

TOWN BOARD MEETING
WEDNESDAY, MARCH 1, 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: Comptroller Reis, Police Lieutenant 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 Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearing regarding Proposed Extension #2 to SD #16, Meadowbrook Estates; Public Hearing regarding Proposed Extension #1 to SD #23, Rakowiecki Subdivision a/k/a Highview Estates; Public Hearing regarding Proposed Local Law "Exemption RP-466-F for Volunteer Firefighters and Volunteer Ambulance Workers" and the Town Board meeting, all held on February 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: Receive And File An Irrevocable Offer Of Dedication - Paul Court

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an Irrevocable Offer Of Dedication regarding Paul Court.

#3 On Agenda: Motion - Dedication Of A Road As A Public Highway Under New York State Highway Law With Respect To Paul Court

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor accept Paul 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 Highview Estates of Orange County, Inc. to the Town of New Windsor which deed shall be without liens and taxes paid, accepted by the Town Board, and returned to the Attorney's office for recording in the Orange County Clerk's office, which deed provides for the conveyance of lands relative to the municipal highway known as Paul Court.
- (4) Accept a Certificate and Report of Title dated May 27, 2003 from Fidelity National Title Insurance Company of New York in the sum of \$10,000 naming the Town of New Windsor as party insured, and the related title policy; and
- (5) Accept a Maintenance Bond which amount represents 10% of the original Performance Bond as recommended by the Town Engineer; and

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(6) In consideration of the receipt of the Maintenance Bond the surety company on the Performance Bond shall be released from any liability under the performance bond relative to the roads now accepted for dedication; and

(7) The Engineer for the Town and Chief Information Technology Officer are directed to add the highways and easements to the Official Town Map; and

(9) This resolution is subject to a closing to be held at the office of the Attorney for the Town of New Windsor at which time a Title Insurance Policy shall be tendered and the instruments taken for recording in the Orange County Clerk's office.

(9) Subject to complete as-builts to be furnished at closing.

Roll Call: All Ayes

Motion Carried: 5-0

#4 On Agenda: Receive And File Permit Bond - Valley Contracting, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a License and Permit Bond #43161371, submitted by Valley Contracting, Inc., Newburgh, New York, in the amount of \$20,000.00 effective February 15, 2006 and expiring February 15, 2007. The purpose of the Permit Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town. Same being referred to the Attorney for the Town and the Town Highway Superintendent.

WATER DEPARTMENT

**#5 On Agenda: Motion - Authorization To Advertise For Sealed Bids -
Union Avenue Pump Station Improvement Project-**

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey 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 Union Avenue Pump Station Improvement Project. Bid opening date shall be determined by the Town Supervisor; and the bid opening shall be held at the office of the Town of New Windsor 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

SANITATION DEPARTMENT

GENERAL

**#6 On Agenda: Receive And File Map, Plan And Report Regarding Proposed
Drainage District #11 (Middle Earth Subdivision)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Map, Plan and Report prepared by MJS Engineering dated January 2006 regarding the proposed Drainage District #11 in the Middle Earth Subdivision, Section 54, Block 1, Lot 53.1.1 through Lot 53.1.26.

**#7 On Agenda: Receive And File Petition To Establish Drainage District #11
(Middle Earth Subdivision)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Petition dated February 3, 2006 to establish Drainage District No. 11 (Middle Earth Subdivision) pursuant to New York State Law and forward the Petition to the Attorney for the Town for further proceedings.

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**#8 On Agenda: Receive And File Map Plan And Report - Establishment Of Drainage
District #6 (Mt. Airy Estates)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Map, Plan and Report prepared by Morris Associates, P.S., LLC, under the date of December 14, 2004 for the establishment of Drainage District #6, Mount Airy Estates.

**#9 On Agenda: Receive And File An Irrevocable Letter Of Credit From State
Bank Of Long Island - Cherry Valley Builders, Inc.**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Letter Of Credit Renewal and Amendment from State Bank of Long Island for Cherry Valley Builders Inc., in the amount of \$56,087.00 for the roadway known as Stella's Way and drainage and sanitary sewer work related to the subdivision of Section 57, Block 1, Lot 52 and Section 57, Block 1, Lot 60.

**#10 On Agenda: Receive And File Letter Of Credit Renewal And Amendment
From Union State Bank - Windsor Woods LLC**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Letter Of Credit Renewal and Amendment from Union State Bank for Windsor Woods, LLC in the amount of \$92,100.00 for maintenance of roads.

**#11 On Agenda: Motion – Adopt A Resolution - Zoning Of Meadowbrook
Estates Subdivision**

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

WHEREAS, the Town Planning Board is currently processing a subdivision application for parcels of land identified as Town of New Windsor Tax Map Lot Nos. 65-1-61.1 and 78 and formerly Town of Cornwall Tax Map Lot Nos. 4-1-9.22 and 11, located south and west of Mt. Airy Road, north of NYS Route 94 and east of Bethlehem Road, collectively referred to as the "Meadowbrook Estates Subdivision"; and

WHEREAS, a portion of the above referenced property was annexed in 2005 from the Town of Cornwall to the Town of New Windsor as part of a unified ninety (90) lot development in order to allow the property to be developed in accordance with sound planning; and

WHEREAS, the Town of New Windsor Planning Board, as lead agency, undertook a full, coordinated SEQR review of the proposed development, which included the submission of a Full EAF and issued a Negative Declaration under SEQR on September 10, 2003; and

WHEREAS, the Town of New Windsor Planning Board and the Town of Cornwall Planning Board, prior to the annexation, both granted preliminary subdivision approval to the portions of the property in their respective municipalities; and

WHEREAS, the Town of New Windsor Planning Board has resolved that this application and the project shall be authorized to proceed to final approval pursuant to the New Windsor zoning requirements in effect at the time of the application; and

NOW THEREFORE, BE IT RESOLVED, this Town Board has reviewed the Negative Declaration and Full EAF and hereby authorizes the Town Planning Board to continue to process this subdivision, including the annexed territory, under New Windsor's prior zoning requirements; and determines that such action will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED that the New Windsor Town Board will process an amendment to the Zoning Local Law by amending the zoning map to zone the annexed territory to R-1 in furtherance of the annexation and the Planning Board's review, and authorizes the Planning Board to continue its review of the application, including the annexed territory, in conformance with the subdivision plat that received preliminary approval for ninety (90) lots.

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Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda: Motion - Authorization For Execution Of An Agreement Between Town Of New Windsor And ENAP, Inc.

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a Non-Disturbance, Attornment and Recognition Agreement between the Town of New Windsor and ENAP, Inc. for the sublease between ENAP, Inc. and First Columbia.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion - - Authorization For Execution Of State Contract - Aid To Localities Project Funding For Construction Of Mini-Park At Stewart International Airport

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a state contract for an Aid to Localities Project between the Town of New Windsor and the New York State Department of Environmental Conservation funding the construction of a mini-park at the entrance to Stewart International Airport.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Motion -- Authorize Appropriation Of Excess Revenues

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the appropriation of excess revenues in the General Fund, the Highway Fund and the Sewer Fund in accordance with the following schedule:

GENERAL FUND

From: Mortgage Tax Revenue		\$654,269.81
To: Justice Court Fees	\$108,000.00	
Supervisor's Salary	3,950.00	
Engineer Fees - Town	130,000.00	
Engineer Fees - Planning	70,000.00	
Police Overtime	150,000.00	
Police Equipment	17,619.81	
Street Lighting	19,000.00	
Recreation	155,700.00	
		<u>\$654,269.81</u>

HIGHWAY FUND

From: State, Multi Modal Funding		\$58,400.00
To: Gasoline	\$ 8,500.00	
State, Multi Modal Projects	49,900.00	
		<u>\$ 58,400.00</u>

SEWER FUND

From: Industrial Pretreatment Fees		\$ 11,615.00
To: Industrial Pretreatment Costs		<u>\$ 11,615.00</u>

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Receive And File Town Of New Windsor Media Contact Policy

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Town of New Windsor Media Contact Policy dated March 01, 2006.

#16 On Agenda: Motion - Name Official Town Newspaper

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor name **THE SENTINEL** as the Official Town Newspaper for the year 2006.

Roll Call: All Ayes

Motion Carried: 5-0

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

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the renewal of a solicitors permit submitted by Omar M. Jabbour, 67-2 Barclay Plaza, New Windsor, New York, to sell pre-packed ice cream throughout the Town of New Windsor. Permit shall be obtained from the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda: Receive And File Demand For Arbitration By Civil Service Employees Association

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Demand for Arbitration by the Civil Service Employees Association regarding a Town of New Windsor employee.

#19 On Agenda: Receive And File New York State Division Of Human Rights Determination And Order For Dismissal - Lewis Vs. Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file a New York State Division of Human Rights Determination and Order for Dismissal of the case known as "Stephen H. Lewis V. Town of New Windsor" dated January 31, 2006.

#20 On Agenda: Motion - Authorize Amendments To Standard Schedule Of Fees

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the following amendments to the 2006 Standard Schedule of Fees adopted January 11, 2006 and amended February 1, 2006:

Section B — Zoning Board of Appeals Fees; #2 Escrow Deposit:

Delete wording "This fee shall not cover publication"

Replace with: "This fee shall cover publication"

Delete wording "Non refundable application fee"

Replace with: "Escrow Deposit"

Section M — Town Clerk's Fees; #9 Reproduction of Documents:

Amend Town Identification Card Replacement fee from \$20.00 to \$5.00

Section R — Miscellaneous Rates:

A. Beaver Dam Garbage — Delete in its entirety

Roll Call: All Ayes

Motion Carried: 5-0

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#21 On Agenda: Receive and File 2005 Annual Report - Board of Ethics

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the 2005 Annual Report of the Board of Ethics.

#22 On Agenda: Officials Reports

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

Building Department	Month of January 2006
Fire Inspector	Month of January 2006
Receiver of Taxes (water, sewer & garbage)	Month of January 2006
Receiver of Taxes (tax statement)	Month of January 2006
Fire Inspector	Month of February 2006
Receiver of Taxes (water, sewer & garbage)	Month of February 2006
Receiver of Taxes (tax statement)	Month of February 2006
Town Clerk	Month of February 2006
Town Justice Suttlehan	Month of February 2006
Town Justice Thorpe	Month of February 2006

#23 On Agenda: Public Forum

Supervisor Green, "Before I open up the public forum, is there anything from the board? We will now open public forum."

Jean Antonelli asked when the televising of Town Board meetings would start and the Supervisor said they had to work out converting the present tape format to a format that was acceptable to Time Warner and that the meetings would be aired on the following Wednesday. Jean also asked about the current status of the Master Plan and was informed that the engineer has not provided the spec documents yet.

Rebecca Jones asked about the agreement between the Town and ENAP. The Supervisor advised her that it was a standard agreement allowing ENAP as a lessee at Stewart to finance the building and the Town had several other such agreements at Stewart. She also asked about the appropriation of excess revenues and whether the excess was from the 2006 budget. The Supervisor answered that this was a standard motion every year allowing excess revenues to be placed in particular accounts. She also wanted to know if the Media Contact Policy was going to be posted somewhere. The Supervisor told her it is available at the Town Clerk's office and will be on the website.

Viola Cavicchio wanted to know why the Town did not have its own animal control with its own building for housing dogs. The Supervisor replied that because of the very low number of strays that were picked up in Town, it was not practical to have a building used exclusively for housing such a low number of dogs per year. The Town currently has a contract with the SPCA to take care of any dogs that are picked up.

Mike Napoli had a list of questions for the Supervisor and Town Board:

1. Why is the Town discontinuing the baseball academy?
2. Why isn't the Town reading the water meter at the Little League complex; is the Town going to be maintaining the grounds as they did last year; and is the Town going to make a \$1,000 donation to the Little League as they have in the past?
3. Why did the Town decide to bring back the co-ed softball league, and why is it being opened up to out of town residents?
4. Why is the Town hiring new full time employees for the Recreation Department, for the Water Department and for the Ambulance Corps and where are the funds coming from to pay them?
5. This question was relating to a specific town employee who was not present and Supervisor Green said he would not discuss any specific individuals, so the question was not asked.
6. Is the Town aware that there was a mercury spill down at the old water department building on Route 9W which the Town is now planning to use? Is the Board of Health and OSHA aware that you are planning to use this building?

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Supervisor Green said that Miller Environmental is cleaning up the Route 9W building and it should be occupiable probably by Friday. As to where the funds for new laborers are coming from, the money is in the budget. As to co-ed softball, the Town Board decided to open up the league to non-residents as was the practice in the past. The Town is not reading the water meter at the Little League Complex as a gesture towards helping the organization, which was something that Town had done for many years prior to the previous administration. The Town Board decided that there was not sufficient enrollment to keep the baseball academy going and they felt that the only reason the academy was started in the first place was to compete with the Little League program.

Jean Antonelli stated that the money to hire any new full time personnel for the Ambulance Corps would not be coming out of Town funds.

Joan Marvel asked if there was anything the Supervisor and Town Board could do about the proposed name change for Stewart Airport.

Supervisor Green said that he felt it was not up to the Town to interfere in the decisions that an independent business makes with regard to the running of their business.

Steve Bedetti said he was glad that the Town Board had changed their policy regarding allowing non residents to use the playing fields. His daughter played in New Windsor Girls Softball and they were the only league in the area that was not allowed to use their own playing fields for their All Star games.

John Ullrich made a comment about the Little League organization. They have made some positive changes in their program including new coaching and umpiring clinics, new mowing equipment, and a summer camp. He thanked the Town Board for their support of the League.

Supervisor Green commented that the Little League organization has been in Town for over fifty years. He doesn't feel there was any justification for the previous administration setting up a program which was in direct competition to a volunteer organization instead of doing their best to support them and all the other volunteer organizations which are located within the Town of New Windsor.

Jean Antonelli wanted to know who is authorized to make arrests in regard to animal control problems.

Supervisor Green said that the Police Department makes arrests in regard to animal control problems and even if the Town had a full time animal control officer, the Police Department would still be the one making an investigation and arrest.

Russ Martinson wanted to know how the Town Board could justify voting lifetime medical benefits for themselves last December. He said he felt there was no justification except a self serving one to have given themselves these benefits.

Supervisor Green said that he has spoken to several Town Board members about this issue, but has not had a chance to speak to everyone, however the Board would be discussing this matter again. He said that the Town of New Windsor is not the only town to give medical benefits after retirement to elected officials.

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

Motion by Councilwoman Weyant, 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

#24 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 7:43 P. M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc