

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

June 19, 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 (arrived at 7:16 PM)
Trustee Kenneth A. Schmidt

Also present were: DPW Superintendent David Halvorsen, Police Chief Steven Dixon, 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.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- Letter from NYS Assemblyman James Skoufis announcing Hudson River Estuary Grants.

MINUTES

Mayor Coyne made a motion to accept the May 15, 2017 Business Meeting Minutes as prepared which was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the June 12, 2017 Special Meeting Minutes as prepared which was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

LIFE SAVING AWARD PRESENTATION

Police Chief Dixon reported that during the early morning hours of May 23, 2017, local police departments were engaged in a vehicle pursuit southbound on NYS Route 9W. The pursuit was terminated due to the suspects' high rate of speed and dangerous conditions entering the Town of Highlands. A short time later, Village of Cornwall-on-Hudson P.O. Charles Hofmann observed the

same vehicle traveling at an “excessively high rate of speed” northwest on Route 218. The vehicle struck an earth embankment on the opposite side of the roadway near Storm King Avenue, went airborne, rolled over onto its’ roof, and went on fire with the driver trapped/pinned inside. Officer Hofmann with assistance from former Town of Cornwall P.O. Nicholas Schust, extinguished the fire and assisted emergency personnel from Cornwall Volunteer Ambulance Corp. (COVAC) and Storm King Engine Co. #2 in extricating the seriously injured driver.

Chief Dixon presented a Village of Cornwall-on-Hudson Police Department “Life Saving” certificate and citation bar to both Village P.O. Charles Hofmann, a member of the Village’s police department for 28 years, and Town of Cornwall P.O. Nicholas Schust for their quick thinking and heroic efforts.

BOARD DEPARTMENT REPORTS

Police Department Trustee Kane reported 3 misdemeanor criminal mischiefs, 3 misdemeanor harassments, 3 misdemeanor arrests, 1 violation arrest, 4 property damage accidents, 73 traffic summons issued, 38 traffic warnings issued, 13 parking summons issued, 4 traffic enforcement posts, 3 fire response calls, 4 domestic incident calls, 9 alarm response calls, 2 noise complaints, 3 suspicious person calls, 4 suspicious vehicle calls, 1 suspicious activity call, 7 animal complaints, 1 disorderly adult call, 3 disorderly juvenile calls, 14 assists to the Town of Cornwall Police Department, 10 EMS assist calls, 1 assist to other agencies, and 3 assists to citizen for a total of 433 total calls for service.

Trustee Kane further reported that the police department applied for an \$7,500 Office of Justice “Byrne Grant” through Assemblyman Skoufis’, participated in the Governors Traffic Safety Committee (“GTSC”) and “Click it or Ticket” traffic enforcement, and participated in Orange County “STOP-DWI” traffic enforcement.

TREASURER'S REPORT

The open utility balances report for the end of May read as follows:

Village water, sewer, garbage & penalties	\$108,090.47
Town water & penalties	302,681.89

which included 2 finals/adjustments for the Village and 8 for the Town.

Warrant #6 — Deputy Mayor Edsall made a motion to approve the June 2017 Warrant #6 and authorize payment totaling \$464,687.47, which was seconded by Trustee Kane and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported that the Village is in receipt of \$3,169,461.80 (42.87%) in anticipated revenues and \$1,438,541.49 (19.46%) in anticipated expenditures through the end of May.

The amount collected in Village taxes is \$2,627,810.23 through May 31st.

The Sewer Capital Fund balance is \$180,809.75 (including interest) through May 31st.

Treasurer Mahoney reported that on May 31st and June 1st, auditors from Nugent and Haussler conducted a compilation of Village records for fiscal year ended February 28, 2017. They will use this information to prepare the Annual Update Document (AUD) for filing with the NYS Office of the Comptroller and the Annual Financial Statement which will be distributed to the Village Board upon receipt.

Ms. Mahoney further reported that there has been limited to no phone or fax service all week at Village Hall. She is working with ITC, Magna 5 (formerly Cornerstone), and Verizon to fix the problem.

Building Department Trustee Schmidt reported 23 building permits were issued, 7 certificates of compliance/occupancy were issued, 32 onsite inspections were performed, 2 violations and stop work orders were issued at 211 Hudson St. and 237 Hudson St, 8 fire inspections were conducted, and 3 municipal searches were completed. Inspector Maggio worked 80 hours in May.

Fire Department — Deputy Mayor Edsall reported 1 structure fire, 3 automatic alarms, 6 medical calls, 1 motor vehicle accident, 1 mutual aid – river incident, 1 meeting, 1 NYS rescue tech basic, 14 drills, 2 work details, 1 wake/funeral detail, and 1 Memorial Day parade for a total of 32 events and 422.21 volunteer man hours.

Deputy Mayor Edsall further reported that the annual National Fire Protection Association (NFPA) testing of Self Contained Breathing Apparatus (SCBA) has been completed; the annual inspection of COH Elementary School was completed by BOCES and attended by the fire chief; the fire chief and assistant chief met with Village Comprehensive Plan Committee and emphasized the need for affordable housing for our volunteers; new security cameras were installed on exterior of the building; met with Department of Labor on June 15th; specifications for the tanker were completed; held a safety meeting with kayak groups and Orange County Rowing Association; met with local and regional fire departments to discuss cross river responses; and submitted additional documentation for the NYS State and Municipal Facilities Program (“SAM”) grant.

Orange County will be awarding a contract for text messaging to Spotted Dog. Storm King Engine Co #2 will switch to the new provider in September when the existing contract with Bryx 911 expires. This will be a shared service at no cost to the Village.

Department of Public Works — Trustee Schmidt reported 112.87 tons of trash, 33.24 tons of recycling, and 75 yards of yard waste was collected. In addition, the department continued blacktop patching of potholes, performed service and repairs to Village owned vehicles, continued roadside cleanup from plow damage, sweeping of streets, mowing and trimming of Village owned properties, line striping of parking lots, crosswalks and spots on Hudson Street, assisted the police department with barricades and traffic control on Memorial Day, and worked with Central Hudson and Lewis Tree Service on trimming in the Village.

Trustee Schmidt further reported that DPW Superintendent Halvorsen attended Highway School at Ithaca College from June 11–14. Edward Tapia has started his 10-week summer internship with the

Village after completing the 3-day Cornell Roads Program class. He will earn \$14.00 per hour and not exceed 40 hours per week.

Water Department — Trustee Kane reported an average daily production of 838,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 44). A total of 2 meters were replaced, 22 miscellaneous repairs were completed, 83 mark-outs were completed, and 9 final meter readings were done. A pressure reduction valve (PRV) was rebuilt at Maple Road pump station, a hydrant was retro fit with new centurion kit at 108 Russell Street, a water leak was investigated on Old Mountain Road (positive on property owners side), repaired water main on Main Street and Academy for the second time, performed maintenance on pressure reduction valves (PRV's) and inspections, assisted City of Middletown with cutting of their dams, and cut grass on all properties and fire hydrants.

Trustee Carnright arrived at 7:16 PM (after presenting an award to a graduating senior).

RESOLUTIONS

WORKPLACE VIOLENCE POLICY STATEMENT - REVISED

Mayor Coyne reported that the policy statement approved by the Village Board in May was submitted to the NYS Department of Labor. The statement did not contain some information that the labor department requires, so it must be revised.

Mayor Coyne made a motion to adopt the revised Workplace Violence Prevention Policy Statement. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

WORKPLACE VIOLENCE RECORDKEEPING POLICY - INCIDENT REPORT FORM

Mayor Coyne reported that the next item that the Village must provide the Department of Labor is a Workplace Violence Recordkeeping policy and Incident Report Form.

Mayor Coyne made a motion to adopt the Workplace Violence Prevention Recordkeeping Policy and Incident Report Form as prepared by the Mayor and Village Clerk. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne reported that Workplace Violence Prevention Committee has been meeting weekly. In addition, Nancy Coyne (no relation to Mayor Coyne) performed a “risk assessment” of all Village owned buildings today. She will issue a report of her findings sometime next week.

SUMMER PLAYGROUND – APPOINTMENT OF COUNSELORS/EMT’S

Upon the recommendation of Summer Playground Director Jen Borland, Mayor Coyne made a motion to appoint Emily Brooks, Janine Clancy, Mikalya Clark, Hannah Corbett, Samantha Incognoli, Ian Jenkeleit, Nathan Kirk, Samantha Malvey, Chris McLaren, Monica Morasse, Malachy O'Sullivan, Matthew Robinson, Samantha Sabini, and Kevin Salis as Summer Playground Counselors at a salary of

\$9.00 per hour. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Nicole Cast, Will Fredericks, Kristina Grace, Katie Preiss, Jason Vargo, and Maia Tice as Alternate Summer Playground Counselors at a salary of \$9.00 per hour to work if a vacancy arises or the number of campers requires an additional counselor. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to appoint Hailey Lindenberger as Summer Playground EMT, and Rich Ward and John Boyle as Substitute EMT's at a salary of \$11.00 per hour. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

STONE HOLLOW SUBDIVISION – REDUCTION OF BOND

Mayor Coyne reported that the developers of Stone Hollow Subdivision have completed a “good portion” of work and have requested that the Village reduce the amount of the performance bond from \$1,797,694.30 to \$853,949.05.

Mayor Coyne made a motion authorizing the reduction of the performance bond for the Stone Hollow Subdivision to \$853,949.05 which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, and 1 Abstain (Edsall).

GARBAGE REDUCTION REQUEST

Mayor Coyne is in receipt of a request for reduction in garbage charges from Mr. & Mrs. Van Kirk, owner of property located at 72 Weeks. They will be on vacation from June 15th until sometime in October.

Deputy Mayor Edsall requested the Village Clerk advise the applicant of the existing Village policy that requires the property to be vacant a minimum of 60 days before it becomes eligible for a 50% reduction in garbage charges. The homeowner should be advised to make their request at that time.

OTHER BUSINESS

TREE TRIMMING

Mayor Coyne reported that he will continue to work with Central Hudson representatives to come up with a better policy on tree trimming in the Village.

UNIFIED SOLAR PERMIT

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

WHEREAS, New York State has developed a Unified Solar Photovoltaic Permitting Process designed to streamline municipal permitting which will reduce costs for solar projects and support the growth of clean energy jobs across the state; and

WHEREAS, the Village of Cornwall-on-Hudson wants to participate in the Solar Unified Permitting Process thereby increasing the Village's eligibility for various incentives and grants through the New York State Energy Research and Development Authority.

NOW THEREFORE BE IT RESOLVED that the Village of Cornwall-on-Hudson adopts the New York State Unified Solar Permit as attached hereto as Exhibit 1; and

BE IT FURTHER RESOLVED that the Village Board authorizes the Mayor's office to complete the grant applications through the Streamlined Permitting Program to allow for the Village to receive a grant award up to \$2,500 from the New York State Energy Research and Development Authority for the adoption of the Unified Solar Permit Application; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and a copy of this resolution along with Exhibit 1 shall be provided to the Building Department.

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

Deputy Mayor Edsall stated that some building departments have wanted more information than the standard permit covered.

KIRYAS JOEL – MOUNTAINVILLE WELLS

Attorney for the Village McKay reported that the Village of Kiryas Joel (KJ) had initially applied for a permit to take 612,000 gallons of water a day from its Mountainville well area as a back-up for their water supply. Subsequently they amended their application to withdraw 612,000 of water a day without limitations and the NYS Department of Environmental Conservation (DEC) issued a water withdrawal permit with no conditions or qualifications. In addition, KJ initially asked to withdraw water on an intermittent basis (approximately 8-10 days per year) and then changed to 365 days per year. This is the reason our professionals have indicated that the testing about the adverse environmental impact was deficient. An Article 78 action was filed against the DEC by the Village of Cornwall-on-Hudson, the Town of Cornwall, the Town of Woodbury, and the Village of Woodbury to overturn the issuance of the permit. The Article 78 action was dismissed by Judge Zwack last summer. A notice of appeal was filed and is pending.

Mr. McKay further reported that in April of this year, the Village and the other three municipalities along with the Towns of Cornwall and Woodbury submitted an application to the Appellate Division to issue a preliminary injunction to prevent KJ from taking any water from the Mountainville well until the appeal was ultimately determined. The 3rd Department Appellate Division granted this motion and issued a preliminary injunction. About 2 weeks ago, KJ filed a motion, including a request for a temporary restraining order, to rescind the preliminary injunction completely or to modify the injunction in order to allow water withdrawal of 200,000 gallons a day

from the well. The court has denied that restraining order. Papers on KJ's motion to rescind the injunction were filed with the court last week.

Mayor Coyne reported that there is talk that KJ is becoming a town and there is supposed to be hearings on that. Mayor Coyne is unsure of the impact this will have on our lawsuit against the annexation.

INTRODUCTORY LOCAL LAW – REMOVAL OF UTILITY “ZOMBIE” POLES

Mayor Coyne reported that he has been trying to get “zombie” poles removed on Idlewild Avenue and Mountain Road with no success. Mayor Coyne has been getting conflicting information on which utility is responsible for “zombie” pole removal.

Attorney for the Village McKay reported that he received suggested revisions to our local law from the attorney for Central Hudson that are “very substantial”. If the Village Board were to incorporate these revisions into the introductory local law, another public hearing would be required. Discussion followed. This item will be placed on the July work session agenda for review and discussion.

SUMMER RECREATION PROGRAM

Mayor Coyne reported that registration for the Summer Recreation Program was held last week. It is expected that more than 100 children will attend this year's program which will run from Wednesday, July 5th through Friday, August 11th.

COMPREHENSIVE PLAN COMMITTEE – UPDATE

Mayor Coyne reported that the Comprehensive Plan Committee met with Storm King Engine Co #2 Fire Chief Jeff Armitage and Deputy Fire Chief Mike Trainor in May. They discussed the need for affordable housing for our volunteer firefighters. The next meeting is scheduled for June 22nd.

ACCESSORY APARTMENTS

Attorney for the Village McKay reported that a draft law has been circulated to the Village Board. It is very similar to the Town of Monroe's law. This will be placed on the July work session agenda for review and discussion.

PROPOSED LAND SWAP – PALOMINO ROAD

Mayor Coyne reported that the Village Board will review 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 once the Town Planning Board has addressed this matter.

BLACK ROCK WTP CLEARWELL – CHANGE ORDER #2

Mayor Coyne tabled discussion of change order #2 in the amount of \$29,999.25 for additional crack repair at Black Rock WTP Clearwell for closed session later this evening.

NEW NYS FAMILY PAID LEAVE ACT

Mayor Coyne reported that a new NYS Family Paid Leave program provides wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service. Employees are also guaranteed to be able to return to their job and continue their health insurance.

PETITION REGARDING SPEED LIMITS – FIRST AND SECOND STREETS

Mayor Coyne reported that residents of First and Second Streets submitted a “Petition to adhere to speed limits”. In response, Mayor Coyne has asked our police department to patrol more in that area.

VILLAGE HALL – PROBLEMS WITH PHONE LINES

Mayor Coyne reported that the Village Hall copper phone lines are failing and we are not getting good cooperation in getting them fixed. This item was tabled for additional discussion in closed session later this evening.

FYI

NY PUBLIC INTEREST RESEARCH GROUP

Mayor Coyne reported that members of NY Public Interest Research Group (NYPIRG) will be canvassing the Village from June 9th through July 15th.

ANSWER TO CANCER

Mayor Coyne reported that the Answer to Cancer cycling event took place on Saturday, June 10th.

GIRL SCOUT COURT OF HONOR

Mayor Coyne reported that the Girl Scout Court of Honor event was postponed.

WESTERDUIN WEDDING

Mayor Coyne reported that the Westerduin wedding took place at Donahue Memorial Park on Saturday, June 17th.

GIRLS ON THE RUN

Mayor Coyne reported that the Girls on the Run event took place on Saturday, June 17th and went smoothly.

CORNWALL-ON-HUDSON ELEMENTARY MOVING UP DAY

Mayor Coyne reported that Cornwall-on-Hudson 4th graders will have their “moving up” ceremony at the Village Bandstand on Thursday, June 22nd.

WEDDING PHOTOS

Mayor Coyne reported that wedding photos will be taken at Donahue Memorial Park on Saturday, June 24th.

CONSTITUTIONAL CONVENTION VOTE

Mayor Coyne reported that Orange County Citizens Foundation will host a forum on Wednesday, June 28th in Sugar Loaf on the Constitutional Convention vote in November.

BOARD ACTIVITIES/COMMENTS

Trustee Kane thanked the people who attended the Flag Day event. Several hundred flags were retired.

Trustee Schmidt congratulated the police officers who received the Life Saving award earlier this evening. Mr. Schmidt attended the Storm King Art Center opening reception. The Hudson River Artfest took place on Sunday, June 4th at Tarsio Bowling Time and had a nice turnout.

Mayor Coyne reported that the Cornwall Independence Day Committee will host the annual July 4th celebration and has invited the Village Board to march in the parade starting at 5:00 PM.

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 8:03 PM with the Attorney for the Village and Village Clerk to discuss a legal issue involving phone contracts with Verizon, ITC, and Magna5 (formerly Cornerstone), the Black Rock Clearwell Change Order, a personnel issue involving a clerical worker, and the COVAC contract. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.