

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

November 19, 2007

The regular meeting of the Board of Trustees was called to order at 7:30 P.M. with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

- Mayor Joseph J. Gross
- Trustee Charles R. Hahn (arrived at 7:50 PM)
- Trustee Mark J. Edsall
- Trustee William T. Fogarty

Absent was: Trustee Peter J. Miller

Also present were: Acting DPW Superintendent David Halvorsen, Water Superintendent Robert June, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

Trustee Fogarty moved for the acceptance of the October 15, 2007 Regular Meeting Minutes, as amended, and November 5, 2007 Special Meeting Minutes as presented, on a motion seconded by Trustee Edsall, the minutes were approved 3 Ayes and 0 Nays.

TREASURER’S REPORT

Mayor Gross stated that a treasurer’s report for the month of October has been prepared and distributed to the Village Board for review.

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

Village water, sewer, garbage & penalties	\$254,892.30
Town water & penalties	195,299.23

Which included 5 finals/adjustments for the Village and 3 for the Town.

Upon the recommendation of Acting DPW Superintendent Halvorsen, Trustee Edsall made a motion to authorize a budget transfer from A5132.4 (General Fund Building Maintenance) to A1640.4 (General Fund Central Garage Expense) in the amount of \$4,000.00. This is to cover additional expenses incurred. The motion was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

The following claims were approved for payment:
General Fund claims in the amount of \$ 233,430.66
Water Fund claims in the amount of 226,183.57
Sewer Fund claims in the amount of 4,532.00
Trust & Agency claims in the amount of 325.10

DEPARTMENT REPORTS

The Building Inspector reported 77 on site inspections, 9 fire inspections, 1 stop work order, 2 municipal searches, 1 Foil Request, and 9 building permits were issued.

The Code Enforcement Officer reported 10 certificates of occupancy and compliance and 3 property maintenance violations were issued.

The Department of Public Works reported completion of fall bulk clean up, grinding, reshaping and paving of a 1250' section of roadway along Deer Hill Road, striping of Municipal lot and Maple Avenue, snow equipment maintenance, routine shop maintenance, electric wiring for Water Dept. office completed, drainage improvement work started on DeGroat property, and 23 trees donated by Black Rock Consortium planted.

The Water Department reported an average daily production of 1.121 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 86 utility locations were made, 20 meters were repaired or replaced, and 5 special readings were taken. In addition to routine building, grounds maintenance and fire hydrant flushing, water leaks were repaired at 178 Hudson St., and Continental Rd, curb boxes were repaired at 30 Quaker Ave. and 317 Main St., $\frac{3}{4}$ " water taps were installed at Lapani Rd., Storm King Golf Course, and Maple Rd., and pressure reduction valves (PRV's) were serviced.

Water Superintendent June reported that the Black Rock Treatment Plant is online as of October 19, 2007 and running daily. The water main break on feed line was repaired, along with the pressure reduction valve (PRV) at Aleck Meadow.

The Fire Department reported 44 events, including 3 emergency medical service (EMS) calls, for a total of 504 volunteer man hours.

Fire Chief Armitage further reported that his department will host a CSX railroad drill in the Spring of 2008.

The Police Department reported 4 COVAC assists; 10 calls were covered for/assisted to Town Police; 14 responses to burglar alarms; 5 E-911 hangups; 2 domestic incidents; 15 crimes were committed; 2 vehicle lockouts; 5 accidents were investigated; 29 moving violations; and 6 parking tickets were issued. Total patrol miles = 3,899 not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation on eight (8) open cases. The department conducted annual firearms qualifications including the issuance of new firearms. In addition, bandstand concerts and special events at Donahue Memorial Park were covered with no incidents.

Upon the recommendation of Chief Williams, Trustee Edsall made a motion to accept the resignation of Police Officer Keith Lipsey effective October 23, 2007, with regret, which was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

CORRESPONDENCE

Mayor Gross is in receipt of an email from Julia McGuire of the Cornwall Lions Club requesting permission to hold the annual wreath and roping sale at the Village Bandstand this year. If approved, the dates are Saturdays, December 1st, 8th, and 15th from 10:00 AM to 4:00 PM.

Trustee Hahn arrived.

After some discussion, Trustee Edsall made a motion to authorize this request which was seconded by Trustee Hahn and carried by a vote of 4 Ayes and 0 Nays.

Mayor Gross is in receipt of an email from William Cumming of 75 Duncan Avenue regarding the availability of the tentative assessment roll for public viewing. He states that the hours should accommodate taxpayers who work outside of the Village.

Mayor Gross is in receipt of a copy of a letter sent by Acting DPW Superintendent Halvorsen to Central Hudson Gas & Electric requesting a representative be on site while excavation work is performed and pipe is replaced on the bridge located at Mountain Road and Boulevard the week of November 26th.

Mayor Gross is in receipt of minutes from the November 14, 2007 meeting of the Cornwall Conservation Committee.

Mayor Gross is in receipt of the 2008 relevy list sent by Deputy Clerk Dennett to the Town of Cornwall for inclusion on the 2008 State County and Town tax bills.

Mayor Gross is in receipt of a letter sent by Audrey Flanagan of 18 Hedges Avenue requesting a reduction in garbage charges because her residence will be unoccupied from November 8, 2007 to April 8, 2008.

Trustee Fogarty made a motion to authorize a 50% reduction in garbage charges, in accordance with existing Village policy, which was seconded by Trustee Hahn and carried by a vote of 4 Ayes and 0 Nays.

Mayor Gross is in receipt of a letter sent by NYS Department of Health along with the Approval of Completed Works for the Black Rock Microfiltration Plant.

Mayor Gross is in receipt of a letter dated October 25, 2007 from Timothy Rehm, Superintendent of the Cornwall Central School District stating that due to an increase in vandalism incidents on school property, the revised Student Code of Conduct Policy and No Trespassing Rules will be enforced.

Mayor Gross is in receipt of a letter from George Green, Supervisor of the Town of New Windsor denying our request for a tax exemption for 2009.

Mayor Gross is in receipt of a letter from the Orange County Department of Aging seeking nominations for the County Executive Advisory Council.

Mayor Gross is in receipt of a letter from R. Sumera, the attorney for Heide Kessel requesting a reduction of garbage charges for her property at 12 Andrews Street. While visiting Germany, Ms. Kessel became ill and unable to return to the United States. It is unknown when she will be able to return and the house is now for sale.

Trustee Hahn made a motion to authorize a 50% reduction in garbage charges, in accordance with existing Village policy, which was seconded by Trustee Fogarty and carried by a vote of 4 Ayes and 0 Nays.

Mayor Gross is in receipt of an email from Simon Gruber regarding current water contracts between the Village and Cornwall Commons, etc. This item will be discussed with the Deputy Village Attorney at a future date.

Mayor Gross is in receipt of a letter from Glen Kubista & Assoc. informing the Village of Lexand, LLC d/b/a Drew's On the Square's intention to file an application for a liquor license with the NYS Liquor Authority and request for a waiver letter from the Village of Cornwall-on-Hudson.

Trustee Edsall made a motion authorizing the Village Clerk to send a letter waiving the 30 day application hold for Lexand, LLC, which was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

Mayor Gross is in receipt of a letter dated September 20, 2007 from Assemblyperson Nancy Calhoun regarding recent legislation authorizing local municipalities to adopt a Real Property Exemption for Cold War Veterans (those serving between 1945 and 1991). The Village would need to adopt a local law offering either a 10% or 15% exemption to those qualified.

After some discussion concerning the impact the exemption would have on the Village tax base, the Village Board agreed to seek more information before making a decision.

PUBLIC COMMENT

Rick Gioia of 167 Hudson Street asked what impact the upcoming Mountain Road drainage project will have on the bridge stone work. He would like to see care given toward preservation of the historic nature of the bridge.

He then stated vandalism on school property only reinforces the need to have Village Police Officers either on foot or bicycle roving the Village Center area.

Andrew Maroney of 4 Barr Avenue stated that a few years ago the Village replaced the stone bridge on Payson Road and the Boulevard with a guard rail. He would also like to see stone bridge preservation.

Acting DPW Superintendent Halvorsen stated that the Mountain Road project is being funded through Federal Emergency Management Agency (FEMA) and preservation of the stone work was not included. The Village Engineer designed the project to include guard rail. The road is in disrepair and a neighboring property is being negatively affected by flooding.

Robert Gosda of 19 Homeland Avenue stated that problems exist at that location with gas mains. It is imperative that a Central Hudson representative be on site to avoid delays if gas leaks are found.

Rick Gioia stated that if the bridge can not be reconstructed as a historic bridge perhaps stones can be cosmetically restored with retaining walls on both sides. The Village should be doing everything possible to preserve its history.

After some discussion, the Village Board agreed to seek future funding for cosmetic stone work.

Gary Polonski of 2 Cornwall Avenue stated that he is having a problem with Sovak's subdivision. His property abuts Sovak's and had requested proper screening on the landscape plan. In lieu of what was agreed to, dwarf trees were planted. He provided photos for the Board to review. He asked if the Code Enforcement Officer has the authority to change plans. In addition, he stated that existing trees are dying as a result of tar and mulch being placed around the tree base and roots.

After some discussion, the Deputy Village Attorney agreed to discuss his concerns with the Code Enforcement Officer.

Rick Gioia stated that one of the homes under construction on the Sovak property has moved the front steps to a different location threatening the stone wall.

Nancy Lewit of 22 Hazen St. asked if the public would be able to comment later in tonight's agenda when the Kiryas Joel matter is addressed.

Barbara Farabaugh of Cornwall Avenue stated that she is disappointed that the School District has

decided to prevent children from playing on school property because of a few kids causing problems. In addition, she stated there is a gas leak on Cornwall Avenue near River St.

Acting DPW Superintendent Halvorsen informed Ms. Farabaugh to contact Central Hudson and report the gas leak so that it may be addressed.

John Wenz of 40 Duncan Avenue stated that the parking spaces on Hudson Street nearest the Duncan Avenue intersection are impacting site line view creating a dangerous situation. In addition, the fire siren whet off Sunday evening and he feels that it would be useful to let people know why the siren is necessary.

SKEC #2 Fire Chief Armitage stated that the siren went off at 9:45 PM on Sunday evening because of a medical emergency requiring a Medivac helicopter to land at C-on-H Elementary School.

OLD BUSINESS

BLACK ROCK FILTER PLANT STATUS/MODIFICATION

Mayor Gross stated that the plant is online as of October 19, 2007 and congratulated Water Superintendent June for his accomplishment.

JOINT SEWER PLANT DISCUSSION

Trustee Hahn stated a meeting took place and he anticipates a cost estimate shortly.

SKEC #2 - ADA BATHROOM PROJECT

Clerk Mahoney provided the Mayor a certification for signature. Once the Orange County Office of Community Development receives it back, the payment to Andes Contractors Corp. will be processed.

COMPREHENSIVE/MASTER PLAN REVIEW COMMITTEE

Mayor Gross stated that comments from the Orange County Planning Department on the draft Master Plan are expected shortly.

LOCAL DEVELOPMENT CORPORATION (LDC)

Mayor Gross stated that pricing on snow arresters for the new DPW facility are being evaluated.

WATERFRONT REVITALIZATION COMMITTEE REPORT

Chairperson Wenz reported that the committee plans to meet again before the end of the year to discuss

moving forward with the \$60,000 grant from Senator Larkin's office. In addition, he anticipates a decision on the Environmental Protection Agency (EPA) grant application by the end of this year.

Mayor Gross stated that he met with committee members Andrew Maroney and David Work to discuss and review the FEMA plan to build a "mafia wall" along Donahue Memorial Park.

INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Mayor Gross stated that there is nothing new to report on this item.

DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

Mayor Gross stated that he will be meeting with Deputy Attorney Protter and Clerk Mahoney to discuss this item.

FINES & PENALTIES

Mayor Gross stated that this item is remains under review by the Village Board.

VILLAGE SQUARE IMPROVEMENTS PROJECT

Committee Chairperson Barbara Gosda reported that the committee is meeting the first Monday of each month at 7:00 PM. To date 3 meetings have been held. On October 28th, a walk of the Village Square took place. Among the items discussed were improved lighting and signage, school district parking, and pedestrian crossings. In order to be prepared for a \$10,000 planning grant from Assemblyperson Calhoun's office, a survey is needed as soon as possible.

INTRODUCTORY LOCAL LAW I-6 OF 2007- ETHICS LAW

Mayor Gross stated that this item will be discussed at the next work session.

ANNUAL SUPPLY BIDS – AWARD

Mayor Gross stated that a bid opening was held in the Village Office on November 17, 2006.

Water Meters Trustee Hahn made a motion to award to the sole bidder, Ti-Sales, which was seconded by Trustee Edsall, and upon a vote of 4 ayes and 0 nays, the motion was carried.

Water Treatment Chemicals Trustee Hahn made a motion to award the bid for items #1-4 to Duso Chemical (noting that item #2 will be in awarded in the written amount of 2.53), and award the bid for item #5 to Shannon Chemical, which was seconded by Trustee Edsall and carried by a vote of 4 ayes and 0 nays.

Alum Sludge Removal Services Trustee Hahn made a motion to award the bid to Residuals Management Services, Inc. d/b/a Earthcare, which was seconded by Trustee Edsall and upon a vote of 4 ayes and 0 nays, the motion was carried.

Fuel Oil #2 and "Off-Road" Diesel No bids were received. Trustee Edsall made a motion authorizing the Village Clerk to contact the current provider, SOS Fuels, and request they continue on a month to month basis with the Village until this item may be re-bid which was seconded by Trustee Fogarty and upon a vote of 4 ayes and 0 nays, the motion was carried.

HUDSON-FULTON 2009 QUADRICENTENNIAL COMMITTEE REPORT

Mayor Gross stated that the Board received a report from Committee Chairmen Lee Murphy and Deke Hazirjian dated November 19, 2007. The report says there is a need for a “core group” to move forward.

NEW BUSINESS

GRIEVANCE DAY

Mayor Gross announced that the annual Village Grievance Day will be held on Tuesday, November 20, 2007 from 4:00 - 7:00 PM.

Mayor Gross further stated that after meeting with the Village Clerk, Deputy Village Attorney and his associate, he has decided to recuse himself from the Board of Assessment Review since he is the current Village Assessor.

Trustee Fogarty made a motion to appoint Thomas Petersen to the Village of Cornwall-on-Hudson Board of Assessment Review which was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

CODE ENFORCEMENT OFFICER-BUILDING INSPECTOR PAY INCREASE

Trustee Fogarty made a motion to authorize a \$2.00 per hour pay increase and title of Code Enforcement Officer and Building Inspector to William Lee which was seconded by Trustee Edsall and carried by a vote of 4 ayes and 0 nays.

DPW SURPLUS EQUIPMENT

Upon the recommendation of Acting DPW Superintendent Halvorsen, Trustee Fogarty declared the following items surplus: Hiniker Material Spreader 10' spreader 5-7 yards tag #10-0035-100, 1983 Ford F-250 Recycling truck 4x4 diesel engine odometer reading 110,884, Brutus Power Roller Briggs & Stratton gas engine Model #AR1 Serial #4331, FMC Waynee Walk behind sidewalk sweeper model #836G serial #836-2784, Coats 10/10 tire machine serial #49649, Weaver tire balance model #WJ-41

serial #3AB7326, Bell & Gossett Products air compressor 200 PSI, Lincoln electric motor serial #2957109 pump model #R-15 serial #224893, Truck bed mount fire pump and steel tank electric start gas engine, Heil Formula 4000 20 yard packer body model #612-2104 serial #4F-10258, John Deere 3 Point hitch sickle bar and 1992 Dodge Power Ram VIN #1B6MM3602NS585351. The motion was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

Trustee Fogarty made a motion to authorize the Village Clerk to advertise for bids on the above items in “as-in” condition, and to set a minimum bid of \$2500.00 for the 1992 Dodge Power Ram, for a bid date and time to be determined by the Village Clerk and Acting DPW Superintendent. The motion was seconded by Trustee Edsall and carried by a vote of 4 ayes and 0 nays.

ST. LUKES/CORNWALL HOSPITAL – GALA PERMIT REQUEST

Mayor Gross stated that he met with Susan Sullivan, Vice President of Development and Marketing for St. Lukes/Cornwall Hospital who is requesting use of Donahue Memorial Park from September 2-8, 2008 for their annual fundraising gala. She followed up with a letter outlining the request and provided a map showing the area of the park being sought. The Mayor requested she limit the request to the North end of the park leaving the South end open to the public. He further requested an updated gala permit form and fee schedule from the Deputy Village Attorney before acting on the request.

INTRODUCTION OF PROPOSED LOCAL LAW I-7 OF 2007 - PROHIBITION OF ILLICIT DISCHARGES, ACTIVITIES & CONNECTIONS TO SEPARATE STORM SEWER SYSTEM

Deputy Village Attorney Protter stated that the Village currently has a permit through the Department of Environmental Conservation (DEC) for the discharge of stormwater into the Hudson River basin. The permit requires the Village to have a local law that prohibits illegal discharges based on a NYS model. It also exempts water line flushing, etc.

Trustee Edsall introduced the following resolution and moved for its adoption.

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

Section 1. Chapter 132, titled “Stormwater” of the Code of the Village of Cornwall-on-Hudson is hereby amended by adding a new Article III, titled “Prohibition of Illicit Discharges, Activities and Connection to Separate Storm Sewer System,” to read as follows:

ARTICLE III

PROHIBITION OF ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEM

§132-13. Purpose.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Village of Cornwall-on-Hudson through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance, monitoring, and violation procedures necessary to ensure compliance with this law; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§132-14. Definitions.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

Best Management Practices (BMPs)-Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act- The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity- Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are

not limited to clearing and grubbing, grading, excavating, and demolition.

Department- The New York State Department of Environmental Conservation.

Design professional- New York State licensed professional engineer or licensed architect.

Hazardous Materials- Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connections- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to: (1.) Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or (2.) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge- Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.

Individual Sewage Treatment System- A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

Industrial Activity- Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (1.) owned or operated by the Village of Cornwall-on-Hudson; (2.) designed or used for collecting or conveying stormwater; (3.) which is not a combined sewer; and (4.) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2.

Municipality- The Village of Cornwall-on-Hudson.

Non-Stormwater Discharge- Any discharge to the MS4 that is not composed entirely of stormwater.

Person- Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant- Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

Premises- Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Special Conditions.

1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of

stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit- A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

Stormwater- Rainwater, surface runoff, snowmelt and drainage.

Stormwater Management Administrator (SMA). The Building Inspector, engineer, or other person designated by the Village Board to enforce this local law. The SMA may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(d) List- A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

Total Maximum Daily Load (TMDL)- The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

Wastewater- Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§132-15. Applicability.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§132-16. Responsibility for Administration.

The Stormwater Management Administrator(s) (SMA(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMA as may be authorized by the Village Board.

§132-17. Severability.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

§132-18. Discharge Prohibitions.

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Sections (1)- (4) below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the Village has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) Discharges approved in writing by the SMA to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMA may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.
- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMA prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§132-19. Prohibition Against Failing Individual Sewage Treatment Systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- (1) The backup of sewage into a structure.
- (2) Discharges of treated or untreated sewage onto the ground surface.
- (3) A connection or connections to a separate stormwater sewer system.
- (4) Liquid level in the septic tank above the outlet invert.
- (5) Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- (6) Contamination of off-site groundwater.

§132-20. Prohibition Against Activities Contaminating Stormwater. Discharge Prohibitions.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 132-14 (Definitions) of this local law.
- B. Such activities include failing individual sewage treatment systems as defined in Section 132-19, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions as determined by the SMA to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§132-21. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.

- A. Best Management Practices.

Where the SMA has identified illicit discharges as defined in Section 132-14 or activities contaminating stormwater as defined in Section 132-20, the Village may require implementation of Best

Management Practices (BMPs) to control those illicit discharges and activities. The BMPs proposed by the owner or operator shall be submitted to the SMA for review and approval.

- (1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
- (2) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 132-14 or an activity contaminating stormwater as defined in Section 132-20, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

B. Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants

Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 132-14 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:

- (1) Maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents;
 - (b) Avoid the use of septic tank additives;
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
- (2) Repair or replace individual sewage treatment systems as follows:
 - (a) In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

- (i) Relocating or extending an absorption area to a location not previously approved for such.
- (ii) Installation of a new subsurface treatment system at the same location.
- (iii) Use of alternate system or innovative system design or technology.

(c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§132-22. Suspension of Access to MS4.

- A. The SMA may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMA shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMA may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMA will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMA for a reconsideration and hearing. Access may be granted by the SMA if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMA determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMA.

§132-23. Industrial or Construction Activity Discharges. Suspension of Access to MS4.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§132-24. Access and Monitoring of Discharges.

- A. Applicability. This section applies to all facilities that the SMA must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- B. Access to Facilities.

- (1) The SMA shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMA.
- (2) Facility operators shall allow the SMA ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
- (3) The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMA to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary as determined by the SMA to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
- (6) If the SMA has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMA may seek issuance of a search warrant from any court of competent jurisdiction.

§132-25. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Village in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Village within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§132-26. Enforcement.

A. Notice of Violation.

When the Village's SMA finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§132-27. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the SMA to the Village Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing

of the appeal, and within five days of making its decision, file its decision in the office of the Village Clerk and mail a copy of its decision by certified mail to the discharger.

§132-28. Corrective Measures After Appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMA, then the SMA shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMA may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMA may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§132-29. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMA may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§132-30. Alternative Remedies.

A. Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Village Attorney and concurrence of the Code Enforcement Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this Law.
- (3) Environmental damage was minimal.
- (4) Violator acted quickly to remedy violation.
- (5) Violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

§132-31. Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and

welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§132-32. Remedies Not Exclusive.

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 2. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

The aforementioned resolution was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

Trustee Edsall introduced the following resolution and moved for its adoption.

BE IT RESOLVED that an introductory Local Law entitled "Prohibition of Illicit Discharges, Activities and Connection to Separate Storm Sewer System" be and it hereby is introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Village Hall, 325 Hudson Street, in the Village of Cornwall-on-Hudson, New York at 7:30 o'clock PM on December 17, 2007, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least five (5) days prior thereto.

The aforementioned resolution was seconded by Trustee Hahn, and upon a vote of 4 ayes and 0 nays, the Mayor declared this resolution adopted.

TREE LIGHTING

SKEC #2 Fire Chief Armitage requests a joint effort between the Fire Department and the Department of Public Works to put the lights on the Village tree at the Bandstand. In order to have sufficient time to

decorate the tree, he is asking for the assistance of 2 DPW workers on Saturday, November 24th.

Trustee Fogarty made a motion to authorize 2 DPW workers to assist the Fire Department in decorating the Village Christmas tree on Saturday, November 24th, which was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

SHORE ROAD PARKING

Mayor Gross is in receipt of a letter from Heather O-Dell-Coyne regarding a parking issue on Shore Road. She would like the “No Parking” signs along the North side of Shore Road removed to allow residents much needed additional parking.

After some discussion, this item was tabled for future discussion.

KIRYAS JOEL FEDERAL BUDGET REQUEST FOR PIPELINE

Mayor Gross stated that Kiryas Joel has applied for additional Federal assistance for a pipeline from their wells on Taylor Road. It is imperative that the Village of Cornwall-on-Hudson protect our water supply.

Trustee Edsall stated that the Village needs to reach out to the DEC regarding the impact development of the pipelines will have on our Taylor Road wells. Our concerns should also be shared with Representative John Hall.

Deputy Village Attorney Protter provided 2 disclosure of interest letters to the Village Board. He indicates that his firm represents the Village of Kiryas Joel; however, they “do not represent them in connection with the federal funding” or “in connection with water taking issues which may arise from use of the Taylor Road wells.”

Discussion followed. Mayor Gross will draft a letter sharing everyone’s concerns.

Carol O’Keefe of 2 Payson Road asked for December meeting dates in advance, as she was not aware of the November 5th special meeting.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting at 10:08 PM which was seconded by Trustee Fogarty and upon a vote of 4 Ayes and 0 Nays, the meeting was adjourned.