Work Session Agenda

TOWN OF WALLKILL
DATE: November 16, 2016

WORK SESSION
TIME: 7:30 PM

Topics:

Resolutions:

1. Resolution Directing the Town Clerk to Forward Orange county Tax Department a List of Town Properties to be Assessed for Non-Payment of Water Usage Statements.
2. Resolution Directing the Town Clerk to Forward to the Orange County Tax Department a List of Town Properties to be Assessed for Non-Payment of Water Line Repair Statements.
3. Resolution Authorizing the Commissioner of Public Works to Accept the Annual Highway Bids for Materials & Services for the Town for 2017.
4. Resolution Accepting a Deed to Lands Compromising Restorative Lane & Casa Davi Court for Dedication, Inclusive of Related Drainage Easements in Connection with the Restorative Estates Subdivision.
5. Resolution Authorizing the Lease of Real Property Located on Connors Road & Issuing a Negative Declaration Pursuant to the NY State Environmental Quality Review Act ("SEQRA").
6. EAF Parts 1-3 Forms for the Cell Tower

Executive Session:

Motion to Adjourn:

Resolution No. :_of 2016

THE TOWN OF WALLKILL
TOWN BOARD

The following was presented

By _____

Sec'd by _____

Date of Adoption _____

ROLL CALL VOTE

Names	Ayes	Noes	Abstain	Absent
Supervisor **Mr. Depew**				
Councilman **Mr. Coyne**				
Councilman **Mr. Valentin**				
Councilman **Mr. Meyer**				
Councilman **Mr. Johnson**				
TOTAL				

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL DIRECTING THE TOWN CLERK TO FORWARD TO THE ORANGE COUNTY TAX DEPARTMENT A LIST OF TOWN PROPERTIES TO BE ASSESSED FOR NON-PAYMENT OF WATER LINE REPAIR STATEMENTS

WHEREAS, several property owners within the Town of Wallkill have failed to pay invoices presented to them for municipal water line repairs; and

WHEREAS, said charges must now be assessed against the properties which received such water line repair services and appear as a lien on the next real property tax bill,

NOW, THEREFORE, BE IT HEARBY

RESOLVED, that the delinquent water line repair statements submitted to the Town Board by the Town Clerk from the Water and Sewer Department pursuant to Town Law Sec. 198-3 (d) shall be filed with the Orange County Legislature by the Supervisor so that the County Legislature shall levy such sums against the property which is liable for said delinquent water line repair statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2017, and it is further

RESOLVED, that a copy of this resolution with the delinquent water line repair statements shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.

Resolution No. :_of 2016

THE TOWN OF WALLKILL
TOWN BOARD

The following was presented

By _____

Sec'd by _____

Date of Adoption _____

ROLL CALL VOTE

Names	Ayes	Noes	Abstain	Absent
Supervisor **Mr. Depew**				
Councilman **Mr. Coyne**				
Councilman **Mr. Valentin**				
Councilman **Mr. Meyer**				
Councilman **Mr. Johnson**				
TOTAL				

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL DIRECTING THE TOWN CLERK TO FORWARD TO THE ORANGE COUNTY TAX DEPARTMENT A LIST OF TOWN PROPERTIES TO BE ASSESSED FOR NON-PAYMENT OF WATER USAGE STATEMENTS

RESOLVED, that the delinquent water statements submitted to the Town Board by the Town clerk from the Water Department pursuant to Town Law Sec. 198-3 (d) shall be filed with the Orange County Legislature by the Supervisor so that the County Legislature shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2017, and it is further

RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.

Total amount to be collected $ 459,600.04

UPON ROLL CALL VOTE AS LISTED ABOVE,
THE SUPERVISOR DECLARED
THE RESOLUTION DULY ADOPTED.

Resolution No. of 2016

THE TOWN OF WALLKILL
TOWN BOARD

The following was presented

By

Sec'd by

Date of Adoption

ROLL CALL VOTE

Names	Ayes	Noes	Abstain	Absent
Supervisor **Mr. Depew**				
Councilman **Mr. Coyne**				
Councilman **Mr. Valentin**				
Councilman **Mr. Meyer**				
Councilman **Mr. Johnson**				
TOTAL				

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT THE ANNUAL HIGHWAY BIDS FOR MATERIALS AND SERVICES FOR THE TOWN OF WALLKILL FOR 2017

WHEREAS, the Town Board of the Town of Wallkill previously authorized the Commissioner of Public Works ("DPW") to solicit bids from vendors for materials and services needed for the calendar year 2017 in the Town of Wallkill Highway Department; and

WHEREAS, on November 14, 2016, all submitted bids were opened and reviewed in accordance with applicable law; and

