

TOWN BOARD MEETING
WEDNESDAY, NOVEMBER 3, 2010; 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, Town Attorney Blythe, Police Lieutenant Farbent, Highway Superintendent Fayó

Supervisor Green called to order the November 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 Town Board meeting, on October 6, 2010 and the minutes of the special Town Board meeting held on October 22, 2010, 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

#2 On Agenda: Motion - Support Joint Application And Authorize Inter-Municipal Agreement With Northeast Orange County Study Group

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

WHEREAS, the members of the Northeast Orange County Study Group share a particular interest in water supply and the prospects of constructing a "regional" water treatment facility which would serve the multiple municipalities in the Northeast section of the County to provide a sustainable return on investment for all involved parties. Such a project would be consistent with the County's priority concept; and

WHEREAS, the Town of New Windsor is a member of the Northeast Orange County Study Group; and

WHEREAS, the Orange County Water Authority ("Authority") will be the lead applicant for this grant application; and

WHEREAS, the Authority will be the source of the 10% cash match required in the application regulations by New York State Department of State, and the maximum funding request to the Local Government Efficiency Grant Program for this feasibility study will not exceed \$450,000;

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

1. The Town Board of the Town of New Windsor authorize the Town's participation as co-applicant in the above specified application and the scope of work includes a feasibility study for the above mentioned project;
2. The Town Board of the Town of New Windsor authorize the Supervisor to enter into an inter-municipal agreement which will describe the scope of the shared services in detail;
3. The Town Supervisor is designated as the representative authorized to act on behalf of the Town of New Windsor on all matters related to this grant application.

Roll Call: All Ayes

Motion Carried: 5-0

#3 On Agenda: Motion - Authorize Supervisor To Execute Water Main Easements - Mt. Airy Estates

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a water main easement from Mt. Airy Estates, Inc, and New Windsor Development Company, LLC to Town of New Windsor and a water main easement from Mt. Airy Estates, Inc., Evelyn Sickler and Nicole Blaho to Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

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**SANITATION DEPARTMENT
GENERAL**

4 On Agenda: Motion - Authorize Levying Of Unpaid Water/Sewer/Garbage Charges

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

WHEREAS, the Supervisor of the Town of New Windsor on November 1, 2010 transmitted to this Board a statement of unpaid water, sewer and Beaver Dam Garbage charges filed with the Town Clerk on November 1, 2010 containing a brief description of the property on which water, sewer and Beaver Dam Garbage charges are unpaid, and the names of persons or corporations liable to pay the same, and the amount chargeable to each;

NOW BE IT RESOLVED, that there be levied on the 2011 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 2011 Tax Roll for a total of \$517,936.90;

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: Motion - Adopt Resolution Of Support And Concurrence For Newburgh Stewart Empire Zone Project Application (Continental Organics)

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

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zones Program, to encourage industrial and commercial development in select municipalities across the State; and,

WHEREAS, the Town of New Windsor, as an eligible municipality in conjunction with the County of Orange, received designation of an Empire Zone and was re-designated as distinct and separate contiguous areas pursuant to Section 957 (d) of the General Municipal Law; and,

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and,

WHEREAS, the County of Orange and the Town of New Windsor intend to amend the Newburgh-Stewart Empire Zone boundaries to encourage industrial and commercial development and to allow for the designation of lands in the Town of New Windsor for a Regionally Significant Project; and,

WHEREAS, Continental Organics, located at Mt. Airy Road in the Town of New Windsor, New York meets the criteria of 957 (d) of the General Municipal Law as a regionally significant project by creating seventy (70) new manufacturing jobs for inclusion within the Newburgh-Stewart Empire Zone in an area outside the distinct and separate contiguous areas; and,

WHEREAS, the Town of New Windsor wishes to support and concur with the Empire Zone designation of Section 32, Block 2, and Lots 69 & 70 and portions thereof, as a Regionally Significant Project on behalf of Continental Organics;

NOW, THEREFORE, BE IT RESOLVED that the Town of New Windsor Town Board, in its capacity as governing body of the Town of New Windsor, does hereby support and concur with the County of Orange to include a manufacturing facility for Continental Organics to be located at Mt. Airy Road in the Town of New Windsor, New York (SBL 32-2-69 & 70) as described within the attached Orange County Local Law 5 of 2010, dated July 1, 2010.

Roll Call: All Ayes

Motion Carried: 5-0

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6 On Agenda: Motion - Grant PUD Concept Approval - Covington Estates

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

WHEREAS, an application was made to the Town Board and the Planning Board of the Town of New Windsor for Planned Unit Development (PUD) approval for the conversion of a previously approved site plan by RRMGNWH, LLC (the "applicant") for a project described as the "Covington Estates 124 Unit Residential Condominium", which is now proposed to be constructed as zero lot line fee simple lots; and

WHEREAS, the subject site consists of three tax map parcels in the Town of New Windsor identified on the tax map as section 65, block 2, and lots 1.1, 1.2 and 3 (SBL 65-2-1.1, 65-5-1.2 & 65-2-3); and

WHEREAS, the action presently before the Town Board involves a request for concept approval for a PUD pursuant to Town Zoning Law § 300-35; and

WHEREAS, on March 8, 2006 the Town of New Windsor granted Final Site Plan Approval conditioned upon New Windsor Town Board approval of water and sewer district extensions, issuance of NYSDOT Highway Work Permits, review of final plans for compliance, approval of fire inspector of 911 policy compliance, submittal of a bond estimate in accordance with Town Code Chapter 137 and payment of all applicable fees and submittal of any documents required by the Town of New Windsor for offers of dedication or easements; and

WHEREAS, the Planning Board previously granted re-approval for the project, and such re-approval remains in effect; and

WHEREAS, the applicant proposes no changes to the previously approved site plan; and

WHEREAS, there have been no changes to any zoning or land use law that would require re-evaluation or modification to the previously approved site plan; and

WHEREAS, the applicant entered into a Developer's Agreement with the Town regarding the payment for certain off-site improvements; and

WHEREAS, the current owner has acknowledged in writing that it must comply with the terms of the Developer's Agreement; and

WHEREAS, the Planning Board shall, as Lead Agency, evaluate the current application under SEQRA;

NOW, THEREFORE BE IT RESOLVED that, the Town Board of the Town of New Windsor hereby advises the Planning Board that it believes that the conversion to fee simple lots for the Covington Estates site is suitable for that purpose in accordance with Section 300-35 of the Town Code; and

BE IT FURTHER RESOLVED that the Town Board hereby grants PUD concept approval to the project and refers this matter back to the Planning Board for further review; and

BE IT FURTHER RESOLVED that, the Town Board of the Town of New Windsor directs the Planning Board to advise when the SEQR process has concluded and to refer same back to the Town Board for consideration of a Special Use Permit.

Roll Call: All Ayes

Motion Carried: 5-0

7 On Agenda: Motion - Approve Receipt of Funds - Stop DWI Program

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

WHEREAS, the County of Orange has funds to be distributed to local law enforcement agencies for the purpose of conducting enforcement activities related to the STOP DWI program referred to as the Fall Enforcement Wave and

WHEREAS, the Town of New Windsor does wish to participate in said program,

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NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor approves the receipt of said funds on behalf of the Town of New Windsor Police Department from the County of Orange and authorizes Chief of Police, Michael C. Biasotti to execute all necessary contracts and documentation with regard to available funds.

Roll Call: All Ayes

Motion Carried: 5-0

**# 8 On Agenda: Motion - Authorize Supervisor To Execute Agreement -
Orange County Energy Efficiency Block Grant Program**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to submit an application, accept funds and execute an Agreement between the Town of New Windsor and Orange County through the Orange County Department of Planning, for financial reimbursement assistance for the funding of certain energy efficiency activities which support the 2010 Orange County Energy Efficiency Conservation Block Grant Program.

Roll Call: All Ayes

Motion Carried: 5-0

**# 9 On Agenda: Receive and File Fully Executed Agreement With
CollectorSolutions, Inc. For Credit Card Payment Processing
Software**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed agreement with CollectorSolutions, Inc., 316 South Baylen Street, Suite 590, Pensacola, Florida, for credit card payment processing software.

**#10 On Agenda: Motion - Authorize Supervisor To Execute Lease With New
York Communications Co., Inc.**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a six year lease (Lease #14340SLE01) between Town of New Windsor and New York Communications Co., Inc., at a lease rate of \$38,880.00 annually for police radio equipment.

Roll Call: All Ayes

Motion Carried: 5-0

**#11 On Agenda: Motion - Authorize Supervisor To Execute Agreement -
Nuisance Wildlife Control - New Windsor Landfill**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey 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, 2011 to December 31, 2011.

Roll Call: All Ayes

Motion Carried: 5-0

**#12 On Agenda: Motion - Authorize Supervisor To Execute License Agreement
With Orange County Real Property Tax Service Agency - Tax
Collection Software**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute a License Agreement between the Town of New Windsor and Orange County Real Property Tax Service Agency, for Business Automation Software (BAS) for purposes of tax collection.

Roll Call: Councilman Lundstrom: Abstain

Motion Carried: 4-0

Councilwoman Biasotti: Aye

Councilwoman Weyant: Aye

Councilwoman Mullarkey: Aye

Supervisor Green: Aye

**#13 On Agenda: Motion - Call Public Hearing - Proposed Repeal Of Local Law
6-1983 - Chapter 96 Of The Town Code Of The Town Of New
Windsor Entitled "Animals"**

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 1, 2010, 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 repeal of Section 96 of the Town Code of the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

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#14 On Agenda: Motion - Call Public Hearing - Proposed Adoption Of Local Law Entitled "Animals"

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor call a Public Hearing to be held on December 1, 2010, 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 adoption of a Local Law entitled "Animals".

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Officials Reports

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

Building Department	Month of October 2010
Fire Prevention	Month of October 2010
Justice Richard W. Thorpe	Month of October 2010
Justice Noreen Calderin	Month of October 2010
Police Department	Month of October 2010
Recreation Department	Month of October 2010
Tax Receiver Utility Report	Month of October 2010
Town Clerk	Month of October 2010

#16 On Agenda: Public Forum

Supervisor Green opened the public forum by asking if any of the Town Board members had any comments they wished to make. He then opened the meeting for public comment. Councilwoman Mullarkey said that on behalf of the Town board she wanted to thank the supervisor who worked for months getting the budget done. The supervisor said he would like to thank Jack for all his help and effort because without him, this would be impossible. He also thanked Steve for the cooperation of the union in their negotiations.

Barney Bedetti wanted to know if the water agreement with the City of Newburgh has been signed yet and the Supervisor said although he has the authority to sign, it is not signed yet. Mr. Bedetti also wanted to know if there were going to be employee layoffs. The supervisor said that about nine people are being laid off, both full time and part time.

Rebecca Jones asked about Continental Organics and if they were hiring mostly veterans and handicapped veterans. She also wanted the change at Covington Estates clarified. The supervisor said that Covington Estates will now be taxed as single family homes instead of condominiums when is beneficial to the town,.

Leo Braun wanted to know why one specific district was singled out in agenda item #4 and the Supervisor said it is because it is a separate district. The resolution itself means nothing financial to the town as the county reimburses the town for the unpaid utilities which are then placed upon the tax owner's tax bill. This resolution is done every year.

Kathy Braun asked if people are still using too much water and was told that this month the overage was \$18,000.

A resident feels that the town is moving in the wrong direction and raising taxes is not going to make the town attractive to people and businesses looking to move here. He said that twenty full timers should have been let go instead of just two. Supervisor Green said that people demand services like garbage pickup, street plowing, water when the faucet is turned on and toilets to flush, you don't realize the thousands of man hours that go in just so when you turn that faucet on, water comes out. We have one of the finest police departments in the state, we are only one of four departments in the state who have been federally accredited, it is something to be proud of.

Estelle Brown asked what the town's foreclosure rate is and was told that we do not track foreclosures, but fewer foreclosure notices are being posted this year than last year.

A resident apologized for some of his comments earlier and the Supervisor said there was no need to apologize, everyone is frustrated about the budget.

Mary DeCunzo asked what is going on at Marasco Center. Supervisor Green said that the town is no longer providing coffee, sugar and coffeecakes for senior meetings. There is a coffeepot available for anyone who wants to make their own coffee. The part time employees who were down there whenever there was something going on will no longer be there. Also the various instructors are now being paid directly by the class participants instead of receiving their fees through the Recreation Department.

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A resident thanked Barney for asking so many questions.

Kathy Braun said that there are reporters present at most of the town meetings representing two different newspapers and doing an excellent job.

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

Motion by Councilwoman Weyant, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor close the Public Forum.

Roll Call: All Ayes

Motion Carried: 5-0

#17 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 8:12 p.m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc