

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

April 17, 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, Assistant Fire Chief Michael Trainor, Attorney for the Village Joseph McKay, and Village Clerk Jeanne Mahoney.

Mayor Coyne asked for a Moment of Silence in honor of Gerard (Chick) Jurgens who passed away on April 16th. Mr. Jurgens was 65 year volunteer member of Storm King Engine Co #2 and a past grand marshal of the July 4th parade.

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

A LOCAL LAW IMPLEMENTING A MORATORIUM ON THE DEVELOPMENT OF ACCESSORY APARTMENTS IN THE VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK

Be it enacted by the Village Board of the Village of Cornwall-on-Hudson, County of Orange, State of New York, as follows:

Section 1. Legislative findings and intent.

The Village of Cornwall-on-Hudson Board of Trustees (the “Village Board”) of the Village of Cornwall-on-Hudson (the “Village”) hereby finds that there have been questions raised concerning the proper application of the existing accessory apartment regulations, and the conditions placed upon accessory apartments, as set forth in Chapter 172, Section 48.3 of the Village Code, and it is in the public interest as set forth herein, to impose a moratorium (the “Moratorium” or “Local Law”) on the development and construction of accessory apartments in the Village in order to provide the Village Board with an opportunity to revise the existing regulations. The Board hereby finds that the adoption of a moratorium on the construction or development of accessory apartments will best maintain the

status quo during the moratorium, and will prevent interim development from frustrating the objectives of the review and the amendment of the accessory apartment code provisions.

Section 2. Scope of Moratorium.

- A. Moratorium on the issuance of accessory apartment building permits and other actions: Except as provided in Sections 2(D), no accessory apartment building permit application shall be accepted, and no pending accessory apartment building permit application shall be further processed or approved, and no suspended or revoked building permit shall be reinstated for residential accessory apartment uses located within the Village, except in accordance with this Local Law.

- B. Moratorium on actions by the Village Board, Planning Board and Zoning Board of Appeals: The Village Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear, or approve any new or pending application for the approval of an accessory apartment or issue any preliminary or final site plan review or approval, special permit, variance or other land use application or permit approval which relates directly or indirectly to accessory apartment construction, including but not limited to any applications for a variance, permit or planning approval.

- C. Moratorium and provisions of Village Law: To the extent that any provisions of New York State Village Law impose a time frame for action by a municipal entity, board or body, absent which, a default approval will result from any inaction, the time for any action required by the Village Board, Planning Board or Zoning Board of Appeals shall be and is hereby extended until this Moratorium, and any extensions thereof, have expired. Therefore, no default approval shall be deemed to have taken place with regard to any application for any approval concerning accessory apartment development by reason of this Moratorium being in effect.

- D. The construction of accessory apartments within the Village that do not require any permit, approval, or variance from the Planning Board or Zoning Board of Appeals or applications which have already obtained the following prior to the effective date of the local shall be permitted to be undertaken and shall be fully exempt from this Moratorium, notwithstanding this Local Law:
 - (1) Final site plan review and approval;
 - (2) Amended site plan approval;
 - (2) A Negative Declaration under the State Environmental Quality Review Act (“SEQRA”); and
 - (3) A building permit for the addition of an accessory apartment;

Section 3. Hardship review.

- A. Upon a showing of severe hardship, the Village Board may grant a variance from the Moratorium imposed herein if it determines, in its absolute discretion, that the granting of such relief is consistent with the health, safety and general welfare of the Village’s inhabitants and their property, and is in harmony with the spirit and purpose of this Local Law.

- B. When the Village Board considers a hardship application seeking relief from the Moratorium:
- (1) The Village Board may request and consider the following documents, information and factors in order to render a decision:
 - (a) studies, reports, or resolutions of preliminary and/or final approval and/or amended approval, issued with or without conditions;
 - (b) any SEQRA documents and findings statement or Negative Declaration, with or without conditions, including generic or supplemental environmental impact statements, which may have cumulatively evaluated the impacts associated with certain land use applications;
 - (c) any special exception permit plan, site plan, or amended site plan;
 - (d) any violations which have been issued, and the status of same;
 - (e) the status of other agency permits and approvals, and whether those approvals or permits, if not issued, will be issued during the time period established by the Moratorium. The Board may require that the applicant submit evidence that the approval or permit will be issued during the Moratorium time period; and
 - (f) any other related documents which the Village Board reasonably believes it must review in order to determine whether an applicant will suffer severe hardship unless a variance from the Moratorium is granted.
 - (2) It shall be the obligation of the applicant to furnish the foregoing information, if applicable, and to timely provide the Village Board with the documentation it requests during the variance application process.
 - (3) The Village Board may limit a variance from the Moratorium to specific prescribed activities, including but not limited to activities which allow an applicant to meet any conditions to remediate a violation.

Section 4. Application of Law to existing land use provisions.

This Moratorium is being adopted by a local law, using Municipal Home Rule Law procedures. This Moratorium supersedes any Village Law or Village Code provisions to the contrary that require any specific action on an application by any Board, Planning Board, Zoning Board of Appeals or other land use boards within the Village. This Moratorium supersedes and suspends any New York State or local laws, rules or regulations pertaining to the grant of permitting authority by the Planning Board regarding accessory apartments. This Moratorium also supersedes any New York State or local laws, rules or regulations pertaining to the grant of any variance authority by the Zoning Board of Appeals concerning accessory apartments. The intention of this Local Law is that any grant of permit or variance authority regarding accessory apartments to any other boards or bodies other than the Village Board is hereby superseded by this Local Law, so as to vest any such permit or variance approval solely in the Village Board.

Section 5. Casualty exemption.

The provisions of this Local Law shall not apply to the restoration or replacement of any accessory apartment or portion thereof which shall have been damaged or destroyed by fire or other casualty. This exemption, however, shall not be applicable to the restoration or replacement of any accessory apartment of a building or portion thereof which, prior to the effective date of this Local Law, shall have constituted a non-conforming building under the Zoning Code of the Village, nor shall this section in any way prevent the extinguishment of any non-conforming use as a result of casualty destruction.

Section 6. Expiration of Moratorium.

This Local Law shall expire without further action of the Board six (6) months following the effective date hereof and thereafter shall be of no further force and effect. However, if it appears that any required review and study referred to hereinabove will not be completed within four (4) months from the effective date of this Local Law, the Village Board may extend the period of this Moratorium for an additional four (4) months, or such other and further time period that is reasonable in scope and duration.

Section 7. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5(c)(30), this Local Law is classified as a Type II action which requires no further review under SEQRA.

Section 8. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be found or adjudged by any court of competent jurisdiction to be invalid, such finding or judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such finding or judgment shall have been made or rendered.

Section 9. Effective date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on a Local Law Implementing a Moratorium on the Development of Accessory Apartments in the Village of Cornwall-on-Hudson 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.

Deputy Mayor Edsall reported that tonight’s public hearing is not on any proposed updates to the accessory apartment local law. This introductory local law is a “first step”, and is intended to impose a moratorium on applications for accessory apartments. This moratorium will provide “breathing” time for the Village Board to carefully consider potential changes to Village Code. A separate public hearing will be held when and if there is a proposed change to the local law.

Attorney for the Village McKay reported that the proposed local law puts a moratorium on new and pending applications for accessory apartments. Once the law goes into effect, new and pending applications will be processed only if a hardship can be demonstrated to exist to the Village Board.

Jeffrey Small, Planning Board Chairman, who resides at 97 Duncan Avenue, stated that there has been an “uptake” of applications to the Planning Board for accessory apartments. The public hearing for the last accessory apartment request drew a large crowd of concerned residents. These concerns caused some Planning Board members to want to “take a step back” and reevaluate the accessory apartment law. The intent of the accessory apartment law is to provide housing for the special needs of the elderly and the young. The law does not specify who those elderly or young people are (i.e. family/not family). In addition the law is careful to limit the area/size of the apartment (a maximum of 25% of the home), it can only be one bedroom, and accommodate a maximum of 3 people. The outside of the building must resemble a single family home, meaning there can only be one front door (the apartment can’t have a separate entrance). The local law is also intended to preserve the character, integrity and property values of surrounding homes. The Planning Board has been issuing a “special permit” with a 2-year term and the Building Inspector must periodically inspect the property to make sure it is being used as intended. Mr. Small believes that people are concerned that accessory apartments will turn into 2-family homes when/if the property is sold.

Mr. Small stated that Planning Board members have a “variety” of views on whether or not a moratorium is needed. One concern is that the Village could end up with a number of “after the fact apartments” bringing additional school age children into our community thereby raising taxes. Mr. Small read from a letter prepared by Planning Board member Lee Murphy. Mr. Murphy has several questions and concerns about the current accessory apartment law and supports a moratorium until these questions and concerns can be resolved. Mr. Small stated that Planning Board member Maureen Spaulding, who could not attend tonight’s public hearing, is not in favor of the moratorium. She feels it is not necessary because the Planning Board does not have people “beating down our doors” for this type of approval. In fact, Ms. Spaulding feels this moratorium may result in people making accessory apartments in their homes “on the down low” and not obtaining the necessary approvals and permits. The planning board members do agree that there is a call for special needs housing of the elderly.

Vishwa Chaudhary, Planning Board member, who resides at 13 Barr Avenue, stated that he supports a moratorium. The current Village code on this issue is “ambiguous”. The Planning Board presently has an application on a property to turn a detached garage into an accessory apartment. This is a very good example of why the current law needs to be re-evaluated by the Board.

Led Klosky, Comprehensive Board Chairman, who resides at 88 Maple Road, stated that he also supports a moratorium. It is time to rethink the accessory apartment law and broaden its scope. The 2007 draft comprehensive plan had a different use for accessory apartments in terms of “workforce housing” and “affordable housing” than the current statute allows for. Mr. Klosky stated that the newly formed Comprehensive Board will carefully consider the idea of accessory apartments. It might make sense to extend the length of the proposed moratorium to coordinate a new local law with the updated comprehensive plan so that they are not contradictory.

Trustee Kane stated that the Board can extend the moratorium if needed.

Attorney for the Village McKay stated that no specific legislation is being proposed at this time. Drafts of any proposed changes to Village Code, when available, will be provided to the Planning Board, Comprehensive Board, and the Orange County Department of Planning for review and comment.

Carol O’Keefe of 2 Payson Road stated that she has heard concerns from her neighbors about what happens to an accessory apartment when the property is sold.

Trustee Carnright stated that when that house is sold, it is not transferred in the deed as a 2-family.

Deputy Mayor Edsall stated the Board plans to address the issue of whether or not a special permit goes with the property when sold/transferred or if the new owner has to reapply. Mr. Edsall appreciates the comments received this evening. The Village Board does not intend to eliminate accessory apartments; however, there is a need to improve/clarify the current law regulating them. A draft law will be circulated to the Planning, Zoning, and Comprehensive Boards for review and feedback.

Trustee Kane stated that the Village Board wishes to “nip” this issue “in the bud” before additional applications are submitted. Every applicant must be treated consistently.

Attorney for the Village McKay stated that the proposed local law, as amended, must be sent to the Orange County Department of Planning for GML 239-m review. The Board may close the public hearing to public comment this evening and await a written response from the county (which may take 30 days). Once a written response is received, the Board may consider taking further action.

Having no further public comment, Deputy Mayor Edsall made a motion to close the public hearing at 7:29 PM and table action until a response is received from the Orange County Department of Planning. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

PUBLIC COMMENT

Vishwa Chaudhary of 13 Barr Avenue stated that crowds during summer months are growing at Donahue Memorial Park. Groups of 20-30 people from out of town are coming in “van loads” to the riverfront, and with one parking permit, will set up tents to spend the day. Mr. Chaudhary also asks that the Village be stricter when enforcing permit parking.

Deputy Mayor Edsall stated that the Board may need to redefine a “group gathering” in the Village code which requires a separate approval. A permit for a 20 person bus is not the same as a permit for one family going to enjoy the riverfront.

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 March 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 29, 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 April 3, 2017 Reorganization 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 March read as follows:

Village water, sewer, garbage & penalties	\$68,924.16
Town water & penalties	286,515.97

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

Warrant #4 — Deputy Mayor Edsall made a motion to approve the April 2017 Warrant #4 and authorize payment totaling \$236,749.50, which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Treasurer Mahoney reported that the monthly revenue and expenditure reports are not available this evening. We are in the process of closing out fiscal year 2017 and opening 2018. She expects to have a report ready for next month.

The amount collected in Village taxes is \$2,124,924.56 through March 31st.

The Sewer Capital Fund balance is \$149,851.89 (including interest) through March 31st.

BOARD DEPARTMENT REPORTS

Building Department Trustee Schmidt reported 7 building permits were issued, 2 certificates of compliance/occupancy were issued, 16 onsite inspections were performed, 7 fire inspections were conducted, and 2 municipal searches were completed. Inspector Maggio worked 80 hours in March.

Fire Department — Deputy Mayor Edsall reported 1 brush fire, 2 automatic alarms, 8 medical calls, 1 public service call, 3 mutual aid calls, 4 meetings, 12 drills, 3 work details, and 1 winter storm stand-by for a total of 35 events and 376.44 volunteer man hours.

Deputy Mayor Edsall further reported that the final grant application package from the state has been received and Assistant Fire Chief Trainor and Village Clerk Mahoney are working on its completion. The department hosted the Orange County Fire Battalion 4 meeting on March 28th, has completed review and updates to the Multiple Alarm Mutual Aid (MAMA) plan, Standard Operating Guidelines

(SOG's) have been updated and are being reviewed by firefighters, installation of 700/800 digital communication system radios is scheduled for late summer, new turnout gear has been delivered and issued to members, new gear racks have been installed, annual NFPA testing of hose, ground ladders and apparatus pumps will be completed this month, and an informal inspection of the department was scheduled with NYS Labor Department representatives on April 13th. In addition, the department will implement minimum staffing SOG's created by Orange County Division of Fire Service for mutual aid incidents.

The rescue boat is in service and docked in slip 201 at Cornwall Yacht Club. Deputy Mayor Edsall thanked the yacht club for being so helpful.

SAFETY TRAILER

Deputy Mayor Edsall introduced the following resolution and moved for its adoption.

WHEREAS, the Orange County Department of Emergency Services, Division of Fire Services County of Orange has offered use of a Safety Trailer to the Village of Cornwall-on-Hudson Storm King Engine Co. #2; and

WHEREAS, the Village of Cornwall on Hudson Storm King Engine Co. #2 does wish to use the Safety Trailer,

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Cornwall-on-Hudson authorizes Mayor Brendan G. Coyne, to execute all necessary contracts and documentation for use of the Safety Trailer; and

BE IT FURTHER RESOLVED, that the Storm King Engine Co. #2 Fire Chief and Assistant Fire Chief are to be listed as authorized representatives of the Village of Cornwall-on-Hudson for coordination of use of the Safety Trailer.

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

STATE AND MUNICIPAL (SAM) FACILITIES PROGRAM GRANTS

Deputy Mayor Edsall introduced the following resolution and moved for its adoption.

WHEREAS, the Village of Cornwall-on-Hudson Storm King Engine Co. #2 has received approvals to receive State and Municipal (SAM) Facilities Program grants from NYS Senator Larkin and NYS Assemblyman Skoufis totaling \$190,000.00;

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Cornwall-on-Hudson authorizes Mayor Brendan G. Coyne, to execute all necessary contracts and documentation in connection with the State and Municipal (SAM) Facilities Program Grants.

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

Police Department Trustee Kane reported 1 misdemeanor petty larceny, 1 misdemeanor harassment, 6 misdemeanor arrests, 1 violation arrest, 4 property damage accidents, 52 traffic summons issued, 71 traffic warnings issued, 4 parking summons issued, 20 radar enforcement posts, 4 fire response calls, 5 domestic incident calls, 8 alarm response calls, 1 suspicious person call, 5 suspicious vehicle calls, 2 suspicious activity calls, 4 animal complaints, 2 disorderly adult calls, 8 assists to the Town of Cornwall Police Department, 9 EMS assist calls, 4 assists to other agencies, 5 welfare checks, and 5 assists to citizen for a total of 409 total calls for service.

Trustee Kane further reported that the department participated in Orange County “STOP-DWI” traffic enforcement.

BUDGET TRANSFER

Trustee Kane reported that the police department received a \$1,479.00 grant from the National Rifle Association (NRA) for 2 patrol rifles that were recently purchased.

Trustee Kane made a motion authorizing a budget amendment and transfer of \$1,479.00 in General Fund Revenue A3090 (Police Grant) to General Fund Expenditure A3120.4 (Police Expense). The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Department of Public Works — Trustee Carnright reported cold patching of roads, sewer main maintenance, cleaning catch basins of dirt and debris, roadside tree trimming, clearing of roads, sidewalks, and parking areas from winter storm “Stella”, service and repairs to village owned vehicles, assisted fire department in putting the rescue boat in service, met with Maser Consulting to complete MS4 report, met with representatives from the NYS Department of Labor for an inspection, and began servicing of summer equipment (sweeper, mowers, roller, etc). Weekly yard waste pick up resumed on April 10th, and spring bulk cleanup will be April 24th.

On behalf of DPW Superintendent Halvorsen, Trustee Carnright thanked Water Superintendent June and his department for their assistance during winter storm “Stella”. In addition, he thanked DPW Working Foreman Wayne Yeoman for his leadership during the storm.

SEASONAL HELP

Coyne made a motion to hire Kyle Halvorsen as a seasonal help laborer in the Department of Public Works not to exceed 24 hours per week, for a period not to exceed 6 months, and at the rate of pay of \$14.00 per hr. The effective date will be May 8, 2017. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays. Mayor Coyne noted that Kyle Halvorsen is the son of DPW Superintendent Halvorsen.

Water Department — Trustee Schmidt reported an average daily production of 868,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 32). A total of 11 meters were replaced, 22 miscellaneous repairs were completed, 82 mark-outs were completed, and 9 final meter readings were done. A service line was repaired at 22 Howard Street, performed maintenance on pressure reduction valves (PRV’s) and inspections, completed vehicle and plow maintenance, assisted DPW with snow removal from all

Village streets (42 man hours and 3 trucks), completed snow removal from all fire hydrants, and prepared property maintenance equipment for upcoming year.

MAPLE ROAD PUMP STATION: Trustee Carnright reported that the department removed pump B1 for repair, replaced isolation valves pump A1-A2, and rebuilt 2 PRV's along with all internal piping.

Water Superintendent June will be attending the New York Rural Water Association (NYRWA) Conference from May 21 – 25th. In addition, Mr. June will be off on May 26th.

RESOLUTIONS

SUMMER PLAYGROUND – APPOINTMENT OF DIRECTOR & ASSISTANT DIRECTOR

Mayor Coyne made a motion to appoint Jennifer Borland to the position of Summer Playground Director at a salary of \$3,000 which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Jenna Park to the position of Assistant Director at a salary of \$1,800 which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

SUMMER PLAYGROUND – AUTHORIZATION TO ADVERTISE FOR HEALTH DIRECTOR

Mayor Coyne made a motion authorizing the Village Clerk to advertise for the position of Health Director for Summer Playground which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

SPEED LIMIT ALONG ROUTE 9W

Mayor Coyne made a motion supporting the Town of Cornwall's decision to advocate for a consistent speed limit of 45 MPH on Route 9W from Angola Road in the Town of Cornwall to the New Windsor line. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

KAYAK VENDORS AND ORANGE COUNTY ROWING ASSOCIATION PERMIT APPROVAL

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

WHEREAS, the Village has previously granted boat launch and trailer parking permits to two local kayak tour businesses, Mountain Valley Guides and Storm King Adventure Tours, as well as to Orange County Rowing Association, permitting the use of the Cornwall Landing/Donahue Memorial Riverfront Park (riverfront park) parking lot and riverfront landing (nearest to the Cornwall Yacht Club) for the purposes of performing kayak and rowing excursions/tours; and

WHEREAS, the Village Board by resolutions dated March 16, 2009 and April 15, 2013, adopted certain conditions, rules and regulations pertaining to the issuance of such boat launch and

trailer parking permits to such companies/applicants, as is within the discretion of the Village Board; and

WHEREAS, the Village Board finds it necessary to clarify, add to and amend the existing rules and regulations pertaining to the use of the riverfront by such companies/applicants;

NOW, THEREFORE BE IT HEREBY

RESOLVED, that the Village Board approves the issuance of boat launch permits pursuant to Village Code section 122-14 and trailer permits pursuant to Village Code section 122-15 to Mountain Valley Guides, Storm King Adventure Tours, and Orange County Rowing Association for the purpose of providing kayak and rowing excursion/tours, subject to the following conditions:

1. That the applicants comply with all other applicable laws, rules and regulation in the operation of their business and said tours;
2. That the consumption, possession and/or transportation of alcoholic beverages in, over or through the park to the river is prohibited, unless approved by the Village Board on an "event basis" pursuant to the procedures set forth in Village Code section 45-3;
3. That the applicants submit a certificate of insurance, naming the Village of Cornwall-on-Hudson as an additional insured with the minimum coverage amounts of two million dollars (\$2,000,000.00) per individual and two million dollars (\$2,000,000.00) per occurrence for property damage; and two million dollars (\$2,000,000.00) per individual and two million dollars (\$2,000,000.00) per occurrence for personal injury;
4. That the applicants pay the proper annual permit fee and trailer parking fees;
5. That all trailers will be parked in the designated trailer parking area;
6. That the applicants have a float plan approved by the Storm King Fire Department
7. That the applicants use a drop box in Donahue Park to place float plan in every time an excursion/tour occurs
8. That the applicants have all excursions/tours/trips provided with a marine radio for communications with emergency services
9. That the applicants train all staff on common landmarks for notifying rescue agencies of location in case of an emergency
10. That the applicants have personnel trained in First Aid & CPR
11. That the applicants maintain accountability of group participants
12. That the applicants are required to meet with representatives of Storm King Fire Department and Village to review item 6 through 11 mentioned hereinabove.
13. That each applicant is permitted to launch, guide, or lead no more than 36 kayaks, inclusive of kayak company tour guides, at any one time from the riverfront landing;
14. That if any applicant fails to follow the above rules and regulations and any amendments thereto, the Village Board may rescind such permits (boat, trailer parking or both) upon 10 business days written notice to such applicant to the last known address provided to the Village.
15. That the applicants are required to abide by all other rules, regulations or conditions previously required by the Village Board and in the event there is a conflict with the provisions set forth above and a previously adopted rule, regulation or condition, the above rule, regulation, or condition(s) shall govern.

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

DONAHUE MEMORIAL PARK – PARKING PERMITS FOR VETERANS

Deputy Mayor Edsall made a motion authorizing the issuance of one complimentary parking permit for Donahue Memorial Park to Village of Cornwall-on-Hudson and Town of Cornwall Veterans in honor of their service to our community and nation. Veterans are required to provide a copy of their DD-214 to the Village Hall staff to keep on file. Active military personnel must show their military ID. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

RESOLUTION TO HOLD A PUBLIC HEARING ON MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)

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

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider the adoption of the Municipal Separate Storm Sewer Systems (MS4) audit.

NOW, THEREFORE, IT IS HEREBY –

RESOLVED, that the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and it is further –

RESOLVED, that the Village Board hereby classifies the action as an unlisted action under SEQRA; and it is further –

RESOLVED, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the audit of the Municipal Separate Storm Sewer Systems (MS4), and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on May 15, 2017 at 7:01 p.m. at the Village Hall located at 325 Hudson Street, Cornwall-on-Hudson, New York; and it is further –

RESOLVED, that the Village Clerk is hereby authorized and directed to cause said public notice of said hearing to be given as provided by law.

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

OTHER BUSINESS

INTRODUCTORY LOCAL LAW – REMOVAL OF UTILITY “ZOMBIE” POLES

Attorney for the Village McKay reported that he has spoken with the attorney for Central Hudson regarding “lengthy” suggestions and revisions to the introductory local law. Central Hudson’s attorney has agreed to “rewrite the proposed legislation” and will provide those suggested revisions to Mr. McKay for review.

CONTRACT BETWEEN VILLAGE OF CORNWALL-ON-HUDSON AND COVAC - MEDICAL SERVICES

Deputy Mayor Edsall reported that with help from our fire department, and a meeting with members of COVAC and Storm King Engine Co., a contract was drafted. This draft has been forwarded to counsel and COVAC for review.

COMPREHENSIVE PLAN COMMITTEE – UPDATE

Deputy Mayor Edsall reported that the Comprehensive Plan Committee will hold a meeting on April 27, 2017 to receive public comment on the scope of the proposed updated comprehensive plan and table of contents.

MOODNA CREEK STUDY

Mayor Coyne attended a meeting earlier today in New Windsor regarding the Moodna Creek Study. The upper portion of the Moodna Creek is already being studied and a grant was recently approved to study the second half of Moodna Creek which empties into the Hudson River and is of importance to the Village. They hope to have the study done by the end of 2017 in order to try to mitigate some problems encountered with Hurricane Irene.

KIRYAS JOEL WELL - MOUNTAINVILLE

Mayor Coyne is in receipt of a letter from Town of Cornwall Supervisor Randazzo regarding the Kiryas Joel well on the border of Woodbury and Cornwall in the Mountainville area. Kiryas Joel has received a permit for another well on that site and Supervisor Randazzo is concerned as to why no formal notification of the permit issuance was received.

FOOD BANK OF HUDSON VALLEY RENOVATIONS

Mayor Coyne reported that the Food Bank of Hudson Valley intends to renovate their building. Approximately 10 years ago, former Mayor Moulton suggested the Food Bank open up the brick front on the Hudson Street side in order to enhance our economic development in that area. It would also provide some income to the Food Bank. Mayor Coyne hopes the Food Bank considers this earlier suggestion as they plan out these renovations.

FYI

LIBRARY BUDGET/TRUSTEES VOTE

Mayor Coyne reported that voting on the Cornwall Library Budget and Trustees will be held on April 18th.

LITTLE LEAGUE OPENING DAY

Mayor Coyne reported that Little League Opening Day is on Saturday, April 22nd and the Village Board has been invited to attend.

RIVER SWEEP – MAY 6, 2017

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

BOARD ACTIVITIES/COMMENTS

Trustee Schmidt offered his condolences to the Jurgens family for this loss.

Trustee Carnright also offered his condolences to the Jurgens family.

Deputy Mayor Edsall also offered his condolences to the Jurgens family. Mr. Edsall stated that Mr. Jurgens was his little league baseball coach and a long-time volunteer in the community. Mr. Jurgens was a “great guy” who was wonderful to our youth and will be sorely missed.

Mayor Coyne also offered his condolences to the Jurgens family. Mayor Coyne stated that several years, when Mr. & Mrs. Jurgens were selected by the Cornwall Independence Day Committee to be grand marshals of the parade, he had the privilege to interview them. Mr. Jurgens contributed a lot to the community.

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 8:14 PM with the Attorney for the Village and Water Superintendent June to discuss 3 personnel matters involving Water Department employees, and a legal issue involving an equipment purchase. 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.

The meeting was reconvened at 9:00 PM on a motion by Mayor Coyne, seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

DECLARATION OF A SYSTEM OPERATIONAL EMERGENCY

Deputy Mayor Edsall made a motion declaring a system operational emergency based on the following facts:

- (1) The Black Rock Plant continues to be out of service
- (2) That one of the two Taylor Road well pumps has experienced a complete failure/malfunction and must be replaced
- (3) That the Village continues to be concerned about possible/potential shutdowns of the Catskill Aqueduct by the NYCDEP.

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

AUTHORIZATION TO PURCHASE A REPLACEMENT WELL

Based on the operational emergency, Deputy Mayor Edsall made a motion authorizing the Water Superintendent to purchase a replacement well at a cost not to exceed \$22,000 and purchase an electrical generator at a cost not to exceed \$20,000, and that in authorizing such emergency purchases hereby waives the local procurement policy and determine exigent circumstances that prohibit normal competitive public bidding as per NYS GML. The motion was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

HIRING OF WATER PLANT OPERATOR

Upon the recommendation of Water Superintendent June, Deputy Mayor Edsall made a motion to hire Walton Landru as a Water Plant Operator, salary per contract, with a one year probation and quarterly performance reviews to be made by the Water Superintendent. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

WATER MAINTENANCE/LABORER POSITION

Deputy Mayor Edsall made a motion authorizing the Water Superintendent to post and advertise a laborer position if he does not receive adequate responses for the Water Maintenance position. The motion was seconded by Trustee Carnright 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 9:04 PM which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.