

TOWN BOARD MEETING
WEDNESDAY, JUNE 4, 2014; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

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

OTHER OFFICIALS PRESENT Comptroller Finnegan, Police Lieutenant Farbent, Highway Superintendent Fayo, Town Attorney Blythe

SALUTE TO FLAG

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 Biasotti, that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing on CDBG FY-2015 and the minutes of the Town Board meeting both held on May 7, 2014, the minutes of the Special Town Board Meeting held on May 14, 2014, the minutes of the Special Town Board Meeting held on May 21, 2014, and the minutes of the Special Town Board Meeting held on May 29, 2014 as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS
HIGHWAY DEPARTMENT

#2 On Agenda: Motion – Authorize Execution Of Lease Purchase Agreement – Municipal Leasing Consultants, LLC

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute any and all documents necessary for the Lease Purchase Agreement with Municipal Lease Consultants, Inc., for highway vehicles in accordance with the Resolution annexed hereto.

WHEREAS, the Town Board of the Town of New Windsor ("Lessee") desires to obtain certain equipment ("Equipment") described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease"), between Municipal Leasing Consultants, LLC ("Lessor") and Lessee, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with Suntrust Equipment Finance and Leasing Corp., ("Escrow Agent") pursuant to an Escrow Agreement between Lessor, Lessee and Escrow Agent ("Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has satisfied the legal requirements, including those relating to any applicable public bidding requirements, to arrange for the acquisition of the Equipment and the execution and delivery of the Lease and the Escrow Agreement; and

WHEREAS, Lessee proposes to enter into the Lease with Municipal Leasing Consultants, LLC and the Escrow Agreement with Lessor and Escrow Agent substantially in the forms presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of New Windsor that:

1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in substantially the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.
2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Supervisor of the Town of New Windsor and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by

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such execution and delivery of the Financing Documents. The Supervisor of the Town of New Windsor and any other officer of Lessee who shall have the power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code.

5. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

6. This Resolution shall take effect immediately upon its adoption and approval.

Roll Call: All Ayes

Motion Carried: 5-0

#3 On Agenda: Receive And File Bid – 2015 One Ton Single Axle Truck

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, a bid received and publicly opened on May 27, 2014 for a 2015 one ton single axle truck with 2 to 3 cubic yard dump body and plow submitted by Robert Green Truck Division.

#4 On Agenda: Motion – Award Bid – 2015 One Ton Single Axle Truck

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award the bid for 2015 one ton single axle truck with 2 to 3 cubic yard dump body and plow to Robert Green Truck Division in the amount of \$45,265 as recommended by the Town Highway Superintendent and McGoey, Hauser & Edsall, Consulting Engineers, P.C., in the attached memorandum.

Roll Call: All Ayes

Motion Carried: 5-0

WATER DEPARTMENT

#5 On Agenda: Motion – Authorize Participation - Joint Local Government Efficiency Grant

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor authorize participation as co-applicant in the New York State Department of State, 2014-2015 Local Government Efficiency Grant for the Northeast Orange County Water Supply Sustainability Project in accordance with the resolution annexed hereto.

Resolution – Authorize Supporting Joint Application – New York State Department Of State 2014-2015 Local Government Efficiency Grant – Northeast Orange County Water Supply Sustainability Project.

WHEREAS, the Town of New Windsor, Town of Newburgh and City of Newburgh share a particular interest in water supply and the prospects of constructing interconnections for sharing water supply and upgrading the City of Newburgh's water treatment facility which would serve the subject municipalities and their municipal customers of the Town of Cornwall and Town of Marlboro in the Northeast section of Orange County and Southern Ulster County and would provide a sustainable return on investment for all involved parties; and

WHEREAS, the City of Newburgh, as the primary existing water supplier as identified in the Northeast Orange County Water Supply Feasibility Study, dated November 2010, will be the lead applicant for this grant application; and

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WHEREAS, the Town of New Windsor, Town of Newburgh and the City of Newburgh will be co-applicants; and

WHEREAS, the Town of New Windsor, Town of Newburgh and City of Newburgh equally will provide the 10% cash match required in the application regulations by New York State Department of State, and the maximum funding request to the Local Government Efficiency Grant Program to complete the construction of the interconnections and pump station upgrades will not exceed \$600,000;

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of New Windsor that:

1. The Town of New Windsor will participate as co-applicant in the above specified application in which the scope of work includes a design plan and construction for the above mentioned project; and
2. The Town of New Windsor intends to enter into an inter-municipal agreement which will describe the scope of shared services in detail; and
3. The Supervisor of the Town of New Windsor is designated as the representative authorized to act on behalf of the Town on all matters related to this grant application and is further authorized to execute any and all documents necessary and appropriate in connection with same.

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda: Motion - Authorize Execution of Agreement - NYC Water Board

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and the New York City Water Board for water demand management planning assistance.

Roll Call: All Ayes

Motion Carried: 5-0

SANITATION DEPARTMENT

#7 On Agenda: Receive and File Amendment #1 To Agreement - Malcolm Pirnie, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file fully executed Amendment #1 to Agreement between Town of New Windsor and Malcolm Pirnie, Inc., for the purpose of providing velocity data.

#8 On Agenda: Motion - Authorize Execution of Purchase Agreement - Sludge Dewatering Belt Filter Press System

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute purchase agreement and all related documents in the amount of \$345,000 for the replacement of the existing sludge dewatering belt filter press system at the Sewer Treatment Plant.

Roll Call: All Ayes

Motion Carried: 5-0

GENERAL

#9 On Agenda: Motion - Amend Resolution For Establishment of Elected/Appointed Official Standard Work Day

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor hereby amends the Motion adopted at the regular meeting of the Town Board on January 8, 2014 establishing standard work days for elected/appointed officials. The attached amended schedule hereby establishes the standard work days for elected and appointed officials and the Town Board hereby certifies receipt of records of work activities or that the Town maintains a record of actual time worked. The days worked shall be reported to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body or based on the records maintained by the Town as actual time worked.

Roll Call: All Ayes

Motion Carried: 5-0

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**#10 On Agenda: Motion – Adopt Resolution Requesting Enactment of Special Law
For Court Officer Designation**

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

WHEREAS, certain employees of the Town Court of the Town of New Windsor are currently serving as uniformed court officers at the Town Court; and

WHEREAS, it is the desire of the Town Board of the Town of New Windsor to designate such employees serving in that capacity as peace officers pursuant to CPL 2.10;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board of the Town of New Windsor authorizes the Supervisor, pursuant to Municipal Home Rule Law Section 40, to request the Legislature of the State of New York for a Special Law designating employees of the Town Court of the Town of New Windsor serving as uniformed court officers at such Court to be peace officers pursuant to CPL 2.10; and be it further resolved that:

2. The Town Attorney is directed to prepare the Home Rule Request to be executed by the Supervisor and forwarded to the appropriate Legislator.

Roll Call: All Ayes

Motion Carried: 5-0

**#11 On Agenda: Motion – Authorize Execution of Amendment to Agreement With
Orange County**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor authorize the Supervisor to executed an amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the purpose of undertaking Community Development and Home Programs for the program year commencing Federal Fiscal Years 2015, 2016, 2017 (and for successive three year qualification periods as provided for in the automatic renewal provision) pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended in accordance with the resolution annexed hereto.

Roll Call: All Ayes

Motion Carried: 5-0

**#12 On Agenda: Motion – Advertise For Bids – Streambank Stabilization –
348 Butternut Drive f/k/a Butternut Slope Stream Barbs Project**

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor rescind Motion #7 on the April 2, 2014 Town Board Agenda and authorize the Town Clerk to advertise, pursuant to law, calling for sealed bids for the Streambank Stabilization Project: 348 Butternut Drive, f/k/a "Butternut Slope Stream Barbs" Project which shall be received and publicly opened on the 17th day of July, 2014 at 10:00 A.M. (local time) at the office of the Town of New Windsor Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion – Advertise For Bids – Forge Hill Road Moodna Sewer Crossing

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, 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 Forge Hill Road Moodna Sewer Crossing Project (FEMA PW#0848103) which shall be received and publicly opened on the 26th day of June, 2014 at 10:00 A.M. (local time) at the office of the Town of New Windsor Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Motion – Authorize Solicitor's Permit – Family Energy

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize a Solicitor's Permit submitted by Family Energy, 729 Main Street, Buffalo, New York 14203 to solicit energy contracts door-to-door in the town. Permit shall be obtained from the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

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#15 On Agenda: Motion – Authorize Solicitor’s Permit – Solar City Corporation Westchester

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor authorize a Solicitor’s Permit submitted by Solar City Corporation Westchester to solicit solar energy door-to-door in the town. Permit shall be obtained from the Town Clerk’s Office.

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda: Receive and File Notice of Claim – New Windsor Realty LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of “New Windsor Realty, LLC v. Town of New Windsor.”

#17 On Agenda: Receive and File Results of Canvass of Ballots – Vails Gate Fire District Special Election

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Certificate of the Results of the Canvass of the Ballots Cast at Special Election of the Vails Gate Fire District held on May 20, 2014.

#18 On Agenda: Receive And File Audit Report – Year Ended December 31, 2013

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Audit Report for the Town of New Windsor from Nugent & Haeussler, P.C., Certified Public Accountants, for the Year Ended December 31, 2013.

#19 On Agenda: Officials Reports

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

Building Department	Month of May 2014
Fire Prevention	Month of May 2014
Justice Court – Noreen Calderin	Month of May 2014
Justice Court – Richard Thorpe	Month of May 2014
Police Department	Month of May 2014
Recreation Department	Month of May 2014
Tax Receiver Utility Report	Month of May 2014
Town Clerk	Month of May 2014

#20 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting and said he wished Councilman Regenbaum and the Rangers the best of luck in the first game of the Stanley Cup playoffs. He then asked if any of the Board had any comments.

A resident of Butterhill asked how soon after the bid opening would the actual Butternut Drive repair start. Supervisor Green said that after the bids are opened on July 17, the bid will be awarded at the August Town Board meeting, about two weeks after that would be pre-conferences and approximately two weeks after that the contracts would be signed.

Leo Braun asked for clarification on item #6 which was the agreement with the New York City Water Board. Supervisor Green said this is for a water management program in cooperation with the City of New York. They are going to send a consultant up and together with our water people, they will come up with a management plan and then they are going to provide us with about \$400,000 to implement the plan.

A resident from Plum Point presented a petition to the Town Board from the residents of Plum Point opposing the increase in the number of trains carrying crude oil along the Hudson River corridor. The petition is also opposing the expansion plans of Global Oil. He said many of these trains are carrying highly explosive crude oil from North Dakota and using unsafe tanker cars to carry the oil. He said these trains are running regularly along the Hudson and carry over three million gallons of crude oil per train. He feels that any derailment along the Hudson would be catastrophic because oil recovery would be nearly impossible. He asks that the Town Board speak out about the use of the DOT-111 tanker cars as many other communities are doing. Supervisor Green said he would have the Town Clerk forward the petitions to all our state and federal

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representatives. He said the DEC is acting as lead agency on this entire project and we talking at least several years down the road as the process hasn't even started. He said that so far Global has been a good community business, but there is no doubt that what they are doing is dangerous.

Another resident of Plum Point said there was an article in the June 2nd issue of Time Magazine regarding the lack of safety in the 111 tankers.

A resident that an article in the Time Herald Record pointed out that the NYS DEC is not being environmentally friendly in that they are coercing communities not to protest.

Barney Bedetti said that back in January the Town Board was asked about modifying the agenda and Supervisor Green said they are still working on it, it has been delayed because they have been busy with the casino proposal.

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

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum, 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

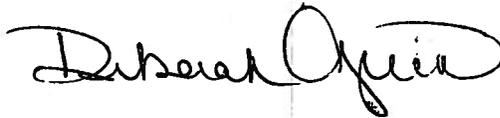
#21 On Agenda: Motion - Adjourn Meeting

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:25 P. M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,



**DEBORAH GREEN
TOWN CLERK**

/clc