

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 10th day of May, 2010 in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Supervisor
Councilpersons

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

ABSENT:

ALEXANDER MAZZOCCA

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

Pledge

Approval of Minutes – Meeting of April 12th 2010 & May 3rd 2010 (Bid Opening – Pool & Generator & Public Hearing for Community Development FY-2011) Motion to approve was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items -- None

Agenda Item #1 – Resolution – Recognize Kate Goodspeed – Supervisor QUIGLEY advised that we would read this Resolution at the end in the hope that Ms. Goodspeed would attend tonight's meeting.

Agenda Item #2 – Resolution – Community Development Block Grant 2010 – Clinton Street Improvements Project – Supervisor QUIGLEY read the Resolution as follows: WHEREAS, the Town's Consulting Engineer has requested that the Town Board authorize going to bid for the next Community Development Block Grant ("CDBG") project entitled "Clinton Street Improvements", and WHEREAS, the funding for the project is available through the CDBG 2010 program, NOW, THEREFORE BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the solicitation of bids for the Clinton Street Improvements Project (CDBG 2010).
2. That the Town Board does hereby authorize the Town Supervisor and the Town Consulting Engineer to agree upon such date and time when the bids will be advertised and publicly opened and read aloud following the Orange County Community Development authorization to bid.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – NYMA Fireworks – Alumni Weekend – Supervisor QUIGLEY advised that this is their annual fireworks display and that they had the necessary insurance for this event. WHEREAS, heretofore the Town has received a request from New York Military Academy ("NYMA") to have a fireworks display at their annual Alumni Weekend, specifically on May 15th 2010, and WHEREAS, NYMA has provided the required certificate of insurance naming the Town as an additional insured, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby approve NYMA's request for a fireworks display to be held on the NYMA property on May 15th 2010. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Cornwall Conservation Advisory Council – Moodna Creek Erosion –

Supervisor QUIGLEY advised that this is what we talked about at the last Work Session, that the erosion was a couple of feet per year, and that the Conservation Committee would like us to send out letters to the proper persons about this concern. WHEREAS, heretofore the town Board has received a letter from the Cornwall Conservation Advisory Council (“CAC”) expressing concerns over erosion of the Moodna Creek and adjoining lands within the Town of Cornwall, and WHEREAS, the CAC has recommended that the Town act by acknowledging the erosion problems in and along the Moodna Creek, specifically at the Mill Street and Forge Hill locations, and WHEREAS, as per the CAC’s recommendation, it is fitting and proper for the Town to refer these issues and concerns to the County for investigation. NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby acknowledges the CAC’s concerns over erosion in and along the Moodna Creek, and
2. That the Town Board hereby directs that a certified copy of this resolution be forwarded to the County Executive, County Legislators, the DEC and the Orange County Water Authority for investigation of potential remediation and restoration.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – RFP for Town Hall Park Vendors – Councilman McGUINNESS advised that he would like to see us try this for a year and see how it goes. Councilman CLARK advised that some parents contacted him and are against this program as they pack healthy snacks/food for their children and if there is a vendor there; the children are going to want money to buy food. Councilman CLARK further added that any of the eateries on Main Street have delivered to the park in the past and would continue to do so. Councilwoman GREENE-KRAFFT advised that some of the concerns in the past when we thought to have a vendor in the park came from the lifeguards and camp counselors. The lifeguards did not want food in the pool area, and the counselors were concerned about the trash. Supervisor QUIGLEY advised that we should give it a season and see how it goes and called for a motion. As there was no motion made, the **Resolution failed.**

Agenda Item #6 – Statement of Policy – Vending in Town Hall Park – Supervisor QUIGLEY advised that as the previous motion did not pass, this moot issue.

Agenda item #7 Resolution – “Wall of Excellence” Monument – Supervisor QUIGELY advised that as the Bonnie Blair monument needed to be repaired, the Board was thinking of changing it to the “Wall of Excellence” in order to honor others such as General Patraeus, Little League Champs as well as Bonnie Blair. WHEREAS, heretofore the Town has erected a monument honoring speed skater and Olympic gold medalist, Bonnie Blair, adjacent to the pond on the Town Hall Park Ground, and WHEREAS, it is in the public interest to use the Town facilities to the maximum extent possible, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby approve the renaming of the Bonnie Blair monument to the “Wall of Excellence” and that the Town Board approves the inclusion of plaques honoring other distinguished Town residents including General David Patraeus, Little League Champions, and others as the Town may from time-to-time deem appropriate. Motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 – Resolution – Award Bid Standby Generator Shore Road STP – Supervisor QUIGLEY advised that this has been a long time coming and we once again held a sealed bid process for the standby generator and gave all quotes to our Consulting Engineer for review and advisement and they have come back to us with their recommendation as follows: WHEREAS, the Town Board has determined that a new standby generator is needed for the Town’s sewage treatment plant on Shore Road, and WHEREAS, the Town’s Consulting Engineer prepared bid documents and specifications for the new generator and advertised for bids on the project, and WHEREAS, sealed bids for the project were received and opened on Mary 3rd 2010 with five bids being received, and WHEREAS, the Town’s Consulting Engineer reviewed all of the bids and determined that based on the contract document requirements, and the provisions of the Wick’s Law, only two contractors met and followed the bid criteria. NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby accept the low bid submitted by Napp Electric Contractor Co., Inc. in the amount of \$68,000 as the proposal most nearly fulfilling the requirements of the Town, and
2. The Supervisor is authorized to sign any and all necessary documents for completing the purchase and installation, and
3. The Town Clerk is directed to send a Notice of Award to the above low bidder selected by the Town.

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

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #9 – Resolution – Approve Change Order No. 1 – Hazen Street Improvement Project – WHEREAS, the Town Board has received a request from McGoey, Hauser & Edsall, the Town’s Consulting Engineer, to process a change order and recommending payment in connection with the Hazen Street improvement project, and WHEREAS, it is appropriate for the Town Board to adopt a Resolution authorizing said change and payment, NOW, THEREFORE BE IT RESOLVED as follows:

1. That the Town Board of the Town of Cornwall approves the change order annexed hereto, and authorizes the Town’s Consulting Engineer to direct Nannini & Callahan Excavating, Inc. to proceed with the change.
2. That the Town Board of the Town of Cornwall accepts the Consulting Engineer’s recommendation for payment annexed hereto to Nannini & Callahan Excavating, Inc. and authorizes payment of the amount due \$68,198.39.
3. That the Supervisor is authorized to execute the change order on behalf of the Town of Cornwall.

Motion to approve was made by Councilwoman GREENE-KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Firthcliffe Plant – Repairs to Driveway – Supervisor QUIGLEY advised that driveway at the plant was in rough shape and that we received some bids. Nannini and Callahan fixed the driveway that had been washed away during winter and replaced with Millings from the Highway Department, and they also fixed the drainage so that this would not happen again. The total cost was \$3,800. Motion to approve was made by Councilman McGUINNESS, seconded by Councilman CLARK.
ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – COVAC – Seal Coating Driveway & Agenda Item #12 – Tennis Court -- Crackfilling– Supervisor QUIGLEY advised that the parking lot at COVAC needed sealcoating and that we received three quotes as follows:

Topcoat Sealcoating	\$1,799.55
Hudson Valley Sealcoating & Landscaping	\$1,600.00
Lander Paving, Inc.	\$2,298.00

Supervisor QUIGLEY advised that in addition to the sealcoating we also received a bid to fill in the large cracks in the COVAC lot and the Town Tennis Courts as follows:

NY Bituminous	\$3822.50
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Motion to accept the low bid of \$1,600.00 from Hudson Valley Sealcoating & Landscaping, and to approve the bid of \$3,822.50 from NY Bituminous for filling cracks was made by Councilman McGUINNESS, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #1 – Resolution – Recognize Kate Goodspeed -- Supervisor QUIGLEY advised that as Ms. Goodspeed was not in attendance, we would mail the Resolution to her. WHEREAS, KATE GOODSPEED has served the citizens of the Town of Cornwall as the Tree Warden for the past several years, and WHEREAS, this Town Board on behalf of all of the citizens of the Town of Cornwall wishes to express its thanks and appreciation to KATE GOODSPEED for the excellence, professionalism and vigilance with which she served the Town and WHEREAS, it is fitting and proper that this Town Board does so by the adoption of a Resolution honoring her service, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Cornwall on behalf of all the citizens of the Town of Cornwall hereby expresses its thanks and appreciation to KATE GOODSPEED for her service to the Town.
2. That the Town Board is pleased to adopt this Resolution in recognition of the exemplary service of KATE GOODSPEED and wishes her much happiness.

Motion to adopt was made by Councilwoman GREENE-KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – Personnel:

Sanitation: Supervisor QUIGLEY read a memo from Superintendent of Highways Robert Conley, requesting authorization to hire Anthony H. Kroll to fill the vacant Sanitation Department Laborer position left by the resignation of Joseph Bonella. Mr. Kroll is available to start immediately at an hourly

rate of \$17.59 per hour, Sanitation Laborer Step 1. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Town Clerk's Office: Supervisor QUIGLEY read a memo he received from Town Clerk, Elaine Tilford Schmeer, requesting the Board's approval for a College Intern. The Intern will work in the Town Clerk's office from June until August, 2010. Cynthia Zippo has received approval from Albany State University to perform the duties of archiving Town Records, Maps and Official Documents within the Town Clerk's office. She will assist the Town Clerk and Records Management Clerk with these tasks. This position is for college credit. Miss Zippo is studying for her Masters Degree in Historical Preservation and Archiving for the position of Museum Curator. She currently works part-time at the Orange County Historic Brick House. Motion to approve was made by Councilwoman GREENE-KRAFFT, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

Training: Supervisor QUIGLEY read a memo from Chief Hazard requesting approval to attend the New York State Chiefs' Association Training Conference to be held in Fairport New York from July 18th 2010 through July 21st 2010. The conference will cover a variety of topics to include; officer safety initiatives, internal investigations, homeland security. The registration fee is \$150.00 and the lodging is \$528.00. As in years past all meals and incidental fees will be paid for me. There is funding available in the Chiefs training line of the police budget. Motion to approve was made by Councilman McGUINNESS, seconded by Councilwoman GREENE-KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

Committee Reports:

Sewer: Councilman CLARK advised that maybe the third time is the charm with the latest generator bid, and advised that we have to keep an eye on the generator at Beaver Dam Lake. The DEC is very pleased with all the work we are doing and have no negative reports.

Conservation Advisory Committee – Councilwoman GREENE-KRAFFT thanked the committee who collaborated with the Garden Club for the Arbor Day Celebration which was a great success. Councilwoman GREENE-KRAFFT stated that they did an excellent job with their Tree Contest; the winners were announced for the most amazing trees in the Town of Cornwall. She further advised that the Committee will be photographing these trees for an upcoming calendar.

Recreation Department: Councilwoman GREENE-KRAFFT advised that the Department has collaborated with the Cornwall High School art students and have a wonderful art display upstairs and everyone is welcome to stop by during working hours to view it.

Highway Department: Councilman McGUINNESS advised that the Department is closing in on the last of the brush and limb cleanup from our last snow storm. They have also been repairing snow plow damage to driveways and lawns like they do every year. The bulk rubbish pickup was completed in six days this year. They will start road-side mowing very shortly and planning for our road program for this year. Superintendent Robert Conley reports that due in large part to our five-year oil and chip program, potholes are greatly reduced. Councilman CLARK advised that with the State being broke, they have cut down on the mowing along 9W at intersections/ramps and as Supervisor Randazzo did in the past, we need to send requests for the mowing in these areas to be done as a safety measure. Councilwoman

GREEN-KRAFFT suggested that we send a monthly request to both the Newburgh and Poughkeepsie office.

Warrant #5: Supervisor QUIGLEY called for a motion on Warrant #5, motion to approve was made by Councilwoman GREENE-KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment: **Mr. Brad Smith** from 4 Orr Hatch Drive advised that he along with many of his neighbors have expressed concern about the NYMA property and hope that the Town has some sort of contingency plan in place in case the school does in fact close. He hopes that that property is not used for high density housing. He was not sure if the Zoning Board or the Planning Board is on this but thought it would be prudent to have something done before anything happens with that property that would be detrimental to the Town and to the housing values in the Town. The second comment Mr. Smith had was regarding the lack of maintenance to the CVS property. Mr. Smith stated that often the weeds are two feet high and it is very much an eye sore. Mr. Smith advised that he comes from Bergen County, New Jersey, where they fine the landowner for these types of offenses. Mr. Smith was told that nothing could be done but he does not believe that and feels there ought be some law, zoning or other that enforces the landowner to maintain the property. **Ms. Helen Bunt** of Clinton Street, and President of the Greater Cornwall Chamber of Commerce expressed the Chamber's concern and feels that we need to keep an eye on NYMA. Ms. Bunt stated that she understands that there is not much the Board can do at this time, but if the Board could facilitate whatever had to be done, and also to keep the public aware of what is happening. Ms. Bunt wanted reassurance that if there was anything that the Town could do, they would be willing to do it. Supervisor QUIGLEY advised that regrettably, it is possible that NYMA could close, and that he would like to see that property and the whole area to be open to a commercial or some other operation rather than some non-profit that would not generate any tax revenue and would create a burden for everybody else to pick up. Captain Watts, Superintendent of NYMA, went on record by saying that it is inappropriate to be talking about what you want to do with the property. Captain Watts stated that the school is not for sale but an ongoing concern and is struggling. He felt that talking about trying to change the zoning and trying to change what the use of the property is, unless it goes on the market, he thought the conversation was inappropriate. Ms. Helen Bunt responded that she was not talking about whether it was for sale or not, but was talking about what the Town could do to preserve the future. Supervisor QUIGLEY stated that he was letting us know what his personal likes were if the institution did officially close. Legislature Chris Eachus advised that regarding Resolution #4 – the Moodna Creek erosion, he has already been in contact with the County and commends the Town for sending out the Resolution and thought that perhaps we would want to like to add to the list, Mr. Charles W. Lee, acting commissioner of the County DPW. Mr. Lee is the engineer who already came and surveyed the Moodna Creek and unfortunately, Mr. Lee advised that the County can't get its feet wet and has no authority over the Moodna Creek. Mr. Eachus further advised that he has already scheduled a meeting with Mr. Brian Sumner who is with New York State Soil & Water, to see what can be done. Councilwoman GREENE-KRAFFT stated that there might be funding available that the County could apply for and that we were not able to apply as a municipality, and that's why the Resolution was to be forwarded to the County. Mr. Brad Smith commented that it would be appropriate to have the Town look into the land use for the NYMA property, and with all due respect to the gentleman here from NYMA, Mr. Smith stated that many of us hope that the school continues, but if it does not, then it is very prudent to look into what can be done to preserve that property is such a way that is beneficial to the Town. Ms. Ellen Kelly stated that it should be said that a property doesn't have to go on open market for it to title transfer.

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 8:15 P.M.

Renata McGee
Stenographer/Deputy Town Clerk

Elaine Tilford Schneer
Town Clerk