

REGULAR MEETING OF THE CORNWALL TOWN BOARD was held on the 11th day of August, 2008 at 7:00 P.M. in the 1st Floor Courtroom of Town Hall, 183 Main Street, Cornwall, N.Y.

PRESENT: Supervisor	D. KEVIN QUIGLEY
Councilpersons	RANDOLPH CLARK
	J. KERRY McGUINNESS
	MARY BETH GREENE-KRAFFT
ABSENT:	AL MAZZOCCA

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

Supervisor QUIGLEY opened the meeting at 7:00 P.M. for a Public Presentation and Comment on the annual MS4 report prepared by the Town's Consulting Engineers, McGoey, Hauser and Edsall, in compliance with the New York State Department of Environmental Conservation SPDES permit to operate a municipal separate storm sewer system known as MS4. The Legal Notice advising of this evening's presentation was read into the Minutes by the Town Clerk, ELAINE TILFORD SCHNEER. Supervisor QUIGLEY advised the public of the plan for implementing the requirements of the EPA/NYSDEC program. The Town's plan addresses issues such as:

1. Public education and outreach
2. Public involvement and participation
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post-construction storm water runoff control
6. Pollution prevention and good housekeeping practices for municipalities operations

The MS4 Permit has been re-issued to the Town for a two (2) year term. A copy of the MS4 Permit Annual Report is presently on file with the Town Clerk and is available for inspection during normal business hours. Supervisor QUIGLEY asked for questions and/or comments from the public. Ms. Kathi Ellick asked if the Town did street sweeping, and was advised by the Supervisor that the Town does do street sweeping. Mr. Hector Torres stated that he never saw the sweeper outside of Main St. Mr. Al Secor replied that he has seen the sweeper being operated on Willow Avenue as well as Main Street. There being no further comments from the public, Supervisor QUIGLEY asked for a motion to close the Presentation and Comment portion of the meeting. Motion to close was made by Councilman CLARK, seconded by Councilman McGUINNESS. Public Presentation and Comment meeting closed at 7:15 P.M. The Supervisor advised that we would open our Regular Board Meeting at 7:30 P.M.

Vote:

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

Motion carried.

Supervisor QUIGLEY called the Regular Meeting of the Town Board to order at 7:30 P.M.

Pledge

Supervisor QUIGLEY requested a motion to approve the Minutes of the July 14th and July 21st, 2008 meetings. Motion to approve with amendments was made by Councilwoman KRAFFT, seconded by Councilman CLARK. The amendment was to the July 21st, 2008 meeting. The Board went into Executive Session at 8:10 P.M. and adjourned at 9:10 P.M. with no action taken.

Vote:

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

Motion carried.

Public Comments - Agenda Items - None

Agenda Item #1 – Resolution -- Cornwall Commons – Supervisor QUIGLEY read a resolution basically stating that the Planning Board, in conjunction with Cornwall Commons and the Town’s consultants, have reviewed the Cornwall Commons Planned Adult Community project for the past several years and have determined that a private road with a 40 foot right-of-way and a 28 foot wide pavement with parking on one side to be an appropriate design for the roads within the Cornwall Commons PAC project. NOW THEREFORE, BE IT RESOLVED as follows: That based upon the recommendations of the Cornwall Planning Board and the Planning Board’s Engineer, the Town Board hereby determines that, except for the boulevard road in Cornwall Commons, which is proposed to be a public road, all the other roads within Commons shall be private roads with a 40 foot wide right-of-way, and a 28 foot wide pavement with parking on one side. Motion to adopt resolution was made by Councilman CLARK, seconded by Councilman McGUINNESS.

Vote:

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

Motion carried.

Agenda Item #2 – Resolution – Muser Drive - Supervisor QUIGLEY advised the Board that the Hudson Highlands Nature Museum requested permission to name the new entrance road off Angola Road: “Muser Drive.” Mr. Curt Muser was a supporter of the Hudson Highlands Nature Museum and Outdoor Discovery Center and a friend of the environment. Supervisor QUIGLEY read the resolution naming the new Town road at the Cornwall Town Park at Angola Road to be Muser Drive. Motion to adopt resolution was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

Vote:

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

Motion carried.

Agenda Item #3 – Resolution – Museum Temporary Signage – Grand opening of the Hudson Highlands Nature Museum – requesting permission for temporary signage. Motion to allow was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

Vote:

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

Motion carried.

Agenda Item #4 – Resolution – Orange County Municipal Parks Planning Grant – Supervisor QUIGLEY advised that this was a grant that Councilwoman KRAFFT was working on with several others and was very instrumental in the receiving of the grant. Councilwoman KRAFFT advised that the grant, in the amount of \$12,500.00, is to be used for recreational purposes in the installation of hiking trails and a gazebo for the new Cornwall Town Park at Angola Road. Councilwoman KRAFFT took a moment to thank Legislator Chris Eachus for his assistance with the grant. The Supervisor read the resolution into the minutes advising that there is a 50% matching requirement. Motion to adopt the resolution was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

Vote:

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

Motion carried.

Agenda Item #5 – Resolution – Town Board Lead Agency – Adopt Local Law – The Town Board of the Town of Cornwall is considering the adoption of a Local Law amending Chapter 94, Section 5 of the Code of the Town of Cornwall. In order to do this the Town must establish itself as the Lead Agency. Motion to adopt resolution was made by Councilman CLARK, seconded by Councilman McGUINNESS.

Vote:

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

Motion carried.

Agenda Item #6 – Resolution – Local Law Amending Chapter 94 – Code of the Town of Cornwall –

Supervisor QUIGLEY explained that the purpose of this amendment to the Local Law is to repeal the 20 gallons and enact in its place a maximum of 32 gallons. Councilman McGUINNESS pointed out that this does not mean that if your container is larger, the Town will not pick it up – the Town will pick up any **bagged** garbage regardless of size of container. The Supervisor read the resolution advising that a public hearing on the proposed Local Law is set for **September 8, 2008 at 7:15 P.M.** and that due notice of the same is directed to be given by publication and posting. Motion to adopt the resolution to set a public hearing was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

Vote:

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

Agenda Item #7 – Resolution – Newburgh Society for the Prevention of Cruelty to Animals – Supervisor QUIGLEY advised that the Dog Shelter has been an on-going problem for so long, that the time has now come to work out other arrangements. The Town will enter into an agreement with the Newburgh Society for the Prevention of Cruelty to Animals for a period of 1 year at a cost of \$8,200.00, plus expenses. This organization is located in New Windsor and is run by a Board of Directors, and their current President is Mr. Tom DiCarrado. Supervisor QUIGLEY further advised that the Town of New Windsor is also using this facility with success. The Town will no longer house any dogs – strays will be picked up and taken to the Newburgh SPCA. This process will save the Town money and the building can be reclaimed for other purposes after a good cleaning. Supervisor QUIGLEY read the resolution giving authorization to enter into the contract. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

Vote:

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

Agenda Item #8 – Resolution – JCAP Grant – Supervisor QUIGLEY advised that this is another grant that Councilwoman KRAFFT has been instrumental in pursuing and has some prior experience in. Councilwoman KRAFFT advised that we apply to this grant every year for either equipment or security and we have been very successful over the years. This grant has a maximum award of \$30,000.00 and is for the year of 2009. The Judges will give us their input on what equipment they might need, and then the grant can be submitted. Supervisor QUIGLEY read the resolution authorizing the completion and submittal of the grant. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

Vote:

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

Agenda Item #9 – Letter from Black Rock Bass Busters – Annual Fishing Derby – Supervisor QUIGLEY read a letter from Mr. William Carlstrom, Chairman of the Youth Committee for Black Rock Bass Busters, requesting permission to hold its annual Fishing Derby on August 23rd from 8:00 am to 12:00 pm, with a rain date of August 24th. This event was postponed earlier in the year due to excessive pond weeds and algae. Motion to allow was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

Vote:

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

Agenda Item #10 – Letter from Recreation Department – Parties Ala Cart – Supervisor QUIGLEY read a memo from Mr. Jim Kent requesting permission to allow Parties Ala Cart (Mr. Michael Marcantonio) to provide free popcorn and Sno-cones for the remaining Sunday night concerts. Mr. Marcantonio has existing insurance naming the Town as co-insured. Councilwoman KRAFFT made the motion to grant permission and also advised that the popcorn and Sno-cones were very good. Motion seconded by Councilman CLARK.

Vote:

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

Motion carried.

Agenda Item #11 – Approve SCAR Appraiser - Supervisor QUIGLEY advised that this was an issue that the Board had tabled at the July 14th meeting due to some questions. These questions now having been answered, a motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

Vote:

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

Motion carried.

Agenda Item #12 – Letter – DVD Recording of Town Board Meetings – Supervisor QUIGLEY read a letter from Alex Ellick, who is a junior in the Cornwall High School and is volunteering to supply the Town with his DVD recording of the Town Board Meetings. Alex will provide this service for free. He will make a copy of the DVD for the Town Clerk archives and a copy for Library circulation – it will also be aired on Time Warner – Access Channel 23, scheduled to air on the Monday night following the meeting between 8:00 and 9:00 P.M. Supervisor QUIGLEY advised that the Board thought this was a great idea. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

Vote:

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

Motion carried.

Agenda Item #13 – Sands Ring Homestead – Supervisor QUIGLEY read a proposal from Yankee Construction Co. to make repairs to the Sands Ring Homestead. The repairs include some siding, replacing rotten studs, and replacing windows. These repairs have to be done under Historical guidelines. The cost is \$4,200.00. The Town’s Building and Grounds Department will do the painting of the structure. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.
Vote:

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

Motion carried.

Agenda Item #14 – Personnel:

Appointment – Highway Department – Clerk - Supervisor QUIGLEY received a letter from Ms. Alida M. Graham, Director of Civil Service from the Orange County Department of Personnel, advising that from the Certified List of Eligibles – Examination #6213 Data Entry Clerk, the Town may appoint Marybeth Hand (a.k.a Beezer.) Superintendent of Highways, Bob Conley, attached a note requesting that the Board waive the probationary period, as Beezer has already served her time in the position. Motion to appoint Marybeth Hand was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.
Vote:

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

Motion carried.

Appointment – P/T Assistant Building Inspector – Supervisor QUIGLEY read a letter from Building Inspector, Gary Vinson, requesting that the Board hire Mr. Enrico (Rick) LoCiero as a part-time Assistant Building Inspector III at an hourly rate of \$15 per hour. Mr. LoCiero already has his Basic Code Enforcement Training Certificate. Supervisor QUIGLEY advised that this is an asset to the Town because we can bypass the time it would take to hire someone and then have them trained. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

Vote:

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

Motion carried.

Resignation – Part-Time Dispatcher – Supervisor QUIGLEY read a memo from Chief Todd Hazard asking the Board to accept the resignation of part-time Dispatcher Keith Parisi, effective August 12TH, 2008. Motion to accept was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

Vote:

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

Added to the Agenda – Renewal of Gesetner Digital Copy Machine – The Supervisor read a request from the Town Clerk, ELAINE TILFORD SCHNEER, requesting that the Board approve a renewal of contract for a Gesetner Digital Copy Machine. The Clerk’s office will receive new equipment as the current model is no longer being manufactured but the lease will remain the same as it previously was at \$260.00 per month. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

Vote:

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

Committee Reports

COVAC - Councilman CLARK advised that he received a letter from COVAC requesting a possible combination of our insurance policies, however it appears, that in the best interest of the Town and COVAC, we are going to keep separate policies. Councilman McGUINNES advised that COVAC responded to 141 calls last month, the most ever for a one-month period in their history. Councilman McGUINNESS stated that it was unfortunate that they were so busy.

Sewer Department- Councilman CLARK advised that he was having a meeting with Andy Masten, Superintendent of Sewers, and Supervisor QUIGLEY on August 12, 2008 at 2:00 P.M. to discuss the new limits that the Department of Environmental Conservation wants to impose on the Sewer Department. To date, the department has been in compliance, exceeding or meeting all their recommendations, but the DEC is trying to make the State a little greener by imposing tougher restrictions.

Highway Department - Councilman McGUINNESS advised that not surprisingly, the Highway Department has had to trim back slightly on their plans for road resurfacing. One of the roads that was supposed to be done this season will have to wait because the department is way over budget already on fuel for the equipment as well as asphalt expenses and oil expenses for the road paving program. Councilman McGUINNESS went on to say that the cost of oil has skyrocketed and as the department was replacing the oil, the price was different every day. The road not completed will be prepped and ready for resurfacing next spring.

Conservation Committee - Councilwoman KRAFFT stated that she will be meeting with the Conservation Committee next week to review the installation of the hiking trails at the Angola Road Park.

Trip to Italy – Councilwoman KRAFFT advised that 25 people have signed up and will be traveling with the Town to Italy in early November.

NYMA Pool – Councilwoman KRAFFT took a moment to thank NYMA for the use of their facilities this summer – “They have been a great asset to allow us to use the pool,” Councilwoman KRAFFT stated. She further advised that the pool will close on August 22nd 2008.

Sanitation Dumpster – Councilwoman KRAFFT asked the Board if we were still moving forward with the sanitation dumpster that the Board had discussed previously. Councilman McGUINNESS stated that it was still a work in progress in conjunction with the Village.

September Work Session – Supervisor QUIGLEY advised that as Labor Day falls on our regular work session night, the Board will be holding the meeting on **September 2nd**. The Supervisor further advised that the Village would like to chat with us that night at approximately 8:00 P.M. regarding issues with the Police Department – possible consolidation. Supervisor QUIGLEY stated that we already had jurisdiction down there and that nothing really will change for us. Supervisor QUIGLEY will let the Board know if the meeting will take place here or at the Village Hall – he is sure that the public will want to attend and he will let us all know when he has confirmation from the Village.

Warrant #8 – Supervisor QUIGLEY called for a motion on Warrant #8, motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS. Councilwoman KRAFFT wanted to note for the record that if any exemptions to any vouchers that are signed, they are noted on the signature receipts.

Vote:

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

Motion carried.

Public Comment

Mr. Peter Neuman – A resident of Cornwall-on-Hudson, asked the Board to take a look at the zoning situation as it exists on the east side of 9W. Mr. Neuman stated that” this is not a Chicken Little story, claiming that the sky is falling.” He stated that he has a reliable source in Kiryas Joel who has given him accurate information in the past regarding the Wells being bought by K.J. as well as Arden Hill Hospital. Mr. Neuman stated that he thinks it is a real problem in so far as the potential for developers from K.J. to purchase NYMA land at some point. Mr. Neuman was not concerned with the West side due to it being zoned PAC. The Fields on the east side fall under the Town of Cornwall and are zoned 10,000 square feet per townhouse (high density). If zoning stays that way, the type of town houses that will be built will be the same as the ones you see when you take a ride through K.J. This he feels is really something that we don’t want the community to abide with. Mr. Neuman further stated that if the zoning is correct as he believes at 10,000 square feet, then they need to be changed by the Board prior to that property being sold. He has heard that there is a great deal of interest – someone is talking about building a hotel. Mr. Neuman advised that if this property is sold without any zoning change and it is purchased by K.J. developers, the Town would have difficulty changing the zoning after the fact; there would be problems, lawsuits, etc. If the zoning is changed to 2 acres as we have in the rest of the Town, then there is no problem of townhouses on 10,000 square feet. Mr. Neuman further stated that he brought this to the Board’s attention because a lot of people feel as he does. He asked the Board to

double check this zoning and if correct to take whatever steps are necessary to propose changes on that zoning.

Mr. Gerry Wagner – Thanked the Board for having the Town’s legal counsel take a look at the Disorderly Property Ordinance that he presented last meeting. He apologized if it appeared that the ordinance presented was law in Maine; it is not. The officials Mr. Wagner spoke with are looking at this ordinance as a preemptive measure. Mr. Wagner mentioned an article in the *Local* (from a couple he’s never met,) experiencing similar problems as he and his neighbors have on Cherry Hill. Mr. Wagner stated that upon researching the Town’s Ordinances – he could not find much on quality of life issues – and he feels the Board needs to take a look at this. To the best of his knowledge, there is no noise ordinance in Cornwall. The only reference he found applied to zoning – commercial buildings, manufacturing process – but nothing pertaining to residential issues. He feels this is a terrible omission for the Town and believes that it could have assisted everyone on Cherry Hill. In doing his research on the internet, Mr. Wagner came across a noise ordinance for the Town of Copake, NY – Mr. Wagner did a quick review on some of the points in the ordinance and left a copy for the Board’s review. Mr. Wagner hoped that the Board could use these examples as a template. In his research, he came across an organization called Noise Free America – they are a Not-for-Profit organization dedicated to fighting noise pollution. There is a representative from this organization who would like to come and speak to the Board at their convenience about the negative health effects to the human body from excessive noise. This representative stated that she believes that since the Town does not have a noise ordinance then the Town is open to litigation if someone can prove that they have been harmed by noise. Lastly, Mr. Wagner stated that the situation on Cherry Hill has not changed. He feels that the issue of he and his wife making a offer on the property and the issue of the septic now in some dispute has over-shadowed the fact that these people are still there and the that the complaint still exists. The lawyers will figure out the septic issue and he and his wife are comfortable with whatever his and our council figure out, but he does not want this to over-shadow that fact that nothing has changed.

There being no further business to conduct, Supervisor QUIGLEY called for a motion to adjourn. Motion to adjourn was made by Councilman CLARK, seconded by Councilman McGUINNESS.

Vote:

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

Motion carried. Meeting adjourned at 8:30 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk