

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

November 20, 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
Trustee James P. Kane
Trustee David Carnright
Trustee Kenneth A. Schmidt

Absent was: Deputy Mayor Mark J. Edsall (knee replacement surgery)

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 COMMENT

Carol O’Keefe of 2 Payson Road asked what time the tree lighting will be this year.

Mayor Coyne replied that the tree lighting ceremony will begin at 5:00 pm on Sunday, December 3rd.

Rick Gioia of 167 Hudson Street stated that he provided a copy of a petition, containing 44 signatures, to the Village Clerk earlier today that asks the proprietor of a business located at 172 Hudson Street to contain a bright light on his property. Mr. Gioia stated that the petition was signed by neighbors and other residents, including the Zoning Board Chairman, and he could have easily gotten more signatures. This light is a “potential DOT road hazard” and is “unacceptable”. Mr. Gioia stated that the light is so bright and glaring; motorists have difficulty, especially in wet driving conditions, turning onto Hudson Street and Route 218 which is a state road. Mr. Gioia further stated that he wrote a letter to the Mayor and Village Board regarding a similar issue involving Storm King School and a state roadway back in 2014 and a few months later, those lights were “notched down”. He is curious to know what transpired within Village government that resulted in that change in order to establish a precedent on this issue.

CORRESPONDENCE

Mayor Coyne is in receipt of the following correspondence:

- A note from the Eremin family of 63 Spruce Street thanking the DPW Superintendent for having a tree removed from their property.

MINUTES

Mayor Coyne made a motion to accept the October 2, 2017 Special Meeting Minutes as presented which was seconded by Trustee Kane and carried upon a vote of 3 Ayes, 0 Nays, and 1 Abstain (Carnright who was absent).

Mayor Coyne made a motion to accept the October 16, 2017 Business Meeting Minutes as written which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$365,294.88
Town water & penalties	208,920.84

which included 2 finals/adjustments for the Village and 4 for the Town.

Warrant #11 - Trustee Carnright made a motion to approve the November 2017 Warrant #11 and authorize payment totaling \$681,547.38, which was seconded by Trustee Schmidt and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported that the Village is in receipt of \$5,842,058.47 (78.97%) in anticipated revenues and \$4,192,862.91 (61.77%) in anticipated expenditures through the end of October.

The amount collected in Village taxes is \$2,731,409.67 through October 31. The collection period ended on October 31st. Unpaid taxes totaling \$69,281.20 have been turned over to the Orange County Commissioner of Finance Office for collection.

The Sewer Capital Fund balance is \$188,649.73 (including interest) through October 31.

BOARD DEPARTMENT REPORTS

Building Department Trustee Schmidt reported 12 building permits were issued, 7 certificates of compliance/occupancy were issued, 46 onsite inspections were performed, 1 violation was issued (374 Hudson Street property maintenance-cleared), 3 fire inspections were conducted, and 6 municipal searches were completed. Inspector Maggio worked 80 hours in October.

Fire Department Trustee Kane reported 1 structure fire, 2 motor vehicle accidents, 4 automatic alarms, 7 medical calls, 1 river rescue, 1 good intent, 1 meeting, 8 drills, 3 fire prevention details, 3 work details, and 1 Halloween open house for a total of 32 events and 319.5 volunteer man hours.

Trustee Kane further reported that boat 416 is out of service for the season and maintenance. In addition the department will be switching over to the Orange County provided text messaging system in November (at no cost to the Village), welcomed Caitlin McGilley as a new member, and taught fire prevention classes at Cornwall-on-Hudson Elementary School, Village Nursery School and Abilities First School at St. Thomas facility. An additional session will be scheduled for Storm King School.

Police Department Trustee Kane reported 1 robbery, 1 fraud, 1 criminal mischief, 2 petty larceny, 1 aggravated harassment, 3 harassment, 1 felony arrest, 2 misdemeanor arrests, 1 violation arrest, 1 warrant arrest (COHPD), 1 warrant arrest (other PD), 2 personal injury accidents, 2 property damage accidents, 26 traffic summons issued, 21 traffic warnings issued, 14 parking summons issued, 5 traffic enforcement posts, 4 speed/radar sign postings, 2 fire response calls, 1 domestic incident call, 7 alarm response calls, 4 noise complaints, 4 suspicious person calls, 4 suspicious vehicle calls, 2 suspicious activity calls, 5 animal complaints, 2 disorderly adult calls, 1 disorderly juvenile call, 18 assists to the Town of Cornwall Police Department, 12 EMS assist calls, 2 assists to other agencies, 1 welfare check, 3 assists to citizens, and 2 assists to the Building Inspector for a total of 399 total calls for service.

Trustee Kane further reported that the police department obtained a \$1,118.09 grant from the Bureau of Justice for new bullet proof vests, and assisted with traffic and security for the “Cancer Charity” 5K/10K road race, “Appletime Fair” and “Halloween” detail.

Department of Public Works — Trustee Carnright reported 109.50 tons of trash, 31.05 tons of recycling, and 50 yards of yard waste was collected. In addition, the department continues mowing and trimming of Village-owned properties, repairs and maintenance of Village-owned vehicles, paved Duncan Ave, Weeks Ave, Barr Ave, Willis Ave, Church St and Wood Ave, cleanup and repairs of roadsides from paving, patching of roads, completed fall bulk clean-up, and prepared equipment for winter. DPW employees completed safety training to comply with PESH requirements and Jim Sebesta and Tom Lyons fabricated a new leaf box for the dump truck.

Trustee Carnright further reported that DPW Superintendent Halvorsen and Working Leader Wayne Yeoman attended NYCOM Public Works School in Lake George from October 16-18th.

DPW Superintendent Halvorsen thanked the Town of Hamptonburgh for “working with us” to purchase its used boom mower. It will be a great addition to his department.

Water Department — Trustee Schmidt reported an average daily production of 818,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 52). A total of 8 meters were replaced, 13 miscellaneous repairs were completed, and 7 final meter readings were done. The department reinstalled B-2 at Maple Road pump station, installed a new service curb box to Old West Point Road, completed 4” tap for Storm King School fire system, inspected all reservoirs, continued inspection and painting of fire hydrants, inspected all pressure reduction valves (PRV’s), performed routine property maintenance, cleaned sedimentation basins at Catskill Treatment plant, started flushing Town system, completed repair work on Alec Meadow spillway, and assisted the DPW with paving. In addition, the DEC

inspection of the dams was completed (reports issued), a survey of the dams was completed by Maser (awaiting report), the annual inspection by Orange County Health Department was completed, and the Water Superintendent is working on a 5-year plan to address dam repair and maintenance.

TAX ASSESSMENT OF WATER DEPARTMENT PROPERTY

Mayor Coyne reported that he attended a meeting/hearing earlier today with the Board of Assessment Review. Deputy Attorney for the Village John Furst requested an adjournment of the hearing to January 18, 2018. Cornwall Town Supervisor Randazzo and Mayor Coyne have met to negotiate a settlement.

RESOLUTIONS

ADOPTING A WORKPLACE VIOLENCE PREVENTION PROGRAM IN ACCORDANCE WITH NEW YORK STATE LABOR LAW 27-b

Trustee Carnright introduced the following resolution and moved for its adoption.

WHEREAS, the Village Board is committed to the safety and security of its employees; and

WHEREAS, the Village Board desires to promote the safety and well-being of all people in the workplace; and

WHEREAS, the Village Board desires to provide a safe and secure work environment for all people in the workplace; and

WHEREAS, the New York State Labor Law 27-b requires the Village to have a formal Workplace Violence Prevention Program and Policy; and

WHEREAS, the Village Board desires to establish a Workplace Violence Prevention Program in accordance with applicable law;

NOW, THEREFORE BE IT HEREBY

RESOLVED, the Village Board adopts its Workplace Violence Prevention Program in accordance with New York State Labor Law 27-b, a copy of which is attached to this resolution.

The foregoing resolution was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne reported that Supervisor training was held on Friday, November 17th and was very helpful. It was further reported that this item will be part of the annual Re-Organizational meeting to set up committee meetings for the year.

Trustee Carnright made a motion to grant approval to hold the 21st annual RiverFest celebration on Saturday, June 2, 2018 and authorizing Mayor Coyne to execute an agreement subject to legal review, which was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

SET PUBLIC HEARING ON PROPOSED AMENDMENT TO CHAPTER 153 OF THE VILLAGE CODE ENTITLED "REMOVAL OF DOUBLE UTILITY POLES"

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

WHEREAS, the Village Board has determined that a revision to the definition appearing in Chapter 153, §153-2 'Unnecessary Utility Pole', more specifically sub-section (B) thereof, is necessary to clarify that the burden is on the owners of an older pole to demonstrate that the older pole should be retained; and

WHEREAS, the Village Board has determined that Chapter 153 as amended should be re-designated as Article X of Chapter 135; and

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider the adoption of the Amendment of Chapter 153 of the Village Code to revise the definition appearing in §153-2 'Unnecessary Utility Pole' and to re-designate Chapter 153 of the Code to Chapter 135, Article X;

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 let it be further

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

RESOLVED, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the proposed local law, and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on December 18, 2017, at 7:00 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 4 Ayes and 0 Nays.

ANNUAL SUPPLY BIDS

Treasurer Mahoney reported that a bid opening was held in the Village Office on November 9, 2017.

Water Treatment Chemicals - Bids were received from Surpass Chemical Corp. and Slack Chemical Co. Inc., for 1) Sodium Hypochlorite, 2) Aluminum Sulfate Liquid 48%, 3) Sodium Hydroxide 50% and 4) Sodium Hydroxide 25%.

Mayor Coyne made a motion to award the bid for item 1 to Surpass Chemical Co., Inc. in the amount of \$1.10 per gallon which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to award the bid for items 2, 3 & 4 to Slack Chemical Co., Inc. in the amount of \$1.089 per gallon (Aluminum Sulfate Liquid), \$2.448 per gallon (Sodium Hydroxide 50%), and \$1.289 per gallon (Sodium Hydroxide 25%) which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Water Meters - Mayor Coyne made a motion to award the bid to Ti-Sales, the sole bidder, in the amounts received November 9, 2017, which was seconded by Trustee Carnright, and carried by a vote of 4 Ayes and 0 Nays.

Fuel Oil #2 and "Off-Road" Diesel - Bids were received from Mirabito Energy Products and Wilson Oil.

Mayor Coyne made a motion to award the bid to Mirabito Energy Products, the low bidder, in the amounts received November 9, 2017, which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Alum Sludge Removal Services - Bids were received from Residuals Management d/b/a Earthcare, TAM Enterprises, and Fred A. Cook, Jr., Inc.

Mayor Coyne made a motion to award the bid to TAM Enterprises, the low bidder, as per the November 9, 2017 bid, which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

APPROVAL OF PAYMENT TO EMPLOYEE

Mayor Coyne made a motion approving payment of salary in exchange for 6 weeks of vacation time to a Water Department employee which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

APPROVE INSURANCE FOR SPOUSE OF DECEASED EMPLOYEE

Mayor Coyne made a motion authorizing the spouse of former Police Chief Richard Douglass, who died on July 1, to pay 25% toward the cost of single health insurance coverage which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

TEMPORARY/SEASONAL HELP

Mayor Coyne made a motion to hire Kyle Halvorsen as a seasonal/temporary help laborer in the Department of Public Works effective immediately not to exceed 24 hours per week, for a period not to exceed 3 months, and at the rate of pay of \$16.00 per hr. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays. Mayor Coyne noted that Kyle Halvorsen is the son of DPW Superintendent Halvorsen.

OTHER BUSINESS

COMPREHENSIVE PLAN COMMITTEE

Mayor Coyne announced that the Comprehensive Plan Committee has been meeting for about a year now. The next meeting will be on November 30, 2017.

BUDGET – 2018-2019

Mayor Coyne reported that he will be meeting with department heads to discuss their budget requests. A draft budget will be distributed to the Village Board for discussion at the December work session.

FILMING

Trustee Kane made a motion authorizing Sourdough Productions to film scenes for an upcoming HBO drama series entitled “Succession” in the Village on December 1st, and authorizing Mayor Coyne to set the “special event” fee. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

CSX: QUIET ZONE

Mayor Coyne reported that Assemblyman Skoufis has secured a \$5,400 grant to have a study done that will provide options toward creation of a “quiet zone” along the river. Mayor Coyne has completed the associated paperwork.

SAFETY COMMITTEE

Mayor Coyne reported that a meeting was held on November 1 with CSEA representative Brian Pomeroy to discuss forming a new Safety Committee that includes all employees. Another meeting has been tentatively scheduled for January 2018. Mayor Coyne thanked our CSEA for initiating that effort as part of the union contract.

KIRYAS JOEL MOUNTAINVILLE WELL

Mayor Coyne reported that the coalitions’ effort to overturn the DEC decision and judge’s ruling on that decision was unsuccessful so Kiryas Joel (KJ) will continue its efforts with their Mountainville well. The Village has already incurred costs to litigate this matter and will continue to pay our portion of costs along with the Town of Cornwall and the Town and Village of Woodbury to monitor the well and nearby stream to make sure public and private wells do not run dry.

STILLMAN FAMILY GENEALOGY BOOKS

Mayor Coyne reported that members of the Stillman family have donated their genealogy books to the Village Historian. We are very grateful to them for that.

VILLAGE AUTO REPAIR – 172 HUDSON STREET

Mayor Coyne reported that in response to safety concerns expressed in a letter he received from Rick Gioia about a bright light located at 172 Hudson Street, he wrote a letter to the NYS Department of Transportation. When a response is received, Mayor Coyne will make that available to the public.

WATER DEPARTMENT EMPLOYEE

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

TREES FOR TRIBS

Mayor Coyne reported that members of the Cornwall High School Environmental Club recently planted additional saplings on the lower part of Dock Hill Road. Mayor Coyne is grateful for that.

CHRISTMAS TREE LIGHTING

Mayor Coyne reported that the annual Christmas Tree lighting celebration will be held on Sunday, December 3rd starting at 5:00 PM.

NEW YEARS EVE BALL DROP

Mayor Coyne thanked Mike Trainor and his committee who are already planning for the annual New Year's Eve Ball Drop with help from Trustee Schmidt.

DONAHUE MEMORIAL PARK: DOCK PERMIT

Mayor Coyne reported that the Village Clerk has submitted a request to the DEC to renew the bi-annual permit for the boat docks.

EMPLOYEE HOLIDAY GATHERING

Mayor Coyne reported that the annual employee holiday gathering will be held on Friday, December 15th.

FUEL PUMP REPLACEMENT

Water Superintendent June reported that the fuel pumps located at 50 Shore Road need to be replaced. Since the Village is a member of the National Joint Powers Alliance (NJPA), Mr. June

was able to access a list of their competitively awarded nationally leveraged cooperative purchasing contracts and obtained a proposal from American Petroleum.

After some discussion, Trustee Kane made a motion to accept the proposal from American Petroleum in an amount not to exceed \$21,202.97 to replace 2 fuel pumps at 50 Shore Road including installation, the dispensing rating system, and removal of the old pumps. The cost is to be split between the DPW, Water, Fire, and Police Departments. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

FYI

CORNWALL WALK/RUN FOR CANCER

Mayor Coyne reported that the Cornwall Walk/Run for Cancer took place on Saturday, October 28.

LIONS FALL HARVEST RACE

Mayor Coyne reported that the Lions Fall Harvest Race took place on Sunday, November 12.

ORANGE COUNTY PRAYER BREAKFAST

Mayor Coyne reported that he attended the Orange County Prayer Breakfast on November 16.

CORNWALL ECUMENICAL THANKSGIVING SERVICE

Mayor Coyne reported that the 50th annual Cornwall Ecumenical Thanksgiving Service will be held at St Thomas Church on November 21.

WEDDING AT DONAHUE MEMORIAL PARK

Mayor Coyne reported that a wedding will take place at the gazebo on November 25.

SCHOOL IMPROVEMENT PROJECT VOTE

Mayor Coyne reported that there will be a vote of the proposed Cornwall Schools Improvement Project on Tuesday, December 5th.

PUBLIC COMMENT

Barbara Smith-Gioia of 167 Hudson Street stated that she and her family have lived in the Village for 25 years. They have given back to the community “in a big way” including teaching in our schools and the museum, and initiating events at the riverfront, museum, and the Grail. The business owner at 172 Hudson Street does not live here and “does not care” about the community after he closes his shop. Mrs. Gioia therefore expects a response when she makes a call to the mayor.

Christine Ruppert of Mountain Road stated that the bright light is more than a traffic issue. The way commercial properties execute their businesses impacts neighboring residential properties as well. There are fairly simple fixes to this lighting issue including mounting the bulb so it faces the business property, putting shades on the lights, and/or replacement of the current light with “light pollution” reduction fixtures.

Code Enforcement Officer Maggio reported that the Planning Board addresses lighting plans when new businesses submit site plan applications. His office can then enforce any violations to approved site plans. To address lighting issues on existing commercial properties, the Village Board would need to adopt a new local law and provide a period of time (i.e. one year) for businesses to comply.

Jonathan Chase of Taft Place stated that although existing business outdoor lighting may be “grandfathered” in, lighting technology is advancing by “leaps and bounds” both in intensity and in economy. The lights at 172 Hudson Street are very intense and out of character with the neighborhood. The DOT may have something helpful to contribute to this issue; however, the Village Board should look into adopting a new local law.

Mayor Coyne asked everyone to keep in mind the victims of the Verla Cosmetics Factory fire today.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting into a closed meeting at 7:57 P.M. to receive advice of counsel regarding a disciplinary issue involving a Water Department employee, the assessment of and tax bill for a water department property, an issue regarding family medical leave, litigation involving the 507 acre Kiryas Joel annexation, and the Mountainville well litigation. It was noted that the Village Board may come back into session in order to take action on the family medical leave issue. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

The meeting was reconvened at 8:03 PM on a motion by Mayor Coyne, seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

FAMILY MEDICAL LEAVE

Trustee Kane made a motion that the Village of Cornwall-on-Hudson “Opt-out” of the New York State plan to provide Paid Family Leave to employees in 2018. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Trustee Kane made a motion authorizing the Village Clerk to notify the Workers’ Compensation Board and the Village of Cornwall-on-Hudson disability insurance carrier of the foregoing resolution no later than December 1, 2017. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting back into closed session with the Attorney for the Village at 8:05 PM which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.