

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 15, 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: Water Superintendent Robert June, Code Enforcement Officer Ben Maggio, Storm King Engine Co #2 Fire Chief Michael Trainor, 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

**A LOCAL LAW TO AUTHORIZE USE OF “BEST VALUE” AND “PIGGYBACKING”
OPTIONS IN PROCUREMENT PURSUANT TO SECTION 103 OF THE NEW YORK
GENERAL MUNICIPAL LAW**

BE IT ENACTED by the Village Board of the Village of Cornwall-on-Hudson, Orange County, New York, as follows:

SECTION 1. Title.

This local law shall be referred to as the “Procurement Law”.

SECTION 2. Purpose.

The Village of Cornwall-on-Hudson seeks to exercise the local option set forth in section 103, subdivision 1, of the New York General Municipal Law, which authorizes the Village of Cornwall-on-Hudson to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law section 103 on the basis of either lowest responsible bidder or “best value” as defined in section 163 of the New York State Finance Law. This local law also authorizes the Village to award purchase contracts and service contracts on a “piggybacking” basis as authorized by General Municipal Law section 103, subdivision 16.

SECTION 3. Local Law.

New Chapter 28 of the Village Code is hereby adopted, with the following text:

§ 28 – 1 Award to other than low bidder.

The lowest responsible bidder shall be awarded a purchase or public works contract unless the village determines that it is in the best interests of the Village and its taxpayers to make an award to other than the low bidder through use of the "best value" option or the "piggybacking" option set out below. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

B. Best value purchasing. Pursuant to General Municipal Law section 103, the Village may award certain purchase contracts and contracts for services using the "best value" standard, as follows:

(1) Definition. For purposes of this section, "best value" means the basis for awarding contracts for purchases and services to the offeror that optimizes quality, cost, and efficiency, among responsive and responsible offerors.

(2) Applicability. The "best value" option may be used for purchase contracts involving an expenditure of more than \$20,000 and contracts for services involving an expenditure of more than \$35,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds set forth in General Municipal Law section 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

(3) Standards for best value. Goods and services procured and awarded on the basis of best value are those that the Village Board determines will be of the highest quality and most cost-efficient in the long term. The determination of quality and cost-efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: product or service features, quality, durability, reliability, product performance criteria, quality of craftsmanship, cost and extent of maintenance, useful lifespan, availability of replacement parts, availability of maintenance contractors, warranties, proximity to the end user if distance or response time is a significant factor, references, past performance, organization and staffing, and financial capabilities, and any other factors deemed relevant by the Village Board. Such basis may also identify a quantifiable factor for offerors that are small businesses, certified minority or women-owned business enterprises or service-disabled veteran-owned business enterprises, as defined in the Executive Law, to be used in evaluation of offers for awarding contracts for services.

Documentation. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

§ 28 –2 Award to lowest responsible bidder; Piggybacking exception.

“Piggybacking” is permissible as an exception to the general bidding requirements set forth in subdivisions one, two and three of General Municipal Law section 103, and section 104 of the General Municipal Law. Consistent with General Municipal Law section 103, subdivision 16, the Village Board may make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment and supplies, may make such purchases, or may contract for such services related to the installation, maintenance, or repair of apparatus, materials, equipment or supplies as may be required through the use of a contract let by the United States of America or any Agency thereof, any State or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value and made available for use by other governmental entities.

SECTION 4. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5. Conflict with other Laws.

Where this article differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or federal government, the more restrictive or protective of the Village and the public shall apply.

SECTION 6. Authority.

This article is enacted pursuant to subdivisions 1 and 16 of section 103 of the New York State General Municipal Law and the Municipal Home Rule Law.

SECTION 7. Rules and Regulations.

The Village Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

SECTION 8. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 9. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Attorney for the Village McKay reported that recently there have been 2 significant changes to the state general municipal law. The first allows the Village Board to “piggyback” on other local, county, and state agency bids. The second allows purchases and contracts to be awarded based upon “best value”.

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on a Local Law to authorize use of “best value” and “piggybacking” options in procurement pursuant to Section 103 of the New York General Municipal Law was called to order at 7:03 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried by a vote of 5 Ayes and 0 Nays.

Hearing no one speak for or against the Local Law to authorize use of “best value” and “piggybacking” options in procurement pursuant to Section 103 of the New York General Municipal Law Deputy Mayor Edsall made a motion to close the public hearing at 7:04 pm which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall asked if bids from other municipalities have to reflect that they are set up for “piggybacking”. Mr. McKay replied that they do. If the bids are not set up that way, the Village would not be able to “piggyback” on them.

Mr. Edsall further asked if there is an expiration date. Mr. McKay replied that municipal bid specifications and bid awards would have to be reviewed for the length and terms of the “piggyback” option.

Mr. Edsall also asked if the municipal “piggyback” option is only allowed within New York State. Mr. McKay replied that a municipal can “piggyback” on federal contracts if that language is part of those bid and contract documents. It is unknown if we could “piggyback” on other states contracts.

Trustee Kane asked if this new standard language must be included in municipal contracts. Mr. McKay replied that although this change in state law is “relatively new”, there was a similar allowance in the past.

Mr. Kane further asked if it is mandatory that future state and/or county bids include the “piggyback” option. Mr. McKay replied that it is not mandatory; however, if it is bid with that language included, the Village would be able to “piggyback” on the bid.

RESOLUTION OF ADOPTION

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

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Cornwall-on-Hudson on September 17, 2018, designating the board as Lead Agency and scheduling a public hearing to be held by said Governing Body on October 15, 2018, at 7:00 p.m. at Village Hall to hear all interested persons on a proposed Local Law, entitled “A Local Law to Authorize Use of “Best Value” and “Piggybacking” Options in Procurement Pursuant to Section 103 of the New York General Municipal Law”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of said Village, according to law; and

WHEREAS, said public hearing was duly held on October 15, 2018, at or about 7:00 p.m. at the Village Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the adoption of said proposed Local Law is an unlisted action under SEQRA; and

WHEREAS, the Village Board finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon, and

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson, after due deliberation, finds it in the best interest of said Village to adopt said Local Law;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village Board of the Village of Cornwall-on-Hudson hereby adopts said Local Law No. 4 of 2018, entitled “A Local Law to Authorize Use of “Best Value” and “Piggybacking” Options in Procurement Pursuant to Section 103 of the New York General Municipal Law”, a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed 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 Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne acknowledged members of Troop 118 present this evening. They are observing tonight’s meeting as part of their communications merit badge.

PUBLIC COMMENT

No one from the public wished to speak.

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 September 17, 2018 Business Meeting Minutes as presented which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, and 1 Abstain (Edsall who was absent).

TREASURER'S REPORT

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

Village water, sewer, garbage & penalties	\$244,797.71
Town water & penalties	444,174.06

which included 2 finals/adjustments for the Village and 6 for the Town.

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

Village water, sewer, garbage & penalties	\$427,479.21
Town water & penalties	207,360.35

which included 8 finals/adjustments for the Village and 7 for the Town.

Warrant #10 — Trustee Carnright made a motion to approve the October 2018 Warrant #10 and September “pre-pays” and authorize payment totaling \$643,011.21, which was seconded by Trustee Schmidt 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:	\$3,182,330.51	Expenditure:	\$ 2,300,689.30
Water Fund Revenue:	\$1,848,363.65	Expenditure:	\$ 1,546,983.76
Sewer Fund Revenue:	\$ 284,696.71	Expenditure:	\$ 67,662.65

Total receipt of \$5,315,390.87 (71.92%) in anticipated revenues and \$3,915,335.71 (52.98%) in anticipated expenditures through the end of September.

The amount collected in Village taxes is \$2,693,017.19 through September 30.

The Sewer Capital Fund balance is \$270,529.82 (including interest) through September 30.

Treasurer Mahoney further reported that she is in receipt of the FY-2017 Joint Sewer Treatment Plant O&M bill for \$232,962.00 including \$11,147 in capital costs. It is expected that debt service charges will increase with next year's bill.

ANNUAL SUPPLY BIDS

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM on

November 8, 2018 for Water Treatment Chemicals, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:15 PM on November 8, 2018 for Water Meters, which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:30 PM on November 8, 2018 for #2 Fuel Oil & "Off Road Diesel", which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Deputy Mayor Edsall made a motion to approve the bid documents and specifications, authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:45 PM on November 8, 2018 Sludge Removal Services, which was seconded by Trustee Carnright, and carried upon a vote of 5 Ayes and 0 Nays.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 11 building permits were issued, 4 certificates of compliance/occupancy were issued, 33 onsite inspections were performed, 7 violations were issued, 1 stop work order was issued, 4 municipal searches were completed, and 2 fire inspections were conducted. Inspector Maggio worked 80 hours in September.

Mayor Coyne tabled discussion of the Goldfarb water run-off issue and the Alfonso proposed lot line change for Attorney/Client session later this evening.

Fire Department Deputy Mayor Edsall reported 5 automatic alarms, 5 medical calls, 2 hazardous conditions, 1 mutual aid given (air show), 1 rescue, 1 motor vehicle accident, 1 carbon monoxide incident, 1 meeting, 4 drills, 5 work details, 7 EMT classes, 1 NARCAN training, 1 9/11 remembrance ceremony, and 1 annual Orange County FF parade for a total of 36 events and 535.21 volunteer man hours.

Deputy Mayor Edsall further reported the new station siren has been mounted to the tower and is now operational, 7 new SCBA cylinders were ordered, triennial testing of firefighter Bailout Systems was completed, annual fire engine pump testing was completed (all pumps passed), annual ground ladder testing was completed (1 24' ground ladder failed and has been repaired), annual hose testing was completed (5 lengths of hose failed. Replacement hose on order), and the company participated in the Annual Orange County Volunteer Firefighters Parade in Greenwood Lake. The company won 2nd place Class B Marching Unit and the Ladies Auxiliary won Best Overall Ladies Marching Unit. Fire Prevention Week was October 7-13. This year's theme was "Look. Listen. Learn. Be Aware. Fire Can Happen Anywhere".

STORM KING ENGINE CO #2 REPAIRS/UPGRADES – DASNY GRANT

Deputy Mayor Edsall reported that Phase 1 work is nearing completion. This phase included repairs and installation of new windows to the truck bay overhead doors, installation of a new Plymovent exhaust system, and installation of new station siren and other electrical upgrades to the facility.

Phase 2, includes installation of new energy efficient windows in the main station, removal of the bilco basement doors at main station and replacement of the roof and foundation stabilization of the auxiliary garage.

Under the terms of the agreement with Dormitory Authority of the State of New York (DASNY), the Village can “either submit to 9 vendors or 1 vendor. That is up to the grantee.” Fire Chief Trainor has reached out to at least 3 vendors for quotes on each of the projects.

Mayor Coyne made a motion to award stabilization of foundation for the auxiliary garage to Burns & Whalen Contractors in the amount of \$15,600. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to award removal of the bilco doors to Burns & Whalen Contractors in the amount of \$6,200. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to award roof replacement on station #2 to John Ginda Carpentry in the amount of \$4,500. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Mayor Coyne made a motion to award window replacement to John Ginda Carpentry in the amount of \$10,500. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Police Department Trustee Kane reported 1 felony criminal mischief, 1 misdemeanor fraud, 3 misdemeanor petit larceny, 1 misdemeanor harassment, 3 misdemeanor arrests, 2 violation arrests, 1 warrant arrest other police departments, 1 personal injury accident, 3 property damage accidents, 25 traffic summons issued, 34 traffic warnings issued, 6 parking summons issued, 5 traffic enforcement posts, 3 speed/radar sign postings, 7 fire response calls, 4 alarm response calls, 2 noise complaints, 2 suspicious person calls, 4 suspicious vehicle calls, 2 suspicious activity calls, 7 animal complaints, 7 assists to the Town of Cornwall Police Department, 6 EMS assist calls, 1 assist to other police agencies, 3 welfare checks, and 2 assists to citizen for a total of 341 total calls for service.

Trustee Kane further reported that during the month of September, P.O. Smedley attended “Radar Training”/Certification at the Orange County Police Academy, P.O.’s Pena, Moran, Desjardines, Dawydko, Chief Dixon, and Detective Terwilliger attended “Raise the Age training” at the Orange County E911 Center, and P.O. Antinori attended “Narcan training” at the Storm King Engine Co. #2 firehouse.

Department of Public Works — Trustee Schmidt reported the department performed mowing and trimming of Village owned properties, repairs and maintenance of Village owned vehicles, sweeping of streets, blacktop patching, line striping of parking areas and cross walks, repaired a sink hole on

Mountain Road, installed new catch basin near 102 Mountain Road, and repaired catch basin that was damaged on Duncan Avenue. Fall bulk pick up will be the week of October 15. It was noted that trash and recycling totals were not available in time for this report.

Trustee Schmidt further reported that DPW Superintendent Halvorsen will be attending NYCOM's Public Works School in Lake Placid from October 15-17.

Mayor Coyne reported that DPW Superintendent Halvorsen has advised him that reclamation work on Maple Road is starting October 18 and 19. The road surface will be repaved on October 23 and 24.

Water Department — Trustee Carnright reported all bacteria samples taken passed N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 45). The department repaired the valve box for service line to 76 Mailler Ave, repaired Maple Avenue pressure reduction valve (PRV), repaired Upper and Lower Black Rock PRV's, replaced fire hydrant at 72 Maple Ave, repaired 10 fire hydrants, replaced air valve on Catskill Aqueduct siphon, started routine maintenance of dams, and performed routine maintenance of all water department properties. It was noted that water production numbers, utility mark-out and meter information was not available in time for this report.

Trustee Carnright further reported that the following projects need to be followed up on: roof repairs to Catskill Treatment Plant, roof repairs to Jackson Ave Chemical Treatment Building, replacement of approximately 250' of water main on Mill Street, and replacement of approximately 150' of water main on Mountain Road.

RESOLUTIONS

CATSKILL WATER TREATMENT PLANT BOILER REPLACEMENT

Water Superintendent June reported that he has requested 2 additional bids for the boiler replacement at Catskill Water Treatment Plant; however, they have not been received. Mr. June also requested a list of current contracts through Orange County. Mayor Coyne tabled this item until November to allow time to receive additional bids for this work.

SEXUAL HARASSMENT POLICY

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

SOLID WASTE AGREEMENT WITH TAYLOR-MONTGOMERY, LLC

Mayor Coyne reported that Jim Taylor of Taylor-Montgomery, LLC came to the October 1 work session to discuss the current status of the proposed solid waste receiving and recycling, biomass fuel preparation and waste power production facility in Montgomery. He asked the Village Board to agree to amend the agreement with Taylor-Montgomery, LLC by extending the "Termination for Failure to Meet Conditions Precedent" clause from December 31, 2017 to April 30, 2021. This extension does not

extend the length of the 20 year Solid Waste processing and Disposal Agreement which was signed in 2011.

After some discussion, Deputy Mayor Edsall made a motion authorizing Mayor Coyne to execute Amendment #2 of the Solid Waste Processing and Disposal Agreement between the Village of Cornwall-on-Hudson and Taylor-Montgomery, LLC. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

PROPERTY MAINTENANCE VIOLATIONS 12 PAYSON ROAD-SET PUBLIC HEARING

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

WHEREAS, it is necessary for the public health safety and general welfare of the residents of the Village of Cornwall-on-Hudson to keep properties clean and free from vermin, noxious weeds and disease-bearing insects and properly maintain properties so they are also kept free of nuisances, hazards, debris and litter; and

WHEREAS, the Village Board is obligated to take action to protect the health, safety and general welfare of persons and property in the Village of Cornwall-on-Hudson by requiring that property be properly maintained; and

WHEREAS, the Village Code Enforcement Officer has made several inspections of the Property located at 12 Payson Road after numerous complaints from neighbors, and has previously notified the Property owner, in writing, of all the violations and given the Property owner ample opportunity to cure the violations; and

WHEREAS, on or about September 20, 2018, the Code Enforcement Officer of the Village (CEO) issued a written Order to Remedy giving notice of the violation of Village Code §120-7 for property maintenance violations; and

WHEREAS, on or about October 3, 2018, the CEO issued an additional Order to Remedy giving further notice of the same property maintenance violations; and

WHEREAS, the Village Board is empowered by Chapter 120 of the Village Code to order property owners to abate, cure, remove, prevent or desist violations of the Village's property maintenance code, or if the property owner fails to act, the Village, its employees or independent contractors, may correct the condition of non-compliance itself; and

WHEREAS, after a public hearing, the Village Board may charge the total costs (direct and indirect) to the property owner, which costs shall be assessed and constitute a lien and charge on the subject real property until paid or otherwise satisfied or discharged; and

WHEREAS, after the review of the CEO's reports and the documentation and photographs included therein, and after due deliberation thereon;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village Board hereby determines that it will be the lead agency with respect to this action in accord with the 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 action; and let it be further

RESOLVED, that the Village Board hereby classifies the action as a Type II action pursuant to SEQRA Part 617.5(c)(29) because this is merely an enforcement proceeding, for which no further environmental review is required; and let it be further

RESOLVED AND DETERMINED, by the Village Board of the Village of Cornwall-on-Hudson that the property located at section 107, block 4, lot 14 within the Village of Cornwall-on-Hudson, also known as 12 Payson Road, is being kept in violation of Chapter 120 of the Village Code and is a threat to the public health, safety and general welfare of the community; and

IT IS HEREBY ORDERED, that the owners of said property, Kathy Lynn Suto, shall abate and remedy the Property’s maintenance violations; and it is further

RESOLVED, that a public hearing be held by the Village Board at 7:00 p.m. on November 19, 2018, at Village Hall 325 Hudson Street, to determine whether **THIS ORDER** to abate and remedy the property maintenance violations on the Property of Kathy Lynn Suto at 12 Payson Road should be affirmed or modified or vacated, and in the event of modification or affirmance, to assess all direct and indirect abatement costs and expenses incurred by the Village of Cornwall-on-Hudson against the Property; and it is further

RESOLVED, that a notice be served upon Kathy Lynn Suto; and it is 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 Carnright and carried upon a vote of 5 Ayes and 0 Nays.

INTRODUCTION OF LOCAL LAW TO AMEND CHAPTER 155-48 TO DESIGNATE NO PARKING AREAS ON CHERRY AND DUNCAN AVENUE

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

WHEREAS, the Village Board of the Village of Cornwall-on-Hudson wishes to amend Chapter 155-48 of the Village Code to designate “No Parking” areas on Cherry Avenue and Duncan Avenue; and

WHEREAS, the Village Board is empowered by the State to adopt such amendment of Chapter 155-48 pursuant to the Municipal Home Rule Law and the Vehicle and Traffic Law; and

WHEREAS, the Village Board wishes to schedule a public hearing for November 19, 2018 at 7:00 p. m. to consider the amendment to the Village Code and to consider the potential adverse environmental impacts of the same;

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 Vehicle and Traffic law in accordance with the 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 preliminarily classifies the aforementioned action as an unlisted action under SEQRA; and

RESOLVED, that a public hearing be held by the Village Board on November 19, 2018 at 7:00 p.m. at the Village Hall located at 325 Hudson Street, Cornwall-on-Hudson, New York, with respect to the proposed amendment to Chapter 155-48 of the Local Law; and

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 Carnright and carried upon a vote of 5 Ayes and 0 Nays.

ORANGE COUNTY PROPERTY TAX EXEMPTION RESOLUTION

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

WHEREAS, the Village of Cornwall-on-Hudson is the owner of real property in the Town of Cornwall and Town of New Windsor, County of Orange, identified on the tax map as follows:

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND, WHEREAS, the above real property is devoted solely to public use and part of the Village owned water system as the sites for water wells, plant treatment, chlorinator and water shed; and

WHEREAS, the Real Property Tax Law, Section 406(3) provides the authority for each taxing district in which municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS, such exemption for the Village of Cornwall-on-Hudson water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Cornwall-on-Hudson which would enhance real property ownership, encourage industrial and commercial development and exemplify a spirit of intermunicipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Cornwall-on-Hudson on behalf of the Village of Cornwall-on-Hudson, its taxpayers, water system users and citizens hereby petition the County of Orange, Town of Cornwall, and Town of New Windsor to grant a whole exemption from State, County and Town real property taxes commencing for calendar year 2020 for the parcels of real property identified above in the Town of Cornwall and Town of New Windsor.

	SECTION	BLOCK	LOT
Cornwall	32	1	17
	4	2	56
	29	1	50
	29	1	54
	31	1	15
	32	1	8.1
New Windsor	65	1	20

AND IT IS FURTHER RESOLVED, that the Mayor and Attorney for the Village are authorized to attend such meeting of the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations and this petition by that body.

The foregoing resolution was seconded by Deputy Mayor Edsall, and upon a vote of 5 Ayes, and 0 Nays, the Mayor declared the resolution adopted on October 15, 2018.

PARK MOBILE AGREEMENT – RIVERFRONT PASSES

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

GARBAGE FEE WAIVER REQUEST – 350 HUDSON STREET

Mayor Coyne is in receipt of a letter from Michael Ferraro, Esq. who is representing Dr. Laurie Stein on a request to waive garbage fees for her property located at 350 Hudson Street. Mr. Ferraro stated that Dr. Stein brings the garbage generated by her business and tenant “to her home in the town”. Medical waste is “separated and picked up by a licensed professional in accordance with all regulations”.

After some discussion, this item was tabled until the Village Board has an opportunity to look at all issues involved in this request.

DEPUTY VILLAGE CLERK APPOINTMENT

Mayor Coyne reported that Mary Ellen Dennett retired as of September 24, 2018. At the July 16, 2018 Business Meeting, Doris Wickiser was appointed Acting Deputy Village Clerk effective August 6, 2018.

After some discussion, Mayor Coyne made a motion appointing Doris Wickiser to the position of Deputy Village Clerk to serve the balance of the current term of office at the current base pay rate. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

ELECTION RESOLUTION

Mayor Coyne made a motion providing notice that public voting for the election of Mayor and two Trustees, for terms of two years, will be held from noon to 9 p.m. on March 19, 2019, which was seconded by Trustee Carnright and carried by a vote of 5 Ayes and 0 Nays.

CORNWALL WALK/RUN FOR CANCER – OCTOBER 27, 2018

Mayor Coyne made a motion to approve a request to hold the Cornwall Walk/Run for Cancer on Saturday, October 27 at 9:30 A.M. The 10K portion of this event will come into the Village and an insurance certificate has been provided. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

THE FLAMINGO FLOCK 5K WALK/RUN – JUNE 15, 2019

Mayor Coyne made a motion to approve a request to hold the Flamingo Flock 5K Walk/Run on Saturday, June 15, 2019 from 9:00 A.M. to 11:00 A.M subject to receipt of a certificate of insurance naming the Village as additionally insured. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

OTHER BUSINESS – WATER DEPARTMENT

WATER SUPERINTENDENT

Mayor Coyne is in receipt of an amended letter from Water Superintendent June indicating that the effective date and time of retirement will now be at close of business on October 26. This item was tabled for discussion in Attorney/Client session later this evening.

FUEL PUMPS

Water Superintendent June reported that the fuel pumps are working and the recording system is being transferred over to DPW Superintendent Halvorsen. Mr. June has ordered 2 antennas that are needed, and has issued the IP addresses in order to tie directly into the DPW Facility server and Mr. Halvorsen's computer. Once that is complete the system will be "totally up and running". The other "glitches" have been straightened out.

BLACK ROCK WATER TREATMENT PLANT

Water Superintendent June reported that he met with the new engineers who are designing plans for a project to put an underdrain and gravel back in the bottom of the tank. A liner will then be installed and utilized to hold water at the Black Rock Water Treatment Plant. The plans have been submitted to the Orange County Health Department who has reviewed them and a health department representative has visited the site.

TAYLOR ROAD WELL FIELD

Water Superintendent June reported that the new Southwell motor and pump has been installed. A variable speed controller was redone to compensate for the 100 hp motor. Mr. June plans to have the generator put in place and also to replace the Northwell pump, weather dependent, in time for the expected shutdown of the Catskill Aqueduct.

MASER BILLS/POTENTIAL LAWSUIT

Mayor Coyne tabled this item for Executive Session discussion with Village Trustees later this evening.

TAYLOR ROAD WELL FIELD IMPROVEMENT PROJECT

Village Clerk Mahoney reported that a bid opening was held on October 5, 2018. Bids were received from CFI Contracting, Inc. in the total amount of \$1,114,000.00, Argenio Bros., Inc. in the total amount of \$1,207,050.00, Harrison and Burrowes Bridge Cons Inc. in the total amount of \$1,360,136.00 and Kings Capital Construction Group, Inc. in the total amount of \$1,583,145.00. These bids have been reviewed by Maser Consulting, the Village engineer for this project, and they recommend award of the project to CFI Contracting, Inc. in the amount of \$1,114,000.00,

Mayor Coyne made a motion to award the bid for the Taylor Road Well Field Improvement Project to CFI Contracting, Inc. of Johnstown, NY in the amount of \$1,114,000.00. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

CEDAR LANE-ANGOLA ROAD PRIVATE WATER LINE

Mayor Coyne reported that he met with three residents of Cedar Lane last Thursday to discuss ongoing maintenance issues involving the private water line that runs down Angola Road and Cedar Lane in the Town of Cornwall. The Village will look into what is required to help people who still have private water lines connect to Village water mains. This would be very expensive and affected residents would “bear the brunt of” those costs.

RETIREMENT LUNCH – WATER SUPERINTENDENT JUNE

Mayor Coyne reported that the Water Department is organizing a retirement lunch for Water Superintendent June on October 22nd.

OTHER BUSINESS

PBA NEGOTIATIONS

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

COMPREHENSIVE PLAN COMMITTEE

Mayor Coyne reported that the next meeting of the Comprehensive Plan Committee is scheduled for Thursday, October 25.

ARTICLE 7 PROCEEDING

Attorney for the Village McKay reported that a preliminary conference has been scheduled with Orange County Supreme Court Judge Bartlett on October 26 regarding the Village's Article 7 proceeding challenging the Town Board of Assessment's Review determination with respect to the Catskill Treatment Plant on Palomino Road and the Black Rock Water Treatment Plant.

PROPOSED SOLAR LAW

Deputy Mayor Edsall reported that he and Trustee Kane recently met with Code Enforcement Officer Ben Maggio to discuss a proposed solar law. The final draft of a local law will now be prepared by Attorney for the Village McKay. The draft law must then be referred to the Village of Cornwall-on-Hudson Planning Board and the Orange County Planning Department for review and comments before it is adopted by the Village Board.

Deputy Mayor Edsall made a motion authorizing the Village Clerk to refer the draft solar local law, once the Mayor determines it to be in acceptable form, to the Village of Cornwall-on-Hudson Planning Board and Orange County Planning Department for review and comment. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

PROPOSED LIGHTING LAW

Trustee Kane reported that he and Deputy Mayor Edsall recently met with Code Enforcement Officer Ben Maggio to discuss a proposed lighting law. Once additional changes are made and provided to Attorney for the Village McKay, a draft local law will be prepared. The draft law must then be referred to the Village of Cornwall-on-Hudson Planning Board and the Orange County Planning Department for review and comments before it is adopted by the Village Board.

Deputy Mayor Edsall made a motion authorizing the Village Clerk to refer the draft lighting local law, once the Mayor determines it to be in acceptable form, to the Village of Cornwall-on-Hudson Planning Board and Orange County Planning Department for review and comment. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

BULK PICKUP: OCTOBER 15, 2018

Mayor Coyne reported that the Fall Bulk Pickup started today, October 15, 2018.

TREES FOR TRIBS: OCTOBER 13, 2018

Mayor Coyne reported that approximately 15 volunteers, including local students and members of the Riverfront Committee, helped plant trees and shrubs at the bottom of Dock Hill Road on October 13. Mayor Coyne is grateful to the efforts of these volunteers to stop erosion and wanted advancement of foliage and weeds, led by Riverfront Committee Chairman David Work.

RIVERFRONT COMMITTEE: DONAHUE MEMORIAL PARK IMPROVEMENTS

Mayor Coyne reported that along with David Work and Rana Lambert, he attended a meeting with a Town council member of the Town of Marlborough on October 10 where they discussed potential funding options for future improvements at Donahue Memorial Park.

STORM SURGE BARRIERS

Mayor Coyne reported that the public comment period has been extended on a proposal to place storm surge barriers in New York Harbor in response to rising tides. These barriers will be detrimental to the Hudson River. Mayor Coyne will voice his concerns in a letter to the U.S. Army Corp of Engineers.

NATIONAL HERITAGE PROJECT

Mayor Coyne reported that he attended a meeting for the National Heritage Project on September 21 with members from both the Orange County and Hudson Highlands Land Trusts. Efforts are underway to focus on what is important in both the Village and Town.

VEHICLE AND TRAFFIC LAW SIGNS: CLIFFSIDE PARK & WOOD AVENUE

Mayor Coyne reported that DPW Superintendent Halvorsen is checking into missing traffic signs that were previously posted in the Cliffside Park area. These signs reference a Village Code which requires trucks over 32' long to have a police escort. In addition, Mr. Halvorsen is considering proposing an amendment to the Village Code to also restrict trucks with long trailers from Cliffside Park and Wood Avenue.

MOODY'S RATING

Mayor Coyne reported that Moody's currently maintains an issuer level rating for the Village. In order to continue monitoring the issuer rating, we would be required to pay an annual fee based on our outstanding debt.

Mayor Coyne reported that the Village Board discussed this item at the October work session and determined that it is cost prohibitive to continue monitoring our rating.

QUIET ZONE

Mayor Coyne reported that he is in receipt of a \$972,122 cost estimate to provide a “quiet zone” at Dock Hill Road and Shore Road. In addition, he received an estimate of \$8,000 for the annual maintenance fee. Mayor Coyne stated that this work is “cost prohibitive” for the Village.

Mayor Coyne thanked Assemblyman James Skoufis for awarding the Village grant money to perform the “quiet zone” study and also thanked Aracis Design and Consultancy for performing the study.

HALLOWEEN CURFEW

Mayor Coyne reported that he will consider issuance of a local emergency order on Halloween.

FYI

Mayor Coyne reported that the Village-Wide Yard Sale and Appletime Fair took place on October 13.

Mayor Coyne thanked Eugene Randazzo of Randazzo’s Landscaping for planting mums in the Hudson Street malls. Mr. Randazzo already plants flowers in the malls every spring.

Mayor Coyne announced that a Household Hazardous/Pharmaceutical Waste Collection will take place on November 3 in Newburgh.

Mayor Coyne announced that there will be a webinar regarding Climate Change on October 19 in Goshen.

PUBLIC COMMENT

No one from the public wished to speak.

BOARD COMMENT

Trustee Schmidt reported that he will be on vacation starting October 23.

Trustee Carnright thanked Eugene Randazzo for doing a “beautiful job” planting the mums.

Trustee Kane thanked Water Superintendent Robert June for his years of service to the Village and stated that he has enjoyed working with Bob. Mr. Kane wishes Bob all the best in retirement. In addition, Mr. Kane thanked Eugene Randazzo for planting flowers in Village malls. It looks beautiful.

Deputy Mayor Edsall wishes Water Superintendent June all the best in retirement. Mr. June has been a “great addition to the Village”. It is important that department superintendent’s and staff push in the same direction, and Mr. Edsall is grateful for the efforts Mr. June has put in.

Mr. Edsall reported that Eugene Randazzo was a Village Trustee back in the 1990's, and has always had the Village's best interests at heart. Mr. Edsall is proud to have replaced Mr. Randazzo on the Village Board in 1999. It is important to note that Mr. Randazzo plants the flowers at his cost and it is appreciated.

Mayor Coyne wishes Mr. June a "happy retirement" and best of health.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting at 8:27 PM into Attorney/Client Session to discuss that status of the ParkMobile proposal, the draft Sexual Harassment Policy, the Alfonso proposed lot line change, the Goldfarb water run off complaint, and the Article 7 Proceeding, and then into Executive Session with Village Trustees to discuss PBA negotiations, a potential lawsuit involving Maser Consulting, and the Water Superintendent position. The motion was seconded by Deputy Mayor Edsall and carried upon a vote of 5 Ayes and 0 Nays.

The meeting was reconvened at 10:09 PM on a motion by Mayor Coyne which was seconded by Trustee Kane and carried upon a vote of 5 Ayes and 0 Nays.

SEXUAL HARASSMENT POLICY

Deputy Mayor Edsall made a motion to adopt the Sexual Harassment Policy after final review by the Mayor and Attorney for the Village. The motion was seconded by Trustee Schmidt and carried upon a vote of 5 Ayes and 0 Nays.

BLACKROCK CLEARWELL PROJECT – NOTICE OF CLAIM

Trustee Kane made a motion to retain the law firm of Breakell Law Firm PC, 10 Airline Drive, Suite 205, Albany, NY 12205 to prepare a notice of claim in connection with Black Rock Clearwell Project, with fee to be per their standard fee schedule. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

SPECIAL MEETING

Mayor Coyne made a motion authorizing a special meeting for 4:30 PM on October 16, 2018 in connection with the Water Superintendent position which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

Having no further business to come before the Board, Deputy Mayor Edsall made a motion to close the Business Meeting at 10:11 PM which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.