

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 9<sup>th</sup> day of November, 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 Noise** – Supervisor QUIGLEY opened the Public Hearing with the reading of the legal notice at 7:10 P.M.

**In Summary:** The Public Hearing began at 7:10 P.M. and ended at 8:15 P.M. There were many and varied opinions both for and against instituting a Local Law on the Regulation of Noise. Many were against the time schedule and many stated that it was much too subjective. Some wanted to know what measure would be used, i.e., decibels. Others wanted to know if they had to use the snow blower early in the morning to go to work, or late at night after work, would they be ticketed. Supervisor QUIGLEY thanked everyone for their comments and advised that the Board now has a lot of information to consider and stated that if any decisions were made, it would be done at a public meeting. A motion to close the Public Hearing was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

Supervisor QUIGLEY called the Regular Meeting to order at 8:20 P.M.

## **PLEDGE**

**Approval of Minutes** – Motion to approve the following Minutes: October 8<sup>th</sup> 13<sup>th</sup> 15<sup>th</sup> 20<sup>th</sup> 26<sup>th</sup> 28<sup>th</sup> and November 2<sup>nd</sup>, made by Councilman MAZZOCCA, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Public Comment Agenda Items** – None

**Agenda Item #1 – Resolution – Set Public Hearing – Local Law Wind Turbines** – Supervisor QUIGLEY explained that we have a Local Law before the Town that would permit and regulate residential and commercial Wind Turbines. WHEREAS, the Town Board has determined that it is appropriate and in the public interest to adopt certain amendments to the existing law, and WHEREAS, a proposed Local Law amending Chapter 158 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 Zoning Law of the Town of Cornwall to Permit and Regulate Residential and Commercial Wind Turbines”, and

2. That the proposed Local Law be forwarded to the Orange County Department of Planning for review and report, and
3. That the proposed Local Law be forwarded to the Town of Cornwall Planning Board for review and report, and
4. That a public hearing on the proposed Local Law is set for December 14<sup>th</sup> 2009 at 7:10 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 MAZZOCCA, seconded by Councilwoman KRAFFT.  
**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #2 – Resolution – Request for Proposals for Dog Shelter** – Supervisor QUIGLEY advised that we are putting together a request for proposal for a Dog Shelter in order to solicit written proposals for the Dog Shelter and Dog Control functions for the Town. WHEREAS, attached is an appropriate RFP soliciting written proposals up until 4:00 P.M. on November 30<sup>th</sup> 2009 and WHEREAS, several parties have previously expressed an interest in providing this service to the Town, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Cornwall Town Board hereby determines to publish a notice in *THE CORNWALL LOCAL* soliciting written proposals, and
2. That a copy of the annexed RFP is on file in the Office of the Town Clerk and is available for inspection during Town Clerk's regular business hours, and
3. That the Town Board will send written notice of RFP to the parties who have previously expressed an interest in providing this service to the Town.

Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.  
**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #3 – Resolution – Authorize Supervisor to Sign BOCES Agreement** – Supervisor QUIGLEY advised that this is an ongoing agreement. WHEREAS, heretofore the Town Board has received the Clinical Experience Contractual Agreement between the Town of Cornwall Police Department and the Orange-Ulster Board of Cooperative Educational Services ("BOCES") from Sergeant Steve Dixon of the Cornwall Police Department, and WHEREAS, the Agreement provides that the Town and BOCES agree to offer an educational program to students in the BOCES program, and WHEREAS, the Agreement shall be effective from October 26<sup>th</sup> 2009 to June 30<sup>th</sup> 2012 with renewal periods, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby agree to proceed with offering an educational program to students in the BOCES program, and That the Supervisor be and hereby is authorized to execute the annexed Clinical Experience Contractual Agreement. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #4 – Resolution – Tomacheski Drainage Easement** – WHEREAS, heretofore the Town Board received a request from the Superintendent of Highways to secure a drainage easement on certain property located at 157 Shore Drive in the Beaver Dam Lake district of the Town, owned by Anita Tomacheski and appearing on the tax maps as Section 2, Block 1, Lot 8, and WHEREAS, the Highway Superintendent is requesting the Town Engineer to prepare a

description of the easement premises and the Town Attorney to prepare a temporary construction easement and a permanent drainage easement on said premises, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That this Town Board does hereby authorize the Town Engineer to prepare a description of the easement premises, and
2. That this Town Board does hereby authorize the Attorney for the Town to prepare the necessary easement documents, and
3. That the Supervisor be and he hereby is authorized to execute any and all documents necessary to complete the easement process.

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

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #5 – Resolution – Hazen Street Sidewalk/Curbing Improvement Project Award –**

Supervisor QUIGLEY advised that the Hazen Street project went out to bid and that this Resolution declares to whom the contract was awarded. WHEREAS, heretofore on October 28<sup>th</sup> 2009 the Town received sealed bids for the Hazen Street Sidewalk/Curbing Improvement Project, and WHEREAS, the Engineer for the Town reviewed the scope of the work and proposal submitted and recommends that the Town award the project to Nannini & Callahan (The “Contractor”) for total amount of \$156,608.00, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby award the Hazen Street Sidewalk/Curbing Improvement Project to the Contractor for a total amount of \$156,608.00.
2. That a Notice of Award should be prepared and forwarded to the Contractor.
3. That the Supervisor be and hereby is authorized to execute any and all necessary documents.

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

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #6 – Resolution – IT Intermunicipal Agreement New Windsor –**

Supervisor QUIGLEY explained that we have had an agreement between New Windsor and our Police Department and now have the option of using their services Town wide at a significant savings. WHEREAS, the Town of Cornwall has found the Information Technology Officers to be helpful and knowledgeable and the use of their services to be appropriate for all Town departments, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That this Town Board hereby agrees to proceed with the Intermunicipal Agreement with the Town of New Windsor for the provision of cooperative information technology services to all Town of Cornwall departments.
2. That the Supervisor be and he hereby is authorized to execute any and all documents necessary to extend the Intermunicipal Agreement to cover all Town of Cornwall departments.

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

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #7 – Resolution – Authorize Supervisor to Sign CSEA Retiree Dental MOA –**

Supervisor QUIGLEY advised that this process provides a group rate for the retirees at no cost to the Town. WHEREAS, heretofore the Town Board of the Town of Cornwall has received a Memorandum of Agreement (“MOA”) concerning coverage under the CSEA Employee Benefit Fund Retiree Dental Plan, and WHEREAS, the MOA now contains the changes previously requested by the Town Attorney, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this MOA, and That the Supervisor be and he hereby is authorized to sign the MOA on behalf of the Town of Cornwall. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #8 – Resolution – Authorize Supervisor to Sign CSEA Contract –**

Supervisor QUIGLEY advised that this is a follow-up to the contract the Board approved back in May. WHEREAS, the Town of Cornwall and the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees Union, AFL-CIO, recognized union for the Town of Cornwall Unit, Orange County Local 836 (“Union”) following negotiations are prepared to enter into an Agreement for the period January 1<sup>st</sup> 2009 through December 31<sup>st</sup> 2012, and WHEREAS, the attached document contains the agreement between the parties, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt the above Agreement between the Town of Cornwall and the Union for the period January 1<sup>st</sup> 2009 through December 31<sup>st</sup> 2012, and That the Supervisor be and he hereby is authorized to sign the Agreement on behalf of the Town of Cornwall. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #9 – Resolution – Menorah Request – Chabad-Lubavitch –**

WHEREAS, heretofore the Town Board of the Town of Cornwall has received a request from Rabbi Yacov Borenstein, the Executive Director of Chabad-Lubavitch of the Mid-Hudson Valley, to place a 6’-8’ Menorah on the Town Hall Park grounds for the festival of Chanukah, and WHEREAS, Rabbi Borenstein is further requesting the use of the Community Center at Town Hall on Thursday, December 17<sup>th</sup> 2009, at 5:00 P.M. for a Chanukah celebration for the community, and WHEREAS, the Town Board has considered the request from Chabad-Lubavitch, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby grant the request of Chabad-Lubavitch of the Mid-Hudson Valley to place a 6’-8’ Menorah on the Town Hall Park grounds for a period from December 11<sup>th</sup> 2009 to January 3<sup>rd</sup> 2009 subject to the following:

1. A statement of the date the display will be erected and the day it will be removed;
2. An executed hold-harmless agreement waiver; and
3. Proof that Chabad-Lubavitch has liability insurance covering its activities in erecting the proposed display; and

That the Town Board does hereby grant the request of Chabad-Lubavitch of the Mid-Hudson Valley to use the Community Center on Thursday, December 17<sup>th</sup> 2009, at 5:00 P.M. for a Chanukah celebration for the community. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #10 – Resolution – Water Rents Relevy – Village of Cornwall on Hudson, Firthcliffe Heights Water District, Beaver Dam Lake Water Corporation** – WHEREAS, the Town Board has been presented with a list of unpaid water charges:

1. owed by properties outside of the Village of Cornwall-on-Hudson receiving water from the Village of Cornwall-on-Hudson;
2. owed by properties in the Firthcliffe Heights Water District, and
3. owed by properties serviced by the Beaver Dam Lake Water Corporation, and

WHEREAS, it has been requested that the Town Board adopt a resolution forwarding the list of property owners together with the unpaid charges to the county of Orange requesting that the same be relevied on the 2010 general tax bill it being understood that when the Town of Cornwall receives the taxes including the unpaid water charges that the Town will then remit the unpaid water charges to the appropriate entity, NOW, THEREFORE, BE IT RESOLVED as follows: That after due consideration of the above requests the Town Board does hereby adopt this resolution agreeing to forward the list of unpaid water charges listed by property owner to the County of Orange together with the request that the aforesaid unpaid water charges be relevied against the listed properties and that the same appear on the 2010 general tax bill.

Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.  
**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #11 – Resolution – Tax Exemption – Village of Cornwall-on-Hudson** – Supervisor QUIGLEY advised that this is an annual request. WHEREAS, HERETOFORE THE Town Board of the Town of Cornwall has received a request from the Village Board of the Village of Cornwall-on-Hudson to grant tax exemption from 2011 Town taxes to certain properties owned by the Village of Cornwall-on-Hudson in the Town of Cornwall outside of the incorporated Village of Cornwall-on-Hudson, and WHEREAS, the Town Board has considered the request from the Village Board, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this resolution denying the request of the Village Board of the Village of Cornwall-on-Hudson to exempt certain properties in the Town of Cornwall outside of the Village of Cornwall-on-Hudson, which said properties are used by the Village of Cornwall-on-Hudson for water supply purposes. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #12 – Resolution – Vacation** – Supervisor QUIGLEY advised that this is in regards to vacation policy for employees. WHEREAS, the vacation policy for Town employees is to grant four weeks paid vacation after ten years, and WHEREAS, Linda Marasco has completed more than ten years of employment, although not in consecutive years, and WHEREAS, the intent of the policy is clear for long-term employees, NOW, THEREFORE, BE IT RESOLVED as follows: That Linda Marasco is entitled to four weeks paid vacation commencing as of January 1<sup>st</sup> 2010. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #13 – Surplus Equipment – Court Desks** – Supervisor QUIGLEY advised that there were two desks that were declared surplus from the Court that have been transferred to the Police Department for use.

**Agenda Item #14 – Broadway & Main Street – Accept Proposal from Nannini & Callahan** – Supervisor QUIGLEY advised that a 10” sewer main had to be repaired at Broadway and Main Street and of the three bids we received, Nannini & Callahan came in as the low bid at \$5,544.00 for equipment, labor and materials. Motion to award the contract to Nannini & Callahan was made by Councilwoman KRAFFT, seconded by Councilman CLARK.  
**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #15 -- R&S Roofing & Sheet Metal Co. – Town Hall Roof** – Supervisor QUIGLEY advised that the Town Hall Roof is in need of repairs and we received an estimate from R&S Roofing in the amount of \$6,500.00. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.  
**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #16 – Angola Road Park – Purchase Equipment** – Councilwoman KRAFFT advised that we have grant funds available to purchase the following from Yannone in New Windsor:

Six (6) – 6ft. picnic tables @ \$225.00 each:	\$1,350.00
Three (3) – park benches @ \$125.00 each:	375.00
Sealer for the pavilion beams:	<u>300.00</u>
Total	\$2,025.00

Councilwoman KRAFFT further advised that the materials meet the Scenic Hudson requirements. Motion to approve the purchase order was made by Councilman McGUINNESS, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #17 – Surplus Items Sold on Gov Deals** – Supervisor QUIGLEY advised that we have sold the following equipment via Gov Deals.Com: (Government version of eBay)  
1995 Kubota with 2 Snow Blowers -- \$982.35.

**Agenda Item #18 – Budget Adjustments** – Supervisor QUIGLEY read the budget adjustments into the record. This included the transfer of \$161,837.33 from the Capital account to Highway to pay off Hazen Street Ban from bond proceeds. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

**ROLL CALL VOTE:** Unanimous Aye.

A hard copy will be attached in the Minutes Book.

**Committee Reports:**

**Police Training:** Councilman MAZZOCCA advised that Officer Carillo attended training on Prescription Drug Abuse. Officer Orellana and Officer Hansen attended Animal Cruelty

Investigation training. All full-time and part-time officers attended the semi-annual firearms training. Dispatcher Schofield and Dispatcher Farmer attended Active Shooter Training for dispatchers at the Orange County 911 Center.

**Police Department News:** Councilman MAZZOCCA advised that during the Columbus Day holiday weekend, Town of Cornwall Police Officers arrested four male juveniles in separate incidents for numerous acts of graffiti and criminal mischief to areas of the Town to include the Town Park, the Town Library and various Town street signs. Officer Ogden in conjunction with the Orange County Sheriff's Department participated in the Cornwall Special Ed – P.T.O. Event held at the Cornwall High School, performing "IDENT-KITS", Fingerprinting for children.

**Community News:** Councilman MAZZOCCA advised that with the winter months now upon us, residents are reminded to use extreme care on area roadways and to be cautious of wet leaves, freezing road conditions and black ice.

**Sewer:** Councilman CLARK advised that due to the problems of the sewer line at Broadway and Quaker, we will be snaking that line once a month as a preventative measure.

**Highway:** Councilman McGUINNESS advised that we held the Electronics Collection on the 7<sup>th</sup> of November. The road program is done for the year and the department is busy with winterizing. The Councilman further stated that hopefully we will only have a few storms this season and should have enough salt.

**Recreation Department:** Councilwoman KRAFFT advised that there is an up-coming trip to Atlantic City scheduled for November 19<sup>th</sup> – sign up through the Rec. Department. Also there will be a trip to Lancaster Pennsylvania in the first week of December and a trip to New York City the second week of December.

**Conservation Committee:** Councilwoman KRAFFT advised that the Town of Cornwall and the Quadricentennial Committee are holding a planting event on November 22<sup>nd</sup> 2009 beginning at 2:00 P.M. at the entrance to the Angola Road Park. We invite all to come help us plant 400 Daffodil bulbs. Thanks to the Explore 400 Grant, cider and munchkins will be provided to those who participate in this event.

**Warrant #11 –** Supervisor QUIGLEY called for a motion on warrant #11. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Public Comment:** Graham Kelder mentioned that there is a property at Mailler and Rt. 218 that is in shambles and is quite an eye sore, and wanted to know if any tickets were issued. Supervisor QUIGLEY advised that he would look into it and let him know.

Kathy Ellick asked if the IT agreement with New Windsor was to apply to only the Police Department or were their services to be used by all the departments. Supervisor QUIGLEY advised that we will be using their services Town wide.

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

**ROLL CALL VOTE:** Unanimous Aye. Meeting adjourned at 9:15 P.M.

Renata McGee  
Stenographer/Deputy Town Clerk  
(Transcribed from Recording)

Elaine Tilford Schneer  
Town Clerk