressing property maintenance and nuisances to take action to protect the health, safety and general welfare of persons and property in the Village of Cornwall-on-Hudson by requiring that property be properly maintained; and

**WHEREAS**, the Village Code Enforcement Officer is empowered by Chapter 120 of the Village Code to enforce Chapter 120 of the Village Code; and

**WHEREAS**, on May 16, 2016, the Village Code Enforcement Officer inspected the premises located at 12 Payson Road (“Property”) after numerous complaints from neighbors, and observed the Property to be unmaintained and kept in an unclean and unsafe manner so as to create a nuisance and a hazard as noxious weeds and tall grasses likely to encroach on neighboring properties and harbor insects detrimental to the public health have been permitted to grow; fencing has not been maintained in a safe and substantial condition; landscaping has not been properly maintained; lawns have exceeded a height of 12 inches; the Property has not been maintained so that the plant growth thereon shall not create or present a hazard to others; and buildings and structures have not been repaired or maintained to protect them from deterioration, to keep water from entering, to be kept free from loose and unsecured objects and materials, and to be kept free of roaches, vermin and rodent harborage and infestation, all in violation of Chapter 120 of the Village Code; and

**WHEREAS**, on May 16, 2016, the Village Code Enforcement Officer caused an Order to Remedy Violation to be served on the owner of the Property by certified mail, notifying the Property owner of violations of Chapter 120 of the Village Code observed by the Village Code Enforcement Officer on his inspections of the Property and giving the Property owner until May 24, 2016, to remedy the cited violations; and

**WHEREAS**, upon the failure of a property owner to comply with a notice to correct a condition complained of the Village Board is empowered by Chapter 120 of the Village Code to, after a public hearing, abate the nuisance and unsafe conditions; and

**WHEREAS**, on May 16, 2016, the Village adopted a Resolution ordering the abatement of the public nuisance at the Property by the Village should the Property owner fail to remedy the cited violations by May 24, 2016, and setting a public hearing date of June 20, 2016, at Village Hall 325 Hudson Street, regarding such order of abatement; and

**WHEREAS**, on May 18, 2016, the Village notified the Property owner of such order of abatement to be carried out by authorized persons entering the Property, as set forth in the May 16, 2016 resolution, and the June 20, 2016 public hearing date regarding the abatement order, such notice being made by letter delivered to the Property owner by hand and by first class mail and certified mail return receipt requested; and

**WHEREAS**, upon notice duly published and posted, a public hearing was held before the Village Board on June 20, 2016; and

**WHEREAS**, after the review of the Village Code Enforcement Officer’s report, including all documentation and photographs therein and the Village Code Enforcement Officer’s notification to Property owner with Order to Remedy Violation, upon consideration of facts presented at the public hearing and after due consideration thereon, the Village Board has determined that the Property owner has failed to correct the conditions complained of within the timeframe provided for in the May 16, 2016 notice of violation;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Village Board hereby determines that it will be the lead agency with respect to this action 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 action; 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)(29) because this is merely an enforcement proceeding, 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 Property located at section 107, block 4, lot 14 within the Village of Cornwall-on-Hudson, also known as 12 Payson Road, is being kept in violation of Chapter 120 of the Village Code in that it contains nuisances and hazards the abatement of which is necessary for the public health, safety and general welfare in the Village of Cornwall-on-Hudson; and

**IT IS HEREBY ORDERED**, that pursuant to Chapter 120, Section 120-7 of the Village Code, the Village Board or such other person, department or independent contractor authorized by the Village Board, will abate the nuisance and hazardous conditions on the premises and make the premises clean and safe if the property owner fails to rectify the violations within 7 calendar days; and it is further

**ORDERED**, that pursuant to Chapter 120, Section 120-7(C) of the Village Code, all direct and indirect costs and expenses made or incurred by the Village of Cornwall-on-Hudson in enforcement of Chapter 120, in performing the work to abate the Property conditions and in otherwise securing compliance shall be payable by the Property owner, which shall be collected in the same manner and at the same time as other village charges, with any unpaid sums constituting a lien on the Property which shall be assessed against such property, with 9% interest per annum, and shall be relieved and collected in the same manner as real property taxes.

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

**CONTINUATION OF 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**

Deputy Mayor Edsall and Trustee Carnright visited each of the locations on June 6<sup>th</sup>, and provided their observations and recommendations to the Village Board. Based upon their recommendations, the draft local law was revised; however the revised law has not yet been publicly posted.

After some discussion, Deputy Mayor Edsall made a motion to keep the Public Hearing open until the July 18<sup>th</sup> Business Meeting in order to provide the public time to review the revised draft local law which will be posted on the Village's website. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

**MINUTES**

Mayor Coyne made a motion to accept the May 16, 2016 Business Meeting Minutes as presented 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 May read as follows:

Village water, sewer, garbage & penalties	\$ 109,507.02
Town water & penalties	362,780.34

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

Warrant #6 – Trustee Carnright made a motion to approve June 2016 Warrant #6 and authorize payment of \$566,090.82, which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported that the Village is in receipt of \$3,019,814.44 (42.64%) in anticipated revenues and \$1,550,811.21 (21.90%) in anticipated expenditures through the end of May.

The Sewer Capital Fund balance is \$132,022.49 (including interest) through May 31st.

The amount collected in 2016 Village property taxes is \$2,530,445.77 through May 31st.

Ms. Mahoney reported that the new side doors were installed on June 2<sup>nd</sup> and the new copier was installed on June 3<sup>rd</sup>.

Ms. Mahoney further reported that during the week of June 13<sup>th</sup>, representatives from Nugent & Haeussler conducted an audit of the Village’s financial statements for fiscal year ending February 29, 2016. The financial reports will be provided shortly.

**BOARD DEPARTMENT REPORTS**

Building Department Trustee Carnright reported 10 building permits were issued, 7 certificates of compliance/occupancy were issued, 39 onsite inspections were performed, 8 violations were issued, 1 stop work order was issued at 3 River (no insurance), 3 fire inspections were conducted, and 4 municipal searches were completed. Inspector Maggio worked 80 hours in May.

Fire Department – Deputy Mayor Edsall reported 2 structure fires, 1 brush fire, 1 river rescue, 1 trash fire, 2 motor vehicle accidents, 3 hazardous conditions, 2 medical calls, 2 good intent calls, 1 Memorial Day parade, 2 meetings, 6 drills, 9 state/federal training classes, 1 work detail, and 1 fund raising detail for a total of 34 events and 307 man hours.

Deputy Mayor Edsall further reported that 4 probationary firefighters will graduate from NYS Firefighter 1 training on June 21<sup>st</sup>., and firefighter Nancy Bryan attended “Solar Power: Strategy & Tactics for 1<sup>st</sup> Responders” training. The department will present six (6) awards/scholarships to graduating Cornwall Central High School seniors on June 20<sup>th</sup> (probationary firefighter John Ketchell will be one of this year’s graduating CCHS seniors), participated in Riverfest as a food vendor on June 4<sup>th</sup>, responded to a trash can fire at Donahue Memorial Park (caused by improper disposal of charcoal from a cooking grill), and responded to an incident involving 32 kayakers in distress in the Hudson River along with Vails Gate FD, West Point FD, Fort Montgomery FD and Cornwall Yacht Club members (21 kayakers were brought ashore by boat).

It was also reported that the rescue boat has been delivered and has received “spring commissioning” service from Alex’s Marine. Additional rescue equipment and lettering will be installed this month and training will be completed. The goal is to have the vessel placed into service early July. The new 2016 Chevrolet Tahoe command vehicle is in production and delivery is expected later this month. Delivery of five (5) new sets of bunker gear is expected shortly. The NYS DEC statewide ban on burning ended on May 15<sup>th</sup> (there was only one brush fire in the Village).

According to Fire Chief Armitage, abandoned and vacant buildings are a serious concern for the fire department. Buildings that are in disrepair further endanger the lives of our volunteer’s when responding to alarms at such properties. On behalf of the department, Chief Armitage thanked Building Inspector Maggio and his assistant Arlene Roberts for their continued effort to bring properties of disrepair into compliance with Village Code. In addition, the department is in the process of identifying all abandoned and/or vacant properties in order to create a registry of such properties for future needs of the department.

Police Department Trustee Kane reported 1 fraud, 4 criminal mischiefs, 3 petty larcenies, 3 misdemeanor arrests, 1 violation arrest, 2 warrant arrests, 1 personal injury accident, 4 property damage accidents, 38 traffic summons issued, 19 traffic warnings issued, 11 parking summons issued, 6 fire response calls, 3 domestic incident calls, 9 alarm response calls, 4 noise complaints, 3 suspicious vehicle calls, 4 suspicious activity calls, 6 animal complaints, 10 assists to the Town of Cornwall Police Department, 8 EMS assist calls, 8 assists to other agencies, 1 welfare check, and 2 assists to citizens for a total of 354 total calls for service.

Trustee Kane further reported that during the month of May, P.O. Guarneiri and Desjardines attended “STOP-DWI” NY Regional Training in Goshen, and the department held firearms training/qualification at the Town of New Windsor PD firearms range.

Upon the recommendation of Police Chief Dixon, Trustee Kane made a motion authorizing the Village Clerk to place a help wanted ad seeking candidates for the part-time school crossing guard position at Cornwall-on-Hudson Elementary School which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays. It was noted that this position was previously held by Mr. Ted Dobias who died earlier this month.

Department of Public Works – Trustee Schmidt reported mowing and trimming of Village owned properties, repairs/reset guiderail on Shore Road by Cornwall Yacht Club, sewer main maintenance, cleaning of catch basins, sweeping of streets, weekly yard waste collection, repairs and maintenance to Village owned vehicles, tree removal on Avenue A, Pine St., and Boulevard, new flag pole installed at

Donahue Memorial Park, and assisted police department with traffic control devices for Junior prom and Memorial Day parade. New doors on side of Village Hall have been installed.

DPW Superintendent Halvorsen attended the NYS Highway Superintendent's School at Ithaca College from June 5<sup>th</sup>-8<sup>th</sup>.

Water Department – Trustee Carnright reported an average daily production of 1,127,000 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 100 utility mark-outs were done, 6 meters were replaced, 20 miscellaneous repairs were completed, and 1 final meter reading was done. Fire hydrants were serviced, pressure reduction valves were serviced/rebuilt, a new flag pole was installed at Catskill Treatment Plant, the South well was reinstalled and is now on-line, repairs were completed to pipe line trail for Black Rock Treatment Plant, a new cover and manway was installed on Black Rock upper valve vault, and started second cutting on dams. The replacement vehicle for the 2011 Ford Expedition was received on June 4<sup>th</sup>.

Trustee Carnright further reported that the daily average water production is down 300,000 gallons due to repair of 2 major leaks.

Discussion followed regarding the readiness of Village water sources for when the aqueduct goes off-line sometime next fall. Water Superintendent June reported that repairs to the Black Rock Clearwell liner are to begin shortly and Maser Consulting, the Village Engineers, are working on a proposal to design a plan for upgrades of the existing electrical systems at the Taylor Road well field. Deputy Mayor Edsall suggested that Maser representatives confirm the latest anticipated shut down date from the Department of Environmental Protection and work backwards in order to make sure these projects are completed in time.

Water Superintendent June reported that on June 9<sup>th</sup>, a representative from Orange County Health Department gave “walk-through” tests for Dan Nye’s grade D license and for Tom Rabey’s 2-A license. Both Mr. Nye and Mr. Rabey passed and certificates have been issued. The Board congratulated Mr. Nye and Mr. Rabey.

## **RESOLUTIONS**

### **SUMMER PLAYGROUND – APPOINTMENT OF COUNSELORS**

Upon the recommendation of Summer Playground Director Jen Borland, Mayor Coyne made a motion to appoint Nicole Cast, Samantha Malvey, Tara Mirabile, Samantha Sabini, MacKenzie Brooks, Malachy O’Sullivan, Kaitlyn Preiss, Alexander Cruz, Amy Dunaief, Jenna Park, Matthew Robinson, Mikayla Clark, and Emily Gaillard as Summer Playground Counselors at a salary of \$9.00 per hour. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Christopher McLaren, Michael Reilly, Kevin Salis, and Rebecca DiLorenzo as Alternate Summer Playground Counselors at a salary of \$9.00 per hour to work if a vacancy arises or the number of campers requires an additional counselor. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

### **MOUNTAINVILLE WELL – APPROVE NOTICE OF APPEAL**

Mayor Coyne reported that Village and Town of Woodbury as well as the Town of Cornwall have filed a Notice of Appeal.

Attorney for the Village McKay recommends that the Village also file a Notice of Appeal in order to preserve our right to proceed.

Mayor Coyne made a motion to approve the filing of a Notice of Appeal on behalf of the Village of Cornwall-on-Hudson with regard to the Mountainville Well. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### CORNWALL-ON-HUDSON ELEMENTARY SCHOOL – USE OF VILLAGE BANDSTAND

Mayor Coyne made a motion to permit the Cornwall-on-Hudson Elementary School use of the Village Bandstand on June 23rd for a moving up reception subject to receipt of a certificate of insurance which was seconded by Trustee Carnright, and carried upon a vote of 5 Ayes and 0 Nays.

#### SURPLUS OF WATER DEPARTMENT VEHICLES

Upon the recommendation of Water Superintendent June, Deputy Mayor Edsall made a motion to declare the 1998 Chevy Pick Up (VIN #1GBHK34FXWZ241716), 1996 Chevy Pick Up (VIN #1GCHK34F3TR248988), 1998 Chevy Pick Up (VIN #1GCHK34FXWZ242344), and 2011 Ford Expedition (VIN # 1FMJU1G50BEF49148) surplus and authorize the Village Clerk to advertise them for sale which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### FIRST NIAGARA LEASE AGREEMENT

Deputy Mayor Edsall introduced the following resolution and moved for its adoption subject to legal review.

WHEREAS, the Village of Cornwall-on-Hudson hereinafter referred to as “Lessee” is a political subdivision in New York State and is duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the governing body of the Lessee (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee; and

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements (“Equipment Leases”) in the principal amount not to exceed \$37,468.00 (“Principal Amount”) for the purpose of acquiring the property generally described below (“Property”) and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee;

Brief Description of Property:

2016 Chevrolet Model CK 15706 Tahoe 4WD Four Door SUV/VIN: 1GNSKFKC3GR381837

WHEREAS, First Niagara Leasing, Inc. (“Lessor”) is expected to act as the Lessor under the Equipment Leases; and

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases (“Lease Purchase Proceeds”) for such expenditures and such expenditures are not expected to exceed the Principal Amount; and

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (“the “Project”) and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. The Village Mayor (an “Authorized Representative”) acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee’s obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee’s obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 5 years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of 5 years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee’s official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b) (3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law of Section 109-b of the General Municipal Law.

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

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute the lease documents on behalf of the Village of Cornwall-on-Hudson which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### SURPLUS OF FIRE DEPARTMENT VEHICLE

Upon the recommendation of Fire Chief Armitage, Trustee Carnright made a motion to declare the 2006 Chevy Tahoe (VIN #1GNEK13246R158319) surplus and authorize the Village Clerk to advertise for sale which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

## RE-APPOINTMENTS TO PLANNING, ZONING, & ETHICS BOARDS

Mayor Coyne reported that the Board must re-appoint members to the Planning, Zoning, and Ethics Board because they did not file an oath of office with the Village Clerk within 30 days of the original appointment date (April 4<sup>th</sup>).

Mayor Coyne made a motion to appoint Jeff Small to the Planning Board for a 5 year term expiring on April 5, 2021, subject to his being sworn in within 30 days of this appointment, which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Philip Adams to the Zoning Board of Appeals for a 5 year term expiring on April 5, 2021, subject to his being sworn in within 30 days of this appointment, which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Kristin Doyle as an alternate to the Ethics Board for a 1 year term expiring on April 3, 2017, subject to her being sworn in within 30 days of this appointment, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## DPW RESIGNATION

Mayor Coyne made a motion to accept the resignation of Jade Greer from the Department of Public Works which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## AUTHORIZATION TO SEEK CANDIDATE FOR LABORER POSITION IN DPW

Mayor Coyne made a motion authorizing DPW Superintendent Halvorsen to see a new candidate for the now vacant Laborer position and provide his recommendation to the Village Board for consideration. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## VILLAGE HALL HVAC REPLACEMENT BID AWARD

Mayor Coyne reported that a bid opening was held in the Village Office on June 17, 2016. Bids were received from Westar Tech Services Corp (\$44,445.00), Advanced Comfort Technologies (\$46,500.00), D.J. Heating & Air Conditioning, Inc. (\$58,900.00), VAMCO Sheet Metal, Inc. (60,700.00), and Yankee Construction Co. of N.Y., Inc. (\$75,500.00) and they have been reviewed by the Village Engineer and the Attorney for the Village.

Mayor Coyne made a motion to award the bid for Village Hall HVAC Replacement to Westar Tech Services Corp the apparent low bidder, in the amount of \$44,445.00. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion authorizing Quality Environmental Solutions & Technologies, Inc. (QuES&T) to perform a limited Asbestos Survey of the Village Hall “renovation areas” in advance of the project commencement in an amount not to exceed \$1,366.00. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

## THE TRESTLE – BLOCK PARTY JUNE 26, 2016

Mayor Coyne made a motion authorizing The Trestle Restaurant to hold a Block Party on Sunday, June 26<sup>th</sup> from 1:00-6:00 PM and to further authorize closure of Idlewild Avenue between River Avenue and Churchill St during the event. An insurance certificate listing the Village as additionally insured must be provided to the Village Clerk Village prior to the event. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

## **OTHER BUSINESS**

### **RIVERFEST – JUNE 4, 2016**

Mayor Coyne reported that Riverfest was held on Saturday, June 4<sup>th</sup> and it was a “glorious” day. Lots of people attended. He congratulated Wynn Gold and the Riverfest Committee for 19 successful years.

### **ARTFEST AND CHAMBER OF COMMERCE BARBECUE – JUNE 5, 2016**

Mayor Coyne reported that ArtFest had to be postponed from Sunday, June 5<sup>th</sup> until Saturday, July 16<sup>th</sup> due to bad weather conditions. ArtFest will now be held from 12:00 PM to 4:00 PM at Tarsio Bowling Time Lanes. The Chamber of Commerce Barbecue was cancelled.

### **HIGH SCHOOL PROM PHOTOS AT DONAHUE MEMORIAL PARK – JUNE 9, 2016**

Mayor Coyne reported that Cornwall Central High School Senior Prom was held on June 9<sup>th</sup> and photos were taken before the event at Donahue Memorial Park.

### **REQUEST TO PURCHASE VILLAGE PROPERTY**

Mayor Coyne is in receipt of a request to purchase Village property located on West Street near Hirle Street. He reported that the Village Board discussed this request with the DPW Superintendent at the work session and is not interested in selling the property.

### **BLACK ROCK CLEARWELL REHABILITATION PROJECT**

Clerk Mahoney reported that Maser Consulting the Village Engineers, have issued the Notice to Proceed to PVS Construction, LLC today.

### **PIATINNI RESTAURANT – LIQUOR LICENSE RENEWAL**

Mayor Coyne reported that the Village has received formal notice from Peppetini F/K/A Piattini Restaurant of its intent to renew their liquor license.

### **NON-UNION EMPLOYEES AGREEMENT**

Mayor Coyne tabled this item for discussion in closed session later this evening.

## **FYI**

### **GIRLS ON THE RUN – JUNE 18, 2016**

Mayor Coyne reported that the Girls on the Run event took place in the Town and Village on Saturday, June 20<sup>th</sup>. An estimated 1,800 people participated. Mr. Coyne congratulated the organizers for a successful and well organized event.

#### ANSWER 2 CANCER CYCLING EVENT – JUNE 25, 2016

Mayor Coyne reported that the Answer 2 Cancer Cycling Event is scheduled for Saturday, June 25<sup>th</sup>. The course will begin in the Town of Highlands and participants will pass through the Village and Town.

#### **BOARD ACTIVITIES/COMMENTS**

Trustee Kane reported that the recording documents have been returned by the Diorio family representative and he will ask the Mayor to sign them so they may be recorded.

Mr. Kane is in receipt of correspondence from Lee Murphy with regard to Cumberland Farms. Mr. Murphy indicates that the fence on the left side of the property needs repair, waste was not collected over a several day period, trucks continue to make deliveries early in the morning creating a noise issue when backing up, and an air conditioning unit was recently replaced with a roof top unit. Mr. Murphy reported that several years ago Cumberland Farms was required to remove a roof top unit and install a ground air conditioning unit because of noise complaints from neighbors. The unit should have been replaced with another ground unit with fencing to comply with that previous directive.

Discussion followed.

Mayor Coyne reported that Cumberland Farms has made some other improvements and more are planned.

Trustee Schmidt offered his condolences to the Dobias family.

Mr. Schmidt is glad that we are “coming to a conclusion” with regard to the items in the public hearings held earlier this evening. Mr. Schmidt hopes that everyone can come out for the rescheduled ArtFest on July 16<sup>th</sup>.

Trustee Carnright offered his condolences to the Dobias family. Mr. Carnright knew Mr. Dobias for a long time, and he was a “good guy”.

Deputy Mayor Edsall offered his condolences to the Dobias family. Mr. Dobias was an “officer and a gentleman” and will be missed.

Mayor Coyne offered his condolences to the Dobias family. Mr. Dobias was an asset to the Village and he will be missed.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the business meeting into a closed meeting to receive advice of counsel at 8:26 PM with the Attorney for the Village to discuss non-union employment agreements. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.