

## VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

March 26, 2018

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

Also present were: DPW Superintendent David Halvorsen, Code Enforcement Officer Ben Maggio, Attorney for the Village Joseph G. McKay, and Village Clerk Jeanne Mahoney.

Absent was: Deputy Mayor Mark J. Edsall (vacation)

Mayor Coyne asked for a Moment of Silence to remember the Storm King School graduate student who died recently in the Village.

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 congratulated Trustees Kane and Schmidt on their recent reelection.

### **CORRESPONDENCE**

Mayor Coyne is in receipt of the following correspondence:

- A letter from Shanna Abeles, Tom Bregman, Rick Gioia, and Barbara Smith Gioia regarding noise pollution which “comes in many different forms and from different sources, all of which impact our quality of life”. They feel that “sensible, clearly articulate local rules and enforcement is the right way to go” and they “commend the board for taking a considered look at the issue”.

### **MINUTES**

Mayor Coyne made a motion to accept the February 26, 2018 Business Meeting Minutes as presented 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 February read as follows:

Village water, sewer, garbage & penalties	\$257,529.03
Town water & penalties	171,281.90

which included 3 finals/adjustments for the Village and 6 for the Town.

Warrant #3 — Trustee Carnright made a motion to approve the March 2018 Warrant #3 and authorize payment of \$429,075.63, which was seconded by Trustee Schmidt and carried by a vote of 4 Ayes and 0 Nays.

Treasurer Mahoney reported that the revenue/expenditure reports by fund are:

General Fund Revenue:	\$3,959,456.95	Expenditure:	\$3,807,998.33
Water Fund Revenue:	\$2,354,252.69	Expenditure:	\$2,660,905.11
Sewer Fund Revenue:	\$ 513,381.18	Expenditure:	\$ 336,239.37

Total receipt of \$6,827,090.82 (92.29%) in anticipated revenues and \$6,805,142.81 (91.99%) in anticipated expenditures through the end of February.

The Sewer Capital Fund balance is \$182,352.45 (including interest) through February 28<sup>th</sup>.

## BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 6 building permits were issued, 7 certificates of compliance/occupancy were issued, 12 onsite inspections were performed, 3 violations were issued (255 Hudson St-property maintenance, 320 Hudson St-property maintenance, 1 Grandview-electric car charging port w/o permit), 2 stop work orders were issued (15 Lipani Rd-work w/o permit, 9 Idlewild Park Dr.-work w/o permit), 3 fire inspections were conducted, and 6 municipal searches were completed. Inspector Maggio worked 80 hours in February.

### DB MART

Code Enforcement Officer Maggio reported that the water line which was damaged on February 6<sup>th</sup> is now repaired. The NYS DEC has approved the submitted work plan as well as a health and safety plan. A contractor has been brought in to remove contaminated soil and remove the fuel pumps. After speaking with Planning Board Chair Jeff Small, Mr. Maggio will instruct the owners of DB Mart to submit a Planning Board application to amend the existing site plan.

Fire Department — Trustee Schmidt reported 1 automatic alarm, 5 medical calls, 2 good intent, 2 meetings, 6 drills, 5 work details, 3 NYS Basic Exterior FF Op's class, 1 NYS Haz-Mat Refresher class, and 1 NYS EMT Refresher class for a total of 25 events and 207.68 volunteer man hours.

Trustee Schmidt further reported that the fire station siren has been delivered and will be installed in conjunction with DASNY grant work. Assistant Fire Chief Chatfield is addressing deficiencies outlined in the NYS PESH consultation report. All deficiencies are expected to be corrected by the end of April.

In addition, the rescue boat is expected to be placed into service at the end of March, and 5 sets of new gear have been ordered (in keeping in the “gear replacement plan”).

Trustee Schmidt also reported that Fire Chief Trainor expects to meet with Christopher Coombs, the Insurance Services Office representative (ISO), before the end of March.

Police Department Trustee Kane reported 1 sex offense felony, 1 drug related misdemeanor complaint, 2 misdemeanor harassments, 3 misdemeanor arrests, 1 personal injury accident, 1 property damage accident, 38 traffic summons issued, 26 traffic warnings issued, 11 parking summons issued, 4 traffic enforcement posts, 2 fire response calls, 2 domestic incident calls, 9 alarm response calls, 2 noise complaints, 1 suspicious person call, 4 suspicious vehicle calls, 1 suspicious activity call, 4 animal complaints, 15 assists to the Town of Cornwall Police Department, 10 EMS assist calls, 2 assists to other agencies, 1 welfare check, and 1 assist to the Cornwall-on-Hudson Water Department for a total of 342 total calls for service.

Trustee Kane further reported that Chief Dixon would like the Village Board to interview 2 candidates for part-time police officer positions. These interviews will be scheduled for some time in April.

Department of Public Works — Trustee Carnright reported 87.51 tons of trash and 24.19 tons of recycling were collected. The department performed cold patching of potholes, service and repairs to Village-owned vehicles, plowing and salting of roads and parking lot, removal of snow from business district and parking areas, reinsulated and sheetrocked damaged areas of sanitation garage, painted inside of sanitation garage, applied new nonslip floor coating to restrooms in sanitation and DPW shop areas, and repaired guiderail by Storm King School. Spring Bulk pickup will be April 23, 2018.

Trustee Carnright further reported that as a result of all the ice and the number of small snow events, the Village is over its estimated salt usage for the first time in many years.

DPW Superintendent Halvorsen met with representatives from CSX, DOT and Arcadis regarding train safety and creation of a “quiet zone” on February 22, 2018 and is now awaiting their report.

Water Department — Trustee Schmidt reported an average daily production of 991,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 60). A total of 10 meters were replaced, 30 miscellaneous repairs were completed, 10 final meter readings were done, and 49 utility mark-outs were completed. Fire hydrants were repaired at 196 Mountain Rd and Hasbrouck Ave/Ridge Rd, curb boxes were repaired at 93 Mailler Ave and on the 16” water main at Hasbrouck Ave/Boulevard, and distribution system pressures were adjustment on all pressure reduction valves (PRV’s). The department completed leak detection survey of distribution system, completed vehicle maintenance, backfilled driveway at Riley Road station with item 4, assisted the DPW with snow removal from all village streets, completed snow removal from all fire hydrants, and completed plow maintenance.

## BLACK ROCK

Trustee Schmidt further reported that the 12’ raw water line from Alec Meadow to the upper chlorine building was replaced. Fire protection to the consortium building is re-established.

## **RESOLUTIONS**

### **HALF-MOON SUBDIVISION – PARKLAND FEE**

After some discussion, Mayor Coyne made a motion to assess a \$3,750.00 parkland fee as part of the final approval for the Half Moon 3-lot subdivision which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne noted that this fee is consistent with prior parkland assessments.

### **APPROVE PAYMENT OF A CLAIM CONCERNING ACCOUNT #003007601**

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

**WHEREAS**, a dispute has arisen concerning water charges assessed by and to be paid to the Village, resulting in the filing of a proceeding in the Bankruptcy Court asserting a claim against the Village; and

**WHEREAS**, the attorneys for all parties are willing to settle the proceeding at the reduced sum by having the same withdrawn in exchange for approval and payment of the claim in the amount of \$5,500.00 pursuant to Village Law §5-524;

### **NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Village attorneys, Catania, Mahon, Milligram and Rider, PLLC, Joseph G. McKay, Esq., a member of the firm, and the Mayor shall settle the dispute described herein on behalf of the Village of Cornwall-on-Hudson for payment of the claim as described above, and the Board authorizes and directs the Village attorneys and/or the Mayor to execute the required documents on behalf of the Village of Cornwall-on-Hudson to effectuate the settlement of the claim.

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

### **SET PUBLIC HEARING DATE ON MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**

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

**WHEREAS**, the Village Board wished 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 “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 April 16, 2018 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 4 Ayes and 0 Nays.

#### DISMISSAL OF WATER DEPARTMENT EMPLOYEE

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

**WHEREAS**, on November 28, 2017, a village employee, (“Employee”) entered into and executed an agreement with the Village of Cornwall-on-Hudson with regard to disciplinary charge # 01-2017 (“Agreement”); and

**WHEREAS**, Employee has violated the terms of the Agreement; and

**WHEREAS**, in accordance with the Agreement, Robert June, Water Superintendent (“June”) was authorized to dismiss the Employee subject to Village Board approval; and

**WHEREAS**, with due cause, June terminated the Employee on March 19, 2018;

#### **NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Village Board confirms and ratifies the action taken by June and deems the Employee terminated as of March 19, 2018.

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

Mayor Coyne stated that he is sorry that things “did not work out” with this employee and Mayor Coyne wishes him well.

Trustee Kane stated that the Board did “the best we can” for him. Mr. Kane wishes him well, it’s just “unfortunate”.

#### APPROVE DATES FOR MOVIES ON THE HUDSON

Mayor Coyne made a motion to approve the following 2018 dates for “Movies on the Hudson”:

June 2, 2018 – Riverfest Saturday, July 7, 2018, August 18, 2018, and September 15, 2018 – Possible Double Feature.

The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne thanked Mike Trainor and his team for getting this together. It's a wonderful opportunity for Village residents.

## **OTHER BUSINESS**

### **VILLAGE ELECTION: 3/20/2018**

Mayor Coyne reported that the Village election was held on March 20<sup>th</sup>. He congratulated Trustees Kane and Schmidt on their reelection.

### **COMPREHENSIVE PLAN COMMITTEE**

An informal meeting was held on March 22<sup>nd</sup>. The next regular meeting will take place on April 26, 2018.

### **RE-ORGANIZATION MEETING: 4/2/2018**

Mayor Coyne announced that the annual Re-Organization Meeting will take place on April 2, 2018 at 7:00 PM.

### **CENTRAL HUDSON: 4/10/2018 MEETING ON NEW GAS LINES**

Mayor Coyne reported that representatives from Central Hudson will host a community meeting in the Village Hall Board Room on Tuesday, April 10<sup>th</sup> at 6:00 PM to discuss new gas line work in the Village scheduled for this year.

### **FISCAL STRESS: ANNUAL REPORT**

Mayor Coyne reported that the annual "fiscal stress" report from the NYS Office of the State Comptroller shows that the Village is in "good shape". The report will be posted on the Village's website.

### **PBA CONTRACT NEGOTIATIONS**

Mayor Coyne reported that he met yesterday with 2 PBA members. They are progressing "slow but steady".

### **COVAC AGREEMENT**

Mayor Coyne reported that there have been some difficulties with communication; however, the latest agreement is now "in the right person's hands".

### **VILLAGE WEBSITE**

Mayor Coyne reported that the Village's website is currently being redesigned thanks to the efforts of an intern from Mount Saint Mary College and cadets from the United States Military Academy (USMA). Mayor Coyne is pleased with the progress being made.

#### **DOCK HILL ROAD SLOPE**

Mayor Coyne reported that cadets from USMA are conducting research and will provide options to make the slope along Dock Hill Road safer as part of a school project.

#### **SUMMER CHARITY CONCERT**

Mayor Coyne reported that two Cornwall High School students have submitted a request to hold a summer charity concert at Donahue Memorial Park on July 14, 2018 to benefit animal welfare.

#### **FUND BALANCE POLICY**

Mayor Coyne reported that the Village is required by the NYS Office of the State Comptroller to have a "Fund Balance" policy. He will get a draft to the Village Board to review and approve shortly.

#### **EMPLOYEE HANDBOOK**

Mayor Coyne reported that he is working on a final draft of an employee handbook and he will get it to the Village Board by the April work session.

#### **FUEL PUMPS**

Mayor Coyne reported that we are still awaiting delivery of new fuel dispensers at the Shore Road facility.

#### **NATURAL HERITAGE PLAN: HUDSON HIGHLANDS LAND TRUST**

Mayor Coyne reported that representatives of the Hudson Highlands Land Trust attended the last work session and gave a presentation on preserving our natural resources. They are currently in the "mapping stage". A joint public meeting with Village and Town officials will take place sometime in May or June.

#### **DEPARTMENT OF PUBLIC WORKS EMPLOYEE**

Mayor Coyne tabled this item for discussion in executive session later this evening.

#### **FYI**

#### **STORM KING ENGINE DINNER**

Mayor Coyne reported that the Storm King Engine Co. #2 annual dinner will take place on Friday, April 13, 2018.

## ORANGE COUNTY PARTNERSHIP DINNER

Mayor Coyne reported that the Orange County Partnership Dinner will take place on Thursday, April 19, 2018.

## SPRING BULK PICK-UP DAY

Mayor Coyne reported that the Spring Bulk Pick-up day is scheduled for Monday, April 23, 2018.

## LOVE GENTLY DINNER

Mayor Coyne reported that the annual “Love Gently Dinner” sponsored by Safe Homes took place at Painters on Tuesday, March 13, 2018. It is a nice event that was well attended and supported.

## PUBLIC COMMENT

Carol O’Keefe of 2 Payson Road asked what time the Reorganization Meeting will start on April 2<sup>nd</sup>.

Mayor Coyne replied that it starts at 7:00 PM.

Rick Gioia of 167 Hudson Street stated that the Hudson Highlands Land Trust representatives should coordinate with the Comprehensive Plan Committee as part of the Natural Heritage Plan scope.

## BOARD ACTIVITIES/COMMENTS

Trustee Schmidt offered his condolences to the family of the Storm King School student who recently died.

Mr. Schmidt expressed his gratitude to the public for coming out to vote on March 20<sup>th</sup> and giving him the opportunity to serve the community once again.

Trustee Carnright congratulated Trustees Kane and Schmidt on their reelection. Mr. Carnright is glad the public came out to vote.

Trustee Kane thanked the public for their support. He enjoys serving the Village and is looking forward to serving for the next 2 years.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting into attorney/client session at 7:40 PM with the Attorney for the Village to discuss a Department of Public Works employee, a Water Department employee, a potential contractual issue involving the Department of Public Works, a contractual issue involving the Water Department, and an update on litigation with the Town of Cornwall on the tax assessment issue. Mayor Coyne noted that no action is anticipated at the conclusion of attorney/client session this evening. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.