

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

September 19, 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, 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 Joe Ward who passed away on September 5<sup>th</sup>. Mr. Ward was a "wonderful community servant".

**CORRESPONDENCE**

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

**MINUTES**

Mayor Coyne made a motion to accept the August 15, 2016 Business 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 August read as follows:

Village water, sewer, garbage & penalties	\$ 440,449.94
Town water & penalties	273,469.15

which included 6 finals/adjustments for the Village and 6 for the Town.

Warrant #9a, 9b and 9c — Trustee Carnright made a motion to approve September 2016 Warrants #9a, 9b, and 9c and authorize a total payment of \$654,594.99, 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 \$3,651,380.74 (51.55%) in anticipated revenues and \$3,265,822.35 (46.11%) in anticipated expenditures through the end of August.

The Sewer Capital Fund balance is \$150,173.79 (including interest) through August 31<sup>st</sup>.

Treasurer Mahoney reported that she is in receipt of the FY-2015 bill totaling \$303,317.00 from the Town of Cornwall for O&M and capital charges at the joint sewage treatment plant. This bill breaks down to \$243,995.76 in O&M charges and \$59,321.16 in capital charges.

The amount collected in 2016 Village property taxes is \$2,592,324.83 through August 31<sup>st</sup>.

Treasurer Mahoney is in receipt of the audit report for fiscal year ended February 29, 2016 from Nugent & Haeussler. Copies of the report have been distributed to the Village Board for review.

#### BUDGET AMENDMENTS

Treasurer Mahoney reported that several surplus vehicles were sold through GovDeals in August.

Mayor Coyne made a motion authorizing a budget amendment to increase General Fund Revenue — Sale of Equipment (A2665) by \$6,679.00 and increase General Fund Expenditure — Firematic (A3411.4) by \$6,679.00. This amount is proceeds from the sale of the fire department 2006 Chevy Tahoe. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion authorizing a budget amendment to increase Water Fund Revenue — Equipment Sales (F2665) by \$11,000.99 and increase Water Fund Expenditure — Transmission/Distribution Equipment (F8310.45) by \$11,000.99. This amount is proceeds from the sale of the Water Superintendent's 2011 Ford Expedition. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion authorizing a budget amendment to increase Water Fund Revenue — Equipment Sales (F2665) by \$602.00 and increase Water Fund Expenditure — Transmission/Distribution Equipment (F8310.45) by \$602.00. This amount is proceeds from the sale of the water department 1998 Chevy C/K 3500. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### BUDGET TRANSFERS

Treasurer Mahoney further reported that legal and engineering "bill back" fees collected from Storm King School for their site plan application for athletic field grading need to be transferred to reimburse those expenditure lines.

Mayor Coyne made a motion authorizing a budget transfer of \$1,607.50 from General Fund Revenue — Planning Fees (A2115) to General Fund Expenditure — Engineering (A1440.4). The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion authorizing a budget transfer of \$1,025.30 from General Fund Revenue — Planning Fees (A2115) to General Fund Expenditure — Legal/Other Boards (A1420.410). The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### RETIREMENT SYSTEM — STANDARD WORK DAY

Clerk Mahoney reported that the NYS Office of the State Comptroller has amended the "Standard Work Day" reporting regulations. Appointed officials who participate in a timekeeping system no longer need to be listed on a resolution or on form RS 2417-A. The Village is required to adopt a new resolution and resubmit a RS 2417-A based on a record of activities maintained and submitted by elected officials who participate in the retirement system.

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

WHEREAS, the New York State Comptroller requires that all local governments adopt a Standard Work Day and Reporting Resolution along with record-keeping requirements for monthly credits for the New York State Employees' Retirement System for elected and appointed officials participating in the retirement system; and

WHEREAS, the New York State Comptroller further advises that Regulation 315.4 also requires that participating employers pass a Resolution for "all paid elected and appointed officials (and their deputies/assistants), who are members of the Retirement System" at the first meeting after 180 days of the start of any new or subsequent term of office;

WHEREAS, the Village Board wishes to comply with these state regulations;

NOW THEREFORE, LET IT BE HEREBY,

RESOLVED, that the Village Board of the Village of Cornwall-on-Hudson hereby establishes the standard work day for elected and appointed officials as shown on the attached form RS 2417-A and will report the following days worked to the New York State and Local Employees' Retirement System based on a record of activities maintained and submitted by the elected officials to the clerk of this body.

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

#### **BOARD DEPARTMENT REPORTS**

Building Department Trustee Schmidt reported 12 building permits were issued, 6 certificates of compliance/occupancy were issued, 19 onsite inspections were performed, 1 violation was issued (5 Maple Rd. — stairs), 1 stop work order was issued, 2 fire inspections were conducted, and 5 municipal searches were completed. Inspector Maggio worked 80 hours in August.

Fire Department — Deputy Mayor Edsall reported 1 motor vehicle accident, 5 medical calls, 1 good intent call, 2 hazardous condition calls, 2 rescue calls, 1 mutual aid — to scene call, 2 meetings, 14 drills, and 3 work details for a total of 31 events and 246.89 volunteer man hours.

Deputy Mayor Edsall further reported that fire department participated in a Mutual Aid Tanker Shuttle Drill at USMA West Point Fire Department, completed its Fire Prevention Summer Series at Camp Olmstead, will be participating in training with CET Fire Pumps MFG. on 9/21 & 9/22 on the Hudson River, and the OCVFA parade in Monroe on 9/24. In addition, the department was awarded \$125,000 in state funding for repairs and updates to the fire station, and that their FIRE ACT funding request was denied by the Department of Homeland Security.

It was also reported that transmission repairs were made to the 2004 Pierce Pumper (Engine 411), pump repairs were made to the 1989 Pierce Pumper (Engine 412), 5 sets of new turnout gear have been received, the rescue boat was placed into service on August 18<sup>th</sup>, and mold remediation of the basement will be completed in the near future. Corrective action will then be taken to prevent future flooding in the basement.

The fire department recognized Steven Johnson for 50 years of service to the company and community.

Police Department Trustee Kane reported 1 felony burglary, 5 petty larcenies, 2 misdemeanor harassments, 2 misdemeanor arrests, 2 violation arrests, 4 property damage accidents, 37 traffic summons issued, 29 traffic warnings issued, 11 parking summons issued, 2 fire response calls, 3 domestic incident calls, 8 alarm response calls, 2 noise complaints, 8 suspicious vehicle calls, 2 suspicious activity calls, 7 animal complaints, 1 disorderly juvenile call, 11 assists to the Town of Cornwall Police Department, 8 EMS assist calls, 1 assist to other agencies, 3 welfare checks, and 9 assists to citizens for a total of 367 total calls for service.

Trustee Kane further reported that during the month of August the department continued participating in Orange County "STOP-DWI" enforcement, received a \$2,385.00 "Traffic Enforcement" grant from NYS Governors Traffic Safety Committee, and applied for a \$2,500.00 grant from the National Rifle Association ("NRA") for the purchase of 2 patrol rifles.

Deputy Mayor Edsall made a motion to accept the letter of resignation from full-time Police Officer Joseph Guarnieri effective September 30<sup>th</sup> with regret. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall noted that P.O. Guarnieri has accepted a full-time position with the Village of Chester and wished him success.

Department of Public Works — Trustee Carnright reported mowing and trimming of Village owned properties, sewer main maintenance, cleaning of catch basins, sweeping of streets, weekly yard waste collection, and repairs and maintenance to Village owned vehicles. The department completed a full depth reclamation of Avenue A, B and King Street, followed by 3 1/2" of binder and 2" of top. In addition a 1 1/2" overlay was done on White Terrace, Pine St., Center St., Spruce St. and upper half of West St. Catch basins and manholes in these areas were cleaned, repaired and adjusted to proper heights.

Mayor Coyne stated that a lot of preparation and drainage work was involved on this project. He is pleased with the finished roadway. Mayor Coyne appreciates the cooperation between the DPW and Water Departments on this project.

Trustee Carnright further reported that Fall Bulk pick up will be the week of October 17<sup>th</sup>. In addition the new pick-up truck was delivered and put into service.

Upon the recommendation of DPW Superintendent Halvorsen, Deputy Mayor Edsall made a motion to declare the following vehicles surplus and authorize the Village Clerk to advertise them for sale on GovDeals:

- 1987 Mack garbage truck VIN: 1M2K125C0HM010385 - mileage 58,600
- 2004 Dodge 2500 pick-up truck with lift gate and plow VIN: 3DKU26613G784134 — mileage 112,359

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

Water Department — Trustee Schmidt reported an average daily production of 989,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 44). A total of 56 utility mark-outs were done, 5 meters were replaced, 11 miscellaneous repairs were completed, and 8 final meter readings were done. Main line valve repairs were completed on Dover Ct, Braden Pl/Spruce St, and West St/Spruce St. Water line repairs were made at 147 Main St and Maple Rd. Curb boxes were repaired at 25 Tamara Ln, 7 Poplar St and 32 Continental Rd. In addition, grass was cut at all Water Department properties, the road to Maple Road tank and trail to Black Rock PRV vaults were rebuilt, the hydrant at Catskill Treatment Plant was repaired, the department assisted DPW with paving, and assisted Town of Cornwall Highway Department with tar and chipping/paving town roads.

## RESOLUTIONS

### BLACK ROCK CLEAR WELL REHABILITATION — ENGINEERING PROPOSALS

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute an agreement with Maser Consulting PA in an amount not to exceed \$12,000 for construction engineering support services during the Black Rock Clearwell Rehabilitation project. The motion 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 an agreement with Maser Consulting PA in an amount not to exceed \$7,500 for additional engineering, permitting, meetings and other support services associated with Clearwell Liner Redesign and Permitting. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

### ADA RAMPS NEAR CORNWALL-ON-HUDSON ELEMENTARY SCHOOL

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute an agreement with Maser Consulting PA in an amount not to exceed \$9,500 to survey sidewalks near Cornwall-on-Hudson Elementary School, design 2 ADA accessible ramps including preparation of plans, details/specifications, obtain necessary NYSDOT approvals, and perform site inspections. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

### TAYLOR ROAD WELLFIELD

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute the May 15, 2015 agreement with Maser Consulting PA in an amount not to exceed \$8,000 for professional services associated with

the replacement of the existing Taylor Road Well Field Pumps. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne noted that these services are/have been provided; however, the proposal was not previously accepted by the Village Board.

#### WATER/SEWER BILLS — REQUESTS FOR ADJUSTMENTS

Mayor Coyne made a motion to deny the request of Veronique Lankar, who owns property at 36 Avenue A, to remove the sewer charges from an abnormally high bill caused by an undetected running toilet. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to approve the request of Dorothea Gioe of 2 Summer Winds Court to remove sewer charges totally \$196.80 from her bill that resulted from having her 20,000 gallon pool filled. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to deny the request of Michael Doyle, former owner of property at 3 Elsie Cirle, to remove the sewer charges from an abnormally high final bill caused by an undetected leak in his in-ground sprinkler system. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to deny the request of Sassa Safay of 3 Braden Ct to remove the sewer charges from an abnormally high bill in December of 2015. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### AFFIRMATION OF DENIAL - FREEDOM OF INFORMATION REQUEST

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

**WHEREAS**, Brendan Feenaghty (the "Applicant"), filed three (3) requests for documents with the Village Clerk, pursuant to the Freedom of Information Law ("FOIL"); and

**WHEREAS**, the Village Clerk complied with the Applicant's FOIL requests in part, and provided some of the information sought; and

**WHEREAS**, the Village Clerk denied a portion of the FOIL requests that sought to obtain personnel records for one of the Village's police officers, including the officer's "citizen complaints", "notification of officer misconduct, and disciplinary action", because production of those records would "constitute an unwarranted invasion of personal privacy"; and

**WHEREAS**, the Applicant has appealed the Village Clerk's denial to the Village Board as authorized by Village Code section 30-7; and

**WHEREAS**, the Village Board has reviewed the FOIL requests submitted by the Applicant; the Village Clerk's responses; the Village Clerk's partial denial; and the appeal of that portion of the FOIL requests that were denied;

**NOW, THEREFORE**, the Village Board determines that, based upon New York State Civil Rights Law § 50-a, the Village Clerk correctly denied the request for police officer personnel records

and related records that could be "used to evaluate performance toward continued employment or promotion".

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

#### COMPREHENSIVE PLAN CTTE — APPOINTMENT OF CHAIRMAN/VICE CHAIRPERSON

Mayor Coyne made a motion to appoint Ledlie Klosky chairman and Mary Aspin vice-chairperson of the Village of Cornwall-on-Hudson Comprehensive Plan Committee which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported that this is a "strong committee and he appreciates these members for 'stepping up" to take over leading the committee.

#### **OTHER BUSINESS**

##### ST. LUKE'S CORNWALL HOSPITAL — DELAY OF E.R. CLOSURE

Mayor Coyne announced that closure of the E.R. at St. Luke's Cornwall Hospital has been delayed again. He thanked everyone involved in the struggle to keep the emergency room open.

##### DOCK HILL CSX CROSSING — CLOSURE FOR REPAIRS

Mayor Coyne announced that the CSX crossing at Dock Hill Road will be closed for repairs on September 21<sup>st</sup> and 22<sup>nd</sup>.

##### NYS WATER GRANTS PROGRAM — ROUND 2

Mayor Coyne reported that the Village's application for grant funding under NYS Water Grants Program has been denied during "Round 2" consideration.

##### BLACK ROCK WATER TREATMENT PLANT CLEARWELL REHABILITATION — CHANGE ORDER #1

Water Superintendent June reported that Change Order #1 for additional pressure washing, high pressure power washing, control joint prep, adding 4 test holes, and tank disinfection is currently under review. The proposed cost for these services is \$23,034.00. Mayor Coyne will then sign off on the change order.

##### NATURAL RESOURCE INVENTORY

Mayor Coyne reported that there will be a free "Natural Resource Inventory" in the Town of Cornwall and Village of Cornwall-on-Hudson with help from the Orange County Planning Department.

##### TREES FOR TRIBS PLANTING

Mayor Coyne reported representatives from the NYS DEC along with volunteers from Storm King School will remove some invasive plants and plant new ones at Pagenstecher Park on October 29.

## DISTRICT ATTORNEY'S COMMUNITY ADVISORY BOARD

Mayor Coyne reported that the Orange County District Attorney's Office has appointed an advisory board to make people aware of his efforts to keep crime down in the county.

## NON-UNION EMPLOYEES' AGREEMENT

Deputy Mayor Edsall and Trustee Kane met with the Village Clerk earlier today. This item was tabled for further discussion in Executive Session later this evening.

## FYI

## FILM SHOOT

Mayor Coyne reported that the film shoot at 18 Pine Street took place on August 18<sup>th</sup> and 26<sup>th</sup> and it went well.

## CHAMBER OF COMMERCE CAR SHOW — CORNWALL LOVES OUR POLICE

Mayor Coyne reported that the Cornwall Chamber of Commerce hosted a "Cornwall Loves Our Police" Car Show on September 4<sup>th</sup>. He thanked the Chamber of Commerce for sponsoring this event that raised money for both police departments.

## CORNWALL 9/11 CEREMONY

Mayor Coyne attended the 9/11 Ceremony held at the traffic circle. More than 100 people attended and it went very well. He thanked Highland Engine Co. for organizing the event.

## THE TRESTLE RESTAURANT — LIQUOR LICENSE RENEWAL

Mayor Coyne reported that the Village has received formal notice from The Trestle Restaurant of its intent to renew their liquor license.

## TREES DEDICATION — DONAHUE MEMORIAL PARK

Mayor Coyne reported that there will be a dedication of trees at Donahue Memorial Park on September 23<sup>rd</sup>.

## HAZARDOUS/PHARMACEUTICAL WASTE DISPOSAL

Mayor Coyne reported that there will be a "Hazardous/Pharmaceutical Waste Disposal" collection at the Orange County Fire Training Center on September 24.

## VILLAGE-WIDE YARD SALE & APPLE TIME FAIR

Mayor Coyne reported that the Village-wide Yard Sale and Apple Time Fair will take place on Saturday, October 15<sup>th</sup>.



## DUNCAN AVENUE BLOCK PARTY

Mayor Coyne reported that the Duncan Avenue "block party" has been moved to Saturday, October 15<sup>th</sup>.

## CORNWALL WALK/RUN FOR CANCER

Mayor Coyne reported that the Cornwall "Walk/Run For Cancer" event has been moved from October 9th to October 29<sup>th</sup>.

## PUBLIC COMMENT

Carol O'Keefe of 2 Payson Road asked when the Comprehensive Plan Committee will meet.

Mayor Coyne replied that the committee will meet at 7:00 PM on the last Thursday of each month starting on September 29<sup>th</sup>. Meetings will be held in the Village Hall and are open to the public.

## BOARD ACTIVITIES/COMMENTS

Trustee Schmidt offered his condolences to the Ward family for their loss. In addition Mr. Schmidt attended the 9/11 Ceremony and found it "moving" and was very impressed by everyone who participated.

Trustee Carnright also offered his condolences to the Ward family. In addition Mr. Carnright reminded residents that Clean-Up day will be held on October 17<sup>th</sup>.

Trustee Kane wants to follow up with representatives of Cumberland Farms regarding a recent issue involving a tractor-trailer delivery.

Code Enforcement Officer Maggio reported that he reached out to the Regional Manager of Cumberland Farms and he apologized for this "isolated incident". The Regional Manager will speak to the "delivery team" to make sure it doesn't happen again. Mr. Maggio stated that Cumberland Farms must stick with the conditions of their site plan as well as the delivery agreement reached at their meeting in Village Hall. Discussion followed.

Deputy Mayor Edsall offered his condolences to the Ward family. It was a pleasure for Mr. Edsall to grow up living next door to Mr. Ward's dad "Poppy Ward" who was a member of Highland Engine. Joe Ward's brother "Jack Ward" was also a member of Highland Engine who died in the line of fire service duty. The Ward family is a "first class family" who has donated a lot to this community.

Mayor Coyne offered his condolences to the Ward family. Joe Ward was a "cheerful" active member in this community and he served us well.

Having concluded the business set before them, Trustee Schmidt 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 an issue involving execution of the CSEA contract and the non-union employee's agreement.

The motion was seconded by Trustee Kane 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 CSEA contract.

The meeting was reconvened at 8:34 PM on a motion by Deputy Mayor Edsall, seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### CSEA CONTRACT

Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute the CSEA contract which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### TRANSITIONAL/LIGHT DUTY

Deputy Mayor Edsall made a motion to adopt a policy for Transitional/Light Duty for CSEA employees pursuant to a Workers Compensation claim, as prepared on this date. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

The Village Board acknowledges receipt of a written note from CSEA labor representative regarding use of sick time, and the Board notes their intent not to penalize an employee who utilizes sick leave for a legitimate illness.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the meeting at 8:41 PM which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.