

TOWN BOARD MEETING
 WEDNESDAY, DECEMBER 7, 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, Highway Superintendent Kroll

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 Public Hearings regarding the Preliminary Town Budget for 2006, Drainage District No. 9 regarding Briarwood Subdivision and Drainage District No. 10 regarding Highview Estates, and of the Regular Town Board Meeting held on November 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

HIGHWAY DEPARTMENT

2 On Agenda: Receive And File Irrevocable Offer Of Dedication - Hudson Valley Avenue

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication dated November 8, 2005 from First Columbia International Group LLC relating to Hudson Valley Avenue.

3 On Agenda: Receive And File Irrevocable Of Dedication - Melissa Lane And Hill Road - Toleman Estates

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication dated November 14th, 1997 of Melissa Lane and Hill Road (formerly Hunter Road) of Toleman Estates.

4 On Agenda: Motion - Dedication Of Roads As Public Highways - Melissa Lane And Hill Road - Toleman Estates

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor accept the roads known as Melissa Lane and Hill Road (f/k/a Hunter Road) in the Town of New Windsor as public highways and in regard to such dedication:

- (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 Highland Operating, Ltd., to the Town of New Windsor. which deed shall be without liens and taxes paid, accepted by the Town Board, and returned to the Attorney's Office for recording in the Orange County Clerk's Office, which deed provides for the conveyance of lands relative to the municipal highways known as Melissa Lane and Hill Road; and
- (4) Accept Drainage Easements from Highland Operating, Ltd.; and
- (5) Accept a Certificate and Report of Title dated July 2, 1997 as to be amended from Hill-N-Dale Abstractors Corp. #HN23 142 in the sum of \$5,000.00 naming the Town of New Windsor as party insured, and the related Title Policy; and

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- (6) Accept a Maintenance Bond which amount represents 10% of the original Performance Bond as recommended by the Town Engineer; and
- (7) 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
- (8) The Engineer for the Town and Chief Information Technology Officer are directed to add the highways and easements to the Official Town Map; and
- (9) This resolution is subject to a closing to be held at the office of the Attorney for the Town at which time a Title Insurance Policy shall be tendered and the instruments taken for recording in the Orange County Clerk's Office; and
- (10) Subject to complete as-builts furnished before closing to the Engineer for the Town.

Roll Call: All Ayes

Motion Carried: 5-0

**# 5 On Agenda: Motion - Dedication Of Roads As Public Highways -
Rolling Ridge, Verde Vista And Forest Glen, Phase 2
Portion - Forest Glen Subdivision**

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor accept the roads known as Rolling Ridge, Verde Vista and a portion of Forest Glen in the Town of New Windsor as public highways and in regard to such dedication:

- (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 Applied Building Development of New York, and others, to the Town of New Windsor. which deed shall be without liens and taxes paid, accepted by the Town Board, and returned to the Attorney's Office for recording in the Orange County Clerk's Office, which deed provides for the conveyance of lands relative to the municipal highways known as Rolling Ridge, Verde Vista and a portion of Forest Glen; and
- (4) Accept an Easement from Applied Building Development of New York, Inc., and others, dated September 22, 2005 covering sewer easements, drainage easements, and a water quality basin easement (drainage district #1).
- (5) Accept a Certificate and Report of Title dated September 20, 2005 as amended from CTI ABSTRACT CORP. #205 1442 in the sum of \$35,000 naming the Town of New Windsor as party insured, and the related Title Policy; and
- (6) Accept a Maintenance Bond which amount represents 10% of the original Performance Bond as recommended by the Town Engineer; and
- (7) 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
- (8) The Engineer for the Town and Chief Information Technology Officer are directed to add the highways and easements to the Official Town Map; and
- (9) This resolution is subject to a closing to be held at the office of the Attorney for the Town at which time a Title Insurance Policy shall be tendered and the instruments taken for recording in the Orange County Clerk's Office.
- (10) Subject to complete as-builts to be furnished at closing.

Roll Call: All Ayes

Motion Carried: 5-0

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WATER DEPARTMENT

SANITATION DEPARTMENT

6 On Agenda: **Receive And File Petition To Establish Sewer District No. 16, Extension #2**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Petition dated October 7, 2005 for establishing Sewer District 16, Extension #2 together with an engineering report dated January 2005 (revised October 2005), regarding Meadowbrook Estates, and forward the Petition to the Attorney for the Town for further proceedings including forwarding such to bond counsel for the purpose of calling the public hearing according to law.

7 On Agenda: **Receive And File Petition To Establish Sewer District No. 23, Extension #1**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Petition dated March 31, 2005 for establishing Sewer District 23, Extension #1 together with an engineering report dated February 23, 2005, regarding Rackowiecki Major Subdivision a/k/a Highview Estates, and forward the Petition to the Attorney for the Town for further proceedings including forwarding such to bond counsel for the purpose of calling the public hearing according to law.

GENERAL

8 On Agenda: **Receive And File Executed Agreement - Town Of New Windsor And Richard Kroll - New Windsor Landfill Wildlife Control**

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Agreement between the Town of New Windsor and Richard Krol, 28 Travis Lane, Newburgh, New York, to provide nuisance wildlife control at the New Windsor Landfill. Cost not to exceed \$1,300.00. Agreement is effective immediately and expires on December 31, 2006.

9 On Agenda: **Receive And File Executed Agreement Between Town Of New Windsor And Newburgh SPCA**

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Agreement between the Town of New Windsor and the Newburgh SPCA for the boarding of dogs. Said Agreement shall be on a month-to-month basis and shall terminate on December 31, 2006.

#10 On Agenda: **Receive And File Notice Of Claim - Fred Locklary Jr. vs. New Windsor Police Department/Town Of New Windsor**

Hearing no objections, the Town Board of the Town of New Windsor receive and file a Notice of Claim in the matter of Fred Locklary against the New Windsor Police Department/Town of New Windsor, same being referred to the Attorney for the Town.

#11 On Agenda: **Receive And File Request for Proposals - 2006 Municipal Ambulance Service**

Hearing no objection, the Town Board of the Town of New Windsor receive and file responses to a Request For Proposal for 2006 Municipal Ambulance Service from Mobile Life Support Services, Inc. and Regional EMS.

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#12 On Agenda: Motion - Authorize Supervisor To Execute Federal Section 5307 Operating Assistance Agreement For The Dial-A-Bus Program

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Third Party Agreement for Federal Section 5307 Operating Assistance between the Towns of New Windsor and Cornwall and the County of Orange regarding the Dial-A-Bus Program.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion - Appoint Police Officers – Matthew G. Frankl, Alonzo F. Montanya And Dustin C. Brundage

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor appoint Matthew G. Frankl, Alonzo F. Montanya and Dustin C. Brundage as Police Officers in the Town of New Windsor Police Department effective December 22, 2005.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Motion - Approving And Recommending Making Application For Redesignation Of Certain Areas As An Empire Zone

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

Whereas, the Town Board has previously authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board as the Newburgh - Stewart Empire Zone; and

Whereas, pursuant to Sections 961 and 957(d) of the General Municipal Law as amended, the Town of New Windsor intends to prepare and submit an application for redesignation to the New York State Commissioner of Economic Development for ultimate approval by the Empire Zones Designation Board; and

Whereas, such designation could greatly benefit the economic development in that new businesses would be encouraged to locate in the zone area, existing businesses would generate new jobs for Zone residents; and

Whereas, the Zone Administration Board has considered areas to be included in the redesignation as per guidance provided by Empire State Development and according to local economic development priorities.

Now Therefore, Be It Resolved that the Town Board of the Town of New Windsor regarding the Newburgh - Stewart Empire Zone, hereby approves the lands identified in Attachments A, B and C, as may be applicable, to be redesignated as “distinct and contiguous” areas and

Be It Further Resolved that the Town Board recommends the identified lands be included for redesignation of the Newburgh - Stewart Empire Investment Zone.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda: Motion - Authorizing Payment To Settle Orange County Landfill Litigation

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

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Whereas, the Town of New Windsor has been subject to the threat of major litigation by the Attorney General of the State of New York for its participation in the Orange County Landfill over years past; and

Whereas, special counsel for the Town of New Windsor has prepared and submitted a proposal for settlement which calls for a Town of New Windsor contribution of \$68,568.84; and

Whereas, counsel has further stated the allocation is fair and equitable and requires each municipality to contribute on a fair, consistent basis; Settlement will ultimately save the Town (and all of the participating Orange County municipalities) hundreds of thousands of dollars in transaction costs, and avoid any uncertain outcome after long, arduous, distracting litigation — which will happen if there is no settlement and cost recovery litigation is commenced.

Now, Therefore Be It Resolved, that the Town Board of the Town of New Windsor authorize the Town Supervisor to approve payment in the amount of \$68,568.84 as the Town's contribution to settle the Orange County Landfill case, and authorize the Supervisor and Attorney for the Town to sign appropriate settlement documents, at such time as the matter is fully settled.

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda: Motion - Providing Post Retirement Medical Benefits For Elected Town Officials

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

Whereas, the Town Board of the Town of New Windsor is mindful of the dedicated service on the part of the elected officials of the Town; and

Whereas, the Town Board has considered the economic cost and benefit to the Town of New Windsor of attracting and retaining highly qualified elected officials by providing post-retirement medical benefits to elected officials.

Now, Therefore Be It Resolved that the Town of New Windsor pursuant to General Municipal Law Section 92-a, shall provide post-retirement medical benefits, family or individual as the case may be, or the annual Town buyout benefit, for the lifetime of the eligible elected official or his or her spouse and disabled dependents all at their option and at no cost, upon request at any time after eligibility; and

Be It Further Resolved that an eligible official shall be defined as one who has accomplished five full years of elected service; and

Be It Further Resolved that such benefits will not commence until the elected official shall have reached his or her 55th birthday, and notification of such has been received by the Town from the eligible official.

Roll Call: All Ayes

Motion Carried: 5-0

#17 On Agenda: Motion - Providing Post Retirement Medical Benefits For Department Heads

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

Whereas, the Town Board of the Town of New Windsor is mindful of the dedicated service on the parts of the Town Department Heads; and

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Whereas, the Town Board has considered the economic cost and benefit to the Town of New Windsor of attracting and retaining highly qualified management personnel by providing post-retirement medical benefits to such officials.

Now, Therefore Be It Resolved that the Town of New Windsor pursuant to General Municipal Law Section 92-a, shall provide post-retirement medical benefits, family or individual as the case may be, or the annual Town buyout benefit, for the lifetime of the eligible Department Heads or his or her spouse and disabled dependents all at their option and at no cost, upon request at any time after eligibility; and

Be It Further Resolved that an eligible official shall be defined as one who has both accomplished twenty full years of full- time Town service and reached the age of forty-five years; and

Be It Further Resolved that such benefits will not commence until the eligible official shall have reached his or her 55th birthday, and further that notification of such has been received by the Town from the eligible official.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda: Officials Reports

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

Fire Prevention	Month of October 2005
Police Department	Month of October 2005
Receiver of Taxes (water, sewer, garbage)	Month of October 2005
Building Department	Month of November 2005
Fire Prevention	Month of November 2005
Receiver of Taxes (water, sewer, garbage)	Month of November 2005
Recreation Department	Month of November 2005
Town Clerk	Month of November 2005

#19 On Agenda: Public Forum

Supervisor Meyers, "Okay, that closes that portion of the meeting, before I open it up to the public, before I do that, I ask any of the board members if they have any comments they would like to make. Okay, anyone in the public want to speak to anything?"

Regina Grieco, New Windsor, "Thank you Henry Kroll for excellent work as highway superintendent. Thank you Mr. Supervisor for your twelve years of dedicated service to the people of the Town of New Windsor."

Jerry Ebert of the Sentinel, "A couple of questions, sir. Could you be more specific on the zoning revision for hotels and motels, exactly what sections of the Town does that apply to? That's the first question, the second question has to do with the motion on the post-retirement medical benefits. Sir, do you have any estimate on how much that will cost per department or elected official?"

Supervisor Meyers, "Phil, do you want to speak to the first part of that?"

Phil Crotty, "Wherever the Neighborhood Commercial zone exists in the Town, I don't have a zoning map in here, but if you stop in my office later, I'll show you."

Supervisor Meyers, "Is that pretty much one area in the town, I mean everything else is..."

Phil Crotty, "No, there are a couple of Neighborhood Commercial zones."

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Supervisor Meyers, "No, but I'm talking about ...which would actually have effect?"

Phil Crotty, "Well, there are very few places where they can put together one hundred thousand square feet, that's over two acres and in the Neighborhood Commercial zone they are mostly smaller lots."

Supervisor Meyers, "The second question is that the single is about \$500 per month and the family is about \$1100 per month, it would depend on how long they live and if they need to reach certain requirements to get there, so the cost per month I can give you - \$1,150 per month for the family and \$550 for a single, but as far as how much the overall cost would be depends on the person's age, if they take the buyout, if they live to collect, if they get another job, so it's kind of hard to come up with a total amount, but that's the monthly amount if they should elect into it. Anybody else?"

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

#20 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 10:27 a. m.

Roll Call: All Ayes

Motion Carried: 5-0

Councilman Finnegan, "One last item Mr. Supervisor and I know you don't like these things and it's against your protocol, but the New Windsor Town Board is again going against your wishes and the New Windsor Town Board would like to express its appreciation, I've been here for twelve years, I've served the Board for twelve years, you've been an outstanding supervisor for those twelve years. He has a motto and I think he has always followed it - he's always tried to do the right thing - and I firmly believe that and I want to personally express my appreciation as well as the Town Board's in giving you this token of our appreciation and it says 'Presented To George Meyers In Appreciation Of Twelve Years Of Dedicated Service, The Credit Belongs To The Man Who Is Actually In The Arena. That's Certainly You, From The New Windsor Town Board.'"

Supervisor Meyers, "Thank you Jack. When I was in the State Police I didn't save much stuff but, I have to say thank you from here, but I will promise you I will retain this, this will be the only thing. You'll never see me again in Town Hall and I'll never have to deal with some people that I have absolutely no use for, but I appreciate your help and your guidance and your support through all the years that you have been with me. It's impossible to do anything without you guys and people find it out, we just had some issues, you need other people to vote, go along with it, so I appreciate everything that the board has done, the other elected officials. I am very, very happy to be getting out of here, happy to be getting out and staying on my feet and not being carried out. I think I'm leaving it a better place than I found it and I would hope that whoever comes in does the same thing, you need to leave something better than you found it. I have absolutely no regrets and thanks a lot, Jack."

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc