

REGULAR TOWN BOARD MEETING was held on the 9<sup>th</sup> DAY of OCTOBER 2007 at 7:00 P.M. in Town Hall, 183 Main Street, Cornwall, N.Y.

PRESENT; Supervisor, RICHARD RANDAZZO  
Councilpersons, Randolph Clark  
Mary Beth Greene-Krafft  
Alexander Mazzocca  
J. Kerry McGuinness

Also PRESENT: Attorney, ADAM RODD representing Attorney for Town, JAMES R. LOEB, ESQ.

At 7:00 P.M. PUBLIC HEARINGS ON SPECIAL BENEFIT DISTRICTS ASSESSMENT ROLLS LEGAL NOTICE and AFFIDAVIT OF PUBLICATION calling for 8 Public Hearings for this date, time and place was read by Supervisor. (to be made part of official record)

CORNWALL REFUSE DISTRICT Correspondence was noted received from Robert Cox, 112 Orrs Mills Road, informing that refuse is only picked up once a week in his district when Holiday falls on Monday and with the Holiday does the same amount have to be paid as the other District? Supervisor noted that there are two pick-ups in District 2 and regardless of the amount of refuse picked up, it is the same whether it is picked up on Monday or Thursday.

DOES ANYONE WISH TO SPEAK ON CORNWALL REFUSE DISTRICT?  
NO RESPONSE.

CORNWALL REFUSE DISTRICT 38,794 UNITS  
Councilwoman KRAFFT MOVED Public Hearing CLOSED. Seconded by Councilman Mazzocca. Carried.

FIRTHCLIFFE HEIGHTS SEWER DISTRICT 1,611.5 UNITS  
DOES ANYONE WISH TO SPEAK ON THE FIRTHCLIFFE HEIGHTS SEWER DISTRICT?  
NO RESPONSE. Councilwoman KRAFFT MOVED Public Hearing CLOSED. Seconded by Councilman Mazzocca. Carried.

FIRTHCLIFFE SEWER DISTRICT 424.50 UNITS  
Does anyone wish to speak on the Firthcliffe Sewer District? NO RESPONSE  
Councilman MAZZOCCA MOVED Public Hearing CLOSED. Seconded by Councilman Randolph Clark. Carried.

BEAVER DAM LAKE SEWER DISTRICT 1,844 UNITS  
Does anyone wish to speak on the Beaver Dam Lake Sewer District? NO RESPONSE  
Councilman J. Kerry McGuinness MOVED Public Hearing CLOSED. Seconded by Councilman Randolph Clark. Carried.

HALVORSEN ROAD SEWER DISTRICT 5 UNITS

Does anyone wish to speak on the Halvorsen Road Sewer District?

Mr. Steve Schaller, 93 Mailler Avenue, Cornwall I would like information on what kind of improvements are going on, and are there any plans for projects because there is a lot of surveying going on behind my home.

Supervisor RANDAZZO advised that the Town does not have any projects for Halverson Road, noting that the District was very narrow and years ago it was created because Halvorsen Road had a very small private sewer main that ran down to Mailler Avenue main, and residents came to the Town Board with sewer problems requesting that it be replaced with a public sewer main and that is the reason the District was formed.

Informing that the Bond has been paid off and there are no payments to be made. Advising that the surveying may be for projects further up Mailler Avenue, but the Town has no projects planned for that area.

DOES ANYONE ELSE WISH TO SPEAK ON THE HALVORSEN ROAD SEWER DISTRICT?

NO RESPONSE Councilman Randolph Clark MOVED Public Hearing CLOSED. Seconded by Councilwoman Krafft. Carried.

MAJESTIC SEWER DISTRICT 25 UNITS

DOES ANYONE WISH TO SPEAK ON MAJESTIC SEWER DISTRICT? NO RESPONSE

Councilman MAZZOCCA MOVED Public Hearing CLOSED. Seconded by Councilman Randolph Clark. Carried.

HIDDEN GLEN DRAINAGE DISTRICT 14 UNITS

DOES ANYONE WISH TO SPEAK ON HIDDEN GLEN DRAINAGE DISTRICT? NO RESPONSE.

Councilman J. Kerry McGuinness MOVED Public Hearing CLOSED. Seconded by Councilwoman Krafft. Carried.

MAIN STREET PARKING DISTRICT 39 UNITS

Does anyone wish to speak either for or against the Main Street Parking District? NO RESPONSE

Councilman MAZZOCCA MOVED Public Hearing CLOSED. Seconded by J. Kerry McGuinness. Carried.

Councilman RANDOLPH CLARK MOVED SPECIAL DISTRICT BENEFIT ASSESSMENT ROLLS ADOPTED and presented following RESOLUTION;

WHEREAS, PUBLIC HEARINGS have been held on SPECIAL DISTRICT BENEFIT ASSESSMENT ROLLS on OCTOBER 9<sup>th</sup>, 2007 at 7:00 P.M the following UNITS are declared for the following SPECIAL DISTRICTS and MOVED ADOPTION.

Cornwall Refuse District	38,794
Firthcliffe Heights Sewer District	1611.50
Firthcliffe Sewer District	424.50
Beaver Dam Lake Sewer District	1844
Halvorsen Road Sewer District	5
Majestic Sewer District	25
Hidden Glen Drainage District	14
Main Street Parking District	39

Seconded by Councilman J. Kerry McGuinness. Put to vote on roll call resulting as follows:

Councilman Randolph Clark	AYE
Councilwoman Mary Beth Greene-Krafft	AYE
Councilman Alexander Mazzocca	AYE
Councilman J. Kerry McGuinness	AYE
Supervisor Richard Randazzo	AYE

Carried. Adopted as read.

At 7:30 P.M. REGULAR BOARD BUSINESS CONVENED OPENING WITH PLEDGE OF ALLEGIANCE TO FLAG.

APPROVAL of MINUTES: Councilwoman KRAFFT MOVED September TBM Accepted and Approved as read. Seconded by Councilman Randolph Clark. Carried.  
No Public Comments on Agenda Items.

REGARDING DANGEROUS TREES – MOODNA CREEK This had been discussed at previous meeting relative to complaint received from Mr. Iancanno involving Storm King Art Center and Board referred matter to outside Counsel for interpretation of the Dangerous Tree Ordinance. Supervisor Randazzo advised that meeting was arranged with SKAC and he is happy to report that they agreed to hire a tree company to cut down the fallen trees in the stream as well as the dead trees on the embankment and in the area. Advising that work probably has been finished. He expressed thanks to all involved and the SKAC for their cooperation. Noting that based on the review of this matter, Mr. Loeb has advised the Board that they should be reviewing the Dangerous Tree Ordinance which had been written decades ago because the laws have changed over the years. Supervisor Randazzo advised that Attorney Loeb is drafting a new Dangerous Tree Law and rather than spending money for an outside interpretation of the current Law, the Board will proceed ahead on the recommendation of Attorney Loeb. Noting that the matter has been resolved amicably.

OTTERBROOK – DRAINAGE CONCERNS Letter was noted received from Mary Ann Carberry requesting placement on the October Board Meeting to discuss Otterbrook Subdivision Section III relative to on-going water and road erosion problems in the Subdivision.

Supervisor RANDAZZO noted she had attended the October Board work session voicing concerns about drainage. Noting that the Highway Superintendent, Bob Conley had inspected the area last

year and question came up at the time relative to the two lots that were not built on and there were concerns raised about the leach fields and septic system, etc.

LETTER from Attorney GABA to Town Board and Supervisor wherein he informed that at the workshop on October 1, 2007 question arose as to whether the Orange County Department of Health would review perc tests for septic tanks at the two lot subdivision on Brook Hollow Drive. General rule is that the Health Department does not review residential subdivisions of less than four lots. However, enclosed is copy of correspondence received from the Department of Health indicating that the two lot subdivision at issue will be reviewed because it includes remaining lots from larger subdivision previously reviewed by the Health Department.

After reading foregoing letter, Supervisor RANDAZZO advised that based on this, the Health Department will review those two lots in the subdivision. Noting OCDH communication advises that any lots remaining in the subdivision must be approved and furthermore any disposal system must meet approval of the Health Department.

He advised that based on the information received and discussions on the drainage problems raised REQUESTED BOARD AUTHORIZE ENGINEER MARK EDSALL TO REVIEW THE PROBLEMS AND REPORT BACK TO THE TOWN BOARD ON FINDINGS.

Councilman J. KERRY MCGUINNESS MOVED AUTHORIZATION TO ENGINEER. Seconded by Councilman Randolph Clark. Roll Call: Unanimous AYES

Supervisor RANDAZZO advised Ms. Carberry that the Engineer and Highway Department Superintendent will make an on-site inspection of the area drainage problems and hopefully the Board will have report within the next month and she will also be contacted.

#### HIGHWAY DEPARTMENT PURCHASE – RESOLUTION –

WHEREAS, heretofore the Superintendent of Highways of the Town of Cornwall has forwarded a request to the Town Board for the purchase of two (2) highway spreaders, and WHEREAS, the Town has capital funds on hand from a previous equipment borrowing to fund this purchase,

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town does hereby authorize the Superintendent of Highways to prepare bid specifications and advertise for SEALED BIDS in the Official Newspaper of the Town, TO BE OPENED ON NOVEMBER 13, 2007 at 7:15 P.M. prevailing time.

That the bids be made returnable at a meeting of the Town Board at which time they will be opened and read aloud.

Councilwoman MARY BETH GREENE-KRAFFT presented foregoing resolution which was seconded by Councilman Alexander Mazzocca.

The vote on the foregoing resolution was as follows:

Mary Beth Greene-Krafft, Councilwoman, voting AYE

Randolph S. Clark, Councilman, voting AYE

J. Kerry McGuinness, Councilman, voting AYE

Alexander Mazzocca, Councilman, voting AYE

Richard Randazzo, Supervisor, voting AYE

(Town Clerk will advertise)

ETHICS COMPLAINT FOLLOW UP - Supervisor RANDAZZO noted that letter had been received sometime back in 2007 from Brian Babcock relative to conflict of interest of Zoning Board Member, Eileen Regan, and it was referred to Attorney for the Town to review the matter and ATTORNEY GABA had forwarded letter of reply under date of May 14, 2007 REGARDING ETHICS COMPLAINT informing that conflicts of interest for Municipal Board Members are governed by General Municipal Law 809 as supplemented by Town of Cornwall Ethics Code 20-4. There is no per se prohibition on being a real estate broker and serving on ZBA or any other Municipal Board. Accordingly, we see no basis for Mr. Babcock's claim that Ms. Regan's employment as a broker is incompatible with her position as a ZBA Member. Ms. Regan recused herself from participation in the Thommen application, so there does not appear to be any ethical violation.

Supervisor RANDAZZO advised that Ms. Regan was requested to provide the Board with comments on questions raised at that time, which she did. Noting FOR THE RECORD that the file is clear and BOARD ACCEPT FINDINGS OF ATTORNEY THAT THERE IS NO ETHICAL VIOLATION INVOLVED IN THIS MATTER.

Councilman J. KERRY MCGUINNESS MOVED FOREGOING seconded by Councilwoman Mary Beth Greene-Krafft. Roll Call Unanimous AYES

SPEED STUDY on PLEASANT HILL ROAD and OTTERKILL ROAD had been done in the past and sent to the County and would be forwarded to the DOT and findings were sometimes delayed or tabled. However the NYSDOT has now updated and changed their practices and now the Municipalities will have to spend their own money conducting their own traffic study and forwarding their recommendations on to the NYSDOT for their approval.

RESOLUTION REQUESTING SPEED LIMITS BE REDUCED ON PLEASANT HILL ROAD and OTTERKILL ROAD and authorize retaining firm of John Collins Engineers, P.C. prepare and submit said study, expenditure not to exceed \$4,500 etc. (to be made part of official record) MOVED by Councilman CLARK seconded by Councilman Mazzocca. Roll Call: Unanimous AYES

RT. 9W and TURNING LANES Supervisor RANDAZZO brought to Board's attention having forwarded letter to DOT couple of months ago expressing Town's concerns relative to turning lanes going from two lanes to one lane in each direction.

Informing he had received REPLY from NYSDOT Regional Program Manager, Mr. Peters under date of Sept. 14, 2007 REGARDING 9W at Laurel Avenue – Cornwall.

Wherein he advised the evaluation of the need for traffic signal at the intersection was determined that left turn lanes would be required to allow for satisfactory operation of signal. Although it would be preferable to maintain two through lanes of traffic in each direction, the need for turn lanes is more critical. The curbed median and adjacent drainage structures could not be modified in this interim improvement, thus the decision was made to eliminate one through lane in each direction. The reconstruction of Rt. 9W between Angola Road and Rt. 94 in Cornwall and New Windsor is in our capital program in two stages. PIN 8039.87 currently scoped to do bridge work has target let date in SFY 2010/11; PIN 8239.20 which scope includes highway improvements is scheduled to be let SFY 2013/14. The Orange County Transportation Council is just starting Newburgh Area Transportation and Sustainable Development Study. This study will look at Rt. 9W corridor from the City of Newburgh south to Angola Road as part of the overall scope. One question we hope the

study will help us answer is what the number of lanes should be and should Rt.9W continue to be a mix of grade separated interchanges and at grade intersections or change to all at grade intersections or change to all grade separated interchanges. The Town of Cornwall is expected to be a participant in this study and should contact Mr. John Czamanske, Deputy Commissioner, Orange County Department of Planning and actively participate in the study. (845-291-2318)

Supervisor RANDAZZO brought to Board's attention that this Project has been on the drawing board for a number of years and was projected to be accomplished a number of years ago but State kept postponing it when it started in the 1930's and representatives were contacted. Advising that he feels that the State does not make the effort in up-grading highways and the ramps are not made to accommodate present day heavy traffic. Noting that they want the Town to consider Rt. 9W which is a four lane highway when it was constructed in the 30's and now they want to make it a two lane highway which is ridiculous. This project was approximately twenty million dollars when it was originally proposed but costs have probably escalated. Advising there will be many issues for the Town to consider when this project surfaces, and Town should be very vigilant making these long term improvements not only for the Town but also for those traveling through this area for safety concerns.

Supervisor RANDAZZO will contact NYSDOT and ascertain who will represent the Town of Cornwall in this study.

**POLICE CHIEF HAZARD - MEMO - Requesting NEW LEASE BE SIGNED W/ATLANTIC BUSINESS PRODUCTS** on the Photocopier as it is about to expire in December 2007. Photocopier is 5 years old. Quotes have been obtained and present vendor, Atlantic Business Products submitted quote for \$219.00 per month which includes buy out of old machine, delivery and all maintenance but does not include supplies.

LEASE AGREEMENT is attached for your review on 1-E452 Toshiba Digital System RPDF Electronic – w/stand.

Councilman ALEXANDER MAZZOCCA MOVED FOREGOING LEASE AGREEMENT AS SET FORTH APPROVED. Seconded by Councilwoman Mary Beth Greene-Krafft.  
Roll Call: Unanimous AYES

FALL RUBBISH PICK UP as per recommendation of Highway Department Superintendent, Bob Conley SCHEDULED FOR OCTOBER 15<sup>th</sup> FOR TOWN commencing at 5:00 AM. There will be no return trips and will commence at 5:00 AM. Rubbish will be picked up at curbside.

RECOGNITION OF GENERAL DAVID H. PETREAU WHO IS KNOWN WORLD-WIDE and IS A COMMUNITY FAVORITE SON. CORNWALL TOWN BOARD WISHES TO GO ON RECORD SUPPORTING GENERAL PETREAU.

RESOLUTION presented by Councilman Alexander Mazzocca seconded by Councilman Randolph Clark. (to be made part of official record) Unanimous AYES  
Supervisor RANDAZZO on behalf of Board wished General Petreus GOD SPEED and all of the men and women serving their Country will return as soon as possible.

**PROPERTY TAX EXEMPTION - COLD WAR VETERANS**

Supervisor RANDAZZO brought to Board's attention and persons present that the State has enacted a new Law allowing local jurisdictions, meaning the Town of Cornwall, to authorize real property tax exemption for all cold war veterans, which differs from veterans who served during periods of declared wars and status of vets who are entitled to property tax exemption which has been adopted in the past by the Town Board. This exemption will be for COLD WAR VETS who have served over a specific period of time between Sept. 2, 1945 and December 26, 1991 on active duty.

Supervisor Randazzo read - LETTER from Attorney, James R. Loeb to Town Board under date of October 9, 2007 wherein he advised having just reviewed an amendment to the Real Property Tax Law authorizing real property tax exemption for Cold War Veterans which is a new section, Section 458-b. The new section becomes effective on January 3, 2008 and applies to assessment rolls prepared on the basis of taxable status dates occurring after that date. The law is quite complicated in its provisions, but the basic element is to provide a tax exemption to veterans of the United States Army, Navy, Marine Corps, Air Force and Coast Guard who served on full time, active duty for a period of more than 365 days between September 2, 1945 and December 26, 1991 and who were discharged or released from service under honorable conditions. The State statute gives the Town a series of options to determine which program of exemption it wishes to enact in a local law which is necessary to put the exemption in place in the Town of Cornwall. The State statute requires that the local law be adopted no later than 90 days before taxable status date next occurring which would be March 1, 2008. In order to comply with the statute, the Cornwall local law would have to be adopted by the end of December, 2007.

I would suggest that if the Town Board wishes to consider adopting a local law putting this new tax exemption in place in Cornwall that it meet with the Assessor as soon as possible to review the provisions of the new State Law. One of the difficulties of course is to project the number of eligible veterans within the Town who meet the military service requirement of one year of active duty between September 2, 1945 and December 26, 1991. As I read the State Statute, if a Cold War veteran already receives a tax exemption under either Section 458 or 458-a of the Real Property Tax Law, the veteran shall not be entitled to receive an exemption under the newly enacted legislation. Supervisor advised Board that meeting will held with the Assessor relative to the foregoing Legislation.

**V&T AMENDMENT – SECTION 143 - Cornwall Town Code** relative to Stop Signs, No Parking, Fire Lanes, Yield Signs.

**RESOLUTION** WHEREAS, heretofore 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:

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 that a **PUBLIC HEARING** on the proposed local law is set for **NOVEMBER 13, 2007** at 7:20 P.M. and that due notice of the same is directed to be given by publication and posting.

Councilwoman KRAFFT presented foregoing resolution which was seconded by Councilman Randolph Clark.

Put to vote on roll call resulting – Unanimous AYES

QUAKER AVENUE – SIDEWALK & CURBING Supervisor RANDAZZO brought to Board’s attention that several months ago when the Planning Board was reviewing their site plan on project involving the new property owner of the Taylor Shop was to install new curbing and sidewalk and some work has been done and recommendation was for exactly 163ft. of curbing and sidewalk for replacement by the Town in order to complete the project and to be able to control drainage. Noting that the Highway Superintendent had been requested to secure PROPOSALS for SIDEWALK & CURBING which includes curbing entrance to Museum Park off Angola Road (Kenridge Farm)

JOSEPH’S CONCRETE & MASONRY	Curbing and Sidewalk	Quaker Avenue	\$7,245
	Museum Town Park	additional	\$1,200
		TOTAL	\$8,445

Supervisor advised that \$7,245 will come from Highway Fund and the \$1,200 will come from Park recreation fund.

Councilman ALEXANDER MAZZOCCA MOVED FOREGOING APPROVED. Seconded by Councilman Randolph Clark. Roll Call: Unanimous AYES

PERSONNEL:

RESIGNATIONS:

JAMES BOOTH part time clerk in Town Clerk’s Office EFFECTIVE, FRIDAY, OCT.12<sup>TH</sup> to accept Position as Legislative Assistant to Assemblyman, Joel Miller of the 102nd Assembly District, Dutchess County as of Oct. 15, 2007.

Councilwoman KRAFFT MOVED RESIGNATION ACCEPTED. Seconded by Councilman Alexander Mazzocca. Carried.

Supervisor expressed thanks and appreciation and WISHED HIM LUCK ON BEHALF OF the BOARD.

APPOINTMENTS:

DAVID PULLAR, HIGHWAY DEPARTMENT (vacancy) starting rate \$17.70 p/h commencing on Monday, October 22, 2007 as per recommendation of Highway Department Superintendent, Bob Conley.

Councilman J. KERRY McGUINNESS MOVED foregoing appointment. Seconded by Councilman Randolph Clark. Carried.

PERMANENT APPOINTMENT - Catherine Fiorello, Assistant Assessor as of Oct. 9, 2007 after having completed her 8 week probationary period. MOVED APPROVED by Councilwoman KRAFFT seconded by Councilman Randolph Clark. Carried.

APPOINTMENT - LINDA GIARDELLO Part-time RECORDS CLERK at \$10.00 p/h in Town Clerk's Office – replacing Maria Lindstrom – MOVED APPROVED by Councilman MAZZOCCA seconded by Councilman J. Kerry McGuinness. Carried. (as of Oct. 15th, 2007 – Monday)

REQUEST from GARY VINSON, Building Inspector to attend TRI-COUNTY Chapter 2 Winter TRAINING SEMINAR – WEDNESDAY, DECEMBER 5<sup>th</sup> and 6<sup>th</sup> at Middletown N.Y. – REGISTRATION - \$150.00 Lodging is not required. MOVED APPROVED by Councilman MAZZOCCA seconded by Councilman Randolph Clark. Carried.

**HALLOWEEN CURFEW** Supervisor RANDAZZO noted that Board had discussed the issue at their work session last week noting lengthy LETTER had been received from Attorney, Steve Gaba basically outlining kinds of curfews which must be narrowly drawn to avoid infringing on the constitutional rights of the populace. Curfews must have reasonable relation to the benefit sought to be achieved by enacting it and must be reasonable in duration. Further, the language used in enacting a curfew should be clear and concise so that citizens can easily tell what type of activity is being prohibited. Although the constitutional right to Equal Protection is always a concern when discriminating among persons to whom a curfew will apply, there is authority supporting the proposition that a curfew may be made applicable only to minors. However, before adopting a “juvenile curfew” a municipality should establish a record of the facts or circumstances justifying taking such action (e.g. recurrent vandalism or other acts of juvenile delinquency). Here it appears that the potential problem which a curfew would address is minors engaged in vandalism and other mischief on October 30<sup>th</sup> and 31st (i.e. Halloween). If the Board wishes to adopt an emergency curfew under the Executive Law, it should be prepared to cite to specific past instances of bad acts by juveniles in the Town on these nights. If the Board is unable to provide specific instances of bad behavior justifying the curfew, we suggest that the Board proceed by way of local law instead of a resolution.

After reading the foregoing excerpt from Attorney Gaba's letter, Supervisor commented that the Town is very fortunate not having any real acts by juveniles and he would be **OPPOSED TO ANY CURFEW** at this time. However, if the Town experienced any vandalism causing problems for residents, then the Board should take another look at this issue and reconsider it.

#### ASKING FOR BOARD COMMENTS

Councilman CLARK commented he would like to see it pursued because of problem person experienced but she is not available and, he would like to get the specifics as the Town has had problems with graffiti and as he commented at the work session, he would like to be pro-active rather than pre-active and then enact a local law for next year. Also, would like to have something in place so that the Town is not the only community in the area without a curfew. The surrounding areas do have curfews but the legalities are not known. The Town is not prepared if outsiders come to Cornwall and do something.

Councilman MCGUINNESS commented the Town in the past has had lack of vandalism is probably combination of how children celebrate Halloween as well as the vigilance of the Police Department maintained over the years and without any evidence of specific incidents in the past, he would at this time **OPPOSE ANY CURFEW**.

Councilwoman KRAFFT commented she would be OPPOSED to the curfew due to the fact that youths have been cooperating, and the Police Department has been doing a fantastic job in the past on Halloween as they are out there and their presence is known and they interact with the young people which is a positive and why come down on them when they are cooperating and doing the right thing and she would not be in favor of any curfew.

Councilman MAZZOCCA commented it is not being cut off for anyone and those under the age of 18 should be in by 9:00 P.M. Also, the Auxiliary Police are out on patrol. We should pass the resolution and find out if it works.

RESOLUTION -

WHEREAS, there has been in the past persistent and substantial acts of vandalism and other mischief within the Town of Cornwall by minors on or about October 30<sup>th</sup> and 31<sup>st</sup>; and

WHEREAS, examples of such wrongdoing include (none in past and at this point nothing)

WHEREAS, the Town Board does hereby determine that the reasonable apprehension of immediate danger of acts of vandalism and other mischief within the Town of Cornwall by minors on October 30<sup>th</sup> and 31<sup>st</sup> imperils public safety and constitutes an “emergency” within the meaning of New York State Executive Law 24; and

WHEREAS, the Town Board finds that it is necessary and appropriate to respond to the said emergency by enacting a curfew on October 30<sup>th</sup> and 31<sup>st</sup> to avoid, prevent and/or minimize acts of vandalism and other mischief within the Town of Cornwall by minors;

NOW, THEREFOR, BE IT RESOLVED as follows:

The Town Board does hereby enact a curfew under which pedestrian traffic by minors shall be prohibited on all public streets, sidewalks and grounds between the hours of 9:00 P.M. and 1:00 A.M. on October 30, 2007 and October 31, 2007 within the territorial limits of the Town of Cornwall unless accompanied by an adult; and knowing violation of the curfew hereby enacted shall be punishable as a Class “B” misdemeanor.

Councilman RANDOLPH CLARK presented the foregoing resolution which was seconded by Councilman Alexander Mazzocca.

The vote on the foregoing resolution was as follows:

Marybeth Greene-Krafft, Councilwoman	NO
Randolph S. Clark, Councilman	AYE
J. Kerry McGuinness, Councilman	NO
Alexander Mazzocca, Councilman	AYE
Richard Randazzo, Supervisor	NO

Previous to voting on the foregoing Resolution, Councilwoman KRAFFT inquired of Attorney regarding the Class B misdemeanor - Who would be charged? The parents for allowing their children to be out after that time or the minor who if under the age of 16 will be going to family court and if over 16 would be arrested, fingerprinted, etc., and would like it clarified. Attorney Adam Rodd informed that he would have to legally look into exactly who would be charged and what the charges would be and cautioned to the extent that considering the enactment of emergency about the curfew – it has to be a specific example of wrong doing cited in order to uphold validity of emergency type of resolution i.e. example of past wrong doing in the Town itself and if there were none, then would recommend enactment of emergency.

MAIN STREET and UNION STREET DRAINAGE Supervisor RANDAZZO brought to Board's attention that over the years the Town has attempted to solve the drainage problem at that intersection and discussed it with the DOT but to no avail because they felt it would eventually correct itself. However after meeting with County Representative and Engineers, drawings are on the planning board to find out what the best solution would be to correct the situation at that intersection even though they are very busy with backlog of projects, they advised if it is not rectified by the early Fall it will be in the early Spring of next year. Supervisor noted that their trucks have been seen in the area today and they are working on the catch basins. Councilman CLARK interjected requesting that it be moved up because Spring is their busiest time of the year.

2008 TENTATIVE BUDGET copies of which have been given to the Board Members. Supervisor RANDAZZO advised that the fiscal plan calls for tax reduction for most property owners in the five major categories of the 2008 budget.

Advising Board there will be a BUDGET WORK SESSION ON MONDAY, OCTOBER 15<sup>TH</sup> AT 7:00 P.M.

CANADIAN GEESE PROBLEM Supervisor RANDAZZO noted that Board had discussed this problem at their work session and there are 2 scheduled workshops – Thursday, Nov. 15 at Bear Mountain State Park Cliff House from 1 to 4 P.M. and Friday, Nov. 16 at Norrie Point Environmental Center, Sloatsburg, N.Y. from 9:00 A.M. to NOON. Sponsored by the RCGA (Resolving Canadian Geese Conflicts) Councilman CLARK WILL REPRESENT THE TOWN OF CORNWALL.

COVAC - MEMO REQUESTING 'STORAGE SHED' on premises. Supervisor RANDAZZO informed that the County has advised the Town that Voting Machines stored at the building will be moved out to a central location and there will be more space available for their storage needs.

COVAC request for RAD 57 Signal Extraction Pulse CO-Oximeter – This will have to be explained by COVAC Member to the Town Board.

LIQUOR LICENSE RENEWAL - CEAD FAILTE CORP. Irish Cultural Center (Hibernians) 10 Hibernian Way, Mountainville, NY 10953 as per ABC Law, Sec. 109(2) (for the record) New Serial #2111589 – License expires 10-31-2007

AGREEMENT – PLAYGROUND PAVILLION LOCATED ON TOWN HALL PROPERTY and Funding will come from Recreation Trust Fund.

Councilman RANDOLPH CLARK MOVED APPROVAL ON AGREEMENT. Seconded by Councilman J. Kerry McGuinness. Roll Call: Unanimous AYES

LEASE RENEWAL - PITNEY BOWES MAILING MACHINE - \$290.00 Per Month.

Councilwoman KRAFFT MOVED FOREGOING LEASE RENEWAL. Seconded by Councilman Alexander Mazzocca. Roll Call: Unanimous AYES

LOCAL LAW #1-2007-Amending Town Zoning Code and LOCAL LAW #2-2007 Amended Seniors Tax Exemption both filed with Secretary of State as of August 22, 2007 and are now in full force and effect as per Letter from Attorney James R. Loeb.

COMMITTEE REPORTS:

Councilman CLARK reported nothing of consequence on his committee.

Councilman McGUINNESS reported on HIGHWAY DEPARTMENT is undertaking normal maintenance and repairs as well as getting ready for Fall Rubbish Pick Up slated to commence on October 15th.

Councilwoman KRAFFT reported on RECREATION informing that their activities are now on line for public viewing. Noting all activities and shopping trips scheduled for Danbury and Middletown and bus will leave Town Hall and charges per person for each trip depending on where they are going. Information can be obtained at the Recreation Department. Also noted Halloween get together at COVAC on Oct. 25<sup>th</sup> from 7-9:30 PM. And there will be refreshments. Also there will be a gathering for toddlers at Munger Cottage and will include youngsters up age 5 or 6. Information is available at the Recreation Department and on the Town Web Site.

Councilman MAZZOCCA presented POLICE REPORT on number of hours Auxiliary Police worked on various assignments – 62.75 hrs. including DNA Training, 911 Memorial Services, Fall Foliage Festival, etc., Police Officers Rice and D’Angelo are scheduled to complete their field training on Oct. 10th and will be certified at that time. Officer Herbison and Sgt. Dixon attended seminar on “Train the Trainer” for “TRACS” program on electronic ticketing and accident reporting. Recent information received that Town will be receiving GRANT for TRACS PROGRAM to assist Police Department. Officer Jones attended in-service training at Police Chief’s Academy in Orange County.

As of Sept. 30<sup>th</sup> Dog Shelter had 5 dogs waiting adoption. Imploring residents to visit the dog shelter if they are considering a family pet.

Cornwall Town Court Officers worked 47-1/2 hrs. and they are designated as Court Officers who assist in the Court. All have completed a Special Training Course for Court Officers.

A WORD OF CAUTION TO ALL PARENTS: HALLOWEEN is rapidly approaching and requires extra vigilance and safety for children on their fun night out and they should wear bright colored clothing and/or reflective tape so that motorists can see them. Carry flashlights, cross streets carefully only at corners, never between parked vehicles. Parents accompany young children and should also know where their older children are and encourage them to travel in groups. Last but not least, the number of child pedestrian fatalities quadruples on Halloween compared to other evenings. **MOTORISTS PLEASE USE EXTRA CAUTION AND EXPECT THE UNEXPECTED ON HALLOWEEN NIGHT.**

Supervisor RANDAZZO reported on the ANNUAL TOWN and VILLAGE SOFTBALL GAME on Oct. 6<sup>th</sup> and much enjoyment had by all participants. The game was better this year and will be looking forward to playing with the Village next year.

WARRANT # 10 MOVED APPROVED and ACCEPTED by Councilwoman KRAFFT seconded by Councilman J. Kerry McGuinness. Carried.

#### PUBLIC COMMENTS

Gentleman from floor: I hope all of you know about the proposal to discontinue the Auxiliary Police. I am fully against this as the Municipalities of Cornwall and New Windsor need their Auxiliary Police and it is very important to continue with this Volunteer Service. Hopefully the Town will be able to continue and take advantage of the program on emergency services by Mr. Korey. I feel very badly about what is happening with the Auxiliary Police in Orange County.

Supervisor RANDAZZO commented that the Town has not had an opportunity to discuss the issue but are attempting to and apparently New Windsor has and their members have built the Auxiliary up years ago. They contend that it is due to the County authority that they should be used differently under the Law to be able to prepare for any emergency. But the County has made it very clear that requirements have to be met as well as the liability, and it is strictly a County call. They have said that they will no longer continue with the Auxiliary Police in Orange County. Officially the Auxiliary Police will be disbanded by the County by the end of June, 2007.

Gentleman from floor: It has not been appropriately done and the Town should do everything possible, and I will find out more about the program and grant money that will support it.

Supervisor RANDAZZO expressed THANKS and APPRECIATION to gentleman for his comments.

Board business having concluded and NO ADDITIONAL PUBLIC COMMENTS forthcoming, Councilwoman KRAFFT MOVED TOWN BOARD MEETING CLOSED. Seconded by Councilman Mazzocca. Carried.

Constance Triolo,  
Deputy Town Clerk-Stenog

Elaine Tilford Schmeer,  
Town Clerk