

TOWN BOARD MEETING
 WEDNESDAY, APRIL 5, 2006; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

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

OTHER OFFICIALS PRESENT: Highway Superintendent Fayo, Town Attorney Blythe, Police Lieutenant Faricellia

SALUTE TO FLAG

Before calling the meeting to order, Supervisor Green thanked Gloria Martin for donating the new 9/11 memorial flag which is now hanging in the meeting room and he also thanked the Town Clerk's office for the work they did on producing the Town of New Windsor Reference Guide which is now available to town residents.

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

#1 On Agenda: Minutes

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting held on March 1, 2006 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 - Authorization to Establish Maintenance Bond - Paul Court

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor establish the maintenance bond required for Paul Court in the amount of \$19,722.00 as recommended by the Engineer for the Town.

#3 On Agenda: Motion - Authorization To Execute Agreement - Town Of New Windsor And County Of Orange

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize Supervisor Green to execute an Agreement for application of pavement markings by the county on town, village and city highways within Orange County between the Town of New Windsor and the County of Orange for the year 2006.

Roll Call: All Ayes

Motion Carried: 5-0

#4 On Agenda: Motion - Authorization To Advertise For Sealed Bids - Paving Of Various Town Roads

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for paving of various Town roads to be determined by the Superintendent of Highways. Bid opening date shall be determined by the Town Supervisor. Sealed bids should be delivered to the 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

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**#5 On Agenda: Receive And File A Deed From Highland Operating Company
Conveying Melissa Lane And Hill Road**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a deed from Highland Operating Company to the Town of New Windsor recorded in the Orange County Clerk's Office on January 6, 2006 in Liber 12042 at Page 657 for Section 52, Block 4, Lots 16 and 17.

WATER DEPARTMENT

SANITATION DEPARTMENT

GENERAL

**#6 On Agenda: Motion - Authorization To Establish Performance Bond -
Middle Earth Major Subdivision**

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor establish the performance bond required for the Middle Earth Major Subdivision in the amount of \$1,254,430.00, as recommended by the Planning Board Engineer and to establish the associated inspection fee at \$50,177.20 representing four (4%) percent of the public improvement performance bond.

**#7 On Agenda: Motion – Authorization To Call For A Public Hearing To
Establish Drainage District #6**

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor call for a Public Hearing to be held on May 3, 2006 to establish Drainage District #6 in accordance with the resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 5-0

**#8 On Agenda: Motion – Authorization To Call For A Public Hearing To
Establish Drainage District #11**

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor call for a Public Hearing to be held on May 3, 2006 to establish Drainage District #11 in accordance with the resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 5-0

**#9 On Agenda: Motion – Create Local Redevelopment Authority For Planning
And Implementation Of Reuse Of The U.S. Army Reserve
Center Stewart-Newburgh And Appointment Of Members Thereto**

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

WHEREAS, the of Secretary of Defense has recommended the closure of the United States Army Reserve Center, Stewart - Newburgh; and

WHEREAS, the property of the United States Army Reserve Center, Stewart - Newburgh has been declared surplus; and

WHEREAS, the property of the United States Army Reserve Center, Stewart - Newburgh is located entirely within the Town of New Windsor; and

WHEREAS, the future use of the property of the United States Army Reserve Center, Stewart - Newburgh will have a substantial impact on the Town of New Windsor; and

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WHEREAS, the Town Board of the Town of New Windsor recognizes that it is in the best interest of the residents of the Town of New Windsor to be involved in the redevelopment plans of the property of the United States Army Reserve Center, Stewart - Newburgh; and

WHEREAS, the Town Board of the Town of New Windsor can be recognized as the Local Redevelopment Authority; the entity responsible for the development and implementation of a reuse plan; and

NOW THEREFORE, the Town Board of the Town of New Windsor hereby appoints Councilman John Finnegan, Councilwoman Patricia Mullarkey, Councilwoman Susan Weyant, Councilwoman Alice Biasotti and Supervisor George Green as the Local Redevelopment Authority in accordance with applicable federal regulations.

Roll Call: All Ayes

Motion Carried: 5-0

#10 On Agenda: Motion – Authorizing \$25,000 For Mini-Park Project - International Boulevard

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

WHEREAS, the Town of New Windsor owns the former Stewart Army Subpost, which is being developed as a business park; and

WHEREAS, such Town-owned business park surrounds International Boulevard which is being constructed at this time to become the main entrance into Stewart International Airport; and

WHEREAS, a project consisting of two mini-parks has been designed by the Engineers for the Town as a fitting entrance for Stewart International Airport on the Town-owned land consisting of flags, benches, lights, and a clock; and

WHEREAS, Senator William J. Larkin Jr. has obtained for the Town a grant in the amount of \$75,000 for the project, but the Engineers for the Town advise there is a shortfall between the project cost and the grant amount of \$25,000.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Windsor appropriate \$25,000 for the International Boulevard mini-park project, and direct the Engineers for the Town to proceed to bid.

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda: Motion – Rescind Motions Of The Town Board - #16 & #17 Of December 7, 2005 And #2 Of December 19, 2005

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor rescind motion number 16 and number 17 of the Town of New Windsor Town Board meeting of December 7, 2005 and motion number 2 of the Town of New Windsor Special Town Board meeting of December 19, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

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#12 On Agenda: Motion - Authorization To Negotiate An Intermunicipal Agreement - "Stewart Acquisitions/400 Acre Drury Lane Lands"

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor Green to enter into an agreement with either the County of Orange and/or interested local municipalities with regard to future development proposals for the property commonly referred to as "Stewart Acquisitions/ 400 Acre Drury Lane Lands."

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion - Authorization For Supervisor To Execute Collective Bargaining Agreement With The CSEA

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a Collective Bargaining Agreement with the CSEA as per the terms of the Memorandum of Understanding regarding the CSEA Agreement for the years 2006, 2007, 2008 and 2009.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Motion - Authorization For Supervisor To Execute Collective Bargaining Agreement With The PBA

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a Collective Bargaining Agreement with the New Windsor PBA covering salary issues for the years 2006 and 2007.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Motion - Authorize Renewal Of Solicitors Permit (Veteran)

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Veteran renewal of a solicitors permit submitted by George Hopkins d/b/a/ Hill Top Wagon, PO Box 31, Vails Gate, New York, to sell hot dogs, soda and chips on Route 94 at the Vails Gate Cycle Shop. Permit shall be obtained from the Town Clerk's office; permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda: Motion - Authorization To Advertise For Sealed Bids - Sale Of Used Town Vehicles And Equipment

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant 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 vehicles and 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 25th day of April 2006. The Town Board reserves the right to reject any/or all bids.

Roll Call: All Ayes

Motion Carried: 5-0

#17 On Agenda: Motion - Authorize Adoption of Information Security Breach and Notification Policy

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

WHEREAS, there have been many instances of sensitive private financial information being lost or stolen both in and outside the State of New York; and

WHEREAS, the State of New York desires to protect its residents from unauthorized access to their private information stored in electronic format; and

WHEREAS, the State of New York has adopted the Information Security Breach and Notification Act requiring every local government to adopt its own notification policy by April 6, 2006;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Windsor adopt the Information Security Breach and Notification Policy as per Schedule A attached.

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Roll Call: All Ayes

Motion Carried: 5-0

**#18 On Agenda: Motion - Authorization To Execute Developer's Agreement
With Atlantic Marine Corps Communities**

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to enter into a Developer's Agreement on behalf of the Town with Atlantic Marine Corps Communities, LLC for the controlled development of the property known as Stewart Terrace and as further described in said Agreement.

Roll Call: All Ayes

Motion Carried: 5-0

**#19 On Agenda: Motion - Authorize Settlement Of Property Damage Claim -
19 St. Anne Drive, New Windsor**

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the payment of \$14,500.00 for the settlement of all property damage claims related to flooding/backup at 19 St. Anne Drive, New Windsor, New York, which occurred on April 2, 2005 upon presentation of a General Release regarding same.

Roll Call: All Ayes

Motion Carried: 5-0

#20 On Agenda: Receive And File Annual Financial Report Update Document 2005

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Annual Financial Report Update Document for the fiscal year ended December 31st, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

**#21 On Agenda: Receive and File Letter Of Credit Renewal From Union State
Bank For Windsor Woods, LLC**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Letter of Credit Renewal numbered 1923 from Union State Bank for Windsor Woods, LLC in the amount of \$92,100.00.

**#22 On Agenda: Receive and File Ground Sublease Agreements Between First
Columbia And ENAP, Inc.**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Ground Sublease Agreements for Units 100 and 200 including Assignment and Assumption Agreement for Unit 200 for the sale of Unit 200 to ENAP, Inc.

**#23 On Agenda: Receive and File Deed - Highland Operating Company To Town
Of New Windsor Conveying Easements For Toleman Estates**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a deed from Highland Operating Company to the Town of New Windsor recorded in the Orange County Clerk's Office on January 6, 2006 in Liber 12042 at Page 665.

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#24 On Agenda: Receive and File Irrevocable Letter Of Credit For New Windsor Farm Development LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an Irrevocable Letter of Credit for New Windsor Farm Development LLC.

#25 On Agenda: Receive and File Orange County Water Authority Agreement

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an executed Orange County Water Authority Municipality Digital Data Release License Agreement.

#26 On Agenda: Officials Reports

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

Building Department	Month of February 2006
Police Department	Month of February 2006
Justice Court (Donald J. Suttlehan)	Month of March 2006
Justice Court (Richard W. Thorpe)	Month of March 2006
Town Clerk	Month of March 2006
Fire Prevention	Month of March 2006
Tax Receiver	Month of March 2006

#27 On Agenda: Public Forum

Supervisor Green, "Before I open up the public forum, is there anything from the board? No, we will now open public forum. Anything from the public?"

Diane Newlander thanked the Board for rescinding the motions relating to health benefits after retirement which were approved last December and she handed in to the Town Clerk the petitions that had been signed relating to those motions.

Bill Steidle asked if the Town was planning on participating in the Orange County Open Space Funding Program especially with respect to protecting Brown's Pond, possibly in conjunction with the City of Newburgh. Supervisor Green said he has had very preliminary discussions with Jean McGrane, the City Manager for the City of Newburgh. As of this morning, the Town is under an emergency water shutdown and we have been drawing water out of Brown's Pond since this morning. The Supervisor feels that the preservation of the watershed is very important to the New Windsor water supply. Supervisor Green went on to explain that at about 4:30 p.m. he received a phone call from the water superintendent telling him that the City of New York had shut the aqueduct down at about 7 a.m. without any prior notice given putting the Town in a very serious situation.

Leo Braun questioned whether the water moratorium was still in effect and if the new Master Plan was going to address the issue of water sources. Supervisor Green said that the moratorium is still in effect. It says there can be no more water main extensions, however, there can be individual hookups and there are some developments that are currently under construction that were approved before the moratorium went into effect. As it stands now, there can be no more outside user agreements, no more extensions to the water district and no creation of new water districts.

He explained that the Town is in negotiation with the City of Newburgh to purchase an undetermined supply of water from their system and when that happens, the moratorium would have to be lifted. The Master Plan RFP is due back on April 25th, and then the Town Board can move forward.

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Diane Newlander mentioned a long term shutdown of the aqueduct that is planned in the future and wanted to know if the town has a backup plan for an extended shutdown. Supervisor Green said that some of the neighboring communities have been meeting on a regular basis to discuss a regional water plan on how everyone will cope with a long term shutdown of both the Catskill and Delaware Aqueducts. He has also spoken with the County Executive who is also in favor of creating a regional water plan.

Jean Antonelli said she was under the impression that the Planning Board had approved a condominium project on Route 300 which was going to dig wells for their water. Supervisor Green said that the condominium project fell under the water moratorium and until the moratorium was lifted, they had no water source.

Fran Shapiro questioned the quality of the water in both the City and Town of Newburgh. Supervisor Green said that the quality of water in both the City and Town of Newburgh was very good.

Fran Maxwell spoke of an invitation that the Concerned Citizens of New Windsor had sent to Supervisor Green and Town Attorney Blythe asking them to participate in an upcoming meeting. Supervisor Green said he has been spending his Saturday mornings in his office trying to catch up on things and will try to attend a meeting soon. Attorney Blythe said that on one of the dates mentioned he will be on duty with the New York Guard but he would try to make the second meeting.

A resident of New Windsor thanked the board for rescinding the health benefit motions, but wondered if they were going to be replaced. Supervisor Green said that new motions granting post-retirement health benefits to department heads and elected officials will probably be adopted again sometime in the future but that he was waiting for correspondence from the County to see how they deal with that issue. When a post-retirement health benefit motion is adopted again it will not contain any mention of the lifetime buyout for spouses, retired members and their families.

The resident also wanted to know if it was customary for a resolution to be passed without any input from the public and if there were any plans to create a Citizen's Advisory Board. Supervisor Green said that it was the Board's option to pass a resolution, that was why a Town Board is elected. The Supervisor said that he would consider several advisory committees, but not a general advisory board. He stated that this, the public forum, was the public's input into the government. The Town Board also has a workshop every month that the public is welcome to attend, everyone is welcome to call the board members or the supervisor at any time and find out anything that is going on. All department heads have been advised that the FOIL law will be strictly followed. He is planning on appointing a Recreation Committee and a Steering Committee for the Master Plan made up of a cross section of residents.

Frank Bedetti thanked the Board for rescinding the health benefits motions. He felt that it took a lot of courage for the Board to reconsider them.

Jean Antonelli wanted to know how people were able to express their interest in serving on various committees. Supervisor Green said that it was by attending meetings and by word of mouth. Anyone can write a letter or call to express their interest in serving on a board or committee. He said that he has reached out to various organizations already asking for recommendations and has been in touch with the fire departments, ambulance corps, and the police department in getting a committee together to review the Disaster Plan.

Gloria Martin wondered if Alice Biasotti was still the liaison for the Senior Citizens and if Pat Mullarkey still represented the Recreation Department. Supervisor Green said that Alice had been appointed as the Senior Citizen liaison at the January meeting. He then went on to explain that the board members, besides attending monthly Town Board meetings, were each involved in various activities having to do with running the Town, but were always available to help residents out with any problems regardless of which departments they were liaisons for.

Rebecca Jones asked which departments each board member represented. Councilwoman Weyant replied that she represented the Justice Court offices and the Water Department; Councilwoman Biasotti is liaison to the Planning and Zoning Boards and the Senior Citizens; Councilwoman Mullarkey is liaison to the Recreation Department and Social Services and represents the Town with the Newburgh School District; Councilman Finnegan is liaison for the

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Highway and Sewer Departments and Supervisor Green is liaison for the Ambulance Corps and the Police Department.

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

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan 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

#28 On Agenda: Adjourn

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board Meeting at 7:50 P. M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc