

TOWN BOARD MEETING
WEDNESDAY, SEPTEMBER 1, 2010; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Town Attorney Blythe, Police Chief Biasotti, Highway Superintendent Fayo, Assessor Wiley

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting, held on August 4, 2010, 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: Motion – Authorize Execution Of Snow And Ice Agreement For 2010-2011 Season

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute Agreement with Orange County Department of Public Works for Snow and Ice Control on certain county roads for the 2010 - 2011 season.

Roll Call: All Ayes Motion Carried: 5-0

WATER DEPARTMENT

#3 On Agenda: Motion – Authorize Lease Of Stewart Army Subpost Water Filtration Plant To New Windsor Consolidated Water District

Motion by Councilwoman Mullarkey, 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 the owner in fee simple of the Stewart Army Subpost Water Filtration Plant (STAS Plant); and

WHEREAS, the Town Board of the Town of New Windsor acts as the governing body of the Town of New Windsor Consolidated Water District (Water District); and

WHEREAS, the Water District currently operates the STAS Plant for the benefit of the residents of the Town of New Windsor within the Consolidated Water District; and

WHEREAS, the Sole Assessor of the Town of New Windsor has carefully examined the STAS Plant and determined the value thereof to the Water District; and

WHEREAS, the Town Board of the Town of New Windsor has carefully reviewed the analysis of the Sole Assessor and has determined it to be in the best interest of both the Town of New Windsor and the Water District for the Water District to lease the STAS Plant from the Town of New Windsor and that a fair annual rental value of the STAS Plant shall be \$250,000.00.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of New Windsor that the Supervisor is authorized on behalf of the Town of New Windsor to execute a contract with the Water District for the lease of the STAS Plant in the amount of \$250,000.00 annually; and

BE IT FURTHER RESOLVED that the Town Board of the Town of New Windsor further authorizes the Supervisor, on behalf of the Water District, to accept and execute said lease; and

BE IT FURTHER RESOLVED that the Comptroller of the Town of New Windsor is authorized to make payments of \$250,000. per annum. Payment shall be made in annual, monthly or by any other schedule of payments as determined by the Supervisor and Comptroller; and

BE IT FURTHER RESOLVED that the Town Board of the Town of New Windsor directs the Town Attorney to prepare an appropriate lease between Town of New Windsor and Water District in accordance with this resolution.

Roll Call: All Ayes Motion Carried: 5-0

4 On Agenda: Motion – Authorize Execution of Memorandum of Agreement –

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Moodna Creek Watershed Inter-Municipal Council

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Memorandum of Agreement on behalf of the Town of New Windsor to become a member of the Moodna Creek Watershed Inter-Municipal Council and appoint the Supervisor to act as the representative of the Town or to appoint such representative for all matters related to the purpose of the inter-municipal council.

Roll Call: All Ayes Motion Carried: 5-0

5 On Agenda: Receive And File Permit – Catskill Aqueduct Tap At Stewart Airport.

Hearing no objection, the Town Board of the Town of New Windsor receive and file New York City Department of Environmental Protection Permit for Catskill Aqueduct Tap at Stewart Airport.

**SANITATION DEPARTMENT
GENERAL**

6 On Agenda: Motion - Authorize Supervisor To Execute NYSERDA Grant Agreements

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute New York State Energy Research and Development Authority Grant Agreements for lighting upgrades at New Windsor Water Treatment Plant, Town Hall, Highway Garage, Senior Center, and Waste Water Plant.

Roll Call: All Ayes

Motion Carried: 5-0

7 On Agenda: Motion - Appoint To TNW Assessment Board Of Review – Joseph J. Minuta

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor appoint Joseph J. Minuta, 27 Park Hill Drive, New Windsor, New York to the Town of New Windsor Assessment Board of Review to fill the unexpired term of Judith Lahey. Term shall begin immediately and expire September 30, 2014.

Roll Call: All Ayes

Motion Carried: 5-0

8 On Agenda: Receive And File Notice Of Petition & Petition – Matthew Berchielli, et al V. Town of New Windsor, et al

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Petition and Petition in the matter of Matthew Berchielli, et al vs. Town of New Windsor, et al regarding the Beaver Dam Lake Water Corp.

9 On Agenda: Motion - Authorize Supervisor To Execute Agreement – KVS Information Systems, Inc. – Financial Software

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and K.V.S. Information Systems, Inc., for financial software for a term of five years from the date of execution of the Agreement.

Roll Call: All Ayes

Motion Carried: 5-0

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#10 On Agenda: Receive And File Permit Bond – Nannini & Callahan Excavating, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Continuation Certificate for Permit Bond #S433014, submitted by Nannini & Callahan Excavating, Inc., in the amount of \$20,000.00, effective for the period of October 9, 2010 to October 9, 2011. The purpose of the Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town, same being referred to the Town Attorney and the Town Highway Superintendent.

#11 On Agenda: Officials Reports

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

Justice Court – Noreen Calderin	Month of August 2010
Justice Court – Richard W. Thorpe	Month of August 2010
Police Department	Month of July 2010
Recreation Department	Month of August 2010
Town Clerk	Month of August 2010

#12 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments to make before he spoke. Councilwoman Mullarkey thanked everyone involved for making Community Day such a success and said she is already looking forward to a bigger, better day next year. Councilwoman Weyant thanked the Town for letting the Community Day Committee use the Mt. Airy Sports Complex. Supervisor Green said the Committee did an excellent job running Community Day. He thanked the many employees who volunteered their time, especially Recreation Director Matt Veronesi and Patrick Mangan who both contributed a countless number of hours of their own time working on Community Day.

Jerry Fioriti asked if he could submit a copy of NYS Highway law which contradicts their road agreement and if the street improvement district public hearing could be reinstated for next month. Supervisor Green said he was already familiar with New York State Highway law and since the homeowner's agreement requires unanimous approval, the Board will not consider moving forward without it. The Town Attorney has advised the Board of the potential for a lawsuit if they went ahead without unanimous agreement among the twenty one homeowners and the Supervisor said that the board will require the homeowners' approval in writing. He said if the Town had been aware of the clause in the maintenance agreement, they would not have proceeded as far as they have. He also said that the Board could always call another public hearing in the future, however they should try to get the agreements relatively soon so the quoted numbers don't go stale.

Mr. Fioriti asked how the cost would be divided up and Supervisor Green said that there would be twenty one equal shares.

William Steidle asked for clarification on the Moodna Creek Agreement and the Supervisor said that all the communities involved in the watershed study are forming a council.

Leo Braun said that the MTA will be holding a public hearing on September 13 and asked how the Supervisor felt about the tax and if the town would be joining in a lawsuit. Supervisor Green said he is very opposed to the tax and his feelings about it have been made very clear to the MTA and that the Town would not be joining in a lawsuit.

Jean Antonelli asked if the water moratorium was still on and if the funds made from Community Day was going to the Recreation Department. Supervisor Green said the water moratorium is still on and the money from Community Day goes to the Community Day Committee as they raised the funds, not the Town. He said last year the Committee donated \$5,000 to help pay for the summer concerts and he was going to twist their arms for a donation again this year. Just as long as George doesn't go on a cruise commented Mrs. Antonelli.

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

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Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Forum.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Adjourn

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:36 p.m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc