

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 8th day of December, 2008 in the 1st Floor Courtroom 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

Approval of Minutes – A motion to approve the Minutes from the November 10th meeting was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

VOTE:

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

Motion carried.

Public Comment on Agenda Items – None

Agenda Item #1 – Resolution Amend Local Law #5 of Chapter 125 Section 125F-5F – Supervisor QUIGLEY explained that this amendment would require that the Notice of Public Hearing by the Planning Board be published by the applicant and that the Notice of Public Hearing be mailed by the applicant by Certified Mail Return Receipt Requested. WHEREAS, the local law was referred to the Planning Board for its review and report, and WHEREAS, the Planning Board report recommends the adoption of the local law, NOW, THEREFORE BE IT RESOLVED as follows:

1. That the Town Board does hereby accept the report of the Planning Board, and
2. That a public hearing on the proposed local law is set for December 29th, 2008 at 7:45 P.M. and that due notice of the same is directed to be given by publication and posting.

A motion to adopt the resolution was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

Agenda Item #2 – Resolution Amend Local Law #4 of Chapter 158 Section 158-39A & 158-41A –

Supervisor QUIGLEY summarized that this amendment was given to the Planning Board for review and 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 Certified

Mail Return Receipt Requested. WHEREAS, heretofore the Town Board of the Town of Cornwall had a local law before it entitled "A local law amending Chapter 158, Section 158-39A and /Section 158-41A(8) of the Code of the Town of Cornwall", and WHEREAS, the local law was referred to the Planning Board for its review and report, and WHEREAS, the Planning Board report recommends the adoption of the local law, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby accept the report of the Planning Board. A motion to adopt the law was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

VOTE:

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

Motion carried.

Agenda Item #3 – Resolution Amend Local Law Chapter 125 Section 125-6F – Supervisor QUIGLEY explained that Section 125-6F is repealed and a new Section 125-6F is enacted in its place and stead as follows: There shall be a 4% inspection fee for private roads and other private improvements incorporated as part of a subdivision approval based upon the accepted improvement cost estimate. The 4% Review Fee shall be paid to the Town prior to the Chair of the Planning Board signing the final subdivision plat. 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 Chapter 125 Section 125-6F of the Code of the Town of Cornwall" to the Town Board, and
2. That the proposed local law be referred to the Town of Cornwall Planning Board for review and report, and
3. 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.

A motion to accept was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

VOTE:

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

Motion carried.

Agenda Item #4 – Resolution Amend Local Law Chapter 158 Section 158-19I – Supervisor QUIGLEY read the change as follows: Section 158-19I is amended by repealing 2% and enacting in its place and stead 4%. WHEREAS, heretofore the Town Board of the Town of Cornwall has a local law before it amending Chapter 158 Section 158-19I of the Code of the Town of Cornwall, 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 Chapter 158 Section 158-19I of the Code of the Town of Cornwall" to the Town Board, and
2. That the proposed local law be referred to the Town of Cornwall Planning Board for review and report, and

3. That a public hearing on the proposed local law is set for January 12th, 2009 at 7:25 P.M. and that due notice of the same is directed to be given by publication and posting.

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

VOTE:

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

Motion carried.

Agenda Item #5 -- Resolution Inter-Municipal Agreement with Orange County Interoperable

Communications Project – Supervisor QUIGLEY read a memo from Chief Todd Hazard advising that the Orange County Department of Emergency Services was recently awarded a \$1.7 million Interoperability Communications Grant and is encouraging local towns to sign an Inter-Municipal Agreement to be a part of this worthwhile public safety project. NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby agrees to enter into that certain agreement annexed hereto between the County of Orange on behalf of the Department of Emergency Services and the Town.
2. The Town Board hereby authorizes the Supervisor to execute the agreement and forward the same to the County of Orange.

A motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

VOTE:

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

Motion carried.

Agenda Item #6 – Resolution PERMA Agreement – Supervisor QUIGLEY advised that we needed to sign the new PERMA Worker’s Compensation Agreement for coverage from January 1st 2009 to January 1st 2010. A motion to table the agreement was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

VOTE:

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

Motion carried.

Agenda Item #7 – Hazen Street-Resurfacing – Councilman McGUINNESS advised that the contractor was to do the re-surfacing but due to the weather conditions, Superintendent Bob Conley and the Town engineer recommend that we wait until the spring to finish this project. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

VOTE:

Councilman MAZZOCCA	Aye
Councilman CLARK	Aye

Councilman McGUINNESS Aye
Councilwoman KRAFFT Aye
Supervisor QUIGLEY Aye
Motion carried.

Agenda Item #8 – Authorize Supervisor to sign 2009 Contract with the Orange County Office for the

Aging – Supervisor QUIGLEY advised that this was for the Town’s Senior Dining Program. A motion to authorize the Supervisor to sign the Agreement with Orange County Office for the Aging was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

VOTE:

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

Agenda Item #9 - Authorization for Placement of Menorah – Supervisor QUIGLEY received a letter from CHABAD-LUBAVITCH requesting permission to once again place a 6-8ft. Menorah by the Gazebo at the pond. In addition, they are requesting use of Munger Cottage on Wednesday, December 23rd beginning at 5:00 p.m. The Supervisor stated that they have provided the proper insurance coverage. A motion to approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

VOTE:

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

Agenda Item #10 – Unpaid Water Charges-Reliev for Firthcliffe Heights Water District – Supervisor QUIGLEY read the Resolution as follows: WHEREAS, the Receiver of Taxes has 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 relievied on the 2009 general tax bill, it being understood that when the Town of Cornwall receives the taxes, including the unpaid water charges, that the Receiver will remit the unpaid water charges, NOW, THEREFORE, BE IT RESOLVED as follows: That after due consideration of the request from Elizabeth J. Longinott, Receiver of Taxes, 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 relievied against the listed properties and that the same appear on the 2009 general tax bill. A motion to adopt was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

VOTE:

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

Agenda Item #11 – Revised SPDES Permit – Supervisor QUIGLEY advised that the testing that we were required to do for the State would have to be redone. Councilman CLARK stated that the formulas that were given to use to perform the testing were inaccurate and that the State is unsure where they got those formulas from. Supervisor QUIGLEY stated that we have to re-test and fairly quickly in order to be in compliance. The cost is approximately \$8500 - \$9000 above and beyond what was budgeted. A motion to authorize the bills for the testing service was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Motion carried.

Agenda Item #12 – Proposals for NYS Member Item – Sidewalk Grant –Supervisor QUIGLEY advised that this Grant came from Senator Larkin’s office and is in the amount of \$25,000. The Supervisor further stated that we will be using these funds to extend the walkway from the playground to connect it to the children’s wading pool and also to the large pool. Councilwoman KRAFFT added that we originally did a fundraiser and sold pavers that could be engraved by those who were donating them. The original request was made in 2007 on a larger design scale (going around the entire wading pool instead of halfway) – it is now a 2008 Member Item. Councilwoman KRAFFT advised that we had a quote for the materials from a local supplier of \$3,400, and that there will not be any additional fundraising done for this expansion, just the cost of the pavers. Councilwoman KRAFFT said that we had to take into consideration that due to the percentage lost in cutting and the design layout, this may come back to the Board next year as the project continues for additional purchase. Councilman McGUINNESS asked, that given how the prices have come in so far, whether there were there any further plans to operate within that member item. Councilwoman KRAFFT answered that there were not, due to not knowing what the actual expenses would be. Supervisor QUIGLEY asked for a motion to go ahead and purchase the pavers to match the existing stock. Councilman McGUINNESS suggested that we add 10% to the quantity to be ordered due to cutting. Councilwoman KRAFFT spoke to the supplier and was advised that in order to keep the price quote at \$3,400, we need to order the pavers before December 31st 2008 and have them delivered to our property as the supplier has a planned increase for 2009. A motion to purchase the pavers with a 10% increase in materials was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

VOTE:

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

Motion carried.

Supervisor QUIGLEY opened discussion on the bids for the labor portion of the project, after discussion, a motion to table until the December 29th meeting was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

VOTE:

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

Agenda Item #13 – December Budget Adjustments – A motion to approve the December Budget Adjustments was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

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

Agenda Item #14 -- Authorize End-of-Year Budget Adjustments – A motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

VOTE:

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

Agenda Item #15 – Set Reorganization Meeting for 2009 – Supervisor QUIGLEY asked the Board to set a date for the meeting. After discussion, a motion to approve the 5th of January, 2009 at 6:30 P.M. was made by Councilman CLARK, seconded by Councilman McGUINNESS.

VOTE:

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

Agenda Item #16 – Personnel

Appointment: Supervisor QUIGLEY read a letter from the Assessor, Ron Fiorentino, advising that Margaret Slowik had completed her probationary period and requesting that the Board appoint her permanent full-time Assessor Clerk. A motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

VOTE:

Councilman MAZZOCCA Aye
Councilman CLARK Aye
Councilman McGUINNESS Aye
Councilwoman KRAFFT Aye

Supervisor QUIGLEY Aye
Motion carried.

Part-time Dog Control Officer: Supervisor QUIGLEY read a memo from Chief Todd Hazard requesting approval to hire Michelle M. McCormick as part-time Dog Control Officer at a rate of \$9.97 per hour. A motion to approve was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

VOTE:

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

Resignation: Supervisor QUIGLEY advised of the resignation from part-time kennel assistant, Karen Denicola. Motion to accept was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

VOTE:

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

Training: Supervisor QUIGLEY received a request from Court Clerks, Patricia Caridi and Dympna Considine to attend the 2009 Association of Towns Conference from February 15th to the 17th in order to participate in a training program for court clerks. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

VOTE:

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

Training: Supervisor QUIGLEY also received a request from Judges, Frank Navarra and Joe Thomson to attend the 2009 Association of Towns Conference – which is mandatory for them to attend. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

VOTE:

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

Association of Towns Conference: Supervisor QUIGLEY will send a memo to all Town Departments requesting information on all those who wish to attend. The response must be received prior to the Re-organizational meeting so that the Board may cast a vote on who is to attend.

Committee Reports

Sewer Department: Councilman CLARK reported that the only concern now is the re-testing for the SPDES Permit.

Police Training: Councilman MAZZOCCA read the Town of Cornwall Police Department Memorandum as follows: Chief Todd Hazard attended a Risk Management Seminar that was provided by the IACP and funded through the Orange County Chief’s Association. Fall Firearms training was attended by all the Officers. The remaining officers received training in the new records management program. Officer Joseph Carillo has begun Field Training.

Police Department News: The agency went live with the new record management program on November 19th 2008. The transition went extremely smoothly and the new program has been very well received. In-car computers were installed in three vehicles. These were made possible by a traffic Safety grant. Plans are underway to get the in-car computers live.

Community News: With the colder weather fast approaching, residents are reminded not to leave vehicles running while unattended. This is a safety concern as well as an environmental issue.

Highway Department: Councilman McGUINNESS reported that the Highway Department has been busy preparing for the winter season – leaf pickup, gutter cleaning. Hopefully, we will not have a problem with our supply of salt. Superintendent of Highways, Bob Conley, used the last of his budget last spring to purchase salt when it was cheapest for the year.

Henry Hudson Committee: Councilwoman KRAFFT advised that the Committee will be contacting all the active organizations. Interested parties can go online to Explore400.com to see the calendar of events. Also, you can go online to the Town’s Recreation site.

Conservation Committee: Councilwoman KRAFFT advised that they have been working very hard to finish the Angola Road Park. Councilwoman KRAFFT took a moment to thank the Highway Department for their help and support with this project.

Councilwoman KRAFFT stated that if anyone had any suggestions, to please go online and e-mail her with your ideas in regards to recreation and conservation.

Warrant #12 – Supervisor QUIGLEY asked for a motion to approve Warrant #12. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

VOTE:

Councilman MAZZOCCA Aye

Councilman CLARK Aye

Councilman McGUINNESS Aye

Councilwoman KRAFFT Aye

Supervisor QUIGLEY Aye

Motion carried.

Public Comment – Graham Kelder – In summary, Mr. Kelder stated that he is very concerned because he heard that somebody was saying that the Ambulance Corp. was going to cut their services to the Town because the Town did not increase the Budget for them. Supervisor QUIGLEY advised that we have an upcoming meeting with COVAC scheduled for the 29th of December. Supervisor QUIGLEY further advised that there are a lot of rumors and information that is floating around out there that is fairly inaccurate. Supervisor QUIGLEY stated that he was asked by Michael Bigg to do some research by checking with other Towns and ambulance corps to get ideas on what is going on with ambulance services. In doing the research, Supervisor QUIGLEY believes that is where the rumors may have started floating around. Mr. Kelder stated that he is a long-time member of the community, and was on the Board when we built the building for COVAC and gave them everything they wanted to become a volunteer ambulance corp. “If they want to go to themselves, maybe they ought to go someplace else.” Supervisor QUIGLEY stated that we will be discussing these issues, because all this innuendo is not healthy. Supervisor QUIGLEY further stated that we need services and the Board wants to do right by all. As far as the Budget for 2009, he does not think any services were dropped. Councilman McGUINNESS stated that COVAC has a great number of very dedicated members and have given great service to the Cornwall community. Councilman McGUINNESS went on to say that perhaps there is frustration that this has not moved along as quickly as some would like, however, he was sure that this Board has every desire to work things out with COVAC and he was sure that we will. Supervisor QUIGLEY fully agreed. Councilman McGUINNESS advised that we are dealing with two issues: what is good for the residents of Cornwall and what is good for the taxpayers of Cornwall, and that they may not necessarily be the same thing in every case and these are things we have to discuss with them. Councilwoman KRAFFT reminded everyone that the upcoming meeting with COVAC is open to the public.

Supervisor QUIGLEY took a moment to wish everyone a happy holiday and thank them for their support.

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

VOTE:

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

Motion carried. Meeting adjourned at 8:55 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk