

TOWN BOARD MEETING
 WEDNESDAY, SEPTEMBER 7, 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: Town Attorney Crotty, Police Chief Biasotti, Highway Superintendent Kroll

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 Hearings regarding the amendments to Chapter 280 - Vehicle and Traffic Local Law and the establishment of Drainage District #8 - ADC Windsor Inc. and the regular Town Board Meeting, all held August 3, 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

2 On Agenda: Receive And File Bids For 2006 Truck Chassis With 65 Foot Lift And Chip Box

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids for one (1) 2006 Truck Chassis with sixty five (65') foot lift and chip box received and publicly opened on August 18, 2005.

3 On Agenda: Receive And File Irrevocable Offer Of Dedication For Roads And Easements - Rakowiecki Subdivision

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication by Highview Estates of Orange County, Inc., dated July 29, 2005, for proposed roads Finley Drive, Ashley Court, Ridge View Road and drainage easements in the Rakowiecki Subdivision.

4 On Agenda: Receive And File Notice Of Appropriation For NYS Department Of Transportation - International Boulevard

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Notice of Appropriation dated April 6, 2005 from the New York State Department of Transportation PIN 8062.05.201, pertaining to the road boundary of International Boulevard at Stewart International Airport containing approximately .692 acres, said appropriation having been concurred by the Highway Superintendent and the Engineer for the Town.

5 On Agenda: Receive And File Two Maintenance Bonds - 555 Hudson Valley Avenue

Hearing no objection, the Town Board of the Town of New Windsor receive and file the following bond, No. 104546197, issued by Travelers Casualty and Surety Company of America, Hartford, Connecticut 06183 for Bette & Cring LLC, one in

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the amount of \$44,241.00 for top coarse paving and striping and the second in the amount of \$14,900.00 for landscaping work at 555 Hudson Valley Avenue.

6 On Agenda: Motion - Dedication Of Roads As Public Highways Under New York State Highway Law With Respect To Part Of Liberty Ridge, And Part Of Independence Drive And Cherry Tree Way.

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor accept the roads known as Part of Liberty Ridge, and Part of Independence Drive and Cherry Tree Drive and in regards to such dedication the Town Board of the Town of New Windsor shall:

- (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 Mt. Airy Estates, Inc., to the Town of New Windsor, which deed shall be without liens and taxes paid, accepted by the Town Board, executed by the Town Supervisor, which deed provides for the conveyance of lands relative to the municipal highways known as part of Liberty Ridge, and part of Independence Drive and Cherry Tree Way; and
- (4) Accept a Certificate and Report of Title last dated December 15, 2004, from First American Title Insurance Company of New York #3008-57574 in the sum of \$10,000. naming the Town of New Windsor as party insured; and
- (5) Accept a Maintenance Bond in the amount of \$192,595.00 and a separate bond in the amount of \$115,000.00 to provide additional protection for the foamed asphalt areas in Independence Drive said two bonds not to be commingled and not to be used for the same type of repairs; and
- (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 be directed to add the highways and easements to the Official Town Roadways Map; and
- (8) 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 deed and related instruments taken for recording in the Orange County Clerk's Office and returned to the Town.

Roll Call: All Ayes

Motion Carried: 5-0

WATER DEPARTMENT

SANITATION DEPARTMENT

7 On Agenda: Motion - Call Public Hearing Relating To Sewer District #16, Extension #1 - Briarwood Subdivision

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Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor direct the Town Clerk to advertise a public hearing to be held on October 5, 2005 at 10:00 a.m. in the Town Hall, 555 Union Avenue, New Windsor, New York, to consider the establishment of a proposed Sewer District 16, Extension No. 1, this motion superseding the Town Board resolution of August 3, 2005, as prepared by bond counsel 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

GENERAL

8 On Agenda: Receive And File Order Approving Franchise Renewal Agreement - Time Warner NY Cable LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file an executed Order Approving Franchise Renewal with Time Warner NY Cable LLC and the Town of New Windsor, which was authorized by the Town Board on November 3, 2004. The term of the renewal is ten years measured from the date of this Order.

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9 On Agenda: Receive And File Petition To Establish Drainage District #9 - Briarwood Subdivision

Hearing no objection, the Town Board of the Town of New Windsor receive and file a petition dated April 25, 2005 for establishing Drainage District #9, together with an engineering report dated April 2005, regarding Briarwood Subdivision pursuant to New York State Law and forward the Petition to the Attorney for the Town for further proceedings.

10 On Agenda: Receive And File Petition To Establish Drainage District #10 - Highview Estates Subdivision

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Petition dated March 31, 2005 for establishing Drainage District #10 together with an engineering report from Tectonic Engineering and Surveying Consultants, PC dated March 23, 2005, regarding Highview Estates of Orange County Inc, Subdivision (aka Rakowiecki Subdivision) pursuant to New York State law, and forward the Petition to the Attorney for the Town for further proceedings.

11 On Agenda: Receive And File Performance Bond For ADC Windsor Inc. - Kings Road Public Improvements

Hearing no objection, the Town Board of the Town of New Windsor receive and file the performance bond No. 0411288 dated August 5, 2005 for ADC Windsor, Inc., Kings Road public improvements, Town of New Windsor, in the amount of \$2,309,171.00.

#12 On Agenda: Motion - Authorization To Approve A Public Improvement Performance Bond - Briarwood Subdivision

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve a Public Improvement Performance Bond for Briarwood Major Subdivision in the amount of \$2,900,400.00, plus an inspection fee of \$116,016.00, representing four (4%) percent of the public improvement performance bond amount as per the recommendation of McGoey, Hauser and Edsall Consulting Engineers, PC, under the date September 6, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion - Authorize Patriot Plan Benefits To Military Personnel - Town Of New Windsor

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

WHEREAS, New York State Real Property Tax Law Section 925-d authorizes municipalities to defer real property tax collection and the imposition of penalties or interest for a late payment owed by persons who have been deployed by the military or by the spouse or domestic partner of a person deployed by the military as part of the comprehensive "Patriot Plan" designed to offer benefits to New York State servicemen and women.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor hereby enacts the provisions of the Real Property Tax Law,

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Section 925-d and authorizes a 90-day extension from the end of deployment for the payment of real property taxes for persons deployed by the military, including Reservists and National Guard members; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the Orange County Commissioner of Finance.

Roll Call: All Ayes

Motion Carried: 5-0

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#14 On Agenda: Motion - Authorizing Assessor To Enter Into PILOT Agreement - South Ramp Associates

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor

WHEREAS, South Ramp Associates or its successors or assigns, has entered into or is about to enter into an agreement with National Express Corporation for development of Tax ID parcels 91- 1- 50 thru 56 at Stewart International Airport as a hotel and extended residential stay facility; and

WHEREAS, South Ramp Associates has requested tax abatement under a PILOT equal to New York State Real Property Tax Law Section 485-b; and

WHEREAS, such relief is provided for under New York State Transportation Law Section 400.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Windsor authorize the Town Supervisor to enter into a PILOT Agreement with South Ramp Associates, or its successors or assigns, for the real property tax abatement equal to that provided under Real Property Tax Law Section 485-b; and

BE IT FURTHER RESOLVED that South Ramp Associates be directed to submit the PILOT Agreement to other municipalities and parties as necessary for concurrence.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Motion - Request Of Windsor Woods Homeowners To Waive Installation Of Sidewalks

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

WHEREAS a petition has been presented to this Town Board, which was received and filed on June 1, 2005, requesting on behalf of the Windsor Woods Subdivision that the development requirements for sidewalks be eliminated as follows:

“We, the undersigned residents and homeowners of Red Maple Way and Old Hemlock Drive, do hereby protest the Town of New Windsor against construction of sidewalks in our neighborhood. It is understood that the Town’s intention is for safety of our residents; however, our road is a large cul-de-sac that is not heavily traveled and is wide enough to allow for drivers and pedestrians alike. The addition of sidewalks would diminish property fronts due to extent of the sidewalk dimensions, infringe upon many residents privacy and destroy current landscaping and/or previously installed sprinkler systems. With the steep grade of our roads, sidewalks could potentially become hazardous during the winter months leaving homeowners open to liability. Please consider our plea and veto sidewalk construction in our residential development.”

NOW THEREFORE, the Town Board of the Town of New Windsor, having considered the Petition, does hereby resolve that eliminating sidewalks on Red Maple Way and Old Hemlock Drive is in the public interest and is

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in keeping with the general spirit and intent of Section 2575 of the Town Code; and be it further resolved that a certified copy of this resolution be forwarded to the Town Planning Board.

Roll Call: All Ayes

Motion Carried: 5-0

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#16 On Agenda: Motion - Authorize Issuance Of Solicitors Permit - Kenny Lu

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the issuance of a Solicitor's Permit submitted by Kenny Lu, 807 East 21st Street, Los Angeles California, to sell educational references and software in the Town of New Windsor. Permit to be obtained from the Town Clerk's office.

Roll Call: Councilwoman Biasotti: No Motion Lost 5-0
Councilwoman Weyant: No
Councilwoman Mullarkey: No
Councilman Finnegan: No
Supervisor Meyers: No

#17 On Agenda: Motion - Authorize Execution Of Retirement Plan - Police Officer Brian P. Mclean

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize execution of New York State Retirement System documents relating to the retirement plan for Brian P. McLean, a Town of New Windsor Police Officer, pursuant to Chapter 291 of the Laws of 2005, and direct the Town Comptroller to remit approximately \$3,400.00 as additional annual contribution, the first payment being due December 31, 2005

Roll Call: All Ayes Motion Carried: 5-0

#18 On Agenda: Motion - Appoint To Assessment Board Of Review - Claire Benson

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor appoint Claire M. Benson, 810 Blooming Grove Turnpike, #52, New Windsor, New York, to serve as a member of the New Windsor Assessment Board of Review. Term to begin immediately and expire September 30, 2010.

Roll Call: All Ayes Motion Carried: 5-0

#19 On Agenda: Motion - Authorization To Enter Into Contract And Execute Deed - James Milliken

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 of New Windsor is reputed to have interest in a certain parcel of land known located between John Street and Route 9W as shown on a metes and bounds description prepared by Howard W. Weeden, PLS; and

WHEREAS, the adjoining property owner James Milliken has requested that the Town of New Windsor sell them this parcel to be merged with their property, known as Section 13, Block 4, Lot 15; and

WHEREAS, the Town of New Windsor is agreeable to sell the parcel for a fair market value of \$4,700.00 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, reserving utility easements, to James Milliken, 104 John Street, New Windsor New York; and

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

BE IT FURTHER RESOLVED, that the sale price is \$4,700.00 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

#20 On Agenda: Officials Reports

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

Building Department	Month of July 2005
Fire Prevention	Month of July 2005
Police Department	Month of July 2005
Town Justice Thorpe	Month of July 2005
Tax Receiver (water, sewer, garbage)	Month of July 2005
Fire Prevention	Month of August 2005
Tax Receiver (water, sewer, garbage)	Month of August 2005
Town Justice Suttlehan	Month of August 2005
Town Justice Thorpe	Month of August 2005
Town Clerk	Month of August 2005

#21 On Agenda: Public Forum

Supervisor Meyers, "The next item on the agenda is a public forum, before I open it up to the public, I ask any of the board members if they have anything they would like to say. No, okay, anybody in the public want to speak on anything at all - if you do, raise your hand and I'll go around the room."

Robert DiNardo, an attorney representing Briarwood Subdivision asked if a hearing date had been set for the establishment of drainage district #9 as has been done for the extension to sewer district #16.

Jerry Ebert from the Sentinel Newspaper asked as to whether there had been a local law enacted granting an alleged pay raise in 2003 and if so, were minutes available of the town meeting granting that pay raise. A second question was asked in regard to issue of 2% tax increase.

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

In response to Robert DiNardo's question, Supervisor Meyers stated that public hearing for Drainage District #9 would probably be held in November.

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Supervisor Meyers, in response to Jerry Ebert, declined to respond to his first question and stated he and the Town Board would stand by their record. He then stated that in his 2006 budget there would be no tax increase.

#22 On Agenda: Adjourn

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board Meeting at 7:21 p. m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc