

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

May 15, 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, 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.

PUBLIC HEARING

MS4 STORMWATER MANAGEMENT PLAN

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on the MS4 Stormwater Management Plan was called to order at 7:01 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried by a vote of 5 Ayes and 0 Nays.

Mayor Coyne stated that the report was prepared by Village Engineer Andrew Fetherston of Maser Consulting and must be filed with the Department of Environmental Conservation (DEC) by June.

Hearing no one speak for or against the MS4 Stormwater Management Plan, Deputy Mayor Edsall made a motion to close the public hearing at 7:03 pm which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

DPW Superintendent Halvorsen reported that Maser Consulting has completed mapping of the sewer system.

MS4 STORMWATER MANAGEMENT PLAN – ANNUAL REPORT

Mayor Coyne made a motion to accept the MS4 annual report as prepared by Maser Consulting for the period March 10, 2016 to March 9, 2017. Further authorize that the report be signed by the appropriate

authority and filed with the Department of Environmental Conservation which was seconded by Trustee Carnright and carried by 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 April 10, 2017 Special Meeting Minutes as presented 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 17, 2017 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 April read as follows:

Village water, sewer, garbage & penalties	\$278,371.98
Town water & penalties	197,812.07

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

Warrant #5 — Trustee Carnright made a motion to approve the May 2017 Warrant #5 and authorize payment totaling \$181,287.33, 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 \$2,760,974.48 (37.34%) in anticipated revenues and \$999,844.35 (13.52%) in anticipated expenditures through the end of April.

The amount collected in Village taxes is \$2,542,090.41 through April 30th.

The Sewer Capital Fund balance is \$180,800.54 (including interest) through April 30th.

BUDGET TRANSFER

Treasurer Mahoney reported that \$2,715.45 was collected with Village taxes (S/B/L: 102-19-43) for unpaid legal/engineering costs associated with a planning board application for an accessory apartment. She is requesting a budget transfer to move these funds.

Deputy Mayor Edsall made a motion authorizing a budget amendment and transfer of \$282.50 from General Fund Revenue A1001 (Real Property Taxes) to General Fund Expenditure A1440.4

(Engineering Expense) and \$2,432.95 from General Fund Revenue A1001 (Real Property Taxes) to General Fund Expenditure A1420.411 (Legal Expense – other boards). The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

BOARD DEPARTMENT REPORTS

Building Department Trustee Schmidt reported 14 building permits were issued, 8 certificates of compliance/occupancy were issued, 14 onsite inspections were performed, 1 violation was issued, 1 stop work order was issued, 14 fire inspections were conducted, and 4 municipal searches were completed. Inspector Maggio worked 80 hours in April.

Fire Department — Deputy Mayor Edsall reported 7 automatic alarms, 8 medical calls, 2 public service calls, 3 hazardous condition calls, 1 good intent call, 1 carbon monoxide incident, 3 mutual aid calls, 2 meetings, 7 drills, 5 work details, 2 fund raising details, 2 wake/funeral details, and 1 little league parade for a total of 43 events and 542.81 volunteer man hours.

Deputy Mayor Edsall further reported that the annual NFPA testing of ground ladders and apparatus pumps has been completed, the valve on tanker 415 has been repaired, required PESH training was completed, a safety meeting with kayak groups was held on May 11th, and required NFPA SCBA flow testing will be completed on May 30th. In addition, the department responded to two river incidents since the boat was placed into service, will be participating in an Apparatus Dedication ceremony for the Valley Stream fire department on Long Island, and will participate in the annual Memorial Day parade on May 29th.

Between April 26th and April 28th, the department responded to 13 calls for assistance. During an average month, the department responds to 10-15 calls for service for the entire month.

Police Department Trustee Kane reported 3 misdemeanor petty larceny's, 1 misdemeanor harassment, 8 misdemeanor arrests, 1 violation arrest, 4 property damage accidents, 76 traffic summons issued, 51 traffic warnings issued, 16 parking summons issued, 5 traffic enforcement posts, 10 fire response calls, 3 domestic incident calls, 12 alarm response calls, 2 noise complaints, 6 suspicious vehicle calls, 3 suspicious activity calls, 4 animal complaints, 11 assists to the Town of Cornwall Police Department, 14 EMS assist calls, 2 welfare checks, and 4 assists to citizen for a total of 446 total calls for service.

Trustee Kane further reported that the police department applied for a traffic grant with the "GTSC" (Governors Traffic Safety Committee) for traffic enforcement efforts and traffic enforcement equipment, participated in the "GTSC" "Distracted Driving Initiative" traffic enforcement, and participated in Orange County "STOP-DWI" traffic enforcement.

DECLARE VEHICLE SURPLUS – AUTHORIZE SALE – BUDGET TRANSFER

Upon the recommendation of Police Chief Dixon, Trustee Kane made a motion to declare the 2008 Chevrolet Trailblazer - VIN: 1GNET13M4822469963 (former #421) surplus and authorizing its sale to

the City of Newburgh for the amount of \$5,000.00, including emergency lighting and siren equipment. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Trustee Kane made a motion authorizing a budget amendment and transfer of \$5,000.00 (upon receipt) from General Fund Revenue A2665 (Sale of Equipment) to General Fund Expenditure A3120.4 (Police Expense). The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

POLICE CHIEF EMPLOYMENT AGREEMENT

Deputy Mayor Edsall made a motion to execute the employment agreement between the Village of Cornwall-on-Hudson and Police Chief Steven Dixon and to provide family dental/optical insurance at no cost to Chief Dixon effective April 1, 2017. Further, Chief Dixon is to be reimbursed for any costs incurred between April 1st and May 15, 2017. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

OFF-HOURS ARRAIGNMENTS

Mayor Coyne reported that a law has been enacted which will allow the state to designate sites for centralized, off-hours arraignments of criminal defendants in each county outside New York City. In addition, municipalities are now required to hold more “off-hour” arraignments.

Department of Public Works — Trustee Schmidt reported 126.26 tons of trash, 26.65 tons of recycling, and 75 yards of yard waste was collected. In addition, the department has resumed blacktop patching of potholes, performed service and repairs to Village owned vehicles, continues roadside cleanup from plow damage, sweeping of streets, mowing and trimming of Village owned properties, installed boat docks at Donahue Memorial Park, completed Village wide bulk cleanup, and rebuilt catch basins on Idlewild Park Drive and Wood Avenue.

Trustee Schmidt further reported that DPW Superintendent Halvorsen will be attending Highway School at Ithaca College from June 11th through June 14th.

Water Department — Trustee Carnright reported an average daily production of 829,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 30). A total of 11 meters were replaced, 30 miscellaneous repairs were completed, 80 mark-outs were completed, and 9 final meter readings were done. A 2” service line was repaired at 183 Main Street, a water main leak was repaired on Deer Hill Road, a water service line was replaced at 167 Hudson Street, a water main was repaired at Main Street and Academy Avenue, performed maintenance on pressure reduction valves (PRV’s) and inspections, and completed property clean up and plow maintenance.

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.

SAFETY MANUAL AND ON-SITE TRAINING

Water Superintendent June provided the Village Board with a proposal from Hudson Valley Safety Associates, LLC in the amount of \$3,900.00 to develop a safety manual for his department that will include blood-borne pathogen, confined space, trenching/excavation, PPE, hazard communication (right to know), and lock-out/tag-out. The proposal also will provide on-site training for fall protection (including aerial lift and ladders), confined space, trenching and excavation, lock-out/tag-out, hazard communication (right to know), and personal protective equipment.

Deputy Mayor Edsall made a motion to accept the proposal from Hudson Valley Safety Associates, LLC in the amount of \$3,900.00 which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

EEOC SEXUAL HARASSMENT POLICY AND NYS WORKPLACE PREVENTION POLICY

Water Superintendent June provided the Village Board with a proposal from Hudson Valley Safety Associates, LLC in the amount of \$4,200.00 to develop an EEOC Sexual Harassment Policy and provide one session of sexual harassment training. In addition, develop a NYS workplace violence prevention policy to include completion of physical security assessments, and perform 2 sessions of workplace violence training.

Deputy Mayor Edsall made a motion to accept the proposal from Hudson Valley Safety Associates, LLC in the amount of \$4,200.00, to be split among all Village departments, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

RESOLUTIONS

PLANNING BOARD RE-APPOINTMENT

Mayor Coyne reported that the Village Board appointed Wynn Klosky to the Planning Board at the Reorganization Meeting. Unfortunately Ms. Klosky was not able to sign the oath of office within the required 30 day period so the appointment will have to be re-made.

Mayor Coyne made a motion to appoint Wynn Klosky to the Planning Board for five (5) term ending April 4, 2022 subject to her being sworn in within 30 days of this appointment, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

CORNWALL CHAMBER OF COMMERCE – REQUEST TO HOLD BARBECUE AT DONAHUE MEMORIAL PARK

Mayor Coyne made a motion approving the request from Cornwall Chamber of Commerce to hold a barbecue at Donahue Memorial Park on Sunday, June 4th. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported that an insurance certificate has been provided listing the Village as additionally insured. The Village Board agreed that the Chamber of Commerce will not be charged a fee for this event.

ALLOCATION OF FUNDS FOR RIVERFEST AND INDEPENDENCE DAY CELEBRATION

Mayor Coyne made a motion authorizing the Village to allocate \$250.00 from A7550.4 - General Fund Cultural & Patriotic Expense Line to Cornwall-on-Hudson River-fest, Inc. for this year's River-fest event taking place on Saturday, June 3rd which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion authorizing the Village to allocate \$250.00 from A7550.4 - General Fund Cultural & Patriotic Expense Line to Cornwall Independence Day Celebration for this year's July 4th Celebration taking place on Tuesday, July 4th which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

It was noted that Mayor Coyne and Trustee Carnright serve on the Independence Day Committee.

CORNWALL WALK/RUN FOR CANCER EVENT – OCTOBER 28, 2017

Mayor Coyne made a motion to approve the “Cornwall Walk/Run For Cancer Event” on Saturday, October 28th which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays. It was noted that the event will pass through the Village.

GARBAGE REDUCTION REQUESTS

Mayor Coyne is in receipt of requests for reductions in garbage charges from John McLaughlin, owner of property located at 26 Grandview Avenue (which has been vacant since January 30th), and Georgia Stokes, owner of property located at 17 Roe Avenue (which will be vacant for more than 60 days). Mr. McLaughlin expects 26 Grandview Avenue to remain vacant for 4-5 months.

In accordance with existing Village policy, Mayor Coyne made a motion to authorize a 50% reduction in garbage charges for John McLaughlin at 26 Grandview Avenue which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

In accordance with existing Village policy, Deputy Mayor Edsall made a motion to authorize a 50% reduction in garbage charges for Georgia Stokes at 17 Roe Avenue which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall requested a list of properties receiving currently garbage reductions be given to the sanitation department for monitoring.

OTHER BUSINESS

NYS DEPARTMENT OF LABOR – NOTICES OF VIOLATION

Mayor Coyne reported that the Village has received notices of violation from the NYS Department of Labor for lack of a Workplace Violence Prevention Policy and training. One of the first items that the Village must provide the Department of Labor is a Workplace Violence Policy Statement.

Attorney for the Village McKay reported that a Workplace Violence Policy Statement has been drafted and he has reviewed it. Mr. McKay has no changes to the statement itself; however, he recommends that Thomas Lyons and Thomas Rabey be designated “employee representatives” for all Village employees and not just their department(s).

Deputy Mayor Edsall will be replaced by Trustee Schmidt as Village Board Liaison on the Workplace Violence Prevention Committee.

After some discussion, Mayor Coyne made a motion to adopt the Workplace Violence Prevention Policy Statement prepared by the Village Clerk and amended by the Attorney for the Village. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

TREE TRIMMING

Mayor Coyne reported that he along with DPW Superintendent Halvorsen met with Central Hudson representatives last week in response to a “fair number” of complaints he received from residents about tree trimming near Central Hudson’s power lines. DPW Superintendent Halvorsen then walked along Hudson Street with these representatives to show them what was done to some of the trees and asked that they be more “sensitive” to our beautiful village going forward. Mayor Coyne was told that Central Hudson has a “4 year rotation” for tree trimming that happens to be a year behind. Mayor Coyne intends to “stay on this” until Central Hudson comes up with a better mechanism for notifying municipal officials in advance of tree trimming. There has to be a balance between keeping power lines clear from tree limbs and destroying beautiful trees.

EMPLOYEE HEALTHCARE – CPI-HR CONTRACT

Clerk Mahoney reported that our contract with CPI-HR is up for automatic renewal. The fee is the same as 2016 (\$4,050.00). CPI-HR provides guidance with respect to the Patient Protection and Affordable Care Act “ACA”. Ms. Mahoney noted that although a GOP Healthcare bill recently passed the House of Representatives it has to now go to the Senate for consideration. Until a new law is passed the Affordable Care Act remains in effect. Hearing no objection from the Board, the contract will be automatically renewed for another year.

UNIFIED SOLAR PERMIT

Mayor Coyne tabled this item for discussion at the June work session.

KAYAK VENDORS; ORANGE COUNTY ROWING ASSOCIATION

Mayor Coyne reported that the annual river safety meeting was held at Storm King Engine Co. #2.

Mayor Coyne reported that he received a request from Orange County Rowing Association to reduce their liability insurance requirement of \$2,000,000 to \$1,000,000. This request is due to the fact this is a not for profit organization, participants are club members (not the general public), and that they are not using the riverfront 7 days a week. Hearing no objection from the Board, the request is acceptable.

Mayor Coyne congratulated the Orange County Rowing Association team that recently competed in Saratoga. The boys' team won a gold medal and the girls won a bronze medal.

INTRODUCTORY LOCAL LAW – REMOVAL OF UTILITY “ZOMBIE” POLES

Attorney for the Village McKay reported that he is still waiting to receive suggested revisions to this introductory local law from the attorney for Central Hudson.

SUMMER RECREATION PROGRAM

Trustee Schmidt reported that the Summer Recreation Program will run from Wednesday, July 5th through Friday, August 11th. Program Director Jen Borland will begin interviews for summer counselors next week. Ms. Borland is still seeking a medical director for this year's program. Mr. Schmidt further reported that registration will be held on Saturday, June 10th from 10:00 AM – 12:00 PM and again on Monday June 12th from 6:00 PM – 8:00 PM in the Village Hall Board Room.

COMPREHENSIVE PLAN COMMITTEE – UPDATE

Mayor Coyne reported that the Comprehensive Plan Committee met on April 27, 2017 and received public comment on the scope of the proposed updated comprehensive plan and table of contents. Members of the Town Board and Town Comprehensive Plan Committee were also in attendance.

RESOLUTION OF ADOPTION - ACCESSORY APARTMENTS

Deputy Mayor Edsall 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 April 3, 2017 scheduling a public hearing to be held by said governing body on April 17, 2017 at 7:00 p.m. to hear all interested parties on a proposed local law entitled a “Local Law Implementing a Moratorium on the Development of Accessory Apartments in the Village of Cornwall-on-Hudson, New York”; and

WHEREAS, on April 3, 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 a Type II 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 April 17, 2017 at or about 7:00 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 #2 of 2017 entitled “A Local Law Implementing a Moratorium on the Development of Accessory Apartments in the Village of Cornwall-on-Hudson, New York”; 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 Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Attorney for the Village McKay requested that this item be tabled for additional discussion in closed session later this evening.

ANSWER 2 CANCER CYCLING EVENT – JUNE 10, 2017

Mayor Coyne reported that the “Answer 2 Cancer Cycling Event” will take place on Saturday, June 10th. It was noted that the event will pass through the Village and that a proper certificate of insurance has been provided.

PROPOSED LAND SWAP – PALOMINO ROAD

Mayor Coyne reported that the Village has received a request for a “land swap” involving a portion of our water treatment plant property on Palomino Road to provide a developer road frontage to his adjoining property. After some discussion, Mayor Coyne will draft a letter to the developer stating that the Village will consider this request once our concerns have all been addressed so that he may appear before the Town Planning Board.

BLACK ROCK WTP CLEARWELL – CHANGE ORDER #2

Mayor Coyne is in receipt of change order #2 in the amount of \$29,999.25 for additional crack repair at Black Rock WTP Clearwell.

Water Superintendent June reported that the change order is for the repair of additional cracks which were not holding. This work included removal of pipe and sleeve which went through the wall, re-grouting the area with concrete, and then re-sealing around that. The Village’s engineer felt that was

where the water was leaking from. Unfortunately, with everything done so far, the tank still leaks. Mr. June believes that we seem to be “just throwing money at this project” and are not really accomplishing anything with it. He has a meeting scheduled for May 17th at 8:00 AM at the job site with representatives from the Village’s engineering firm (Maser Consulting), and the company that supplied the sealing material to determine whether to do something else with the sealing or use pressure grouting to fix the leak(s). Last week he looked at the inside of the tank with one of our engineers now heading up this project. At that time no water was bubbling up into the tank; however, water was “weeping” in.

Mayor Coyne reported that a subsequent meeting will take place at Village Hall at 10:00 AM this Wednesday morning with Andrew Fetherston of Maser Consulting to discuss the project status and billing issues. Discussion followed.

Deputy Mayor Edsall made a motion to table action on this request until “adequate information” verifying that it is eligible for payment is received which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

CSX – “QUIET ZONE” / DEBRIS

Mayor Coyne reported that a Village resident has requested that the Village consider creating a “quiet zone” from train horns at the CSX crossing at Dock Hill Road and Shore Road. DPW Superintendent Halvorsen raised a number of safety concerns regarding this request which Mayor Coyne agrees with. In addition, there would be costs incurred by the Village which are prohibitive. After some discussion, Mayor Coyne will advise the resident that the Village is not interested in pursuing a “quiet zone” at this time.

Mayor Coyne also reported that when CSX upgraded/renovated the railroad crossings at Dock Hill Road and Shore Road, a lot of debris was left behind. He has spoken with CSX representatives and they have agreed to remove it.

FYI

SCHOOL BOARD/BUDGET VOTE

Mayor Coyne reported that voting on the Cornwall Central Hudson School Budget will be held on May 16th.

JUNIOR PROM

Mayor Coyne reported that the CCHS Junior Prom will take place on May 19th.

MEMORIAL DAY PARADE

Mayor Coyne reported that the Memorial Day Parade will take place on May 29th starting at 10:00 AM. Members of the Village Board have been invited to participate.

STORM KING SCHOOL GRADUATION

Mayor Coyne reported that the Storm King School graduation ceremony will take place on June 3rd.

HUDSON RIVER ARTFEST

Mayor Coyne reported that the Hudson River Artfest will take place on June 5th at Tarsio Bowling Time in New Windsor. The committee has requested permission to place a sign advertising this event on Village property at the base of 218.

SENIOR PROM

Mayor Coyne reported that the CCHS Senior Prom will take place on June 9th.

NYMA GRADUATION

Mayor Coyne reported that the New York Military Academy (NYMA) graduation ceremony will take place on June 10th.

BOARD ACTIVITIES/COMMENTS

Trustee Kane reported that the American Legion Post #353 will hold a Memorial Day breakfast on Sunday May 28th.

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 8:26 PM with the Attorney for the Village to discuss a legal issue involving the accessory apartment law. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.