

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 14th day of June, 2010, in the First Floor Court Room, 183 Main Street, Cornwall NY 12518

PRESENT: Supervisor
Councilpersons

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

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

Pledge

Approval of Minutes -- Motion to approve the minutes of May 10th 2010, May 18th 2010 Special Meeting, June 1st 2010 Special Meeting, June 3rd 2010 Special Meeting, June 7th 2010 Special Meeting and June 11th Special Meeting was made by Councilwoman GREENE-KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items – Summarized sampling of some of the Public Comments:

Ms. Martina Royal wanted to know if the Board was satisfied with the current counsel's capability to provide special counsel regarding the potential land use issues and options provided regarding the purchase of NYMA. Supervisor QUIGLEY advised that he was satisfied. Ms. Royal asked if the Board received any letters or emails from the public expressing concern over representation. Supervisor QUIGLEY advised that they had received a lot of emails. Ms. Royal wanted to know how the Board planned to address the public. Supervisor QUIGLEY advised that they felt that they had adequate counsel at this time. Ms. Royal requested permission to pole the Board individually to see if they were satisfied with counsel.

Councilman MAZZOCCA advised that he is very happy with the representation we've received from the firm regarding Town issues. However, he stated that there are times that we have to go to special attorneys that have a lot of practice in what we are looking for. Mr. MAZZOCCA said that he would approve of a lawyer who specialized in this issue.

Councilman CLARK advised that it may not come as a surprise, but he does appreciate counsel, and feels that they are very adequate as general counsel, but in this situation he felt that a second opinion was necessary or even a third and a fourth. Councilman CLARK advised that based on a few situations that have occurred in the past six years under this counsel, when it came to land use issues, he felt that we may have been better served with a special use counsel. Councilman CLARK advised that he would like to see this Board proceed with at least seeking a second and third opinion and special counsel on this issue as it is probably the most far reaching, most important issue this Town has had in quite a while. Councilman CLARK thanked everyone for their thoughts and opinions and for attending these meetings.

Councilman McGUINNESS advised that having served on this Board as long as Randy has, and being familiar with several members of the law firm that represents the Town; they have a number of attorneys with different experiences, and he is satisfied with the job they have done for the Town, and believes that in this particular situation is not only a real estate transaction, but also a municipal one,

and he feels that some of the members in the law firm are some of the most well-versed and knowledgeable on municipal law and he is very comfortable using them.

Supervisor QUGILEY advised that our law firm has done well for us for many years and he believes that if they needed outside counsel, they would encourage that as they have done in other areas when it was necessary. Supervisor QUIGLEY believes that they are doing a very good job and is satisfied with their representation.

Councilwoman GREENE-KRAFFT advised that she has had the privilege of working with our current law firm in multiple municipalities on many different aspects and has watched them work through other land use problems and issues that have come up, and she believes that their work is excellent. Councilwoman GREENE-KRAFFT advised that they have been forthcoming with us, and if they have any things that they need to check on, they have their own people that they contact through the State of New York, through the Association of Towns, etc. The Councilwoman stated that she was confident that they have the expertise and the contacts to bring other thoughts and ideas to the table.

Lorraine Bennet pointed out that Mr. LOEB was both vice-president and president of the New York State Association of Towns for several years, and she didn't think that you can get many people that can come to the table with that kind of experience.

Councilman CLARK responded that a very good friend once said that just because something has been done that way for so many years, it doesn't make it right; just old. Councilman CLARK stated that a reference was just made on experience; this is the experience he has had in the last six years on this Board:

1. This counsel was the counsel to the Board on the water well issue
2. Issue with rezoning – somehow Laurel Avenue became 100% commercial – this law firm decided that it was a scrivener's error, and corrected it at an emergency Special Session
3. Last week, a resolution was made to accept not appealing the Legacy Ridge decision. A resident who beseeched us, who asked us many times to please seek outside legal counsel and advised that there were issues with this firm and a history that would possibly be detrimental to our case. Now we have had to accept the State's ruling that we do not have standing on Legacy Ridge and have decided not to seek appeal.

Councilman CLARK believes that these are their three strikes and advised that the NYMA issue is far more important than any of those. Councilman CLARK stated that he would find it remiss as a financial planner for thirty years, that if he is in over his head and he needs special counsel, he would try to give his client the best possible advice, and if that means bringing in a second chair or third chair, it's just advice and if we like it great, and if not, we move on. He believes it would be remiss of us as a Board to not seek as much help as possible.

Felice Stock stated that at the last meeting the lawyer said that he did not have as much knowledge as we would need for this issue. She remembers him saying that his only experience with eminent domain was in sidewalks and easements. Supervisor QUIGLEY advised that that was Attorney GABA not Attorney LOEB. Councilman McGUINNESS advised that they have many attorneys at the firm that represent different aspects of law.

Several residents advised that they did not understand why we aren't trying to get a second opinion from another law firm that might have more experience with these types of issues.

Supervisor QUIGLEY advised that most of what we will be dealing with is municipal law, and he was confident that we have good representation in that area.

A resident asked if it was the position of the Board that we are not going to seek a second opinion. Supervisor QUIGLEY advised that if we get to the point that we need to get outside legal counsel or additional counsel, then certainly, we will do that.

Mr. Kelly asked who would determine if we needed to do that. Supervisor QUIGLEY advised that the Board would make that determination collectively with counsel.

Michael O'Connor advised that as a practicing attorney of twenty-five years, he knows that what the Town is contemplating is an extremely complicated matter involving eminent domain, bonding, real estate, approvals from the Attorney General, etc. Mr. O'Connor stated that there are probably only a handful of attorneys in the state that could take on a project like this successfully. Mr. O'Connor further stated that he was at a loss as to what is the downside of having another law firm come in to give a presentation, in executive session, at no cost to the Town. Mr. O'Connor stated that this was not a slight on the firm that currently represents the Town, and should not be taken that way. This is not replacing a firm, but reaching out to firms that have expertise in these areas and have them give a presentation so that the Board can make a determination. Councilman MAZZOCCA thanked Mr. O'Connor for saying very nicely what he tried to say so poorly.

Sue Lennon advised that a few years ago when she was on the school board, they had a meeting at the Town of Woodbury and had a chat with Sheila Conroy who was the Supervisor at that time. Ms. Lennon advised that Sheila told her that they spent about \$50,000 per month on attorneys to combat continual issues that arose on some of the land use deals that were going on in Woodbury. Ms. Lennon stated that that is a lot of money to spend because they were not prepared. Ms. Lennon agreed that we should take the extra time to gain knowledge, free of charge, from other attorneys. She stated that it was better to pay attention in the beginning than to be crying in the end.

Chris Harley took a moment to publicly thank the Board for taking on this issue and understanding how important this is to the community.

Motion to close Public Comment was made by Councilwoman GREENE-KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Motion that the Board seeks special counsel to give a presentation on the NYMA issue at no charge was made by Councilman CLARK, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Councilman CLARK asked Supervisor QUIGLEY to compile a list of firms that may be of interest. Supervisor QUIGLEY responded that he has a list from all the emails he received. Councilman CLARK recommended that we do this very soon.

Agenda Item #1 – Resolution – NYMA – Acquiring Land – Supervisor QUIGLEY advised that this Resolution is what we need to do to move forward to purchase the land. WHEREAS, the Town Board is considering acquiring the NYMA property, and WHEREAS, the Town Board wishes to proceed with the purchase and leaseback of all or a portion of the NYMA property, and WHEREAS, it is necessary and appropriate for the citizens of the Town of Cornwall to vote on the sale of the bonds required to complete the purchase, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board determines to proceed with the purchase and leaseback of all or a portion of the NYMA property subject to the ability of the Town to secure a commitment from a bond counsel to issue an approving opinion on the sale of the Town's bonds, and
2. That the Town Board determines that it will hold a Town-wide referendum on the sale of the bonds.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – NYMA – Authorize Supervisor to Solicit Proposals for Environmental Review of Property – WHEREAS, the Town Board is considering acquiring the NYMA property, and WHEREAS, it is appropriate for the Town Board to conduct a due diligence environmental study of the property prior to the property being acquired, and WHEREAS, it is necessary for the Town to engage the services of an environmental testing and review firm to perform the environmental review of the property and prepare a report to the Town; NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby authorize the Town Supervisor to solicit proposals from an environmental testing and review firm to perform the said work. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – NYMA – Authorize Appraisal done by McGrath & Co., Inc. – Supervisor QUIGLEY advised that this is again a Resolution in reference to NYMA. WHEREAS, the Town Board is considering acquiring the NYMA property, and WHEREAS, McGrath Company, Inc., an appraisal firm with MAI appraisers, has prepared an appraisal showing market value as of December 11, 2007, and WHEREAS, the Town can realize a substantial savings in money and time by retaining McGrath to bring the appraisal down to date and secure a current value, and WHEREAS, McGrath proposes to do so for the sum of \$4,500.00 and deliver the appraisal in three weeks, NOW, THEREFORE, BE IT RESOLVED as follows: That the Supervisor be and he hereby is authorized to execute the contract with McGrath & Company, Inc. for the aforesaid appraisal. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Street Light – Halvorsen Road – Supervisor QUIGLEY advised that this is a need for a street light at the corner of Halvorsen and Mailler Avenue. WHEREAS, heretofore the Town has received a letter from Central Hudson in response to a request from a homeowner at 12 Halvorsen Road in the Town for the installation of a street light, and WHEREAS, Central Hudson is prepared to install a 70-watt high pressure sodium cobra head light on the pole near the house at 12 Halvorsen Road at no expense to the Town, and WHEREAS, Central Hudson has requested that the Town complete the annexed Street Light Authority Order, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby authorize the Supervisor to sign and complete the annexed Street Light Authority

Order and to forward the same to Central Hudson. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – Schenley Settlement Agreement – Supervisor QUIGLEY advised that this is in reference to Phase II of the Community Development Block Grant. WHEREAS, heretofore the Town had received a claim from Schenley Construction, Inc., as claimant, against the Town of Cornwall as respondent, and WHEREAS, after careful consideration and discussion among Town Board members, Town Engineer and Attorney for the Town, it is in the public interest to settle this matter, and WHEREAS, after negotiations between the parties a settlement agreement has been prepared and is now before the Town Board. NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby approve the settlement agreement annexed hereto and made a part of this resolution, and
2. That the Supervisor is authorized to execute the settlement agreement on behalf of the Town.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – Comprehensive Plan Update – Councilman McGUINNESS noted that this should be done at least every five years. WHEREAS, it has been several years since the approval of the last Comprehensive Plan Update; and WHEREAS, heretofore the Town’s Planning Consultant has identified a number of planning and zoning issues which should be addressed by the Town through the adoption of a Comprehensive Plan Update and the enactment of appropriate zoning changes; NOW, THEREFORE, BE IT RESOLVED as follows:

1. That pursuant to Town Law §272-a the Town Board shall prepare a proposed Town Comprehensive Plan Update;
2. That the Town Board shall appoint an informal, advisory, Comprehensive Plan Committee to assist the Town Board in preparation of the proposed Town Comprehensive Plan Update; and
3. That the number of members of Comprehensive Plan Committee and membership thereof shall be determined by the Town Board hereafter by separate resolution; and
4. The Supervisor is hereby authorized to solicit citizens of the Town of Cornwall who wish to participate as members of the Comprehensive Plan Committee.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – Cornwall Community Cooperative – Farmers Market – WHEREAS, the Town owns and maintains a part at Town Hall known as the Town Hall Park, and WHEREAS, the Cornwall Community Cooperative (the “Co-op”) has requested that the Town permit it to operate a farmers market on the Town Hall Park grounds, and WHEREAS, the Town Board has determined that it is in the public interest to allow the Co-op to operate a Farmers’ Market in the Town, and the Town Board is

willing to enter into a Revocable License Agreement with the Co-op for such purpose, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby approve the Farmers' Market Agreement, a copy of which is attached hereto, and does authorize the Town Supervisor to execute the same; and
2. That the Town Board does hereby approve the terms of operation set forth in the "Proposal by Cornwall Community Co-op" a copy of which is attached hereto.

Motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE-KRAFFT.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 -- Resolution – Fanning Letter of Credit – WHEREAS, heretofore Jeffrey L. Fanning had presented to the Town a letter of credit issued by M and T Bank in the amount of \$16,986.00 which expired on June 11, 2010, and WHEREAS, the Town Board has before it now a notice from M and T Bank automatically extending the original term of the letter of credit for an additional period, NOW, THEREFORE, BE IT RESOLVED as follows: Following a review by the Attorney for the Town, the Town Board by this resolution determines to accept the notice dated May 14, 2010, which automatically extends the original letter of credit to June 15, 2011. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #9 – Resolution – Rebid Pool Filtration System – Supervisor QUIGLEY advised that we have already had a bid that we could not approve of, therefore the need for a rebid. WHEREAS, heretofore the Town Board had authorized going to public bid for the pool filtration system for the Town pool, and WHEREAS, the bids were returnable and opened at 2:00 P.M. on May 3, 2010 and were read aloud, and WHEREAS, the Town's Consulting Engineer has recommended rejection of the only bid submitted by Construction Services of New England Inc. in the amount of \$145,000.00, which amount does not include electrical, Div 15 plumbing or HVAC work, and WHEREAS, the Town is anxious to complete the necessary repairs in a timely fashion prior to the start of the 2010 season, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby reject the bid submitted by Construction Services of New England Inc. in the amount of \$145,000.00, and
2. That the Town Board does hereby authorize the re-advertisement of bids for the repair of the Town pool filtration system in accordance with the specifications prepared by the Town's Consulting Engineer, and
3. That the Town Board does hereby authorize the Town Supervisor to set such date and time when the bids will be publicly opened and read aloud.

Motion to approve was made by Councilman CLARK, seconded by Councilman MAZZOCCA.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Letter RE: Cornwall Independence Day Parade – Supervisor QUIGLEY read the letter into the Minutes as follows: The Cornwall Independence Day Committee cordially invites you and the members of the Town Board to participate in our annual Independence Day parade. The parade is

scheduled to step-off promptly at 5 PM on Sunday, July 4th 2010. We anticipate the parade will assemble between 4:15 in the Village of Cornwall-on-Hudson. Should you or your staff have questions or require further information please contact me at 845 534-8667 at your convenience. We sincerely hope you will consider joining us for this year's celebration. Respectfully, Paul Korykora, 2010 Independence Day Parade Coordinator.

Agenda Item #11 – Approval of Fireworks Permit – Fourth of July – Supervisor QUIGLEY called for a motion to approve the Permit. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #12 – Request to Use Sand Ring – Supervisor QUIGLEY advised that we received a request from the Board of Trustees of Sand Ring Homestead Museum for permission to host two community events at the Homestead. The events will take place on July 4th and July 31st. The first event will be the July 4th Open House, held from 11 A.M. to 1 P.M. The second event will be held on July 31st, the Sand Ring Board will host docent-led guided tours from 9:30 A.M. to 1 P.M. This is their 250th anniversary year, and the Board is committed to offering various opportunities to the community to experience colonial history at the local level at Sand Ring Homestead. Motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – Sale of Surplus Highway Department Vehicles – Supervisor QUIGLEY advised that the following vehicles were surplus and sold on GovDeals.com.

International Single Axle Dump Truck -- \$795.50

2001 Chevy Tahoe -- \$2406.85

The Supervisor advised that in the past when we handled the sale on our own, we were lucky to get \$50, and now we've turned it into something better with GovDeals.

Agenda Item #14 – Personnel:

Summer Staff/Salaries: Supervisor QUIGLEY advised that these are the kids that work that are the lifeguards and summer camp workers. Motion to hire the Summer Playground employees and salaries as per the list to be filed in the Town Clerk's office was made by Councilwoman GREENE-KRAFFT, seconded by Councilman MAZZOCCA.

ROLL CALL VOTE: Unanimous Aye.

Highway 3-month Summer Temp: Supervisor QUIGLEY advised that we received a request from Superintendent of Highways Robert Conley, to hire Connor Watts for the 3-month summer temp position at a rate of \$13.87 per hour. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Pool: Supervisor QUIGLEY advised that he received confirmation from Pool Director, Joe Romero that the pool was doing well and was ready to open for Father's Day Weekend. The Pool normally opens after the Fourth of July, but thanks to Albert Conley and his staff, not only did they do a great job, but they did it early. Councilwoman GREENE-KRAFFT advised that it will not be open on July 4th. Motion to

approve early opening of pool and early lifeguards on duty was made by Councilwoman GREENE-KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Committee Reports:

Police Training: Councilman MAZZOCCA advised that Police Officers Harbison, D'Angelo, Schumann, and Jones attended training on the topic of Suicide Bombers and Chemical Awareness that was sponsored by the New York State Office of Homeland Security, and the Orange County department of Emergency Management.

Police Department News: Councilman MAZZOCCA advised that the Town of Cornwall Police Department participated in the State Wide Buckle-Up New York program. During this period of expanded enforcement 77 traffic tickets were issued; of those, 27 were to motorists who were not wearing their seatbelts, and 9 were issued to motorists who were talking on cellular phones while driving.

Chief Hazard met with a group of students from Washingtonville High School who were looking into having a traffic light installed at the intersection of Route 94 and Jackson Avenue. As part of their project, Chief Hazard spoke to all of the students enrolled in the program.

The Town of Cornwall Police Department assisted the Cornwall High School with their third annual "Not one More" safe driver forum.

Community News: The Fourth of July is fast approaching. Residents are reminded to leave the fireworks to licensed professionals and that possession of fireworks in New York State is illegal.

The Town of Cornwall Police Department is once again hosting its Junior Police Academy in conjunction with the Recreation Department. The program will be held the week of July 12th – July 16th and is open to children age 12 – 15. Registrations are available at the Recreation Office.

Economic Development Committee: Councilman CLARK advised that there are some interested parties in joining the Committee, and that they should submit a letter so we can appoint them, and hopefully get the committee up and running.

Sewer: Councilman CLARK advised that since our blizzard, the Beaver Dam Station has been pretty much rebuilt, but we do have an issue that the Board must address – the old generator lasted three days and 12 hours; the blizzard lasted three days and 14 hours. Councilman CLARK stated that it got us through the blizzard but we do need to replace the generator we have been leasing. The Councilman advised that the generator that we have been talking about for a year and a half for Shore Road has been ordered.

Conservation Committee: Councilwoman GREENE-KRAFFT advised that the Committee had a successful clean-up of Rt. 218, and has now started their adopt-a-highway program. The supplies have been obtained, and the training has been completed.

Summer Concerts: Councilwoman GREENE-KRAFFT advised that the concerts will start this Sunday and will go through August 15th 2010 from 6:30 – 8:00 P.M. every Sunday. Two rain dates are available.

Recreation Department: Councilwoman GREENE-KRAFFT advised that is a lot going on in the Department as this is the season for it. She advised that we have a track camp, cross country camp, golf camp, kids in colorful kayaks camp, cheerleading camp, track meet at the Cornwall Middle School Track - \$2.00 per runner starting on July 21st at 7:00 P.M., summer theater camp and usual summer playground. Councilwoman GREENE-KRAFFT also advised that there is Art at the Town Hall – open daily for the public to see from 8:30 A.M. to 4:30 P.M.

Atlantic City Trip: Councilwoman GREENE-KRAFFT advised that the trip is scheduled for July 15th. The cost is \$37 per person and you must be 21 years of age with a photo I.D.

Highway: Councilman McGUINNESS advised that the roads have been swept and prepped to be chip sealed. He also advised that all requests for snow plow damage have been completed. Roadside mowing has started, and we are discussing road work plans at the July Work Session. Councilman McGUINNESS stated that Governor Paterson approved the Chips funding for 2010. The Councilman further stated that the Taylor Road Bridge has been milled, and we are waiting for feedback from the Thruway Authority to see what needs to be done. Councilman MAZZOCCA added that the Highway Department has done a marvelous job this year.

Warrant #6: Supervisor QUIGLEY called for a motion on Warrant #6. Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Public Comment: Robert Hendrikson made some complaints as to how he and his family have been treated by the Town and the Cornwall Police Department. Supervisor QUIGLEY responded that he would be happy to meet with him to discuss this issue. Attorney GABA advised that these were some very serious allegations, and suggested that Mr. Hendrikson set up an appointment with the Supervisor and the Police Department liaison, Councilman MAZZOCCA to discuss further.

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

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 8:30 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schmeer
Town Clerk