

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 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 Lieutenant Farbent, Highway Superintendent Fayó

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

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing regarding Community Development Block Grant FY-2011 and the minutes of the Town Board meeting, both held on May 5, 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: Receive and File Executed Agreement - NYSDOT – Purchase of Chipper

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Legislative Initiative Project Agreement with New York State Department of Transportation in the amount of \$75,000 for the purchase of a new chipper for the Highway Department.

#3 On Agenda: Receive And File Bids for Surplus Town Vehicles

Hearing no objection, the Town Board of the Town of New Windsor receive and file bids received and publicly opened on May 25, 2010 for surplus town vehicles.

#4 On Agenda: Motion – Award Bids – Surplus Town Vehicles

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award Liberty Motors, 1705 Kennedy Blvd., Jersey City, New Jersey 07305 bids for the following surplus town vehicles: one (1) 1999 GMC One-ton truck, one (1) 1988 Ford Refuse Truck, and two (2) 1989 International dump trucks totaling \$6,069.96; and award Ivy Rock Farms, 46 Meadowbrook Lane, New Windsor, New York the bid for one (1) 1994 Ford Van in the amount of \$577.00; per the bids received and publicly opened on May 25, 2010.

Payment shall be made by cash, certified check or bank check, made payable to the "Town of New Windsor."

Roll Call: All Ayes

Motion Carried: 5-0

5 On Agenda: Receive and File Bids – Highway Vehicles

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk bids received and publicly opened on May 6, 2010 for the following:

- 2011 Single Axle Truck Chassis
- 2011 Tandem Axle Truck Chassis
- 2011 Dump Body, Material Spreader and Plow - Single Axle Truck
- 2011 Dump Body, Material Spreader and Plow - Tandem Axle Truck

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 2010; 7:00 P.M.

6 On Agenda: Motion – Award Bid - 2011 Single Axle Truck Chassis

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

WHEREAS, on April 15, 2010 the Town Clerk of the Town of New Windsor advertised for bids for a 2011 single axle truck chassis; and

WHEREAS, two base bids were received and opened by the Town Clerk on May 6, 2010 according to law; and

WHEREAS, both bids have been reviewed by the Town Engineer and the Highway Superintendent of the Town of New Windsor; and

WHEREAS, the low bid from Mid-Hudson Mack has been determined by the Town Engineer to contain material deviations from the bid specifications as required per the advertised bids of April 15, 2010; and

WHEREAS, the Town Engineer has provided correspondence dated May 13, 2010 specifically itemizing the material deviations from the bid requirements, including, but not limited to, an SCR emission system; a substandard fuel tank; the lack of spare tire and other deviations;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor finds that Mid-Hudson Mack is not the lowest responsible bidder as required under General Municipal Law Section 103; and

BE IT FURTHER RESOLVED, that the second lowest bid submitted by Arkel Motors, Inc., is the lowest responsible bid as defined under General Municipal Law Section 103; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor hereby awards the bid for a 2011 single axle truck chassis to Arkel Motors in the amount of \$101,319.00 and authorizes the Supervisor to execute any necessary documents to award said bid.

Roll Call: All Ayes

Motion Carried: 5-0

7 On Agenda: Motion - Award Bid – 2011 Dump Body, Material Spreader And Plow – Single Axle Truck

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

WHEREAS, on April 15, 2010 the Town Clerk of the Town of New Windsor advertised for bids for a 2011 Dump Body, Material Spreader and Plow for a single axle truck; and

WHEREAS, all base bids were received and opened by the Town Clerk on May 6, 2010 according to law; and

WHEREAS, only one bid was received; and

WHEREAS, the bid has been reviewed by the Town Engineer and the Highway Superintendent and determined to be acceptable;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby awards the bid for a 2011 Dump Body, Material Spreader & Plow for a single axle truck to Amthor Welding, Inc., in the amount of \$61,439.00.

Roll Call: All Ayes

Motion Carried: 5-0

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 2010; 7:00 P.M.

8 On Agenda: Motion – Award Bid - 2011 Dump Body, Material Spreader And Plow – Tandem Axle Truck

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

WHEREAS, on April 15, 2010 the Town Clerk of the Town of New Windsor advertised for bids for a 2011 Dump Body, Material Spreader and Plow for a tandem axle truck; and

WHEREAS, all base bids were received and opened by the Town Clerk on May 6, 2010 according to law; and

WHEREAS, only one bid was received; and

WHEREAS, the bid has been reviewed by the Town Engineer and the Highway Superintendent and determined to be acceptable;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby awards the bid for a 2011 Dump Body, Material Spreader & Plow for a tandem axle truck to Amthor Welding, Inc., in the amount of \$68,043.00.

Roll Call: All Ayes

Motion Carried: 5-0

9 On Agenda: Motion – Award Bid - 2011 Tandem Axle Truck Chassis

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

WHEREAS, on April 15, 2010 the Town Clerk of the Town of New Windsor advertised for bids for a 2011 tandem axle truck chassis; and

WHEREAS, two base bids were received and opened by the Town Clerk on May 6, 2010 according to law; and

WHEREAS, both bids have been reviewed by the Town Engineer and the Highway Superintendent of the Town of New Windsor; and

WHEREAS, the low bid from Mid-Hudson Mack has been determined by the Town Engineer to contain material deviations from the bid specifications as required per the advertised bids of April 15, 2010; and

WHEREAS, the Town Engineer has provided correspondence dated May 13, 2010 specifically itemizing the material deviations from the bid requirements, including, but not limited to, an SCR emission system; a substandard fuel tank; the lack of spare tire; 405 horsepower engine where 410 horsepower was minimum and other deviations;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor finds that Mid-Hudson Mack is not the lowest responsible bidder as required under General Municipal Law Section 103; and

BE IT FURTHER RESOLVED, that the second lowest bid submitted by Arkel Motors, Inc., is the lowest responsible bid as defined under General Municipal Law Section 103; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor hereby awards the bid for a 2011 tandem axle truck chassis to Arkel Motors in the amount of \$112,266.00 and authorizes the Supervisor to execute any necessary documents to award said bid.

Roll Call: All Ayes

Motion Carried: 5-0

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 2010; 7:00 P.M.

WATER DEPARTMENT

#10 On Agenda: **Receive And File Bids – Water Treatment Plant Stair Replacement Project**

Hearing no objection, the Town Board of the Town of New Windsor receive and file the bids received and publicly opened on May 25, 2010 for the Stair Replacement Project at the water treatment plant.

#11 On Agenda: **Motion – Award Bid – Stair Replacement Project**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor award the bid for the Stair Replacement Project at the water treatment plant in the amount of \$25,950.00 to Yankee Construction Company of New York, Inc., P.O. Box 268, Mountainville, New York 10953; per the bids received and publicly opened on May 25, 2010.

Roll Call: All Ayes

Motion Carried: 5-0

SANITATION DEPARTMENT

GENERAL

#12 On Agenda: **Motion – Authorize Calling For A Public Hearing – Street Improvement District – Oak Hill Drive and Deer Hill Road**

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

WHEREAS, the residents of Oak Hill Drive and Deer Hill Road have expressed their desire to create a street improvement district comprised of the existing private roads: Oak Hill Drive and Deer Hill Road, abutting Bull Road in the Town of New Windsor; and,

WHEREAS, on May 5, 2010 the Town Board of the Town of New Windsor received and filed a notarized petition from the residents of Oak Hill Drive and Deer Hill Road requesting the creation of this district in preparation for bond financing of road improvements to bring the construction of said roads to the point of rural road specifications for dedication of said roads to the Town of New Windsor; and,

WHEREAS, said petition estimated the cost for the creation of this district to be \$229,000.00;

NOW THEREFORE, the Town Board of the Town of New Windsor hereby adopts an Order Calling Public Hearing to be held on July 7, 2010, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to hear all persons regarding the creation of a street improvement district comprised of the existing private roads: Oak Hill Drive and Deer Hill Road in the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: **Motion – Authorize Execution of Inter-Municipal Agreement With City of Port Jervis**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-municipal Agreement between Town of New Windsor and City of Port Jervis for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the City of Port Jervis in the establishment, configuration, maintenance and oversight of the City of Port Jervis's computers.

Roll Call: All Ayes

Motion Carried: 5-0

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 2010; 7:00 P.M.

**#14 On Agenda: Motion – Authorize Execution Of Engineering Agreement –
STAS Pump Station – Sewer District #20**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Engineering Agreement with McGoey, Hauser & Edsall, Consulting Engineers, P.C., for a design study to determine a cost estimate to proceed to bid for the rehabilitation of STAS pump station, pump lifting and handling (Sewer District #20) and adjacent buildings.

Roll Call: All Ayes

Motion Carried: 5-0

**#15 On Agenda: Motion – Establish Standard Work Day For Elected/
Appointed Officials**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor hereby establishes the attached schedule as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda: Receive And File Annual Financial Report – FY December 2009

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 from Nugent & Haeussler, P.C., Certified Public Accountants, for fiscal year ended December 31, 2009.

**#17 On Agenda: Receive And File Irrevocable Offer of Dedication –
Trotter Lane**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated January 28, 2010 from Rolling Acres Fox Meadow, LLC to Town of New Windsor for Trotter Lane in the Fox Meadow Estates Subdivision, which was recorded in the Orange County Clerk's office on the 22nd day of March, 2010 in File #20100027071.

**#18 On Agenda: Receive And File Irrevocable Offer Of Dedication –
Fox Meadow Estates - Drainage Parcel A**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated January 28, 2010 from Rolling Acres Fox Meadow, LLC to Town of New Windsor for a drainage lot known as Parcel A in the Fox Meadow Estates Subdivision, which was recorded in the Orange County Clerk's office on the 22nd day of March, 2010 in File #20100027070.

**#19 On Agenda: Receive And File Irrevocable Offer Of Dedication –
Fox Meadow Estates – Drainage Easement**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated January 28, 2010 from Rolling Acres Fox Meadow, LLC to Town of New Windsor for a drainage easement within lot #18 in the Fox Meadow Estates Subdivision, which was recorded in the Orange County Clerk's office on the 22nd day of March, 2010 in File #20100027069.

**#20 On Agenda: Receive And File Irrevocable Offer Of Dedication –
Fox Meadow Estates – Drainage Easement**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated January 28, 2010 from Rolling Acres Fox Meadow, LLC to Town of New Windsor for a drainage easement within lots no. 3 & 8 in the Fox Meadow Estates Subdivision, which was recorded in the Orange County Clerk's office on the 22nd day of March, 2010 in File #20100027068.

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 2010; 7:00 P.M.

#21 On Agenda: Motion – Authorize Advertising For Bids – Spruce Street Drainage Improvements – CDBG 2010 Project

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor hereby authorize the Supervisor and direct the Town Clerk to advertise for bids for the project commonly known as the Spruce Pine Drainage Improvements Project. Dates to be determined by the Supervisor.

Roll Call: All Ayes

Motion Carried: 5-0

#22 On Agenda: Officials Reports

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

Fire Prevention	Month of May 2010
Justice Court – Noreen Calderin	Month of May 2010
Justice Court – Richard W. Thorpe	Month of May 2010
Police Department	Month of May 2010
Recreation Department	Month of May 2010
Town Clerk	Month of May 2010

#23 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments. He then asked if anyone else had any comments or questions.

Kathy Braun thanked the Supervisor for calling Central Hudson and getting the street lights on Burroughs Lane repaired.

Fran Maxwell read a letter requesting the creation of a comprehensive plan on siting of cell towers. She also requested that the town hire an engineer to see where radio coverage needs are and suggest places where a tower might be located. She also handed in additional petitions opposing the application to construct cell towers in certain locations.

Supervisor Green said that they do not have the planning authority to consider RF emissions as part of the review process.

Fran Shapiro asks that the Town Board take their time in allowing cell towers to be erected.

A resident of Forest Glen questioned the need for more cell phone providers and said he would like to Town Board to look into the need to raise an existing cell tower another twelve feet

Supervisor Green said that the Town Board does not review the Planning Board process. He said that by virtue of the fact that the FCC has issued a license, they have made a determination for need.

Tony D'Angelo asked who was responsible for the railroad tracks on Union Avenue because they are getting worse. Supervisor said that they are CSX tracks and even though Union Avenue is a county road, the county can't do anything to improve the rail bed. The Town is trying to get the railroad to abandon all their crossings as they are not being used. Mr. D'Angelo also asked if anything can be done about Hudson Drive being used as a speedway. He said the Police Department has been there on many occasions but the kids just move into the woods until they leave, then continue racing in the road.

Jerry Fioriti from Oak Hill Estates asked what the next step was in the process of creating the improvement district. Supervisor said he can't say as he doesn't know if it will be approved at the public hearing next month and he is also having Dick McGoey take a look at the money figures again as it is a lot of money to be divided up between the eighteen or so homes on those roads.

Miranda Koss asked if the town was going to obtain a long form environmental impact study for the cell tower and was told no by the Supervisor. Supervisor Green said that when the FCC issues a license to a cellular carrier, they have made a determination of need, it is not up to the Planning Board or the Town Board.

TOWN BOARD MEETING
WEDNESDAY, JUNE 2, 2010; 7:00 P.M.

Rose Jurik asked when something is going to be done about the cell towers. Supervisor Green told her the argument belongs at the federal level, not at the state, and not at the local level. He said you should speak to your congressional representatives or go talk to your federal senator.

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

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum.

Roll Call: All Ayes

Motion Carried: 5-0

#24 On Agenda: Adjourn

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:10 p.m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc