

SPECIAL MEETING of the CORNWALL TOWN BOARD was held on the 29th day of December, 2008 in the 2nd Floor Conference Room of Town Hall, 183 Main Street, Cornwall, N.Y.

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ALEXANDER MAZZOCCA
RANDOLPH CLARK
J. KERRY McGUINNESS
MARY BETH GREENE-KRAFFT

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

Pledge

The meeting was opened by Supervisor QUIGLEY at 7:08 P.M.

Agenda Item #1 – Resolution – 2008 Orange County Planning Grant – Supervisor QUIGLEY advised that this was a grant that the Town applied for and was awarded in the amount of \$10,000. WHEREAS, it is necessary and proper for the Town Board to adopt a resolution formally authorizing the completion and submittal of the annexed Grant Agreement and Contract (2008) for the County Planning Grant, NOW, THEREFORE, BE IT RESOLVED as follows: That this Town Board does hereby authorize the completion and submittal of the annexed “The County of Orange Grant Agreement and Contract (2008)” for a County Planning Grant. That the Supervisor be and he hereby is authorized to execute any and all documents necessary to effectuate the completion of the grant. Motion to adopt was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

Agenda Item #2 – Resolution – Set Public Hearing – Amend Local Law – Supervisor QUIGLEY explained that we need to set a Public Hearing date for local law Chapter 158, Section 158-39A and Section 158-41A(8) of the Code of the Town of Cornwall. WHEREAS, the local law was referred to the Planning Board for its review and report and the Town Board has accepted the report of the Planning Board and is prepared to schedule a public hearing, NOW, THEREFORE, BE IT RESOLVED as follows: That a public hearing on the proposed local law is set for January 12th 2009 at 7:15 P.M. and that due notice of the same is directed to be given by publication and posting. Motion to adopt was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

VOTE:

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

Motion carried.

Agenda Item #3 – Resolution – Counsel Building Inspector & Chief Wastewater Plant Operator –

Attorney STEVE GABA advised that there is a pending lawsuit in the Orange County Supreme Court where the parties involved have issued non-party witness subpoenas to the Town’s Building Inspector and the Town’s Chief Wastewater Plant Operator and that we will have to provide counsel to them both. STEVE GABA further explained that we acted in providing counsel to Mark Edsall, who is the Town’s Engineering Consultant at our last meeting, however, according to the Town Code, defense does not extend to independent contractors. Attorney GABA did suggest that pursuant to Town Law, the Town may direct counsel where independent contractors are involved in the name of the Town to protect the Town’s best interests. NOW, THEREFORE, BE IT RESOLVED as follows:

- (1) That pursuant to Town Code §38-14 the Town’s Attorneys are hereby authorized and directed to provide a defense, counsel and representation to the Town’s Building Inspector and the Town’s Chief Wastewater Plant Operator at the said non-party witness depositions; and
- (2) That the resolution previously adopted by the Town Board directing the Town’s Attorneys to provide a defense, counsel and representation to the Town’s Engineering Consultant at the said non-party witness deposition is hereby rescinded, and
- (3) That pursuant to Town Law §65 the Town’s Attorneys are hereby authorized and directed to appear at and participate in the said non-party witness deposition of the Town’s Engineering Consultant on behalf of the Town to protect the interests of the Town insofar as they be or may be effected by the said litigation.

Motion to adopt was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

Agenda Item #4 – Resolution – BestWeb Consent Agreement – Supervisor QUIGLEY advised that BestWeb is requesting permission to construct a fiber network to serve the **Washingtonville Central School District** and is requesting that we give them a non-exclusive consent for the use of streets and rights-of-way. WHEREAS, BestWeb has agreed to pay to the Town an annual fee of \$100.00 for the use of the public right-of-way, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby agree to enter into the Consent Agreement attached hereto and made a part of this resolution and authorizes the Supervisor to execute the same. Motion to approve was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

VOTE:

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

Motion carried.

Agenda Item #5 – PERMA Worker’s Comp Renewal – Supervisor QUIGLEY reminded everyone that this item was tabled at our last meeting to give the Board members more time for review. A motion to

renew the agreement with PERMA effective January 1st 2009 – January 1st 2010, was made by Councilman CLARK, seconded by Councilwoman KRAFFT. Councilwoman KRAFFT suggested that next year we might consider renewing on a two (2) year basis as some other municipalities do.

VOTE:

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

Motion carried.

*** Added to the Agenda --Walkways –** Councilwoman KRAFFT advised that she and her father, who is a retired Department of Transportation Engineer, went and measured the square footage of the proposed walkway as this was in question from the bids we previously received. Councilwoman KRAFFT came up with a standardized square footage for the entire project. There is a slight drainage issue which she recommends that we address in-house through the Building and Grounds/Highway Department. Councilwoman KRAFFT asked that the Board amend the motion for the 10% increase to reflect the increase in the actual square footage. Councilwoman KRAFFT faxed out the new square footage as well as what the job entailed to all the bidders so that they all started out on an even playing field. Councilman McGUINNESS made a motion for the Town to purchase approximately 2,150 square feet or closest to a full pallet of paver block, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

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

VOTE:

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

Motion carried.

Agenda Item #6 -- PUBLIC HEARING—Proposed Local Law Chapter 125 Section 125-5F --Supervisor QUIGLEY opened the Public Hearing at 7:45 P.M. Supervisor QUIGLEY explained that this law 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 via Certified Mail Return Receipt Requested. Supervisor QUIGLEY asked if there were any questions and/or comments. Graham Kelder asked what the proposed change would be, as he has previously received notice via Certified mail return receipt. Supervisor QUIGLEY explained that while he may have received it certified, it was not a requirement of the Town. Attorney GABA advised that right now the applicant brings it in and the Town does the mailing, and also sees to it that the notice gets published in the

newspaper; from now on this would be the burden of the applicant. There being no further comments, a motion to close the Public Hearing was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried. Public Hearing closed at 7:50 P.M.

Agenda Item #7 – Resolutions – Adopt Local Law & SEQR – Supervisor QUIGLEY read the first Resolution as follows: 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 amending Chapter 125, Section 125-5F 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 Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

Supervisor QUIGLEY read the second Resolution as follows: WHEREAS, heretofore the Town Board has introduced a local law entitled: A local law amending Chapter 125 Section 125-5F of the Code of the Town of Cornwall, and 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 authorizes 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 MAZZOCCA.

VOTE:

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

Motion carried.

Accrued Vacation Time for the Assessor– The Board reviewed and discussed the proposal that was received by the Assessor. A motion to Table this issue until we get a response from our attorney was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

Agenda Item # 8 – Reappointments – Supervisor QUIGLEY advised that reappointments could not take place tonight as there are interviews that still have to occur.

Agenda Item #9 – COVAC – The Special meeting came to order at 8:00 P.M. COVAC members present were Karen Zuzek - President, Michael Bigg - Captain, Jack Boyle - Assistant Captain, and their representing attorney, Helen Ullrich. The Town’s attorney, STEVE GABA, started the meeting with various points and questions in an effort to better understand how this proposal would benefit the Town. **Below is just a brief summary of some of the points discussed.**

\$148,000.00 Budget -- Voucher System vs. One Lump Sum – Attorney GABA pointed out that the Town has always used a voucher system as a method of keeping track of where the funds are going. Attorney GABA further stated that he had a problem making a recommendation to the Board to give the funds to COVAC up front without knowing how the money would be spent. Attorney Ullrich explained that COVAC is requesting the lump sum for the first year only. They plan to become the billing agency and the lump sum would keep them afloat while they establish themselves. Thereafter, the Town may choose to dole out the budgeted contribution quarterly or monthly. Attorney Ullrich further stated that COVAC feels restrained by having to wait for the Board to make decisions. They feel they can operate safer and more efficiently without the voucher system. Attorney Ullrich stated that the Board could insist on annual audits, to be done by an independent auditor, written into the contract.

Title to Ambulance Vehicles – Attorney GABA wanted to know how it benefits the Town to sell the ambulances to COVAC. Attorney Ullrich advised that this would reduce the liability to the Town.

Soft Billing – Attorney GABA asked what kind of figures we were looking at. Attorney Ullrich informed the Board that if COVAC contracted with ALS (Advanced Life Support) and became the billing agency instead of Mobile Life or Regional, they believe they could bill approximately \$300,000.00 per year based on the current average number of calls. Attorney Ullrich explained that most of the Ambulance Corps in New York and especially in Orange County are going to a hybrid model of part volunteer and part paid staff. Attorney Ullrich stated that instead of the \$700.00 bill our residents currently have to pay, the bill from COVAC would be approximately \$140.00. Attorney Ullrich further stated that she does not believe the Town would have to pay another \$148,000.00 out of the budget again; she believes as COVAC becomes self-sustaining, the amount from the Town should gradually decrease. COVAC President, Karen Zuzek, also stated that she believes the budgeted amount should significantly go down to possibly next to nothing.

Advanced Life Support Rate – Attorney GABA asked if we could get a better rate and if it was possible for the Town to contract with ALS. Assistant Captain, Jack Boyle, advised that this was not possible as the rate is standardized. Attorney Ullrich believes that ALS will only contract with the transporting agency, which would be COVAC and not the Town.

In closing, Supervisor QUIGLEY stated that while the Board felt that COVAC has a great group of volunteers and has provided outstanding service, the bottom line comes to being good stewards of the funds we have, and ultimately, this proposal would give the Town less say and yet would still require making a contractual obligation of tax dollars. As there are many more questions to be answered, there will be more meetings scheduled with COVAC.

Public Comment – Residents Graham Kelder and Hector Torres both made comments stating they were against this plan.

There being no further comments, a motion to adjourn was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried. Meeting adjourned at 9:45 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schneer
Town Clerk