

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

April 15, 2019

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 James P. Kane
Trustee David Carnright (arrived at 7:07 P.M.)
Trustee Kenneth A. Schmidt
Trustee James A. Gagliano

Also present were: DPW Superintendent David Halvorsen, Water Superintendent 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 March 25, 2019 Business Meeting Minutes as presented which was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

Mayor Coyne made a motion to accept the April 1, 2019 Reorganization Meeting Minutes as presented which was seconded by Trustee Schmidt and carried upon a vote of 4 Ayes and 0 Nays.

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 Schmidt, and carried by a vote of 4 Ayes and 0 Nays.

Hearing no one speak for or against the MS4 Stormwater Management Plan, Mayor Coyne made a motion to close the public hearing at 7:02 pm which was seconded by Trustee Schmidt and carried by a vote of 4 Ayes and 0 Nays.

Mayor Coyne reported that the goal of this report is to continue our public outreach efforts and to improve the water quality in the Village.

MS4 STORMWATER MANAGEMENT PLAN – ANNUAL REPORT

Mayor Coyne made a motion to accept the MS4 annual report as prepared by Maser Consulting for the period March 10, 2018 to March 9, 2019. Further authorize that the report be signed by Mayor Coyne and filed with the Department of Environmental Conservation before the June 1st deadline which was seconded by Deputy Mayor Kane and carried by a vote of 4 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	\$335,919.36
Town water & penalties	247,437.95

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

Warrant #4 — Deputy Mayor Kane made a motion to approve the April 2019 Warrant #4 and authorize payment totaling \$215,267.97, 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:	\$2,153,751.50	Expenditure:	\$ 365,519.98
Water Fund Revenue:	\$ 276,009.44	Expenditure:	\$ 210,218.45
Sewer Fund Revenue:	\$ 4,314.37	Expenditure:	\$ 5,140.36

Total receipt of \$2,434,075.31 (31.79%) in anticipated revenues and \$580,878.79 (7.58%) in anticipated expenditures through the end of March.

The amount collected in Village taxes is \$2,152,107.33 through March 31.

The Sewer Capital Fund balance is \$319,522.70 (including interest) through March 31.

Trustee Carnright arrived (7:07 P.M.)

BOARD DEPARTMENT REPORTS

Building Department Trustee Schmidt reported 11 building permits were issued, 8 certificates of compliance/occupancy were issued, 14 onsite inspections were performed, 4 violations were issued, 2 stop work orders were issued, and 4 municipal searches were completed. Inspector Maggio worked 80 hours in March.

Trustee Schmidt further reported that Mr. Maggio attended property maintenance seminar in White Plains on March 27, and will be attending Code Enforcement School at Rockland Fire Academy from April 16-18 along with Arlene Ruggiero.

DB MART

Code Enforcement Officer Maggio reported that DB Mart has provided “additional funding” to the contractor which will enable him to take samples of the remaining dirt pile tomorrow. Results are expected in about 4 days. If no issues are found, the dirt will be carted away, the ground will be leveled, the tank area will be covered with pea gravel and item #4, some venting will be installed that is required for the underground tanks, and some “light” electrical work will be done.

Fire Department Deputy Mayor Kane reported 4 automatic alarms, 7 medical emergencies, 1 mutual aid, 1 motor vehicle accident, 3 hazardous conditions, 9 training classes, 1 standby call, and 4 other details for a total of 30 events and 179 volunteer man hours.

Deputy Mayor Kane further reported that boat 416 is being readied for the season, and the department is staffing a standby at the fire house one or twice a month. The annual dinner and awards ceremony went well and Fire Chief Chatfield thanked everyone for attending.

Police Department Trustee Gagliano reported 1 misdemeanor fraud, 1 misdemeanor criminal mischief, 1 misdemeanor petit larceny, 1 warrant arrest, 1 personal injury accident, 1 property damage accident, 15 traffic summons issued, 35 traffic warnings issued, 17 parking summons issued, 4 traffic enforcement posts, 7 fire response calls, 15 alarm response calls, 1 noise complaint, 1 suspicious person call, 5 animal complaints, 1 disorderly adult call, 1 disorderly juvenile call, 3 assists to the Town of Cornwall Police Department, 16 EMS assist calls, 1 assist to other agency, 2 assists to other police agencies, 6 welfare checks, and 3 assists to citizens for a total of 378 total calls for service.

Trustee Gagliano further reported that during the month of March, the department participated in “ALERT” (Advanced law Enforcement Rapid Response Training) in conjunction with the Orange County Sheriff’s Office “S.O.G.” team (Special Operations Group) at both the Village Hall Board Room and Cornwall-on-Hudson Elementary School. In addition the department applied for a 2020 traffic grant through the Governor’s Traffic Safety Committee in the amount of \$3,800 for both traffic enforcement efforts and the purchase of a new radar unit.

Department of Public Works — Trustee Carnright reported 103.38 tons of trash, 25.82 tons of recycling, and no yard waste or electronic recycling was collected. The department performed cold patching of potholes, service and repairs to Village owned vehicles, painted inside of DPW office areas, met with Maser to complete MS4 report, started to repair areas damaged by plowing, serviced and prepared sweeper for the season, and replaced the clutch on roadside mower. New employee Kevin Guarnieri started work on April 4th assigned to sanitation.

Trustee Carnright further reported the weekly yard waste collection was resumed April 1st. Spring bulk cleanup will be April 29th.

Water Department — Trustee Schmidt reported an average daily production of 784,000 gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected (a total of 40), 10 meters were replaced, 18 miscellaneous repairs were completed, 6 final meter readings were done, and 123 utility mark-outs were completed. The department repaired a valve box at Avenue A/Homeland Ave intersection, located and cleaned out valve boxes in anticipation of Central Hudson gas pipe replacement projects in town and village, shut off water service at 231 Main St. for building demolition, shut off water service at 119 Mailler Ave (vacant residence) with water leak inside, completed monthly pressure reduction valves (PRV) inspection, repaired curb box at 5 and 6 First St, repaired heat and plumbing at Maple Ave storage building, repaired service at 32 Broadway, read meters in the town, village and all commercial meters, completed the Water Superintendent's office move to the DPW facility, assisted NYMA with leak detection on campus, repaired vacuum pump at Riley Road facility, performed routine building maintenance, and placed membrane filters at Black Rock in long term storage in anticipation of upcoming repairs to clear well.

Trustee Schmidt further reported that spring fire hydrant flushing began April 15th in the Town and will continue through April 26. Flushing in the Village is scheduled to begin April 29 and continue through May 10.

RESOLUTIONS

APPROVE DEVELOPMENT OF ROUND TOP PARK TRAIL

Deputy Mayor Kane reported that Mr. Nat Stillman and Matt Brady of Black Rock Consortium came to the April 8th work session to discuss a proposal to develop a hiking trail along Round Top Park. Mr. Stillman explained that in 1952 his family donated the 44 acre Round Top Park to the Village in memory of his father Dr. Ernest Stillman. Mr. Stillman has been developing a trail on his 4 acre parcel (114-1-3) which is adjacent to the park. Mr. Stillman proposes to extend the trail from the Boulevard, onto the new trail on his property and then up to the summit of Round Top. All the work will be privately funded.

Mayor Coyne made a motion to approve development of a hiking trail and extend forest management work into Round Top Park as per the proposal submitted by Mr. Nat Stillman on April 8, 2019. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

APPROVE BENCH IN MEMORY OF THERESA CORNISH AT DONAHUE MEMORIAL PARK

Mayor Coyne made a motion to approve the donation of a bench by the family of Theresa Cornish to be placed at Donahue Memorial park in her memory. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

APPROVE REQUEST TO REDUCE GARBAGE FEE

Mayor Coyne is in receipt of a letter from Keri Lupo requesting a reduction in garbage charges on behalf of Audrey Flanagan at 18 Hedges Avenue. The house has been vacant since July 2018.

In accordance with existing Village policy, Mayor Coyne made a motion to reduce garbage charges at 18 Hedges Avenue (account #006831-000) by 50% for an additional 6-month period. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

PROPOSED LOCAL LAW AMENDING VILLAGE CODE CHAPTER 155 TO DESIGNATE “NO PARKING” AND “NO STANDING” AREAS ON MOUNTAIN ROAD WITHIN THE VILLAGE OF CORNWALL-ON-HUDSON

Be it enacted by the Village Board of the Village of Cornwall-on-Hudson, County of Orange, State of New York, as follows:

Section 1.

This Local Law is enacted pursuant to Section 1660 of the NYS Vehicle and Traffic Law for the purpose to amend Chapter 155 of the Village Code to designate “No Parking” and “No Standing” areas on Mountain Road.

Section 2.

The Village Code Chapter 155, Entitled “VEHICLES AND TRAFFIC,” is hereby amended at Section 155-48, entitled “Schedule XIII: No Parking at Any Time” by inserting the following language in its appropriate alphabetical location, as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
“Mountain Road	West and East	from Stable Way, 1170 Feet south on both sides.”

All other text contained in Chapter 155-48 shall continue in full force and effect.

Section 3.

The Village Code Chapter 155, Entitled “VEHICLES AND TRAFFIC,” is hereby amended at Section 155-50, entitled “Schedule XV: Standing Prohibited” by inserting the following language in its appropriate alphabetical location, as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
“Mountain Road	West and East	from Stable Way, 1170 Feet south on both sides.”

All other text contained in Chapter 155-50 shall continue in full force and effect

Section 4. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of the Village of Cornwall-on-Hudson hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Repeal.

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

Section 6. Authority.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Village Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 7. Effective Date.

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

SCHEDULE PUBLIC HEARING ON PROPOSED LOCAL LAW TO DESIGNATE “NO PARKING” AND “NO STANDING” AREAS ON MOUNTAIN ROAD WITHIN THE VILLAGE OF CORNWALL-ON-HUDSON

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 to designate “No Parking” and “No Standing” areas on Mountain Road; 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 May 20, 2019 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 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 it is further

RESOLVED, that the Village Board preliminarily classifies the aforementioned action as an unlisted action under SEQRA; and it is further

RESOLVED, that a public hearing be held by the Village Board on May 20, 2019 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 of the Local Law; 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.

REQUEST TO USE DONAHUE MEMORIAL PARK FOR ST. THOMAS CHURCH EVENT

Mayor Coyne is in receipt of a request from Mr. Neil Drislane to hold a picnic celebrating Fr. Rees Dougherty's 25th anniversary of his ordination at Donahue Memorial Park on June 1st. Since River-fest is scheduled for June 2nd, Mr. Drislane was asked to come back to the Board with a different proposed date. Discussion followed about the size of the event and potential fees.

SUMMER PLAYGROUND APPOINTMENTS

Mayor Coyne made a motion to appoint Jenna Park Summer Playground Director-salary to be determined at a future meeting which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes, 0 Nays, 1 Abstain (Gagliano).

Mayor Coyne made a motion to appoint Jennifer Borland Summer Playground Assistant Director-salary to be determined at a future meeting which was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

GIRLS ON THE RUN – JUNE 9, 2019

Mayor Coyne made a motion authorizing the "Girls on the Run" event on Sunday, June 9, 2019 subject to receipt of an updated insurance certificate. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.

NON-UNION SALARIES 2019-2020

Mayor Coyne made a motion to set 2019-2020 fiscal year salaries for Village non-union employees effective April 1, 2019 as follows:

- David Halvorsen \$89,048 per year
- Michael Trainor \$82,680 per year
- Jeanne Mahoney (Village Clerk) \$76,405 per year
- Jeanne Mahoney (Village Treasurer) \$ 7,531 per year
- Paula Howard \$ 30.11 per hour

- Doris Wickiser \$ 28.40 per hour
- Arlene Ruggiero \$ 23.58 per hour
- Ben Maggio \$ 28.19 per hour
- Suzanne Yarmus \$ 15.38 per hour
- Kathleen Christensen \$ 1,100 per year

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

OTHER BUSINESS – WATER DEPARTMENT

BREAKELL LAW FIRM

Water Superintendent Trainor reported that he attended a meeting along with Engineer for the Village Jason Pitingaro and the parties and/or their representatives involved in the potential litigation at the Black Rock Filter Plant so they could view/photograph the clearwell tank. This item was tabled for further discussion in Executive Session later this evening.

ARTICLE 7 PROCEEDING – ASSESSMENT CHALLENGE

Mayor Coyne reported that Attorney for the Village John Furst has sent a letter to the Town of Cornwall Supervisor containing our settlement offer.

OTHER BUSINESS

PARK PASSES

Mayor Coyne reported that training on enforcement and reporting of day passes purchased for Donahue Memorial Park using the ParkMobile mobile application option is scheduled for April 18. Mayor Coyne sent Park Mobile a current schedule of park fees to see if we can reach an agreement to provide the annual parking permits as well.

VILLAGE PIZZA & RESTAURANT, INC. – LIQUOR LICENSE RENEWAL

Mayor Coyne reported that the Village has received formal notice from Village Pizza & Restaurant, Inc. of its intent to renew their liquor license.

PBA, CSEA CONTRACTS

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

COMPREHENSIVE PLAN COMMITTEE

Mayor Coyne reported that Comprehensive Plan Committee will meet this Thursday, March 28. Mayor Coyne is happy to report that we have received a \$10,000 grant to cover half the cost of hiring a planner to assist the Comprehensive Plan Committee in completing their work.

FYI

COMPREHENSIVE PLAN COMMITTEE

Mayor Coyne reported that Comprehensive Plan Committee will next meet on Thursday, April 25.

WEST POINT REGATTA

Mayor Coyne reported that the West Point “Regatta” is scheduled for April 27 and 28.

KNIGHTS OF COLUMBUS PRAYER SERVICE

Mayor Coyne reported that the Knights of Columbus will hold a prayer service at Donahue Memorial Park on Sunday, April 28.

BULK PICKUP

Mayor Coyne announced that the bi-annual bulk pickup will take place on April 29.

LIBRARY: BUDGET VOTE & BOARD ELECTION

Mayor Coyne announced that the Cornwall Library Budget vote and board election will take place on Tuesday, April 23.

CORNWALL CARES: GUN SAFETY

Mayor Coyne reported that Village Police Chief Steve Dixon and Town Police Chief Todd Hazard will do a joint presentation about gun safety at the Cornwall Central Middle School on April 30 at 7:00 PM.

RIVERKEEPER SWEEP: MAY 4, 2019

Mayor Coyne reported that the annual “Riverkeeper Sweep” will take place along the banks of the Hudson River on Saturday May 4 from 9:00AM – 12:00PM. He will be inviting Cornwall High School, Storm King School, and NYMA students to join in to help the public clean the riverfront.

PUBLIC COMMENT

Carol O’Keefe of 2 Payson Road announced that the annual Storm King Engine Co. #2 Easter Breakfast will take place on Sunday, April 21 from 7:00 AM – 12:00 PM.

John Moran of 187 Mountain Road asked what criteria was used to set parking restrictions on Mountain Road for the proposed local law. He is concerned about “unintended consequences” involving safety of pedestrians who will have to walk up/down Mountain Road on a busy day. Mr. Moran feels that legislation should be “minimally restrictive” to meet the objective.

DPW Superintendent Halvorsen stated that many aspects were considered in setting the parking restrictions. One important consideration is that emergency service vehicles must be able to navigate Village roadways. Last fall when cars were parked on both sides of Mountain Road, a video was taken showing that emergency vehicles could not navigate through.

Niklas Moran of 187 Mountain Road stated that with regard to the proposed local law restricting parking on Mountain Road, it is not easy to navigate the roadway. A main issue of concern should be bicycle and pedestrian traffic at the road curve near Stable Way. Contractors with long trailers park alongside Mountain Road in front of Stable Way and Mr. Moran would like to suggest the Village take that into consideration.

Mr. Moran also thanked Deputy Mayor Kane and the Village Board for incorporating his comments into the solar local law; however, he is disappointed that the unified solar permit language was removed from the final version of the law. Mr. Moran then asked for an update/timeframe on the lighting law.

Deputy Mayor Kane replied that the Village recently received comments from the Orange County Planning Department and the Village Planning Board. He will be meeting with representatives from Storm King School shortly to discuss their proposal for implementation of the final lighting law. He expects the local law will be amended to incorporate some of the comments received. The revised law will then be posted on the website .

BOARD COMMENT

Trustee Schmidt thanked Nat Stillman and Matt Brady for their proposal and donation of a hiking trail at Round Top Park. Mr. Schmidt also thanked Storm King Engine Co. #2 for inviting him to attend the installation dinner. He is impressed with the leadership transition of the Summer Playground program.

Deputy Mayor Kane also thanked Storm King Engine Co. #2 for a great dinner and Mr. Stillman for his generous proposal/donation. Mr. Kane stated that the Department of Public Works did a “great job” cleaning debris from the ramp at Donahue Memorial Park in anticipation of installing pilings and docks in the next few weeks.

Having concluded the business set before them, Mayor Coyne made a motion to adjourn the business meeting at 7:53 PM into Attorney/Client Session to discuss water project issues, and PBA and CSEA contract negotiations and then into Executive Session with Village Trustees to discuss a potential lawsuit in which Breakell Law Firm is representing the Village against Maser Consulting. The motion was seconded by Trustee Carnright and carried upon a vote of 5 Ayes and 0 Nays.