

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 14th day of December, 2009 in the First Floor Court Room, 183 Main Street, Cornwall, NY

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ALEXANDER MAZZOCCA
J. KERRY McGUINNESS
RANDOLPH CLARK
MARY BETH GREENE-KRAFFT

Also PRESENT: STEVE GABA, representing Attorney for Town, JIM LOEB, Esq.

PUBLIC HEARING – Proposed Local Law – Regulation of Wind Turbines – Supervisor QUIGLEY opened the Public Hearing with the reading of the Public Notice at 7:15 P.M. Orange County Legislator, Chris Eachus wished all a happy and healthy Holiday season and advised that while he did not have the opportunity to fully read the Local Law, he feels confident that this Board has done an excellent job. He stated that since this is the Town's first attempt at regulation of an alternative energy source, he wanted to be sure that we do not give the impression that the Board is against it as there are hundreds of millions of dollars available to invest in alternative energy forms. Mr. Eachus hoped that the creation of this law would encourage people to step forward to start testing other forms of alternative energy and that as a result, this Town receives quite a bit of money that is available for that. Mr. Hector Torres advised that while in Europe, (Germany) he witnessed single homes that have small wind turbines for individual use that are no bigger than satellite dishes, and wanted to know if the Board would in the future, as the technology becomes available in the U.S., revisit this Local Law and make adjustments for that. There being no further comments, a motion to close Public Hearing was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye. Public Hearing closed at 7:27 P.M.

Planning consultant, Leslie Dotson advised that the Planning Board only just submitted their comments/recommendations late today and were hoping that we could make modifications to the Local Law before adoption. The amendments include having a minimum acreage requirement of two acres, adding the Suburban Low Density Residence zoning district, to allow Planning Board to deny applications when found that a wind turbine would cause an environmentally deleterious effect on neighboring residences (visual, noise), and the recommendation that the local law be changed to allow the initial submission of a short form EAF and give the Planning Board the option to then require the applicant to submit a long form EAF if necessary.

Pledge

Approval of Minutes – Motion to approve the Minutes of the November 9th 12th, and December 7th 2009 Meetings was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items – None

Agenda Item #1 – Resolution – Local Law Wind Turbines – SEQR – Supervisor QUIGLEY advised that as a result of the recommendations we received from the Planning Board, he would like to table this issue. Motion to table was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – Adopt Local Law Wind Turbines – Motion to table was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – Special Prosecutor – Supervisor QUIGLEY advised that the County strongly recommends that local towns do their own prosecuting of traffic infractions. WHEREAS, the Orange County District Attorney has delegated to municipalities the authority to prosecute traffic infraction charges in local justice courts; and WHEREAS, the Town Board of the Town of Cornwall has determined that it is in the overall public interest to authorize counsel to prosecute traffic infraction charges on its behalf in the Town of Cornwall Justice Court; NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby create and establish a special prosecutor to prosecute all traffic infraction charges instituted in the Town of Cornwall Justice Court; and
2. That the Town Board does hereby appoint the Town’s Counsel, Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd PLLC, to act as “special prosecutor” commencing on January 1, 2010.

Motion to approve was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Approve Filtration System – Cornwall Town Pool – Supervisor QUIGLEY advised that the current filtration system is approximately 56 years old and needs to be replaced, and we are now ready to put this out to bid; work to be done hopefully this spring. Funds have been bonded and are available. WHEREAS, heretofore, the Town received a Work Order Agreement from the Town’s Consulting Engineers (“MHE”) for design services for the replacement of the filtration system for the Cornwall Town Pool, and WHEREAS, it would be in the best interests of the Town to enter into the Agreement with MHE, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby agree to enter into the Work Order Agreement, annexed hereto and made a part of this resolution, for the replacement of the filtration system for the Cornwall Town Pool, and authorizes the Supervisor to execute the same. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – Authorize Supervisor to Sign – Memorandum of Agreement – PBA Permanent Tours of Duty – Supervisor QUIGLEY explained that this is a result of the pilot program that was started about a year ago where permanent hours were set for our police officers. Councilwoman KRAFFT commented that as we are currently in contract negotiations with the PBA, she believes that this item should be included in that discussion, and only be considered at that time. Councilman CLARK asked for clarification as to why we would feel that way. Councilwoman KRAFFT stated that she voted that way last time for the same reason, this is an amendment to the contract and should be done at the same time and should be part of the current negotiations. WHEREAS, heretofore the Town Board has received a Memorandum of Agreement between the negotiating teams of the Town of Cornwall (“Town”) and the Town of Cornwall Police Benevolent Association (“PBA”), and WHEREAS, attached hereto and made a part of this resolution is Memorandum of Agreement wherein the parties agree to comply with the terms and conditions therein, NOW, THEREFORE, BE IT RESOLVED as follows: That the Supervisor be and he hereby is authorized to execute the annexed Memorandum of Agreement between the Town and the PBA agreeing to comply with all terms and conditions of the collective bargaining agreement, which has an expiration date of December 31, 2008, and to permanent tours of

duty bid by seniority, and modifying starting and ending times as set forth therein. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Councilmen MAZZOCCA, McGUINNESS, CLARK, Supervisor QUIGLEY – Aye, Councilwoman KRAFFT – Nay. Motion carried.

Agenda Item #6 – Resolution – Amend Local Law – Towing – Supervisor QUIGLEY advised that we have done a survey of other local municipalities and need to increase our Towing fees to be in sync with them. WHEREAS, heretofore the Town Board adopted Local Law No. 5 of the Year 2004 entitled “A local law repealing Chapter 137 of the Code of the Town of Cornwall entitled Towing”. And WHEREAS, the provisions of Section 137-9 of the local law provide for the amendment of the schedule of fees by resolution of the Town Board, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby establish the fee of \$200.00 per truck for each towing application or renewal thereof. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – PERMA -- Workers’ Compensation Renewal Quote – Supervisor QUIGLEY explained that he and Councilman CLARK reviewed the policies and determined that PERMA offered the best quote. WHEREAS, the Town Board has before it a Public Employer Risk Management Association Program Agreement for Third Party Administration Services between the Town of Cornwall (“Town”) and the Public Employer Risk Management Association, Inc., (“PERMA”), and WHEREAS, the Town Board has considered the agreement and is prepared to authorize its execution by the Supervisor, NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby agrees to enter into a certain agreement between PERMA and the Town which agreement will be effective on January 1, 2010, and
2. The Town Board hereby authorizes the Supervisor to execute the agreement and any other documents necessary to effectuate the agreement.

Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 – Resolution – Recognizing Sue Fink and Mary Ann Neuman – Supervisor QUIGLEY advised that Sue Fink and Mary Ann Neuman did a great job running the Art Program/Display in the Town Hall Conference Room for many years and that the Board would like to take a moment to recognize their efforts. WHEREAS, Sue Fink and Mary Ann Neuman have served as a two-person task force for many years past to identify and present art work from residents of the Cornwall Central School District to the public who visit the Cornwall Town Hall, and WHEREAS, by facilitating the display of talented artists from our community, Sue Fink and Mary Ann Neuman have added to the enjoyment and pleasure of many of our fellow residents who view the art as well as those who created the art, and WHEREAS, Sue Fink and Mary Ann Neuman have done all this as volunteers acting in the nicest tradition of service to others, and WHEREAS, it is fitting and proper that this Town Board recognize and applaud their efforts, NOW, THEREFORE, BE IT RESOLVED as follows: That the Cornwall Town Board by this resolution does hereby express the thanks of the entire Cornwall community to Sue Fink and Mary Ann Neuman for their untiring and successful efforts to bring works of art produced by local artists to the Cornwall public by displaying that art at the Cornwall Town Hall and by encouraging local artists from the Cornwall community to share their art with the community, and BE IT FURTHER RESOLVED, That a copy of this resolution be spread upon the minutes of the Cornwall Town Board meeting for December 14, 2009 and, BE IT FURTHER RESOLVED, That certified copies of this resolution be presented to Sue Fink and to Mary Ann Neuman with the thanks of the entire Cornwall Community.

Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye

Agenda Item #9 – Resolution – Recognizing Quadricentennial Coordinating Committee – WHEREAS, heretofore, the Town of Cornwall and Village of Cornwall-on-Hudson formed the 2009 Quadricentennial Coordinating Committee consisting of Deke Hazirjian, Collette Fulton, Ellen Kelly, Sally Ryan, Wynn Gold and Mary Beth Greene-Krafft to coordinate its 2009 Quadricentennial event, and WHEREAS, this Town Board on behalf of all of the citizens of the Town of Cornwall wishes to acknowledge the volunteer work of the above Committee members and express its thanks and appreciation to each of them for their service to the community, and WHEREAS, it is fitting and proper that this Town Board recognize and applaud their efforts, NOW, THEREFORE, BE IT RESOLVED as follows: That the Cornwall Town Board by this resolution does hereby express the thanks of the entire Cornwall community to the above members of the 2009 Quadricentennial Coordinating Committee for their exemplary and successful efforts to share the history, historical sites, points of interest and schedule of events with the community, and BE IT FURTHER RESOLVED, That a copy of this resolution be spread upon the minutes of the Cornwall Town Board meeting for December 14, 2009 and, BE IT FURTHER RESOLVED, That certified copies of this resolution be presented to Deke Hazirjian, Collette Fulton, Ellen Kelly, Sally Ryan, Wynn Gold and Mary Beth Greene-KRAFFT with the thanks of the entire Cornwall community. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Resolution – Cornwall Sewage Treatment Plant – Gas Generator – Supervisor QUIGLEY advised that we had put this generator out to bid and it came in very, very high and we are now going to get rid of any bells and whistles on the our specs and put out to bid again. WHEREAS, heretofore the Town Board determined that the sewage treatment plant owned and operated by Cornwall Sewer District located on Shore Road required the acquisition and installation of a new natural gas standby generator, and WHEREAS, the Consulting Engineer for the Town prepared a bid spec for the new generator and the notice to bidders appeared in THE CORNWALL LOCAL, and WHEREAS, bids were received, reviewed and rejected by the Town, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby authorize the re-advertisement of the notice to bidders and receipt of bids to be coordinated by the Town Supervisor and the Town Consulting Engineer. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – Purchase Two Benches – Supervisor QUIGLEY advised that this should be tabled until the Board received more information. Motion to table was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #12 – Set Reorganization Meeting Date in January – Supervisor QUIGLEY asked the Board if January 4th 2010 at 6:30 P.M. was agreeable. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – End of Year Budget Adjustments – Motion that the written budget adjustments be

placed into the Minutes and be given approval was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #14 – Liquor Licenses – Mountainville Manor & Avocado Inc. – Supervisor QUIGLEY read into the Minutes the renewal of liquor license for Mountainvill Manor and the initial liquor license for Avocado Inc.

Committee Reports:

Dog Control – Supervisor QUIGLEY advised that in an effort to create cost savings with dog control, the Board has decided to transfer that function to Superintendent of Buildings & Grounds, Albert Conley, at a yearly stipend of \$2,500.00. Attorney STEVE GABA asked if the Town currently has a part-time Dog Control Officer. Supervisor QUIGLEY advised that we do, and that the agreement was that she would do the job until we found a replacement. In addition, Supervisor QUIGLEY advised that this is a cost savings of approximately \$20,000.00. This was approved by our Labor Attorney, Thomas McDonough, and by the County Civil Service Department. WHEREAS, the Town has determined that the functions performed by the position of part-time Dog Control may be assimilated by other positions within the Town, NOW, THEREFORE, the position of part-time Dog Control is eliminated, effective December 21, 2009, and the employment of the person holding the position of Dog Control shall be terminated, effective immediately. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Motion to appoint Albert Conley to assume the duties of Dog Control at a stipend of \$2,500.00 was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Quadricentennial Committee: Councilwoman KRAFFT gave thanks to the extended members of the Committee, Jan Dempsey, Bob DeWitt, Sally Faith Dorfman, Cathy Ferrara, Kurt Haan, Andy Maroney, Heather O'Dell, Howard Protter, David Redden, Tim Reim, Melissa Strossa, Steve Wilkenson and Lee Murphy. Also thanks to every organization within the Town of Cornwall who included Henry Hudson, Fulton, and Champlain in their functions/events. Councilwoman KRAFFT advised that there will be three "Welcome to Cornwall" signs (including the Henry Hudson Quote) made up and paid for by grant funds – Total Cost is \$1, 150.00. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Councilwoman KRAFFT asked for approval of voucher for costs incurred for the kiosk, Henry Hudson quote at Angola Road Park. Total Amount -- \$567.91 – available from grant funds. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Economic Development Committee: Councilwoman KRAFFT requested approval for the Committee to have a Business Decorating Contest – awards will be similar to the ones given for the residential contest and are normally gift certificates for goods/services from establishments throughout the Town. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Building Department: Councilman MAZZOCCA advised that for the most part, its business as usual except for complaints about the building on the corner of Mailler Avenue and 218; which he believes is condemned. Councilman MAZZOCCA advised that he would look into this subject.

Time Warner Cable: Councilman MAZZOCCA advised that there was a new price increase due to added stations.

Police Training: Councilman MAZZOCCA advised that Officer Joseph Gebert attended a four day DWI Breath Analysis Operator Certification Course at the Orange County Police Academy. Officer Michael Thompson attended a two week New York State Division of Criminal Justice Services Crime Scene and Evidence Specialist Course at the Orange county Police Academy. Officers Joseph Gebert and Shannon Hansen attended a one-day Sexual Assault Investigation Course held at the Rockland County Police Academy.

Police Department News: Town of Cornwall Police Officers participated in Orange County STOP DWI enforcement resulting in arrests for DWAI (Drugs), Unlawful Possession of Marijuana and Aggravated Unlicensed Operation of a Motor Vehicle. Town of Cornwall PBA members, their families, and co-sponsored by the Knights of Columbus, volunteered their time for the annual Senior Thanksgiving Dinner which was held at the St. Thomas of Canterbury School on November 20th 2009.

Community News: Town of Cornwall residents are reminded that free gun locks are available at the Town of Cornwall Police Headquarters on a continual basis. Town of Cornwall residents are also reminded that free car seat installation is available through appointment with Police Officer Marcus Orellana. Group Tours of the Town of Cornwall Police Department are available to Town of Cornwall residents through appointment -- contact Chief Todd Hazard or Sergeant Steve Dixon for scheduling an appointment. Councilman MAZZOCCA was happy to welcome Chief Todd Hazard back from his training at the FBI Academy. Councilman MAZZOCCA further stated that during his absence, Sergeant Steve Dixon was the officer in charge of the Police Department and ran the Department smoothly and professionally and he therefore, recommended that an appropriate commendation be inserted in Sergeant Dixon's file.

Sewer Department: Councilman CLARK stated that we are working on new bids and better pricing on the generator as per DEC instructions. PERMA has been renewed.

Highway: Councilman McGUINNESS advised that in addition to the department's regular maintenance duties, they have dealt with two storms within the last two weeks, and fortunately due in large part to the Supervisor and Superintendent of Highway, additional salt was ordered and there were no shortcomings.

Conservation/Quadricentennial Committee: Councilwoman KRAFFT took a moment to thank Building & Grounds Superintendent, Albert Conley, his staff, Highway Superintendent, Bob Conley and his staff for being extremely helpful in making it a successful year for both committees.

Warrant #12 – Supervisor QUIGLEY called for a motion on Warrant #12. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment: Supervisor QUIGLEY read the following letter from Lorraine Bennett, Chairman Cornwall Republican Committee: Dear Members, I am writing to request that the Town Board reconsider the ethics regulation that prohibits appointed or elected officials from holding a party office. On researching other Towns in the county, I have been unable to find one that has such a regulation.

Since this is discriminatory in nature I doubt very much if it would be upheld if challenged. There is no question that this regulation inhibits all local political parties from utilizing their members to the best advantage. It also reduces the number of talented people the Town can appoint to positions. Thank you for considering this request. Mr. Graham Keldor stated for the record that he disagrees with Ms. Bennett and wants the rules to remain the same.

Manuel Longueira Jr. addressed the Board requesting for No Parking signs to be installed on both sides of Laurel Avenue (west of 9W) to Alfred Street due to heavy traffic. He stated that regardless of snow, his neighbor at 59 Laurel has parked his vehicle on the street in front of someone else's house since June and has not moved it into his newly widened paved driveway. Mr. Longueira stated that the road is not wide enough for ambulances, buses, handicapped persons, and children on bikes to navigate if people have their cars parked on both sides. Mr. Longueira stated that he hoped that something could be done before someone was hurt. This road is very busy and is the main thoroughfare into the Town from Quaker Mill. Mr. Longueira brought photos for the Board to review. Supervisor QUIGLEY advised him that both the Police Department and Superintendent of Highway would look into this situation and issue their findings to the Board.

Legislator, Chris Eachus recommended that bulk delivery of chlorine be considered along with the filtration for safety and economic purposes. He also stated that he agreed totally with Graham Keldor, he believes that the letter from Ms. Bennett is unnecessary and uncalled for. Being an elected official himself, he stated that politics and our elected official duties should be kept separated.

Michael Bigg asked for a status update on the agreement with COVAC. Supervisor QUIGLEY advised that it was still under review.

There being no further business to conduct, a motion to adjourn was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 8:45 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schneer
Town Clerk