

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 11th day of May, 2009 in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Deputy Supervisor
Councilpersons

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

ABSENT: Supervisor

D. KEVIN QUIGLEY

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

Public Hearing – Local Law No. 5 – Flood Damage Prevention – Deputy Supervisor KRAFFT opened the Public Hearing at 7:15 P.M. with the reading of the Public Notice. Mr. Hines, from the Town’s consulting engineers, gave a brief description of the Local Law stating that the change is one that is required by both the DEC and by FEMA in order to continue the flood insurance that we have through those agencies. Mr. Hines advised that the Building Inspector’s office will become the depository for the new mapping as he is the Flood Plain Administrator. There will be a \$250.00 application fee, which is standard throughout the local municipalities. The Zoning Board of Appeals will be the appeals board to review decisions by the Building Inspector as the Flood Plain Administrator. Mr. Hines further explained that for every 500 points we get from FEMA in our community rating system, houses outside the flood plain can receive a 5% discount on their flood insurance, and houses within the flood plain can receive up to 10% off. Deputy Supervisor KRAFFT asked for any public comment. There being none, a motion to close the Public Hearing was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Executive Session – CSEA Contract -- A motion to go into executive session at 7:25 P.M. to discuss the proposed CSEA contract was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

A motion to close Executive Session and open the regular meeting was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye. The regular meeting was opened at 7:35 P.M.

Pledge

Approval of Minutes – A motion to approve the Minutes for the April 6th, 13th and 29th meetings was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items – None.

Agenda Items #1 & #2 – Resolution – Chapter 87 – SEQR/Adopt Local Law No. 5 – Attorney GABA advised that we cannot act on this as we did not hear back from Orange County Planning as yet. Motion to table was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution to Set Public Hearing – Cable Franchise – Deputy Supervisor KRAFFT read the Resolution as follows: WHEREAS, the Town of Cornwall is a franchising authority in accordance with Title VI of the Communications Act of 1934, and is authorized to grant cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York. WHEREAS, Verizon New York Inc. is upgrading its existing telecommunications and information services network pursuant to authority under Section 27 of the New York Transportation Corporations Law and Title II of the Communications Act, and Verizon desires to use its network to provide cable service in the Town; WHEREAS, under the Cable Laws, the Town is required to hold a public hearing on the proposed Verizon Franchise Agreement and its application for a cable franchise; WHEREAS, the Town is required to publish public notice of the hearing at least ten days in advance; and WHEREAS, the Town therefore desires to establish a date and time for such public hearing; NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing at its regularly scheduled meeting on June 8th 2009 at 7:30 P.M. for the purpose of considering the grant of a non-exclusive cable 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 to authorize the Town to enter into a cable franchise agreement with Verizon New York Inc. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Adoption Local Law #4 – Dog Laws and Policies – Deputy Supervisor KRAFFT advised that there was a public hearing regarding this on April 13th 2009. WHEREAS, the Town Board has heretofore adopted Local Law No. 4 of 2009 amending Town Code 77-9 setting fees for redemption of impounded dogs; and WHEREAS, Town Code 77-9 now provides that the Town Board may, by resolution, set a redemption fee to be paid for impounded dogs in addition to costs incurred by the Town for boarding plus veterinary costs and shots; and WHEREAS, the Town Board has determined that pursuant to Local Law No. 4 of 2009 the said additional redemption fee for impounded dogs should be set at Twenty Dollars (\$20) for the first impoundment of an animal, Thirty Dollars (\$30) for the second impoundment of an animal and Forty Dollars (\$40) for each subsequent impoundment of an animal; and WHEREAS, the Town Board wishes to adopt the Statement of Policy and Procedure for Redemption of Impounded Animals annexed hereto in order to provide for and promote a clear procedure for redeeming impounded animals; NOW, THEREFORE, BE IT RESOLVED as follows:

(1) That pursuant to Town Code 77-9 the Town Board does hereby set an additional redemption fee for impounded animals at: Twenty dollars (\$20) for the first impoundment of an animal, Thirty Dollars (\$30) for the second impoundment of an animal and Forty Dollars (\$40) for each subsequent impoundment of an animal; and

(2) That the Town Board does hereby adopt the Statement of Policy & Procedure for Redemption of Impounded Animals annexed hereto. Motion to adopt was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – Set Public Hearing – Vehicle & Traffic Law – Muser Drive –

Deputy Supervisor KRAFFT advised that this is in reference to the entrance to Angola Road and the Museum of the Hudson Highlands. WHEREAS, the Town Board of the Town of Cornwall has a local law before it amending section 143 of the Code of the Town of Cornwall entitled “Vehicle and Traffic”. WHEREAS, the town Board has determined that it is appropriate and in the public interest to adopt certain amendments to the existing law, and WHEREAS, a proposed local law amending Section 143 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 amending Section 143 of the Code of the Town of Cornwall entitled Vehicle and Traffic”, and
2. That a public hearing on the proposed local law is set for June 8th 2009 at 7:15 o’clock 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 Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – CSEA Contract –

Deputy Supervisor KRAFFT advised that the contract has been under negotiation and at this time the Board will move on the proposed agreed contract and amendment. WHEREAS, the Town Board of the Town of Cornwall has before it a Memorandum of Agreement between the Town and CSEA Local 1000 AFSCME, and WHEREAS, the Memorandum of Agreement sets forth the complete agreement between the parties subject to the ratification by CSEA membership and the Town Board, and WHEREAS, this Agreement shall be effective January 1st 2009 through December 31st 2012. NOW, THEREFORE, BE IT RESOLVED as follows: That the Supervisor be and he hereby is authorized to execute the Memorandum of Agreement annexed hereto and made a part of this resolution on behalf of the Town of Cornwall. Motion to adopt was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – Expand Number of Members – Economic Development

Committee – Deputy Supervisor KRAFFT advised that the committee will be expanded to a total of seven (7) members. WHEREAS, presently the Economic Development Committee of the Town of Cornwall is comprised of five volunteer members, and WHEREAS, the Town Board wishes to increase the number of Board members to seven, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board hereby authorizes the increase in the number of members

comprising the Economic Development Committee from five to seven members. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 – Resolution – Authorize Supervisor to Sign O.C. Youth Bureau Grant – “Teen Solutions” – Deputy Supervisor KRAFFT advised that we have been fortunate to receive this grant in the past and that the Recreation Department does a wonderful job with it. WHEREAS, the Town Board has considered the Contract and is prepared to authorize its execution by the Supervisor, NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby agrees to enter into the 2009 Solutions Contract for the summer program entitled “Agreement for Vendor Services” between the County of Orange and the Town of Cornwall.
2. The Town Board hereby authorizes the Supervisor to execute the contract and forward the same to the County of Orange, together with a certified copy of this resolution.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #9 – Resolution – Cornwall Police Department 2009 Proposed Uniform Patch –

Deputy Supervisor KRAFFT advised that the new patch depicts the Monument, the Cannon and the Trestle. Councilman MAZZOCCA added that it also has the date that the Town was settled – 1685. WHEREAS, the Members of the Police Department of the Town of Cornwall now wear patches on their uniforms that are the generic New York State Excelsior seal, and WHEREAS, the Department now wishes to change the patch to a unique design reflecting the Town of Cornwall and indicating that the Town was settled in 1685, NOW, THEREFORE, BE IT RESOLVED as follows: The Town Board hereby authorizes the Chief of Police to purchase the new patches and further authorizes the Members of the Police Department to wear the new patches on their uniforms. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Resolution – Sale of Surplus Vehicle – Deputy Supervisor KRAFFT explained that this vehicle had a bid placed on it at our April meeting and was declined by the bidder. At this time the Board will award the vehicle to the second highest bidder. WHEREAS, the Town of Cornwall has declared a certain 1997 Ford Suburban vehicle to be surplus and has put the same up for sale, and WHEREAS, a bid offer of \$1,600.00 was made and declared to be the high bid, and WHEREAS, the said high bidder has failed, defaulted and refused to complete the purchase and the Town has retained the bidder’s security deposit, and WHEREAS, the Town now wishes to offer the vehicle for sale to the second highest bidder, Liberty Motors, for the amount of \$1,261.99, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board hereby authorizes the Supervisor to execute any and all documents necessary to effectuate the sale. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – Resolution – Authorize the Recreation Dept’s Summer Playground Camp to Participate in the Hudson Valley Camp Challenge – Deputy Supervisor KRAFFT explained that this is the same program that the Town participated in last year with Newburgh and New Windsor – similar to the Olympics. WHEREAS, the Town of Cornwall wishes to participate in this year’s Hudson Valley Camp Challenge (“HVCC”) along with the Town of New Windsor and the Town of Newburgh, and WHEREAS, the three Towns are prepared to enter into a Memorandum of Understanding setting forth the understanding and agreement between the parties, NOW, THEREFORE, BE IT RESOLVED as follows: That the Supervisor be and he hereby is authorized to execute the Memorandum of Understanding annexed hereto and made a part of this resolution on behalf of the Town of Cornwall and directs that copy of the Memorandum of Understanding be forwarded to the Town of New Windsor and the Town of Newburgh for execution by their respective Supervisors. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #12 – COVAC – Electrical Upgrades – Deputy Supervisor KRAFFT advised that COVAC submitted a letter requesting the following:

1. Install 14 motion detector light switches in bathrooms, hallways, meeting room and kitchen.
2. Install a dedicated electrical receptacle for the case freezer in the rear utility alcove.
3. Connect all 4 bay doors to the apparatus heat blowers. This is so that the heat may turn off when the bay doors are open.

A quote from Clearwaters Electrical Contracting was given in the amount of \$2,022.25. Two other companies were contacted with no response. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – COVAC—Community Day – May 16th 2009 – Deputy Supervisor KRAFFT advised that she received a letter from COVAC advising that they will have to reschedule as they must attend a Disaster Drill at Stewart Airport which was scheduled for the same day. COVAC will most likely schedule this event for the fall.

Agenda Item #14 – Chamber of Commerce – Annual Fall Festival – The Greater Cornwall Chamber of Commerce requests the approval of the Town Board to conduct the 36th Annual Fall Festival on Saturday, September 12th 2009. The hours will be from 10:00 A.M. to 5:00 P.M. and will be held along Main Street from the Bridge and the traffic circle to Hazen Street. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #15 – NYMA Alumni – Fireworks – Deputy Supervisor KRAFFT advised that we received a letter from NYMA requesting permission to have a fireworks display at their Annual Alumni Weekend – scheduled for Saturday, May 16th 2009. The letter goes on to say that the concerns expressed after the 2006 display from the Idlewild neighborhood have been

addressed and the same precautions will again be made. Insurance will be provided and Storm King Firehouse will be on standby. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #16 – American Legion – Memorial Day Weekend – Commander, Post 353, Jim Kline, submitted a letter advising that the Cornwall Memorial Day Parade will be held on **Monday May 25th** 2009, followed by a Ceremony of Remembrance at the Cornwall Veterans Monument. The parade will start at 10:00 A.M. from Payson Road in the Village. This year there will be activities as follows:

Saturday, 5/23 – 10:00 A.M. – Dedication of newly refurbished American Legion Hall, Continental Breakfast to follow. Distribution of flags for volunteers to decorate Veteran’s graves throughout Village and Town.

Sunday, 5/24 – 8:00 A.M. to 11:00 A.M. – “Stars and Stripes” breakfast at Legion Hall.

Added to the Agenda:

Public Hearing – Community Antenna Television – WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: A local law repealing Chapter 135 of the Code of the Town of Cornwall entitled “Community Antenna Television”, and WHEREAS, the Town Board has determined that the provisions contained in Chapter 135 have been superseded and preempted by New York State and Federal regulations, and WHEREAS, a proposed local law repealing Chapter 135 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 135 of the Code of the Town of Cornwall entitled “Community Antenna Television”, and
2. That a public hearing on the proposed local law is set for June 8th 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 set public hearing was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Cornwall Garden Club – Deputy Supervisor KRAFFT read a letter from the Cornwall Garden Club President, Andrea Hamburger, requesting permission to place a two (2) by six (6) sign – “Tea on the Green” on Town Hall grounds in the vicinity of the traffic signal to advertize an upcoming event scheduled for June 13th 2009. The event will be a celebration to commemorate the 80th anniversary of the Cornwall Garden Club. The event location will be the Cornwall Public Library. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #17 -- Personnel:

Appointments:

Highway – 3-Month Temporary Position – Superintendent of Highways, Robert Conley submitted a request to hire Mr. Kevin Geraghty to fill a 3-month temporary position at a rate of \$13.47 per hour. Mr. Geraghty has worked previously for the Town and has an excellent work record with the department. Start date would be May 26th 2009. Funds have been approved in the 2009 Highway Budget. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

An additional request was submitted to hire Mr. Michael Lopez to fill a 3-month temporary position at a rate of \$13.47 per hour starting on May 13th, 2009 with the same conditions as above. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye

Board of Ethics Vacancy – Deputy Supervisor KRAFFT advised that the interviews were complete and the Board would like to appoint Shawn Herndon. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Economic Development Committee Vacancies – Deputy Supervisor KRAFFT advised that the interview process was complete and the Board would like to appoint the following persons: Leah Johnson, Joe Cicalo, and Robert Greco. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Police Department – Personnel -- Chief of Police, Todd Hazard submitted a memorandum requesting that the Town Board approve the required six-month probationary period for Police Officer Joseph Carillo effective May 3rd 2009. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Chief Hazard also requested that the Board approve the completion of probationary period for Dispatcher Deirdre Farmer effective May 19th 2009. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Resignation -- Chief Todd Hazard requested that the Town Board accept the resignation of Court Attendant Shawn Wolfe effective April 28th 2009. Motion to accept was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Retirement – Deputy Supervisor KRAFFT read a letter of retirement with deep regret from Lynda A. Tucci. Motion to accept with regret was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Committee Reports:

Building Department – Councilman MAZZOCCA advised that business is picking up for the department due to a high volume of the number of mortgages being refinanced. The Department brought in approximately \$9,000.00 in fees.

Police Training—Councilman MAZZOCCA advised that Spring Firearms training was conducted for all of the Police Officers and Court Attendants. P.O. Thompson attended a course in Fingerprint Collection that was conducted by the Division of Criminal Justice Services.

Police Department News: The Cardscan machine that permits the electronic submission of fingerprints to the Division of Criminal Justice Service has been installed. Officers are currently being trained in its use. Officers have been participating in a statewide crackdown on aggressive driving, which targets speeding, cell phone usage, and aggressive driving behavior. Councilman MAZZOCCA was happy to announce that summons issues for cell phone usage was up for the month of April.

Community News: The Town of Cornwall Police Department will be taking part in operation Buckle-Up New York. This is a statewide initiative that targets motorists who are not wearing their seatbelts.

Sewer Department – Councilman CLARK advised that DEC will be changing and increasing their types and levels of testing. He believes that we will have to increase the budget to accommodate these changes.

Highway Department – Councilman McGUINNESS advised that the Department was in the last stages of cleaning up after winter plowing season and are starting to prepare paving, which will start with oil and chip road work starting next month.

Announcements:

Cornwall Historical Society – Congratulations to the Historical Society on their ten-year anniversary.

Fourth of July Celebration – The Committee is looking for participants to create floats and the pageant. The goal is to have two (2) dozen floats this year. If anyone is interested, please contact the Committee or the Town or Village Historians.

Village – The Village of Cornwall-on-Hudson will be holding Riverfest on June 6th 2009 and River Day on June 7th 2009, which includes participation in the New York State Flotilla that will be coming up the Hudson.

Tribs for Trees – The Conservation Committee is participating in this event by the planting of trees. They will also be doing the Henry Hudson tree plantings – 400 trees to be planted throughout Cornwall and especially up at Black Rock Forest.

Henry Hudson / Fulton Committee – Congratulations to the Committee, Town and Village combined, as they have received a grant from the West Point Ladies Club, which will help purchase the deer fencing for the trees and includes two trees – one planted in the Village and one in the Town, to mark the celebration.

Census Zip Codes – Deputy Supervisor KRAFFT reminded everyone that this is the year of the Census and we must be clear when speaking to the census bureau representative that you tell them that you are a resident of the Town of Cornwall. Please explain that you may have a different mailing zip code (New Windsor, Highland Mills etc.) but that you are a Town of Cornwall resident. This is extremely important as this is where all of our funding and operations comes from.

Recreation – Deputy Supervisor KRAFFT advised that the Department is offering trips to Canada and Wildwood. Also our Concert Series will be starting on June 21st 2009 and ending on August 16th 2009. There are numerous Summer Camps to sign up for, as well as Summer Playground – this can now be done on-line.

Warrant #5 – Deputy Supervisor called for a motion to approve Warrant #5 – motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Executive Session – A motion to go into Executive Session to discuss a legal matter with the Town Attorney was made at 8:30 P.M. by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

A motion to end Executive Session at 9:08 P.M. was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

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 9:09 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk

