

Work Session Agenda

TOWN OF WALLKILL
DATE: April 5, 2017

WORK SESSION
TIME: 7:30 PM

Topics:

- Beth Ferguson Presentation.
- Equipment Purchase – Highway Surplus.
- Hasbrouck Farm.
- Prokopchak Request.

Resolutions:

1. Resolution for Pending Annexation Litigation with the City of Middletown Which Resolution Authorizes the Execution of an Inter-Municipal Agreement Pursuant to a Previously Approved Stipulation of Settlement Associated with the Annexation Litigation.
2. Resolution Authorizing the Comptroller to Utilize Funds from the General Fund Surplus to Pay for the Police Department Canine Motor Vehicle Unit.
3. Resolution Authorizing the Comptroller to Utilize Funds From the Water Surplus Fund Balance of the Consolidated Water District to Pay for the Drilling & Construction of Well Number K-7 at the Kosuga Well Field.

Executive Session:

Motion to Adjourn:



Louis J. Ingrassia, Jr.

COMMISSIONER OF PUBLIC WORKS
DIRECTOR – EMERGENCY MANAGEMENT

Memo

To: Supervisor Depew and Town Board Members
From: Louis Ingrassia, Jr. - Commissioner
Date: March 29, 2017
Re: Equipment Purchase – Highway Surplus

The Highway Department closed out the 2016 budget year with \$160,000.00 being returned to the Highway Surplus Fund. After careful consideration, I respectfully ask to use some of those funds to purchase some much needed equipment for the Highway Department.

We would like to purchase the following:

Bobcat Compact Excavator with three (3) bucket attachments and a hydraulic thumb – \$86,038.38. This excavator will be used almost daily for tight areas and ditching operations. It will also be used for maintaining our retention basins.

Snow Blower Attachment for the Compact Excavator - \$7,091.00. This attachment will be used to clear snow from intersections during snow storms.

Snow Pusher Attachment for our front-end loader - \$8,000.00. This attachment will be used to clear cul-de-sacs during snow storms.

Road Widener Attachment - \$47,000.00. This machine will replace our Leeboy Maintainer which is used for our true and leveling operations as well as shoulders along the road. Our Maintainer is twenty years old and outdated. This new widener will allow for a much more efficient and time saving operation.

The total of all this equipment is \$148,129.38, please authorize the use of Highway Surplus Funds for the purchase of this equipment.

Thank you for your consideration, please let me know if you have any questions.

99 Tower Drive- Building A- Middletown, NY 10941

Phone: (845) 326-1435 Fax: (845) 692-2546

Email: louingrassia@townofwallkill.com Website: www.townofwallkill.com

HASBROUCK FARM, LLC
12 Dudley Lane
PO Box One
Howells, NY 10932
845-386-8508

March 29, 2017

The Honorable Dan Depew
Supervisor - Town of Wallkill
99 Tower Drive, Building A
Middletown, NY 10941

RE: SBL 24-1-17.32 (375 Blumel Road & 1577 Goshen Tpke. - 15.00 Acres)

Dear Supervisor Depew and Members of the Town Board:

Pursuant to Article 12 of the Town Law, petition is hereby made as owner of the above parcel and constituting 100 percent of the parcel affected by this petition that said parcel be included in the applicable water and sewer districts which abut and are adjacent thereto.

Please advise what, if any, information is additionally required prior to placing this matter on a Town Board Agenda.

Respectfully,



Marlene K. Freehill
Managing Member

State of New York)
County of Orange) ss.:

On the 29 day of March in the year 2017 before me, the undersigned, personally appeared Marlene K. Freehill, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/they executed the same in his/their capacity(ies), and that by his/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Signature and Office of individual
taking acknowledgment

JOHN GOLDSMITH
Notary Public, State of New York
No. 4999294
Qualified in Orange County
Commission Expires July 20, 2018

Resolution No.: ___ of 2017

THE TOWN OF WALLKILL TOWN BOARD

Names	Roll Call Vote			
	Ayes	Noes	Abstain	Absent
<i>Town Supervisor</i> Daniel Depew				
<i>Councilman</i> Mark Coyne				
<i>Councilman</i> Eric Valentin				
<i>Councilman</i> Neil Meyer				
<i>Councilman</i> Eric Johnson				
TOTAL				

The following was presented

By _____

Seconded by _____

Date of Adoption _____

**RESOLUTION OF THE TOWN BOARD OF THE
TOWN OF WALLKILL IN CONNECTION WITH THE PENDING ANNEXATION
LITIGATION WITH THE CITY OF MIDDLETOWN WHICH RESOLUTION
AUTHORIZES THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT
PURSUANT TO A PREVIOUSLY APPROVED STIPULATION OF SETTLEMENT
ASSOCIATED WITH THE ANNEXATION LITIGATION**

WHEREAS, on or about May 11, 2016 the Town Board authorized the Supervisor of the Town of Wallkill to execute the Stipulation of Settlement (the “Stipulation”), and to execute any and all documents to effectuate the settlement described therein, subject to review by Special Counsel for the Town as to form and content; and

WHEREAS, the Stipulation has been executed by both the Town and the City and both parties have since been implementing the terms of that Stipulation; and

WHEREAS, the Town and the City seek to enter into an Inter-Municipal Agreement to effectuate the terms the Stipulation regarding the allocation of the 2016 and 2017 real estate taxes due to the Town and City, as well as the 2016/2017 School taxes; and

WHEREAS, as part of that settlement, it was Middletown's and Wallkill's intention that the 2016 tax assessment rolls reflect the change resulting from the agreed upon settlement annexations, which annexations were approved by the City and Town in the Fall of 2015 and took effect on January 1, 2016; and

WHEREAS, as part of the settlement, the four (4) taxable parcels that were annexed to the City would be included on the City's 2016 tax assessment roll and the one parcel that was annexed into the Town (Kuhl's) would be included on the Town's 2016 tax assessment roll, regardless of whether the annexation maps were filed with the Orange County Clerk and local assessors prior to the March 1, 2016 deadline; and

WHEREAS, the annexation maps were not filed until June of 2016, and therefore the City and Town's 2016 tax assessment rolls did not reflect the settlement annexations (which took effect on January 1, 2016) and the tax bills were sent from the old jurisdictions; and

WHEREAS, pursuant to the settlement, the benefits and burdens resulting from the settlement annexations took effect January 1, 2016, and therefore, the City and Town wanted the tax bills covering the annexed parcels to reflect the effective date of the annexation; and

WHEREAS, the Town Board, via resolution on March 1, 2017, had previously authorized the Town Supervisor to enter into an Inter-Municipal Agreement with respect to the 2017 real estate taxes, but that Inter-Municipal Agreement was subsequently revised to cover the 2016 real estate taxes and 2016/2017 school taxes; and

WHEREAS, the execution and delivery of this Inter-Municipal Agreement is a part of implementing the Stipulation, which execution of the Stipulation was a Type II Action under the New York State Environmental Quality Review Act, and therefore this action is not subject to environmental review.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board authorizes the Supervisor of the Town of Wallkill to execute and deliver an Inter-Municipal Agreement in which the Town and the City, pursuant to the previously approved Stipulation agree to the following:
 - (a) The City is given the right to collect and place a lien on the parcel annexed into the Town (Kuhl's) for any unpaid 2016 City real estate taxes, and
 - (b) The Town will indemnify the City in the event the 2016/2017 school taxes are not paid by Kuhl's, and the Town will be given the right to collect and lien the property if necessary, and

- (c) The City will assign and transfer the rights it has to the 2017 City taxes for the Kuhl's property since it was recently annexed into the Town, and
 - (d) The Town will assign and transfer the rights it (as well as any special taxing jurisdictions solely within the Town) has to the 2017 Town taxes for the four (4) taxable parcels recently annexed into the City.
2. A copy of the draft Inter-Municipal Agreement is attached as Exhibit "A".
 3. This Inter-Municipal Agreement will be subject to review by Special Counsel for the Town as to form and content.
 4. This Resolution shall take effect immediately.

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

DATED: April 5, 2017

Daniel Depew, Supervisor

INTER-MUNICIPAL AGREEMENT

THIS INTER-MUNICIPAL AGREEMENT (IMA), dated the ____ day of _____, 2017 is made by and between the **CITY OF MIDDLETOWN**, a municipal corporation having an office at 16 James Street, Middletown, New York 10940 (hereinafter the "City") and the **TOWN OF WALLKILL**, a municipal corporation having an office at 99 Tower Drive, Building A, Middletown, New York 10941 (hereinafter the "Town") (the "City and the "Town" are hereinafter called the "Parties").

WHEREAS, the City and the Town entered into a stipulation of settlement dated June 16, 2016 concerning the existing annexation litigation between the Parties (the "Stipulation"); and

WHEREAS, as part of the settlement of the existing annexation litigation, the Parties agreed that the 2016 tax assessment rolls would reflect the annexation of the properties into the respective municipalities as set forth in the Stipulation; and

WHEREAS, through no fault of the respective municipalities, the assessment rolls and tax maps reflecting the annexations were not filed with the Orange County Clerk until June 2016 which was after the March 1, 2016 taxable status date for the 2016 assessment rolls for both the City and the Town; and.

WHEREAS, as part of the settlement, the parcels that were annexed into the City were to have been included on the City's 2016 tax assessment roll and the parcel that was annexed into the Town was to be included on the Town's 2016 tax assessment roll, regardless of whether the annexation maps were filed with the Orange County Clerk and local assessors prior to the March 1, 2016 deadline; and

WHEREAS, as a result of the filing of the annexation maps in June of 2016, which was after the 2016 taxable status date, the City and Town's 2016 tax assessment rolls did not reflect the settlement annexations notwithstanding the terms, covenants and conditions set forth in the Stipulation executed by the Parties; and

WHEREAS, notwithstanding the requirements of the Stipulation and the Parties efforts, the respective taxing jurisdictions issued tax bills that did not comply with the Stipulation, such that the tax bills that were issued that did not reflect the requirement embodied in the Stipulation such that the 2016/2017 School tax bill and the 2017 City/Town/County tax bills came from the old jurisdictions; and

WHEREAS, the respective 2016/2017 School tax bills due and owing to Enlarged School District of Middletown (the "School District") are unpaid; and

WHEREAS, pursuant to the settlement, the benefits and burdens resulting from the settlement annexations were agreed to have taken effect January 1, 2016, and therefore, the City and Town desired to have the 2017 City/Town/County real estate tax bills covering the annexed parcels to reflect the effective date of the annexation of January 2016; and

WHEREAS, the Town and the City enter into this Inter-Municipal Agreement to effectuate the terms the Stipulation regarding the allocation of the 2017 real estate taxes due to the Town and City on the annexed parcels; and

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, the parties agree as follows:

1. Property owned by Kuhl's Highland House Inc. ("Kuhl's"), formerly SBL #3-1-8.1 (the "Wallkill Parcel"), was listed on the 2015 assessment roll for the City. Accordingly, based upon the 2015 assessment roll, in the year 2016 the Wallkill Parcel was billed for \$21,982.61 in City real estate taxes that have not been paid to date, as reflected in Exhibit "A". As a result of non-payment, the City is owed an additional \$2,637.91 in interest and penalties through March 31, 2017 as evidenced by Exhibit "A". The City hereby retains all rights to full and complete payment of the outstanding real estate taxes due to the City on the 2016 City tax bill for the Wallkill Parcel including, but not limited to, the ability to enforce the City's existing tax lien on the Wallkill Parcel in the amount of \$24,620.52 through March 31, 2017.

2. Kuhl's was billed \$32,846.50 for the School District taxes for the 2016/2017 school year based upon the 2016 City assessment roll. The 2016/2017 school taxes remain unpaid to date and Kuhl's has incurred \$1,987.22 in interest and penalties through March 31, 2017 for a total amount due and owing to the School District of \$34,833.72 as reflected in Exhibit "A". The Wallkill Parcel was annexed into the Town with a January 2016 effective date, and thus, the 2016/2017 School tax bill should have reflected that. Accordingly, within 21 days of a demand made by the City, the Town agrees to pay the City the amount required to satisfy, in full, the outstanding school taxes including the accrued penalties and interest to the date of payment. The Town further agrees to indemnify, defend and hold the City harmless against any claim involving the unpaid school taxes identified in Exhibit "A". If the Town makes the above payment to the City, the City will pay same to the School District promptly following receipt. The City hereby assigns and transfers to the Town, the right to collect the payment of any unpaid school taxes along with any lien rights for the taxes due and owing in the amount of \$34,833.72, plus any additional interest and penalties that may accrue, for the Wallkill Parcel.

3. The Wallkill Parcel was listed on the 2016 assessment roll for the City. Accordingly, Kuhl's was billed \$22,414.35 for City real estate taxes in the 2017 tax year based upon that 2016 City assessment roll. The 2017 City real estate taxes remain unpaid to date and Kuhl's has incurred \$224.14 in interest and penalties through March 31, 2017 for a total amount due and owing to the City of \$22,638.49 as reflected in Exhibit "A". The Wallkill Parcel was annexed into the Town with a January 2016 effective date, and thus, the 2017 real estate tax bill should have come from the Town. The City hereby assigns and transfers to the Town, the right to collect the payment of any unpaid real estate taxes along with any lien rights for the taxes due and owing in the amount of \$22,638.49, plus any additional interest and penalties that may accrue, for the Wallkill Parcel.

4. The Town hereby indemnifies and holds harmless the City with respect to making the County and any special taxing jurisdictions, whole for unpaid 2017 real estate taxes, including all penalties and interest, if the real estate taxes go unpaid (the "Unpaid Taxes"). Notwithstanding anything herein to the contrary, the Town shall pay the County of Orange (the

"County") or the respective special taxing districts, in full, the full amount of their portions of the Unpaid Taxes on or before December 31, 2017.

5. The Town hereby assigns and transfers to the City any and all rights to any real estate taxes collected and due to the Town on the 2017 Town tax bills for the parcels reflected on Roll Section 1 of the Town's 2016 assessment rolls, which parcels are more particularly set forth on Exhibit "B" hereto (the "Town Annexed Taxable Parcels"). The Town hereby assigns and transfers to the City the right to collect any unpaid real estate taxes on the Town Annexed Parcels, in addition to lien rights (the "Town Unpaid Taxes"). The Town represents and warrants that the Town has remitted to the County and any other special taxing jurisdictions shared with the City, their share of the real estate taxes due and owing on the Town Annexed Parcels. Simultaneous with the execution and delivery of this Agreement, the Town will remit the City the sum of \$_____ representing the City's share of the 2017 real estate taxes collected on the Town Annexed Taxable Parcels as identified in Exhibit "C". The City acknowledges and agrees that the City will not be receiving any payment on account of 2017 City taxes for those Town Annexed Parcels that were reflected as being exempt from real estate taxes on the Town's 2016 assessment rolls.

6. Each party has reviewed and negotiated this IMA and any rule of construction to the effect that ambiguities to be construed against the drafting party shall not be used in the interpretation of this IMA.

7. This IMA may also be executed by the parties hereto individually or in any combination, in one or more counterparts, each of which shall be an original and all of which shall together constitute one and the same IMA.

8. This IMA constitutes the complete and final expression of the terms of the parties' IMA. No amendment to this IMA shall be effective unless it is in writing and signed by the duly authorized representatives of each of the parties.

9. All notices provided shall be made in writing to the address set forth above, unless changed by notice of one of the parties to the other parties.

10. This IMA has been duly authorized by the Common Council of Middletown and the Town Board of the Town of Wallkill

IN WITNESS WHEREOF, the parties have signed this IMA as of the day and year first written above.

CITY OF MIDDLETOWN

By: _____
Joseph DeStefano, Mayor

TOWN OF WALLKILL

By: _____
Daniel Depew, Supervisor

Exhibit "A"

City of Middletown Account Balance Summary

Exhibit "B"

Town Annexed Taxable Parcels

<u>SBL No.:</u>	<u>Owner:</u>
69-1-70	Middletown
69-1-64.64	I Home International
69-1-69	I Home International
69-1-12	Middletown

Exhibit "C"

2017 Town of Wallkill Tax Bills for Parcels Annexed into the City

**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. Depew				
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN COMPTROLLER TO UTILIZE FUNDS FROM THE
GENERAL FUND SURPLUS TO PAY FOR THE POLICE DEPARTMENT CANINE
MOTOR VEHICLE UNIT**

WHEREAS, the Town Board has determined that it is in the best interests of the citizens of the Town to institute a Canine Officer Program in order to combat the existing narcotics problem within the Town; and

WHEREAS, it is necessary to purchase a police vehicle that is specially designed and equipped to transport the Canine Officer; and

WHEREAS, the funds needed to pay for the police vehicle and to reimburse the Town for previously expended funds for the Canine Officer Program are available in the Town's General Fund Surplus,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board hereby authorizes and directs the Town Comptroller to pay the costs of the vehicle necessary for the implementation of the Canine Officer Program from the Town's General Fund Surplus.

**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. Depew				
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN COMPTROLLER TO UTILIZE FUNDS FROM THE
WATER SURPLUS FUND BALANCE OF THE CONSOLIDATED WATER DISTRICT
TO PAY FOR THE DRILLING AND CONSTRUCTION OF WELL NUMBER K-7 AT
THE KOSUGA WELL FIELD**

WHEREAS, the drilling and construction of well number K-7 at the Kosuga well field in the Town's Consolidated Water District is almost complete; and

WHEREAS, the funds needed to pay for the balance of said project and to reimburse the District for previously expended funds for the project are available in the Town's Water Surplus Fund for Consolidated Water,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board hereby authorizes and directs the Town Comptroller to pay the costs of the drilling and construction of well number K-7 at the Kosuga well field in the Town's Consolidated Water District in the Town's Water Surplus Fund Balance for Consolidated Water.