

TOWN BOARD MEETING
 WEDNESDAY, OCTOBER 5, 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: Town Attorney Crotty, Police Chief Biasotti, Highway Superintendent Kroll, Comptroller Reis

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 the 2006 Assessment Roll and the regular Town Board Meeting, both held September 7, 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 Irrevocable Offer Of Dedication For Certain Roads In Forest Glen Subdivision

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an Irrevocable Offer of Dedication for certain roads in Forest Glen, namely Rolling Ridge, Verde Vista and a portion of Forest Glen Road in the Town of New Windsor.

3 On Agenda: Motion - Authorize Execution Of Snow And Ice Agreement - County Of Orange - 2005-2006

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the execution of the Snow and Ice Agreement between the Town of New Windsor and the County of Orange, pursuant to Section 135A of the Highway Law for the 2005-2006 season and that a certificate of insurance be submitted to the Orange County Department of Public Works.

Roll Call: All Ayes

Motion Carried: 5-0

WATER DEPARTMENT

SANITATION DEPARTMENT

4 On Agenda: Motion - Authorize Map, Plan And Report - Extension To Sewer District #17

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

WHEREAS, certain tax parcels in town identified as 65-2-1.1; 65-2-1.2; 65-2-2; 65-2-3; 65-2-1.3 and a portion of tax parcel 65-2-4 have been paying Sewer District #17 charges for many years and have had reason to believe they were in that Sewer District; and

WHEREAS, the Assessor has reported the parcels are not in Sewer District #17, and bond council advises the parcels should be provided with sewer service by means of an extension per Article 12-A proceedings.

NOW, THEREFORE, BE IT RESOLVED that Town Engineer prepare a Map, Plan and Report to include tax parcels 65-2-1.1; 65-2-1.2; 65-2-2; 65-2-3; 65-2-1.3 and a portion of tax parcel 65-2-4 in a Town sewer district extension, as provided for in Town Law under New York State Article 12-A, at a normal hourly rate.

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Roll Call: All Ayes

Motion Carried: 5-0

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GENERAL

5 On Agenda: Receive And File Notice Of Claim - Winifred Brosnan Against Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Notice of Claim in the matter of "Winifred Brosnan against the Town of New Windsor", same being referred to the Attorney for the Town.

6 On Agenda: Receive And File Summons And Complaint - Sukeena Against Henry Kroll, John J. O'Connor and the Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Summons and Complaint in the matter of "Bradley Sukeena versus Henry Kroll, John J. O'Connor and the Town of New Windsor" and refer the matter to the Attorney for the Town.

7 On Agenda: Motion - Adopt Resolution Regarding Halloween Curfew

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the following resolution regarding a Halloween Curfew:

WHEREAS, past history has shown that Halloween celebration has gone beyond that of ordinary merriment and acceptable pranks, and Town Police Officers have received complaints of violence and vandalism; and

WHEREAS, Town Police Officers have been informed of threats of such acts through this period and have been informed of the concerns of citizens residing in areas historically prone to such acts; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor place into effect a curfew beginning 6:00 P.M. Sunday, October 30, 2005 and ending 6:00 A.M. Tuesday, November 1, 2005; and

BE IT ORDERED, that such curfew shall apply to all minors (persons under the age of 18), except those traveling to or from bona fide employment, school activity or medical emergency; those in the company of a parent, guardian or person in locus parentis; and

BE IT ORDERED, that the following acts are prohibited:

1. That between the hours of 9:00 P.M. and 6:00 A.M. the following morning all such minors shall refrain from congregating on public streets, public or private property without the permission of the owner or person in control of such property,
2. From trespassing upon property of the Town of New Windsor between the hours of 6:00 P.M. and 6:00 A.M. the following morning unless participating in an organized event of the Town of New Windsor,
3. Being in possession on any street or public place of shaving cream, eggs, soap, rocks, spray paint, flammable or noxious chemicals, weapons of any kind, or other item that could reasonably be used to cause vandalism or bodily injury, at any time during the curfew period; and

BE IT ORDERED, that any person knowingly violating these orders may be arrested and treated pursuant to the applicable status of the Laws of the State of New York.

Nothing herein shall be construed as to prohibit the normal and lawful travel of any person upon the streets and highways within the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

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8 On Agenda: Motion - Authorize Town Clerk To Advertise A Request For Proposal - 2006 Municipal Ambulance Service

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise a Request for Proposal for municipal ambulance services for 2006.

Roll Call: All Ayes

Motion Carried: 5-0

9 On Agenda: Motion - Authorization To Advertise Public Hearing - Proposed 2006 Budget

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 a Public Hearing regarding the proposed 2006 budget to be held on November 2, 2005 at 7:00 p.m. in the Town Hall, 555 Union Avenue, New Windsor, New York.

Roll Call: All Ayes

Motion Carried: 5-0

10 On Agenda: Motion - Authorization To Advertise Public Hearing - Establishment Of Drainage District #9 - Briarwood Subdivision

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor direct the Town Clerk to advertise a Public Hearing to be held on November 2, 2005 at 7:00 p.m. in the Town Hall, 555 Union Avenue, New Windsor, New York, to consider the establishment of a proposed Drainage District #9 for Briarwood 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

11 On Agenda: Motion - Authorization To Advertise Public Hearing - Establishment Of Drainage District #10 - Highview Estates Subdivision

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor direct the Town Clerk to advertise a Public Hearing to be held on November 2, 2005 at 7:00 p.m. in the Town Hall, 555 Union Avenue, New Windsor, New York, to consider the establishment of a proposed Drainage District #10 for Highview Estates 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

#12 On Agenda: Motion - Authorize Supervisor To Execute Agreement - Annexation Of Etruscan Enterprises, Inc. (a/k/a Meadowbrook Estates)

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Supervisor to execute an Agreement with the Town of Cornwall providing for the annexation to the Town of New Windsor of the lands of Etruscan Enterprises Inc. (a/k/a Meadowbrook Estates), tax map description 4-1-9.22 and 4-1-11.

Roll Call: All Ayes

Motion Carried: 5-0

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#13 On Agenda: Motion - Adopt Resolution - SEQR - Etruscan Enterprises, Inc. (a/k/a Meadowbrook Estates) Annexation

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

WHEREAS, Etruscan Enterprises, Inc., has petitioned the Town Board of the Town of New Windsor and the Town Board of the Town of Cornwall to annex to the Town of New Windsor 33 ± acres of land located in the Town of Cornwall and contiguous to the Town of New Windsor. The subject property is located on the north side of NYS Route 94 identified as Town of Cornwall Tax Map Nos. 4-1-9.22 and 4-1-11, and is shown on the map attached to the Annexation Petition, dated April 25, 2005; and

WHEREAS, Etruscan Enterprises, Inc., owns contiguous land located in the Town of New Windsor, containing 136.33 acres and identified as Town of New Windsor Tax Map Nos. 66-1-61.1 and 65-1 -78; and

WHEREAS, the Town of New Windsor Planning Board declared its intent to be lead agency in connection with the development of this property and coordinated SEQR review and provided written notice to involved agencies, including the Town of New Windsor Town Board, Town of Cornwall Town Board and Town of Cornwall Planning Board; and

WHEREAS, based on the Full Environmental Assessment Form (EAF) and additional studies and reports that evaluate traffic and transportation, stormwater management, sewer service and water service, including provision of such service by New Windsor special districts, the New Windsor Planning Board granted a Negative Declaration under SEQR and preliminary approval to development of the New Windsor portion of the property. The Town of Cornwall Planning Board confirmed that Negative Declaration and granted preliminary approval to development of the Cornwall portion of the property; and

WHEREAS, the applicant submitted an Addendum to the EAF to the Town of Cornwall Town Board and the Town of New Windsor Town Board in connection with the proposed annexation of the property from the Town of Cornwall to the Town of New Windsor; and

WHEREAS, as stated in the Addendum to the EAF, upon annexation of the property to the Town of New Windsor, the Town of New Windsor Town Board will zone the property to allow the construction of ninety (90) single family homes; and

WHEREAS, said annexation is a Type I action under SEQR, and this Town Board has reviewed the long Environmental Assessment Form (EAF) and Addendum thereof concerning the proposed annexation and proposed extension of the sewer and water districts and has thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7(c); and this Town Board determines that the annexation of the property and subsequent zoning by the Town, as intended, will not cause any adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that this Board determines that the annexation of the subject territory and zoning of the property will not have a significant adverse impact on the environment. The Clerk directed to file this Negative Declaration in accordance with the SEQR Regulations.

Roll Call: All Ayes

Motion Carried: 5-0

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#14 On Agenda: Motion - Adopt Resolution And Order - Annexation From Town Of Cornwall To Town Of New Windsor - Etruscan Enterprises Inc. (a/k/a Meadowbrook Estates)

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

WHEREAS, the Town of New Windsor received a certified copy of the Petition of Etruscan Enterprises, Inc. dated April 25, 2005, to annex to the Town certain vacant territory located in the Town of Cornwall contiguous to the Town of New Windsor; the Town of Cornwall received the original petition; the territory is located on the north side of NYS Route 94, identified as Town of Cornwall Tax Map Nos. 4-1-9.22 and 4-1-11, and contains 28.226 ± acres of land as shown on the map attached to the Annexation Petition; and

WHEREAS, the Town Board of the Town of Cornwall and the Town Board of the Town of New Windsor each duly authorized a joint public hearing to be held on July 12, 2005, and notice of said hearing was duly given by mail and publication in accordance with law; the joint public hearing was convened and held on that date, and thereupon closed; and all persons interested were given the opportunity to be heard and submit written comment and objections; and

WHEREAS, this is part of a Type I action, and the Town Board of the Town of New Windsor and Town Board of the Town of Cornwall issued a Negative Declaration by separate resolution that said annexation will not have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED:

1. The petition and the annexation process comply with the provisions of Article 17 of the state General Municipal Law.
2. No objections, in writing or otherwise, to such compliance were received.
3. The petition contains the signature of persons constituting the owners of more than one-half of the assessed valuation of property within the territory proposed to be annexed. There are no inhabitants of the territory.
4. The person who signed the petition was qualified therefore.
5. The approval of said annexation is in the overall public interest of the territory proposed to be annexed; the local government to which the territory is proposed to be annexed; the remaining area of the local government in which such territory is situated; the local school district; and Town of New Windsor sewer and water districts.
6. The determination that such annexation is in the over-all public interest is based upon the follow findings:
 - (a) The majority of the entire property owned by petitioner is located in the Town of New Windsor.
 - (b) The annexation will allow the unified and consistent development of the property, which promotes good planning and use of land, efficient governmental services and administration.
 - (c) The Town of New Windsor water district and sewer districts will be extended to include petitioner's New Windsor property and the annexed lands to provide service to the entire development, which will reduce the administrative burden and provide unified services. User charges and any special assessments paid by the property will benefit the districts.

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(d) Taxes and other charges upon the properties shall be equitably assessed as agreed upon by the Town Board of the Town of New Windsor and the Town Board of the Town of Cornwall as further set forth in an agreement dated October 5, 2005.

IT IS HEREBY RESOLVED AND ORDERED that the Annexation Petition dated April 25, 2005, be and hereby is approved, that the municipal boundaries of the Town of New Windsor shall be altered so as to include the territory described in said petition; and

IT IS FURTHER ORDERED that this written determination, resolution and order shall be signed by the Town Supervisor, as and for this governing Board, and filed, together with the documents specified in §711(2)(b) of the General Municipal Law, in the offices of the Town Clerks of the Town of Cornwall and Town of New Windsor;

IT IS FURTHER ORDERED that for purpose of adoption of the Annexation Local Law pursuant to Section 714 of the General Municipal Law, this resolution and order is hereby deemed filed in the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Motion - Adopt Local Law #2-2005 - Annexation Of Property Owned By Etruscan Enterprises, Inc. (a/k/a Meadowbrook Estates)

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor held a Public Hearing regarding the annexation of premises known as Etruscan Enterprises, Inc. a/k/a Meadowbrook Estates, held on July 12, 2005, and the Town Board of the Town of New Windsor hereby adopts Town of New Windsor Local Law #2-2005 regarding such annexation.

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda: Motion - Authorize Supervisor To Execute Agreement - Annexation Of Lands Of Knox Village, Inc.

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Supervisor to execute an Agreement with the Town of Cornwall providing for the annexation to the Town of New Windsor of the lands of Knox Village Inc, tax map description 9-1-19.1 and 9-1-46.

Roll Call: All Ayes

Motion Carried: 5-0

#17 On Agenda: Motion - Adopt Resolution - SEQR - Knox Village Inc. And Central Hudson Gas & Electric Corp. Property Annexation

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

WHEREAS, Knox Village Inc. has petitioned the Town Board of the Town of New Windsor and the Town Board of the Town of Cornwall to annex to the Town of New Windsor 8.848 ± acres of land located in the Town of Cornwall and contiguous to the Town of New Windsor. The subject property is located on the north side of NYS Route 32, identified as Town of Cornwall Tax Map Nos. 9-1-19.1 and part of 9-1-46 owned by Central Hudson Gas & Electric Corp., and is shown on the map attached to the Annexation Petition, dated April 25, 2005; and

WHEREAS, Knox Village, Inc., owns contiguous land located in the Town of New Windsor, containing 5.6 +/- acres and identified as Town of New Windsor Tax Map No. 70-1-49; and

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WHEREAS, the Town of New Windsor Planning Board declared its intent to be lead agency in connection with the development of this property and coordinated SEQR review and provided written notice to involved agencies, including the Town of New Windsor Town Board, Town of Cornwall Town Board and Town of Cornwall Planning Board; and

WHEREAS, based on the Full Environmental Assessment Form (EAF) and additional studies and reports that evaluate traffic and transportation, stormwater management, sewer service and water service, including provision of such service by New Windsor special districts, the New Windsor Planning Board granted a Negative Declaration under SEQR and preliminary approval to development of the New Windsor portion of the property. The Town of Cornwall Planning Board confirmed that Negative Declaration and granted preliminary approval to development of the Cornwall portion of the property; and

WHEREAS, the applicant submitted an Addendum to the EAF to the Town of Cornwall Town Board and the Town of New Windsor Town Board in connection with the proposed annexation of the property from the Town of Cornwall to the Town of New Windsor; and

WHEREAS, as stated in the Addendum to the EAF, upon annexation of the property to the Town of New Windsor, the Town of New Windsor Town Board will zone the property to allow the construction of ninety (90) single family homes; and

WHEREAS, said annexation is a Type I action under SEQR, and this Town Board has reviewed the long Environmental Assessment Form (EAF) and Addendum thereof concerning the proposed annexation and proposed extension of the sewer and water districts and has thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7(c); and this Town Board determines that the annexation of the property and subsequent zoning by the Town, as intended, will not cause any adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that this Board determines that the annexation of the subject territory and zoning of the property will not have a significant adverse impact on the environment. The Clerk is directed to file this Negative Declaration in accordance with the SEQR Regulations.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda: Motion - Adopt Resolution And Order - Annexation From The Town Of Cornwall To The Town Of New Windsor - Knox Village Inc. And Central Hudson Gas & Electric Corp. Property

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

WHEREAS, the Town of New Windsor received a certified copy of the Petition of Knox Village, Inc. dated April 25, 2005, to annex to the Town certain vacant territory located in the Town of Cornwall contiguous to the Town of New Windsor; the Town of Cornwall received the original petition. The subject property is located on the north side of NYS Route 32, identified as Town of Cornwall Tax Map No. 9-1-19.1 and part of 9-1-46 owned by Central Hudson Gas & Electric Corp and is shown on the map attached to the annexation petition, dated April 25, 2005; and

WHEREAS, Knox Village, Inc. owns contiguous land located in the Town of New Windsor, containing 5.6 ± acres, and identified as Town of New Windsor Tax Map No. 70-1-49; and

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WHEREAS, the Town Board of the Town of Cornwall and the Town Board of the Town of New Windsor each duly authorized a joint public hearing to be held on August 8, 2005, and notice of said hearing was duly given by mail and publication in accordance with law; the joint public hearing was convened and held on that date, and thereupon closed; and all persons interested were given the opportunity to be heard and submit written comment and objections; and

WHEREAS, this is part of a Type I action, and the Town Board of the Town of New Windsor and Town Board of the Town of Cornwall issued a Negative Declaration by separate resolution that said annexation will not have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED:

1. The petition and the annexation process comply with the provisions of Article 1.7 of the state General Municipal Law.
2. No objections, in writing or otherwise, to such compliance were received.
3. The petition contains the signature of persons constituting the owners of more than one-half of the assessed valuation of property within the territory proposed to be annexed. There are no inhabitants of the territory.
4. The person who signed the petition was qualified therefore.
5. The approval of said annexation is in the overall public interest of the territory proposed to be annexed; the local government to which the territory is proposed to be annexed; the remaining area of the local government in which such territory is situated; the local school district; and Town of New Windsor sewer and water districts.
6. The determination that such annexation is in the over-all public interest is based upon the follow findings:
 - (a) The majority of the entire property owned by petitioner is located in the Town of New Windsor.
 - (b) The annexation will allow the unified and consistent development of the property, which promotes good planning and use of land, efficient governmental services and administration.
 - (c) The Town of New Windsor water district and sewer districts will be extended to include petitioner's New Windsor property and the annexed lands to provide service to the entire development, which will reduce the administrative burden and provide unified services. User charges and any special assessments paid by the property will benefit the districts.
 - (d) Taxes and other charges upon the properties shall be equitably assessed as agreed upon by the Town Board of the Town of New Windsor and the Town Board of the Town of Cornwall as further set forth in an agreement dated October 5, 2005.

IT IS HEREBY RESOLVED AND ORDERED that the annexation petition, dated April 25, 2005, be and hereby is approved, that the municipal boundaries of the Town of New Windsor shall be altered so as to include the territory described in said petition, and

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IT IS FURTHER ORDERED that this written determination, resolution and order shall be signed by the Town Supervisor, as and for this governing Board, and filed, together with the documents specified in §711(2)(b) of the General Municipal Law, in the offices of the Town Clerks of the Town of Cornwall and Town of New Windsor.

IT IS FURTHER ORDERED that for purpose of adoption of the annexation local law pursuant to Section 714 of the General Municipal Law, this resolution and order is hereby deemed filed in the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

#19 On Agenda: Motion - Adopt Local Law #3-2005 - Annexation Of Property Owned By Knox Village Inc, And Central Hudson Gas And Electric Corporation

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor held a Public Hearing regarding the annexation of premises owned by Knox Village Inc, and Central Hudson Gas and Electric Corporation on August 8, 2005, and the Town Board of the Town of New Windsor hereby adopts Town of New Windsor Local Law #3-2005 regarding such annexation.

Roll Call: All Ayes

Motion Carried: 5-0

#20 On Agenda: Motion - Authorize Supervisor To Execute Agreement - Annexation Of Cornwall Commons Property

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Supervisor to execute an Agreement with the Town of Cornwall providing for the annexation to the Town of Cornwall of the lands known as Cornwall Commons, tax map description 37-1-45.1.

Roll Call: All Ayes

Motion Carried: 5-0

#21 On Agenda: Motion - Adopt Resolution - SEQR - Cornwall Commons Annexation From The Town Of New Windsor

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

WHEREAS, Cornwall Commons, LLC has petitioned the Town Board of the Town of Cornwall and the Town Board of the Town of New Windsor to annex to the Town of Cornwall 53.8 ± acres of land located in the Town of New Windsor and contiguous to the Town of Cornwall. The subject property is located on the northwest side of NYS Route 9W, identified as Town of New Windsor Tax Map No. 37-1-45.1, and is shown on the map attached to the Annexation Petition, dated April 25, 2005; and

WHEREAS, Cornwall Commons, LLC owns contiguous land located in the Town of Cornwall, containing 143.68 acres, and identified as Town of Cornwall Tax Map No. 9-1-25.2; and

WHEREAS, the Town of New Windsor Planning Board declared its intent to be lead agency in connection with the development of this property and coordinated SEQR review and provided written notice to involved agencies, including the Town of New Windsor Town Board, Town of Cornwall Town Board and Town of Cornwall Planning Board; and

WHEREAS, based on the Full Environmental Assessment Form (EAF) and additional studies and reports that evaluate traffic and transportation, stormwater management, sewer service and water service, including provision of such service by New Windsor special districts, the New Windsor Planning Board granted a Negative Declaration under SEQR and preliminary approval to development of the New Windsor portion of the property. The Town of Cornwall Planning Board confirmed that Negative Declaration and granted preliminary approval to development of the Cornwall portion of the property; and

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WHEREAS, the applicant submitted an Addendum to the EAF to the Town of Cornwall Town Board and the Town of New Windsor Town Board in connection with the proposed annexation of the property from the Town of Cornwall to the Town of New Windsor; and

WHEREAS, as stated in the Addendum to the EAF, upon annexation of the property to the Town of New Windsor, the Town of New Windsor Town Board will zone the property to allow the construction of ninety (90) single family homes; and

WHEREAS, said annexation is a Type I action under SEQR, and this Town Board has reviewed the long Environmental Assessment Form (EAF) and Addendum thereof concerning the proposed annexation and proposed extension of the sewer and water districts and has thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7(c); and this Town Board determines that the annexation of the property and subsequent zoning by the Town, as intended, will not cause any adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that this Board determines that the annexation of the subject territory and zoning of the property will not have a significant adverse impact on the environment. The Clerk is directed to file this Negative Declaration in accordance with the SEQR Regulations.

Roll Call: All Ayes

Motion Carried: 5-0

#22 On Agenda: Motion - Adopt Resolution And Order To Release For Annexation Certain Property From The Town Of New Windsor To The Town Of Cornwall Known As Cornwall Commons

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

WHEREAS, Cornwall Commons, LLC, has petitioned the Town Board of the Town of Cornwall and the Town Board of the Town of New Windsor to annex to the Town of Cornwall 53.8 ± acres of land located in the Town of New Windsor and contiguous to the Town of Cornwall. The subject property is located on the northwest side of NYS Route 9W, identified as Town of New Windsor Tax Map No. 37-1-45.1, and is shown on the map attached to the annexation petition, dated April 25, 2005; and

WHEREAS, Cornwall Commons, LLC, owns contiguous land located in the Town of Cornwall, containing 143.68 acres, and identified as Town of Cornwall Tax Map No. 9-1-25.2; and

WHEREAS, the Town Board of the Town of Cornwall and the Town Board of the Town of New Windsor each duly authorized a joint public hearing to be held on July 12, 2005, and notice of said hearing was duly given by mail and publication in accordance with law; the joint public hearing was convened and held on that date, and thereupon closed; and all persons interested were given the opportunity to be heard and submit written comment and objections; and

WHEREAS, this is part of a Type I action, and the Town Board of the Town of New Windsor and Town Board of the Town of Cornwall issued a Negative Declaration by separate resolution that said annexation will not have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED:

1. The petition and the annexation process comply with the provisions of Article 17 of the state General Municipal Law.
2. No objections, in writing or otherwise, to such compliance were received.

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3. The petition contains the signature of persons constituting the owners of more than one-half of the assessed valuation of property within the territory proposed to be annexed. There are no inhabitants of the territory.
4. The person who signed the petition was qualified therefore.
5. The approval of said annexation is in the overall public interest of the territory proposed to be annexed; the local government to which the territory is proposed to be annexed; the remaining area of the local government in which such territory is situated; the local school district; and Town of New Windsor sewer and water districts.
6. The determination that such annexation is in the over-all public interest is based upon the follow findings:
 - (a) The majority of the entire property owned by petitioner is located in the Town of New Windsor.
 - (b) The annexation will allow the unified and consistent development of the property, which promotes good planning and use of land, efficient governmental services and administration.
 - (c) The Town of New Windsor water district and sewer districts will be extended to include petitioner's New Windsor property and the annexed lands to provide service to the entire development, which will reduce the administrative burden and provide unified services. User charges and any special assessments paid by the property will benefit the districts.
 - (d) Taxes and other charges upon the properties shall be equitably assessed as agreed upon by the Town Board of the Town of New Windsor and the Town Board of the Town of Cornwall as further set forth in an agreement dated October 5,2005.

IT IS HEREBY RESOLVED AND ORDERED that the annexation petition, dated April 25, 2005, be and hereby is approved, that the municipal boundaries of the Town of New Windsor shall be altered so as to include the territory described in said petition, and

IT IS FURTHER ORDERED that this written determination, resolution and order shall be signed by the Town Supervisor, as and for this governing Board, and filed, together with the documents specified in §71 1(2)(b) of the General Municipal Law, in the offices of the Town Clerks of the Town of Cornwall and Town of New Windsor.

IT IS FURTHER ORDERED that for purpose of adoption of the Annexation Local Law pursuant to Section 714 of the General Municipal Law, this resolution and order is hereby deemed filed in the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

#23 On Agenda: Officials Reports

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

Building Department
Police Department

Month of August 2005
Month of August 2005

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

#24 On Agenda: Public Forum

Before opening up the meeting to the public, Supervisor Meyers, on behalf of the Town Board, expressed his appreciation to Police Chief Biasotti and the New Windsor Police Department for the professional way they handled the dangerous incident at Verla Industries which took place last week.

Supervisor Meyers asked if anyone in the public had any comments to make.

Richard Ostner, Union Avenue, spoke about the New Windsor Ambulance Corps and feels that the Town Board should have tabled today's motion to advertise for a 2006 municipal ambulance service until January.

Rebecca Jones, Willow Parkway, asked about the time of November's Town Board meeting. She also wanted to know if the land annexations involved any residents and if it did, would they have time to change their voter registrations from Cornwall to New Windsor.

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 let Rebecca Jones know that November's board meeting would begin at 7 p.m. and that no people were currently residing on the lands that were being annexed.

Supervisor Meyers' response to Richard Ostner was that all the Board was doing was putting a proposal out there giving any ambulance service which was interested, the opportunity to respond. These responses would then be evaluated before a contract was awarded.

#25 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 10:45 a. m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
 TOWN CLERK

/clc