

TOWN BOARD MEETING
 WEDNESDAY, JULY 6, 2005, 10:00 A. 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
 Lieutenant Faricellia, Highway Superintendent Kroll

SALUTE TO FLAG

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor correct the Minutes of the June 1, 2005 Town Board Meeting, Item #18, Line #4 where Resolution should have read "Town of New Windsor" instead of reading "Town of Cornwall"; approve the Minutes of the Public Hearing for Drainage District #7 Moores Hill Estates and the Minutes of the Town Board Meeting, as corrected, both held June 1, 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

HIGHWAY DEPARTMENT

WATER DEPARTMENT

SANITATION DEPARTMENT

#2 On Agenda: Receive And File Sewer Reallocation Agreement - Town Of New Windsor, Town Of Cornwall And Moodna Creek Development, Ltd.

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an executed original of a Sewer Reallocation Agreement dated June 1, 2005 between the Town of New Windsor, Town of Cornwall and Moodna Creek Development, Ltd.

GENERAL

#3 On Agenda: Receive And File Determination And Order Of Dismissal - New York State Division Of Human Rights - Eric Raphael

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Determination and Order of New York State Division of Human Rights dated June 30, 2005 dismissing the Complaint of Eric Raphael for an alleged discrimination practice on the part of the Town of New Windsor, and ordering the file closed.

#4 On Agenda: Receive And File Decision Of Honorable Stephen C. Robinson, United States District Court, Dated June 24, 2005

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Federal Court decision issued by Hon. Stephen C. Robinson denying the request of the E.W. Smith Publishing Company, Inc. , Everett Smith (aka Sentinel) for an injunction on the grounds that the E.W. Smith Publishing Company, Inc., and Everett Smith (Sentinel Newspaper) has not established "a likelihood of success on the merits" in the principle case.

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#5 On Agenda: Receive And File Annexation Petition - Town Of Cornwall and Town Of New Windsor Pertaining To Knox Village Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file the Annexation Petition between the Town of Cornwall and the Town of New Windsor relating to Knox Village Inc. dated March 5, 2005 and forward the Petition to the Attorney for the Town for further proceedings as prescribed by law.

#6 On Agenda: Motion - Authorization To Schedule Joint Public Hearing - Town Of New Windsor And Town Of Cornwall - Annexation Of Lands Known As Knox Village, Inc.

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize a joint public hearing with the Town of Cornwall to be held on August 9, 2005 at 7 PM or such other date and time as may be established between the municipalities, at the Town of Cornwall Town Hall, Main Street, Cornwall, New York, to consider the Petition for the annexation of certain lands known as Knox Village Inc. more specifically known as Town of Cornwall tax map description Section, Block and Lot 9-1-19.1 and Section, Block and Lot 9 - 1- 46 to the Town of New Windsor and direct the Town Clerk to advertise and post notice of the public hearing according to law.

Roll Call: All Ayes

Motion Carried: 5-0

#7 On Agenda: Receive And File Certificate Of Canvass And Declaration Of Result Of Voting - June 4, 2005 Special Election

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Certificate of Canvass and Declaration of Result of Voting from the Special Town Election held on June 4, 2005 at the New Windsor Community Center located at 555 Union Avenue, New Windsor, New York.

#8 On Agenda: Receive And File Bids For San Giacomo Park Tennis Court Rehabilitation Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids for the San Giacomo Park Tennis Court Rehabilitation Project received and publicly opened on July 5, 2005.

#9 On Agenda: Receive And File Bids For Surplus Town Of New Windsor Vehicles And Equipment

Hearing no objection, the Town Board of the Town of New Windsor receive and file the bids for surplus Town vehicles and equipment received and publicly opened on June 16, 2005.

#10 On Agenda: Motion - Award Bids For Surplus Town Of New Windsor Vehicles And Equipment

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor awards the bids for the following surplus Town of New Windsor vehicles/equipment:

1964 Caterpillar-Grader with plow and wing attachments	Serial #99E8847
1981 Dodge Ram	VIN# 1B7KW26R9B5179610
1996 Ford Crown Victoria	VIN# 2FALP71W5VX134277
1997 Ford Crown Victoria	VIN# 2FALP71W2VX218976
1997 Ford Crown Victoria	VIN# 2FALP71W6VX218978
2000 Ford Crown Victoria	VIN# 2FAFP71W8YX178923
2000 Ford Crown Victoria	VIN# 2FAFP71W2XX199216

to Liberty Motors Inc., 1705-1707 Kennedy Blvd., Jersey City, N.J. 07305 for \$11,899.82. Payment shall be made by cash, certified check or bank check made payable to the "Town of New Windsor."

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda: Motion – Approval Of Official Town Of New Windsor Media Contact Policy

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Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt an official Town of New Windsor media policy dated February 15, 2005, as attached.

Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda: Motion – Authorization To Advertise For Public Hearing - Proposed Amendments - Chapter 280 -Vehicle And Traffic Local Law

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law calling for a public hearing regarding the proposed changes to Chapter 280 entitled "Vehicle and Traffic Local Law" said Public Hearing to be held on August 3, 2005 at 10:00 a.m. in the Town Hall, 555 Union Avenue, New Windsor, New York.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion – Approve Establishment Of Drainage District No. 7 - Moores Hill Estates

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor approve the establishment of Drainage District No. 7 concerning Moores Hill Estates, consisting of the construction and installation of drainage lines to collect stormwater drainage from collection systems including land or rights in land, original furnishings, equipment, machinery, apparatus and appurtenances thereto;

WHEREAS, a map, plan and report was prepared by Azzolina, Feury & Raimondi Engineering Group, for the proposed establishment of Drainage District No. 7, in the Town of New Windsor and the acquisition of the drainage improvements, if any, to be constructed therein; and

WHEREAS, the District shall be established and the drainage improvements constructed therein shall be at no cost to the Town.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Motion – Authorization To Advertise For Public Hearing - Drainage District No. 8 - ADC Windsor Inc. (Kings Road Subdivision)

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor direct the Town Clerk to advertise a public hearing to be held on August 3, 2005 at 10 A.M. in the Town Hall, 555 Union Avenue, New Windsor, New York to consider the establishment of a proposed Drainage District #8 covering ADC Windsor Inc. (Kings Road Subdivision) and further order such other action as may be required by law including posting, publications, and mailings.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Motion – Authorization To Schedule Joint Public Hearing - Town Of New Windsor And Town Of Cornwall - Annexation Of Lands - Cornwall Commons And Meadow Brook Estates

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor schedule the time of the joint meeting with the Town of Cornwall regarding two annexation petitions on July 12, 2005 at 6:45 PM at the Town of Cornwall Town Hall in order to prepare for the public hearings scheduled for 7:00 and 7:30 PM respectively, on July 12, 2005, the Town of Cornwall having already so resolved.

Roll Call: All Ayes

Motion Carried: 5-0

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#16 On Agenda: Motion – Authorization To Reject Bids - Mt. Airy Sports Complex

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor reject the bids received on January 12, 2005 for the Mt. Airy Sports Park and Pool Facility as per the recommendation of McGoey, Hauser and Edsall Consulting Engineers P. C. under the date of July 1, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

#17 On Agenda: Motion – Authorize Resubmission Of Newburgh School Deconsolidation Petition

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

WHEREAS, pursuant to Town Board resolution dated July 5, 2002, the Town of New Windsor, Orange County, New York (the "Town") held an advisory referendum on November 5, 2002 concerning the deconsolidation of the portion of the Town located within the Newburgh Enlarged City School District (the "Newburgh District"), which referendum read as follows:

"Shall the Town Board of the Town of New Windsor take action to attempt to deconsolidate that portion of the Town of New Windsor presently located in the Newburgh Enlarged City School District." (the "Advisory Referendum"); and

WHEREAS, the Advisory Referendum was approved by a vote of 2113 residents out of a total of 3320 residents of the Town located within the Newburgh District that voted on the Advisory Referendum; and

WHEREAS, the Town of New Windsor by the members of the Town Board, individually and on behalf of its residents acted on the Advisory Referendum, and the Town Board of the Town submitted petitions seeking the formation of a new school district for the portion of the Town located within the Newburgh District pursuant to New York State Education Law § 1504.1 to the District Superintendent of Schools for the Sole Supervisory District of Orange-Ulster Counties, and two appeals to the Commissioner of Education, both of which were denied respectively on August 1, 2003 and January 31, 2005; and

WHEREAS, the residents of the Town within the Newburgh District and the individual members of the Town Board, some as residents of the Town within the Newburgh District, and as the representatives for such residents within the Newburgh District have the standing as required under § 1504.1; and

WHEREAS, the Town of New Windsor has made inquiry of the adjoining Cornwall Central School District and the adjoining Washingtonville Central School District, both of which school districts contain portions of the Town, as to whether either school district will accept the portion of the Newburgh District lying in the Town of New Windsor into its respective school district, and both have replied "no", leaving the Town of New Windsor with no alternative but to seek to form its own school district for the portion of the Town located in the Newburgh District; and

WHEREAS, the Village of Kiryas Joel, as a municipality, was permitted to form its own School District and separate from the Monroe-Woodbury School District under Education Law §2218, and the Town of New Windsor requests the same right to form a school district for the portion of the Town in the Newburgh District; and

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor authorize any member of the Town Board residing in the portion of the Town in the Newburgh District on their individual behalf and on behalf of the residents of the Town within the Newburgh District to submit a new petition to the District Superintendent of Schools for the Sole Supervisory District of Orange-Ulster Counties (BOCES) requesting formation of a New Windsor School District under New York State Education Law Section 1504.1 or otherwise for the portion of the Town within the Newburgh District; and if that if the request is denied by the District Superintendent of BOCES, to pursue an appeal to the Commissioner of Education for the same relief; and if that request is denied, to pursue judicial review and legislative action.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda: Motion – Authorize Supervisor To Enter Into Contract And Execute Deed - Sloop Hill Associates LLC

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

WHEREAS, the Town of New Windsor is reputed to have interest in a certain parcel of land known as a portion of Sloop Hill Road, as shown on a metes and bounds description, and survey prepared by Steven P. Drabick PLS dated April 4, 2005; and

WHEREAS, the Town of New Windsor is agreeable to sell the parcel for a fair market value of \$14,000., as established by the Town Assessor;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be authorized to enter into a contract of sale and execute a deed to Sloop Hill Associates LLC;

BE IT FURTHER RESOLVED, that the proposed sale having been reviewed by Town officials, and, it has been established that the land is no longer needed for municipal purposes.

BE IT FURTHER RESOLVED, that the sale price is \$14,000. and the sale is subject to permissive referendum, the closing of title to be held in the office of the Attorney for the Town, and the purchaser paying all expenses including engineering fees, title insurance, recording and Planning Board fees.

Roll Call: All Ayes

Motion Carried: 5-0

#19 On Agenda: Officials Reports

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

Building Department	Month of May 2005
Fire Prevention	Month of May 2005
Police Department	Month of May 2005
Recreation Department	Month of May 2005
Tax Receiver (water, sewer, garbage)	Month of May 2005
Tax Receiver (2005 Property Tax Final Statement)	Month of May 2005
Town Clerk	Month of May 2005
Town Justice Suttlehan	Month of May 2005
Town Justice Thorpe	Month of May 2005
Town Clerk	Month of June 2005
Town Justice Suttlehan	Month of June 2005
Town Justice Thorpe	Month of June 2005

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#20 On Agenda: Public Forum

Supervisor Meyers, "Okay that closes that portion of the meeting, before I open it up to the public I'd just ask if any of the Town Board members have anything they would like to say? No, okay, at this point it is open to the public. Anybody want to say anything?"

"I'm Jerry Ebert from The Sentinel newspaper. Three quick questions sir. You made reference to the official Town of New Windsor Media Contact Policy, when will that policy be distributed to the employees? The second question - you made reference to continued efforts on school deconsolidation. Our newspaper has asked you to provide any kind of a cost estimate or tax estimate on what that would mean for the average taxpayer in terms of increases or taxes staying the same, will you provide those for us? And the third question has to do with the Stewart Airport condos, the deal that was recently made with First Columbia Development Corporation for 310 condos. We were told at the time by Attorney Crotty and Mr. Petro and yourself, that the deal that was originally made with First Columbia had to be made because otherwise there was reference in the Final Environmental Impact Statement to First Columbia being able to build apartments, therefore this would be the lesser of two evils, you know building the condos instead of apartments. This past week we spent a lot of time going through the Final Environmental Impact Statement and the only reference that we find in there to anything remotely resembling apartments is a phrase called "corporate residences" so I wonder if you could - are we misinterpreting that? Is there some kind of reconciliation that we are missing there? If you could provide that we'd be very grateful."

Supervisor Meyers, "Anybody else?"

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

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey 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, "Okay Jerry, quickly, the media policy will be distributed today because the Judge ruled against you yesterday so we are adopting it today. The deconsolidation issue so far hasn't cost us anything...would depend on what schools we get from the Newburgh School District, we believe that the schools in the Town of New Windsor should belong to the New Windsor residents since they have been paying for them for so long. Once we have found that out, then we'll be able to establish what the tax rate would be but I would say this, that the Newburgh school tax rate has increased one hundred percent since I've been here and I'm sure that we wouldn't get anywhere near that. As far as the condos, as you well know, that is before the Planning Board now. I think that question should be more posed to Mr. Petro and he would be able to answer that because they are in the Planning Board process and it's just starting so there will be a whole host of issues that I'm sure people would like to speak about to this condo project that Mr. Petro would best answer those questions at the Planning Board. But this thing needs to be approved, it's out of the Town Board's hands and it's in the Planning Board's hands."

#21 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 10:20 a. m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc