

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

August 15, 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, Attorney for the Village John Furst, 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 Seth Parent who passed away earlier this month. Seth was a Storm King Engine Co. #2 firefighter.

Mayor Coyne welcomed Attorney the Village John Furst to tonight's Business Meeting. Mr. Furst is filling in for Joseph McKay who is on vacation.

PUBLIC COMMENT

Carol O'Keefe of 2 Payson Road congratulated the Village Board on running a great summer program. Her grandson "couldn't wait to get there every day".

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letters from Congressman Sean Patrick Maloney and Assemblyman James Skoufis announcing that transportation funds are available for bridges and culverts.

MINUTES

Mayor Coyne made a motion to accept the July 11, 2016 Special Meeting Minutes as presented which was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes, 0 Nays, and 1 Abstain (Carnright-didn't attend).

Mayor Coyne made a motion to accept the July 18, 2016 Business Meeting Minutes as presented 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 July read as follows:

Village water, sewer, garbage & penalties	\$ 150,749.89
Town water & penalties	446,772.43

which included 4 finals/adjustments for the Village and 4 for the Town.

Warrant #8 – Trustee Carnright made a motion to approve August 2016 Warrant #8 and authorize payment of \$178,784.09, 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 \$3,651,809.18 (51.56%) in anticipated revenues and \$2,671,732.41 (37.72%) in anticipated expenditures through the end of July.

The Sewer Capital Fund balance is \$142,463.72 (including interest) through July 31st.

The amount collected in 2016 Village property taxes is \$2,586,338.45 through July 31st.

AUTHORIZATION TO CONTRACT WITH CPI-HR – CONSULTING SERVICES

Trustee Carnright made a motion to accept the May 1, 2016 proposal from CPI-HR for Consulting Services on the Affordable Care Act in the amount of \$4,050.00 and authorize Mayor Coyne to sign the proposal. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

BUDGET AMENDMENT

Treasurer Mahoney reported that costs to date for HVAC Replacement in Village Hall, including engineering and asbestos abatement, is \$60,818.50.

Deputy Mayor Edsall made a motion authorizing a budget amendment to increase General Fund Expenditure – Buildings Maintenance (A5132.4) by \$60,000.00 and appropriate fund balance in the amount of \$60,000.00 from the General Fund Expenditure to cover expenses for HVAC Replacement in Village Hall including engineering and asbestos abatement. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 7 building permits were issued, 10 certificates of compliance/occupancy were issued, 18 onsite inspections were performed, 4 violations were issued (8

Riverside Dr. – fence without permit, 1&2 Copper Beach Lane – private road maintenance, and 17 River St. – POD storage unit), 1 stop work order was issued (28 Andrews St), 1 fire inspection was conducted, and 2 municipal searches were completed. Inspector Maggio worked 80 hours in July.

Fire Department – Deputy Mayor Edsall reported 7 automatic alarms, 1 motor vehicle accident, 3 medical calls, 3 good intent calls, 5 hazardous condition calls, 1 meeting, 1 July 4th parade, 9 drills, 4 state/federal training classes, 4 work details, 6 fund raising details, 1 public relations detail, and 2 fire prevention details for a total of 49 events and 1,378 volunteer man hours.

Deputy Mayor Edsall further reported that fire department participated in the annual July 4th parade, participated in the annual Orange County Battalion 4 drill-MVA extrication, continues to provide fire prevention classes to campers at Camp Olmstead and the Village Summer Camp program, continues operational training with the rescue boat, held the annual Summer Carnival, and held a blood drive in conjunction with the Summer Carnival. The department is waiting on cost estimates for a vehicle exhaust system and air conditioning system improvements in the fire station.

It was also reported that the fire station sustained flood damage on July 31st during heavy rainfall. An insurance claim has been initiated and ServPro has been contacted for remediation. They expect that additional remediation of mold will be needed.

On behalf of the fire department, Mr. Edsall thanked the Department of Public Works for erecting two drop boxes at the riverfront for kayak tour groups to deposit tour passenger manifests. Access to the manifests will be given to emergency services.

Police Department Trustee Kane reported 1 felony criminal mischief, 1 fraud, 2 criminal mischiefs, 5 petty larcenies, 1 misdemeanor assault, 2 felony arrests, 1 misdemeanor arrest, 2 warrant arrests, 9 property damage accidents, 31 traffic summons issued, 8 traffic warnings issued, 6 parking summons issued, 7 fire response calls, 1 domestic incident call, 12 alarm response calls, 4 noise complaints, 2 suspicious person calls, 4 suspicious vehicle calls, 1 suspicious activity call, 3 animal complaints, 2 disorderly juvenile calls, 8 assists to the Town of Cornwall Police Department, 6 EMS assist calls, 2 assists to other agencies, 3 welfare checks, and 6 assists to citizens for a total of 368 total calls for service.

Trustee Kane further reported that during the month of July the department continued participating in Orange County “STOP-DWI” enforcement, and assisted with traffic and security for the 4th of July parade and fireworks details.

Upon the recommendation of Police Chief Dixon, Deputy Mayor Edsall made a motion to appoint Stephen R. Johnson as a part-time school crossing guard at \$12.88 per hour which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall noted that Mr. Johnson is a long-time Village resident and a long-time member of Storm King Engine Co. #2. He is a “good choice” for this position by Chief Dixon.

Department of Public Works – Trustee Schmidt reported mowing and trimming of Village owned properties, sewer main maintenance, cleaning of catch basins, sweeping of streets, weekly yard waste collection, repairs and maintenance to Village owned vehicles, assisted Village police with traffic control for parade and fireworks, blacktop patching of potholes, new a/c unit has been installed at

Village Hall, repairs completed on a/c unit in police station, and restriping of the parking areas that were changed by new local law have been completed.

Trustee Schmidt further reported that the reclamation process has begun on Avenue A, Avenue B, and King Street. The department will be adjusting and repairing the manholes and catch basins before new pavement is installed.

Water Department – Trustee Carnright reported an average daily production of 1,055,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 28). A total of 68 utility mark-outs were done, 5 meters were replaced, 11 miscellaneous repairs were completed, and 8 final meter readings were done. A valve box was repaired on Willow Avenue, all pressure reduction valves were serviced/rebuilt, fire hydrants were serviced and painted (50 hydrants in the Town and 50 in the Village), grass was cut at all Water Department properties, completed hydrant flushing in Town and Village, and the department assisted the Town of Newburgh with the cutting of their dam.

Upon the recommendation of Water Superintendent June, Deputy Mayor Edsall made a motion to promote Thomas Rabey to Water Plant Operator, effective immediately, as per the current CSEA contract. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

RESOLUTIONS

MOUNTAINVILLE WELL DECISION APPEAL

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

PITNEY BOWES POSTAGE METER – 5 YEAR LEASE AGREEMENT

Deputy Mayor Edsall made a motion to accept the 5-year lease agreement prepared by Pitney Bowes for a DM225 Digital Mailing System at \$94.82 per month and authorize Mayor Coyne to sign the agreement which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

“THINK DIFFERENTLY” INITIATIVE

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

WHEREAS, the Think Differently Initiative is about promoting awareness and acceptance of all people and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, our communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control, more than 55 million Americans – nearly 20% - have some type of disability or special need; and

WHEREAS, the special needs of some people separate them from people who might not understand their differences; and

WHEREAS, It is important to promote to and provide guidance to those with special needs on how to access publically supported services available in the community; and

WHEREAS, It is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support customers and co-workers with special needs; and

WHEREAS, The goal of the Think Differently Initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting activities that expand family-friendly opportunities for people with special needs and their families; and

WHEREAS, By adopting the Think Differently Initiative, the Village of Cornwall-on-Hudson, its residents and businesses are showing their support for children and adults with special needs and their families; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Cornwall-on-Hudson adopts the Think Differently Initiative so that residents and businesses are better prepared to communicate with, provide for and support those living on the Autism Spectrum and with special needs.

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

Mayor Coyne reported that Dutchess County Executive Marc Molinaro requested the Village's support in this initiative. He said it is important for us all to learn more about autism and to support people with autism and their families.

FILM SHOOT – 18 PINE STREET

Mayor Coyne reported that The Strange Ones Productions, Inc. film crew has requested permission to film scenes for a movie at 18 Pine Street on August 18th and August 26th.

After some discussion, Deputy Mayor Edsall made a motion authorizing the issuance of a special event permit to The Strange Ones Productions, Inc. on August 18th and 26th, (with permission to film on additional days if needed) in order to film scenes for a movie at 18 Pine Street. In addition, Mayor Coyne is authorized to set the permit fee including departmental charges. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne will make it part of the agreement that the film crew accommodate the needs of the Village and residents of Pine Street by parking their vehicles in the municipal lot rather than on the street.

