

**TOWN BOARD MEETING**  
**THURSDAY, FEBRUARY 3, 2011; 3:00 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, Deputy Police Chief Hovey, Town Attorney Blythe

**SALUTE TO FLAG**

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

**#1 On Agenda: Motion - Minutes**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting held on January 5, 2011, 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**

**WATER DEPARTMENT**

**#2 On Agenda: Receive and File - Fully Executed Agreement With Kiryas Joel - Catskill Water Tap**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Inter-Municipal Agreement between Town of New Windsor and Village of Kiryas Joel, dated January 6, 2011, for a shared tap to the Catskill Aqueduct.

**SANITATION DEPARTMENT**

**GENERAL**

**#3 On Agenda: Motion - Appoint To Zoning Board Of Appeals - Richard Hamel**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor appoint Richard Hamel, 126 Glendale Drive, New Windsor, New York to the Town of New Windsor Zoning Board of Appeals. Term shall begin immediately and expire on December 31, 2015.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#4 On Agenda: Receive And File Resignation Letter - Zoning Board Of Appeals**

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 Zoning Board of Appeals member K. James Dittbrenner, effective January 24, 2011.

**#5 On Agenda: Motion - Appoint To Zoning Board Of Appeals - Henry Scheible**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor appoint Henry Scheible, 677 Little Britain Road, New Windsor, New York to the Town of New Windsor Zoning Board of Appeals to fill the unexpired term of K. James Dittbrenner. Term shall begin immediately and expire December 31, 2014.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#6 On Agenda: Receive And File Results Of Canvass Of Ballots - Annual Election - Vails Gate Fire District**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Certificate of Results of the canvass of ballots cast for Fire Commissioner at the annual election of the Vails Gate Fire District held on December 14, 2010.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

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**#7 On Agenda: Motion - Appoint Receiver Of Taxes - Susan C. Scheible**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor appoint Susan C. Scheible, 26 Park Hill Drive, New Windsor, New York Receiver of Taxes to fill the unexpired term of Maryann Hotaling. Term is to begin immediately.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#8 On Agenda: Receive And File Appoint Deputy Receiver Of Taxes**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, a letter from the Receiver of Taxes appointing Kathleen Lucchesi, 276 Temple Hill Road, Unit 1513, New Windsor, New York as Deputy Receiver of Taxes effective immediately.

A break was taken during the meeting in order for Town Clerk Deborah Green to administer the oath of office to Susan Scheible as Receiver of Taxes for the Town of New Windsor.

**#9 On Agenda: Motion - Authorize Execution Of Central Hudson Gas & Electric Corporation Lighting & Energy Management Solution**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute Central Hudson Gas & Electric Corporation Lighting & Energy Management Solution and all related documents.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#10 On Agenda: Motion - Adopt Resolution To Ratify Filing Lawsuit - Avery Dennison Corporation, et al**

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

**WHEREAS**, contamination from the former Monarch Systems Plant has been detected in the Town's Little Falls Ponds drinking water supply wells, and Avery Dennison Corporation and its subsidiaries are the corporate successors to the owner of the former Monarch Systems plant; and

**WHEREAS**, on December 5, 2007, the Town authorized the Supervisor to retain the services of Special Environmental Counsel, Kimberlea Shaw Rea, to pursue remediation and cost recovery efforts; and

**WHEREAS**, the Town has spent its own funds to ensure adequate investigation of the Little Falls Ponds wells, and after repeated written and verbal requests, Avery refused to remediate the Town's wells and property and refused to pay any amount in settlement of the Town's demands; and

**WHEREAS**, on February 1, 2010, Special Environmental Counsel met with the Town Board at its regularly scheduled work shop session, and the Town Board authorized the filing of a lawsuit if no settlement could be reached; and

**WHEREAS**, on November 8, 2010, the Supervisor approved the filing of a lawsuit against Avery and its subsidiaries, and

**NOW THEREFORE, BE IT RESOLVED**, that the lawsuit filed by Special Environmental Counsel, now pending in the United States District Court under docket number '10 Civ. 08611, is hereby ratified and approved, and

**BE IT FURTHER RESOLVED**, that the Town continue prosecution of this litigation to ensure that Avery remediates the property, and compensates the Town for ongoing losses and damages caused by contamination that remains in Town wells and on Town property.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#11 On Agenda: Receive and File Summary Order - City Of Newburgh V. Drainage District #6, Town Of New Windsor, et al**

Hearing no objection, the Town Board of the Town of New Windsor receive and file United States Court of Appeals for the Second Circuit Summary Order in the matter of City of Newburgh v. Drainage District #6, Town of New Windsor, et al, dismissing the complaint against the Town of New Windsor.

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**#12 On Agenda: Receive and File Receive And File Decision/Order - Suttlehan V. Town Of New Windsor, et al**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Decision/Order in the matter of Donald J. Suttlehan v. Town of New Windsor, et al.

**#13 On Agenda: Receive and File Notice Of Conference - State Of New York Public Employment Relations Board**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Conference - Improper Practice Charge - State of New York Public Employment Relations Board.

**#14 On Agenda: Receive and File Notice Of Claim - Leticia Comerford**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of Leticia Comerford v. Town of New Windsor.

**#15 On Agenda: Receive and File Inter-Municipal Cooperation Agreement - Town Of Newburgh**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Inter-municipal Agreement between Town of New Windsor and Town of Newburgh, dated January 18, 2011 for reciprocal emergency use of fueling facilities.

**#16 On Agenda: Motion - Call Public Hearing - Special Use Permit - Covington Estates**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby calls a Public Hearing to be held on March 2, 2011 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. for a Special Use Permit for a Planned Unit Development located at Route 300 in the Town of New Windsor and commonly referred to as Covington Estates (Planning Board #10-24).

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#17 On Agenda: Motion - Authorize Execution Of Payment-In-Lieu Of Taxes Agreement - Amber Grove Senior Housing Development**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Payment in Lieu of Taxes (PILOT) Agreement and related documents, in accordance with the attached Resolution, among the Town of New Windsor, Amber Grove Housing Development Fund Company, Inc., and Amber Grove Limited Partnership for a senior housing project commonly referred to as Amber Grove.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**#18 On Agenda: Receive and File Petition For Interest Arbitration - Patrolmen's Benevolent Association Of New Windsor, New York, Inc.**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Petition for Interest Arbitration in the matter of Patrolmen's Benevolent Association of New Windsor, New York, Inc., v. Town of New Windsor.

**#19 On Agenda: Receive and File Notice Of Claim - James Trinka And Rose Trinka v. Town of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of James Trinka and Rose Trinka v. Town of New Windsor, et al.

**#20 On Agenda: Officials Reports**

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

Building Department	Month of January 2011
Justice Court - Noreen Calderin	Month of January 2011
Justice court - Richard Thorpe	Month of January 2011
Police Department	Month of January 2011
Recreation Department	Month of January 2011
Tax Receiver Utility Report	Month of January 2011
Tax Receiver Monthly Tax Statement	Month of January 2011
Town Clerk	Month of January 2011

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**#21 On Agenda: Public Forum**

Councilwomen Mullarkey and Weyant, on behalf of the Community Day Committee, presented the Supervisor with a donation check for \$10,000 to help defray some of the cost of the summer concerts and said this was double last year's contribution and they hope to increase this year's amount also. Councilwoman Mullarkey said a lot of people worked very hard to make this possible and the Committee is very grateful for that.

Kathy Braun said that on January 15<sup>th</sup> her streetlight came on and has been working every since and she thanked the supervisor for his help with the lights on Burroughs Lane. Leo Braun asked if the Amber Grove project wasn't in a historical zone and why wasn't the town historian involved with the project. Supervisor Green said that the matter is before the Planning Board now and he isn't sure whether Glen is involved or not, however the site is not a town historical site, but rather a state historical site and all the proper authorities have been contacted.

Barney Bedetti asked if the town is using single stream recycling because he still sorts his recycling. The Supervisor said that is how it is picked up but we are not doing it officially.

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

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey 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*

**#22 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 reorganization meeting at 3:20 P. M.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Respectfully submitted,

**DEBORAH GREEN**  
TOWN CLERK

/clc