

TOWN BOARD MEETING
 WEDNESDAY, OCTOBER 1, 2008; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

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

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

ABSENT OFFICIALS: Councilwoman Mullarkey

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

#1 On Agenda: Minutes

Motion by Councilwoman Weyant, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearing regarding the 2009 Sewer Assessment Roll and the minutes of the Town Board meeting both held on September 3, 2008, 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: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: Receive And File – Bids For Surplus Town Of New Windsor Vehicles And Equipment

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids for surplus Town vehicles and equipment received and publicly opened on the 23rd day of September 2008.

#3 On Agenda: Motion - Award Bids – Surplus Town Of New Windsor Vehicles And Equipment

Motion by Councilwoman Weyant, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award Liberty Motors, 1705 Kennedy Blvd., Jersey City, New Jersey 07305 the bids for the following surplus Town of New Windsor vehicles and equipment totaling \$337.96:

1972 GMC Dump Truck (VIN #TCE53WV544342)
 11' Viking Cives Plow
 11' Glen Hill Plow
 12' Glen Hill Plow

Payment shall be made by cash, certified check or bank check, made payable to the "Town of New Windsor."

Roll Call: All Ayes

Motion Carried: 4-0

WATER DEPARTMENT

#4 On Agenda: Receive And File – Bids - Water Meters

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bid for water meters, received and publicly opened on September 30, 2008.

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

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor award the bid for water meters to the lowest bidder, E.J. Prescott, 198 Ushers Road, Round Lake, New York; per the bid received and publicly opened September 30, 2008.

Roll Call: All Ayes

Motion Carried: 4-0

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SANITATION DEPARTMENT

GENERAL

#6 On Agenda: **Motion – Authorize Resolution Regarding Halloween Curfew**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom 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. Thursday, October 30, 2008 and ending 6:00 A.M. Saturday, November 1, 2008, 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

Supervisor Green said that this resolution is done every year and every year kids are arrested. He hopes that parents reading this or hearing this online or on cable television will pay particular attention to it. He went on to say that the Town has invested a lot of money in our Town parks and in recent months, we have been experiencing a lot of vandalism. Supervisor Green wants every parent to be aware that the parks are now covered by closed circuit TV and they are constantly monitored. The Town will not tolerate any more vandalism and anyone caught vandalizing Town property will be arrested.

#7 On Agenda: **Motion – Authorization To Advertise Public Hearing- Proposed 2009 Budget**

Motion by Councilwoman Weyant, 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 5th day of November 2008 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 interested in the proposed 2009 Budget.

Roll Call: All Ayes

Motion Carried: 4-0

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**#8 On Agenda: Motion – Authorization To Publish Display Ad –
Snow Removal Law**

Motion by Councilwoman Weyant, 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 – Authorize Exemption From Taxes For New
Windsor Senior Apartments, Inc., And Authorize
Execution Of Payment-In-Lieu Of Taxes Agreement**

Motion by Councilwoman Weyant, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby exempts New Windsor Senior Apartments, Inc., from payment of taxes and authorizes the Supervisor to execute a Payment-in-Lieu of Taxes (PILOT) Agreement in accordance with the resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 4-0

**#10 On Agenda: Receive And File Notice Of Claim –
Gironda V. Town Of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of Renee Gironda And Michael Gironda V. Town Of New Windsor concerning a motor vehicle accident which occurred on July 3, 2008.

**#11 On Agenda: Motion – Support Application Of Police Chief Michael
Biasotti To New York State Association Of Chiefs Of Police**

Motion by Councilwoman Weyant, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby supports and endorses the application of Police Chief Michael Biasotti to New York State Association of Chiefs of Police (NYSACOP) for position of third Vice-President and if elected will continue to support him as he serves as said third Vice-President and continue to proceed through the ranks and serve as second Vice-President, First Vice-President and President.

Roll Call: All Ayes

Motion Carried: 4-0

**#12 On Agenda: Motion – Deny Special Use Permit Approval –
Beattie R Associates, LLC**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby denies Beattie R Associates, LLC, the approval of a Special Use Permit for a proposed 424 unit senior housing project on Beattie Road in accordance with the attached resolution.

Roll Call: All Ayes

Motion Carried: 4-0

#13 On Agenda: Motion – Authorize Renewal Of Solicitor’s Permit (Veteran)

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Veteran renewal of a solicitor’s permit submitted by Nicholas D. Minutolo, 23 Coach House Court, New Windsor, NY, to sell hot dogs, hot sandwiches, snacks and drinks on Route 207 (section 4, block 3, lot 17.6.) Permit shall be obtained from the Town Clerk’s Office; permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 4-0

**#14 On Agenda: Motion – Authorize Calling Public Hearing – Proposed
Amendments 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 5, 2008, 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 changes to Chapters 280-5(A); 280-5(C) and 280-8(A) of the Vehicle and Traffic Law of the Town of New Windsor for additional stop streets on main arteries of travel, additional 3-way stop streets and no parking on certain streets respectively.

Roll Call: All Ayes

Motion Carried: 4-0

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#15 On Agenda: Officials Reports

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

Fire Prevention	Month of August 2008
Justice Court – Richard W. Thorpe	Month of September 2008
Justice Court – Donald J. Suttlehan	Month of September 2008
Receiver of Taxes – Water-Sewer-Garbage	Month of September 2008
Recreation Department	Month of September 2008
Town Clerk	Month of September 2008

#16 On Agenda: Public Forum

Supervisor Green asked if anyone in the audience had any comments they wished to make.

Bert Merolle spoke about the ongoing problem with the slope at Phase 3 in Windsor Crest Condominiums. He said he resubmitted his original complaints to the fire inspectors office and was told that the complaints have been forwarded on and the inspectors were no longer involved in the matter. Mr. Merolle explained all the problems he has had in trying to get the slope behind his home cleaned up going back to the original complaints he filed in 2006. Mr. Merolle said that recently some unknown people came to speak to the town attorney and claimed that Mr. Merolle was no longer involved in the matter and the town needs to deal with them now. Mr. Merolle feels that his rights have been violated. He said that these people have managed to get a very small cleanup done, but at least 85% of the problems still have not been touched.

Mr. Merolle had requested that the DEC come and inspect the area; they did and the DEC then wrote a letter to the owners telling them to immediately take care of the slope at the back of the property which the DEC believes is harming a NYS waterway. A copy of that letter was sent to the town. Mr. Merolle said that every time it rains, the slope becomes mud which goes down into the storm drain, from there it goes into the retention area, and from there it goes into the waterway. Mr. Merolle said he would like to know where he can go to get help and someone to listen to him. He said his quality of life has been hampered. He said that the small clean up which was done did not do nearly enough and there are still overgrown poisonous weeds, trees which were cut down and now are just lying around rotting and many rodents which are attracted to the area. Mr. Merolle asked the board for any assistance they could give.

Supervisor Green said the Town has been working with the Attorney General's office. He said the Town Attorney has been in touch with the Homeowner's Association and the Attorney's General's office and Mr. Blythe said he is trying to set up a meeting with the owners and their attorney and all the involved parties although he has not heard back from the owners definitely about a date or location. Supervisor Green said he realizes this is an ongoing problem which the town is trying to address. He also said that the town is not going to maintain that property, it is solely the owners' responsibility. He said that the attorney general's office has also had to intercede with other condominium projects within town that were crating problems.

Mr. Merolle wants to know why the owners cannot now be served with the violations and why was he left out of discussions since he is the one who is making the complaints, not the Homeowner's Association. Mr. Blythe said that there has been negotiations with the developer and a cleanup was done, the code enforcement officers have been back up there several times, and there are now no open violations. Supervisor Green said that while Mr. Merolle was correct about the stability of the slope, that is the DEC's responsibility to enforce, not the Town's.

Leo Braun asked about the Halloween curfew and said he hopes the Sentinel prints it in bold type. Supervisor Green said that the Sentinel always does a good job. Mr. Braun also said that the NYRI will soon be holding public hearings locally.

Barney Bedetti asked when the budget would be available for people to look at and was told that it would be available after the Town Board gets it by October 5th.

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Hearing no one else wishing to speak, the 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

#17 On Agenda: Adjourn

Motion by Councilwoman Weyant, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:33 p. m.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc