

Town Board Meeting Agenda

TOWN OF WALLKILL
August 23, 2018

TOWN BOARD MEETING
TIME: 7:30 PM

Pledge of Allegiance

Moment of Silence:

- Eric Waligrowski – Brother of Rob Waligroski Water Sewer Foreman
 - Rosa Fini – Grandmother of Frank Leva Building Inspector
1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)

 2. CORRESPONDENCE:

 3. RESOLUTIONS:
 1. Resolution Authorizing the Supervisor or his Designee to Award Contracts for NY Rising Infrastructure Project.
 2. Resolution Authorizing Payment for the Oxidation Basin Cleanout at the Town's Wastewater Treatment Plant.
 3. Resolution Approving Change Order for Water Tank Rehab Project & Authorizing Use of Water Fund Balance to Close Out Project.
 4. Resolution Authorizing Supervisor to Enter into Agreement for Snow & Ice Control for the 2018-2019 Winter Season.
 5. Resolution Clarifying the Manner in Which the 2018 Budget was Adopted for Accounting Purposes.
 6. Resolution Setting Time & Place for a Public Hearing Granting a Cable Franchise to Frontier Communications.
 7. Resolution Authorizing the Utilization of BAN Premium Funds Received in 2017 for a BAN Interest Payment in 2018.

 4. COMMITTEE REPORTS
 5. COUNCILMAN'S COMMENTS:
 6. SUPERVISOR'S COMMENTS:
 7. TOWN CLERK'S COMMENTS:
 8. COMMISSIONERS/POLICE CHIEF REPORTS:
 9. PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL)
 10. MOTION TO ADJOURN

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By:
Sec'd by:
Date of Adoption:

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN SUPERVISOR TO AWARD CONTRACTS FOR THE
NEW YORK RISING BACKUP POWER FOR CRITICAL
INFRASTRUCTURE PROJECT**

WHEREAS, bids were solicited by Fellenzer Engineering on behalf of the Town of Wallkill for the New York Rising Grant Project; Backup Power for Critical Infrastructure; and

WHEREAS, other than for professional services, the Town is required under New York State Law to award such a contract to the lowest responsible bidder; and

WHEREAS, proposals and bids for said services were solicited, opened and reviewed on May 15, 2018; and

WHEREAS, the lowest responsible bidder have been identified;

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board hereby authorizes and directs the Town of Wallkill Commissioner of Public Works to accept the following proposal:

Ray S. Pantel, Middletown, NY: \$306,820.00

and it is further

RESOLVED, that the Town Supervisor, or his designee, is hereby authorized to execute all documentation necessary to effectuate the intent of this Resolution, subject to approval of the form and content of such documentation by the Town Attorney and the Town's Consulting Engineers.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING PAYMENT OF CHANGE ORDERS FOR THE CLEANOUT OF THE
OXIDATION BASINS AT THE TOWN'S WASTEWATER TREATMENT PLANT
FROM SEWER FUND BALANCE**

WHEREAS, the Town Board of the Town of Wallkill previously authorized the Commissioner of Public Works ("DPW") to enter into a contract with Sprectraserv, Inc. to perform cleanout services on the oxidation basins at the Town's Waste Water Treatment Plant (the "Basins") within the Town; and

WHEREAS, by Resolution # 63 of 2017, the Town Board accepted and approved certain change orders in the amount of \$367,720.44 to the contract with Sprectraserv, Inc., the cost of which shall be paid from amounts available from the previously authorized bonding for the project, or in the alternative, from the Town's Highway Fund Surplus; and

WHEREAS, the change order costs should be paid from Sewer Fund Balance instead of Highway Fund Balance,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, Resolution # 63 of 2017 is hereby amended to reflect that the change order costs for cleanout services on the oxidation basins at the Town's Waste Water Treatment Plant shall be paid from amounts available from the previously authorized bonding for the project, or in the alternative, from the Town's Sewer Fund Balance and authorizes and directs the appropriate Town Officials to take all actions and execute all documents necessary to effectuate the intent of this Resolution.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By Mr. Valentin
 Sec'd by Mr. Johnson
 Date of Adoption April 27 2017

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i>				
<i>Deputy Supervisor</i> Mr. Valentin	X			
<i>Councilman</i> Mr. Coyne	X			
<i>Councilman</i> Mr. Johnson	X			
<i>Councilman</i> Mr. Meyer	X			
TOTAL	4			

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
APPROVING A CHANGE ORDER FOR THE ONGOING CLEANOUT OF THE
OXIDATION BASINS AT THE TOWNS WASTEWATER TREATMENT PLANT**

WHEREAS, the Town Board of the Town of Wallkill previously authorized the Commissioner of Public Works (“DPW”) to enter into a contract with Sprectraserv, Inc. to perform cleanout services on the oxidation basins at the Town’s Waste Water Treatment Plant (the “Basins”) within the Town; and

WHEREAS, since the work has commenced, it has been discovered that following the original inspection of work required to clean out the Basins, there has been further work needed to complete the entire job; and

WHEREAS, it is necessary to approve the attached change order to the existing contract to insure that the Basins are properly cleaned out to achieve optimum functioning capacity in a timely and proper fashion and in accordance with applicable law; and

WHEREAS, the Town Consulting Engineers, Arcadis, KC Engineering and Land Surveying, P.C. have reviewed and recommended that the change orders, in the aggregate net amount of \$367,720.44 be approved in all respects,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board hereby accepts and approves the change orders to the contract with Sprectraserv, Inc. to clean out the oxidation basins at the Town’s Waste Water Treatment Plant, the cost of which shall be paid from amounts available from the previously authorized bonding for the project, or in the alternative, from the Town’s Highway Fund Surplus and authorizes and directs the appropriate Town Officials to execute all documents necessary to effectuate the intent of this Resolution, subject to the approval of the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
APPROVING A CHANGE ORDER FOR THE WATER TANK STORAGE
REHABILITATION PROJECT AND AUTHORIZING THE USE OF CONSOLIDATED
WATER FUND BALANCE TO CLOSE OUT PROJECT**

WHEREAS, the Town Board of the Town of Wallkill previously authorized the Commissioner of Public Works (“DPW”) to enter into a contract with Amstar of WNY, Inc. to perform repair and rehabilitation of the water storage tanks on Tower Drive and Overhill Road within the Town; and

WHEREAS, when the work commenced, and the water was drained from the Overhill Road water tank, it was discovered that extensive deterioration required additional work to be performed to the contractor to complete the entire job; and

WHEREAS, while the work has been completed and the contractor has been paid in full, it is appropriate to formally approve the attached change order to the existing contract; and

WHEREAS, the Town Consulting Engineers, KC Engineering and Land Surveying, P.C. have reviewed and recommended that the change order, in the aggregate net amount of \$290,000.00 be approved in all respects,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board hereby formally accepts and approves the change order to the contract with Amstar of WNY, Inc. to repair and rehabilitate the water storage tanks on Tower Drive and Overhill Road, directs that the overage for costs associated with the completed project, to wit: \$29,971.95, be transferred from the Consolidated Water Fund Balance and authorizes and directs the Town Comptroller to make the appropriate budget adjustments to reflect such transfer.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN SUPERIVSOR TO
ENTER INTO AN AGREEMENT FOR CONTROL OF SNOW AND ICE ON CERTAIN
COUNTY ROADS FOR THE 2018/2019 WINTER SEASON PURSUANT TO ARTICLE
5-G OF THE GENERAL MUNICIPAL LAW**

WHEREAS, the Town of Wallkill has the necessary machinery and equipment to exercise control of snow and ice removal upon certain County roads in the Town of Wallkill; and

WHEREAS, it will be beneficial to the County for said work to be performed by the Town of Wallkill; and

WHEREAS, the Town of Wallkill is willing to exercise the aforesaid control of snow and ice removal on certain County roads in accordance with its past practices;

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor or his designated representative to enter into an agreement with the County of Orange for control of snow and ice removal on certain County roads for the 2018/2109 Winter Season upon the terms and conditions of that agreement, subject to approval of the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Diana				
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Johnson				
<i>Councilman</i> Mr. Meyer				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
CLARIFYING THE MANNER IN WHICH THE 2018 BUDGET WAS ADOPTED FOR
ACCOUNTING PURPOSES**

WHEREAS, by duly adopted Resolution dated November 16, 2017, the annual budget of the Town of Wallkill for the fiscal year beginning on January 1, 2018 was adopted and entered in the minutes of the Town Board meeting on said date; and

WHEREAS, the Town Board wishes to issue a clarification with respect to interpreting the 2018 Budget,

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board's adoption of the 2018 Budget adoption was intended, to be read to the first digit position following the decimal point in each NYS accounting code line for purposes of allowing flexibility during the Budget Year. Such flexibility will allow the Town Comptroller to make routine and customary budget transfers for operational purposes; and it is further

RESOLVED, that this Resolution shall be retroactively applied as of January 1, 2018 and shall also apply to all subsequently adopted annual Town Budgets unless such interpretation is amended by further resolution of the Town Board.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

RESOLUTION OF THE WALLKILL TOWN BOARD SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO GRANTING A CABLE FRANCHISE TO FRONTIER COMMUNICATIONS OF NEW YORK, INC.

WHEREAS, the Town Board of the Town of Wallkill wishes to consider the request of Frontier Communications of New York, Inc. to operate its cable television franchise within the Town of Wallkill; and

WHEREAS, the Town Board is in the process of reviewing the proposed franchise agreement; and

WHEREAS, the Town Board wishes to set a time and place for a public hearing regarding the renewal of the agreement so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Town Board of the Town of Wallkill regarding the granting of a cable franchise to Frontier Communications of New York, Inc. at 7:25 p.m. on September 27, 2018 at Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York; and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE UTILIZATION OF BAN PREMIUM FUNDS RECEIVED IN 2017
FOR A BAN INTEREST PAYMENT IN 2018**

IT IS HEREBY RESOLVED AS FOLLOWS:

The Town Board of the Town of Wallkill hereby approves the amendment of the fund balances and utilization of the Bond Anticipation Note (“BAN”) premium funds received in 2017 to make a BAN interest payment in 2018 as itemized below.

		Expense	Fund Bal.		Amount
From	(A) General	A9730.7			
To			A599	General Fund Balance	\$796.00
From	(DA) Highway	DA9730.7	DA599		
To				Highway Fund Balance	\$1,790.00
From	(SWA) Cons. Water	SWA9730.7			
To			SWA599	Cons. Water Fund Bal.	\$12,332.00
From	(SWC) Lorelei Water	SWC9730.7			
To			SWC599	Lorelei Water Fund Bal.	\$4,973.00