BLOCK PARTIES – PINE STREET AND DUNCAN AVENUE

Mayor Coyne made a motion to approve requests from residents of Pine Street and Duncan Avenue to hold “block parties” on Saturday, September 10th from 3:00 PM – 10:00 PM (Pine Street) and from 12:00 PM – 9:00 PM (Duncan Avenue) which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

WALK/RUN FOR CANCER – OCTOBER 9, 2016

Mayor Coyne made a motion authorizing the Walk/Run for Cancer to take place on Sunday, October 9th which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

ORANGE COUNTY ROWING ASSOCIATION – EXTEND HOURS FOR USE OF DONAHUE MEMORIAL PARK

Mayor Coyne reported that he spoke with a representative from the Rowing Association who is requesting to extend the hours of use for the cove area at Donahue Memorial Park. Mr. Coyne has spoken with the owners of Storm King Adventure Tours (SKAT) and Mountain Valley Guides (MVG) and they have no objection to this request.

After some discussion, Mayor Coyne made a motion authorizing Orange County Rowing Association to extend their use of the cove area at Donahue Memorial Park to include Fridays and Sundays. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

SCIPLE SUBDIVISION – PARKLAND FEE

After some discussion, Deputy Mayor Edsall made a motion to assess a \$2,500.00 parkland fee as part of the final approval for the Sciple 2-lot subdivision which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall noted that this fee is consistent with a prior parkland assessment. Going forward, the Village Board will discuss possible revisions to Section 139 subsection 4 of the Village Code

OTHER BUSINESS

PAVING ROADS

DPW Superintendent Halvorsen announced that Avenue A, Avenue B, King Street, and Pine Street are scheduled for paving in August.

MS4 FUNDING

Mayor Coyne announced that the Village has received an advance payment of \$18,468.75 from the NYS Department of Environmental Conservation for costs associated with mapping of the storm sewer system.

ANCHORAGE ON HUDSON RIVER

Mayor Coyne reported that he has asked the Coast Guard to have a public hearing on its proposal to allow barges to anchor along the Hudson River from Yonkers to Kingston. Other affected municipalities are passing resolutions on this issue. Although most barges would anchor in deeper water up near Newburgh, Mayor Coyne has concerns about safety, pollution, light, noise, and the overall river health which is important to the Village. Discussion followed.

SUMMER RECREATION PROGRAM

Trustee Schmidt reported that this year's playground ended on Friday, August 12th and was a "fantastic summer experience" with 80-90 campers attending daily. Approximately 120 children registered. This year campers visited Splashdown, Tarsio Bowling Time, Storm King Art Center, and attended the Fireman's Fair. He thanked Director Jen Borland and Assistant Director Kristina Grace for a job well done.

HAZARD MITIGATION: EMERGENCY SHELTER

Mayor Coyne reported that the Cornwall Town Supervisor is working on a plan to use one of the schools as an "emergency shelter" to comply with the hazard mitigation program.

NON-UNION EMPLOYEES AGREEMENT

Deputy Mayor Edsall and Trustee Kane have arranged a meeting with the Village Clerk to discuss this item.

FYI

CAR WASHES

Mayor Coyne reported that the CCHS National Honor Society held a car wash on August 14th and the CCHS Varsity Girls Soccer Team will hold a car wash on August 20th. Both events are at the Village Hall parking lot from 10:00 AM – 2:00 PM.

WEDDINGS AT DONAHUE MEMORIAL PARK

Mayor Coyne reported that weddings were held at Donahue Memorial Park on August 6th and August 10th.

CHAMBER OF COMMERCE CAR SHOW – CORNWALL LOVES OUR POLICE

Mayor Coyne announced that the Cornwall Chamber of Commerce will host a "Cornwall Loves Our Police" Car Show on Sunday, September 4th. He thanked the Chamber of Commerce for sponsoring this event and honoring our police officers in the Town and Village.

BOARD ACTIVITIES/COMMENTS

Trustee Kane thanked Trustees Schmidt and Carnright for their work on the Summer Playground program. He is glad the camp went well. In addition Mr. Kane is pleased that Steve Johnson has been appointed the school crossing guard. Mr. Johnson is a very nice and capable individual and a "great pick" for the position.

Trustee Schmidt offered his condolences to the Parent family for their tragic loss. In addition Mr. Schmidt recently received a call from Deputy Clerk Mary Ellen Dennett informing him of a possible

water leak at his home. He appreciates that the Water Department contacts our residents to warn them of high water meter readings in advance of billing.

Trustee Carnright congratulated Summer Playground Director Jen Borland for a successful program this year. Ms. Borland does “a great job” and the trips were a great idea.

Deputy Mayor Edsall thanked Carol O’Keefe for letting the Village Board know that the Summer Playground program went well. He feels its gets better every year. In addition Mr. Edsall offered his condolences to the Parent family for their loss. Seth was a “good guy” who he knew through the fire department and from around town.

Mayor Coyne offered his condolences to the Parent family. In addition Mr. Coyne thanked members of Storm King Engine Co. #2 for traveling to Vermont in order to attend his funeral which was a “nice tribute” to Seth.

Having concluded the business set before them, Trustee Kane made a motion to adjourn the business meeting into a closed meeting to receive advice of counsel at 7:50 PM with the Attorney for the Village to discuss a personnel issue involving a Water Department employee, the Mountainville Well decision appeal, and legal fees associated with code violations. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays. Mayor Coyne noted that the Board may reconvene after closed session in order to take action on the Mountainville Well decision appeal.

The meeting was reconvened at 8:29 PM on a motion by Trustee Kane, seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Trustee Carnright introduced the following resolution and moved for its adoption.

RESOLUTION AUTHORIZING THE VILLAGE OF CORNWALL-ON-HUDSON TO PROCEED WITH THE APPEAL OF THE LOWER COURT’S DECISION WITH RESPECT TO THE LITIGATION CHALLENGING THE ISSUANCE OF A WATER-TAKINGS PERMIT BY THE NYS DEC FOR MOUNTAINVILLE WELL NO. 1

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson, New York, has a right and responsibility to be certain that all laws, rules and regulations are complied with involving matters impacting on Village residents; and

WHEREAS, on or about November 16, 2015, the Village of Cornwall-on-Hudson directed its attorneys to take all steps necessary to commence litigation in order to challenge a water takings permit issued by the DEC to the Village of Kiryas Joel for the Mountainville Well on Route 32; and

WHEREAS, on or about November 25, 2015, the Village of Cornwall-on-Hudson’s attorneys, along with the attorneys for the Village/Town of Woodbury and Town of Cornwall (hereinafter “Co-Peitioners”), commenced an Article 78 proceeding against the DEC and Kiryas Joel; and

WHEREAS, on or about May 19, 2016, the Hon. Henry F. Zwack, J.S.C., issued a Decision and Order which dismissed the municipalities’ Article 78 proceeding; and

WHEREAS, on or about June 21, 2016, the attorneys for the Village prepared and filed a Notice of Appeal in order to appeal Judge Zwack's Decision and Order to the Appellate Division, but the more costly perfection of the appeal which includes the preparation of the record on appeal and the briefs are pending approval by the Village of Cornwall-on-Hudson; and

WHEREAS, the Village Board has reviewed Judge Zwack's Decision and Order and discussed the same with its attorney, amongst themselves, and with its Co-Petitioners; and

WHEREAS, the Village Board finds that it is in the public interest to perfect the appeal of Judge Zwack's Decision and Order which dismissed the Village of Cornwall-On-Hudson's lawsuit challenging the water takings permit issued by the DEC for the Mountainville well on Route 32.

NOW THEREFORE, it is resolved by the Village Board as follows:

1. The attorneys for the Village, Catania, Mahon, Milligram & Rider, PLLC, are hereby directed to take all steps necessary to perfect the appeal, including but not limited to the preparation of the record on appeal and associated briefs, in order to challenge the lower courts determination which upheld the permit issued by the DEC to the Village of Kiryas Joel for the Mountainville Well on Route 32.
2. The Village Board hereby authorizes an expenditure not to exceed \$15,000 for said litigation. The Village Board reserves all rights to make such additional expenditures from time to time for said litigation, if appropriate.
3. The Mayor is authorized to execute any and all documents necessary to perfect the appeal.
4. This Resolution shall be effective immediately.

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

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting at 8:30 PM which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.