

SPECIAL MEETING of the CORNWALL TOWN BOARD was held on the 19th day of December, 2011 in the Second Floor Conference 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: Attorney STEVE GABA, representing attorney for Town, JAMES R. LOEB, Esq.

Pledge of Allegiance

Public Comment Agenda Items – Alan Douches of 5 Stable Way, Cornwall on Hudson, asked for clarification on the MTA payroll tax. Attorney GABA advised that the MTA payroll tax was enacted by the State to help fund Metro North, and what it does is it imposes a tax based on the amount of payroll of local employees to help fund trains, buses and subways. The problem that the Board is addressing tonight is that the tax also applies to local government so the County pays for it, the Town pays for it, the Village pays for it, etc.; so if you are a local employer, you pay for it once through your business, and then through your town/village/city and county. Councilwoman GREENE-KRAFFT advised that this will be the second time the legislature has amended the payroll tax; the first time it was amended to exempt school districts, now they just went back to special session to exempt schools, private schools and some businesses, but again they left out counties, towns, cities and villages and it is not fair because we raise our revenue through the taxpayers and we should really be removed from this, and it only applies to Orange County, Dutchess County and further south. The rest of the 62 counties in New York State are not paying this MTA Tax.

Agenda Item #1 – Resolution – Police Retirement Incentive – Supervisor QUIGLEY advised that this is in reference to an item we talked about during the budget process, and we are offering a window where police officers who are eligible for retirement can do it as an incentive for the Town to save money. WHEREAS, the Town of Cornwall and the Town of Cornwall Policemen's Benevolent Association, Inc. have agreed to the terms of a Memorandum of Understanding dated December 15th 2011 ("MOA") regarding, among other things, the institution of an early retirement incentive program for Police Officers within the Town of Cornwall Police Department with twenty or more years of service with municipal employers covered under the New York State Civil Service Law; and WHEREAS, the members of the Town of Cornwall Board have read the MOU and are familiar with its terms; NOW THEREFORE BE IT RESOLVED that the Town accepts and ratifies the terms of the MOU under which, among other things, the Town will waive, for eligible Police Officers who apply during the specified eligibility period only, the service requirement contained in Article 6, Section 5(A) of the 2005 – 2008 collective bargaining agreement between the Town and PBA, as modified by the Interest Arbitration Award for the period January 1, 2009 to December 31, 2010, requiring Police Officers to have completed at least 20 years of service with the Town of Cornwall Police Department to qualify for insurance coverage upon retirement. BE IT FURTHER RESOLVED that the Temporary Retirement Incentive Program shall end effective December 31, 2011. On December 31, 2011 and continuing thereafter, the retirement of Police Officers from the Town of Cornwall Police Department shall be governed solely by the terms of the applicable collective bargaining between the Town and the Town of Cornwall Policemen's Benevolent Association,

Inc. then in effect. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – Camo Pollution Control – Supervisor QUIGLEY advised that this is in reference to Camo Pollution taking over the running of the sewer plant. Councilman CLARK stated that he did not understand the email that was sent out by the Supervisor’s office showing the expenses from 2009, 2010 and 2011 to illustrate the savings. Supervisor QUIGLEY advised that these were the actual numbers of what was spent for those years. Councilman CLARK stated that we had \$812,000 in 2009, \$791,000 in 2010 and \$863,000 up to December 13th 2011; these numbers aren’t a budget number, they are actual expenses; in there are probably the three worst years we ever had for the past 50 to 60 years; so by combining those three years and dividing by three your getting an average of the highest three years in a budget and that makes no sense as we had a hurricane, emergency sludge removal, a generator that we rented at Beaver Dam that we rented at \$2,500 per month and a new generator that only had 6 – 8 hours of life on it and that cost us \$85,000 which is in that budget number. Councilman CLARK added that we have picked 3 ridiculous cost years as our budget number. Councilman CLARK stated that we now have a brand new sewer plant; the panel box alone will save a tremendous amount so the \$726,000 is our budget and it includes our SPEDES permit, painting and lawn maintenance and under Camo’s contract terms it is not included and he doesn’t see where Camo is doing us any favors, and does not see where we are saving one nickel. Supervisor QUIGLEY advised that the permit fees are included in Camo’s contract as well as all maintenance. Councilman CLARK believes that Camo took that \$726,000 amount that we put in for our budget and ran with it. Councilman CLARK stated that the Supervisor did a really good job of insulting our current employees by saying that Camo had a professionally run sewer department; which insinuates that our people do not have a professionally run sewer department. Councilwoman GREENE-KRAFFT advised that Camo has engineers on their staff. Councilman CLARK reiterated that these numbers do not make any sense, we are not saving anything; we have a competent department and they have a brand new sewer plant down there. Councilwoman GREENE-KRAFFT advised that we made cuts in the budget number by taking out the fees for sludge removal and we took out 1 ½ employees. Councilman McGUINNESS advised that it was anticipated that one employee would take the incentive retirement and on November 7th 2011, we recognized that that would not be the case, and it was determined that \$54,000 would have to be figured back into the budget. Councilman CLARK responded that that amount is not in Camo’s budget either and we had anticipated him retiring and he is not but indirectly he is anyway. Councilman CLARK asked that come January 2nd 2012 does he show up to work or not. Supervisor QUIGLEY answered no because Camo is taking over the entire operation and they only kept one employee which would be Don Vanleuven. Councilman McGUINNESS advised that the savings is \$54,000 because the budget is theoretically short by that amount to staff the same as we are staffing right now. After more discussion, Supervisor QUIGLEY read the resolution as follows: WHEREAS, the Town Board has before it a proposed contract with Camo Pollution Control, Inc. (“Camo”) for the management, supervision, operation and maintenance of the Town’s wastewater treatment facilities, and WHEREAS, the Town Board finds that the proposed contract is acceptable and in the best interests of the Town, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby approve the said contract; and
2. The Town Supervisor is hereby authorized to sign the said contract.

A motion to approve the Camo Contract conditioned upon the clarification of the maintenance of the plant (paint, lawn care, etc.) was made by Councilwoman GREENE-KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Councilwoman GREENE-KRAFFT, Councilman McGUINNESS, MAZZOCCA and Supervisor QUIGLEY – Aye, Councilman CLARK – Nay. Motion carried.

Agenda Item #3 – Resolution – MTA Payroll Tax – WHEREAS, the Town Board is in receipt of correspondence dated December 7th 2011 from the County Executives of the Counties of Dutchess, Orange, Putnam, Rockland, Suffolk, Nassau and Westchester Counties addressed to the Governor, the Senate Majority Leader and the Assembly Speaker asking that local governments be removed from the MTA payroll tax, a copy of which is attached hereto, and WHEREAS, the Town Board agrees with the views expressed in the said letter and wishes to add the Town’s voice to those calling for an end to the financial burden imposed on local governments by the MTA payroll tax, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Supervisor is hereby requested and required to immediately send a letter to the Governor, the Senate Majority Leader and the Assembly Speaker joining in the said letter of the County Executives asking that local governments be removed from the MTA payroll tax.

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

ROLL CALL VOTE: Unanimous Aye

Meeting with Cornwall School Board – Supervisor QUIGLEY advised that the Town Board had met with the Cornwall School Board and administration earlier today to discuss the concerns of the cert /SCAR cases. The School has had to write checks to payoff some of these cases in the amount of over one million dollars; which is pretty much what they had put in their reserves. Supervisor QUIGLEY added that we will be working together to come up something to help this situation. Councilman CLARK added that this meeting was for informational purposes and that the second part was to find a solution. Councilman CLARK advised that our Assessor brought them up to speed as to where we are in the process of getting all the properties reassessed. Councilman CLARK stated that the School Board wanted to know what the hold-up was and it is cost and with that we were very proactive in agreeing to proceed to find a solution and work together with both Boards. Councilman CLARK advised that we will have to have a meeting with our Assessor and see how many properties are left and proceed with what the cost factor will be. The School Board would like to see this done within a year to a year and a half.

Public Comment: None

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

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 7:45 P.M.

Councilwoman GREENE-KRAFFT wished everyone a happy holiday and a healthy New Year. Councilman MAZZOCCA added to Councilwoman GREENE-KRAFFT’S wishes and amended it to Merry Christmas.

Renata McGee
Stenographer/Deputy Town Clerk