

TOWN BOARD MEETING
WEDNESDAY, MARCH 4, 2009; 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, Police Lieutenant Farbent, 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 Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing regarding the 2009 Comprehensive Plan and Draft Generic Environmental Impact Statement and the minutes of the Town Board meeting, both held on February 4, 2009, 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

WATER DEPARTMENT

GENERAL

#2 On Agenda: Summons And Notice Of Claim - Tucci Vs. Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file Summons dated February 6, 2009 and original Notice of Claim of Caroline Tucci against Town of New Windsor, dated February 5, 2008, concerning a slip and fall and also direct the Town Attorney to arrange for indemnification and defense as required.

#3 On Agenda: Motion - Adopt Resolution In Opposition To Creation Of MTA Mobility Tax

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

WHEREAS, Governor David A. Patterson created the Commission on Metropolitan Transportation Authority Financing (the Ravitch Commission) and appointed former MTA Commissioner Richard Ravitch to chair said Ravitch Commission; and

WHEREAS, the Ravitch Commission has issued a report recommending certain funding sources for future MTA Capital Expenditures (the Report); and

WHEREAS, in addition to creating tolls on the New York City East River Bridges it has also recommended a "mobility tax" which is, in effect, a payroll tax of \$.33 per every \$100.00 of payroll (1/3 of 1%); and

WHEREAS, Town of New Windsor taxpayers and businesses already contribute five taxes and/or fees to the MTA (sales tax, petroleum business tax, mortgage recording tax, phone bill surcharge and Metro North parking station maintenance through charges to the County); and

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WHEREAS, the Town Board of the Town of New Windsor believes that this creates an additional oppressive and unfair burden upon the citizens of New Windsor, Orange County and the other affected municipalities and counties by placing an unprecedented tax upon the income of its residents; and

WHEREAS, the Town Board of the Town of New Windsor believes that the MTA, like municipalities in New York State, should use fiscal restraint rather than increased taxation in order to responsibly balance its budget.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Windsor does hereby strongly and without reservation oppose the Ravitch Commission's proposed mobility tax; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor hereby urges the Governor, State Senate and State Assembly to reject the imposition of said tax.

Roll Call: All Ayes

Motion Carried: 5-0

#4 On Agenda: Motion - Adopt Resolution Opposing Certain Changes In NYS Law Relating To Office Of The Town Clerk

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

WHEREAS, the office of Town Clerk is currently an elective position pursuant to Section 20 of the Town Law of the State of New York, and

WHEREAS, legislation has been introduced in the New York State Legislature which would permit towns to convert the office of Town Clerk to an appointive position subject to a permissive referendum being held, and

WHEREAS, Municipal Home Rule Law §10 already provides that a Town may adopt a local law changing the office of Town Clerk from an elected to appointed position subject to a mandatory public hearing before any change could occur, which a permissive referendum would not, and

WHEREAS, the election process allows Town of New Windsor residents a choice in selecting their Town Clerk which is how local government should be; government by the people not the State of New York or through political patronage, and

WHEREAS, the Town Clerk is, under several sections of New York State law, the official record keeper for all Town records and should be an independently elected individual providing impartial service to the members of Town government and the public at large, and

WHEREAS, there would be no financial benefit or savings to the Town of New Windsor in making this change from elective to appointive office, and

BE IT RESOLVED, that the Town Board of the Town of New Windsor adamantly opposes this change in the office of Town Clerk, as it would compromise the voting rights of our residents, and

BE IT FURTHER RESOLVED, that the Town Clerk be directed to transmit certified copies of this Resolution to Gov. David Paterson, NYS Senator William J. Larkin, Jr. and NYS Assemblywoman Nancy Calhoun.

Roll Call: All Ayes

Motion Carried: 5-0

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#5 On Agenda: Motion - Authorize Renewal Of Solicitor's Permit - Jabbour

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor's Permit submitted by Omar M. Jabbour, 67-2 Barclay Plaza, New Windsor, New York, to sell pre-packaged ice cream/soft serve and hot dogs in the Town of New Windsor. Permit shall be obtained from the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda: Motion - Authorize Execution Of NWVAC Agreement

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute the attached Agreement between the Town of New Windsor and New Windsor Volunteer Ambulance Corps, Inc., for the provision of ambulance services and pre-hospital emergency treatment. Said Agreement is effective from January 1, 2009 to December 31, 2009.

Roll Call: All Ayes

Motion Carried: 5-0

#7 On Agenda: Receive And File Demand Letter And Offer Of Settlement

Hearing no objection, the Town Board of the Town of New Windsor receive and file Demand Letter and Offer of Settlement regarding Consolidated Iron's cost-recovery and contribution claims.

#8 On Agenda: Motion - Authorize Execution Of Settlement Agreement With Consolidated Iron Joint Defense Group

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute the attached Settlement Agreement between Consolidated Iron Joint Defense Group and Town of New Windsor, New York for the Consolidated Iron and Metal Superfund Site.

Roll Call: All Ayes

Motion Carried: 5-0

#9 On Agenda: Motion - Authorization To Advertise Public Hearing - Empire State Development Restore NY Communities Initiative (Round 3)

Motion by Councilwoman Mullarkey, 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 a Public Hearing to be held on the 1st day of April, 2009, at 7:00 o'clock 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 Empire State Development Corporation Restore NY Communities Initiative (Round 3). Restore NY will fund municipally-sponsored projects for the demolition, rehabilitation or reconstruction of vacant buildings at the Stewart Army Subpost.

Roll Call: All Ayes

Motion Carried: 5-0

#10 On Agenda: Motion - Appoint Physician/Surgeon To Police Department

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

WHEREAS, Christopher Irobunda, M.D., is a highly qualified physician licensed to practice medicine in the State of New York; and

WHEREAS, Dr. Irobunda has rendered many valuable medical services, recommendations and referrals to and on behalf of the New Windsor Police Department; and

WHEREAS, the New Windsor Police Department wishes to formally acknowledge the high regard the New Windsor Police Department holds for Dr. Irobunda;

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THEREFORE BE IT RESOLVED, by the Town Board of the Town of New Windsor that Dr. Irobunda is hereby recognized as the duly appointed physician/surgeon to the New Windsor Police Department; and

IT IS FURTHER RESOLVED, that Dr. Irobunda shall remain in such position unless or until determined otherwise by the Town Board.

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda: Receive And File Executed Agreement With Musco Finance

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an executed agreement with Musco Finance for the lighting system at Mt. Airy Sports Complex .

#12 On Agenda: Officials Reports

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

Building Department	Month of January 2009
Receiver of Taxes – Water-Sewer-Garbage	Month of January 2009
Receiver of Taxes – Water-Sewer-Garbage	Month of February 2009
Receiver of Taxes Monthly Tax Statement	Month of January 2009
Receiver of Taxes Monthly Tax Statement	Month of February 2009
Justice Court – Richard W. Thorpe	Month of February 2009
Justice Court – Donald J. Suttlehan	Month of February 2009
Police Department	Month of February 2009
Fire Prevention	Month of February 2009
Recreation Department	Month of February 2009
Town Clerk	Month of February 2009

#13 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments. He then asked if anyone else had any comments or questions.

William Steidle spoke about the historic aspects of Jackson Avenue and is concerned that the implementation of the Jackson Avenue Reconstruction Project will have an adverse effect on his farm and the area in general. He said that in October 2007 he presented a petition to the Town Board with over 600 signatures opposing the Reconstruction Project. He said that the road renovation would cause Jackson Avenue to become a speedway and he asked the Board to reconsider the project.

Supervisor Green said that there are some problem areas on Jackson Avenue that need improvement, but his overall opinion has not changed, and he would not like to see the entire roadway reconstructed because it probably would turn into a raceway after it was widened. One of the problems is that the federal money came in prior to the current administration and a good deal of that money was spent.

Supervisor Green said he was going to sit down with the Board and discuss the project but there are some areas of Jackson that desperately need improvement.

Leo Braun said he was glad that the Board voted on an opposition motion to the payroll tax wanted by the MTA. Supervisor Green said that the economic situation is just as bad for the Town as it is for everyone else and the Town did not budget for a mobility tax for the MTA. He said it is grossly unfair that municipalities and school districts are going to foot the bill.

Mr. Braun also asked about the agenda items having to do with the superfund. Supervisor Green said that unfortunately the Town of New Windsor, years and years ago, used that superfund to deposit batteries, the Town got named as a PRP (potentially responsible party) just like we got named as a PRP at the Orange County Landfill, just like we named potentially

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responsible parties when we closed our landfill. We have settled and the Town Attorney did an excellent job in negotiating a settlement for the Town, they said our liability would have been twelve million dollars and Mike got them to settle for \$25,000.

Supervisor Green welcomed Boy Scout Troop 205 who attended the meeting to meet one of the requirements for a merit badge.

Supervisor Green said he received an anonymous letter in the mail last month relating to the very poor condition of the Squire Patton House, located at the intersection of Route 207 and Union Avenue. He said the letter went on to say that the Town should be ashamed to keep the house in such disrepair. Supervisor Green that the Squire Patton House is owned by the City of Newburgh, not the Town of New Windsor. He hopes that the author of the anonymous letter reads that either in the papers or in the minutes.

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: 5-0

#14 On Agenda: Adjourn

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti 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