

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 8th day of June, 2009 in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Deputy Supervisor
Councilpersons

MARY BETH GREENE-KRAFFT
ALEXANDER MAZZOCCA
RANDOLPH CLARK

ABSENT: Supervisor, D. KEVIN QUIGLEY, Councilman J. KERRY McGUINNESS

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

Public Hearing – Community Antenna – Deputy Supervisor KRAFFT opened the Public Hearing at 7:03 P.M. Attorney GABA advised that this hearing is to repeal Local Law Chapter 135 of the Code of the Town of Cornwall due to it being outdated and unnecessary as New York State and Federal laws preempt it. There being no public comment, a motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Hearing – V&T – Muser Drive – Deputy Supervisor KRAFFT opened the public hearing at 7:15 P.M. Deputy Supervisor KRAFFT advised that this is an amendment to a vehicle and traffic law that would allow us to put up a stop sign at intersection of Muser Road and Angola Road; located at Angola Road Park. There being no public comment, a motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Hearing – Verizon FIOS – Deputy Supervisor KRAFFT opened the Public Hearing with the reading of the Public Notice. Ms. KRAFFT turned the floor over to the representatives from Verizon, Mr. John Butler, Mr. John Harrington and Mr. Brian Johnson. All three representatives took a moment to thank the Deputy Supervisor, the Councilpersons and the Town Clerk, and the Town Attorneys for the opportunity to speak at the hearing and for their assistance in putting together this agreement. The guest speakers gave a brief overview on how adding cable service through Verizon would benefit the residents of Cornwall by offering them a competitive choice, lower rates, and better quality. The agreement is valid for fifteen (15) years giving service to a significant number of residences within twelve months, and all within a five-year period. Mr. Ken Pastore, a Town resident and Verizon employee, commented that he would appreciate the Town Board approving the agreement thereby giving the residents of the Town another option other than Time Warner Cable. Mr. Pastore stated that Verizon would give us better service at a lower rate. Mr. Michael Labrella (phonetic spelling), Town resident and Verizon employee, commented that he too is in support of the proposed agreement and believed it would give the residents better prices, content and service. Mr. Eric Midlarsky asked the Verizon representatives how this would be done – through roadwork, extra traffic? Mr. Butler advised that most of the work is aerial. There being no further public comments, a motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Pledge

Approval of Minutes -- Approval for the May 4th, 11th, 13th, and 27th 2009 Meetings-- Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items – Mr. Graham Keldor stated that once again the public was faced with all these resolutions and could not comment on them until the Board discussed them. Deputy Supervisor KRAFFT advised that the items on tonight’s agenda were discussed during Work Session and that if anyone had a question or comment, they would be given an opportunity to do so. Deputy Supervisor KRAFFT gave a quick review of the resolutions on the agenda. Mr. Keldor thanked Ms. KRAFFT for the review.

Agenda Item #1 – Resolution – Community Antenna -- Deputy Supervisor KRAFFT explained that this is the resolution that was discussed in tonight’s first Public Hearing. NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this local law entitled: A local law repealing Chapter 135 of the Code of the Town of Cornwall entitled “Community Antenna Television”, which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution -- V&T Local Law – Deputy Supervisor KRAFFT advised that this is the Resolution discussed at tonight’s second Public Hearing. NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this local law entitled: A local law amending Chapter 143 of the Code of the Town of Cornwall entitled “Vehicles and Traffic”, 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 CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – Verizon Franchise Agreement – Deputy Supervisor KRAFFT advised that this is the Resolution that was discussed at tonight’s third Public Hearing. NOW THEREFORE, BE IT RESOLVED, that the Town of Cornwall Board finds that it approves the character of Verizon; and be it FURTHER RESOLVED, that the Town Board finds that Verizon is legally, technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Town and will meet all statutory and regulatory non-discrimination requirements; and be it FURTHER RESOLVED, that the Town Board finds that although the terms of the proposed Verizon Franchise Agreement are not identical to those of the franchise agreement with the incumbent operator, the terms of both agreements contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon one another; and be it FURTHER RESOLVED, that the Town Board authorizes the award of a non-exclusive franchise to Verizon to own, construct, operate and maintain a cable

system along the public rights-of-way within the unincorporated area of the Town, except for that area served by Frontier in the western part of the Town, in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws; and be it FURTHER RESOLVED, that the Town Board authorizes the Supervisor of the Town to enter into a franchise agreement with VERIZON NEW YORK INC., in a form approved by the Town Attorney, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Cornwall. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution Flood Damage Prevention – SEQR – Deputy Supervisor KRAFFT read the Resolution as follows: WHEREAS, heretofore the Town Board has considered the adoption of a local law entitled “Flood Damage Prevention”, and WHEREAS, this is an action subject to SEQR, and WHEREAS, the Town Board as the sole Involved Agency assumes Lead Agency status, and as such has caused to be prepared a long Environmental Assessment Form (“EAF”), and WHEREAS, following due notice 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 the Supervisor is hereby authorized to sign the EAF, and that after considering all of the information presented to it including the EAF the Town Board determines that the adoption of this local law will not result in any significant adverse environmental impacts and does hereby adopt a Negative Declaration. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – Flood Damage Prevention – Adopt Local Law – NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt this local law entitled: A local law repealing Chapter 87 and enacting a new Chapter 87 of the Code of the Town of Cornwall entitled “Flood Damage Prevention”, which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5B – Stormwater Pollution Prevention Plan Review Officer – Deputy Supervisor KRAFFT explained that the DEC requires that we appoint a Review Officer for the purpose of coordinating and overseeing the Town’s efforts in pollution control. NOW, THEREFORE, BE IT RESOLVED as follows: That this Town Board does hereby appoint Mark J. Edsall, P.E., of McGoey, Hauser and Edsall, P.C., as the Town’s Stormwater Pollution Prevention Plan Review Officer. That the Supervisor be and he hereby is authorized to execute any and all documents necessary to effectuate the appointment. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – Outside User Agreement Sewer Service – Deputy Supervisor KRAFFT explained that we received a request for an outside user agreement for the subdivision

of lands of Lapidus/Lapidus & Koch, located off Waterview Terrace in the Beaver Dam section of the Town, which is presently before the Cornwall Planning Board. There is a total of four lots, two that contain residences and two undeveloped. One residential lot is connected to the Town sewer system and one lot is within the district and will connect to the Town sewer system. The other two lots are outside of the district but have the engineering capability of hooking into the sewer system. WHEREAS, the Attorney for the Town has recommended that the Town Board enter into an outside user agreement with the subdivider conditioned upon the subdivider petitioning the Town to extend the Beaver Dam Lake sewer district to incorporate the two parcels which are presently outside of the sewer district, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby agree to enter into an outside sewer user agreement with the subdivider for Lots 3 and 4 on the subdivision, which said agreement shall be recorded and shall run with the land.
2. That as a condition of the Town Board entering into the outside user agreement, that the Town Board require that the subdivider submit a petition to the Town for the extension of the Beaver Dam Lake sewer district which said petition shall be accompanied by the map, plan and report all as required under Article 12 of the Town Law.
3. That the Planning Board has completed the SEQR process on the subdivision including addressing any potential impacts from supplying sewer service to the two lots presently outside of the sewer district by hooking into the Beaver Dam Lake sewer district. The Town Board as the Sole Involved Agency on the issue of the extension of the sewer district has received an Environmental Assessment Form and prior to taking any action in connection with the extension of the sewer district will conclude SEQR.
4. That the applicant will be responsible for all costs and expenses in connection with the extension of the sewer district including engineering, legal and publication charges.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – Garden Club – Deputy Supervisor KRAFFT read the Resolution as follows: WHEREAS, the Cornwall Garden Club has completed 80 years of unmatched service to the people of the Town of Cornwall, and WHEREAS, the Cornwall Garden Club has been in existence for 80 years focusing on beautification projects in our community including maintaining the traffic circle at the entrance to our Main Street business area, the grounds at Sands Ring Homestead and the gardens around the gazebo outside of Munger Cottage as well as sponsoring several events that foster beautification in our Town during each year, and WHEREAS, it is fitting and proper that this Town Board should recognize the 80 years of selfless service to our community by the adoption of this resolution, NOW, THEREFORE, BE IT RESOLVED as follows: That in thankful recognition of the 80 years of devoted service to the people of the Town of Cornwall, the Town Board does by the adoption of this resolution recognize, commend and thank the Cornwall Garden Club for its 80 years of service to our community and does hereby designate Saturday, June 13th 2009 as Cornwall Garden Club Day in the Town of Cornwall and by this resolution expresses the heartfelt thanks of the community to the Cornwall Garden Club for its 80

years of service and for its continued commitment to the beautification of the Town of Cornwall, and BE IT FURTHER RESOLVED, that a certified copy of this resolution duly executed and embossed with the Town's seal be presented to the Cornwall Garden Club. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 – Resolution – GovDeals Sellers Agreement – Deputy Supervisor KRAFFT explained that the company GovDeals is a quasi e-bay company for selling surplus that charges 7.5% of each item sold. They do not charge listing, annual or sign-up fees. NOW, THEREFORE, BE IT RESOLVED as follows: That the Supervisor be and he hereby is authorized to execute the Sellers Agreement with GovDeals, Inc. annexed hereto and made a part of this resolution. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #9 – Community Development Survey – Deputy Supervisor KRAFFT advised that we received an email from our engineer, Mark Edsall, advising that a Survey for Community Development Project – Clinton Street – which will be the 2009 Community Development request for funding. They received a quote in the amount of \$2,600.00 from Dan O'Brien (surveyor). The survey work covers both this year's project and the next sections. Roads being surveyed are Clinton (from Hazen to Union) and Torrey. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Pool Repairs – Deputy Supervisor KRAFFT advised that there are requirements that have to be met by the Orange County Department of Health. We did receive a permit for the wading pool from Orange County, but paperwork and engineering work that still needs to be submitted. We need to approve the expense of repairs to meet this requirement. We received a quote from George Fotiadis Pools in the amount \$1,150.00 for an installed suction vacuum release system installed 12-inch by 12-inch drain cover for the wading pool. For the large pool, Fotiadis submitted a quote in the amount of \$500.00 to repair both main drains and meet engineer's requirements. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – Court Audit – Deputy Supervisor KRAFFT advised that while attending the Association of Towns it was explained that there are audits that are required by the State. The State is allowing us to do a court audit in-house by our own bookkeeper. The audit covers the period of 1/1/2008 – 12/31/2008. By doing this in-house, the Town saves approximately \$4,000.00 in accounting fees. Motion to review and approve the attached checklist and accept into the June minutes was made by Councilman MAZZOCCA, seconded by Councilman CLARK.
ROLL CALL VOTE: Unanimous Aye.

Councilman MAZZOCCA stated that Pam Wood, bookkeeper for the Town, did a wonderful job.

Agenda Item #12 – Replace Guide Rail and Post – Superintendent of Highways, Robert Conley, submitted a memo requesting authorization to replace Guide Rail and Post that are deteriorated and rusty at the following locations: Hess Road, Ketcham & Station Road, Taylor Road Bridge (east of Otterkill Road), and Holloran Road cul-de-sac. Funds have been approved in fiscal year 2009 Appropriations. Estimated cost for labor and material will be +/- \$13,578.00. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – Fourth of July – Fireworks & Donation – Deputy Supervisor KRAFFT advised that there are two parts to this agenda item. The first part is the actual fire-works display from Legion Fireworks Co., Inc. Legion submitted their NYS Explosives License, which will be kept on file in the Town Clerk's Office. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

The second part of this agenda item is a letter from the Cornwall Independence Day Committee, asking the Town Board to consider making a \$1,000.00 donation to defray some of the expenses for this year's Fourth Celebration. The donation would go to the Cornwall American Legion Post 353. The Committee's expenses for 2008 were approximately \$35,000.00. The major expenses are the fireworks, the parade bands and entertainment throughout the day and evening. The Committee raises the funds necessary for the celebration through donations, journal ads and sales of T-shirts, water/soda and loop-a-lites. The Committee's goal for this year is to try to raise \$30,000.00. As always, the Committee acknowledges and appreciates the cooperation of the Town employees in the Town's Public Works and Police Department in helping to make the day a success. Councilman CLARK advised the Board and the Public that it came to his attention, first as a business owner, and second as a Town Councilman, that the funds that are being solicited year in and year out, this is normally something the he would support whole-heartedly – it is a wonderful day and a lot of work goes into it. It came to the Chamber of Commerce attention that the journal ads that solicited to help to promote this occasion. In the past the journal has been produced in the Town through one of our many printers. This year the ads are being compiled and shipped to Kingston. Councilman CLARK stated that it was unfortunate that the Committee has farmed this to a neighboring community. Councilman CLARK further stated that as a Town Councilman he finds it hard to support a donation to an organization that is not supporting the businesses that are supporting our community. Councilman MAZZOCCA agreed that the Committee should have done this in-Town, but by the same token he feels that they work very hard on the Fourth Celebration. Motion to approve the donation was made by Councilman MAZZOCCA, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Councilman MAZZOCCA – Aye, Councilman CLARK – Nay, Deputy Supervisor KRAFFT – Aye. Motion does not carry.

Agenda Item #14 – Newburgh SPCA’s 120th Anniversary – The Newburgh SPCA (doing business as the Hudson Valley SPCA – Orange County) is requesting to use the Town property in front of the Cornwall Town Hall on August 1st 2009 from 10:00 am to 6:00pm to celebrate the SPCA’s 120th anniversary. The rain date will be August 2nd 2009. The celebration will include food vendors, information tables, product vendors, finger printing by the Cornwall Police Dept., canine demonstrations by the New Windsor Police Dept., and other demonstrations and entertainment. They are also requesting permission to place a sign announcing the event (of the appropriate size prior) in front of Town Hall. Insurance paperwork will be provided to cover the Town for liability. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #15 – Surplus Equipment – Deputy Supervisor KRAFFT advised that the Sewer Department has a Dorr Oliver Mercobowl Centrifuge, Model No. 16L, Serial No. 55083-12, Maximum bowl speed 4,999 rpm to be declared surplus. Motion to declare and list with GovDeals was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #16 – Personnel:

Appointments:

Recreation Department: Deputy Supervisor KRAFFT advised that the Board received a memo from the Rec. Dept. with the proposed list of staffing as follows:

Playground Staff	-	\$8.00 /hr	Numerous/on file
Lifeguard Staff	-	\$9.00/hr	Numerous/on file
Playground Director	-	\$6,500/season	Connie Freeman
Asst. Playground Director	-	\$4,500/season	Judy Holbrook
Pool Director	-	\$4,600/season	Joe Romero
Playground Nurse	-	\$15.00/hr	Brianna Kane

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

ROLL CALL VOTE: Unanimous Aye.

Jim Kent submitted a memo informing the Board that Karen Bidosky has completed the eight-week probationary period and should be appointed permanently to the position of Recreation Leader. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Resignation:

Police Department: Chief of Police, Todd Hazard received a letter of resignation from part-time dispatcher, Patrick Conklin. Motion to accept was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Training:

Police Department: Chief Todd Hazard submitted a memo requesting approval to attend the annual New York State Chiefs of Police training conference to be held in Saratoga from 7/12/09 through 7/16/09. The cost for conference registration and lodging totals \$664.00. The funds are available in the Chief's conference line of the police budget. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Highway Department: Superintendent of Highways, Robert Conley, submitted a request for approval for himself and William Goldsmith to attend the MS4 Illicit Discharge Detection Training on Wednesday, June 17th 2009 in Fishkill, N.Y. sponsored by the NYSDEC. The Cost is \$215.00 per person, making the total \$440.00. The course provides an opportunity to obtain the required training in compliance with our stormwater SPDES Permit. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Robert Conley submitted a memo requesting authorization to send William Goldsmith and Eugene Conley to the Competent Person Training Seminar offered by American Shoring on Monday, June 29th 2009. Total cost for both to attend will be \$350.00, which includes breakfast and lunch. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Committee Reports:

Police Training: Councilman MAZZOCCA advised that several officers attended a lecture on officer safety that was sponsored by the Orange County Chief's Association at the Orange County District Attorney's Office.

Police Department News: The Town of Cornwall Police Department assisted the Cornwall High School with a mock DWI accident that was held on 5/21/09. This drill was conducted to show the students the perils associated with drinking and driving. The Police Department also took part in a safe driver forum that was held at the Cornwall High School on 5/26/09. The safe driver forum is mandatory for all incoming seniors who desire a parking permit. The forum is designed to help teenaged drivers make good decisions when they get behind the wheel or are passengers in a vehicle.

Community News: Residents who have backyard pools are urged to check their pool gates to make sure that all self-closing gates and latches are in working order.

With the Fourth of July approaching, residents are reminded to leave the fireworks to the professionals and that possessing fireworks in New York State is against the law.

Letters of Commendation:

Councilman MAZZOCCA advised that Chief Todd Hazard received a letter from Captain – Zone Commander of the New York State Police, Martin C. Hansen, commending Officers Thompson and Manion for apprehending two juveniles who were throwing rocks off of an overpass onto the NYS Thruway. Captain Hansen’s letter expressed his sincere thanks to Officers Thompson and Manion for their quick response and assistance in this case. “It is cooperation like this that solves crimes and saves lives.”

Councilman MAZZOCCA advised that Chief Hazard wrote a letter of commendation to Sergeant Schofield for his assistance to the Village of Cornwall-on-Hudson Police Department. A woman reported that someone just tried to break into her vehicle. Sergeant Schofield apprehended a seventeen-year old suspect; said suspect had just committed larcenies from several vehicles in their Village and the subsequent investigation on Sergeant Schofield’s part closed out two larcenies that had occurred in the Town of Cornwall over the weekend of May 9th 2009.

Councilman MAZZOCCA advised that six tickets were issued for using a cell phone while driving.

Sewer Department: Councilman CLARK advised that the Department is pursuing a bid to get the roof fixed. Superintendent Masten is moving along with the new testing that the DEC has required.

Hudson/Fulton: Deputy Supervisor KRAFFT advised that the Quad Committee thanked everyone who worked on all of the events at the river this past weekend. If anyone is interested in participating in the July Fourth pageant or the parade, please contact the Quad Committee or Sally Faith Dorffman.

Recreation Department: Sign up for Summer Playground. Seats are still available for the trip to Canada. Swimming Lessons and Toddler Camp are also being offered this year. Please contact the Rec. Dept. for more info.

Conservation Committee: Thanks to the Committee for working with Black Rock Forest and planting 400 trees in honor of the Hudson/Fulton Celebration.

Warrant #6 – Deputy Supervisor KRAFFT called for a motion on Warrant #6. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment:

Graham Keldor commented that the Board should inform the head of the July Fourth celebration that we do not agree with outsourcing and he feels it is a disgrace. Deputy Supervisor KRAFFT stated that the message/comments would be passed on. Videographer Alex Ellick asked if the Board could look into seeing if the microphone system could be put in working order. Councilman MAZZOCCA jokingly said that the reason they don't work is because every time he sees a microphone he tries to sing.

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

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 8:35 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schneer
Town Clerk