

Town Board Meeting Agenda

TOWN OF WALLKILL
September 27, 2018

TOWN BOARD MEETING
TIME: 7:30 PM

Pledge of Allegiance

7:25 – Public Hearing Frontier Video Franchise

Moment of Silence: Graham Skea, Former Commissioner of Parks & Recreation for Orange County

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
 - Thank you Highway Department
 - Letter of Commendation Marrero
3. RESOLUTIONS:
 1. Resolution Setting Time & Place for a Public Hearing with Respect to the Benefit Assessment Roll for the Fiscal Year 2019.
 2. Resolution Authorizing Commissioner of Public Works to Solicit Bids for Highway Materials for 2019.
 3. Resolution Ratifying a Memorandum of Agreement Between the Town & CSEA.
 4. Resolution Appointing a Part-Time Police Dispatcher.
 5. Resolution Granting a Franchise Agreement to Frontier Communications.
 6. Resolution Authorizing Supervisor to Enter Snow & Ice Agreement for 2018/2019.
 7. Resolution Authorizing the Sale of Paper Road Known as Lake Avenue.
 8. Resolution for Establishment of an Open Development Area.
 9. Resolution Appointing Bond, Schoenick & King as Special Counsel.
 10. Resolution Authorizing Transfer of Funds.
 11. Resolution Contingent Drainage Easement.
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
SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO
THE BENEFIT ASSESSMENT ROLL FOR THE FISCAL YEAR 2019**

WHEREAS, the Town Board of the Town of Wallkill intends to schedule a public hearing on October 25, 2018 at 7:25 pm with respect to the Benefit Assessment Roll comprising Town Consolidated Water District #1, The Town Consolidated Sewer District, All Town Lighting Districts, All Town Drainage Districts and Town Law Section 200 for the Fiscal Year 2019,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that a public hearing be held by the Town Board on October 25, 2018 at 7:25 p.m. with respect to Benefit Assessment Roll for the Fiscal Year 2018; 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 COMMISSIONER OF PUBLIC WORKS TO
SOLICIT BIDS FOR SUPPLIERS OF HIGHWAY MATERIALS FOR THE CALENDAR
YEAR 2019**

WHEREAS, the Town of Wallkill is in ongoing need of highway materials; and

WHEREAS, the Town intends to contract with suppliers for highway materials as follows:

1. Culvert Pipe
2. Diesel Fuel and Gasoline
3. Crushed Stone & Gravel
4. Chain Link Fence
5. Precast Concrete Catch Basins
6. Manhole Risers & Cast Iron Frames & Grates
7. Bagged Concrete & Mortar Mix; and Cement Blocks
8. Guiderail
9. Signage Material

WHEREAS, the Town is required under New York State Law and the Town Code to purchase such highway materials from the lowest responsible bidders,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board hereby authorizes and directs the Town of Wallkill Commissioner of Public Works to advertise for and solicit bids from qualified suppliers of highway materials for the Town and to thereafter report back to the Town Board with the result of said bids.

**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
RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN
THE TOWN AND CSEA, INC. TOWN OF WALLKILL UNIT I WITH RESPECT TO
MODIFYING AND EXTENDING THE EXISTING COLLECTIVE BARGAINING
AGREEMENT**

WHEREAS, the Town and CSEA, Inc.-Town of Wallkill Unit I (“CSEA”) are parties to a collective bargaining agreement; and

WHEREAS, the Town Board and the CSEA have agreed to modify certain terms of the collective bargaining agreement and extend the term thereof through December 31, 2022 as set forth in a certain Memorandum of Agreement dated July 2018; and

WHEREAS, CSEA has ratified said Memorandum of Agreement by duly conducted vote on September 6, 2018; and

WHEREAS, the Town Board believes that it is in the public interest to enter into this Memorandum of Agreement with the CSEA,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby ratifies and approves the Memorandum of Agreement between the Town of Wallkill and CSEA dated July 2018, a copy of which is annexed to this resolution, and be it further

RESOLVED, that said Memorandum of Agreement shall take effect immediately.

**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
APPOINTING PERSONS TO THE POSITION OF PART-TIME POLICE DISPATCHER**

WHEREAS, there exists vacancies in the Town of Wallkill Police Department for part-time dispatchers; and

WHEREAS, Jose Alvarez III, Amanda L. Anderson, Sean P. Duurloo, Brendan E. Folkl, Natalia A. Hernandez, John J. Lellis, Gerard E. Lewis, Jr., Kimberly S. Maxwell, Denise Ramirez-Ortiz and Jose G. Ruiz, all fulfill the civil service requirements of knowledge, skills, and experience for the part-time Dispatcher positions; and

WHEREAS, the Town of Wallkill Police Department has a need for part-time Police Dispatchers for the efficient and cost-effective functioning of that Department; and

WHEREAS, it is the opinion of the Chief of the Wallkill Police Department and the Town Board of the Town of Wallkill that the aforesaid persons are qualified to fill said positions;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints **Jose Alvarez III, Amanda L. Anderson, Sean P. Duurloo, Brendan E. Folkl, Natalia A. Hernandez, John J. Lellis, Gerard E. Lewis, Jr., Kimberly S. Maxwell, Denise Ramirez-Ortiz and Jose G. Ruiz** to the position of part-time Dispatchers to serve in said capacity at the Town of Wallkill Police Department, effective immediately provided that: 1) the Chief of Police approves said appointee following a final employment interview; 2) all background checks are satisfactorily completed; and 3) all appropriate documentation is submitted and accepted by the Orange County Department of Human Resources-Civil Service Department.

**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 GRANTING
A FRANCHISE TO FRONTIER COMMUNICATIONS OF NEW YORK, INC. TO
PROVIDE CABLE SERVICES; AND AUTHORIZING THE TOWN SUPERVISOR TO
EXECUTE FRANCHISE AGREEMENT**

WHEREAS, Frontier Communications of New York, Inc. ("Frontier") has submitted an application to the Town of Wallkill for a cable franchise to serve portions of the Village; and

WHEREAS, a Public Hearing was held with respect to said application by the Town Board on September 27, 2018; and

WHEREAS, the Town has the requisite authority to grant such franchise; and

WHEREAS, the Town Board, after full consideration of the application and the results of the aforementioned Public Hearing, finds that Frontier has the appropriate character, financial condition, and technical ability to operate as a franchise within the Municipality and that the grant to Frontier of the subject franchise is in the best interests of the Municipal community,

NOW THEREFORE IT IS HEREBY

RESOLVED, that Frontier is granted a franchise to provide cable services within the Town or as more particularly set forth in the annexed Franchise Agreement and that the Town Supervisor, or his designee, is hereby authorized on behalf of the Town to execute the Franchise Agreement, subject to review and approval of the form and content thereof by the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

| 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 | | | | |

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

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

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

WHEREAS, it will be beneficial to the Town for said work to be performed by the Town of Mt. Hope; and

WHEREAS, the Town of Mt. Hope is willing to exercise the aforesaid control of snow and ice removal on certain Town 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 Town of Mt. Hope for control of snow and ice removal on certain Town roads for the 2018/2019 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

| 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 | | | | |

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE SALE OF A PAPER ROAD KNOWN AS LAKE AVENUE IN
THE TOWN OF WALLKILL**

WHEREAS, the Town Board of the Town of Wallkill has determined that there is a “paper road” known as Lake Avenue, as depicted on the attached survey (“The Property”) that does not serve the needs of the Town; and

WHEREAS, the Town has received an offer to purchase the Property from Davellian, LLC; and

WHEREAS, the Town Board believes that the fair market value of the parcel intended to be conveyed to the purchaser is Three Thousand Dollars and 00/100 (\$3,000.00) and wishes to enter into a formal Contract for the purchase and sale with respect to for the above property; and

WHEREAS, there is no real estate broker that would be entitled to any commission with respect to this transaction; and

WHEREAS, the Town Board has determined to sell the property for adequate consideration of no less than fair market value;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. 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 authorizing the Supervisor to execute an agreement to sell the property for not less than its fair market value, said agreement being in form and content acceptable to the Town Attorney; and

Resolution No. : _of 2018

2. 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.

Supervisor Diana presented the foregoing resolution, which was seconded by

The vote on the foregoing resolution was as follows:

Mark Coyne, Councilman, voting _____

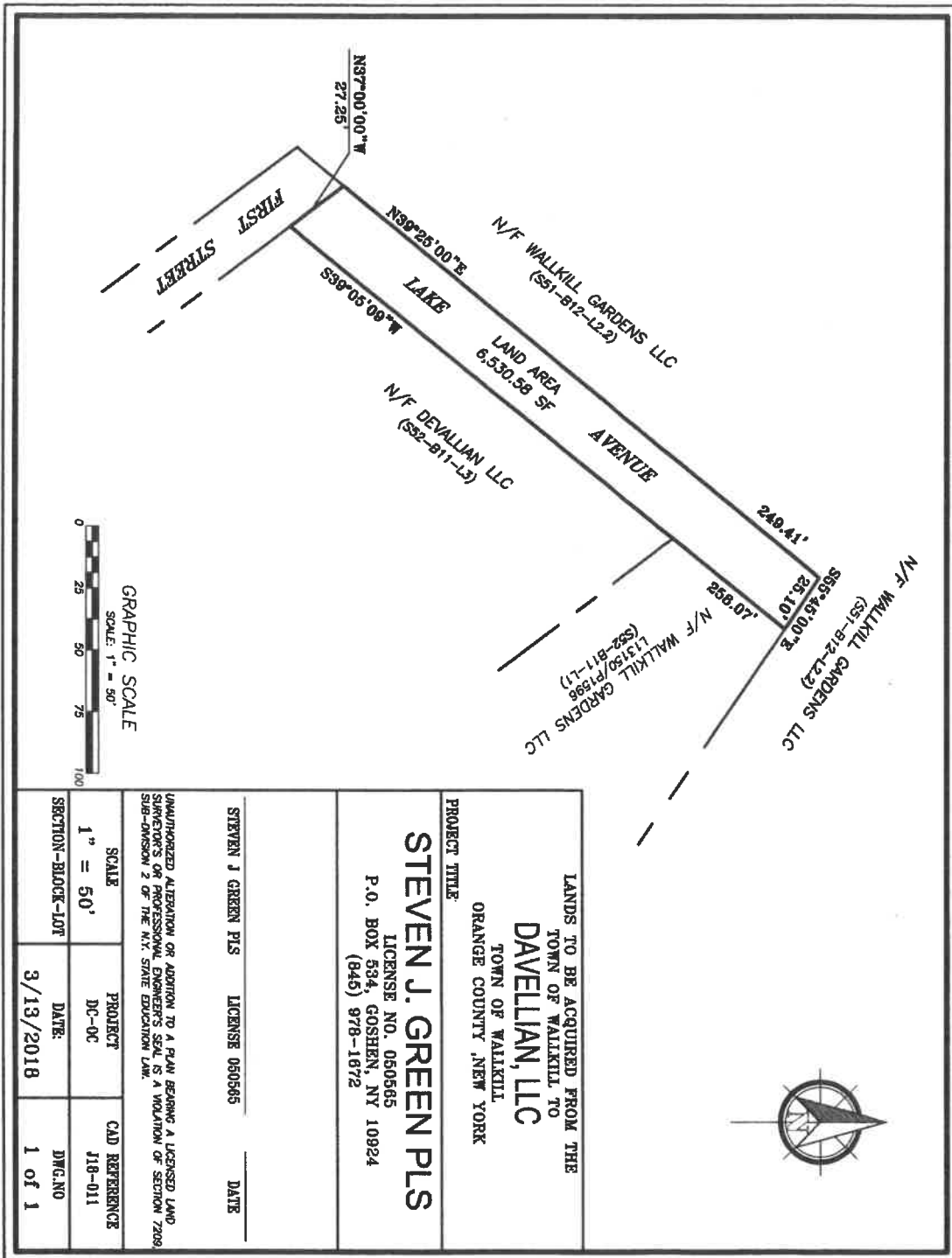
Eric Valentin, Councilman, voting _____

Neil Meyer, Councilman, voting _____

Eric Johnson, Councilman, voting _____

Edward A. Diana, Supervisor, voting _____

DATED: September 27, 2018



LANDS TO BE ACQUIRED FROM THE
TOWN OF WALKKILL TO
DAVELLIAN, LLC
TOWN OF WALKKILL
ORANGE COUNTY, NEW YORK

PROJECT TITLE:
STEVEN J. GREEN PLS
LICENSE NO. 060565
P.O. BOX 534, GOSHEN, NY 10924
(845) 978-1672

STEVEN J GREEN PLS LICENSE 060565 DATE

UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A LICENSED LAND SURVEYOR'S OR PROFESSIONAL ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE N.Y. STATE EDUCATION LAW.

| | | |
|-------------------|-----------|---------------|
| SCALE | PROJECT | CAD REFERENCE |
| 1" = 50' | DC-0C | J18-011 |
| SECTION-BLOCK-LOT | DATE: | DWG.NO |
| | 3/13/2018 | 1 of 1 |

**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 FOR
ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA PURSUANT TO SECTION
280-A(4) OF THE NEW YORK STATE TOWN LAW**

WHEREAS, HNR Associates, LLC/Toyo Allen Irrevocable Trust (“HNR”) has requested that the Town Board of the Town of Wallkill establish a three lot open development area pursuant to New York State Town Law §280-a for the purpose of constructing a commercial building with respect to the property located on a private road known as Allen Lane which has private access to Bloomingburg Road identified as Tax Map Numbers 3-1-69 and 3-1-7.2; and

WHEREAS, Town Law §280-a authorizes the Town Board to establish open development areas within the Town wherein permits may be issued for the erection of structures to which access is given by right of way or easement, after referral to the planning board for its advice and report; and

WHEREAS, on June 25, 2018, the Planning Board issued a recommendation and report, which report, for the reasons set forth therein, supported the establishment of the open development area; and

WHEREAS, the creation of the proposed open area development is not an action under the SEQRA regulations,

Resolution No. : _of 2018

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Wallkill, after due deliberation, pursuant to Town Law §280-a(4), hereby establishes an open development area for the HNR project and HNR is hereby authorized to proceed before the Planning Board with an appropriate site plan application which shall be subject to appropriate environmental review under the SEQRA regulations, and it further

RESOLVED, that the Town Clerk is directed to forward a certified copy of this Resolution to the Clerk of the Town Planning 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 TOWN BOARD OF THE TOWN OF WALLKILL
APPOINTING BOND, SCHOENICK & KING AS SPECIAL COUNSEL**

IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints the law firm of Bond, Schoenick & King as special counsel to represent the Town in all labor and employment related matters as may be deemed necessary and appropriate by the Town Board, effective as of September 1, 2018.

**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 TRANSFER OF FUNDS**

IT IS HEREBY RESOLVED, that the Town Board hereby authorizes and directs the Town Comptroller to transfer funds for 2018:

| | | | | |
|-------|--------------|----------------------|-------------|-------------|
| From: | DA599 | Highway Fund Balance | \$75,000.00 | |
| To: | DA5142.41132 | Road Salt | | \$75,000.00 |

**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 GRANTING
DRAINAGE AND SEPTIC MAINTENANCE EASEMENTS PROVIDED THAT
CERTAIN CONDITIONS ARE SATISFIED**

WHEREAS, the Town of Wallkill is presently in contract to purchase the real property known as 880 Bloomingburg Road within the Town, also known as Tax Map # 1-1-60, which transaction is expected to close within the next thirty to forty-five days (the “Town Parcel”); and

WHEREAS, Hix Snedeker Companies (“HSC”) is presently in contract to purchase the real property known as 882 Bloomingburg Road within the Town, also known as Tax Map # 1-1-61.22 (the “HSC Property”); and

WHEREAS, HSC, in connection with its planned acquisition, has presented a site plan to the Town Planning Board to construct a retail store on the HSC Property, as depicted in a Preliminary Site & Grade Plan prepared by Bohler Engineering dated August 28, 2018 and last revised on September 17, 2018; and

WHEREAS, it has been determined that the proposed septic system and storm water detention pond on the HSC Property will be constructed in such a manner that drainage and maintenance easements for the installation, maintenance, repair, operation and replacement of said facilities will be required from the Town, once the Town Property is formally acquired, and

WHEREAS, the Town Board has no objection to granting the necessary easements provided that the conditions set forth below are satisfied,

Resolution No. : _of 2018

NOW THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor, or his designee, to enter into drainage and septic easements with HSC with respect to the real property known as

880 Bloomingburg Road, Middletown, New York, 10941, Tax Map # 1-1-60

and to execute all necessary documents related thereto, which easement agreements shall be acceptable to the Town Attorney in form and content provided that the following conditions have been met:

1. That the Town of Wallkill finalizes the acquisition of the Town Property;
2. That HSC finalizes the acquisition of the HSC Property;
3. That the Town Planning Board gives final approval of the Preliminary Site & Grade Plan prepared for HSC by Bohler Engineering dated August 28, 2018 and last revised on September 17, 2018 without further revision with respect to the location of the septic system or storm water detention pond unless such revisions are made with the knowledge and consent of the Town Board;
4. That in connection with the aforesaid final approval of the Preliminary Site & Grade Plan, that the Planning Board conducts all appropriate proceedings and issues a Negative Declaration under the State Environmental Quality Review Act (SEQRA) and determines that there will be no adverse environmental impacts connected to the construction of the retail store and related facilities, including the septic system or storm water detention pond;
5. That HSC obtains all other required municipal approvals in connection with its proposed project, including, but, not limited to, any necessary variances from the Town Zoning Board of Appeals.