

## VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

January 23, 2017

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 (arrived at 7:25 PM), and Village Clerk Jeanne Mahoney.

Mayor Coyne asked for a Moment of Silence in honor of Margaret (Peggy) Sebesta who passed away on January 22nd. Mrs. Sebesta is the mother of Village Deputy Treasurer Paula Sebesta and Village Mechanic James Sebesta.

Mayor Coyne announced that there is a binder on the back table for anyone interested in looking at resolutions and meeting-related documents that will be discussed this evening.

### **PUBLIC HEARING 2017-2018 PROPOSED BUDGET**

Proof of Notice and Publication having been furnished, and copies of the revised budget having been distributed, Mayor Coyne made a motion to reopen the Public Hearing on the 2017- 18 Budget at 7:02 PM which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Mayor Coyne noted that no changes were made in the General and Sewer Funds. The revised draft budget has addressed concerns that were brought up at the January 9<sup>th</sup> public hearing. Water fund increases have been made on the Bond Anticipation Note Principal and Interest lines (FF9730.6 & FF9730.7) (for the upcoming Black Rock Clearwell Rehabilitation/Reconstruction borrowing), the Taxes on Water Property line (FF1950.4), and the Engineering line (FF8310.412). To compensate, decreases were made on the Contingency line (FF1990.4), the Fiscal Auditor line (FF1380.4), the Insurance line (FF1910.4) and the Serial Bond Principal line (FF9710.6). Mayor Coyne further noted that water rates for Village residents will increase by \$1.00 for each 1,000 gallons of water consumed. There will be no increase in rates for Town residents.

Trustee Carnright noted that this is the first increase in water rates since 2010.

Mayor Coyne noted that there is a proposed 1.7% increase in the tax levy.

Having no one wish to speak, Mayor Coyne made a motion to close the public hearing at 7:06 PM which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

#### 2017 – 2018 BUDGET ADOPTION

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

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING MARCH 1, 2017 AND ENDING FEBRUARY 28, 2018, MAKING APPROPRIATIONS FOR THE CONDUCT OF VILLAGE GOVERNMENT AND ESTABLISHING THE RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR SUCH PERIOD.

WHEREAS, the tentative budget for the year commencing March 1, 2017 and ending February 28, 2018 has been duly presented to the Board of Trustees of the Village of Cornwall-on-Hudson by the Budget Officer and a duly advertised Public Hearing has been held thereon,

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the tentative budget as amended and revised, be and hereby is adopted as the budget and all amounts set forth in Statement 1 as required for the payment of principal of and interest on indebtedness be and are hereby appropriated for the objects and purposes specified and the salaries and wages stated in the schedule of such budget shall be and are hereby fixed at the amounts shown therein effective March 1, 2017.

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

#### TAX LEVY RESOLUTION

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

A RESOLUTION LEVYING THE TOTAL TAXES AND OTHER CHARGES EXTENDED AND LEVIED AGAINST EACH PARCEL OF REAL PROPERTY SHOWN ON THE ROLL PREPARED AND VERIFIED BY THE ASSESSOR FOR THE 2017-2018 FISCAL YEAR.

RESOLVED, that there be levied and assessed against the real property of the Village of Cornwall-on-Hudson the following sums for village government and other charges for the fiscal year 2017-18 with a tax rate of \$10.58 per thousand of assessed valuation:

General Fund	
Total taxes for Current Budget	\$2,592,000.00
Delinquent water rents & charges	55,498.67
Delinquent sewer rents & charges	82,943.58
Delinquent garbage charges	50,412.09
For relevy 10 Idlewild Pk Dr (102-19-43)	2,715.45
For relevy 12 Payson Road (107-4-14)	4,617.11
Total Relevy	\$ 196,186.90

Total Real Property Taxes and Other Charges on Roll	\$2,788,186.90
--	----------------

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

**2017 – 2018 WATER, SEWER, AND GARBAGE RATES**

Mayor Coyne reported that 2017 – 2018 rates for Water, Sewer and Garbage will be as follows:

The Town of Cornwall water rate will remain the same at \$14.56 (per 1,000 gallons consumed).

The Village of Cornwall-on-Hudson water rate will increase by \$1.00 to \$9.56 (per 1,000 gallons consumed).

The Village Sewer Rate will be 103% of the water charge.

The Village Garbage rate will remain the same at:

<b>Unit</b>	<b>Bi-Monthly Rate</b>
Single Family	\$ 72.23
Two Family	\$124.96
Three Family	\$188.47
Four Family	\$248.41
Five Family	\$310.18
Six Family	\$356.00
Seven Family	\$414.19
Eight Family	\$493.56
Ten Family	\$613.48
Commercial I	\$357.79
Commercial II	\$414.19
Commercial III	\$493.56
Commercial IV	\$527.05
Commercial V	\$613.88
Commercial VI	\$1833.53

**CORRESPONDENCE**

Mayor Coyne is in receipt of the following correspondence:

Copy of letter from John Ginda of 11 Prospect Street to the Village of Cornwall-on-Hudson Zoning Board of Appeals requesting a reduction in the \$1,686.70 professional legal services bill he had to pay related to his application for a variance to construct a garage.

## MINUTES

Mayor Coyne made a motion to accept the December 19, 2016 Business Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, and 1 Abstain (Edsall – who was absent).

Mayor Coyne made a motion to accept the January 9, 2017 Special 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 December read as follows:

Village water, sewer, garbage & penalties	\$ 401,473.80
Town water & penalties	140,224.29

which included 5 finals/adjustments for the Village and 4 for the Town.

Warrant #1 — Trustee Carnright made a motion to approve the January 2017 Warrant #1 and authorize payment of \$141,623.13, 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 \$6,086,560.76 (85.68%) in anticipated revenues and \$5,999,703.31 (83.75%) in anticipated expenditures through the end of December.

The Sewer Capital Fund balance is \$137,847.45 (including interest) through December 31<sup>st</sup>.

## BOARD DEPARTMENT REPORTS

Building Department Trustee Schmidt reported 1 building permit was issued, 5 certificates of compliance/occupancy were issued, 20 onsite inspections were performed, 2 fire inspections were conducted, and 5 municipal searches were completed. Inspector Maggio worked 80 hours in December.

Fire Department — Deputy Mayor Edsall reported 1 structure fire, 1 outside electrical fire, 1 automatic alarm, 3 medical calls, 1 good intent call, 2 motor vehicle accidents, 1 public service detail, 2 meetings, 8 drills, 1 work detail, 2 public relations details, and 1 holiday parade for a total of 25 events and 425.22 volunteer man hours.

Deputy Mayor Edsall further reported that the department responded to 421 calls for service volunteered 5,961.4 man hours in 2016. During 2016 the department applied for an “Assistance to Firefighter” grant but was unsuccessful, met with Village, State, Federal and CSX officials to discuss railroad crossing concerns, four probationary firefighters graduated from the Orange County Firefighter 1 training academy, relocated the communications repeater system to the Snake Hill” communications site maintained by Vails Gate Fire Department, began a new long-term equipment replacement plan for turn-out gear & SCBA cylinders, purchased and placed into service a rescue

boat, purchased and placed into service a command vehicle, completed all required NFPA testing of apparatus pumps, ground ladders, aerial ladder and hose (all equipment passed this testing and was certified for use), made repairs to Engines 411 and 412, installed new ceiling fans on truck floor, awarded 7 scholarships/awards to graduating CCHS seniors, upgraded the electronic key system, met with kayak groups regarding safety (new safety procedures to be implemented in 2017), received a total of \$190,000 in grants from Assemblyman Skoufis and Senator Larkin for building improvements, participated in 3 mutual aid drills (Battalion 4 MVA Extrication drill, West Point Fire Department Tanker Shuttle and Orange County Emergency Management Crude Oil Drill), won 1<sup>st</sup> place Class B, 1<sup>st</sup> place Firematic Color Guard and the Auxiliary won 1<sup>st</sup> place Class A at Orange County Volunteer Fire Assn parade, and sustained flood damage in basement during a rain storm.

Also during 2016 the department suffered the loss of Firefighters Tom O'Keefe and Seth Parent, 2 long-time and valuable members.

Mr. Edsall noted that it was a "busy year" for the fire department and he thanked the volunteers for all they do for this community.

Police Department Trustee Kane reported 4 misdemeanor criminal mischief, 1 misdemeanor petty larceny, 1 misdemeanor assault, 2 misdemeanor harassment, 3 misdemeanor arrests, 1 warrant arrest, 5 property damage accidents, 30 traffic summons issued, 29 traffic warnings issued, 5 parking summons issued, 4 fire response calls, 3 domestic incident calls, 5 alarm response calls, 2 noise complaints, 3 suspicious person calls, 5 suspicious vehicle calls, 2 suspicious activity calls, 5 animal complaints, 1 disorderly adult call, 2 disorderly juvenile calls, 11 assists to the Town of Cornwall Police Department, 13 EMS assist calls, 2 assists to other agencies, 1 welfare check, and 4 assists to citizen for a total of 376 total calls for service.

Trustee Kane further reported that during the month of December the department continued participating in Orange County "STOP-DWI" enforcement, and assisted with traffic/security for the annual "New Year's Eve Ball Drop" ceremony.

Department of Public Works — Trustee Carnright reported 98.94 tons of trash was collected, 30.28 tons of recycling was collected, 25 yards of yard waste was collected, 1.25 tons of tires were recycled, routine maintenance was performed on Village-owned vehicles, replaced damaged guiderail on River Ave, repaired area on Deer Hill Rd damaged due to ground water, repaired damaged curb at Hudson and River Ave., pre-treated roads on December 17<sup>th</sup> for anticipated snow storm, plowed roads, parking lots and sidewalks, and removed snow from parking spots and areas in business district.

Trustee Carnright further reported that the DPW assisted the Village Police and Ball Drop committee with barricades, barrels, cones and trash cans for New Year's Eve celebration.

Mayor Coyne is in receipt of an email from George Parker of Idlewild Pk Dr thanking two Department of Public Works employees for their thoughtfulness and assistance to a neighbor who had fallen. These employees were able to lift the neighbor, get him walking, and helped a caregiver bring him home.

Water Department — Trustee Carnright reported an average daily production of 860,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples

were collected (a total of 27). A total of 7 meters were replaced, 13 miscellaneous repairs were completed, and 7 final meter readings were done. A pressure reduction valve (PRV) was repaired on Hudson St., 3 curb boxes were repaired on Kelly Lane, water main breaks were repaired on the Boulevard and Dock Hill Rd., water service was turned off/on at 21 Ridge Rd., and emergency water shut off was done at 19 Chadeayne Ave. In addition, the department turned on the Dock Hill bleed line, winterized fire hydrants, installed hydrant snow stakes, and installed a new security gate at Maple Rd tank.

#### DOUGLAS SEELY RETIREMENT

Mayor Coyne made a motion to accept the retirement of Douglas Seely effective March 13, 2017 with regret. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne thanked Mr. Seely for his long and valued service to the Village. He will invite Mr. Seely to a future Business Meeting so the Board can convey its best wishes and thank him for his dedicated years of service to the Village and the Water Department. Discussion of Mr. Seely's replacement was tabled for discussion in Attorney/Client session later this evening.

#### RESOLUTIONS

##### ANNUAL ELECTION - MARCH 21, 2017 - POLLING PLACE AND TIME

Mayor Coyne made a motion to set the polling place and time for the Annual Election in the Meeting Room of the Village of Cornwall-on-Hudson, 325 Hudson St., Cornwall-on-Hudson, N.Y. between the hours of Noon and 9 PM. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

##### ELECTION INSPECTOR APPOINTMENTS

The Clerk requested the following be appointed Election Inspectors for the upcoming March 21st election at a rate of \$75 per day:

- |                               |  |
|-------------------------------|--|
| Registration Day:             | Margaret Flint, as Chairperson and Elsa Cameron                    |
| Election Day Table:           | Margaret Flint, Martha Diederich, Lauren Anderson and Rita Ponessa |
| Alternates:                   | Robert Anderson and Barbara Smith                                  |
| Election Day Machine:         | Elsa Cameron and Barbara Gabhart                                   |
| Field Tech of Voting Machine: | Ray Torracca (\$180 per machine).                                  |

Mayor Coyne moved to accept these appointments which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

VILLAGE REGISTRATION DAY

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

**WHEREAS**, the next General Election for Officers will be held on the 21st day of March, 2017, and

**WHEREAS**, no person shall be entitled to vote at any Village Election whose name does not appear on the Register for the election district in which he claims to be entitled to vote, and

**WHEREAS**, it is the duty of the inspectors of election to prepare such register of qualified voters for the district for which they were appointed, and

**WHEREAS**, Section 15-118 of the Election Law of the State of New York requires that every Village hold a Registration Day for each General Village Election,

**NOW, THEREFORE BE IT RESOLVED**, that Registration Day for the Village of Cornwall-on-Hudson shall be held on Saturday, the 4th of March from 12:00 PM to 5:00 PM in the Board Room of the Village Hall, 325 Hudson St., Cornwall-on-Hudson, N.Y.

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

MELISSA FUND SUN RUN – MAY 13, 2017

Mayor Coyne made a motion authorizing the “Melissa Fund Sun Run” to take place on Saturday, May 13<sup>th</sup>, subject to legal review of the documents. The course route will once again go through portions of the Village and Town of Cornwall. The motion was seconded by Trustee Carnright and carried upon a vote of 3 Ayes and 0 Nays.

**OTHER BUSINESS**

ZOMBIE UTILITY POLES

After some discussion, Attorney for the Village McKay will draft an introductory Local Law, modeled after the Town of Wallkill’s law, to address “zombie” or double utility poles, for the February business meeting.

CORNWALL VOLUNTEER AMBULANCE CORP (COVAC) – INTERMUNICIPAL AGREEMENT

Mayor Coyne tabled this item for discussion in Attorney/Client session later this evening.

MONITORING – KIRYAS JOEL WELL

Mayor Coyne reported that the NYS Department of Environmental Conservation (DEC) gave permission for Kiryas Joel (KJ) to draw water from their well in Mountainville. The DEC also gave permission for KJ to monitor the drawdown of water from their well. There are concerns that the amount of water drawn by KJ's well will cause other neighboring wells to run dry. Last week, Town of Cornwall Supervisor Randazzo presented a proposal from an independent monitoring service to the Village and Town of Woodbury and Village of Cornwall-on-Hudson. The proposal includes \$60,000 for installation and \$40,000 to monitor the well for 2 years with costs to be equally shared among the 4 municipalities.

Trustee Kane suggested that the state be asked to pay for this additional monitoring. Mayor Coyne agreed that it's a good idea to ask since the Village will be responsible for 25% of these costs.

Deputy Mayor Edsall stated that he has a real difficulty in Village taxpayers doing "the DEC's job".

Trustee Carnright reported that a property adjacent to the KJ well site is about to become a "Superfund site", and it appears to be in or near that aquifer line.

Mayor Coyne stated that more research needs to be done; however, KJ may start to use the well this spring. He will be attending another meeting on Wednesday with the other three municipalities and an engineer. Mr. Coyne hopes to address this issue further in February.

#### COMPREHENSIVE PLAN COMMITTEE UPDATE

Mayor Coyne reported that the committee will meet on January 26<sup>th</sup> and will invite Niklas Moran to discuss the Natural Resource Inventory. The Village Clerk, DPW Superintendent, and Water Superintendent will be asked to attend the February meeting if available.

#### MS4 – MAPPING

Mayor Coyne reported that there is nothing new to report on this item.

#### FEE SCHEDULE

Mayor Coyne tabled this item for discussion in Attorney/Client session later this evening.

#### 5 RIVER AVENUE - SEASONAL OUTDOOR DINING

Mayor Coyne reported that the 10 year license agreement between the Village and Anthony Missere, owner of the property located at 5 River Avenue will expire next month. This item was tabled for additional discussion in Attorney/Client session later this evening.

#### GOVERNOR'S PLAN FOR MUNICIPAL CONSOLIDATION

Mayor Coyne reported that Governor Cuomo is linking municipal state aid to legislative approval of his mandate on counties to hold a referendum on a county-designed municipal consolidation plan. The New



York Conference of Mayors (NYCOM) has issued a statement against this action. The Village Water Department already cooperates with local municipalities, including the Town of Cornwall, Town of Newburgh, and Town and Village of Warwick. In addition, the Department of Public Works shares equipment and man-power with many other municipalities. The NYS Association of Towns, Villages and Cities will meet next week to discuss this matter and will issue a response. Mayor Coyne will also respond.

#### ELECTRIC TRANSMISSION RIGHT-OF-WAY SURVEY

Mayor Coyne reported that Central Hudson has contracted with Maser Consulting to perform a land survey of electric transmission lines in the Village. Maser Consulting is the Village's engineering firm.

#### VILLAGE PIZZA & RESTAURANT, INC. – LIQUOR LICENSE RENEWAL

Mayor Coyne reported that the Village has received formal notice from Village Pizza & Restaurant, Inc. of its intent to renew their liquor license.

#### ACCIDENT – SHORE ROAD RAILROAD CROSSING

Mayor Coyne reported that on December 17<sup>th</sup> another car was involved in an accident at the Shore Road railroad crossing when the wheels got stuck on the train track. It was nighttime, the driver was not familiar with the area, and drove off the pavement. Fortunately no one was injured. Last year, the Department of Public Works installed chevrons, stop signs, and road markings at this location to alert traffic of the railroad crossing after a similar accident had occurred.

#### ST. LUKE'S CORNWALL HOSPITAL – CLOSING OF EMERGENCY ROOM

Mayor Coyne reported with "great sadness" that the St. Luke's Cornwall Hospital Emergency Room is now closed. Assemblyman James Skoufis fought to keep it open, and it is unfortunate for our residents that his efforts were not successful.

#### NEW YEAR'S EVE

Mayor Coyne thanked the New Year's Eve committee, headed by Mike Trainor and Trustee Schmidt, for a great New Year's Eve celebration and Ball Drop. Approximately 500 people attended. The committee was successful in raising enough money to replace the ball and provide entertainment for the event.

#### CLEAN ENERGY INITIATIVE

Mayor Coyne reported that Niklas Moran from the Natural Resource Inventory met with the Village Board at the January work session to discuss "Clean Energy" communities and initiatives. Mr. Coyne hopes to start working on some of the objectives shortly; including energy code enforcement training.

#### NON-UNION EMPLOYEE'S AGREEMENTS

Deputy Mayor Edsall reported that they are making final revisions to the agreement. He would like to schedule follow-up meetings with non-union employees to discuss the final version and 2017-2018 salaries in February. This item was then tabled for additional discussion in Attorney/Client session later this evening.

## **FYI**

### **INDIAN POINT CLOSURE**

Mayor Coyne reported that Indian Point is slated to close in 2021. Mr. Coyne does not yet know how the energy will be replaced; however, he is hopeful that everything will “work out”.

### **PUBLIC COMMENT**

John Moran of 187 Mountain Road stated that with regard to monitoring KJ’s well in Mountainville, while it is important to have data, this is going to cost the Village an additional \$25,000. He hopes that with this cost, there is a reasonable likelihood that the outcome will be no effect on the well level. If there is an adverse effect, can we be certain that the data we supply to the DEC will make a difference?

Mayor Coyne replied that this is a hard question to answer because the DEC has not been responsive thus far. When to stop is a hard decision to make; however we have a responsibility to our residents to protect our water system and the private wells in that area

Mr. Moran also thanked our Department of Public Works for sanding the roadways this evening and every time it is needed. He appreciates the good work on snow control and salting.

### **BOARD ACTIVITIES/COMMENTS**

Trustee Schmidt offered his condolences to the Sebesta family for their loss. He thanked Mike Trainor for a “wonderful job” in organizing the New Year’s Eve Ball Drop and for the letter to the editor that he submitted to the Cornwall Local and Sentinel acknowledging the people and departments who helped make the event a success.

Trustee Carnright also offered his condolences to the Sebesta family. In addition he stated that since we’re all supposed to be protected by the DEC, they should be doing the monitoring of the Kiryas Joel well. The municipalities shouldn’t have to bear the cost.

Trustee Kane stated that the Village Board needs to balance how much money should be spent and when to stop spending on matters involving Kiryas Joel. It is obvious to him that KJ wields a strong political power through the number of votes they generate, and that has a “significant impact”. We have a “difficult fight on our hands”.

Mayor Coyne added that we need to make sure that when/if the neighboring wells run dry that KJ is held accountable.

Deputy Mayor Edsall thanked Doug Seely for all his years of service and for being a “good employee”. Mr. Seely has been a dedicated, hard worker for the Village Water Department. Mr. Edsall also thanked Mike Trainor for stepping up and putting his “heart and soul” into making the New Year’s Even event even better. Mr. Edsall offered his condolences to the Sebesta family for the tragic loss of their family member.

With regard to the KJ well, Deputy Mayor Edsall stated that he is concerned that it will cost a lot of money to perform the proposed monitoring. This monitoring does not include the draw of KJ’s well, only the stream. Even if there are variables in the stream, it will be difficult to prove that the draw of the well caused the problem, not other influences such as weather conditions or stream conditions. The DEC issues a permit which has limits of operation as to what the draw from the well can be. It is the DEC’s job to make sure the well is not over utilized, not the municipalities. The municipal group should spend its time going to everyone from the Governor to the DEC Regional Director and say “enough is enough” and tell the DEC to do their job.

Mayor Coyne also offered his condolences to the Sebesta family for their loss.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting into a closed meeting to receive advice of counsel at 8:07 PM with the Attorney for the Village to discuss a Water Department employee replacement, a personnel and disciplinary issue involving a particular Water Department employee, the Inter-Municipal Agreement with COVAC, the proposed fee schedule, and the license agreement with 5 River Avenue. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.