

**AGENDA
TOWN BOARD AND WATER BOARD MEETING**

December 2, 1998
Wednesday

Town Hall
7:30 P.M.

**PUBLIC HEARING-PROPOSED AMENDMENTS TO CHAPTER 44 ENTITLED "VEHICLE
& TRAFFIC LOCAL LAW"**
PUBLIC HEARING-NEW WINDSOR RURAL FIRE PROTECTION DISTRICT

1. MINUTES

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

2. Receive and file-Bids-1999 Cab over truck chassis & mounted vacuum street sweeper
3. Motion-Award Bid-1999 Cab over truck chassis & mounted vacuum street sweeper
4. Receive and file-Bids-1999 Truck chassis & 27 cubic yard loader refuse body
5. Motion-Award Bid-1999 truck and refuse loader
6. Receive and file-Bids-Used vehicles & equipment
7. Motion-Award Bids-Used vehicles & equipment
8. Motion-Dedication of Road-Portion of Park Road (58-1-24.2) Grove Homes Subdivision

WATER DEPARTMENT

9. Receive and file-Bids-Union Avenue/Route 32 Emergency Interconnection
10. Motion-Award Bid-Union Avenue/Route 32 Emergency Interconnection
11. Motion-Authorize Supervisor to execute Agreement Outside User-Mt. Airy Mobile Home Park WD #12
12. Receive and file-Recorded Copy-Final Order Establishing Extension No. 12 to NWCWD

SANITATION DEPARTMENT

GENERAL

13. Motion-Authorize Supervisor to execute Agreement Envirotest Laboratories, Inc. Landfill Monitoring
 14. Motion-Authorize Supervisor to execute Easement – Townwide Drainage Project Phase 2D
 15. Motion-Authorize Supervisor to execute Easement – Townwide Drainage Project Phase 2B
 16. Motion-Authorize scheduling of Public Hearing-Adoption of Standard of Fees Resolution
 17. Motion-Authorize Supervisor to execute Agreement-TNW/Richard Krol-NW Landfill
 18. Receive and file-Notice of Claim
 19. Motion-Award Proposal-Boiler Replacement (Teen Center)
 20. Motion-Establish Public Improvement Bond-Windsor Woods Major Subdivision Sections 3,4 and 5
 21. Motion-Auth. Adoption of Resolution-Memorializing the position of the TNW to the Governor & Legislature of the State of New York requesting State Legislation to relieve Towns from legal expenses resulting from certain frivolous litigation
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22. Motion-Authorize the signing of Certificate of Insurance
 23. OFFICIALS REPORTS
 24. PUBLIC FORUM
 25. ADJOURN
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REGULAR TOWN BOARD AND WATER BOARD MEETING
WED., DECEMBER 2, 1998; 7:30 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Meyers, Councilman Finnegan,
Councilwoman Mullarkey, Councilwoman
Townsend, Councilman Green

OTHER OFFICIALS PRESENT: Police Chief Koury, Town Attorney Crotty,
Highway Superintendent Pullar

Supervisor Meyers called to order the Regular Town Board and Water Board Meeting
and presided over same.

#1 On Agenda – MINUTES

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town
Board of the Town of New Windsor approve the Minutes of the Public Hearing regarding
the Proposed Rezoning of Parcel(s) 17-4-15 (portion of), 16,17 and the Public Hearing
regarding the Proposed Rezoning of Parcel(s) 37-1-6, 7.1, 7.21, 7.22, 8, 9, 10, 11, 12, 13,
14 (portion of), 44.2 (portion of), 45.2,60, Public Hearing regarding the Proposed 1999
Budget and the Regular Town Board and Water Board Meeting all held on November 4,
1998, 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 – Receive and File-Bids-1999 Cab Over Truck Chassis & Mounted
Vacuum Street Sweeper

Hearing no objections, the Town Board of the Town of New Windsor receive and file
Bids, received and publicly opened on November 4, 1998 for a 1999 cab over truck
chassis & mounted vacuum street sweeper.

#3 On Agenda – Motion-Award Bid-1999 Cab Over Truck Chassis & Mounted Vacuum
Street Sweeper

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town
Board of the Town of New Windsor award the Bid for a 1999 Cab over truck chassis and
mounted vacuum street sweeper to the lowest bidder, Gannon Municipal Inc. in the
amount of \$118,800.00. As per the recommendation of Richard McGoey, Engineer for
the Town and W. James Pullar, Superintendent of Highways under the date of November
19, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#4 On Agenda – Receive and File-Bids-1999 Truck Chassis & 27 Cubic Yard Loader
Refuse Body

Hearing no objections, the Town Board of the Town of New Windsor receive and file
Bids, received and publicly opened on November 4, 1998 for a 1999 Truck chassis & 27
cubic yard loader refuse body.

*31
All
12/1/98
12/1/98*

REGULAR TOWN BOARD AND WATER BOARD MEETING
WED., DECEMBER 2, 1998; 7:30 P.M. SHEET 2

#5 On Agenda – Motion-Award Bid-1999 Truck and Refuse Loader

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor award the Bid for a 1999 Truck and Refuse Loader to the lowest bidder, Arkel Motors, in the amount of \$117,622.00. As per the recommendation of Richard McGoey, Engineer for the Town and W. James Pullar, Superintendent of Highways under the date of November 19, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda – Receive and File-Bids-Used Vehicles and Equipment

Hearing no objections, the Town Board of the Town of New Windsor receive and file Bids, received and publicly opened on November 4, 1998 for Used Vehicles and Equipment (Highway Department).

#7 On Agenda – Motion-Award Bids-Used Vehicles & Equipment

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor award the Bids for used vehicles and equipment to the following high bidders:

1967 Caterpillar w/loader Serial #90A2309 to SEITH ALLT	\$ 6276.89
1984 Sweepster Broom #MH-6 Foot to MICHAEL ASSOC.	\$ 275.00
Ingersol-Rand Air Compressor Gyro-Flo 125 to YONNONE'S AUTO REPAIR	\$ 260.00
1981 Chevy. Dump Truck #1GBJC34M2BV120631 to YONNONE'S AUTO REPAIR	\$ 503.00
1983 Chevy. Dump Truck #1GBHK34M4DV123843 to VINCENT DESTAFENO	\$ 1778.99
1980 Diamond Reo Dump Truck #C11664DB0274 to YONNONE'S AUTO REPAIR	\$ 4030.00
1986 International Dump Truck #1HTLDTVR8GHA57087 to VINCENT DESTAFENO	\$ 4129.99

The above vehicles and equipment must be paid for and removed from the Highway Department property within 30 days of award.

Roll Call: All Ayes

Motion Carried: 5-0

#8 On Agenda – Motion-Dedication of Road-Portion of Park Road (58-1-24.2) Grove Homes Subdivision

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town Board of the Town of New Windsor accept the road known as a portion of PARK ROAD as shown on the GROVE HOMES SUBDIVISION on Filed Map #1800 in the Orange County Clerk's Office, as a public road in the Town of New Windsor, and incident to such dedication:

- (1) Acknowledge that a Deed dated the 20th day of August, 1998 from the County of Orange to the Town of New Windsor has been accepted by the Town Board, executed by the Town Supervisor, and recorded in the Orange County Clerk's Office in Liber 4855 at page 189 on August 21, 1998;

REGULAR TOWN BOARD AND WATER BOARD MEETING
WED., DECEMBER 2, 1998; 7:30 P.M. SHEET 3

- (2) Acknowledge that the portion of the road accepted at this time is identified as tax lot Section 58, Block 1, Lot 24.2, which road runs approximately 660 ft. from the intersection of Lake Road and Park Road in the Town of New Windsor;
- (3) Accept an Order of the Highway Superintendent authorizing the takeover of that portion of Park Road;
- (4) Authorize the execution of a Town Board Consent instrument to the Dedication of that portion of Park Road identified as Section 58, Block 1, Lot 24.2;
- (5) Direct the Engineer for the Town to add that portion of Park Road known as Section 58, Block 1, Lot 24.2, and only that section of Park Road, to the Official Town Map.

Roll Call: All Ayes

Motion Carried: 5-0

WATER DEPARTMENT

#9 On Agenda – Receive and File-Bids-Union Avenue/Route 32 Emergency Interconnection and Watermain Extension

Hearing no objections, the Town Board of the Town of New Windsor receive and file Bids, received and publicly opened on November 12, 1998 for the Union Avenue/Route 32 Emergency Interconnection Project.

#10 On Agenda – Motion-Award Bid-Union Avenue/Route 32 Emergency Interconnection and Watermain Extension

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor award the Bid for the Union Avenue/Route 32 Emergency Interconnection and Watermain Extension (Windsor Crest area water interconnection) Project to Alexandra Development, Inc., Salisbury Mills, New York, cost not to exceed \$67,650.00. As per the recommendation of McGoey, Hauser and Edsall Consulting Engineers P.C. under the date of November 18, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda – Motion-Authorize Supervisor to Execute Agreement Outside User-Mt. Airy Mobile Home Park WD - #12

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Outside User Agreement for Water District #12 as follows:

REINHARD, ANNA M. and DOERING, EDWARD G.
436 Mt. Airy Road, New Windsor, New York – 65-1-75.1;

COLLINS, PETER and ADA
409 Mt. Airy Road, New Windsor, New York – 65-1-82;

MC CORMICK, MICHAEL and KATHLEEN A.
373 Mt. Airy Road, New Windsor, New York – 54-1-26;

KNAPP, DOUGLAS J. and MARIE A.
424 Mt. Airy Road, New Windsor, New York – 65-1-77

Roll Call: All Ayes

Motion Carried: 5-0

REGULAR TOWN BOARD AND WATER BOARD MEETING
 WED., DECEMBER 2, 1998; 7:30 P.M. SHEET 4

#12 On Agenda – Receive and File-Recorded Copy-Final Order Establishing Extension
 No. 12 to NWCWD

Hearing no objection, the Town Board of the Town of New Windsor receive and file a recorded copy of the **Final Order Establishing Extension No. 12 to the New Windsor Consolidated Water District**, which Order was recorded in the Orange County Clerk's Office on September 14, 1998.

SANITATION DEPARTMENT

NONE

GENERAL

#13 On Agenda – Motion-Authorize Supervisor to Execute Agreement Envirotest
 Laboratories, Inc. Landfill Monitoring

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute an agreement between ENVIROTEST LABORATORIES, INC. and the TOWN OF NEW WINDSOR, for post closure monitoring of the landfill.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda – Motion-Authorize Supervisor to Execute Easement – Townwide
 Drainage Project Phase 2D

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor authorize the Supervisor to execute the following Easements for Drainage, Phase 2D:

Rohan, Frank and Stella
 36 Garden Drive, New Windsor, New York – 47-1-61

Giordano, Dominick and Roxann
 34 Garden Drive, New Windsor, New York - 47-1-60

MacGregor, Jane E.
 42 Garden Drive, New Windsor, New York – 47-1-64

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda – Motion-Authorize Supervisor to Execute Easement – Townwide
 Drainage Project Phase 2B

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the Supervisor to execute the following easements:

Villafane, Rafael E. and Linda – 80-6-8

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda – Motion-Authorize Scheduling of Public Hearing – Adoption of
 Standard of Fees Resolution

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town Board of the Town of New Windsor direct the Town Clerk to advertise to schedule a

REGULAR TOWN BOARD AND WATER BOARD MEETING
WED., DECEMBER 2, 1998; 7:30 P.M. SHEET

Public Hearing to consider the revision of Town of New Windsor Code, adoption of the Standard Schedule of Fees Local Law Chapter 19 entitled, "**Standard Schedule of Fees Local Law**", adopted as Local Law #1 for 1977 by replacing the existing local law with an annual Town Board resolution to be incorporated by reference in the revised local law, and have the force and effect of a local law; the hearing to be held on the 6th day of January, 1999 at 7:30 p.m. in the Town Hall, 555 Union Avenue, New Windsor, New York.

Roll Call: All Ayes

Motion Carried: 5-0

#17 On Agenda – Motion-Authorize Supervisor to Execute Agreement – TNW/Richard Krol – NW Landfill

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Richard Krol, 3 Travis Lane, Newburgh, New York, to provide nuisance wildlife control at the New Windsor Landfill. Agreement is effective immediately and expires on November 1, 1999. Cost not to exceed \$650.00-2X.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda – Receive and File-Notice of Claim

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Notice of Claim in the matter of Daniel P. Caldara against the Town of New Windsor. Same being referred to the Attorney for the Town.

#19 On Agenda – Motion-Award Proposal-Boiler Replacement (Teen Center)

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor award the proposal for the Boiler Replacement at the Teen Center, 244 Union Avenue to Roth Mechanical, cost not to exceed \$3,090.00.

Roll Call: All Ayes

Motion Carried: 5-0

#20 On Agenda – Motion-Establish Public Improvement Bond-Windsor Woods Major Subdivision Sections 3, 4 and 5

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor authorize the establishment of a Public Improvement Bond for Windsor Woods major subdivision, Sections 3, 4 and 5, in the amount of \$920,496.00, and the subdivider is required to pay the Town an inspection fee in the amount of \$36,819.84 (4% of the estimate) prior to stamping of the final subdivision plans. As per the recommendation of McGoey, Hauser and Edsall Consulting Engineers, P.C., under the date of November 11, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#21 On Agenda – Motion-Authorize Adoption of Resolution-Memorializing the Position of the TNW to the Governor & Legislature of the State of New York Requesting State Legislation to Relieve Towns From Legal Expenses Resulting From Certain Frivolous Litigation

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

WHEREAS, towns are often named as defendant parties in lawsuits brought as a result of automobile accidents which include allegations of dangerous and/or defective roads and highways, despite the absence of reasonable inquiry by plaintiffs which would

REGULAR TOWN BOARD AND WATER BOARD MEETING
WED., DECEMBER 2, 1998; 7:30 P.M. SHEET 6

establish that Town Government is not responsible in any way for such roads or their condition; and

WHEREAS, towns including especially the Town of New Windsor, incur significant expense resulting from the need to defend and extricate themselves from such lawsuits, which expense could be avoided if litigants made reasonable and minimally diligent efforts to identify the properly responsible parties at the outset of such cases; and

WHEREAS, it is appropriate for State law to require such efforts and failing which to require litigants to reimburse the wrongly-named Towns for the expense to their taxpayers of defending such actions;

NOW THEREFORE, it is hereby

RESOLVED that we, the Town Board of the Town of New Windsor, in the County of Orange, and on behalf of all citizens and taxpayers of Orange County, joining with all other Towns and Counties of the State of New York similarly situated, do hereby memorialize our position on the subject to the Governor and Legislature of the State of new York, it wit:

- A. That attorneys and parties filing notices of claims and suits against Towns alleging liability or dangerous conditions and defects in roads and highways resulting in damages be required by law to make prior due and sufficient inquiry as to which municipalities are responsible therefor;
- B. That attorneys and parties bringing actions against Towns without such prior inquire; or wrongly naming a Town in such action have been duly notified that such Town is in no way legally responsible for such roads or the conditions thereof; be individually and collectively liable for the full costs and expenses including attorneys fees and the cost of support staff attributable to the task of defending such action against such Town;
- C. That such actions brought under such circumstances be defined as "frivolous" and as such may result in all other sanctions and consequences as are provided by law; and it is further

RESOLVED, that the Town Clerk of the Town of New Windsor be directed to send certified copies to Governor George E. Pataki, Senator Joseph Bruno, Assembly Speaker Sheldon Silver, all State Representatives whose districts include any part of Orange County, New York State Attorney General Dennis Vacco, and the County Legislature of Orange County and the New York State Association of Towns.

Roll Call: All Ayes

Motion Carried: 5-0

#22 On Agenda – Motion-Authorize the Signing of Certificate of Issuance

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor authorize the signing of the Certificate of Insurance for a period from December 24, 1995 to December 24, 1998, Faithful Performance Blanket Bond #BNP0006715 with reference to the Receiver of Taxes.

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:

Police Report

Month of October 1998

REGULAR TOWN BOARD AND WATER BOARD MEETING
 WED., DECEMBER 2, 1998; 7:30 P.M. SHEET 7

Building Department Report	Month of October 1998
Town Justice Suttlehan's Report	Month of November 1998
Town Justice Thorpe's Report	Month of November 1998
Recreation Department Report	Month of November 1998
Town Clerk's Report	Month of November 1998
Receiver of Taxes Report	Month of November 1998

#24 On Agenda – PUBLIC FORUM

TAPE 1, SIDE A, TAPE #291

Several residents from Nina Street expressed their concerns and safety of the children, regarding the cars that are speeding and not stopping at the stop sign. Supervisor Meyers informed these residents the "Smart Machine" was set up for a couple of days and the average reading was 22 MPH and this is a 30 MPH zone. Supervisor Meyers further stated he would send a Police Officer to the site who would issue a summons to violators.
DISCUSSION CONTINUED – TAPE 1, SIDE B, TAPE #210

Hearing no others wishing to speak Supervisor Meyers, entertained a motion to close the Public Forum Portion of the agenda.

Motion by Councilwoman Townsend, seconded by Councilman Green 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

#25 On Agenda – ADJOURN

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor adjourn the Regular Town Board and Water Board Meeting at 8:30 P.M.
 Roll Call: All Ayes Motion Carried: 5-0

Respectfully submitted,

Dorothy H. Hansen

DOROTHY H. HANSEN
 TOWN CLERK

DHH:sh