

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

December 17, 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

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

Also present were: DPW Superintendent David Halvorsen, Water Superintendent and Storm King Engine Co #2 Fire Chief Michael Trainor, 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

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 November 19, 2018 Business Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the December 10, 2018 Special Meeting Minutes as prepared which was seconded by Trustee Carnright and carried upon a vote of 3 Ayes, 0 Nays, and 1 Abstain (Kane who was absent).

PUBLIC HEARINGS

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Be it enacted by the Village Board of the Village of Cornwall-on-Hudson as follows:

Section 1. Legislative Intent

While a cap on the property tax levy may provide “political appeal in its simplicity,” according to the New York Conference on Mayors’ Mayoral Task Force on Mandate and Property Tax Relief, a cap without specific exclusions - such as costs associated with health care, pensions, extraordinary capital expenditures and reductions in state aid - and relief from state mandates will result in destructive local budget deficits, decimated municipal work forces and a dangerous reduction in the essential services provided by local governments.

In order to provide essential municipal services, and truly achieve property tax relief, the state must first reform the cost drivers that lead to high property taxes in New York, particularly the many mandates on local governments pertaining to collective bargaining and managing workforce costs.

It is the intent of this local law to allow the Village of Cornwall-on-Hudson the flexibility to adopt a budget for the fiscal year commencing 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c if necessary to provide essential services. The law further provides the mechanism whereby if the state comptroller determines that the Village has exceeded the tax levy cap, the Village is in a position to allocate funds to pay the difference.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Cornwall-on-Hudson, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Proof of Notice, Affidavit of Posting and Publication having been furnished, a Public Hearing to Override the Tax Levy Limit was called to order at 7:01 PM on a motion by Mayor Coyne, seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Hearing no one speak for or against the introductory local law, 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 4 Ayes and 0 Nays.

Mayor Coyne reported that the draft 2019-2020 budget proposes a tax levy increase of 1.6%. He also reported that a 1% increase equals approximately \$20,000.

Mayor Coyne stated that it is important for the Village Board to adopt a local law to override the tax cap each year because even if we propose a tax levy less than the tax cap, the NYS Comptroller's Office could update our numbers bringing us over the tax cap. That, in turn, would cause the Village to be in violation of the tax cap law.

Attorney for the Village McKay reported that the allowable tax cap set by the NYS Office of the State Comptroller will be 2% for the first time since 2013. Each year that percentage changes because it is indexed for inflation.

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 December 10, 2018, designating the board as Lead Agency and scheduling a public hearing to be held by said Governing Body on December 17, 2018, at 7:01 p.m. at Village Hall to hear all interested persons on a proposed Local Law, entitled a "Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c within the Village of Cornwall-on-Hudson"; 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 December 17, 2018, at or about 7:01 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 Board of Trustees is the Lead Agency with respect to the consideration, review and determination of the significance of the aforementioned legislative action pursuant to the State Environmental Quality Review Act (SEQRA) and part 617; 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 adoption of said proposed Local Law is an unlisted action under SEQRA; and be it further

RESOLVED, that the Village Board finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon, and that the adoption of the proposed local law is in the best interests of the residents of the Village; and be it further

RESOLVED, that the Village Board of the Village of Cornwall-on-Hudson hereby adopts said Local Law No. 6 of 2018 of the Village of Cornwall-on Hudson, 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 Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

A LOCAL LAW ESTABLISHING A MORATORIUM PROHIBITING THE PERMITTING, CONSTRUCTION AND INSTALLATION OF SOLAR POWER SYSTEMS WITHIN THE VILLAGE, EXCEPT FOR RESIDENTIAL, ROOF-MOUNTED SOLAR SYSTEMS

Be it enacted by the Village Board of the Village of Cornwall-on-Hudson as follows:

Section 1. Title

This Local Law shall be referred to as the “A Local Law Establishing a Moratorium Prohibiting the Permitting, Construction and Installation of Solar Power Systems Within the Village, Except for Residential, Roof-Mounted Systems.”

Section 2. Purpose and Intent

Recognizing the need to regulate Solar Power Systems ("SPS") within the Village of Cornwall-on-Hudson (the “Village”), the Village Board is in the process of adopting regulations that will ensure that newly installed solar power systems are safe and located in the appropriate zoning districts within the Village. Pending the adoption of these regulations, it is necessary for the Village Board to take reasonable temporary measures to prohibit the permitting, construction and installation of solar power systems within the Village in order to protect the public health, safety and welfare. This local law does not prohibit the issuance of any permit or approval for the installation of residential, roof-mounted solar systems.

Pursuant to the statutory powers vested in the Village to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board hereby declares a four-month moratorium on certain approvals relating to the permitting, construction and installation of SPS within the Village.

The purpose of this moratorium is to enable the Village to temporarily halt the installation of SPS for a reasonable period of time so that the Village may adopt appropriate regulations for these systems, which are not currently regulated by the Village Zoning Code.

In recent years, the installation of SPS has become wide spread due to various tax incentives and energy cost-reductions that benefit property owners. The Village recognizes that SPS have many benefits for property owners, and the community in general, but wise regulation regarding these systems is required.

The Village Board hereby finds that it is in the public interest to prevent the premature and inappropriate installation of SPS that would cause negative impacts to properties in the Village of Cornwall-on-Hudson.

The Village Board hereby further finds that, pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to the proper consideration and adoption of a Local Law regulating the installation of SPS, and any revisions and amendments of the land use regulations of the Village, reasonable measures must be taken to maintain the status quo in order to protect the public interest.

Section 3. Prohibitions and Scope of Controls

A. During the effective period of this Local Law:

1. No permits shall be issued, nor any applications granted, for the construction and/or installation of solar power systems within the village without the approval of the Village Board, which approval will not be considered except in the event of unreasonable hardship proven by an applicant.

2. The Village Planning Board shall not accept any application or grant any approval for a subdivision plat, site plan, special use permit or other permit that includes the permitting, construction and/or installation of SPS within the Village or would have as a result the enlargement, relocation, or modification of an existing solar installation or facility.

3. The Village Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that would result in the permitting, construction and/or installation of SPS facilities within the Village.

4. The Village's Building Department shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for any permitting, construction and installation of SPS facilities within the Village.

B. The term "Solar Power Systems" shall be broadly construed to include all residential and commercial solar equipment installations, including, but not limited to, building-integrated photovoltaic power systems (other than residential roof-mounted systems); collective solar power systems; free-standing and ground-mounted solar energy systems; solar farms or solar power plant energy systems, designed to produce solar energy for sale or commercial purposes, and solar thermal (water or liquid) power systems.

C. This moratorium shall apply to all currently pending and future applications.

D. This moratorium shall not apply to the installation of residential, roof-mounted solar

systems, however, any person, firm or entity that wishes to install a residential, roof-mounted SPS must first obtain the approval of the Code Enforcement Officer before any such system may be installed.

Section 4. Term

The moratorium imposed by this Local Law shall commence January 28, 2019 and shall be in effect through and including March 31, 2019.

Section 5. Penalties

Any person, firm or entity that shall construct and/or install a SPS within the Village or would have as a result the enlargement, relocation, or modification of an existing system in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. A fine to be imposed by a court of competent jurisdiction, which fine shall not be less than five hundred dollars (\$500.00) and shall not exceed one thousand five hundred dollars (\$1,500.00) for a first conviction, and a fine of not less than seven hundred fifty dollars (\$750.00) and not more than two thousand dollars (\$2,000.00) for subsequent convictions; and

B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law, and to recoup any legal fees and/or expenses incurred by the Village in the prosecution of any such action; and

C. Any application accepted or approval granted in violation of this Local Law shall be null and void.

Section 6. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 7. Hardship

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Village Board of the Village of Cornwall-on-Hudson in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit or approval during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variance of this Local Law, the Village Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the

official newspaper of the Village of Cornwall-on-Hudson. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 8. Conflicting Laws Superseded

All local laws, ordinances, or parts of local laws and ordinances, of the Village of Cornwall-on-Hudson that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

Section 9. Supersession of the Village Law

This Local Law is hereby adopted pursuant to Municipal Home Rule Law §10(1)(i) and §10(1)(ii)(a)(14) and Statute of Local Governments §10(6) of the State of New York. It is the intent of the Village Board, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) to supersede the following provisions of the New York State Village Law, Chapter 6 relating to time limits in connection with zoning and planning determinations:

- Village Law §7-712-9 (Zoning Board of Appeals determinations);
- Village Law §7-725-9 (Site Plan Application determinations);
- Village Law §7-725-b (Special Permit Application determinations);
- Village Law §7-728 (Review and approval of Subdivision Applications)

Section 10. Severability

A. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure of tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

C. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law

or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Village Board of the Village of Cornwall-on-Hudson that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 11. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Proof of Notice, Affidavit of Posting and Publication having been furnished, the Public Hearing on a Local Law establishing a moratorium prohibiting the permitting, construction and installation of solar power systems within the Village, except for residential, roof-mounted solar systems was called to order at 7:07 PM on a motion by Mayor Coyne, seconded by Trustee Carnright, and carried by a vote of 4 Ayes and 0 Nays.

Hearing no one speak for or against the Local Law establishing a moratorium prohibiting the permitting, construction and installation of solar power systems within the Village, except for residential, roof-mounted solar systems, Mayor Coyne made a motion to close the public hearing at 7:08 pm which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.

Attorney for the Village McKay reported that the proposed local law was referred to the Orange County Planning Department and they found “no evidence that significant inter-municipal or countywide impacts would result from its approval.”

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 November 19, 2018, designating the board as Lead Agency and scheduling a public hearing to be held by said Governing Body on December 17, 2018, at 7:00 p.m. at Village Hall to hear all interested persons on a proposed Local Law, entitled a “Local Law Imposing a Moratorium on the Approval and/or Installation of Solar Power Systems within the Village of Cornwall-on-Hudson”; 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 December 17, 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 Village Board finds that moratoria are listed as Type II Actions under §617.5 of SEQRA and, as such, determines that the proposed local law is not subject to further environmental review; 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. 7 of 2018, entitled a “Local Law Establishing a Moratorium on the Approval and/or Installation of Solar Power Systems within the Village of Cornwall-on-Hudson”, 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 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 November read as follows:

Village water, sewer, garbage & penalties	\$224,808.05
Town water & penalties	261,955.22

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

Warrant #12 — Trustee Carnright made a motion to approve the December 2018 Warrant #12 and authorize payment totaling \$277,283.26, 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:	\$3,284,112.25	Expenditure:	\$ 3,201,814.33
Water Fund Revenue:	\$1,879,284.70	Expenditure:	\$ 2,257,161.60
Sewer Fund Revenue:	\$ 286,653.69	Expenditure:	\$ 320,614.66

Total receipt of \$5,450,050.64 (73.75%) in anticipated revenues and \$5,779,590.59 (78.2%) in anticipated expenditures through the end of November.

The Sewer Capital Fund balance is \$259,409.12 (including interest) through November 30.

BOARD DEPARTMENT REPORTS

Building Department Trustee Carnright reported 11 building permits were issued, 19 certificates of compliance/occupancy were issued, 34 onsite inspections were performed, 1 violation was issued, 2 stop

work orders were issued, 6 municipal searches were completed, 1 solar panel permit was issued, and 7 fire inspections were conducted. Inspector Maggio worked 80 hours in November.

Trustee Carnright further reported that the water holding tank and contaminated soil was removed from DB Mart on December 11. Shoring for in-ground tanks will be delivered and installed shortly. Work will resume in January for above ground piping, electric and gas pumps.

Fire Department Trustee Schmidt reported 1 structure fire, 2 automatic alarms, 3 medical calls, 6 hazardous conditions, 1 mutual aid given, 2 motor vehicle accidents, 1 carbon monoxide incident, 1 good intent call, 4 meetings, 6 drills, 5 work details, 10 EMT classes, and 1 parade of champions for a total of 43 events and 288.12 volunteer man hours.

Trustee Schmidt further reported that the department assisted Cornwall Lions Club with annual Harvest Race, and Santa will make his annual trek through the Village on Saturday, December 22.

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

Trustee Schmidt reported that Station 2 roof was replaced and they are waiting on delivery of new windows for main station.

Police Department Trustee Kane reported 2 misdemeanor criminal mischief, 1 misdemeanor assault, 3 misdemeanor arrests, 2 violation arrests, 1 personal injury accident, 7 property damage accidents, 31 traffic summons issued, 33 traffic warnings issued, 10 parking summons issued, 4 traffic enforcement posts, 3 speed/radar sign postings, 4 fire response calls, 1 domestic incident, 13 alarm response calls, 6 noise complaints, 3 suspicious person calls, 3 suspicious vehicle calls, 3 animal complaints, 3 disorderly adult calls, 1 disorderly juvenile call, 11 assists to the Town of Cornwall Police Department, 4 EMS assist calls, 1 assist to other agency, 1 assist to other police agency, 4 welfare checks, and 2 assists to citizens for a total of 376 total calls for service.

Trustee Kane further reported that during the month of November, the department assisted with both traffic and security for the annual “Cancer Charity 5K/10K Road Race” and “Harvest Run 5K/10 Road Race” events, and continued participating in the Orange County “Stop DWI” traffic enforcement grant.

CROSSING GUARD APPOINTMENT

Upon the recommendation of Chief Dixon, Trustee Kane made a motion to appoint Dawn Hogan to the position of Part-Time School Crossing Guard effective immediately at \$16.00 per hour. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne reported that Ms. Hogan is filling the position previously held by Steven Johnson who left due to health issues. On behalf of the Village Board, Trustee Kane wishes Mr. Johnson a speedy recovery.

Department of Public Works — Trustee Carnright reported 99.48 tons of trash, 34.71 tons of recycling, and 125 yards of yard waste was collected. The department performed routine maintenance of village vehicles, routine sewer line inspection of previously treated lines, blacktop patching on Deer Hill Road

and other areas, fall property cleanup of Village Hall, fire house, bandstand and park areas, roadside leaf cleanup of gutter lines, cleaning of catch basins of leaves for drainage, and decorated the Christmas tree and prepared for the tree and menorah lightings.

Trustee Carnright further reported that the first time use of Auctions International to sell surplus equipment went very well.

Water Department — Trustee Schmidt reported an average daily production of 740,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 50), 7 meters were replaced, 13 miscellaneous repairs were completed, 13 final meter readings were done, and 81 utility mark-outs were completed. The department read meters in the Town and Village, “winterized” fire hydrants as needed, installed snow stakes on all fire hydrants, removed snow from facilities, and repaired curb boxes at 44 River Ave, 9 Holts Ln, 24 Mailler Ave, and 321 Hudson St. In addition the Department of Health (DOH) inspection was conducted on December 12.

Trustee Schmidt further reported that Water Department employees Don Bryde, Dan Nye, Tom Rabey and Walton Landru attended a continuing education class for Water Operator’s. Tom Rabey passed all DOH requirements for a Grade IIB Operators license which is in addition to his Grade IIA Operators license. Dan Nye passed all DOH requirements for a Grade IIA and IIB Operators license. Mr. Nye is now a NYS Treatment Plant Operator and will be utilized as such in the department.

CATSKILL TREATMENT PLANT

Trustee Schmidt reported that the Catskill Treatment plant remains offline during the Aqueduct shutdown. It is anticipated that the plant will be placed back online in January 2019. In addition the new boiler has been installed and the chlorine room floor has been repaired and new containment barriers have been installed.

TAYLOR ROAD WELLFIELDS

Trustee Schmidt reported that the contract signing for Taylor Road Well Field Improvement project took place on December 6.

RESOLUTIONS

2019-2020 DRAFT BUDGET – SET PUBLIC HEARING DATE AND TIME

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

WHEREAS, in accordance with the New York State Village Law § 5-508(3), the Village Board of the Village of Cornwall-on-Hudson wishes to set a time and place for a public hearing to obtain input and to consider the proposed budget for the Village’s 2019 fiscal year;

NOW, THEREFORE, it is hereby

RESOLVED, that a Special Meeting be scheduled by the Village Board for the purpose of conducting a public hearing in order to receive public comment regarding the proposed Village Budget on January 14, 2019 at 7:01 pm at the Village Hall located at 325 Hudson Street, Cornwall-on-Hudson, New York, and any other business that may come before the Board; 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 4 Ayes and 0 Nays.

BUDGET TRANSFERS

Mayor Coyne reported that we have received the first reimbursement on the fire department's Dormitory Authority of the State of New York (DASNY) grant. This will reimburse the department for the Raynor Overhead Door expense.

Mayor Coyne made a motion authorizing a budget transfer of \$11,030.49 from General Fund Revenue – Federal/State Grants (A4089) to General Fund Expenditure – Firehouse Maintenance (A3410.4). The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

DPW Superintendent Halvorsen reported that 3 of his department's vehicles and equipment were recently sold through Auctions International for a total of \$31,200.00.

Upon Mr. Halvorsen's recommendation, Mayor Coyne made a motion authorizing a budget transfer of \$31,200.00 from General Fund Revenue – Sale of Equipment (A2665) to General Fund Expenditure – Street Maintenance Equipment (A5110.41). The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

AUTHORIZE PURCHASE OF SNOW REMOVAL VEHICLE BY DPW

DPW Superintendent Halvorsen reported that he would like to purchase a new snow removal machine with accessory equipment by "piggybacking" off the Pennsylvania state contract.

Upon Mr. Halvorsen's recommendation, Mayor Coyne made a motion authorizing the purchase of a new Ventrac 4500 enclosed cab sidewalk snow removal machine with a plow, snow-blower, broom and salt spreader from Rondout Valley Engine Services by "piggybacking" off the Pennsylvania state contract in the amount of \$42,079.85. This purchase is subject to legal review by the Attorney for the Village. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

ALLOCATION OF FUNDS FOR NEW YEAR'S EVE CELEBRATION

Mayor Coyne made a motion authorizing the Village to allocate \$250.00 from A7550.4 - General Fund Cultural & Patriotic Expense Line to CFOS Cornwall-on-Hudson Special Events for this year's New Year's Eve event. 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 committee for the wonderful celebrations over the past few years and stated that he is looking forward to this year's event.

OTHER BUSINESS – WATER DEPARTMENT

MASER - POTENTIAL LAWSUIT

Mayor Coyne reported that Trustee Kane has been in touch with the Breakell Law Firm. This item was tabled for Executive Session discussion with Village Trustees later this evening. It was noted that Attorney for the Village McKay will not be present during this discussion, nor will he be representing the Village in this potential lawsuit.

ARTICLE 7 PROCEEDING

Mayor Coyne reported that the Article 7 proceeding challenging the Town Board of Assessment Review's determination with respect to the Catskill Filter Plant and Black Rock Microfiltration Plant will be heard in front of Judge Catherine M. Bartlett on February 22, 2019.

Attorney for the Village McKay reported that he received correspondence today from the Town of Cornwall's Special Counsel indicating that he will be contacting Mr. McKay's office shortly. The Special Counsel has already been in touch with the Town's appraiser.

OTHER BUSINESS

NATIONAL HERITAGE PROJECT: OPEN SPACES

Mayor Coyne reported that a survey seeking public input on which open space characteristics and natural areas are valued most in our community has been posted on our Facebook page. The Project is creating open space inventories for the Towns of Blooming Grove and Cornwall, and the Village of Cornwall-on-Hudson that will identify and prioritize open spaces.

DRAFT SOLAR LAW

Attorney for the Village McKay reported that he recently received Deputy Mayor Edsall's comments. He will incorporate them into a further revised draft law, and make it available by the end of the month.

LIGHTING LAW

Upon the recommendation of Attorney for the Village McKay, Mayor Coyne tabled discussion on this item for Attorney/Client Session later this evening.

VEHICLE & TRAFFIC LAW SIGNS: WILSON ROAD AND WOOD 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 of the Village Code, entitled “Vehicles and Traffic”, at Section 38, entitled “Schedule III: Prohibited Turns at Intersections”, to include Wilson Road and Wood Avenue; and

WHEREAS, the Village Board is empowered by the State to adopt such amendment to Chapter 155 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 January 28, 2019 at 7:02 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 procurement 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 January 28, 2019 at 7:02 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; 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 4 Ayes and 0 Nays.

GARBAGE FEE WAIVER

Mayor Coyne stated that he has been trying to reach the attorney handling this waiver request.

HOLIDAY TREE LIGHTING

Trustee Schmidt reported that the annual Holiday Tree lighting celebration held on December 2 went well. The Storm King School choir and musicians performed and Santa arrived in time for the tree lighting. In addition our athletic state champions were honored with a proclamation from State Assemblyman Skoufis and a parade. Mr. Schmidt thanked the organizations involved and our department leaders for their work on this wonderful event.

NEW YEAR’S EVE BALL DROP

Committee Chairman Mike Trainor reported that the CFOS Cornwall-on-Hudson Special Events committee is accepting donations for this year's event which will include live music and giveaway glasses.

EMPLOYEE HOLIDAY GATHERING

Mayor Coyne reported that the annual Employee Holiday Gathering was held on December 14. It is a good opportunity to get to know one another and was well attended.

2019-2020 DRAFT BUDGET

Mayor Coyne reported that he has prepared a draft budget for fiscal year 2019-2020 and it will be posted on the Village's website tomorrow. Mayor Coyne added money to the General Fund Consultant Expense line (A1620.41) for assistance with preparing grant proposals and to retain a planning firm to help get the draft Comprehensive Plan "over the finish line." Mayor Coyne also added more money in the Capital Reserve Fund line for various departments including water, public works, fire, and police. In addition he increased General Fund Sidewalk Expense line (A5112.3) by \$10,000.

ROUTE 94/JACKSON AVENUE TRAFFIC LIGHT

Mayor Coyne reported that installation of a traffic light at the Route 94/Jackson Avenue intersection is "promised" in 2019.

EMPLOYEE HANDBOOK

Mayor Coyne reported that he hopes to finish working on an Employee Handbook soon. The handbook will include the new Sexual Harassment and Workplace Violence Policies.

CCHS GIRLS TRACK & FOOTBALL STATE CHAMPIONS

Mayor Coyne congratulated Cornwall Central High School girls Track and boys Football teams on winning state championships.

SPEAK UP TO STAND UP AGAINST HATE: GUIDE TO PREVENTING HATE SPEECH

Mayor Coyne will make copies of a guide to preventing hate speech issued by Orange County District Attorney David Hoovler available at Village Hall.

COMPREHENSIVE PLAN COMMITTEE

Mayor Coyne reported that Comprehensive Plan Committee members made a presentation to the Village Board at the December 10 work session. Mayor Coyne would like to hire a planning firm to help the committee finish the report in the coming year.

PARKING ON MOUNTAIN ROAD

Mayor Coyne reported that occasionally there is an overflow of parking from the hiking trail area onto Mountain Road. This is creating a safety issue and no parking on Mountain Road needs to be clarified. He has been in contact with the Palisades Interstate Park Commission, Police Chief Dixon, and DPW Superintendent. This item was tabled for additional discussion at the January work session.

PUBLIC COMMENT

No one from the public wished to speak.

BOARD COMMENT

Trustee Schmidt wishes everyone a Merry Christmas, Happy Hanukah, and a Happy New Year.

Trustee Carnright wishes everyone Happy Holidays. In addition he thanked all the groups involved in the Holiday Tree Lighting and parade.

Trustee Kane wishes everyone Happy Holidays. In addition he thanked everyone involved with the tree lighting. Mr. Kane also congratulated CCHS girls' cross-country track and boys football teams on winning state championships.

Mayor Coyne congratulated our state champion winning track and football teams. He is proud of their accomplishment.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting at 7:49 PM into Attorney/Client Session to discuss the proposed lighting local law, and then into Executive Session with Village Trustees to discuss a retainer agreement with Walter Breakell Law Firm, PC regarding a potential lawsuit involving Maser Consulting. The motion was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

The meeting was reconvened at 9:30 P.M. on a motion by Trustee Kane which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

WALTER BREAKELL LAW FIRM PC – RETAINER AGREEMENT

Trustee Kane made a motion authorizing Mayor Coyne to execute the Walter Breakell Law Firm, PC retainer agreement dated December 3, 2018 wherein the Villages agrees to engage Breakell Law Firm regarding the legal representation of the Village in connection with any claims arising out of the Black Rock Clearwell water tank leakage, together with any future matters which may arise and be brought to the firm's attention, at the stated rates presented on page one and with a retainer of \$5,000.00 up front. 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, Trustee Kane made a motion to adjourn the business meeting at 9:32 P.M. which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.