WHEREAS, as required under New York law and the Town Code, the lowest responsible bidders, which met all specifications, set forth in the Request for Proposals, have been identified.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes and directs the Commissioner of Public Works to accept the following bids from the lowest responsible bidders:

CONTRACTOR	**PURPOSE**
Chemung Supply Expanded Supply Schmidts Wholesale	Bid Item #1 - Culvert Pipe
Petroleum Traders	Bid Item #2 – Diesel Fuel & Gas

E. Tetz and Sons Callanan Industries Tilcon New York Inc.	Bid Items #3 – Crushed Stone & Gravel
Ketcham Fencing Phoenix Fence Supply	Bid Item #4 – Chain Link Fence
Expanded Supply Schmidts Wholesale	Bid Item #5 – Geotextile Fabric
E. Tetz and Sons	Bid Item #6, K-Crete Trench Backfill
Chemung Supply Expanded Supply	Bid Item #7 – Precast Catch Basins & Risers
Expanded Supply Chemung Supply Glenco Supply	Bid Item #8 – Manhole Risers & Cast Iron Frames & Grates
SiteOne Landscape Supply	Bid Item #9 – Mulch Hay, Straw & Silt Fence
No Bid Received	Bid Item #10 – Bagged Concrete, Mortar Mix & Cement Block
Chemung Supply Expanded Supply	Bid Item #11 – Guiderail
Garden State Supply Chemung Supply Osburn Associates Custom Products Glenco Supply	Bid Item #12 – Signage Material

Each of whom shall furnish all materials and services at the bid prices set forth in their respective submissions to the Town as needed and for the appropriate Town Officials to execute all documents necessary to effectuate the procurement of said materials and services for use by the Town Highway Department as needed during the 2017 calendar year.

Resolution No. :_of 2016

THE TOWN OF WALLKILL
TOWN BOARD

ROLL CALL VOTE

Names	Ayes	Noes	Abstain	Absent
Supervisor **Mr. Depew**				
Councilman **Mr. Coyne**				
Councilman **Mr. Valentin**				
Councilman **Mr. Meyer**				
Councilman **Mr. Johnson**				
TOTAL				

The following was presented

By _____

Sec'd by _____

Date of Adoption _____

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL: ACCEPTING A DEED TO LANDS COMPRISING RESTORATIVE LANE AND CASA DAVI COURT FOR DEDICATION, INCLUSIVE OF RELEATED DRAINAGE EASEMENTS IN CONNECTION WITH THE RESTORATIVE ESTATES SUBDIVISION

WHEREAS, a certain parcel of land developed, built, and containing a roadway known as Restorative Lane and Case Davi Drive (the "Roads") in the Town of Wallkill (SBL 48-1-38), has been offered for dedication to the Town of Wallkill for highway purposes by New Gen Construction, Inc. in connection with the Restorative Estates subdivision project; and

WHEREAS, the Commissioner of Public Works has recommended the acceptance of said parcel for dedication for highway purposes, has indicated that road construction has been completed to his satisfaction and also recommend acceptance of the drainage easements as described in the Deed of Dedication and the map entitled "Lands of Longobardi", which map was filed in the Office of the Orange County Clerk on March 3, 2005 as Map # 216-05; and

WHEREAS, a policy of title insurance relating thereto shall be offered to the Town with respect to the Roads; and

WHEREAS, the Town's Consulting Engineer has found that the legal descriptions for the Roads and the easement areas close within industry standards; and

WHEREAS, New Gen Construction, Inc. has executed the appropriate documents to convey the Roads and the easements to the Town.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Town Board agrees to accept the deed of dedication for Restorative Lane and Case Davi Drive; and

2. The Town Supervisor or his designee is authorized to execute all necessary documents to effectuate the transfer contemplated by this Resolution; and

3. The Town Board consents to the issuance by the Commissioner of Public Works of an Order accepting the aforesaid dedication for highway purposes and to the filing with the Town Clerk of said Order upon the execution and receipt of a Release and Dedication from New Gen Construction, Inc, and a release/hold harmless agreement running to the Town for any future damage caused by the Town during snow removal operations to the stone retaining walls located at 82 Restorative Lane that extend into any portion of the Town's right of way; and

4. New Gen Construction, Inc. shall: 1) post a one-year maintenance bond for the Roads in an amount to be determined by the Town's Consulting Engineer in accordance with the Town Code; 2) provide the Town with a title policy with respect to the Roads, both in form and content acceptable to the Town Attorney; and 3) remit payment for any unpaid inspection fees, professional fee invoices or other unpaid fees due to the Town;

5. The Town Board authorizes the recordation of the deed of dedication with easements and related documents in the Office of the Orange County Clerk once all of the conditions enumerated in paragraph 4 of this Resolution are completed to the satisfaction of the Commissioner of Public Works, the Town's Consulting Engineer and the Town Attorney.

Resolution No. :_of 2016

THE TOWN OF WALLKILL
TOWN BOARD

The following was presented

By _____

Sec'd by _____

Date of Adoption _____

ROLL CALL VOTE

Names	Ayes	Noes	Abstain	Absent
Supervisor **Mr. Depew**				
Councilman **Mr. Coyne**				
Councilman **Mr. Valentin**				
Councilman **Mr. Meyer**				
Councilman **Mr. Johnson**				
TOTAL				

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL AUTHORIZING THE LEASE OF REAL PROPERTY LOCATED ON CONNORS ROAD AND ISSUING A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")

WHEREAS, the Town was presented with an offer from Homeland Towers, LLC ("Lessee") to lease a portion of the real property located at 351 Connors Road, in the Town of Wallkill, designated on the Town of Wallkill Tax Map as Section 24 Block 1 and a portion of Lot 7.1 (the "Property"), for the placement of equipment, building(s) and a tower for the purpose of constructing, establishing, and maintaining a radio transmission tower facility for Lessee's use and that of its subtenants, licensees and customers; and

WHEREAS, the Town Board has determined to lease the Property for adequate consideration of no less than fair market value without the services of a real estate broker;

WHEREAS, the base rent for the Property shall be $2,000.00 per month for an initial term of ten (10) years; and

WHEREAS, the Town Board believes that the lease of the real property is in the public interest of the residents of the Town, particularly since the end result will be more efficient cellular telephone communications within the Town; and

WHEREAS, the Town Board preliminarily classifies this action as an Unlisted Action under the New York State Environmental Quality Review Act ("SEQR"), and determines that it will act as the lead agency with respect to the environmental review of the proposed sale of the Property in accord with SEQR and part 617 of the regulations implementing SEQR; and

Resolution No. :_of 2016

WHEREAS, the execution of the Lease Agreement for the Property is subject to: (1) a permissive referendum pursuant to Section 64, Subdivision 2 of the New York State Town Law; (2) the issuance of a negative declaration pursuant to SEQR; and (3) the review and approval of the Lease Agreement as to form and content by the Attorney for the Town; and

WHEREAS, the Town Board has reviewed the Short Form EAF prepared for this action;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQR and that the Town Board shall act as Lead Agency for the required environmental review; and it is further

RESOLVED, that the Town Board determines that the Lease Agreement and that the construction and operation of the communications tower and related facilities will have no significant adverse impacts on the environment, issues a negative declaration for the proposed project and authorizes the Town Supervisor to execute Page 3 and Page 4 of the EAF; and it is further

RESOLVED, that pursuant to the provisions of Section 64, Subdivision 2 of the Town Law of the State of New York, the Town Board does adopt this resolution agreeing to enter into a Lease Agreement for a portion of 351 Connors Road for not less than its fair market value; and

RESOLVED, that this resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this resolution in accordance with Article 7 of the Town Law;

RESOLVED, that upon the expiration of the permissive referendum period, the Town Supervisor is authorized to execute all documents required to complete the Lease Agreement subject to the review and approval of the Town Attorney for the Town as to form and content.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF WALLKILL, NEW YORK

_____
Louisa M. Ingrassia, Town Clerk

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Lease of Property for Construction of a Telecommunications Tower

Project Location (describe, and attach a location map):
351 Connors Road, Middletown, Town of Wallkill, SBL 24-1-7.1

Brief Description of Proposed Action:
To lease a portion of the real property located at 351 Connors Road, in the Town of Wallkill, designated on the Town of Wallkill Tax Map as Section 24 Block 1 and a portion of Lot 7.1 (the "Property"), for the placement of equipment, building(s) and a tower for the purpose of constructing, establishing, and maintaining a radio transmission tower facility for Lessee's use and that of its subtenants, licensees and customers

Name of Applicant or Sponsor:	Telephone: 845-692-7800
Town Board of the Town of Wallkill	E-Mail: supervisor@townofwallkill.com

Address:
99 Tower Drive

City/PO:	State:	Zip Code:
Middletown	NY	10941

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☑
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Federal Communications Commission to operate facility	☐	☑

3.a. Total acreage of the site of the proposed action? 7.1 acres
b. Total acreage to be physically disturbed? +/-2 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 7.1 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Town Water Tank Facilities
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO ☐	YES ☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO ☑	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO ☑	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☑	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☑	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? ☑ If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☐		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☑	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☑	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☑	YES ☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Daniel Depew, Supervisor Date: 11/16/16

Signature: _____

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed communications tower and related facilities will not disturb the visual landscape of the neighboring community because it will be constructed on the same property that currently houses Town water storage tanks. Furthermore, there will be no danger or disturbances of any kind to the neighboring community.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town Board of the Town of Wallkill	11/16/16
Name of Lead Agency	Date
Daniel Depew	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM