

**TOWN BOARD MEETING**  
 WEDNESDAY, NOVEMBER 5, 2008; 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, Deputy Police Chief Hovey, Highway Superintendent Fayo, Town Attorney Blythe

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

**#1 On Agenda: Minutes**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the minutes of the Public Hearings regarding a proposed amendment to Chapter 300, Zoning Local Law, and the proposed Regulation of Outdoor Furnaces, and the minutes of the Town Board meeting all held on October 1, 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: 5-0*

**UNFINISHED BUSINESS**

**HIGHWAY DEPARTMENT**

**#2 On Agenda: Motion - Acceptance Of Road As Public Highway – Coach House Court – Meadow Ridge Subdivision**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor accept the road known as Coach House Court in the Town of New Windsor as a public highway and in regard to such dedication:

- (1) File an Order of the Town Highway Superintendent;
- (2) Authorize the execution of a Town Board Consent with the Engineer's signature; and
- (3) Accept a deed from Orange County to the Town of New Windsor. which deed shall be without liens and taxes paid, accepted by the Town Board, and to be recorded in the Orange County Clerk's office by the County of Orange, which deed provides for the conveyance of lands relative to the municipal highway known as Coach House Court; and
- (4) Accept an easement from Garfield Developers, Inc., covering sewer and drainage easements, and a water quality pond deed (drainage district #4); and
- (5) The Engineer for the Town and Chief Information Technology Officer are directed to add the highways and easements to the Official Town Map.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**WATER DEPARTMENT**

**SANITATION DEPARTMENT**

**GENERAL**

**TOWN BOARD MEETING**  
WEDNESDAY, NOVEMBER 5, 2008; 7:00 P.M.

**#3 On Agenda:           Motion – Authorize Scheduling A Public Hearing –  
New Windsor Rural Fire Protection District**

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

**WHEREAS**, there has been duly established in the Town of New Windsor, a fire protection district known as the New Windsor Rural Fire Protection District located generally in the western half of the Town of New Windsor; and

**WHEREAS**, it is necessary pursuant to New York State Town Law for the Town Board to provide fire protection within said New Windsor Rural Fire Protection District;

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the provisions of Section 184 of the Town Law of the State of New York, that a public hearing be held with reference to the furnishing of fire protection for the New Windsor Rural Fire Protection District on December 3, 2008, at the Town Hall, 555 Union Avenue, New Windsor, New York at 7:00 P.M., and that the Town Clerk shall cause publication of such notice of hearing in The Sentinel, a newspaper having general circulation in said fire protection district, and that such notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#4 On Agenda:           Motion – Authorize Levying Unpaid Water/Sewer/  
Garbage Charges**

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

**WHEREAS**, the Supervisor of the Town of New Windsor on October 27, 2008 transmitted to this Board a Statement of unpaid water, sewer and Beaver Dam garbage charges filed with the Town Clerk on October 27, 2008 containing a brief description of the property on which water, sewer and Beaver Dam garbage charges are unpaid, and the names of persons or corporation liable to pay the same, and the amount chargeable to each;

**NOW BE IT RESOLVED**, that there be levied on the 2009 Tax Roll of the Town of New Windsor against the properties set forth in said statement, and the unpaid water, sewer and Beaver Dam garbage charges so transmitted to the Board, and that the amount thereof be set forth as unpaid utilities on the 2009 Tax Roll for a total of \$414,931.24;

**AND BE IT FURTHER RESOLVED**, that the amount so levied shall be placed in the warrant of the County Legislature issued to the Tax Receiver of said Town in the same manner as general taxes are levied and collected, and shall be like lien as general taxes until the amount thereof is paid.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#5 On Agenda:           Receive And File Fully Executed Order On Consent -  
NYSDEC**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the fully executed Order On Consent from the State of New York Department of Environmental Conservation in the matter of Violations of Article 17 of the Environmental Conservation Law of the State of New York and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York by the Town of New Windsor.

**TOWN BOARD MEETING**  
WEDNESDAY, NOVEMBER 5, 2008; 7:00 P.M.

**#6 On Agenda:        Receive And File Inter-Municipal Agreement – 2008  
Municipal Parks Grant – Mt. Airy Sports Complex**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the fully executed 2008 Municipal Parks Grant with Orange County in the amount of \$30,000.00, for the purchase of playground equipment at Mt. Airy Sports Complex.

**#7 On Agenda:        Receive And File Letter Of Credit – Valley Fields Estates**

Hearing no objection, the Town Board of the Town of New Windsor receive and file original Letter of Credit from Walden Savings Bank, dated September 29, 2008, for Valley Fields Estates a/k/a Sawyer Subdivision, (Planning Board #03-31), in the reduced sum of \$110,952.00 as authorized by the Town Board on September 3, 2008.

**#8 On Agenda:        Motion – Authorize Execution Of Agreement –  
Newburgh SPCA**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Newburgh S.P.C.A. to provide boarding of dogs and cats secured by the Town of New Windsor Animal Control Officer. Said Agreement is effective from January 1, 2009 to December 31, 2009.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#9 On Agenda:        Motion – Authorize Calling A Public Hearing – Proposed  
Shift Of Operations – Empire Merchants North LLC**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor call a Public Hearing to be held on December 3, 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 shift of operations of Empire Merchants, North, LLC, to Greene County.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#10 On Agenda:       Motion – Authorize Execution Of Agreement – Nuisance  
Wildlife Control – New Windsor Landfill**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Richard Krol to provide nuisance wildlife control at the New Windsor landfill for a cost not to exceed \$1,300.00. Said Agreement is effective from January 1, 2009 to December 31, 2009.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#11 On Agenda:       Motion – Authorize Execution Of Developer's Agreement –  
First Columbia LLC**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey 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 First Columbia, LLC for construction of a 20,000 square foot commercial building to be located at 4 London Avenue, New Windsor, New York (Section 3, Block 1, Lot 65).

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**TOWN BOARD MEETING**  
WEDNESDAY, NOVEMBER 5, 2008; 7:00 P.M.

**#12 On Agenda:      Receive And File Performance Bond Rider For  
Independence Drive – Mt. Airy Estates Subdivision**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Rider to Bond #0414871 from International Fidelity Insurance Company extending the term of said bond to November 29, 2009, for the foamed asphalt on Independence Drive in the Mt. Airy Estates Subdivision.

**#13 On Agenda:      Motion – Authorize Execution Of Agreement – Coca Cola  
Bottling Company Of New York**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Coca-Cola Bottling Company of New York, Northeast Business Unit to provide beverages to Town owned parks through August 31, 2013.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#14 On Agenda:      Motion – Approve Special Use Permit – Knox Village, Inc.  
(Legacy Woods)**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby grants a Special Use Permit, pursuant to Town of New Windsor Town Code Sections 300-18 and 300-18.1, to Knox Village, Inc., for a senior citizen housing project commonly known as Legacy Woods (PB# 08-01) located on a private road accessible from New York State Route 32 and further directs the Town Attorney to prepare the appropriate resolution in support hereof.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#15 On Agenda:      Receive And File Original Letter Of Credit – Cardaropoli  
(Sandcastle River Road)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file original Letter of Credit from Key Bank National Association, dated October 20, 2008, for Nicholas J. Cardaropoli, Sr., and Nicholas J. Cardaropoli, Jr. (Sandcastle River Road), in the sum of \$9,390.00 as authorized by the Town Board on September 3, 2008.

**#16 On Agenda:      Establish Pre-Disaster Mitigation Plan Committee  
And Appoint Members**

As Supervisor, pursuant to New York State Town Law Section 63, I hereby establish a Committee for the purpose of preparing a Pre-Disaster Mitigation Plan for the Town of New Windsor and the following shall serve on that Committee:

Deputy Chief of Police for the Town of New Windsor  
Superintendent of the New Windsor Highway Department  
Chief of the New Windsor Volunteer Ambulance Corps  
Chief of the New Windsor Fire Department  
Chief of the Vails Gate Fire Department  
Town Engineer  
Authorized Representative of the Town of New Windsor Fire Inspector's Office  
Authorized Representative of the Newburgh Enlarged City School District

**TOWN BOARD MEETING**  
WEDNESDAY, NOVEMBER 5, 2008; 7:00 P.M.

**#17 On Agenda: Officials Reports**

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

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

**#18 On Agenda: Public Forum**

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

William Steidle asked what the DEC Order on Consent was for and Supervisor Green said it related to the outfall at the sewer plant which needed to be relocated. Mr. Steidle also asked about the public hearing mentioned in agenda item #9 and what it was for. Supervisor Green said this is a company in the Empire Zone that wants to transfer their center of operations to Greene County. This move won't affect any jobs here but in order for the county to allow it, they need a resolution from the town, it's just a technicality.

Diane Newlander asked about the agreement with First Columbia. Supervisor Green said it was another building at Stewart and the agreement relates to water and sewer repairs. Mrs. Newlander asked about the amount of money involved and was told that there would be an inspection fee and a bond set, however the bond is only to allow the Town to collect the inspection fees, since this is actually the Town's property which is only leased to First Columbia.

Bob Calotta thanked the Town Board for getting a street light on Shaker Court and seeing that Central Hudson cleaned up the area afterwards.

Hearing no one else wishing to speak, the 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*

**#19 On Agenda: Adjourn**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:59 p.m.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Respectfully submitted,

**DEBORAH GREEN**  
**TOWN CLERK**