

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 27, 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, Code Enforcement Officer Ben Maggio, and Recording Secretary Robin Hastey.

Absent were: Attorney for the Village Joseph McKay (standing meeting in South Blooming Grove)  
Village Clerk Jeanne Mahoney (vacation)

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 HEARINGS**

**A LOCAL LAW CREATING A NEW CHAPTER 153 OF THE VILLAGE CODE OF THE VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK ENTITLED “REMOVAL OF UTILITY POLES”, REQUIRING UTILITY COMPANIES TO REMOVE INACTIVE, BROKEN OR REPLACED UTILITY POLES WITHIN THE VILLAGE**

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on a Local Law Creating a new Chapter 153 of the Village Code of Cornwall-on-Hudson entitled “Removal of Utility Poles” requiring utility companies to remove inactive, broken or replaced utility poles within the Village was called to order at 7:01 PM on a motion by Mayor Coyne, seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Doug Land of Deer Hill Road stated that he appreciates the Village Board’s efforts to address this issue. He counted 14 “zombie” poles between his house and Village Hall. Mr. Land stated that there is also a very important secondary issue when dealing with public utilities and that is wires. The amount and size of wires has “tripled” over the past 3 years. Every pole now has “multiple” boxes on them. He asks the Village Board to address this “aesthetic” issue as well.

Trustee Kane stated that other people have also complained about the wire issue. Mr. Kane has taken pictures of wires hanging down. This issue is on the “radar” will be addressed.

Deputy Mayor Edsall replied that the Board cannot add the wire issue to this local law, but it will likely be part of the “second step”. The Board will have to figure out a mechanism to effectively justify a “criticism” of a public utilities design of having too many conductors from pole to pole.

Lenora Ransom of Duncan Avenue stated that she has asked Verizon multiple times over the past 3 years to remove a “zombie” pole from her property with no luck. Central Hudson removed their lines but since Verizon is last service on the pole it is their responsibility to remove the pole. Anything the Village can do on this issue is greatly appreciated.

Mayor Coyne met last week with representatives of Central Hudson. They have liability concerns with regard to poles that may be hit or defective. This issue must be addressed and Mayor Coyne appreciates them bringing this to his attention. There is a program called National Joint Utilities Notification System (NJUNS) and the Village has started getting “hooked up” with that. It will help to identify poles that need to be taken care of in one way or another.

Having no further public comment, Deputy Mayor Edsall made a motion to close the public hearing which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported that the Village Board will not be taking action on this local law this evening because there is still work to be done; however, the Board is “on it.” He will discuss this matter with the Attorney for the Village and “refine” the draft law.

**A LOCAL LAW AMENDING CHAPTER 76 OF THE VILLAGE CODE OF THE VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK AUTHORIZING THE VILLAGE BOARD TO ADOPT A SCHEDULE OF FEES AND ESCROW DEPOSITS ANNUALLY OR MORE FREQUENTLY IF REQUIRED**

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on a Local Law Amending Chapter 76 of the Village Code of Cornwall-on-Hudson authorizing the Village Board to adopt a schedule of fees and escrow deposits annually or more frequently if required was called to order at 7:11 PM on a motion by Mayor Coyne, seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall reported that the purpose of the draft local law is not to set those fees, but rather to create a mechanism via a local law that will allow the Village Board to adopt a schedule of fees on an annual basis.

Mayor Coyne stated that he appreciates the efforts of Building Inspector Maggio and Village Clerk Mahoney in updating the Village fee schedule. Mayor Coyne expects to adopt a new fee schedule at the Reorganization Meeting on April 3<sup>rd</sup>.

Hearing no one speak for or against the introductory local law, Deputy Mayor Edsall made a motion to close the public hearing at 7:14 PM which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## RESOLUTION OF ADOPTION – SCHEDULE OF FEES AND ESCROW DEPOSITS

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

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Cornwall-on-Hudson on February 27, 2017 scheduling a public hearing to be held by said governing body on March 27, 2017 at 7:02 p.m. to hear all interested parties on a proposed local law entitled a “Local Law Amending Chapter 76 of the Village Code of Cornwall-on-Hudson, New York Authorizing the Village Board to Adopt a Schedule of Fees and Escrow Deposits Annually or More Frequently if Required”; and

**WHEREAS**, on February 27, 2017 the Village Board designated itself as the Lead Agency with respect to SEQR review of the foregoing proposed local law, classified the proposed action as an unlisted action under SEQR, and scheduled a public hearing with respect to the action, and

**WHEREAS**, the notice of said public hearing was duly advertised in the Cornwall Local the official newspaper of said Village according to the law; and

**WHEREAS**, said public hearing was held on March 27, 2017 at or about 7:02 p.m. at Village Hall, 325 Hudson Street, Cornwall-on-Hudson, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said to proposed local law or any part thereof; and

**WHEREAS**, the Board of Trustees of the Village of Cornwall-on-Hudson has reviewed the proposed local law, the short Environmental Assessment form prepared in connection therewith and the public comment provided at the aforesaid public hearings and after duly deliberations thereon;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon, that the adoption of the proposed local law is in the best interest of the residents of the Village and hereby adopts said local law #1 of 2017 entitled “A Local Law Amending Chapter 76 of the Village Code of Cornwall-on-Hudson, New York Authorizing the Village Board to Adopt a Schedule of Fees and Escrow Deposits Annually or more Frequently if Required” a copy of which is attached hereto and made a part of this resolution; and

**HEREBY** directs the Village Clerk to enter said local law in the minutes of this meeting and in the local law book of the Village of Cornwall-on-Hudson and to give due notice of the adoption of said local law to the Secretary of State of New York.

The foregoing resolution was seconded by Deputy Mayor Edsall 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.

## **MINUTES**

Mayor Coyne made a motion to accept the February 27, 2017 Business Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the March 13, 2017 Special Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the March 24, 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 February read as follows:

Village water, sewer, garbage & penalties	\$228,196.34
Town water & penalties	122,468.16

which included 5 finals/adjustments for the Village and 7 for the Town.

Warrant #3 — Trustee Carnright made a motion to approve the March 2017 Warrant #3 and authorize payment totaling \$320,073.61, which was seconded by Trustee Kane and carried by a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported that the Village is in receipt of \$6,653,135.22 (93.65%) in anticipated revenues and \$6,902,782.71 (96.35%) in anticipated expenditures through the end of February.

The Sewer Capital Fund balance is \$149,844.25 (including interest) through February 28<sup>th</sup>.

## **BOARD DEPARTMENT REPORTS**

Building Department Trustee Schmidt reported 7 onsite inspections were performed, 1 fire inspection was conducted, and 4 municipal searches were completed. Inspector Maggio worked 80 hours in February.

Fire Department — Deputy Mayor Edsall reported 3 automatic alarms, 4 medical calls, 3 meetings, 8 drills, 1 work detail, and 1 winter storm stand-by for a total of 19 events and 305.736 volunteer man hours.

Deputy Mayor Edsall further reported that the state grant is progressing, the rescue boat will be prepared to be placed in the water in early April, the department will host the Orange County Fire Battalion 4 meeting on March 28<sup>th</sup>, is updating the Multiple Alarm Mutual Aid (MAMA) plan, and accountability tags supplied by the county will be issued shortly. In addition, the updated Orange County Fire Mutual Aid Plan will be provided this summer for review and authorization.

On March 7<sup>th</sup> a major derailment occurred in the City of Newburgh. Our fire department relocated one engine for stand-by duty during this incident. The CSX trail was carrying various hazardous chemicals; however, Bakken Crude oil was not one of them. Had there been a serious hazardous material release with a far reaching effect on our community, we must be and stay prepared to respond.

Police Department Trustee Kane reported 3 misdemeanor harassment, 1 felony arrest, 5 misdemeanor arrests, 5 violation arrests, 3 property damage accidents, 56 traffic summons issued, 37 traffic warnings issued, 5 parking summons issued, 10 radar enforcement posts, 3 fire response calls, 5 domestic incident calls, 8 alarm response calls, 1 noise complaint, 8 suspicious vehicle calls, 1 suspicious activity call, 4 animal complaints, 2 disorderly adult calls, 2 disorderly juvenile calls, 10 assists to the Town of Cornwall Police Department, 10 EMS assist calls, 1 assist to other agencies, 3 welfare checks, and 3 assists to citizen for a total of 343 total calls for service.

Trustee Kane further reported that Police Chief Dixon conducted a presentation about Crime Prevention as well as the “Safe Seniors” program at the Cornwall Seniors Center.

Mayor Coyne is pleased to report that Cornwall has been recognized as one of the “safest communities”.

Department of Public Works — Trustee Carnright reported 77.90 tons of trash was collected, 25.13 tons of recycling was collected, cold patching of potholes, service and repairs to Village owned vehicles, repaired guiderail on Shore Rd., dug on Deer Hill Rd and installed subservice drainage to help with ice condition, sewer main line maintenance, and roadside cleanup from plow damage has started.

Water Department — Trustee Schmidt reported an average daily production of 852,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 37). A total of 8 meters were replaced, 11 miscellaneous repairs were completed, and 9 final meter readings were done. A fire hydrant valve box was repaired on Hudson St and Academy Ave., service of fire pumps at Maple Road pump station was completed, 2 valve boxes were repaired on First St and Highland Ave, a curb box was repaired at 84 Mailler Ave, and 39 mark outs were completed. In addition, performed maintenance on pressure reduction valves (PRV’s) and inspections, completed vehicle maintenance, repaired overhead door and serviced door to storage building, assisted DPW with snow removal from all Village streets, completed snow removal from all fire hydrants, completed plow maintenance, and installed a new security gate at Maple Rd.

## **RESOLUTIONS**

### **MONITORING OF KIRYAS JOEL (KJ) WELL IN MOUNTAINVILLE – APPROVAL**

Mayor Coyne reported that Cornwall Town Supervisor Randazzo received 2 quotes for well monitoring. Chazen Engineering, who was the low bidder, quoted \$100,000. The Village would be responsible for 25% or \$25,000 of this cost to be broken out over 3 years (\$15,000, \$10,000 then \$2,500).

Mayor Coyne made a motion to accept the proposal of Chazen Engineering to monitor the KJ well in Mountainville at a cost not to exceed \$25,000. This will be paid 50% out of the Water Fund and 50% out of General Fund Contingency. The motion was seconded by Trustee Carnright.

Deputy Mayor Edsall stated that Supervisor Randazzo clarified his concern that merely monitoring the elevations of the Moodna creek was not adequate to make the case to the Department of Environmental Conservation (DEC) given the history of litigation so far. Both proposals include an element to monitor not just the stream elevations but monitoring of ground water elevations as well. Mr. Edsall would like to see our approval subject to that being a mandatory component. Without that, we won't have the nexus between KJ taking of water and that impact being a direct connection to stream conditions.

The motion, as amended, was then put to a vote which resulted in a vote of 5 Ayes and 0 Nays.

#### WATER DEPARTMENT PROMOTION

Upon the recommendation of Water Superintendent June, Mayor Coyne made a motion to promote Daniel Nye to the position of Senior Water Maintenance Worker which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne noted that Daniel Nye is replacing the position previously held by Douglas Seely.

#### WATER DEPARTMENT – AUTHORIZATION TO ADVERTISE VACANT POSITION

Mayor Coyne made a motion authorizing Water Superintendent June to advertise for a Water Maintenance Worker which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne noted that this position was previously held by Daniel Nye.

#### **OTHER BUSINESS**

#### GOVERNOR'S CONSOLIDATION PLAN

Mayor Coyne reported that he along with most other Mayor's and Supervisor's in Orange County oppose this plan. Governor Cuomo is threatening to take State Aid away if his plan is not put forth by County Executive Neuhaus. NY Conference of Mayors (NYCOM) has taken a strong view opposing this consolidation mandate. Mayor Coyne intends to write a letter to Senator Larkin and Assemblyman Skoufis letting them know the Village is opposed to this consolidation mandate. The Governor's proposal does not address school taxes.

#### SNOW STORM – MARCH 14, 2017

Mayor Coyne thanked the DPW and Water Departments a good job in dealing with the snow storm which was one of the biggest we've had in a number of years. Many residents were pleased with the way roads and sidewalks were cleared.

## KAYAK VENDORS – ORANGE COUNTY ROWING ASSOCIATION

Mayor Coyne reported that the Village Board will be setting the fees for kayak vendors or Orange County Rowing Association at the Reorganization Meeting.

Trustee Kane wants to require kayak vendors to park their trailers in the designated trailer area.

Deputy Mayor Edsall stated Storm King Engine Co. will prepare a list of required safety and communication equipment for kayak vendors and the rowing association.

Mayor Coyne reported that the rowing association has had difficulty getting their long boats from Scenic Technologies to our park. Mayor Coyne is asking the Board to consider a “trial run” to allow them to use one of the parking spaces to leave their trailer at the park 4 days a week (Fri-Mon) for an additional fee. Discussion followed.

## CSX: ACCIDENT IN NEW WINDSOR

Mayor Coyne reported that this item was addressed in the Fire Department report earlier this evening.

## VILLAGE ELECTION – MARCH 21, 2017

Mayor Coyne reported that the Village Election was held on March 21, 2017. Deputy Mayor Edsall, Trustee Carnright and Mayor Coyne were each re-elected for another 2-year term. He thanked everyone for turning out.

## COVAC AGREEMENT

Mayor Coyne reported that a meeting was held last week with members of COVAC and Storm King Engine Co. We are “gradually” coming to an agreement that will address the Storm King Engine’s calls for service.

Further discussion was tabled for Execution Session later this evening.

## SUMMER RECREATION PROGRAM

Mayor Coyne reported that Jen Borland will return as our Summer Recreation Director; however, the Assistant Director will not and we are seeking a replacement.

## COMPREHENSIVE PLAN COMMITTEE – UPDATE

Deputy Mayor Edsall reported that due to a lack of a quorum, an informal meeting was held on March 23<sup>rd</sup>. Planning Board Chairman Jeff Small shared some recommended zoning amendments that he originally developed several years ago. A meeting to allow public input on the scope and table of contents will be held in April.

## BENCHMARKING ENERGY USE – MUNICIPAL BUILDINGS OVER 1,000 SQ FT

Mayor Coyne reported that he will be appointing someone to monitor energy use in our buildings over 1,000 sq. ft.

## MS4 MAPPING – PUBLIC HEARING

Mayor Coyne reported that the required annual public hearing on MS4 Stormwater will be held at the May 15<sup>th</sup> Business meeting.

## KJ ANNEXATION APPEAL

Mayor Coyne reported that an appeal to the KJ Annexation was filed on March 20<sup>th</sup>, and we hoping that it is successful.

Upon the recommendation of Attorney for the Village John Furst, and in order to preserve the Village's legal position in this matter, Trustee Kane made a motion to authorize the Village to join the motion for a preliminary injunction at an additional cost not to exceed \$5,000. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

## ROUTE 9W – SPEED LIMIT

Mayor Coyne recently attended a “round-table” discussion to discuss safety on Route 9W. The issue of speed was raised, and the Town of Cornwall will be requesting the speed limit be lowered.

## LAND SWAP

Mayor Coyne reported that he has received a request for a “land swap” involving our property located on Palomino Road where our water treatment plant is located. The developer is looking to put in some condominiums for senior housing. Mayor Coyne, Water Superintendent June, and Village Clerk Mahoney recently met with the developer about this request.

Deputy Mayor Edsall suggests the Village Board take this item off our agenda until a referral from the Town of Cornwall is received.

## NYS DEPARTMENT OF LABOR VISIT

Mayor Coyne reported that we received a “surprise” visit from the NYS Department of Labor on March 23<sup>rd</sup>. We are expecting some recommendations from the Department of Labor as a result of that visit to our Department of Public Works, Water Department and Police Department.

## STREET LIGHTS

Mayor Coyne reported that he participated in a conference call earlier today with Town Supervisor Randazzo and Warwick's Mayor and Supervisor to discuss the benefits of purchasing LED street lights.



In the long run it will be advantageous to the Village; however, the initial cost might require the Village to take out a bond.

#### BICYCLE ROAD RACE – ANSWER TO CANCER JUNE 10, 2017

Deputy Mayor Edsall made a motion to approve the Answer to Cancer Bicycle Road Race on June 10, 2017 subject to them providing an insurance certificate naming the Village as additional insured. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

#### NON UNION EMPLOYEE AGREEMENTS

Mayor Coyne is happy to report that progress is being made. The Board met with 2 of the non-union employees last week and will meet with the other 4 at a special meeting starting at 8:30 AM this Wednesday, March 29.

#### FYI

#### MARGARET FAUROT – 100 YEAR BIRTHDAY

Mayor Coyne reported that Margaret Faurot, a long-time member of Cornwall Presbyterian Church turns 100 years old today. A celebration was held for her at the church yesterday. Mrs. Faurot has lived in the Village for 92 years, originally from Scotland. Mayor Coyne wished her a very happy birthday.

#### RIVER SWEEP – MAY 6, 2017

Mayor Coyne reported that the annual River sweep will take place on May 6. Volunteers are needed to help clean-up the park and north of the park.

#### BOARD ACTIVITIES/COMMENTS

Trustee Schmidt congratulated his fellow board members for their successful re-elections to the Village Board. It is a pleasure working with them.

Trustee Carnright thanked everyone for their support. He looks forward to another 2-year term. In addition, Mr. Carnright wished Mrs. Faurot a happy birthday. He noted that Mrs. Faurot was a long-time librarian in the Village. Her husband Irving was his mailman for almost 50 years.

Trustee Kane congratulated the re-elected members of the Village Board. He also congratulated his alma mater Gonzaga University for making the college basketball “Final 4”.

Deputy Mayor Edsall thanked everyone who supported him and his fellow members to keep the “team” moving forward. Mr. Edsall thanked Storm King Engine Co., the DPW and Water Departments for their efforts before, during and after the big snow storm. He noted that Storm King Engine is a volunteer department.

Mayor Coyne stated that he is happy to serve another 2-year term as Mayor. He appreciates the support of the residents.

Having concluded the business set before them, Deputy Mayor Edsall made a motion to adjourn the business meeting into executive session at 8:10 PM to discuss the COVAC contract, non-union employment agreements, and a legal matter for referral to our illage attorney. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.