

Work Session Agenda

TOWN OF WALLKILL
DATE: April 26, 2017

WORK SESSION
TIME: 7:30 PM

Topics:

- Jill Mendoza & Lisa Chutka Real Property Data Collector
- Chief Hertman Hiring Issues
- Boys & Girls Club Concession Stand
- Community Center
- Fund Balance for Paving and Milling on N. and E. Galleria Drive.
- Playground Equipment at Korn's Campground.

Resolutions:

1. Resolution Public Interest Order Sludge Dewatering.
2. Resolution Adopting Local Law No.3 of 2017 with Respect to Amending Chapter 209 (Subdivisions) and 249 of the Town Code (Zoning).
3. Resolution Authorizing the Supervisor to Execute Amendment to the OC Community Development Block Grant Program Municipal Agreement for FY-2014 Dated April 20, 2017.
4. Resolution Approving a Change Order for the Ongoing Cleanout of the Oxidation Basins at the Towns Wastewater Treatment Plant.
5. Resolution Authorizing the Transfer of Funds.

Executive Session:

Motion to Adjourn:



Town of Wallkill
Department of Public Works
99 Tower Drive Building A
Middletown, New York 10941

Office: (845) 692-7800 ext 105

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louingrassia@townofwallkill.com

Louis J. Ingrassia Jr.
Commissioner

MEMO:

To: Acting Supervisor Eric Valentin
Town Board Members
From: Lou Ingrassia Jr., Comm.
Re: Boys/Girls Club Concession Stand
Date: April 19, 2017

Gentlemen,

Please be advised that I have been notified by the Boys and Girls Club that due to their arrangement with the Pine Bush School District to provide Free Healthy Lunch to the summer campers, they are requesting at this time that Barbara Evans no longer is allowed to operate the concession stand at the Circleville Park during Camp Hours. They are aware that this has been a longstanding arrangement, however at this time the continued operation of the concession stand deters from the Free Healthy Lunch that is being provided by the School District.

If you have any questions, please contact me at your convenience.

Thank You

VIA EMAIL supervisor@townofwallkill.com

April 24, 2017

William Frank, Esq.
Blustein, Shaprio, Rich & Barone, LLP
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Goshen, New York 10924

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Re: Town of Wallkill, Orange County, New York
Consolidated Sewer District – 202-b - \$5,000,000 Bonds
File 10604750.207

Dear Bill:

Pursuant to your request, I have prepared and enclose the following:

- (a) Form of order determining the project to be in the public interest.

Within ten days of adoption of the Public Interest Order a certified copy should be recorded with the County Clerk.

- (b) Form of bond resolution for adoption by the affirmative vote of at least four of the five members of the Town Board. This bond resolution is effective immediately.

- (c) Form for the publication of the Legal Notice of Estoppel .

There is a 20-day estoppel period. The estoppel period does not begin until publication of the Legal Notice of Estoppel.

When available please return the following:

- (a) Certified copy of the Order Calling the Public Hearing;
- (b) Original printer's affidavit of publication of the Notice of the Public Hearing;
- (c) Town Clerk's affidavit of posting of the Notice of the Public Hearing;
- (d) Certified copy of the Public Interest Order;
- (e) Proof of recording of the Public Interest Order in the County Clerk's office;
- (f) Certified copy of the bond resolution; and
- (g) Original printer's affidavit of publication of the legal notice of estoppel.

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William Frank, Esq.
April 24, 2017
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 NORTON ROSE FULBRIGHT

Please do not hesitate to call if you have any questions.

Very truly yours,

Randolph J. Mayer

RJM:jv
Enclosure

WHEREAS, such proposed increase and improvement includes the Sludge Dewatering Process improvements and RAS pumps improvements and rehabilitation, with an aggregate estimated maximum cost of \$5,000,000; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$5,000,000, which amount shall be allocated and charged as the cost of increasing and improving the facilities of the Consolidated Sewer District and shall be borne by the Sewer District; and

WHEREAS, the capital project heretofore described, based on information supplied to the Town Board, has been determined to be an Unlisted or a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which will not result in any significant environmental effects; and

WHEREAS, at a meeting of said Town Board duly called and held on April 9, 2017, an order was duly adopted by it and entered in the minutes specifying that the said Board would meet to consider the increase and improvement of the facilities of Consolidated Sewer District in said Town at an maximum estimated cost of \$5,000,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 99 Tower Drive, in Middletown, New York, in said Town, on April 27, 2017, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, the said order duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in the official newspaper of this Town, on _____, 2017, and a copy of such order was posted on _____, 2017, on the signboard maintained by the Town Clerk of the Town of Walkkill, pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Walkkill, Orange County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improvement of the facilities of the Consolidated Sewer District in the Town of Walkkill, Orange County, New York, within said Town, including Sludge Dewatering Process improvements and RAS pumps improvements and rehabilitation for the Consolidated Sewer District, at a maximum estimated cost of \$5,000,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The order was thereupon declared duly adopted.

* * *

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the Town of Walkill, Orange County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town
Board of said Town, including the order contained therein, held on April 27, 2017, with the
original thereof on file in my office, and that the same is a true and correct transcript therefrom
and of the whole of said original so far as the same relates to the subject matters therein
referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspapers and/or
other news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
--	-------------------

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, on _____, 2017.

Town Clerk

(SEAL)

Resolution No. _____ of 2017

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By _____

Sec'd by _____

Date of Adoption April 27, 2017

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE TOWN OF WALLKILL, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED SEWER DISTRICT IN AND FOR SAID TOWN.

BOND RESOLUTION DATED APRIL 27, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE TOWN OF WALLKILL, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED SEWER DISTRICT, INCLUDING SLUDGE DEWATERING PROCESS IMPROVEMENTS AND RAS PUMPS IMPROVEMENTS AND REHABILITATION, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

BE IT RESOLVED, by the Town Board of the Town of Wallkill, Orange County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Wallkill, Orange County, New York, within said Town, including Sludge Dewatering Process improvements and RAS pumps improvements and rehabilitation for the Consolidated Sewer District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$5,000,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said class of objects or purposes is \$5,000,000, and that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of the \$5,000,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law. The maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Walkill, Orange County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. To the extent not paid from the collection of assessments against benefited property in the Consolidated Sewer District, an annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Walkill, Orange County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town, whether at public or private sale; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds,

appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the *Times Herald Record*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing order was duly put to a vote on roll call which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The order was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the Town of Walkill, Orange County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on April 27, 2017, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town
on _____, 2017

Town Clerk

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

RESOLUTION OF THE WALLKILL TOWN BOARD ADOPTING LOCAL LAW NO. 3 OF 2017 WITH RESPECT TO AMENDING CHAPTER 209 (SUBDIVISIONS) AND 249 OF THE TOWN CODE (ZONING)

WHEREAS, the Town Board of the Town of Wallkill wishes to amend Town Code Sections 209-9(H), 209-10(G) and 249-47(B)(1) to create more uniformity in the notification procedures with respect to neighboring property owners who might be affected by Planning Board or Zoning Board of Appeals applications; and

WHEREAS, in connection with the proposed Local Law, the Town Board declared itself Lead Agency and classified the action as “Unlisted” in accordance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town has prepared a Short Environmental Assessment Form (SEAF) in accordance with the State Environmental Quality Review Act (SEQRA) in connection with the proposed Local Law; and

WHEREAS, a public hearing was held on March 23, 2017 to assist in the Town’s consideration of the adoption of said Local Law and the public hearing was closed that same night; and

WHEREAS, the Town Board has considered the matters that were discussed at the public hearing; and

WHEREAS, by correspondence dated March 21, 2017, the Orange County Planning Department stated that said Agency opined that there were no County-wide impacts associated with the proposed local law and found that the decision whether or not to adopt said local law was a “local determination”; and

Resolution No. :_of 2017

WHEREAS, the Town Board referred the matter to the Town Planning Board for a recommendation and report; and

WHEREAS, the Town Planning Board issued a recommendation and report, pursuant to Town Code Section 249-49, which report, for the reasons set forth therein, supported the adoption of the proposed local law,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board adopts the attached Negative Declaration under SEQRA; and it is hereby further

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 1 of 2017, entitled “**LOCAL LAW #3 OF 2017 OF THE TOWN OF WALLKILL, COUNTY OF ORANGE, A LOCAL LAW OF THE TOWN OF WALLKILL, COUNTY OF ORANGE, AMENDING CHAPTERS 209 (SUBDIVISIONS) AND 249 OF THE TOWN CODE (ZONING)**”, a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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

Dated: April 27, 2017

Louisa M. Ingrassia, Town Clerk

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AMENDMENT TO THE
ORANGE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
MUNICIPAL AGREEMENT FOR FY-2014 DATED APRIL 20, 2017**

WHEREAS, the Town Board of the Town of Wallkill, previously applied for and received approval to enter into an inter-municipal agreement with the County of Orange for the 2017 Orange Urban County Consortium Community Development Program, which distributes funds to local governments within the State of New York to assist in qualified municipal projects; and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal Government, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, the funding received will provide for the installation of sidewalks and make safety improvements, including street lights, drainage and road/crosswalk striping in the Washington Heights section of the Town; and

WHEREAS, the total project costs have been increased from \$100,000.00 to \$250,000.00; and

WHEREAS, in accordance with a Contract Amendment offered by the County of Orange, the total amount to be paid by the County is increased by \$150,000.00, for a new total amount of \$250,000.00; and

Resolution No. :_of 2017

WHEREAS, it is in the public interest that the Town of Wallkill accept the additional funding secured by the county; and

NOW THEREFORE, IT IS HEREBY

RESOLVED, that The Town of Wallkill Town Supervisor, or his designee, is hereby authorized and directed to execute the Contract Amendment with respect to the County of Orange Community Development Block Grant Program For FY-2014 in order to the accept the additional \$150,000.00 in funds for the Washington Heights Sidewalk Project, subject to review and approval of said Contract Amendment by 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>				
<i>Deputy Supervisor</i> Mr. Valentin				
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Johnson				
<i>Councilman</i> Mr. Meyer				
TOTAL				

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TRANSFER OF FUNDS**

It is hereby

RESOLVED, that the following budget transfer be made for 2017:

From:	SSA8110.4646	Equipment	\$16,000.00	
To:	SSA8120.20	Ice Machine/Refrigerator/Tables/Chairs		\$16,000.00
From:	TE37	Parkland Trust	\$75,000.00	
To:	A7021.3	Recreation		\$75,000.00
From:	A1220.478	Education	\$1,178.00	
To:	A1670.478	Education		\$1,178.00
From:	A1420.4428	Blustein Law	\$4,000.00	
To:	A1930.4	Judgements & Claims - Legal Settlements		\$4,000.00
From:	A1680.211	Central Data Processing Hardware*	\$20,250.00	
To:	A1220.21	Supervisor Computer Equipment		\$1,012.50
	A1355.21	Assessor Computer Equipment		\$2,025.00
	A1410.21	Town Clerk Computer Equipment		\$2,025.00
	A3120.211	Police Computer Equipment		\$8,100.00
	A3620.21	Building Department Computer Equipment		\$2,025.00
	A7110.21	Parks Computer Equipment		\$1,012.50
	A8010.21	Zoning Computer Equipment		\$1,012.50
	A8020.21	Planning Computer Equipment		\$1,012.50
	DA5110.21	Highway Computer Equipment		\$2,025.00