

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 12th day of January, 2009 in the First Floor Courtroom, 183 Main Street, Cornwall, N.Y.

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.

Public Hearing – Amend Local Law No. 1 – The Public Hearing was opened at 7:30 P.M. with the reading of the Legal Notice. Supervisor QUIGLEY advised that the Local Law would amend Chapter 158 Section 158-39A and Section 158-41A(8) and would require that the Notice of Public Hearing of the Planning Board and the Zoning Board of Appeals be published by the applicant and that the Notice of Public Hearing be mailed by the applicant Certified Mail Return Receipt Requested. There being no comment from the public, a motion to close the Public Hearing was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried. Public Hearing closed at 7:32 P.M.

Public Hearing – Amend Local Law No. 2 – The Public Hearing was opened at 7:32 P.M. with the reading of the Legal Notice. Supervisor QUIGLEY advised that the Local Law would repeal Section 125-6F and enact in its place and stead as follows: There shall be a 4% inspection fee for private roads and other private improvements incorporated as part of a subdivision approval based upon the accepted improvement cost estimate. The 4% review fee shall be paid to the Town prior to the Chair of the Planning Board signing the final subdivision plat. There being no comment from the public, a motion to close the Public Hearing was made by Councilman CLARK, seconded by Councilman McGUINNESS.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried. Public Hearing closed at 7:35 P.M.

Public Hearing – Amend Local Law No. 3 – The Public Hearing was opened at 7:35 P.M. with the reading of the Legal Notice. Supervisor QUIGLEY advised that the Local Law Section 158-19I is amended by repealing 2% and enacting in its place and stead 4%. There being no comment from the public, a motion to close the Public Hearing was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried. Public Hearing closed at 7:37 P.M.

Pledge

Approval of Minutes – A motion to approve the Minutes from the December 8th 2009 meeting was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Public Comment on Agenda Items – None

Agenda Item #1 – Resolution to Amend Local Law #1 – Chapter 158 Section 158-39A and Section 158-

41A(8) of the Code – SEQR – Supervisor QUIGLEY read the Resolution as follows: WHEREAS, this is an action subject to SEQR, and WHEREAS, the Town Board is the sole Involved Agency, and as such has caused to be prepared a short Environmental Assessment Form, and WHEREAS, the Town Board has conducted a public hearing on the proposed Local Law and heard all persons interested in the subject matter of the same, NOW, THEREFORE, BE IT RESOLVED as follows: That after considering all of the information presented to it including the short EAF the Town Board determines that the adoption of this Local Law will not result in any significant adverse environmental impacts and does hereby issue this Negative Declaration and authorize that the appropriate box in Part III of the short EAF be checked and that the short EAF be signed by the Supervisor. Motion to adopt was made by Councilman McGUINNESS, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #2 – Adopt Local Law #1 – Supervisor QUIGLEY read the Resolution as follows: NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this Local Law entitled: A Local Law amending Chapter 158, Section 158-39A and Section 158-41A (8) of the Code of the Town of Cornwall, which said Local Law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany. Motion to adopt was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #3 – Resolution to Amend Local Law No. 2 – Chapter 125 Section 125-6F of the Code –

SEQR Supervisor QUIGLEY read the Resolution as follows: WHEREAS, this is an action subject to SEQR, and WHEREAS, the Town Board is the sole Involved Agency, and as such has caused to be prepared a short Environmental Assessment Form, and WHEREAS, the Town Board has conducted a public hearing on the proposed Local Law and heard all persons interested in the subject matter of the same, NOW, THEREFORE, BE IT RESOLVED as follows: That after considering all of the information presented to it including the short EAF the Town Board determines that the adoption of this Local Law will not result in any significant adverse environmental impacts and does hereby issue this Negative Declaration and authorize that the appropriate box in Part III of the short EAF be checked and the short EAF be signed by the Supervisor. Motion to adopt was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #4 – Resolution to Adopt Local Law No. 2 – Supervisor QUIGLEY read the Resolution as follows: NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this Local Law entitled: A Local Law amending Chapter 125, Section 125-6F of the Code of the Town of Cornwall, which said Local Law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany. Motion to adopt was made by Councilman McGUINNESS, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #5 – Resolution to Amend Local Law No. 3 – Chapter 158 Section 158-19I of the Code—

SEQR – Supervisor QUIGLEY read the Resolution as follows: WHEREAS, this is an action subject to SEQR, and WHEREAS, the Town Board is the sole Involved Agency, and as such has caused to be prepared a short Environmental Assessment Form, and WHEREAS, the Town Board has conducted a public hearing on the proposed Local Law and heard all persons interested in the subject matter of the same, NOW, THEREFORE, BE IT RESOLVED as follows: That after considering all of the information presented to it including the short EAF the Town Board determines that the adoption of this Local Law will not result in

any significant adverse environmental impacts and does hereby issue this Negative Declaration and authorize that the appropriate box in Part III of the short EAF be checked and the short EAF be signed by the Supervisor. Motion to adopt was made by Councilman McGUINNESS, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #6 – Resolution to Adopt Local Law No. 3 -- Supervisor QUIGLEY read the Resolution as follows: NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: That the Town Board does hereby adopt this Local Law entitled: A Local Law amending Chapter 158, Section 158-19I of the Code of the Town of Cornwall, which said Local Law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany. Motion to adopt was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #7 – Resolution – Letter of Credit – Dan Z Holding Corp. – Supervisor QUIGLEY advised that this is Letter of Credit No. 245 in the amount of \$27,277.00 and will expire on February 1st 2009. This is maintenance security for the Traffic Light by CVS. WHEREAS, the Town Highway Superintendent and the Town’s Consulting Engineers have advised that there is no reason to retain any security on this project, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town of Cornwall does hereby authorize the Supervisor to surrender said Orange County Trust Company Letter of Credit No. 245 as amended in the amount of \$27,277.00 issued on behalf of Dan Z Holdings Corp. Attorney, STEVE GABA, advised that Orange County has no problem with the operation of it, if and when they take over that section of roadway. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #8 – Resolution – Scott Hecht, Inc. – Towing – Supervisor QUIGLEY advised that he received a letter from Police Chief Todd Hazard advising that Mr. Hecht has completed and meets all of the Town’s requirements, and he therefore recommends adding Scott Hecht Inc. to the Town’s Towing List. NOW, THEREFORE, BE IT RESOLVED as follows: That this Town Board does hereby approve the

issuance of a towing license to Scott Hecht Inc. and authorizes the addition of Scott Hecht, Inc. to the Town's towing list. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNES.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #9 – Jaime Riegel – Please see comments under Personnel.

Agenda Item #10 – Award Contract Bid for Court Security – Supervisor QUIGLEY advised that we have received prices for 48 interlocking chairs and bids for construction – including concrete work, replacement doors, sliding window, wall repair - measures that are necessary to ensure security in the Court Room. Councilwoman KRAFFT advised that the funding comes from receiving Grant awards from 2008 and 2009. Councilwoman KRAFFT reminded everyone that we had a Security Audit in 2007, and we are trying to meet the requirements that the State has set forth.

Construction Bid

Yankee Construction Co.	Burns & Whalen	Ashcraft's Lock & Door Hardware Co.
\$15,900.00	\$17,000.00	\$11,347.76 – Bid Incomplete-Does not include demolition & sliding window

A motion to accept the low bid, Yankee Construction Co., was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Interlocking Chairs Quotes

Merrills	Corcraft	Hudson Valley Office Furniture
\$53 per chair	\$149 Per Chair	\$90 per Chair – option A \$130 per Chair – option B

A motion to accept the lowest bid was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Judicial Robes – Councilwoman KRAFFT advised that as part of the 2009 Grant, we received the purchase of three (3) Judicial Robes. The name of the company that was recommended and approved is Academic Apparel. The style to be purchased is the Seville, at a cost of \$170 per robe. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #11 – Association of Towns Training – Supervisor QUIGLEY advised that as per the Minutes of the March 10th 2008 meeting, the amount set for the daily meal allowance while attending the Association of Towns Training Conference was to be \$50.00. Motion to re-confirm was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Supervisor QUIGLEY read letters from Building Inspector, Gary Vinson; Town Clerk, Elaine Tilford Schmeer; and including one from himself requesting permission to attend the Association of Towns Training Conference on February 15, 16, 17 & 18 to be held at the Hilton in New York City. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Supervisor QUIGLEY read a letter from Councilwoman KRAFFT requesting to continue to represent the Town of Cornwall as the Delegate to the business meeting portion of the conference to be held on February 18th 2009. Motion to appoint Councilwoman KRAFFT the Delegate to the Town of Cornwall, with Supervisor QUIGLEY as the alternate, was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #12 – Personnel

Resignation: Supervisor QUIGLEY read a letter of resignation from part-time Dog Control Officer, Michelle M. McCormick. Ms. McCormick was offered a full-time position with the federal government in the Virgin Islands. Motion to accept with regret was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Resignation: Supervisor QUIGLEY read a letter of resignation from part-time Payroll Clerk, Jaime Riegel, effective February 1st 2009. Jaime’s letter stated that she and her family are moving further upstate and she took a moment to thank the Board, the Supervisor and all the staff. Jaime has offered to make herself accessible to the Town in an effort to make a smooth transition for her replacement. Councilman MAZZOCCA stated that Jaime did a great job for the Town and made a motion to accept her resignation with both thanks and regret, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

P/T Dog Control Officer – Supervisor QUIGLEY advised the Board that we are having a tough time trying to fill this position at the current salary of \$10.37 and that the salary needs to be adjusted. The Supervisor further stated that after review of the list of salaries, he would like to bring this position to the same salary level as crossing guard at \$13.44. Presently we have a temporary Dog Control Officer, Sharon Keery, who has agreed to stay on if we adjust the salary. As previously stated, the Town hired a person for this position only to have her move on to a full-time position. Motion to approve the salary adjustment for the position of part-time Dog Control Officer to \$13.44 was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Agenda Item #13 – Liquor License – Canterbury Brook Inn – Supervisor QUIGLEY read the Liquor License renewal application for the Canterbury Brook Inn into the minutes.

Committee Reports

Recreation: Councilwoman KRAFFT advised that the Recreation Department is offering a beginner's East Coast Swing Class. This is a six-week program beginning on January 19th 2009 at Munger Cottage from 7:00 P.M. to 8:30 P.M. The fee is \$60.00 per person or \$90.00 for two. There is a \$12 walk-in charge if you want to take only one class. No partners are necessary as we have many people attending. Please go online to see all the upcoming events and programs for 2009.

Cornwall Seniors: Councilwoman KRAFFT advised that the Orange County Office of the Aging is offering many programs this winter season. They are offering assistance for heating, finances, health and safety. Councilwoman KRAFFT recommends you contact the County Department for further information.

Henry Hudson Committee: Councilwoman KRAFFT advised that kicking off the Quadri-centennial is the Museum as one of the first groups in Town stepping up to the plate to start our year. They will be holding seminars on Thursday evenings at the Presbyterian Church in Cornwall-on-Hudson starting in January and running through the beginning of February. The seminar will be on all the information on Hudson, Fulton, and Champlain. There will be a small donation at the door.

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

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye
Councilwoman KRAFFT	Aye
Supervisor QUIGLEY	Aye

Motion carried.

Highway & Sanitation: Councilman McGUINNESS advised that the Departments have been kept very busy with the inclement weather. Salt supplies have run low again and we had to purchase more one week shy of making it to 2009.

Planning Board: Councilman McGUINNESS advised that the Board held interviews earlier in the evening for the two positions and they will be filled shortly.

Sewer Department: Councilman CLARK advised that the Department is continuing their discussions to keep up with the Department of Environmental Conservation and its requirements on the generator that we have to secure sometime this year.

Insurance Committee: Councilman CLARK advised that the Committee will be getting quotes in for our Liability, which is due March 1st 2009. Motion to appoint De Forrest Group to secure a Broker Record Letter for Argonaut Insurance Co. was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

Councilman MAZZOCCA	Aye
Councilman McGUINNESS	Aye
Councilman CLARK	Aye

Councilwoman KRAFFT Aye
Supervisor QUIGLEY Aye
Motion carried.

Police Training: Councilman MAZZOCCA advised that Officer Carillo has completed his field training.

Police Department News: The new records management system is working flawlessly. The countywide server has arrived and it is anticipated that the Town of Cornwall Police Department will be sharing data with all of the other users by the end of the month.

Community News: With the passing of the holidays come more cell phones and devices capable of text messaging. Motorists are reminded that using a cell phone while driving is a violation of the New York State Vehicle and Traffic Law, Section 1225. Text messaging while driving is behavior that would be considered reckless, if the operator was involved in a motor vehicle accident. Councilman MAZZOCCA believes this practice to be just as dangerous as driving while under the influence of alcohol or drugs. Councilman MAZZOCCA stated that the time for talking is over and we need to get tough.

Police Department Shifts: Councilman MAZZOCCA advised that he would like to try a pilot program where there are no shift changes every few weeks; instead he would like to have steady shifts given out by seniority. This program would be done on a trial basis only and is contingent upon feedback from the Union. Motion to approve the proposed pilot program and to execute the necessary paperwork for the Union to sign off was made by Councilman MAZZOCCA, seconded by Councilman CLARK. Councilwoman KRAFFT feels that there are still too many questions at this time to go with this pilot.

VOTE:

Councilman MAZZOCCA Aye
Councilman McGUINNESS Aye
Councilman CLARK Aye
Councilwoman KRAFFT Abstained
Supervisor QUIGLEY Aye
Motion carried.

Public Comment: Orange County Legislator, Chris Eachus, wished all a happy New Year and took a moment to thank the Town Board and Supervisor for the past three years working together and looked forward to this year. Legislator Eachus commended the Cornwall DPW for the excellent job on all the roads during the last snow and ice storms.

A motion to adjourn the Regular Meeting and go into Executive Session to discuss Personnel in the Assessor's Office was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

VOTE:

Councilman MAZZOCCA Aye
Councilman McGUINNESS Aye
Councilman CLARK Aye
Councilwoman KRAFFT Aye
Supervisor QUIGLEY Aye

Motion carried. Regular Meeting adjourned at 8:33 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk

