

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 11th day of January, 2010, in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Supervisor
Councilpersons

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

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

Pledge

Approval of Minutes – Supervisor QUIGLEY called for a motion to approve the Minutes for the December 14th 2009 meeting and also to amend the January 4th 2010 Reorg Meeting by adding the following Court Attendants:

Alfred Lent	\$16.07	PH/Biweekly
Jon McWherter	\$16.07	PH/Biweekly
Hector Torres	\$16.07	PH/Biweekly
John Wrubleski	\$16.07	PH/Biweekly

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

ROLL CALL VOTE: Unanimous Aye.

Public Comment on Agenda Items – Mr. Mike Cooney of 59 Laurel Avenue wanted to address the Board on the issue of parking on Laurel Avenue. Mr. Cooney brought along photos that he wished the Board to review, showing that the majority of streets in Cornwall are approximately the same size as Laurel. As far as safety was concerned, Mr. Cooney stated there should be no problem here. He explained that a neighbor's house was on fire, and the fire department responded without a problem. Sidewalks for children/pedestrians to use are already in place on one side. Mr. Cooney felt that since most streets in Cornwall were the same size; Laurel should not be singled out as a "no parking" street. Mrs. Longueira also of Laurel Avenue advised that there is a lot of traffic that goes through to Quaker Mill. She stated that the sidewalk has been broken up by tree roots and is dangerous to use. She stated that the sanitation trucks sometimes have to backup. Mrs. Longueira recommended that some kind of restriction be placed such as no parking from Monday to Friday from 6 A.M. to 6 P.M. Mr. Howard, also of Laurel Avenue, stated that we have much more traffic going past Laurel. He believes that most everyone who owns a home on this block have sufficient room to park multiple cars in their driveway. He advised that it isn't fun to jockey your cars around in the driveway, but that's what most people do. He also believes that speed has picked up due to racing to make the light at 9W.

Agenda Item #1 – Resolution – Set Public Hearing – Regulation of Noise – Supervisor QUIGLEY advised that adjustments have been made to the Local Law and that we need to set a Public Hearing to review the adjustments. WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: A Local Law to create Chapter 101 of the Code of the Town of Cornwall entitled "Regulation of Noise", and WHEREAS, the Town Board has determined that it is appropriate and in the public interest to enact

a local law for the purpose of preventing loud and disturbing noises which cause annoyance, alarm or undue inconvenience, and WHEREAS, a proposed local law has been prepared. NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law entitled: A local law to create Chapter 101 of the Code of the Town of Cornwall entitled "Regulation of Noise", and
2. That a public hearing on the proposed local law is set for February 8th 2010 at 7:00 o'clock P.M. and that due notice of the same is directed to be given by publication and posting.

A motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – Set Public Hearing – V&T Law – Parking on Laurel Avenue – A motion to table was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – Stormwater Management – Supervisor QUIGLEY advised that this is a project that we have been working with our engineers and the DEC, and now need to set a Public Hearing. WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: A local law amending the Code of the Town of Cornwall to add a new Chapter 121 entitled "Stormwater Management", and WHEREAS, the Town Board wishes to establish minimum acceptable standards for stormwater management facilities within the Town of Cornwall, and WHEREAS, a proposed local law adding Chapter 121 of the Code of the Town of Cornwall has been prepared, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law entitled: A local law amending the Code of the Town of Cornwall to add a new Chapter 121 entitled "Stormwater Management", and
2. That the proposed local law be forwarded to the Orange County Department of Planning for review and report, and
3. That a public hearing on the proposed local law is set for February 8th 2010 at 7:25 o'clock P.M. and that due notice of the same is directed to be given by publication and posting.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Cell Tower – AT&T Upgrade Facilities -- Supervisor QUIGLEY invited Mr. John First, representing attorney for AT&T to give a brief description of the proposed project. Mr. First advised that currently AT&T has three (3) antennas and one equipment cabinet on the Town Hall grounds. The proposed changes are to add three (3) more antennas at the same elevation along with two (2) more equipment cabinets. The antennas are of a similar size – slightly wider than the existing ones. Councilman CLARK stated that AT&T is upgrading their equipment in order to make more money and wanted to know if the Town was being rewarded for allowing these changes. Attorney STEVE GABA advised that this is a modification under the current lease and that we can further negotiate when the this lease expires. WHEREAS, heretofore the Town of Cornwall has entered into a land lease with Verizon for the construction of a cell tower on a portion of the Town Hall grounds, and WHEREAS, additional wireless cell companies have co-located their facilities on the said tower, and WHEREAS, AT&T Wireless is one of the cell companies maintaining facilities on the said tower; and WHEREAS, AT&T wishes to upgrade its facilities by adding three (3) new antennas to the existing array and adding two (2) new equipment cabinets on its existing concrete slab; NOW, THEREFORE, BE IT RESOLVED as follows: That the Town does hereby approve the proposed upgrade to the said facilities, and authorizes the

Building Inspector to issue a building permit upon submission of an appropriate application. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

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

Agenda Item #5 – Resolution – Orange County Office of the Aging – Authorize Supervisor to Sign 2010 Contract for Senior Dining Program --

WHEREAS, the County of Orange on behalf of the Orange County Office for the Aging has presented the 2010 contract for the Senior Dining Program for the Elderly between the county and the Town, 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 the County of Orange and the Town for the 2010 Senior Dining Program for the Elderly.
2. The Town Board hereby authorizes the Supervisor to execute the agreement and forward the same to the County of Orange.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – Generator STP – Award Bid to Gentech, Ltd. –

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 Town Board put the contract for acquisition and installation of the said generator out for public bid, and WHEREAS, from the bids received, the Town Board determined that Gentech, Ltd., was the lowest responsible bidder; and WHEREAS, by resolution adopted on December 14, 2009, the Town Board determined to reject all bids, and WHEREAS, THE Town Board has now reconsidered its position and wishes to accept the low bid of Gentech, Ltd., and WHEREAS, Gentech, Ltd. Has been contacted and has consented to enter a contract for acquisition and installation of the said generator under the bid that it submitted, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby rescind the resolution that was adopted on Dec ember 14, 2009;
2. That the Town Board does hereby declare Gentech, Ltd. to be the lowest responsible bidder and accepts Gentech's bid; and
3. That the Town Board does hereby award to Gentech the contract for acquisition and installation of a new natural gas standby generator in accordance with the bid specifications prepared by the Town's Consulting Engineer and authorizes the Town Supervisor to execute the contract.

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

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

Agenda Item #7 – Resolution – License Agreement – Tomacheski –

Supervisor QUIGLEY explained that this is an agreement with the owners of a piece of property that the Town needs to create drainage for stormwater on. Attorney GABA further advised that we do not know where the lines will be dug just yet, but a license agreement must be in place in order for us to go in and dig up the old lines to lay the new lines. Attorney GABA stated that the owner will then grant the Town a permanent easement to maintain and repair the lines as necessary. WHEREAS, the Town of Cornwall has before it a License Agreement between the Town and Anita Maria Tomacheski for the purpose of excavating the current water lines and replacing the same lines which are located on her property on Shore Drive, and WHEREAS, IT WOULD BE IN THE BEST INTERESTS OF THE Town to enter into the License Agreement with Ms. Tomacheski, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby

agree to enter into the License Agreement annexed hereto and made a part of this resolution between the Town and Anita Maria Tomacheski, and authorizes the Supervisor to execute the same. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 – Letter Regarding Receiver of Taxes Bonding – Supervisor QUIGLEY explained that this is a part of our official undertaking and something we have to do on a yearly basis. Supervisor QUIGLEY read a letter from our attorney regarding this issue into the minutes and a copy will be attached to the Minutes Book.

Agenda Item #9 – Association of Towns Annual Meeting & Training – Supervisor QUIGLEY explained that this training is to take place in New York City from February 14th to 17th 2010. A motion to approve the attendance and a meal allowance of \$50.00 per day was made for the following: Judges, NAVARA, THOMSON, Town Clerk, ELAINE TILFORD SCHNEER, Supervisor QUIGLEY, and Councilwoman KRAFFT was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Set Bid Opening – Front End Loader with Attachments – Supervisor QUIGLEY advised that all the documents went out and we now need to set the date for the bids. Motion to set bid opening date to February 1st 2010 at 7:10 P.M. was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – STEP Grant Award – Supervisor QUIGLEY advised that Chief Todd Hazard received a letter notifying us that on behalf of Governor David A. Paterson, the Town of Cornwall has been awarded \$5,525.00 to participate in the statewide “Selective Traffic Enforcement Program.” This program is to reduce aggressive driving and speeding. Supervisor QUIGLEY thanked the Chief for getting this award for the Town.

Agenda Item #12 – Surplus Vehicles & Equipment – Highway & Sanitation – Supervisor QUIGLEY advised that Superintendent of Highways, Robert Conley is requesting that the Board declare the following vehicles/equipment as surplus, and if so declared, that they be sold thru GovDeals.com:

1991 International Single Axle Dump Truck, 2500 series

VIN # 1HTGBNHR8MH297201

Mileage: 71,861

Engine Hrs. 8,010.5

To be sold with the following: Tenco 10’ reversible plow Model #TC-120-TE, Serial #211818

Reason for replacement: excessive rusting including floor boards, rear end and rear springs have shifted, not cost effective to repair.

1995 Chevrolet K3500 Heavy Duty 4x4, 1 Ton with Dump Body

VIN # 1GBJK34N1SE244689

Mileage: 83,761

To be sold with the following: Fisher 8’ Stainless Steel Material Spreader Model #855, Serial # 5366
8’ Diamond reversible snow plow

Reason for replacement: no reverse, excessive rusting, material spreader required gasoline engine and gear box, not cost effective to repair.

2000 Chevrolet K3500 Heavy Duty 4x4 1 Ton (Less sub frame & dump body)
VIN # 1GBJK34R8YF433538
Mileage 51,641
Reason for replacement: cracked frame will not pass NYS Inspection

Motion to declare the above as surplus to the Town of Cornwall was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – Surplus Equipment for Scrap – Highway -- Supervisor QUIGLEY received a request from Superintendent of Highways, Robert Conley to declare the following equipment as surplus to the needs of the Town of Cornwall and be sold as Scrap for a dollar value:

Air flow 10' Mild Steel Material Spreader
Model AF024D, Serial #9211
Reason for replacement: deterioration

25 Yard Formula 500 Heil High Compaction Rear Loader Garbage Body
Tailgate – Model #6153178, Serial #FP-5109817
Body – Model #612-1979, Serial #FP-5009817
Reason for replacement: tracks rotted and rusted causing blade to twist replaced with new Packer and Body in 2004 and installed on 1994 Cab/Chassis

1995 Tenco 10' Dump Body – All Season
Serial #6094
Removed and replaced with Chassis mounted spreader

2000 2-3 Yard Rugby DU8-3LT 8' Dump Body
Serial #90490
Reason for replacement: deterioration and rust

1990 aluminum 20 ft. New Yorker Recycle Body
Reason for replacement: removed from 1991 International Cab & Chassis which was replaced with a 10 yard side load Garbage Packer (still in service)

3-Aggregate Tailgate Chip Spreaders
Reason for replacement: safety, chipper now rented during oil/chip surface operations

A motion to declare all the above items as surplus and to be sold as scrap was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #14 – Sale of 2002 Ford Explorer – GovDeals.Com – Supervisor QUIGLEY advised that we have sold the 2002 Ford Explorer through Gov.Deals.com and received \$2,599.25.

Agenda Item #15 – Personnel -- Resignation, Appointment, Training:

Resignation: Chief Hazard received a letter of resignation from part-time Dog Control Officer, Sharon Kerry, which was effective December 18th 2009. Motion to accept was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Appointment: Chief Hazard submitted a letter respectfully requesting that the Town Board appoint Mr. Angel Hernandez as a part-time Court Attendant at the prevailing rate of \$16.06. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Appointment: Superintendent of Highways Motion to appoint Robert Conley for another term of two years was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Training – Hudson Valley Code School: Supervisor QUIGLEY received a request for Board approval to allow Building Inspector, Gary Vinson and Assistant Building Inspector Bob Lacey to attend the 23rd Annual Hudson Valley Code School. The school will be held at the Poughkeepsie Grand Hotel on April 7th, 8th, and 9th, 2010 from 8:00 A.M. to 5:00 P.M. Student registration is \$285 for a total of \$570.00 and includes all conference materials. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Training: Supervisor QUIGLEY received a request from Bookkeeper, Pam Wood, to attend the Annual Government Finance Officers Association Conference on March 24th and 25th, 2010 in Albany N.Y. The cost would be \$185.00 for the conference, meals included, hotel accommodations for two nights and mileage. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #16 – Pitney Bowes/Postage Machine –Supervisor QUIGLEY advised that he received a letter from Town Clerk, ELAINE TILFORD SCHNEER, requesting authorization to end the lease on the current postage machine as it breaking down due to wear and tear. The Town Clerk recommends entering into a new agreement with Pitney Bowes for a DM475 Digital Mailing Solution Model at a cost of \$289.00 per month for a period of 60 months. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Committee Reports:

Sewer: Councilman CLARK advised that the Department is finally going to get their generator.

Economic Development Committee: Councilman CLARK advised that he has invited the Economic Development Committee to join in on a meeting with the Greater Cornwall Chamber of Commerce this Thursday in his office, along with Eric, who is one of the Town's engineers, to explain the survey being done on Main Street.

Insurance: Councilman CLARK advised that we will be getting Insurance bids shortly for the renewal due on March 1, 2010.

Highway: Councilman McGUINNESS advised that the Department is busy doing normal seasonal maintenance on the roads. They have been very busy with the smaller storms we have experienced and have had to use a lot of salt, but he believes that they have done an excellent job. The Pick-up truck that was on State Bid order came in today and the Packer is coming in tomorrow.

Recreation: Councilwoman KRAFFT advised that the Department is working on their programs for 2010. Please check the web site for the schedule for the year.

Conservation Committee: Councilwoman KRAFFT advised that the Committee completed a successful water front clean-up project and were recognized nationally for their efforts in different brochures, pictures, and documents. Thanks to all who helped throughout the year.

Angola Road Park: Councilwoman KRAFFT thanked all who helped to make it a successful year for the Park.

Police Training: Councilman MAZZOCCA advised that Police Officers Gebert and Hansen attended training on Child Abuse Investigations Involving Serious Injury and Fatality.

Police Department News: Councilman MAZZOCCA advised that the New York State Department of Criminal Justice Services recently did an on-site inspection and follow-up to a past grant that this agency received. The auditor was extremely pleased with the record keeping and purchases made in reference to the grant.

Letters of Commendation: Councilman MAZZOCCA advised that a letter of commendation was given to Sergeant Dixon for overseeing the day to day operations of the police department during Chief Hazard's attendance at the FBI Academy. A letter of commendation was also given to Officer Manion as well as Sergeant Dixon for overseeing and assisting in the remodeling of the police station. Councilman MAZZOCCA stated that the remodeling came out very nice.

Cornwall Police Department: Councilman MAZZOCCA took a few moments to state that as liaison to the Department and having worked closely with them, he firmly believes that from the Chief down to the newest recruit, full-time, part-time as well as dispatchers, all are well trained professionals who do their job very well. Councilman MAZZOCCA pointed out a pin that he wears in his lapel, as do all our officers, signifying that the Cornwall Police Department, after a very thorough inspection of our performance in every aspect of police work from written reports to arrests made by highly qualified people, passed with flying colors and became one of the very few accredited police departments in the State of New York. It doesn't end there, we will be periodically re-inspected, and if we do not pass, we can lose our accreditation. Councilman MAZZOCCA stated for the record that he believes the Cornwall Police Department is doing a very fine job and he is proud of them.

Warrant #1 – Supervisor QUIGLEY called for a motion on Warrant #1. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Public Comment: Jack Boyle requested that the Town Board appoint a committee to act along with COVAC liaison, Councilman McGUINNESS, in order to get moving on the agreement between the Town and COVAC. Supervisor QUIGLEY advised that he just received the letter today and that the Board have not discussed it as of yet. Jack Boyle advised that he did not expect a decision tonight. Jack also added that COVAC had received an unprecedented 19 calls in the last two days.

County Legislator, Chris Eachus welcomed the newly re-elected Board Members and advised that he is looking forward to working with them and wished all a Happy New Year. Mr. Eachus stated that it was his hope that COVAC gets bored with no more calls. Legislator Eachus pointed out that the Town of Cornwall lost a fine young man in an accident, and it was his hope that others can learn from his loss, in spite of the fact that the roads are maintained very well, and the Town's Police Department is top notch, we all have to be very careful.

A motion to go into closed session with our attorney was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS at 8:40 P.M. with no action to be taken.

ROLL CALL VOTE: Unanimous Aye.

A motion to name Councilwoman KRAFFT as delegate to the Association of Town's Meeting and Supervisor QUIGLEY as the alternate was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 9:45 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schneer
Town Clerk