

TOWN BOARD MEETING
 WEDNESDAY, OCTOBER 5, 2011; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

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

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Chief Biasotti, Town Attorney Blythe, Highway Superintendent Fayó

ABSENT OFFICIALS: Councilwoman Weyant

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 Councilman Lundstrom that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing on the 2012 Sewer Assessment Roll and Town Board meeting both held on September 7, 2011 and the minutes of the Special Town Board meeting held on September 23, 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: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: Motion - Authorize Advertising For Sealed Bids - Sale Of Used Town Vehicles

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for the sale of used town equipment. The bids to be received and publicly opened at 10:00 A.M. in the Town Clerk's office in Town Hall, 555 Union Avenue, New Windsor, New York on the 26th day of October 2011. The Town Board reserves the right to reject any or all bids.

Roll Call: All Ayes

Motion Carried: 4-0

#3 On Agenda: Motion - Authorize Execution Of 2011/2012 Orange County Snow And Ice Agreement

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement with Orange County Department of Public Works for snow and ice control on certain county roads for the 2011 - 2012 season.

Roll Call: All Ayes

Motion Carried: 4-0

#4 On Agenda: Receive And File Permit Bond - Grogan Excavation LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Permit Bond #61136392, submitted by Grogan Excavation, LLC, in the amount of \$20,000.00, effective the 19th day of August, 2011 and expiring August 19, 2012. 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.

#5 On Agenda: Receive And File Permit Bond - Nannini And Callahan Excavating, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Continuation Certificate for Permit Bond #S433014, submitted by Nannini & Callahan Excavating, Inc., in the amount of \$20,000.00, effective for the period of October 9, 2011 to October 9, 2012. The purpose of the 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.

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WATER DEPARTMENT

#6 On Agenda: Motion - Reauthorize Execution Of Developer's Agreement - Ridge Rise

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor re-authorize the Supervisor to execute the Developer's Agreement for Ridge Rise; declare negative declaration relative to the Developer's Agreement; authorize Supervisor to execute EAF; declare negative declaration for and waiver of water moratorium in accordance with the attached resolution.

Roll Call: All Ayes

Motion Carried: 4-0

**SANITATION DEPARTMENT
GENERAL**

#7 On Agenda: Motion - Authorize Advertising For Public Hearing - Proposed 2012 Budget

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for a Public Hearing to be held on the 2nd day of November 2011 at 7:00 P.M. in the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, to hear all persons of the Town of New Windsor regarding the proposed 2012 Budget.

Roll Call: All Ayes

Motion Carried: 4-0

#8 On Agenda: Motion - Authorize Publication Of Display Ad - Snow Removal Law

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Town Clerk to publish a display ad in The Sentinel with reference to both roadway and sidewalk snow removal laws and requesting that residents clear fire hydrants on their property for the Fire Departments.

Roll Call: All Ayes

Motion Carried: 4-0

#9 On Agenda: Motion - Accept Dedication Of Sewer Main - Stella Way

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor accept, as a public sewer main, all of the pipes, sewer manholes and related structures located in the private road commonly known as Stella Way in the Town of New Windsor; and in accordance with such dedication authorize the Supervisor to execute and accept a Bill of Sale from Cherry Valley Builders, Inc., (its successors and/or assigns), to the Town of New Windsor for all the pipes, sewer manholes and related structures which constitute the sewer main installed on the above referenced property; and authorize the Town Clerk to release and return the Letter of Credit #1543 to State Bank of Long Island.

Roll Call: All Ayes

Motion Carried: 4-0

#10 On Agenda: Motion - Authorize Advertising For Public Hearing - Proposed Amendment To Vehicle And Traffic Local Law

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor call a Public Hearing to be held on November 2, 2011, at 7:00 p.m., in Town Hall, 555 Union Avenue, New Windsor, New York, and authorize the Town Clerk to advertise for same pursuant to law regarding the proposed local law to amend Chapter 280 of the Vehicle and Traffic Law of the Town of New Windsor to include a provision on repeat offenders (scofflaw provision).

Roll Call: All Ayes

Motion Carried: 4-0

#11 On Agenda: Motion - Authorize Execution Of Agreement For Cooperative Info Technology Services - Town Of Tuxedo

Motion by Councilwoman Mullarkey, 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 Tuxedo for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the Town of Tuxedo in the establishment, configuration, maintenance and oversight of the Town of Tuxedo computers.

Roll Call: All Ayes

Motion Carried: 4-0

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#12 On Agenda: Motion - Authorize Execution Of Agreement - Orange County IMPACT

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 County of Orange for purposes of facilitating the regional capability to share police related information and intelligence with other IMPACT agencies.

Roll Call: All Ayes

Motion Carried: 4-0

#13 On Agenda: Receive And File Fully Executed Agreement With Town Of Newburgh

Hearing no objection, the Town Board of the Town of New Windsor receive and file a fully executed Agreement with the Town of Newburgh for cooperative information technology services.

#14 On Agenda: Motion - Authorize Resolution Regarding Halloween Curfew

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the following resolution regarding a Halloween Curfew:

WHEREAS, past history has shown that Halloween celebration has gone beyond that of ordinary merriment and acceptable pranks, and Town police officers have received complaints of violence and vandalism and,

WHEREAS, Town police officers have been informed of threats of such acts through this period and have been informed of the concerns of citizens residing in areas historically prone to such acts and,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor place into effect a curfew beginning 6:00 P.M. Sunday, October 30, 2011 and ending 6:00 A.M. Tuesday, November 1, 2011, and

BE IT ORDERED, that such curfew shall apply to all minors (persons under the age of 18), except those traveling to or from bona fide employment, school activity or medical emergency; those in the company of a parent, guardian or person in locus parentis; and

BE IT ORDERED, that the following acts are prohibited:

1. That between the hours of 9:00 P.M. and 6:00 A.M. the following morning all such minors shall refrain from congregating on public streets, public or private property without the permission of the owner or person in control of such property
2. From trespassing upon property of the Town of New Windsor between the hours of 6:00 P.M. and 6:00 A.M. the following morning unless participating in an organized event of the Town of New Windsor
3. Being in possession on any street or public place of shaving cream, eggs, soap, rocks, spray paint, flammable or noxious chemicals, weapons of any kind, or other item that could reasonably be used to cause vandalism or bodily injury, at any time during the curfew period, and

BE IT ORDERED, that any person knowingly violating these orders may be arrested and treated pursuant to the applicable status of the laws of the State of New York.

Nothing herein shall be construed as to prohibit the normal and lawful travel of any person upon the streets and highways within the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 4-0

#15 On Agenda: Receive And File Bids - STP Influent Line Installation Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids received and publicly opened on September 9, 2011 for the Sewer Treatment Plant Influent Line Installation Project.

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#16 On Agenda: **Receive and File Independent Accountant's Report**

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk the independent accountant's report on applying agreed-upon procedures dated September 9, 2011, received from Nugent & Haeussler, P.C., Certified Public Accountants, evaluating the financial and accounting practices and procedures of the Town of New Windsor Justice Court as of December 31, 2010.

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

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

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

#18 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.

Supervisor Green congratulated Police Chief Mike Biasotti upon his graduation from the Naval Post Graduate School in Monterey, California with a Masters degree in homeland security. He said that Chief Biasotti did very well, graduating with a 4.0 average and was the recipient of several awards. Chief Biasotti thanked the Town Board for allowing him to participate in the federally funded program, which had only accepted thirty two students.

Bert Merolli said that last night he noticed a gas odor coming from two storm drains at Windsor Crest and called the Police Department. He said the response was excellent with the Police Department, the fire department and a fire inspector all responding to the call. He said he was told that the odor was from methane gas leaking from a sewer line into a storm drain and he wanted the Supervisor to be aware of the situation.

Leo Braun said he had been to Midway Market and collected 304 more signatures for the petitions to keep the New Windsor Post Office open and he handed them into the Town Attorney.

Several residents from Butternut Drive asked for an update on the road situation in Butterhill. Supervisor Green said that he has not seen or heard from FEMA. He said that on Friday, Congresswoman Nan Hayworth and the Army Corps of Engineers will be meeting with him. He said he has called FEMA in Albany, the Comptroller has called to verify that our application was in, but so far there has been no response. He said that the State Police took two New Windsor police officers up in a helicopter today so that they could take updated photographs of the area. He said that he is going to propose that the Army Corps of Engineers build or finance a retaining wall sixty feet high and five hundred feet long for both sides of Moodna Creek which will probably cost about two million dollars.

One resident said they are all writing letters and calling their federal officials asking for help as was suggested at last month's board meeting. He also asked if anyone could attend Friday's meeting or if it was a closed meeting and Supervisor Green said that it was not a public meeting. He said that Senator Larkin has tried to move SEMA along but they can't move without FEMA. He said he has spoken to Dominick Greene at Orange County Emergency Management many times and he has been very helpful.

A resident asked if that street could be closed off for Halloween and the police chief said he would recommend it to the Board.

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Mr. Robledo said another three or four feet of road was lost and it was coming very close to his house. Supervisor Green said there is no movement on the curb, although the road is pulling away and the engineers are down there every week checking it.

Someone asked if anyone has checked on the bedrock underneath the road and Supervisor Green said it is a sandbank, it is just sand and gravel. Supervisor Green said that FEMA has to do something, he doesn't know what, but something. He said 90% of the property that was lost belonged to the Town of New Windsor with a small portion of it being Kopman's property and the Town wants to be made whole so FEMA has to do something. Someone asked who is paying the Army Corps of Engineers and Supervisor Green said that the federal government pays them, not us. He said that they don't come in and do the work themselves, they design and authorize and hire someone else to do the actual work.

Mrs. Kopman said that since they can't rent their house, they can't pay the mortgage on it and because it is a rental property, not their own residence, it is considered a business so FEMA will not help them. Mr. Kopman said that the deck on the house is starting to tilt. Supervisor Green said until he gets some answers on the bank stabilization, he can't give her any answers as to what is going to happen. Supervisor Green said that possibly through the SBA they could get a grant.

Mr. Quinn asked if because of the potential for more severe damage, is there a way to hurry FEMA along? Supervisor Green said that FEMA was here one time for the initial county assessment as a disaster area and just based on our sewer plant and Cornwall's sewer plant, Orange County met the criteria to qualify. He said they are well aware of the potential for further damage but without a response from someone, there is no one to hurry along.

Someone asked if a cul de sac has been considered. Supervisor Green said that if they get a retaining wall built he would be glad to rebuild the road, but until they hear from FEMA, the Town cannot make plans. He told the residents to keep writing and calling Senators Gillibrand and Schumer and Congresswoman Hayworth. Someone said they called Hayworth's office and were told to call FEMA directly. Someone asked at what point will we stop waiting for FEMA to respond. Supervisor Green said not waiting is not an option, we have to wait for FEMA. Someone said the town should borrow the money and get the repairs done. Supervisor Green said that because of the 2% tax cap which goes to capital projects, NYS has effectively stopped capital projects and that also goes for borrowing and there are absolutely no exceptions due to Irene.

Supervisor Green said that Congresswoman Hayworth is holding a town meeting at 7 p.m. on Monday, November 21st here at the New Windsor Town Hall. Someone asked if the County was responsible for any of the costs. Supervisor Green said the County is in the same position as the Town in that they are also waiting on FEMA. Someone asked what FEMA's position is with recognizing that the Town has an outstanding problem and will continue to get worse. Supervisor Green said that you would have to ask FEMA what their position is. He reminded everyone that this was a huge storm, much worse than the storm that hit New Orleans and FEMA has resources and personnel everywhere up and down the entire east coast.

Mr. Bedetti said that a FEMA truck was parked in the Town Hall parking lot last week and was told it was only for individual homeowners.

Someone asked if the streetlight could be repaired or replaced temporarily as the street is pitch black at night. Supervisor Green said he would call Central Hudson on Thursday.

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

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

Roll Call: All Ayes

Motion Carried: 4-0

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#19 On Agenda: Adjourn

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:25 P. M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

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