

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 13th day of April, 2009 in the First Floor Court Room, 183 Main Street, Cornwall, NY

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ALEXANDER MAZZOCCA
J. KERRY MCGUINNESS
MARY BETH GREENE-KRAFFT

ABSENT: RANDOLPH CLARK

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

Surplus Vehicles: Supervisor QUIGLEY opened the Surplus Vehicles Bid Process with the reading of the Public Notice at 7:20 P.M. The vehicles up for bid are:

1997 Ford Expedition
VIN: 1FMFU18L8VLB56436
Mileage: 100,245

1997 Ford Crown Victoria
VIN: 2FALP71W4X213682
Mileage: 109,412

There were no bids from the floor. Sealed bids were opened as follows:

Mr. Keith White -- bid \$1600.00 -- Expedition and \$1400.00 -- Crown Victoria.

Liberty -- bid \$1261.99 -- Expedition and \$511.99 -- Crown Victoria.

A motion to close the Bids was made by Councilwoman KRAFFT, seconded by Councilman MCGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Public Hearing – Amending Proposed Local Law – Dogs -- Supervisor QUIGLEY read the Public Notice on Amending Proposed Local Law at 7:25 P.M. Attorney, GABA, explained that the Town of Cornwall pays the Newburgh SPCA for

Boarding, veterinary care, shots, etc. and that the Town is entitled to recoup these fees. There being no comments from the public, a motion to close the Public Hearing was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Pledge

Approval of Minutes – A motion to approve the March 9th 2009 Minutes was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items – **Graham Keldor** asked what items 12, 13, & 15 were about. Supervisor QUIGLEY explained that item 12 was in reference to a copier lease for COVAC, item 13 is a copier lease for the Recreation Department and item 15 deals with quotes to replace the siding on the new Recreation Department building.

Anthony Incanno stated that in 1984, Black Rock Fish & Game Club stood by Cornwall and SOS in their fight to preserve the Moodna Stream. Mr. Incanno sent a note to Black Rock letting them know that SOS will stand by them. Anthony requested that the Town Board stand tall for the taxpayers and vote to appeal the judge's decision regarding article 78 for Legacy Ridge.

Agenda Item #1 – Resolution – Stone Hollow Bond Reduction – Supervisor QUIGLEY advised that the Town's Engineers, McGoey, Hauser and Edsall, have recommended that the performance security be reduced from \$1,797,694.30 to \$1,456,877.95. WHEREAS, the developer has caused improvements to be constructed on the site and has requested a reduction in the performance security, and WHEREAS, the Town's consulting engineers have reviewed the request for a reduction in performance security and now recommend performance security in the reduced amount of \$1,456,877.95, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby set performance security for the Stonehollow (a/k/a Willow Woods) Major Subdivision in the reduced amount of \$1,456,877.95 to be submitted to the Town Attorney in the form of a Letter of Credit or performance bond for review and

approval. Motion to adopt was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – New Windsor Cornwall Rotary Club – Supervisor QUIGLEY received a letter from Drew Kartiganer requesting permission to hold a 10 Road Race along Route 218, to end at the Cornwall Town Hall on October 17th 2009. The race would start at 9:00 am and would require 218 to be closed from 8:30 am to 12:00 noon. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – Orange County Pavement Markings Agreement – Supervisor QUIGLEY advised that this is a yearly agreement. WHEREAS, the Town of Cornwall has received an Agreement for Application of Pavement Markings by the County on Town, Village and City Highways within Orange County, and WHEREAS, it would be in the best interests of the Town to enter into the Agreement with the County, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby agree to enter into the Agreement for Application of Pavement Markings by the County on Town, Village and City Highways Within Orange County and authorizes the Supervisor to execute the same, and BE IT FURTHER RESOLVED, That the Town agrees to provide the County with the required certificates of insurance together with the Agreement executed by the Supervisor. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Community Development Block Grant 2010 – Supervisor QUIGLEY advised that we need to set a Public Hearing for May 4th 2009 at 7:00 pm right before our Work Session. WHEREAS, heretofore the Town has determined to apply for an FY-2010 Community Development Block Grant Program grant, and WHEREAS, prior to completing the grant application it is required that the Town Board hold a public hearing for input from the Community as to what the Town should apply for under the Block Grant Program. NOW, THEREFORE, BE IT RESOLVED as follows: That a public hearing on the application for an FY-2010 Community Development Block Grant Program grant is set for May 4th 2009 at 7:00 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 Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – SEQR Amend Local Law – Dogs – Supervisor QUIGLEY advised that amending the Dog Law is subject to SEQR. 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 approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – Adopt Local Law – Dogs -- Supervisor QUIGLEY read the Resolution as follows: WHEREAS, heretofore the Town Board has considered the adoption of a local law entitled: A local law to amend Town Code Chapter 77 “Dogs” to amend the fees due and payable upon impoundment of an animal, and WHEREAS, following due notice the Town Board held a public hearing on the proposed local law, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this local law entitled: A local law to amend Town Code Chapter 77 “Dogs” to amend the fees due and payable upon impoundment of an animal, 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 MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – Traffic Survival Workshop – Supervisor QUIGLEY advised that this is a safety program for any employee who drives Town vehicles. This program will also be offered to other Town employees and their family members. NOW, THEREFORE, BE IT RESOLVED as follows:

1. That this Town Board does hereby agree to enter into a contract with National Traffic Safety Institute for Town employees who drive Town vehicles at a cost in accordance with paragraph 5 of the Agreement.
2. That the said "Traffic Survival Workshop" is mandatory for all employees who drive Town vehicles.
3. That the fee for each employee covered by paragraph 5 of the Agreement will be paid by the Town.
4. That the Town will also make the course available to any other Town employee or family member at the employee or family member's sole cost and expense.
5. That the Supervisor be and he hereby is authorized to execute any and all documents necessary to effectuate the provision of a "Traffic Survival Workshop" by National Traffic Safety Institute.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 Resolution – Legacy Ridge – Supervisor QUIGLEY read the Resolution as follows: WHEREAS, the Town of Cornwall and others have commenced a lawsuit in New York State Supreme Court challenging certain local laws adopted by the Village of Woodbury in regard to the proposed development of real property by Legacy Ridge at Highland Mills, LLC; and WHEREAS, a decision and order has been rendered in the said lawsuit dismissing the Town of Cornwall from the suit on the grounds of lack of standing; and WHEREAS, the Town Board feels that the said decision of the Court should be appealed; NOW, THEREFORE, BE IT RESOLVED as follows: 1. That the Town Board does hereby authorize the Town's attorneys to appeal from the said order of the Court. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #9 – Resolution – Repeal Local Law – Flood Damage Prevention – Supervisor QUIGLEY advised that the Town's consulting engineer has advised that in order for the Town to be eligible for the National Flood Insurance Program, the Town must enact an updated local law. The Supervisor further advised that we need to set a date for a public hearing. WHEREAS, the Town Board has determined that in order to maintain the Town's eligibility in the National Flood

Insurance Program the Town must update and modify the existing local law in compliance with FEMA and NYSDEC regulations, and WHEREAS, a proposed local law repealing Chapter 87 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 repealing Chapter 87 of the Code of the Town of Cornwall entitled "Flood Damage Prevention", 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 May 11th 2009 at 7:15 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 MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Resolution – SEQR – Flood Damage Prevention – Supervisor QUIGLEY read the Resolution as follows: NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board is the sole Involved Agency and as such does hereby assume Lead Agency status in connection with this action. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – Resolution – Arbor Day -- Supervisor QUIGLEY read the Resolution giving the history of Arbor Day and proclaimed April 24th 2009 as the 137th Anniversary Celebration of Arbor Day. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #12 – Authorize Supervisor to Sign Lease Agreement – COVAC – Supervisor QUIGLEY explained that the Agreement is for an Ikon Office Solutions copier. The monthly cost will be \$136.00 including all parts and maintenance. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – Authorize Supervisor to sign Lease Agreement – Recreation Department

Supervisor QUIGLEY advised that this lease is for a copier for the Rec. Department at a cost of \$114 per month. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #14 – COVAC – Purchase Two-Way Radios

Supervisor QUIGLEY advised that he received a request from COVAC for the purchase of twelve (12) Icom model #IC-F3061T VHF portable radios with battery and charger for each unit. The list price is \$675.00. COVAC is also requesting to replace four (4) batteries at a cost of \$50.00 each for the Icom portable radios for model 3020. The total purchase is \$3668.00. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #15 – Award Contractor – Recreation Building

Supervisor QUIGLEY advised that the siding on the Recreation had to be replaced due to wear and tear. The following bids were submitted:

Burns & Whalen --	\$4,500.00
Vescon Construction Inc. --	\$5,845.00
Yankee Construction --	\$6,475.00

Motion to accept the lowest bid (Burn & Whalen) was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #16 – Firthcliffe Sewer District – Inflow & Infiltration Monitoring

Supervisor QUIGLEY explained that the Town is required to do the monitoring as per the DEC. This process will require a total of six (6) monitoring units for at least one month. The Town's consulting engineers has given us two quotes to consider as follows:

A Plus Mechanical --	\$8,400.00 per month
Fred A. Cook Jr. Inc. --	\$10,400.00 per month

Motion to accept the low bid (A Plus Mechanical) was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #17 – Orange County Youth Bureau – Solutions to Teen Violence

Application – Supervisor QUIGLEY advised that we are applying for a \$1000.00 grant for teen events. Motion to apply was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #18 – Spring Bulk Rubbish Pick-Up – Supervisor QUIGLEY read a memo from Superintendent of Highways, Robert Conley, requesting authorization to start the pick-up on Monday, April 20th 2009. Authorization for Highway and Sanitation overtime in order to expedite the clean-up was also requested. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Surplus Vehicles: Supervisor QUIGLEY called for a motion on the bids received. Motion to sell the cars to the highest bidder (Mr. Keith White) was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #19 – Personnel:

Retirement: Supervisor QUIGLEY read a letter from Building & Grounds Superintendent, John Wood, announcing his retirement effective June 1, 2009. Motion to accept with thanks for his service was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Appointment: Supervisor QUIGLEY advised that Karen Bidosky passed the Civil Service Test and did very well on a very thick manual. Motion to appoint Karen Bidosky to a permanent position as Recreation Leader was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Highway – Full-Time Position: Supervisor QUIGLEY read a memo from Superintendent of Highways, Robert Conley requesting authorization to hire Chris Servedio to fill in a full-time position of Chauffer/Laborer. Mr. Servedio holds a Class B License with Air Brake Endorsement; his hourly rate will be \$18.06 beginning on April 17th 2009. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Training: Supervisor QUIGLEY read a memo from Robert Conley requesting authorization to attend the 2009 Highway School in Ithaca. Total cost for the class and hotel will be \$570.00 plus fuel. Mr. Conley will be traveling in the Town's vehicle and would arrive on Sunday evening on May 31st 2009 and return to work on Thursday June 4th 2009. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Training: Supervisor QUIGLEY read a memo from Robert Conley requesting authorization to send Working Leader William Goldsmith to a Pavement Maintenance Workshop scheduled for April 28th 2009 in Middletown, NY. The cost will be \$40.00 per person, including breakfast and lunch. Mr. Goldsmith will incur plus or minus one hour of overtime and will use a Town vehicle. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Training: Superintendent of Highways, Robert Conley sent a memo requesting authorization to send Highway employees, James Collins, Thomas Shafer, Dave Pullar and Steve Guzzo for a Work Zone Traffic Control Workshop (flagging school) on April 22nd 2009 at a total cost of \$160.00. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Bonnie Blair Plaque – Supervisor QUIGLEY advised that he had a price quote for approximately \$1,020.00 for the bronze plaque honoring Ms. Bonnie Blair. Councilwoman KRAFFT will put together the verbiage. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Alex Ellick – Councilman MAZZOCCA advised that Alex, who is the videographer for the Town Board Meetings, suggests that we put our meetings on our website. Councilman MAZZOCCA thanked Alex for doing the videos of the meetings at no cost to the Town and thought his idea a good one. Supervisor QUIGLEY agreed and will give Alex the information he needs to contact our Web people.

Committee Reports:

Building Department: Councilman MAZZOCCA advised that business has picked up for the department. Fees collected are about \$1800.00.

Police Training: Police Officer Orellana attended a course in Juvenile Paperwork and Processing hosted by the Orange County Attorney's Office. Police Officer Thompson and Police Officer Carillo attended a course in Vehicle Interdiction. Roll call training was conducted on complete traffic stops.

Police Department News: The Cornwall Police Department participated in a table top exercise that was conducted at the High School. The department is assisting the High School in planning a Safe Driver Forum that will be held on May 26th 2009. The department received two (2) Alco-Sensors that were made available from a grant from the Governor's Traffic Safety Committee.

Community News: April is National Child Abuse Prevention Month. Suspected child abuse and neglect can be reported to the State Hotline at 1 (800) 342-3720. If a child is in immediate danger, call your local police department or 911.

Highway & Sanitation: Councilman McGUINNESS advised that the Spring Bulk Rubbish Pick-up is coming up. Road work to start soon, how much we can do is determined by how much we can afford. Hopefully, we can do most of what we planned on. This is a long-term project with the goal to address the roads more often than they have been.

Recreation Department: Councilwoman KRAFFT advised that we have upcoming trips to Wildwood and Canada – Montreal and Quebec. Please check the website for the numerous children's programs available.

Conservation Committee / Henry Hudson: Arbor Day will be celebrated on April 24th 2009 at 4:00 pm on the lawn of American Legion building. There will be a planting of a tree from the Garden Club and a planting of a tree from the Conservation Committee. All are welcome. There will also be a planting of 400 trees, to be done in collaboration with Black Rock Forest, for the marking of the 400th anniversary of the Hudson Quad. The Committee and Councilwoman KRAFFT had the privilege of working with Scenic Hudson on moving forward on the trails at Angola Road Park. There will be an adult trail, a children's trail, and in the future when funds are available, a boardwalk trail that will go through the wetlands which will be made handicap accessible. For those who are interested, you can go on-line for Henry Hudson information at [cornwalls09](http://cornwalls09.com).

Warrant #4 – Supervisor QUIGLEY called for a motion on Warrant #4. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Public Comment:

Graham Keldor asked if the speed limit on Mailer Avenue was raised because people were speeding. Supervisor QUIGLEY advised that he would have Chief Todd Hazard investigate.

Kathi Ellick asked for the status of the Town swimming pool and if there is a backup plan if the pool does not open. Supervisor QUIGLEY advised that we have fixed a lot of leaks last season and spent \$13,800.00 on the repairs. We believe that it will hold water. We are going to fix some surface cracks and reseal and paint them. We will hopefully fill the pool in early May to make sure everything is alright. The pool is definitely not for profit considering what it costs to operate it. Kathi asked if we would approach NEMA again. Supervisor QUIGLEY advised that he would not hesitate to ask them.

Graham Keldor stated that cell phone usage was being cracked down on and could we have that happen in Cornwall. Graham advised that the State Police is giving tickets out in Newburgh and that they could come to Cornwall. Supervisor QUIGLEY advised that we have our own police department to address the issue.

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

ROLL CALL VOTE: Unanimous Aye.

Meeting adjourned at 8:40 pm.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk