

SPECIAL MEETING & WORK SESSION of the CORNWALL TOWN BOARD was held on the 3rd day of January, 2012 in the Second Floor Conference Room, 183 Main Street, Cornwall, NY

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ELIZABETH LONGINOTT
ALEXANDER MAZZOCCA
RANDOLPH CLARK
MARY BETH GREENE-KRAFFT

Also PRESENT: Attorney STEVE GABA, representing attorney for Town, JAMES R. LOEB, Esq.

A motion to open the Special Meeting at 7:33 P.M. directly following the Reorganization Meeting was made by Councilwoman GREENE-KRAFFT, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Pledge of Allegiance

Public Comment Agenda Items – None

Agenda Item #1 – Resolution – Humane Society of Blooming Grove – Supervisor QUIGLEY advised that initially, the Humane Society of Blooming Grove advised the Town that they could no longer honor our contract due to lack of space, but have since gotten back to us advising that we can have the same contract as 2009/2010. Supervisor QUIGLEY advised that he tried to work with the Town of New Windsor and the Newburgh SPCA but that the contracts were different and would have cost us more money. WHEREAS, the Town of Cornwall has received a proposed Agreement from the Humane Society of Blooming Grove (“Humane Society”) for the boarding and care of dogs seized by the Town of Cornwall’s Dog Control Officer or any Town Police Officer for the period of January 1, 2012 through December 31, 2012, and WHEREAS, it would be in the best interests of the Town to enter into the Agreement with the Humane Society, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby accept the proposal submitted by the Humane Society for provision of dog shelter services for the year 2012 in accordance with the provisions set forth in the annexed Agreement, and BE IT FURTHER RESOLVED, that the Supervisor be and he hereby is authorized to sign the Agreement between the Humane Society and the Town on behalf of the Town of Cornwall. Motion to approve was made by Councilwoman GREENE-KRAFFT, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 –Receiver of Taxes Undertaking -- Supervisor QUIGLEY advised that the following letter from Attorney, STEVE GABA needed to be read into the Minutes. I am writing to you in connection with the Receiver of Taxes undertaking to be filed with the Town for the year 2012. You have advised me that the undertaking will be less than the Receiver’s Warrant and that the insurance company will not increase the amount of the undertaking. You will recall that this problem arose for the first time in 1986 and it is a continuing problem. As we have advised the Town Board each year starting in 1986, Section 25 of the Town Law requires that an undertaking be filed on behalf of the Receiver for all monies and properties coming into the Receiver’s hands. However, I believe that as long as the undertaking is of a sufficient amount so that it is at least equal to the amount of money received and held by the Receiver at any one time, we have complied with the spirit of the law. There is an opinion of the State Comptroller that supports that position. As you know, the Receiver turns over monies on a regular basis as she receives them. It is my understanding that this process insures that the Receiver will never have

an amount in her account which approaches the amount of the undertaking. As long as the Receiver is careful to see that she never has on hand more monies than the amount of the undertaking, I believe the Town is in compliance with the law.

Agenda Item #3 – Personnel:

Appoint P/T Dispatcher – Supervisor QUIGLEY advised that he received a memo from Chief Todd Hazard advising that Sergeant Steve Dixon and Police Officer Edward Ogden have tendered their resignations on December 30th 2011. Officer Ogden has expressed his desire to be appointed as a part-time dispatcher. Chief Hazard advised that Mr. Ogden is trained as a dispatcher and would be an asset to the Town. Motion to appoint Mr. Edward Ogden as a part-time Dispatcher was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Resignation – Sergeant Steve Dixon and Officer Edward Ogden – Motion to accept their resignations with thanks and appreciation for all their years of service was made by Councilwoman GREENE-KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Appoint P/T Substitute Bus Driver – Supervisor QUIGLEY advised that Mr. Tom Doyle would like to be hired for the position of part-time substitute bus driver. Motion to approve Mr. Tom Doyle as part-time substitute bus driver was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Appoint P/T FHWD Meter Reader – Supervisor QUIGLEY advised that Councilwoman GREENE-KRAFFT and Councilman MAZZOCCA have graciously agreed to go through the applications and select a candidate.

Councilman CLARK stated that when we were in the budget process, he believes that the Town was going to put out RFP's for all the Town's Consultants, Legal etc. Supervisor QUIGLEY advised that it wasn't necessary as a lot of the consultants have reduced their rates because they understood the difficult financial position the Town was in. Councilman CLARK stated that he was glad and just wanted the public to be aware.

Councilman MAZZOCCA advised that he had to bring something up even though it was a little bit strong; it needed to be said. Mr. MAZZOCCA read a letter that he prepared for the Board as follows: Due to all the conflicting reports, I would like to have a revote on entering in a contract with Camo so I can change my vote to no, give the other Board members that opportunity, and give our new Board member a chance to voice her opinion. I don't see any appreciable savings, we are giving Came the sewer department vehicles and equipment – free and last but not least, we are not doing justice to two Town employees I thought were being taken care of. The letter sent to the Board from Camo concerning Donald Van Leuven's employment is at best, ambiguous, and in my opinion, not worth the paper it's written on! In plain English it says – Don, give up your existing seniority, benefits, etc. and MAYBE we will hire you if, in OUR opinion, you are qualified. If we do hire you, there will be no guarantee that you will stay with us for any length of time! Despite heavy storm damage, the sewer plant is in good shape now, and I think the Town employees can keep it that way instead of entering in a contract to pay three quarters of a million dollars to a company that does not accept full responsibility. (There are some

things we will still be responsible for.) Therefore, I will now make a motion to rescind the vote of December 19th and revote on the Camo contract. Councilman CLARK seconded the motion.

ROLL CALL VOTE: Councilmen MAZZOCCA and CLARK – Aye, Councilwomen GREENE-KRAFFT, LONGINOTT and Supervisor QUIGLEY – Nay.

Motion does not carry.

Public Comment: Mr. Tony Incanno advised the Board that he had already had a meeting with the Supervisor but that he wanted their help as well. Mr. Incanno stated that for the last 6 to 8 months he has been trying to get information from the Assessors office via FOIL process with the Town Clerk's office and the assistants there have done a commendable job. Mr. Incanno advised that at the assessment meeting, the assessor used what is called "calculation of value cards". Mr. Incanno was under the impression that we would use comparables. He has tried to get access to these cards and the assessor will not comply. Mr. Incanno contacted Robert J. Freeman, executive director of the Committee on Open Government in Albany, and received two opinions that state that he is entitled to the information and again, the assessor will not comply. Mr. Incanno handed out packets to all the Board members and the Town attorney asking for them to review and perhaps schedule a meeting to resolve this issue. Ms. Eileen Hartmann stated that she was proposing something for the future based on what she is currently going through. Ms. Hartmann advised that her parents are in a land dispute with their neighbor, Mr. Benjamin Harris over a right of way. Ms. Hartmann advised that over the Holiday, Mr. Harris decided to exercise his option by using bull dozers, and cutting down trees. Ms. Hartmann could not reach a lawyer, title people or anyone due to the holiday. Ms. Hartmann added that she went to see Gary Vinson and he advised her that it was a civil matter. Ms. Hartmann checked with other towns and found that they have 30 – day notices where the person has to come to their neighbor and say in 30 days I intend to put bull dozers on your property and tear down all your trees and put in a road just because I want my own private driveway because I don't want to drive by another neighbor's house because I don't like his garbage bin. Ms. Hartmann brought her survey to Mr. Vinson today and advised him that they have cut down all the trees and have been delivering double dump trucks with gravel and was told that again that it was a civil matter, and they could not help her and all she was asking for was time to go to the courts and get her judgment. Ms. Hartmann advised that her brother was studying the Town's ordinances and found that if you are clearing more than 10,000 square feet; you have to get a permit, and Mr. Harris is clearing more than 20,000 square feet; also if you are doing more than a 15% grade, you have to get a permit; Mr. Harris is doing more than a 15% grade, he is going up a mountain. Ms. Hartmann stated that we should have a 30 day notice process in place because it would give people a chance to get their ducks in a row and start litigation if they needed to. Attorney GABA advised that he would be happy to look into a 30 day notice for the Town and requirements for building driveways vs. roads and will speak with Gary Vinson in the morning to find out what the situation is, and if appropriate to do a stop work order or perhaps look into sighting them for lack of permit. Mr. GABA added that he concurred that as an independent officer the determination of whether or not to take action is really up to Mr. Vinson and not something this Board could direct him to do. Councilman CLARK asked if there was any legal action that the Town could take because if it was a bait and switch because he proposed a driveway which is about 2,000 to 3,000 square feet and now we are up to 10,000 to 20,000 square feet; could Gary go to the code book and say you are over. Attorney GABA responded that it is still a private matter and Gary could sight them for doing the work without a permit but that wouldn't delay them for long. Attorney GABA advised that sometimes there are two sides to a story and it is something they are going to have to sort out. Ms. Hartmann again stated that she would like to see something put in place for the future and make sure that no one else has to go through this again.

A motion to close the Special Meeting and go into Work Session was made by Councilwoman GREENE-KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye. Special Meeting adjourned at 8:00 P.M.

Work Session: 8:00 P.M. – 8:18 P.M.

There being no further business to conduct, a motion to adjourn was made by Councilwoman GREENE-KRAFFT, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk