

**PUBLIC HEARING
PROPOSED STREET IMPROVEMENT DISTRICT
OAK HILL DRIVE & DEER HILL ROAD
NEW WINDSOR TOWN HALL
JULY 7, 2010 7:00 P.M.**

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

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Town Attorney Blythe, Highway Superintendent Fay

Supervisor Green called to order a Public Hearing regarding a proposed street improvement district which would include Oak Hill Drive and Deer Hill Road and the Town Clerk presented proof of publication as required by law.

SALUTE TO FLAG

Supervisor Green said that Patrick Hines of the firm of McGoey, Hauser and Edsall will explain the project. Mr. Hines said that the two roads are located off Bull Road and serve a 22 lot subdivision. It is the intent of those homeowners to improve the road to meet town road specifications and have the town take over the road. His office has done a preliminary review in order to come up with a cost estimate. Some of the improvements which need to be made include widening the road, improving drainage and road reconstruction and the construction cost will be about \$260,000. This does not include additional engineering fees, legal fees, surveys of each lot and other administrative fees for a total cost of approximately \$310,000. This can be paid in ten years with a cost of about \$1,850 per lot per year at a 4.5% interest rate. A twenty year repayment would be about \$1,290 per lot but interest goes up to 6%. One of the homes in the subdivision is not served by the private road and would not be involved in the project.

Supervisor Green said that this is the first of two required public hearings. Should the Board determine that they wish to proceed, another hearing would be held next month or the month after. He asked if any residents of those roads which to speak on this matter.

Miles Donker said that the lot owners had figured the cost of the district would be about \$229,000 and they were hoping to bring that figure down and the new figures are surprising.

Pat Hines said that the initial cost estimates did not include any of the engineering, legal or administrative fees and were strictly construction cost estimates which were based on 2008 prices. The figures were run again to reflect current municipal pricing and that is why the construction costs went up from \$229,000 to \$260,000 based on escalated prices of asphalt and other construction materials. He said that each lot has to be surveyed and dedicated, each parcel that has a mortgage will need a mortgage release, there is some public bidding and engineering requirements because of the fact that it becomes a Town project, bonding counsel and bonding costs also have to be factored in.

Mr. Donker asked if the project could be done privately. Mr. Hines said they would cut about 1/3 of the costs doing it privately and one of the benefits in having the Town do the district was to take advantage of the town's financing ability for the project. Supervisor Green said the town would bond it and put it on the tax bill as a special district, the cheapest way however, is for all the residents to bring the road up to town specs then dedicate it over to the Town. The other advantage in having the Town do the district is if you have one party who does not wish to participate, the Town could utilize eminent domain proceedings. Mr. Donker said that the financing concerns him because not everyone can get up the \$10,000 needed.

Noreen Calderin wanted to know if the amount of \$310,000 includes all the costs or is there something else that was not included in that figure. Supervisor Green told her it does not include the financing which is about \$5,000 for bond counsel and between \$3 -\$5,000 for the sale of the bonds.

Supervisor Green said that the Town Board still has to make a decision based on their best judgment as to whether the project is affordable for the homeowners.

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Jerry Fioriti asked why the Board makes the decision as to the homeowners' affordability. The Supervisor said it also goes to NYS Audit and Control, then to the State Comptroller who makes the ultimate decision. Pat Hines said the Audit and Control review of the project is a requirement – they have to judge whether it is appropriate to add this tax to someone's tax bill based on a person's whole tax liability.

Noreen Calderin asked when the town accepts the road – upon completion of the road or upon full payment of the bond. Supervisor Green said the road is accepted upon completion. He said that the homeowners also need to consider the fact that some of these lots are subdividable which means more lots to share the cost which reduces it for everyone else.

Jean Kuenneke said her lot is on Bull Road and she would like to know what is going to happen to her side of the property and if her trees are going to be cut down. Supervisor Green said it is doubtful that they would need to be cut down although they may end up being in the town right of way.

Supervisor Green said they do not have a resolution prepared to call a public hearing and they are not going to make a decision on the next public hearing tonight. He said he will discuss it with the engineer, the attorney and the highway superintendent and the town board and if necessary will hold a special board meeting in order to call the required public hearing.

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

MOTION – CLOSE PUBLIC HEARING

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the establishment of street improvement district – Oak Hill Drive and Deer Hill Road, at 7:35 P.M., subject to subsequent hearing pursuant to Town Law Section 200(9).

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

**DEBORAH GREEN
TOWN CLERK**

/clc