

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 13th day of October, 2009 in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

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

Also PRESENT: JIM LOEB, representing Attorney for Town, JIM LOEB, Esq.

PUBLIC HEARING-- Benefit District Hearings – The Legal Notice was published in *The Cornwall Local* and 3,500 notices were mailed out to property owners. Supervisor QUIGLEY opened the Public Hearing at 7:00 P.M. with the reading of the legal notice. Special Districts are as follows:

<u>District:</u>	<u>Units:</u>
Cornwall Refuse District	3,431
Firthcliffe Heights Sewer District	142
Firthcliffe Sewer District	357
Beaver Dam Lake Sewer District	186
Halvorsen Road Sewer District	5
Majestic Sewer District	3
Hidden Glen Drainage District	14
Main Street Parking District	40
Stone Hollow Drainage District	29

There being no Public Comments, a motion to close the Public Hearing was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye. Public Hearing was closed at 7:10 P.M.

Public Hearing: Beaver Dam Lake Sewer District Extension – The Public Hearing was opened at 7:20 P.M. Supervisor QUIGLEY acknowledged receipt of the affidavit of publication of the Calling of Public Hearing posted by the Town Clerk. Supervisor QUIGLEY asked if there was anyone who wished to speak on the matter. Mr. Gregory Shaw of Shaw Engineering spoke as the representative for the Petitioner, Koch & Lapidus. There being no further comment, a motion to close the Public Hearing was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye. Public Hearing closed at 7:25 P.M.

Pledge

Approval of Minutes – Motion to approve the Minutes for the 9/14/09, 9/30/09, 10/05/09, and 10/06/09 meetings was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items – Graham Kelder asked when repairs would be done on the sewer problems at the end of Mailer Ave between Halvorsen and 218. Supervisor QUIGLEY advised that we are looking to go after grant funds in order to do the repairs. He advised that this problem goes way back in time, and would be very costly to repair without the aid of grant funding.

Agenda Item #1 – Resolution Beaver Dam Lake Sewer District Extension – Supervisor QUIGLEY advised that he inadvertently transposed Agenda Items 1 &2. The Supervisor explained that as we have held the Public Hearing on the Extension earlier, we now have a Resolution. In summary: NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cornwall, Orange County, New York, as follows:

1. That the petition is signed and acknowledged or proved as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed extension of the sewer district are benefited thereby.
3. That all of the property and property owners benefited are included with the proposed extension of the sewer district.
4. That it is in the public interest to grant in whole the relief sought by the petition, and be it FURTHER RESOLVED that the Town Board does hereby approve the extension of the Beaver Dam Lake Sewer District in the Town of Cornwall, Orange County, New York, Bounded and described in annexed Schedule “A”, and be it FURTHER RESOLVED that all cost of construction, engineering, administrative and legal costs will be borne by the applicants, and it is FURTHER RESOLVED that the Town Clerk of the Town of Cornwall shall within ten(10) days after the adoption of this resolution file certified copies thereof in duplicate in the Office of the State Department of Audit and Control in Albany, New York.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution Order Extending Beaver Dam Lake Sewer District – Town Attorney, JIM LOEB advised the Supervisor that it was not necessary to read the entire Resolution as it is repetitive to prior one, and that it would be relevant if he could begin the reading at the bottom of page two. Supervisor QUIGLEY read the Resolution as follows: In accordance with the provision of Town Law 206-a all expenses of beaver Dam Lake Sewer District, including all extensions heretofore or hereafter established shall be a charge against the entire district as extended it is ORDERED that the Beaver Dam Lake Sewer District be extended to include the property bounded and described in annexed Exhibit “A”, and it is further ORDERED that the Town Clerk of the Town of Cornwall is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the Office of the Clerk of the County of Orange in which the Town of Cornwall is located within ten (10) days after the adoption of this Order, and it is further ORDERED that the Town Clerk of the Town of Cornwall is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the Office of the State Department of Audit and control in Albany, New York. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – Stone Hollow Developer’s Agreement – Authorize Supervisor to Sign – Supervisor QUIGLEY explained that this was previously discussed at the Work Session and that the developers are looking to have a temporary sewer hook-up until two pieces of property are sold, which would generate some money for them to continue the project. The Supervisor explained that there will be no cost to the Town; the developer, GDC Ginsberg, will be paying for all costs. The Supervisor believes that the Town is reasonably protected in the matter. Councilman CLARK advised that he was against this at the Work Session and is against it now. Councilman CLARK further stated that he does not see why the Town should alter or amend any provisions since the developer may or may not have made poor decisions. Councilman CLARK advised that temporary or not, this is something that may

come back to hurt the Town. Councilman MAZZOCCA advised that he put a lot of thought into this and he is also against it. Councilman MAZZOCCA believes we are setting a precedent and if we do this now, how could we deny others in the future. Attorney, Jim Loeb explained that this is covered by a security deposit from the developer which we have in the Agreement between us and the developer. Councilman McGUINNESS advised that as long as the Town has the security bond to go against, we would be dooming the project to more failure if do not allow this. Councilwoman KRAFFT stated that part of this parcel has been paying into the sewer district for years even though the property has been vacant. Supervisor QUIGLEY read the Resolution as follows: WHEREAS, heretofore Stone Hollow at Cornwall has received Planning Board Approval for the Construction of 29 single-family homes which said map is on file in the Orange County Clerk’s Office, and WHEREAS, the Developer has applied for an amendment to the approved map, and WHEREAS, in connection with the proposed amendment the Developer has requested permission to construct temporary sewer facilities to serve as two lots on the project, and WHEREAS, it would be appropriate for the Town to enter into an agreement with the Developer to memorialize the obligations of the Developer in connection with the installation, maintenance and ultimate removal of the temporary sewer provisions, and WHEREAS, the Planning Board has completed SEQR on the project and the Town Board has received a short EAF pertaining to the agreement for the installation and removal of the temporary sewer facilities, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board determines that the activities proposed by the Developer will not have an adverse impact on the environment and the Supervisor is authorized to execute Part III of the short EAF, and BE IT FURTHER RESOLVED, That the Town Board does hereby agree to enter into a certain agreement between the Town and Stone Hollow at Cornwall, LLC authorizing the installation of temporary sewer facilities and setting forth the obligation of the Developer to install, maintain and remove said temporary facilities, and BE IT FURTHER RESOLVED, That the Supervisor be and he is hereby authorized to execute said agreement upon receiving copies of the agreement executed by the Developer. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE:

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

Motion carried.

Agenda Item #4 – Resolution – Local Law – Regulation of Noise – Set Public Hearing – Supervisor QUIGLEY advised that this Local Law is something that we have been working on for a long time now, and we need to set a Public Hearing. WHEREAS, the Town Board of the Town of Cornwall has a Local Law before it entitled: A Local Law to create Chapter 101 of the Code of the Town of Cornwall entitled “Regulation of Noise”, and WHEREAS, the Town Board has determined that it is appropriate and in the public interest to enact a local law for the purpose of preventing loud and disturbing noises which cause annoyance, alarm or undue inconvenience, and WHEREAS, a proposed Local Law 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 to create Section 101 of the Code of the Town of Cornwall entitled “Regulation of Noise”, and
2. That a public hearing on the proposed Local Law is set for November 9th 2009 at 7:10 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 MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – Hazard Mitigation Plan – Grant Funding for Potential Disasters –

Supervisor QUIGLEY explained that in order to apply for FEMA Funding to cover expenses that were caused by a natural disaster, such as a hurricane, the Town must have a Hazard Mitigation Plan in place. WHEREAS, the Town's Consulting Engineer recommends that the Town of Cornwall contract with Turner Miller Group for the preparation of the Hazard Mitigation Plan, and WHEREAS, the Turner Miller Group has submitted a proposal dated August 4th 2009 to the Town for the preparation of the Hazard Mitigation Plan for a not-to-exceed cost of \$25,000.00, and WHEREAS, there is funding in the present budget for the preparation of a Hazard Mitigation Plan, and WHEREAS, the preparation of a Hazard Mitigation Plan would be deemed professional services and there is no statutory requirement for public bidding for such services, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Cornwall does hereby agree to retain the Turner Miller Group to prepare a Hazard Mitigation Plan for the Town of Cornwall at a not-to-exceed cost of \$25,000.00.
2. That the Town Board authorizes the Supervisor to execute such documents as may be necessary to retain the Turner Miller Group to prepare the Hazard Mitigation Plan.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – Hennessey and LoPresti – Sanitary Sewer Line Easement – WHEREAS,

heretofore the Cornwall Planning Board approved a two-lot subdivision and lot-line change of lands of Hennessey, LoPresti and Funck, and WHEREAS, in connection with the subdivision and lot-line change Hennessey and LoPresti are offering to grant to the Town a 15' wide sanitary sewer easement, and WHEREAS, Mark Edsall, the Town's Consulting Engineer has reviewed and approved the easement and the survey description annexed thereto, and WHEREAS, the easement agreement has been presented to the Town board for acceptance, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby accept the grant of the easement from Margaret L. Hennessey and Michele LoPresti, and BE IT FURTHER RESOLVED: That the Supervisor be and he hereby is authorized to execute the same on behalf of the Town. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – Orange Runners Club Jingle Jog – Supervisor QUIGLEY advised that the

Town received a request from the Orange Runners Club to hold their 28th Annual Orange Runners Club Jingle Jog on Sunday, December 6th 2009. The Race Course is as follows:

1. Otter Kill Road between Clove Road and Jackson Avenue from approximately 10:00 A.M. to 10:45 A.M.
2. Jackson Avenue between Otter Kill Road and Orrs Mills Road from approximately 10:10 A.M. to 10:55 A.M.
3. Orrs Mills Road between Jackson Ave and Clove Road from approximately 10:15 A.M. to 11:15 A.M.

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board hereby approves the Club's proposal to hold the 28th Annual Orange Runners Club Jingle Job on Sunday, December 6th 2009, starting at 10:00 A.M. on the race course provided to the Town of Cornwall Police Department. Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item # 8 – Resolution – Cornwall Conservation Advisory Council – Tree Planting at Storm King Art Center

Councilwoman KRAFFT advised that we have discussed the erosion problems in the past on the banks of the Storm King Art Center where it meets the Moodna, and also affecting some private property and going towards the dam. The Conservation Advisory Council is requesting permission from Storm King Art Center to plant trees and shrubs to help solve the erosion. Councilwoman KRAFFT further advised that all the plantings were donated. WHEREAS, the Art Center has agreed to permit the planting subject to limitations as follows: That only two people be involved, one from the Department of Environmental Conservation and the other from the Council and that the Town provide a certificate of liability insurance to the Art Center, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby authorize the council to plant trees and other vegetation on the lands of the Art Center at the location agreed upon between the Council and the Art Center, and BE IT FURTHER RESOLVED that the Town agrees to provide the Art Center with a certificate of liability insurance covering the activity which will be performed by two people, one from the Department of Environmental Conservation and one from the Council. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item # 9 – COVAC – Approve Purchase Radios and Pagers – Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item # 10 – Buckle Up New York Program – Supervisor QUIGLEY advised that the Chief Hazard received a letter from Commissioner of Motor Vehicles, David J. Swarts, announcing that on behalf of Governor David A. Paterson, the Town of Cornwall has been awarded \$3,375.00 to participate in the statewide “BUCKLE UP NEW YORK!”

Agenda Item # 11 – Personnel: Resignation – Supervisor QUIGLEY read a letter from Helen Bunt requesting to be relieved of her appointment to the Cornwall Town Planning Board. Ms. Bunt thanked the Board for the confidence they showed in granting her the appointment and for giving her the opportunity to serve the community. Motion to accept the letter of resignation with regrets was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye. The Board will start working on setting up a replacement and will go over past applicants that they have on file, as well as accept new applications.

Agenda Item # 12 – Set Town Board Budget Work Session Dates – Supervisor QUIGLEY advised that the dates agreed on at the last Work Session need to be entered into tonight’s Minutes. The dates are as follows: October 15th, 20th, and 26th at 7:00 P.M. Councilwoman KRAFFT pointed out that we should set the Public Hearing for the Budget for November 12th at 7:00 P.M. Motion to approve was made by Councilwoman KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item # 13 – Liquor License – Ancient Order of Hibernians – Supervisor QUIGLEY read into the record that the Cead Failte Corporation, located at the Irish Cultural Center, 10 Hibernian Way, Mountainville, NY 10953 has applied for a renewal on their liquor license.

Committee Reports:

Sewer: Councilman CLARK advised that the line at Main Street had a severe clog believed to be caused by grease. The Councilman stated that the Department did the best job they could, and that from now on, the line will be snaked once a month as a preventative measure.

Police Training: Councilman MAZZOCCA advised that Sergeant Sinagra attended a seminar at the Ulster County Sheriff's Department on "Sex Offender Management."

Police Department News: Councilman MAZZOCCA advised that several officers participated in the New York State Program for Vehicle and Traffic Enforcement, which resulted in summonses being issued for various violations, including speeding, seat belts, stop signs, etc. As an added bonus, Councilman MAZZOCCA stated that tickets issued for cell phone use while driving went up from 0 in the month of August to 4 in September. There were several arrests for suspended driving licenses. Our Police officers volunteered and participated in an effort to improve the appearance of the Police Department by painting the dispatch room, organizing the storage area, and preparing the original records area for department interview and juvenile room.

Community News: Councilman MAZZOCCA advised that this is the time of year for falling leaves and Trick or Treat. Wet leaves are very slippery, and motorists are urged to use extra caution driving in these conditions. Also, there will be many youngsters on the streets for Halloween who might be excited and not paying attention, so it's up to us, the drivers, to use extra caution. Please protect our kids.

Cornwall Conservation Advisory Council: Councilwoman KRAFFT requested permission to purchase hand grabbers for road clean up as previously discussed at Work Session. The cost is \$25.00 each and total quantity requested is eight (8). These supplies are available at E.A. Morrison in Middletown, NY. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Cornwall Conservation Advisory Council -- Dolce Dorfman Day: Councilwoman KRAFFT advised that the event will be held on Sunday, October 25th 2009 beginning at 1:00 P.M. at Town Hall. Also, incorporated will be the International Climate Day. For more information you can go to www.350.org.

Storm King Adventure Tours: Councilwoman KRAFFT took a moment to thank Storm King Adventure Tours for their Coastal Clean-up Day.

Recreation: Councilwoman KRAFFT advised that there is a 5/10K Run scheduled for this Sunday, October 18th 2009. Registration is at 8:30 A.M. A Walk is also planned for those who are not runners. Strollers are welcome. Proceeds will go toward Laurel Crest Park.

Halloween Party: The Recreation Department and the Cornwall Public Library are holding this year's Halloween Party on Saturday, October 31st 2009 at 9:15 A.M. to 11:30 A.M. The event will start at the Library with a parade to Munger Cottage. There will be refreshments, face painting and crafts. Registration is required –Please contact the Recreation Department.

Teen Movie Night: This Saturday, October 17th 2009 on the Town grounds. All teenagers ages 13 to 17 are welcome.

QVC Tour: November 16th – bus leaves at 8:30 A.M. Lunch and shopping. Cost is \$42 per person.

New York City Trip: Scheduled for December, please contact the Recreation Department for more information.

Highway: Councilman McGUINNESS advised that the Department had a successful roads and repaving program despite the wet weather. Highway and Sanitation are teaming up to begin the Fall Bulk Rubbish Pick-up this Monday, October 19th 2009.

Warrant # 10 – Supervisor QUIGLEY called for a motion on Warrant #10. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye with the exception of abstention made by Councilwoman KRAFFT.

Public Comment:

Kathi Ellick asked the Board for the status of the Angola Road Park Grant as it was about to expire. Councilwoman KRAFFT advised that she has been in contact with the County and is actively working on it, and that the Board will be making a determination soon. Councilwoman KRAFFT further advised that this is a matching grant in the amount of \$12,500.00, and that we have to finish the process before it expires at the end of November into December.

Alex Ellick advised the Board that he is a member of the Cornwall High School Environmental Club, and that they are having an event on October 24th 2009 with 350.Org where they plan to go to the individual local schools and Rings Pond to collect garbage. Mr. Ellick asked if perhaps the Board would be willing to donate orange garbage bags for this event. Mr. Ellick spoke with Dr. Sheboy from the school and was advised that a certificate of insurance will be available through the Cornwall Central School District. Councilman CLARK advised that the Chamber of Commerce would be willing to supply them with bags. Councilman MAZZOCCA applauded Mr. Ellick and the Environmental Club for taking on this project. Motion to give approval for the Environmental Club to complete the International Climate Day project on Town property with the proper insurance was made by Councilwoman KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Graham Keldor asked if the accident on Main Street involved anyone using a cell phone. Councilman MAZZOCCA advised that he did not know but would not be surprised. Graham Keldor responded that he saw someone using their cell phone while driving with both hands up and he was not sure what was driving the vehicle.

Hector Torres wanted to know when a copy of the Noise Ordinance would be available for review. The Board advised that it would be available tomorrow at the Town Clerk's Office.

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

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

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schneer
Town Clerk