

TOWN BOARD MEETING
WEDNESDAY, SEPTEMBER 7, 2011; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Chief Biasotti, Town Attorney Blythe, Highway Superintendent Fayo, Assessor Wiley

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Motion - Approve Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting held on August 3, 2011 and the Special Town Board meeting held on August 30, 2011 as per the copies posted on the Town Clerk's bulletin board in Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

WATER DEPARTMENT

#2 On Agenda: Motion - Award Bid - St. Anne Drive Well House Rehab Project

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town Clerk of the Town of New Windsor advertised for bids for the St. Anne Drive well house rehabilitation project; and

WHEREAS, all base bids were received and opened by the Town Clerk at 10:00 a.m. on June 30, 2011; and

WHEREAS, the Engineer for the Town of New Windsor has reviewed all bids and made a recommendation for the award of same.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby awards the contract for the rehabilitation of the St. Anne Drive well house in accordance with the attached recommendations of the Engineer for the Town.

Roll Call: All Ayes

Motion Carried: 5-0

#3 On Agenda: Motion - Adopt Resolution Declaring Lead Agency Status And Authorize Preparation Of Draft Environmental Impact Statement - Plum Point Water Project

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town of New Windsor has previously determined that wells located at the Plum Point Park (the "Plum Point Wells") are suitable for use as part of the Town's water supply system; and

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WHEREAS, specifically the project involves the drilling of two or more wells to access the aquifer, the construction of a well house and a water transmission main to connect to the existing water distribution system (the “Plum Point Water Project” or “Project”); and

WHEREAS, the undertaking of the Project and use of the Plum Point Wells is an action subject to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board of the Town of New Windsor, which is the agency responsible for supplying water to the residents of the Town, previously declared its intent to seek lead agency to conduct a coordinated review under SEQRA; and

WHEREAS, the Town Board caused the lead agency notice and the long form Environmental Assessment Form (“EAF”) to be circulated to the other agencies with jurisdiction over the Plum Point Water Project; and

WHEREAS, more than thirty days has elapsed with no other agency expressing an interest in assuming the role of SEQRA lead agency for this Project; and

WHEREAS, the Town of New Windsor wishes to acknowledge that it is SEQRA lead agency; and

WHEREAS, the Town of New Windsor intends to conduct a full environmental review of the Plum Point Water Project, and to assess all of the potentially significant adverse environmental impacts through the preparation and review of an Environmental Impact Statement (“EIS”), and, as a result, the Town of New Windsor intends to adopt a positive declaration for the Project.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby acknowledges that it is SEQRA lead agency for the Plum Point Water Project; and
2. That, after due consideration of the EAF, the Town Board hereby determines that the Plum Point Water Project may result in potentially significant adverse environmental impacts; and
3. That the Town Board hereby adopts the “Notice of Positive Declaration” annexed hereto; and
4. That the Town Board hereby authorizes McGoey Hauser & Edsall Consulting Engineers, P.C., consulting engineers for the Town, to prepare a Draft EIS for the Town Board’s review.

Roll Call: All Ayes

Motion Carried: 5-0

#4 On Agenda: Receive and File Bids for Water Meters

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk bids received and publicly opened on August 24, 2011 for water meters.

#5 On Agenda: Motion – Award Bid for Water Meters

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor award the bid for water meters to Everett J. Prescott, Inc., 198 Ushers Road, Round Lake, New York, per the bids received and publicly opened August 24, 2011.

Roll Call: All Ayes

Motion Carried: 5-0

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**#6 On Agenda: Receive and File Irrevocable Offer of Dedication -
Water Service Main**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication dated March 31, 2011 from MRJM Realty, LLC to Town of New Windsor for a water service main within the Dr. Singh Site Plan, which was recorded in the Orange County Clerk's Office on the 23rd day of May, 2011 in File #20110049074.

SANITATION DEPARTMENT

GENERAL

#7 On Agenda: Motion - Appoint to Assessment Board of Review

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor reappoint Richard Romano, 2812 Cherry Tree Way, New Windsor, New York to the Assessment Board of Review. Term shall begin immediately and expire September 30, 2016.

Roll Call: All Ayes

Motion Carried: 5-0

**#8 On Agenda: Motion - Authorize Execution of Inter-Municipal Agreement
With Town of Newburgh**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-Municipal Agreement between Town of New Windsor and Town of Newburgh for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the Town of Newburgh in the establishment, configuration, maintenance and oversight of the Town of Newburgh computers.

Roll Call: All Ayes

Motion Carried: 5-0

#9 On Agenda: Receive And File Bids - Rooftop HVAC Units

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk bids received and publicly opened on August 11, 2011 for HVAC Unit Replacement (Court/Police).

#10 On Agenda: Motion - Award Bid - Rooftop HVAC Units

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town Clerk of the Town of New Windsor advertised for bids for the purchase of rooftop HVAC units for a portion of Town Hall; and

WHEREAS, all base bids were received and opened by the Town Clerk at 10:00 a.m. on August 11, 2011; and

WHEREAS, the Engineer for the Town of New Windsor has reviewed all bids and made a recommendation for the award of same.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby awards the contract for the purchase of HVAC units in accordance with the attached recommendations of the Engineer for the Town.

Roll Call: All Ayes

Motion Carried: 5-0

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**#11 On Agenda: Motion – Authorize Execution of Developer’s Agreement –
Ridge Rise Multi-Family Site Plan**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute a developer’s agreement between Town of New Windsor and Cox Holding, LLC and Terra International Holding Company, LLC for the Ridge Rise Multi-Family Site Plan as recommended by the Town Attorney.

Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda: Receive and File Deed – Mt. Airy Estates, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file deed from Mt. Airy Estates, Inc. to Town of New Windsor dated December 28, 2010 and recorded in the Orange County Clerk’s office on the 8th day of June, 2011 as File #20110053621 for dedication of the following roads in the Mt. Airy Estates subdivision:

P/O Independence Drive	Colonial Drive
Patriot’s Court	Constitution Way
Revere’s Run	Settler’s Ridge
P/O Liberty Ridge	Pioneer Trail

**#13 On Agenda: Receive and File Stipulation of Discontinuance –
Dieli v Town of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Stipulation of Discontinuance in the matter of *Joan Dieli v. Town of New Windsor, et al.*

**#14 On Agenda: Receive and File Amended PILOT Agreement –
New Windsor Senior Housing**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a fully executed Amended Payment in Lieu of Tax (PILOT) Agreement between Town of New Windsor and New Windsor Senior Housing Development Fund Company, Inc. and New Windsor Senior Housing Limited Partnership covering approximately 4.1 acres of land in the Town of New Windsor designated on the Town’s tax maps as a portion of Section 65, Block 2, Lot 29 and located on Route 32, New Windsor, New York.

#15 On Agenda: Receive and File Amended PILOT Agreement – Amber Grove

Hearing no objection, the Town Board of the Town of New Windsor receive and file fully executed Amended Payment in Lieu of Tax (PILOT) Agreement between Town of New Windsor and Amber Grove Housing Development Fund Company, Inc., and Amber Grove Limited Partnership covering approximately 5.0 acres of land in the Town of New Windsor designated on the Town’s tax maps as a portion of Section 37, Block 1, Lot 48 and located on Route 94, New Windsor, New York.

**#16 On Agenda: Motion – Authorize Execution of Justice Court Assistance
Program Grant Application**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute Justice Court Assistance Program Grant Application for records management in an amount not to exceed \$30,000.00.

Roll Call: All Ayes

Motion Carried: 5-0

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#17 On Agenda: **Motion – Award Bid – Video Sewer Line Inspection Equipment**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town Clerk of the Town of New Windsor advertised for bids for video sewer line inspection equipment; and

WHEREAS, all base bids were received and opened by the Town Clerk at 10:00 a.m. on July 12, 2011; and

WHEREAS, the Engineer for the Town of New Windsor has reviewed all bids and made a recommendation for the award of same.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby awards the contract for the purchase of video sewer line equipment in accordance with the attached recommendations of the Engineer for the Town.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda: **Receive and File Permit Bond – Belly Flop Industries**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Permit Bond #S-806506, submitted by Belly Flop Industries, Ltd., in the amount of \$20,000.00, effective August 9, 2011. The purpose of the Permit Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town. Same being referred to the Town Attorney and the Town Highway Superintendent.

#19 On Agenda: **Officials' Reports**

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of July 2011
Fire Prevention	Month of July 2011
Justice Court – Richard W. Thorpe	Month of August 2011
Justice Court – Noreen Calderin	Month of August 2011
Police Department	Month of August 2011
Recreation Department	Month of August 2011
Tax Receiver - Water / Sewer/ Garbage	Month of August 2011
Town Clerk	Month of August 2011

#20 On Agenda: **Public Forum**

Supervisor Green asked anyone on the Board if they had any comments and then opened the public forum to anyone who wished to speak.

Councilman Lundstrom thanked all the departments who participated in helping during Hurricane Irene- the Highway Department, the Police Department, the Ambulance Corps and the various fire departments and all the residents who chipped in and helped to get over this. Supervisor Green said that all our emergency services were outstanding throughout and they all worked non-stop, going above and beyond. He also thanked Neil Schlesinger who generously provided trays of food to those people located at the temporary shelter.

Phil Crotty, former attorney for the town, expressed his gratitude to the Town Board, County Legislator Jim Petro and many others for changing the name of London Avenue to Crotty Lane, located at Stewart. He said he was proud to have been able to name three roads after three men killed in action in Vietnam and was grateful to have had the opportunity to work on the Stewart Subpost and Orange County Accelerator projects. He said that tomorrow the first successful graduate from the Orange County Accelerator,

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Continental Organics, will have their ground breaking ceremony. Legislator Petro said that he is proud to be able to speak for New Windsor at legislative meetings.

A group of residents from Butternut Drive spoke about their road collapse and wanted to know what the outlook is for their road and if the town had made any plans for repairing the damage. A prepared list of questions was given to the Supervisor which the residents requested answers to. Supervisor Green said there were no easy answers at this time, only today the Town received their FEMA designation. He said he anticipates that the road will not be replaced going down the hill towards Forge Hill Road, perhaps a cul-de-sac will be formed. He said that the Commissioner of Emergency Services is trying to get the Army Corps of Engineers to come in and look the problem over, but this all takes time to correct.

A resident said he heard that they wouldn't have to pay their taxes. Todd Wiley addressed the tax issue and said that state law says that state and school taxes are based on a property's taxable status as of March 1, 2011 and at that time there was no damage to anyone's property. Next March, he said he will be looking at the properties that were damaged on that street. He said the only way around that is if the New York State Legislature passes a law allowing him to adjust the assessments now or sometime this year. This has been done at least once in the past, but if the bills are modified, school tax money will have to be made up somewhere else. He suggested that residents call Senator Larkin and Assemblywoman Calhoun.

Someone asked if the hill could be fixed and if it was a town or county issue. Supervisor Green said that Butternut Drive was a town road, but this will ultimately be a problem for the Army Corps of Engineers. Another resident asked why Senator Schumer wasn't here and Supervisor Green said that the senator will do what he can but FEMA funds can only go so far and Congress is primarily more concerned with playing politics right now instead of seeing more funding is available to FEMA. Someone asked what will happen when it snows and Highway Superintendent said he would address that issue when it arises. Supervisor Green said that the road will be open and passable.

One resident said that his home will probably be the next to go and he wanted to know if he should stay or go. Supervisor Green said that the engineers are monitoring the situation every day and there has been no movement so far. The resident said that there has been some movement and the house across the street lost another several feet of property. Another resident said that the swing set went over today and the supervisor said that the Police Department had been there and so far that house is still secure. Supervisor Green said that the creek must be diverted in order to avoid further collapse and both FEMA and the Corps of Engineers need to look at that problem. He said Senator Larkin is doing what he can but he is not on the federal level. The senator did get us a helicopter to do a flyover so that we can show them the changes to the banks. Someone asked if FEMA has given any kind of a timeline as to when they would be coming here and assessing the damage. Supervisor Green said that the FEMA first assessment team has already been in New Windsor and he doesn't know when they will return.

Someone asked how safe the Forge Hill Road bridge is since it is only several years old. Supervisor Green said that the bridge itself seems fine, but the deck underneath was completely eroded and that will probably take at least a year to repair. He told everyone that they should call or write their Congresswoman and tell her we need more FEMA funding and we need the Corps of Engineers here, he also suggested calling Senators Schumer and Gillibrand. He said that since they attended the meeting as a group, they should write as a group with as many signatures as possible. Chief Biasotti said that the course of the creek also has to be corrected. Supervisor Green said that names, addresses and telephone numbers are available from his office.

Ross Miller asked when Caesar's Lane was going to be repaved and was advised that the shoulder has been repaired, but no repaving would be done this year. He also asked about the water and Supervisor Green said the aqueduct is totally shut down that we are drawing from Brown's Pond and Chadwick Lake from the Town of Newburgh and asked that residents don't waste water. He said that there is a water tanker parked in back of the building for anyone who needs water. Mr. Miller asked if any attention was given to how

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the Police Department handled the emergency notification to the residents of Butterhill on the day of the gas main explosion. He said his own experience was that a good job was done but not an excellent one. Supervisor Green said the area of Butterhill where he lived was not evacuated and Police Chief Biasotti said it was the fire department, not the police department, who called for an evacuation. Mr. Miller said he left the development to drive around and look at damage, but upon his return to Butterhill, a policeman would not let him enter from Route 94. He said he had to enter the development from Caesar's Lane which he did with no problem.

Kathy Braun said that the committee did a great job on Community Day. Supervisor Green reminded everyone that on Friday, September 16, there will be craft and food vendors and fireworks at the Mt. Airy Sports Complex.

Barney Bedetti said that we are very fortunate to have a supervisor that stayed right on top of things and it was good to have someone in leadership that was actually leading. He asked how bad things were at the sewer plant. Supervisor Green said that so far the cost is \$30,000 per day in mud cleanup alone. He said the new waterline that fed into Canterbury Lane was completely gouged out. Mr. Bedetti also asked about the PILOT agreement amendments, and Supervisor Green said that the recreation fee waivers had been left out which had been part of the original agreement. He said that recreation fees cannot be used to offset taxes but can only be applied to capital improvements for recreation. Mr. Bedetti said he didn't feel any fees should be waived when we need all the money we can get. Supervisor Green said there is no tax burden with those fees, those fees are one time fees paid by the developer.

Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum.

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 5-0

#21 On Agenda: Adjourn

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:10 P. M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc