

**TOWN BOARD MEETING**  
 WEDNESDAY, MARCH 2, 2005, 7:00 P.M.  
 NEW WINDSOR TOWN HALL  
 NEW WINDSOR, NEW YORK

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

**OTHER OFFICIALS PRESENT:** Comptroller Reis, Town Attorney Crotty, Police  
 Chief Biasotti, Highway Superintendent Kroll

**SALUTE TO FLAG**

Supervisor Meyers 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 February 2, 2005 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**

NONE

**HIGHWAY DEPARTMENT**

**#2 On Agenda: Motion - Authorize The Use Of Surplus Highway Fund  
 Balance For 2004 Gasoline Purchases**

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the use of surplus Highway Fund balance in an amount of \$30,000.00 for 2004 gasoline purchases.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#3 On Agenda: Motion - Authorization To Advertise For Sealed Bids -  
 Skid Steer With Cold Planer**

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for Skid Steer with Cold Planer. Bids shall be received and publicly opened on March 24, 2005 at 10:00 a.m. (local time) at the office of 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 or all bids.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#4 On Agenda: Motion - Authorization To Purchase Highway  
 Department Computer Software**

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the purchase of Highway Department computer software in an amount of \$9,800.00 and related training in the amount of \$4,800.00 from VHB, 54 Tuttle Place, Middletown, Connecticut, 06457. Total amount not to exceed \$14,600.00.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**WATER DEPARTMENT**

None

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**SANITATION DEPARTMENT**

None

**GENERAL**

**#5 On Agenda: Receive And File Irrevocable Offer Of Dedication -  
Moores Hill Estates And Town Of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication between Moore's Hill Estates and the Town of New Windsor dated February 18, 2005, regarding Moores Hill Road, the detention pond for Drainage District No. 7, and the easement for Drainage District No. 7.

**#6 On Agenda: Receive And File Petition To Establish Drainage District  
#7 - Moores Hill Estates**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Petition dated February 18, 2005 to establish Drainage District No. 7 (Moores Hill Estates) pursuant to New York State Law and forward the Petition to the Attorney for the Town for further proceedings.

**#7 On Agenda: Receive And File Irrevocable Letter Of Credit -  
Fox Meadow Subdivision**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Letter of Credit issued by Union State Bank dated February 1, 2005 in the amount of \$688,950.00 for the account of Rolling Acres Fox Meadow, LLC with regard to Fox Meadow Subdivision.

**#8 On Agenda: Receive And File Decision Of Commissioner Of  
Education- School Deconsolidation**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a decision of the Commissioner of Education dated January 31, 2005.

**#9 On Agenda: Receive And File Executed Order On Consent With  
New York State Department Of Environmental  
Conservation And Town Of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an executed "Order on Consent" involving the Sewer Treatment Plant as signed by the New York State DEC Commissioner and Town Supervisor dated February 18, 2005.

**#10 On Agenda: Motion - Authorization To Execute A Stipulation Of  
Settlement - Riverkeeper, Inc. V. Town Of New Windsor**

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Town Supervisor to execute a Stipulation of Settlement in the federal cases known as "Riverkeeper, Inc. v. Town of New Windsor, et al.," Civil Action Nos. 03 CIV. 9250 and 04 CIV. 8997, on the terms and conditions recommended by the insurance company attorney acting on behalf of the Town of New Windsor, and the Attorney for the Town and the Engineer for the Town.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

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**# 11 On Agenda: Motion – Speed Limit Request - Lowering Speed Limit**

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the following resolution requesting that the New York State Department of Transportation reduce the speed limit:

**WHEREAS**, the Town Board of the Town of New Windsor held a Town Board Meeting on March 2, 2005;

**WHEREAS**, this area of New Windsor is a heavily populated residential area with a new high school in the immediate area and a sports complex being developed;

**WHEREAS**, our Police Chief has recommended that the speed limit be reduced in the interest of traffic and residents safety;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of New Windsor agrees that the speed limit should be lowered and authorizes the Attorney for the Town, the Engineer for the Town and our duly elected Highway Superintendent to request that the New York State Department of Transportation reduce the speed limit on Bethlehem Road, Mt. Airy Road and Riley Road in the Town of New Windsor to thirty miles per hour (30 mph);

**BE IT FURTHER RESOLVED**, that the Town Clerk is authorized to complete and forward a TE 10a form to the Orange County Department of Public Works with a certified copy of this resolution for submission to the New York State Department of Transportation.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#12 On Agenda: Motion – Authorize The Appropriation Of Excess Revenues In General Fund And Sewer Fund**

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 and the Sewer Fund in accordance with the following schedule:

**General Fund**

From:	Mortgage Tax Revenue		\$871,585.00
To:	Justice Court Fees	\$96,585.00	
	Engineer Fees	184,000.00	
	Town Garage (Buildings)	105,000.00	
	Street Lighting	14,000.00	
	Recreation Costs	472,000.00	
			<b><u>\$871,585.00</u></b>

**Sewer Fund**

From:	Industrial Pretreatment Fees	\$6,860.00
To:	Industrial Pretreatment Costs	<b><u>\$6,860.00</u></b>

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#13 On Agenda: Motion – Authorization To Approve A Bond Resolution For Mt. Airy Sports Complex**

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor adopt a bond resolution authorizing construction of the recreation facilities and improvements at the Mt. Airy Sports Complex, including swimming pools, gymnasium and equipment and appurtenances, at the estimated maximum cost of seven million dollars (\$7,000,000.); and direct that notice of the adoption of this resolution shall be published in the official Town newspaper and posted on the Town sign board.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

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**#14 On Agenda: Motion – Authorize Potential Permissive Referendum Regarding \$7 Million Bond For Mt. Airy Sports Complex**

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize a potential permissive referendum regarding the adoption of the seven million dollar (\$7,000,000) bond for the facilities and improvements at the Mt. Airy Sports Complex including pools and gymnasium, as required by law.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#15 On Agenda: Motion – Authorize Issuance Of Solicitor’s Permit - Jabbour**

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the issuance of a Solicitor’s Permit submitted by Omar M. Jabbour, 67 Barclay Plaza #2, New Windsor, New York, to sell packaged and soft 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*

**#16 On Agenda: Motion – Adopt Declaration Regarding Mt. Airy Estates Subdivision And Mt. Airy Drainage District**

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following declaration regarding the Mt. Airy Estates subdivision and Mt. Airy Drainage District to be formed:

**WHEREAS**, the Town of New Windsor intends to establish a drainage improvement district to be known as the Mt. Airy Drainage District; and

**WHEREAS**, a number of easements are or will be necessary from property owners, and certain of those property owners have installed improvements in the easement area, including but not limited to fences, pools, sheds, and play areas; and

**WHEREAS**, the property owners need assurance, in consideration of granting the respective easement, that such lawful improvements, if moved or disturbed in the course of construction or repairs within the easement area, will be restored and replaced at no expense to the individual property owner.

**NOW THEREFORE BE IT RESOLVED** that the Town of New Windsor hereby declares that the Mt. Airy Drainage District will be responsible to the property owners for the full and entire replacement or restoration for any damage to their improvements and fixtures at their property in the easement that may occur as a result of any actions, including construction and maintenance, taken by the Town of New Windsor on behalf of the Mt. Airy Drainage District; and

**BE IT FURTHER RESOLVED** that this resolution shall run with the land in favor of all properties in the Mt. Airy Drainage District and Mt. Airy Subdivision, a/k/a The Reserve; and

**BE IT FINALLY RESOLVED** that a certified copy of this resolution shall be recorded in the Orange County Clerk’s office.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

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**#17 On Agenda: Motion – Authorization To Reduce Bond Amount - Seaman Subdivision**

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the Town of New Windsor with respect to the Seaman Subdivision (Planning Board #00-23) authorize a reduction in the original bond amount of \$45,500.00 down to \$9,625.00 as recommended by the Engineers for the Town by letter dated January 24, 2005; authorize the Town to accept a cash bond in the amount of \$9,625.00; and authorize the release of an existing letter of credit in the amount of \$45,500.00.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#18 On Agenda: Officials Reports**

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

Fire Prevention	Month of January 2005
Police Department	Month of January 2005
Receiver of Taxes (monthly tax statement)	Month of January 2005
Building Department	Month of February 2005
Fire Prevention	Month of February 2005
Justice Suttlehan	Month of February 2005
Justice Thorpe	Month of February 2005
Receiver of Taxes (water, sewer, garbage)	Month of February 2005
Receiver of Taxes (monthly tax statement)	Month of February 2005
Recreation Department	Month of February 2005
Town Clerk	Month of February 2005

**#19 On Agenda: Public Forum**

Supervisor Meyers opened the public forum portion of the meeting by asking if anyone had any comments they would like to make.

Diane Newlander asked if there were any plans for affordable senior housing in New Windsor.

Hearing no one else wishing to speak, Supervisor Meyers 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*

Supervisor Meyers responded to Mrs. Newlander's question and explained that any developer who might be interested in building a senior citizen housing project, would want to sell each unit for \$250,000 - \$300,000 dollars which is not affordable to many seniors. Supervisor Meyers also stated that he was negotiating with a couple of people now, however it can be difficult for them to get tax credits from the state.

**#20 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 7:20 p. m.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Respectfully submitted,

**DEBORAH GREEN**  
TOWN CLERK

/clc