

TOWN BOARD MEETING
 WEDNESDAY, APRIL 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
 Chief Biasotti

SALUTE TO FLAG

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

#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 Town Board Meeting held March 2, 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

NONE

HIGHWAY DEPARTMENT

#2 On Agenda: Receive And File Agreement - Hudson Valley Engineering Associates P.C. and Town of New Windsor - Jackson Avenue Reconstruction Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Architectural/Engineering Consultant Agreement between Hudson Valley Engineering Associates, P.C. and the Town of New Windsor dated March 17, 2005 regarding the Jackson Avenue Reconstruction Project.

#3 On Agenda: Receive And File Bids For 2005 Skid Steer With Cold Planer

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids for one (1) 2005 Skid Steer with Cold Planer received and publicly opened on March 24, 2005.

#4 On Agenda: Motion - Award Bid - 2005 Skid Steer With Cold Planer

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor award the bid of \$29,738.00 for one (1) 2005 Skid Steer with Cold Planer to Ralph C. Herman Co., Inc., P. O. Box 728, Marlboro, New York, as per the recommendation of McGoey, Hauser and Edsall Consulting Engineers. P. C. under the date of April 5, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

WATER DEPARTMENT

#5 On Agenda: Receive And File Notice Of Retirement - Water Treatment Plant Operator James Rolon

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Notice of Retirement from Water Treatment Plant Operator James Rolon.

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#6 On Agenda: Motion - Intermunicipal Water Agreement With City Of Newburgh

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Supervisor to enter into an Intermunicipal Water Agreement with the City of Newburgh for a term of forty (40) years, which Agreement provides among other things, that the Town of New Windsor shall have conditional access to the City of Newburgh Water Supply including the right to construct an interconnect at Brown's Pond and Little Britain Road, and that the Town shall grant the City the right to use certain City-owned land in the Town of New Windsor for municipal purposes.

Roll Call: All Ayes

Motion Carried: 5-0

SANITATION DEPARTMENT

#7 On Agenda: Receive And File Court Order Discontinuing All Claims - Riverkeeper Inc. Versus Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Stipulation and Consent Order in the matter known as *Riverkeeper, Inc. vs. Town of New Windsor et al.* signed by the attorneys for the parties and so ordered by United States District Judge Robinson dated February 28, 2005; and an Order signed by United States Magistrate Mark D. Fox dated February 28, 2005 discontinuing all claims in the action.

GENERAL

#8 On Agenda: Receive And File Notice Of Resignation - Police Officer John H. Staton

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a letter of resignation from Town of New Windsor Police Officer John H. Staton effective April 6, 2005.

#9 On Agenda: Receive And File State Supreme Court Decision - New Windsor Volunteer Ambulance Corps

Hearing no objection, the Town Board of the Town of New Windsor receive and file a decision of the Appellate Division, Supreme Court of the State of New York regarding the New Windsor Volunteer Ambulance Corps dated March 7, 2005.

#10 On Agenda: Receive And File Annual Financial Report For Fiscal Year Ended December 2004

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Annual Financial Report Update Document for the Town of New Windsor, County of Orange, for the fiscal year ended December 2004.

#11 On Agenda: Receive And File Annual Report Of National Temple Hill Association For 2004

Hearing no objection, the Town Board of the Town of New Windsor receive and file the annual report of the National Temple Hill Association for the year 2004.

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#12 On Agenda: Receive And File Clerk's Certificate Regarding Petitions For Referendum - Mt. Airy Sports Complex

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Town Clerk's Certificate regarding the filing of petitions calling for a public referendum on a seven (\$7,000,000) million dollar bond for the Mt. Airy Sports Complex, the resolution for which was adopted on March 2, 2005.

#13 On Agenda: Motion – Authorization To Call For Special Election Regarding \$7 Million Bond For Recreational Facilities

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor call for a special election to be held in the Town of New Windsor Community Building at the Town Hall Municipal Complex, 555 Union Avenue, New Windsor, New York, on the 4th day of June 2005, from 8 AM to 8 PM at which time there will be submitted to the qualified electors of the Town the following proposition:

"Shall the qualified electors of the Town of New Windsor, County of Orange, approve the Bond Resolution adopted by the Town Board on the 2nd day of March, 2005 authorizing construction of recreation facilities and improvements at the Mt. Airy Sports Complex, including swimming pools, gymnasium and equipment and appurtenances, at the estimated maximum cost of seven million (\$7,000,000) dollars."

The vote upon such proposition will be taken by ballot in the manner provided by law. No person shall be entitled to vote unless he or she is an elector of the Town of New Windsor. The Town Clerk is directed to advertise and post according to law.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Motion – Extend Management Agreement Of National Temple Hill Association

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor extend the management contract of the National Temple Hill Association dated December 30, 2003 until December 31, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Motion – Authorize Issuance Of Solicitor's Permit - Eugene Hecht

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the issuance of a Solicitor's Permit submitted by Eugene Hecht (veteran), 161 Windsor Highway, New Windsor, New York to sell hot dogs in the Town of New Windsor. Permit fee shall be waived and obtained from the Town Clerk's office.

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda: Motion – Authorize Issuance Of Solicitor's Permit - George And Theresa Hopkins

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 George and Theresa Hopkins (veteran's renewal) d/b/a Hill Top Snack Wagon, P. O. Box 31, Vails Gate, New York, to sell food items on Route 94 by Vails Gate Cycle Shop. Permit to be obtained from the Town Clerk's office and fee to be waived.

Roll Call: All Ayes

Motion Carried: 5-0

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#17 On Agenda: Motion – Authorize Issuance Of Solicitor’s Permit - Jeremiah Jeffers

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize the issuance of a Solicitor’s Permit submitted by Jeremiah Jeffers, 327 Old Forge Hill Road, Apt #247-4, New Windsor, New York to sell watches, sneakers, jackets, women’s clothes, etc. 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

#18 On Agenda: Motion – Authorize Optional Retirement Plan - Police Officer Brian P. McLean

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize an optional retirement plan for Brian P. McLean, a Town of New Windsor Police Officer, pursuant to New York State Senate Bill #1736 and New York State Assembly bill #3713.

Roll Call: All Ayes

Motion Carried: 5-0

#19 On Agenda: Motion – Authorization To Sell Fifty Acres, More Or Less, To First Columbia International Group, LLC For Residential Condominium Project

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the sale of fifty (50) acres, more or less, to First Columbia International Group, LLC for a residential condominium project:

WHEREAS, the Town of New Windsor obtained title to two hundred sixty (260) acres at the former Stewart Army Subpost by deed from the United States of America dated November 30, 1999; and

WHEREAS, the Town of New Windsor executed a lease for two hundred twenty (220) acres of the former Stewart Army Subpost to First Columbia, LLC by 99-year lease agreement dated November 23, 1999; and

WHEREAS, First Columbia has requested that fifty (50) acres, more or less, be released from the 99-year lease and deeded outright to First Columbia, LLC for residential condominium purposes at the site which is consistent with the master plan, said site being more specifically identified as a portion of Section 3, Block 1, Lot 50.31; and

WHEREAS, the Town of New Windsor has engaged Valuation Consultants to establish the fair market value of the property to be released and the appraisal supports the consideration to be received by the Town; and

WHEREAS, such fifty (50) acres more or less will be released from the November 23, 1999 land lease and the annual ground rent for the two hundred twenty (220) acres under such lease shall be adjusted proportionately; and

WHEREAS, First Columbia has contracted with a nationally known developer of residential condominiums for the transfer of First Columbia’s interest in the site; and

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WHEREAS, the Town of New Windsor Planning Board, during 2002 and 2003, performed a complete review of the proposed development plan and required that an Environmental Impact Statement be prepared to evaluate potential impacts of the overall development, coordinated its review with all involved agencies and also received comments from the public, approved a Final Environmental Impact Statement and subsequently adopted a Findings Statement dated August 27, 2003; and

WHEREAS, the Town shall be paid one-third of the sale price paid by a third party developer, net of broker commission and transfer tax, if any, with municipal fees to be paid by the developer above and beyond the sale price, payment in full to be made at closing; and

WHEREAS, First Columbia will also agree to infuse a one-third of the sale price, net of broker commission and transfer tax, from its closing proceeds with the third party developer into the remaining leasehold in the form of infrastructure improvements, building demolition, or marketing; and

NOW, THEREFORE, the impacts of the condominium development contemplated in connection with the lands proposed for sale to First Columbia International Group, LLC have already been considered as part of the SEORA review, and the Town Board hereby determines that the sale of the land will not change the scope of the overall development and its potential impacts in accord with the required environmental review; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor authorize the Town Supervisor to enter into a contract for the sale of fifty (50) acres, more or less, by deed to First Columbia International Group, LLC, from Town-owned land at the former Stewart Army Subpost, identified as a portion of Section 3, Block 1, Lot 50.31 for the purpose of a residential condominium project to be developed by a nationally known developer, for the consideration of one-third of the sale price, which sale price shall be based on the number of approved units multiplied by \$58,000 per unit, closing to take place on or about October 31, 2005, which may be reasonably extended if necessary.

BE IT FURTHER RESOLVED that this resolution is subject to permissive referendum, which shall be advertised by the Town Clerk according to law.

Roll Call: All Ayes

Motion Carried: 5-0

#20 On Agenda: Motion – Authorize Adoption of Town Of New Windsor Computer, E-Mail And Internet Acceptable Use Policy

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the adoption of a Computer, E-Mail and Internet Acceptable Use Policy pertaining to Town Employees.

Roll Call: All Ayes

Motion Carried: 5-0

#21 On Agenda: Motion – Appoint Court Officer William A. Sharp

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor approve the reappointment of William A. Sharp as Court Officer in the Town of New Windsor effective April 6, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

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#22 On Agenda: Motion – Appoint To Position Of Full Time Clerk - Patricia A. Demshick

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor approve the appointment of Patricia A. Demshick to the fulltime position of Clerk in the Town of New Windsor effective April 11, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

#23 On Agenda: Motion – Appoint To New Windsor Zoning Board Of Appeals As Alternate Member - Howard A. Brown

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor appoint Howard A. Brown, 120 Glendale Drive, New Windsor, New York, to serve as an Alternate Member of the New Windsor Zoning Board of Appeals. Term to begin immediately and expire December 31, 2009.

Roll Call: All Ayes

Motion Carried: 5-0

#24 On Agenda: Officials Reports

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

Police Department	Month of February 2005
Fire Prevention	Month of March 2005
Justice Suttlehan	Month of March 2005
Justice Thorpe	Month of March 2005
Town Clerk	Month of March 2005

#25 On Agenda: Public Forum

Supervisor Meyers opened the public forum portion of the meeting by asking if anyone had any comments they would like to make.

“Good morning, Diane Newlander from New Windsor, first I would like to thank Rose Donegan and all the other dedicated citizens who worked so hard and got so many names on petitions in such a short time and in such inclement weather and secondly, I would like to say that in my mind, this petition was not against the sports complex, this petition was really about democracy and about people having the right to have a say in their government. I think that the citizens spoke very clearly, made a clear statement by getting out there, getting all these signatures. We’re tired of closed government, closed doors, meetings held at times that makes it almost impossible for so many people to attend and what we are saying is that we want our representatives to hear us and to respect our wishes. Thank you.”

“I’m Jerry Ebert from the Sentinel and I have several questions. The first one has to do with the New Windsor Little League. We are getting all kinds of phone calls that there were meetings last week, that you and others have been trying to get New Windsor Little League not to name the Sentinel as the official newspaper etc, whether that’s true or not true. That’s the first question.”

“Second question, sir, is that at the last board meeting you told the public that approximately six hundred fifty signatures would be required for the Mt. Airy Sports Complex. You corrected it today, ... since learned it’s a little over three hundred signatures that were required. How was that kind of mistake made?”

“The third question, sir, a few weeks ago at the Planning Board it was introduced ...the Planning Board was asked to give approval of a change of zoning for hotel construction in New Windsor. My question is, was that ever discussed with the Town Board before that request was made?”

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"The final questions, sir, is as you know we have been digging a little bit into the financial disclosure statements. I am just wondering, you have a deadline next week with the Orange County Board of Elections to explain quite a few thousand dollars worth of unexplained credit card expenses. I am just wondering how that will go, whether you'll be able to answer all those questions next week? Thanks."

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

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan 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, "Is there anybody here from Nee or Faye? Nee Avenue, Faye Avenue? No. That was a letter that was put into people's mailboxes, I was over there the other day."

"Just to address Diane, you're right. That's why we have permissive referendums so that's why it was put to the public and they exercised their right to do that, that's okay. So we'll have the vote, and I'm with you, if it goes through, fine; if it doesn't go through, we tried it, it's that simple. But I think that's why it's open to the public, everybody gets a chance if they want to vote for it or not. We'll see, we'll have the vote and if it goes through, good, and if it doesn't go through, then it doesn't go through. It's interesting to me that the school district does fifty million dollar bonds, one hundred fifty million dollar bond coming up and no one gets interested in that. Our tax rate per thousand's about eleven or twelve dollars, when the school district is about a hundred dollars. For every thousand dollars that your house is assessed you pay one hundred dollars in taxes, for ours its eleven dollars. So I think ...I'm happy that people are interested, but I think they need to get interested in that school a little bit too because that's where the real money is. All of your tax money, we get about 15% in town, about 70% of it goes to the school district and it doesn't seem to be much interest in all that money and there's a fifty million dollar Newburgh just went through, and there's another one hundred fifty million coming next year and the local paper is very quick to endorse the fifty million and were very quick to jump on the seven million. But that's an issue for another day."

"Okay Jerry Ebert's questions-New Windsor Little League, there was some talk that the town wanted to take over the Little League. There's absolutely no way that we are interested in taking over the Little League. We don't have the personnel to handle it, we think that they have done a great job over the years, we do help them out from time to time with some baseballs, I think we give \$1,000 a year for baseballs. We are going to help them with some fields-getting the fields ready. But we don't want to take it over, there's no way that we want to take it over. There were some problems, some internal problems that they had and I did meet with both sides Friday night about eight o'clock to try and resolve some of their issues, I think I did and hopefully they will be able to run it and as far as their selection of a paper, I don't care who they select, I mean that's not an issue of mine and my issue was, my main issue is that the Town not take over the Little League. That we didn't want them to walk away, it was very close to them walking away and of course if they walked away, we would be the only ones that would have to step into the fray. There's three hundred, I think three hundred and seventy five kids they have in the program, so there's lots of people in that program that would be looking for someone to run a program, we don't want to run it. We have a big enough program on our own and we have very few employees doing this, fulltime employees."

"As far as the Planning Board issue with... they... someone made a request that there be some bulk table change for hotels and for dog pounds. The dog pound request came from the City of Newburgh, they would like to do something on 207 where they have the other shelter canine building, and Joe Bonura wanted to put a hotel on his

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property down on 9W, so the method of that is it goes to the Planning Board first, there's a memo from Mark Edsall to the Planning Board looking for a recommendation. They send the recommendation back to the Town Board. On both of those things the Planning Board sent a positive recommendation. The Town Board talked about it Monday at the workshop and there's no decision on it yet, because there's no paperwork yet. There's been a verbal request but before any action can be taken, he has to put it all in writing, there's fees that have to be paid and there's an issue with him with a zoning line that is going to be a major issue, but what he is looking to do and the Town Board has not approved it, the Town Board hasn't seen it because he hasn't put it in, but what I think he wants to do is put a hotel on his property down at Pier 9 and he wants to have a walkway where people can go at an event and walk through to the hotel, spend the night and then leave. That's his proposal, but that's only verbal. So that's the method, it goes from the engineer to the Planning Board for a recommendation, back to the Town Board. Town Board talked about it Monday and Bonura has never been in and someone took it upon themselves to tell the people on Nee and Faye Avenue which is right over, abuts the back of that, that the hotel was going on Nee. So I was over there yesterday walking around, talking to the residents, it's not going on Nee. The misinformation that people get out of some people from just talking and other people from reading a local newspaper that the information is not correct. So somebody took it upon themselves to decide that there was a hotel going on Nee and there's no hotel going on Nee."

"Your questions on the Board of Elections is not germane to town business, I think you should know that. You're the complainant so I'm sure you'll be notified about that, I think it's just not something that discussed here, but this will come out, when it comes out that'll be the end of it."

#26 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 10:25 a. m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc