

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

April 16, 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
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 G. 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.

DPW Superintendent Halvorsen stated that the annual report, which was prepared by the Engineer for the Village, must be filed with the Department of Environmental Conservation (DEC) by June 1st. The DEC uses this report as a “tracking mechanism” for illicit discharge connections, etc.

Hearing no one speak for or against the MS4 Stormwater Management Plan, Mayor Coyne 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.

MS4 STORMWATER MANAGEMENT PLAN – ANNUAL REPORT

Deputy Mayor Edsall made a motion to accept the MS4 annual report as prepared by Maser Consulting for the period March 10, 2017 to March 9, 2018. Further authorize that the report be signed by Mayor

Coyne 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.

PUBLIC COMMENT

Michael Sussman, Esq. stated that he is representing Rick and Barbara Gioia with their ongoing conflict with the auto garage across the street. Before they initiate litigation, which does not involve the Village, Mr. Sussman notes that there is an ordinance that allows for “nuisance enforcement by a police agency”. The Gioia’s have contacted the Village Police Department and officers have been sent to review the situation.

Presently, Mr. Sussman stated that there are 3 lights/illuminations which are not directed in any other direction except toward the Gioia’s” home. Their living and dining rooms are “suffused with light” which intrudes upon their “use and enjoyment”. This sort of situation should not be tolerated by the Village because, if generalized, this kind of condition would disturb anyone’s “peaceable use of their property”.

In his opinion, Village government having this type of ordinance should dispatch a police agency to enforce it. At a minimum they should mediate between these parties. Mr. Sussman is appealing to the Village Board to “take this seriously” because it does “depreciate the quality of life”.

John Thomas of 5 Academy Avenue is here in support of the Gioia’s. The auto garage’s outdoor lighting has “blinded” him at night while he is driving. Mr. Thomas had a “near miss with an animal” because the light is so obtrusive. The lighting causes difficulty for drivers to see pedestrians and road lines if there is any road moisture. This is a public safety issue, and he would like to see the Village Board support the residents rather than an antagonist business owner who doesn’t live in this community.

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 26, 2018 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 April 2, 2018 Reorganization Meeting Minutes as written 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	\$78,029.89
Town water & penalties	264,488.08

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

Warrant #4 — Mayor Coyne made a motion to approve the March 2018 Warrant #4 and authorize payment of \$350,860.83, which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

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

General Fund Revenue:	\$4,205,485.22	Expenditure:	\$3,849,853.57
Water Fund Revenue:	\$2,498,370.71	Expenditure:	\$2,686,980.45
Sewer Fund Revenue:	\$ 599,631.46	Expenditure:	\$ 336,239.37

Total receipt of \$7,303,487.39 (98.72%) in anticipated revenues and \$6,873,073.39 (92.97%) in anticipated expenditures through the end of the 2017-2018 fiscal year.

The amount collected in Village taxes is \$2,326,381.36 through March 31st.

The Sewer Capital Fund balance is \$229,225.22 (including interest) through March 31st.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 5 building permits were issued, 4 certificates of compliance/occupancy were issued, 16 onsite inspections were performed, 5 fire inspections were conducted, and 3 municipal searches were completed. Inspector Maggio worked 80 hours in March.

Code Enforcement Officer Maggio reported that he attended a class today on how to read plans, obtain financial assistance, and what to look for with regard to residential and commercial energy code.

Fire Department — Deputy Mayor Edsall reported 3 automatic alarms, 5 medical calls, 11 hazardous conditions, 2 meetings, 3 drills, 2 work details, 1 “Stop the Bleed” training class, and 1 winter storm standby for a total of 28 events and 223.62 volunteer man hours.

Deputy Mayor Edsall further reported that the PESH corrections have been submitted for review by the NYS Department of Labor, the Insurance Services Organization (ISO) review meeting took place on April 5th, fire boat (#B416) is in service at Cornwall Yacht Club, and engine #E412 will be standing by at the Monroe Fire Department on April 28th from 5pm – 11pm while their members attend their Annual Inspection dinner.

Deputy Mayor Edsall congratulated Storm King Engine Co#2 on their first 150 year anniversary celebration event this past Friday evening at Pier 9. It was an enjoyable gathering.

CHERRY AVENUE PARKING

Deputy Mayor Edsall reported that when residents park on both sides of Cherry Avenue, emergency vehicles have a difficult time getting through. He made a motion requesting reports from the Village Police Department and Department of Public Works with suggestions on how to address street parking on Cherry Avenue as well as providing road dimensions. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Police Department Trustee Kane reported 1 misdemeanor drug related complaint, 4 misdemeanor harassments, 2 misdemeanor arrests, 9 property damage accidents, 51 traffic summons issued, 19 traffic warnings issued, 12 parking summons issued, 4 traffic enforcement posts, 7 fire response calls, 2 domestic incident calls, 2 alarm response calls, 4 noise complaints, 3 suspicious person calls, 3 suspicious vehicle calls, 5 animal complaints, 14 assists to the Town of Cornwall Police Department, 6 EMS assist calls, 1 assist to other agencies, 5 welfare checks, and 2 assists to citizens for a total of 359 total calls for service.

Trustee Kane further reported that the department received a \$2,000 grant from the National Rifle Association (NRA) to purchase 2 new colt patrol rifles. In addition they obtained a new Falcon radar unit worth \$1,300 as part of a “radar swap program” from the NYS Department of Criminal Justice, and a visual/audio computer recording system through a grant from the Orange County District Attorney’s Office which will be used for higher class felony interviews.

Department of Public Works — Trustee Schmidt reported 103.38 tons of trash and 25.82 tons of recycling were collected. The department performed cold patching of potholes, service and repairs to Village-owned vehicles, pretreating of roads for storms, plowing and salting of roads and parking lot, removal of snow from business district and parking areas, painting inside of DPW garage. DPW Superintendent Halvorsen met with Andrew Fetherston of Maser to complete the MS4 report. Weekly collection of yard waste resumed on April 2nd. Spring bulk pickup will take place on April 23rd.

Water Department — Trustee Carnright reported an average daily production of 997,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 25), 1 meter was replaced, 21 miscellaneous repairs were completed, 10 final meter readings were done, and 50 utility mark-outs were completed. Fire hydrants were repaired at 300 Shore Road and 39 Hasbrouck Ave, a 6” water tap was completed and pressure tested on the Burns & Whalen property, valve boxes were repaired at Homeland and Ave. A, 48 Avenue A, Firth Street and Highland Ave, 57 Firth Street, and Duncan Ave feed to the Boulevard. The department investigated and repaired a water service leak at 426 Hudson, completed snow removal at all water properties, assisted the DPW with snow removal, and started spring cleanup of all water properties.

BLACK ROCK

Trustee Carnright further reported that all repairs from the Alec Meadow line to upper chlorine vault were completed and flow has been re-established to Black Rock facilities fire suppression system.

WATER DEPARTMENT POSITIONS

Deputy Mayor Edsall made a motion authorizing Water Superintendent June to post the vacant Laborer position and advertise for 2 summer employees. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

RESOLUTIONS

APPROVE FIRE ALARM CONTROL PANEL UPGRADE AT VILLAGE HALL

After some discussion, Mayor Coyne made a motion to approve the upgrade of the existing fire alarm panel and installation of a “cell communicator” at Village Hall at a cost of \$2,496.00 and an additional \$12.00 per month for monitoring which was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

AUTHORIZE MAYOR COYNE TO ENTER INTO A LICENSE AGREEMENT WITH ANTHONY M. MISSERE

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

WHEREAS, the Village Board has determined that it is necessary to enter into a license agreement (the “Agreement”) with Anthony M. Missere with regard to property located at 3 River Avenue, Cornwall-on -Hudson, New York, (Section 102, Block 11, Lot 8); and

WHEREAS, the Agreement will be subject to the review and approval as to form by the Attorney for the Village;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Village Board of the Village of Cornwall on Hudson authorizes the Mayor to enter into the Agreement with Anthony M. Missere and execute such Agreement; and it is further

RESOLVED, that the Agreement shall be subject to review and approval as to form by the Attorney for the Village.

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

ADJUST SALARIES OF NON-CONTRACTUAL EMPLOYEES

Mayor Coyne tabled this item for attorney/client discussion later this evening.

AUTHORIZE MAYOR COYNE TO SIGN AGREEMENT WITH MUNICIPAL AUDIT SERVICES

Trustee Kane made a motion authorizing Mayor Coyne to sign an agreement with Municipal Audit Services in order to determine if payments received from Time Warner/Charter/Spectrum Communications are in accordance with the current Franchise Fee Agreement at a cost of \$200 per hour, not to exceed \$2,000. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

EMPLOYEE HEALTHCARE – CPI-HR CONTRACT

Clerk Mahoney reported that our contract with CPI-HR is up for renewal. The fee is the same as 2017 (\$4,050.00). CPI-HR provides guidance with respect to the Patient Protection and Affordable Care Act “ACA”.

Trustee Carnright made a motion authorizing Mayor Coyne to sign the ACA Assistance Agreement with CPI-HR for 2018 which was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

AMEND THE FEE SCHEDULE – CODE ENFORCEMENT FEES

After some discussion and upon the recommendation of Code Enforcement Officer Maggio, Deputy Mayor Edsall made a motion to amend the fee schedule as follows:

- Solar Panel Permit Fee: \$150.00
- Generator Permit Fee: \$150.00
- Residential Alteration: \$1.50 per square ft. (increase of \$0.50 per sq. ft.)
- Commercial Alteration: \$2.00 per square foot (increase of \$0.50 per sq. ft.)

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

OTHER BUSINESS

COMPREHENSIVE PLAN COMMITTEE

Deputy Mayor Edsall reported that the Comprehensive Plan Committee will hold an informal “workshop” on April 26, 2018.

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

Mayor Coyne reported that representatives from Central Hudson hosted a community meeting in the Village Hall Board Room on Tuesday, April 10th where they discussed new gas line work in the Village. This work is scheduled to start soon.

STORM KING ENGINE CO #2 – 150th ANNIVERSARY DINNER

Mayor Coyne attended the 150th Anniversary Dinner this past Friday and presented a citation on behalf of the Village Board to Storm King Engine Co. #2. It was a “wonderful night”. Mayor Coyne stated

that he enjoyed looking into the history of the fire department. Years ago the department lost one member and current members continue to wear a star on their uniform in his honor.

RIVERKEEPER SWEEP: MAY 5, 2018

Mayor Coyne reported that the annual “Riverkeeper Sweep” event is scheduled for Saturday, May 5th.

MEMORIAL DAY PARADE: MAY 28, 2018

Mayor Coyne reported that the annual Memorial Day Parade will take place on Monday, May 28th starting at 10:00 AM.

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 has been posted on the Village’s website.

PBA CONTRACT NEGOTIATIONS

Mayor Coyne tabled this item for attorney/client discussion later this evening.

VILLAGE WEBSITE

Mayor Coyne reported that the Village’s website is currently being redesigned thanks to the cooperative efforts of an intern from Mount Saint Mary College and cadets from the United States Military Academy (USMA). Mayor Coyne has been in contact with our New Windsor IT representatives who will help launch the new website.

DOCK HILL ROAD SLOPE

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

STATE-MANDATED CANCER BENEFIT FOR VOLUNTEER FIREFIGHTERS

Mayor Coyne reported that Governor Cuomo has signed a law establishing a new cancer benefit for certain volunteer firefighters that will take effect January 1, 2019. Clerk Mahoney is working with Fire Chief Trainor on getting a list of potential eligible members.

EMPLOYEE HANDBOOK

Mayor Coyne reported that he is working on a final draft of an employee handbook and he will have something ready for approval later this year.

FUEL PUMPS

Water Superintendent June reported that installation of the new fuel dispensers at the Shore Road facility was scheduled to begin today; however, due to inclement it has been delayed.

NATURAL HERITAGE PLAN: HUDSON HIGHLANDS LAND TRUST

Mayor Coyne reported that there is nothing new to report on this item.

WATER PROPERTY ASSESSMENT: APPRAISER, ENGINEER

Mayor Coyne reported that in accordance with the signed Stipulation of Settlement, the County has refunded the Village approximately \$18,000 paid in taxes this past January. The School district will be issuing a refund of approximately \$82,000 shortly.

Mayor Coyne tabled this item for attorney/client discussion later this evening.

HISTORIC MARKER: CORNWALL LANDING

Mayor Coyne reported that the Village Historian is working to get a historic marker placed at Cornwall Landing- Donahue Memorial Park.

FYI

LIBRARY VOTE

Mayor Coyne announced that the Library Budget vote will table place on April 17, 2018.

FOOD BANK OF HUDSON VALLEY RECEPTION

Mayor Coyne announced that the annual Food Bank of Hudson Valley reception will take place on Thursday, May 10, 2018.

PUBLIC COMMENT

Kevin Greene of 318 Hudson Street stated that he is upset with the condition of the flag in front of Village Hall. It has been torn and tattered by tree branches. It “looks terrible” and should be replaced.

BOARD ACTIVITIES/COMMENTS

Trustee Kane stated that the 150th anniversary celebration dinner was “outstanding” and he congratulated the fire department.

Trustee Schmidt thanked the fire department for inviting him and his wife to the 150th anniversary dinner. The department deserves all the praise they received that evening.

Trustee Carnright stated that it was an “excellent celebration” with great speakers including State Senator Bill Larkin, and Assemblyman James Skoufis.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting into attorney/client session at 7:50 PM with the Attorney for the Village to discuss the Missere license agreement, status of a pending disciplinary action involving a Department of Public Works employee, status on the COVAC agreement, status of a pending disciplinary action involving a Water Department employee, the status of PBA negotiations, part-time police officer appointments, non-union salary adjustments, and the Water Department property 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 5 Ayes and 0 Nays. Mayor Coyne noted that the Board may reconvene later this evening to take action.

The meeting was reconvened at 9:04 PM on a motion by Mayor Coyne, seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

NON-UNION SALARY ADJUSTMENTS

Deputy Mayor Edsall made a motion to amend the schedule for compensation of Village non-union employees as adopted at the Reorganization meeting as follows:

- Robert June \$87,842 per year
- David Halvorsen \$86,900 per year
- Jeanne Mahoney (Village Clerk) \$74,556 per year
- Jeanne Mahoney (Village Treasurer) \$ 7,350 per year
- Paula Sebesta \$ 28.11 per hour total compensation

No changes to compensation for Mary Ellen Dennett and Arlene Roberts.

Above compensation represents total compensation which includes base salary plus longevity and the annual increase. Values as per worksheet provided to Village Treasurer. All other provisions of appointment and/or compensation, including compliance with Standard Policies and requirement to execute employment agreements (as applicable), remain in effect.

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

MORATORIUM FOR SOLAR PROJECTS/SYSTEMS

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

WHEREAS, the present zoning regulations in the Village of Cornwall-on-Hudson do not adequately address solar energy uses, systems and equipment; and

WHEREAS, in order to protect the public health, safety and welfare of the residents of the Village of Cornwall-on-Hudson, and to maintain the status quo with respect to certain solar energy uses, systems and equipment, the Village Board wishes to enact a local law establishing a moratorium on the processing of applications and/or the issuance of any permits, certificates of occupancy and approvals for uses relating to solar energy, including, but not limited to, applications seeking approval for solar arrays and solar farms, or any and all solar installations, except for residential, roof-mounted solar panels; and

WHEREAS, the Village Board wishes to adopt a six-month moratorium on the foregoing uses to allow the Village Board to analyze and determine potential appropriate revisions and amendments to the Village Code concerning solar uses; and

WHEREAS, the Village Board is reviewing the draft Local Law to regulate solar energy systems and equipment within the village and has designated itself as the Lead Agency for that purpose, and has authorized the referral of the same for review by the Village Planning Board, and the Orange County Planning Department; and

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson is empowered by the State to adopt such local law pursuant to the Municipal Home Rule Law; and

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson is the “Lead Agency” for this proposed moratorium with respect to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, moratoria are listed as Type II Actions under §617.5 of SEQRA and, as such, are not subject to review under SEQRA; and

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson wishes to hold a public hearing on the proposed moratorium local law on May 21, 2018 at 7:00 p.m., at Village Hall, 325 Hudson Street, Cornwall-on-Hudson, New York, providing an opportunity for the public to be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Village Board regarding the adoption of the aforesaid moratorium local law at 7:00 p.m. on May 21, 2018 at Village Hall, 325 Hudson Street, Cornwall-on-Hudson, New York; and be it further

RESOLVED, that the Village Clerk is hereby directed to refer the aforesaid proposed local law to the Village Planning Board for review; and be it further

RESOLVED, that the Village Clerk is hereby directed to refer the aforesaid proposed local law to the Orange County Planning Department for review pursuant to General Municipal Law §239-m; and be it further

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

The foregoing resolution was seconded by Trustee Kane 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 close the meeting at 9:13 PM which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.