

Town Board Meeting Agenda

TOWN OF WALLKILL  
April 25, 2019

TOWN BOARD MEETING  
TIME: 7:30 PM

Pledge of Allegiance

Moment of Silence – Marilyn Mulqueen Guida - Long Time Court Clerk  
Andy Zarutskie – Town Clerk Town of Newburgh

7:25 - Public Hearings – Designation of Stop Intersections

TOPICS:

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
  
2. RESOLUTIONS:
  1. Resolution Authorizing Supervisor to Accept Bid for Over the Rail Mower.
  2. Resolution Authorizing Supervisor to Accept Bid for Pavement Marking Services.
  3. Resolution Authorizing the Sale of Surplus Equipment
  4. Resolution Appointing Seasonal Laborer for the Parks Dept.
  5. Resolution Adopting Local Law to Amend Zoning Map
  6. Resolution for Budget Amendment – Korn's Campground
  7. Resolution for Budget Amendment – Town Court
  
3. COMMITTEE REPORTS
  
4. COUNCILMAN'S COMMENTS:
  
5. SUPERVISOR'S COMMENTS:
  
6. TOWN CLERK'S COMMENTS:
  
7. COMMISSIONERS/POLICE CHIEF REPORTS:
  
8. PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL)
  
9. MOTION TO ADJOURN

**TOWN OF WALLKILL  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of Wallkill on April 25, 2019 at 7:25 p.m. at Wallkill Town Hall regarding the adoption of a Local Law Amending Section 233-4 of the Town Code regarding the placement of Stop Signs at the following intersections:

<b><u>Stop Sign on</u></b>	<b><u>At Intersection of</u></b>	<b><u>Direction</u></b>
Monica Court	Beth Drive	Westerly
Brae Mar Road	Beth Drive	Westerly
Gene Road	Beth Drive	Westerly
Beth Drive	Ben Lomond Drive	Northerly
Beth Drive	Dominick Street	Westerly
Mabel Road	Beth Drive	Southerly
Mabel Road	Ben Lomond Drive	Northerly
Dominick Street	Ben Lomond Drive	Northerly
Dominick Street	Patricia Road	Southerly

Any resident of the Town of Wallkill is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at:

Wallkill Town Hall  
99 Tower Drive - Bldg. A  
Middletown, NY 10941

A copy of the proposed local law may be reviewed at the Town Hall at the address listed above, during normal business hours. Written comments may be submitted prior to or at the public hearing. Oral comments may be made at the public hearing. Persons may appear in person or by agent.

The Town of Wallkill will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF WALLKILL.

Dated: April 10, 20109

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Louisa M. Ingrassia, Town Clerk  
Town of Wallkill

**TOWN OF WALLKILL**

**LOCAL LAW NO. 3 OF 2019**

**A LOCAL LAW AMENDING CHAPTER 233, SECTION 4  
OF THE TOWN CODE OF THE TOWN OF WALLKILL, NEW YORK,  
DESIGNATING CERTAIN INTERSECTIONS AS STOP INTERSECTIONS  
IN THE TOWN OF WALLKILL**

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

Section 1. This Local Law is enacted pursuant to Section 1660 of the NYS Vehicle and Traffic Law for the purpose of effecting public safety at the intersection of Salisbury Road and St. James Drive.

The Town of Wallkill Code **Chapter 233. VEHICLES AND TRAFFIC.**  
**Section 233-4. Stop Intersections** shall be and hereby is amended by this Local Law as follows:

Add to the list of enumerated locations the following text:

<u>Stop Sign on</u>	<u>At Intersection of</u>	<u>Direction</u>
Monica Court	Beth Drive	Westerly
Brae Mar Road	Beth Drive	Westerly
Gene Road	Beth Drive	Westerly
Beth Drive	Ben Lomond Drive	Northerly
Beth Drive	Dominick Street	Westerly
Mabel Road	Beth Drive	Southerly
Mabel Road	Ben Lomond Drive	Northerly
Dominick Street	Ben Lomond Drive	Northerly
Dominick Street	Patricia Road	Southerly

Section 2. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule 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> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. Diana</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE SUPERVISOR TO ACCEPT A BID FOR PAVEMENT  
MARKING SERVICES WITHIN THE TOWN**

**WHEREAS**, the Town Board of the Town of Wallkill is in need of contractors to provide pavement marking services (based on estimated quantities) within the Town; and

**WHEREAS**, the Town is required under New York State Law to award such contract to the lowest responsible bidders; and

**WHEREAS**, bids to provide pavement marking services to the Town were solicited, opened and reviewed on April 15, 2019; and

**WHEREAS**, the lowest responsible bidders have been identified,

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that the Town Board hereby authorizes and directs the Town of Wallkill Supervisor, or his designee, to accept the following bids for pavement marking services within the Town:

<b>Seneca Pavement Markings: Miscellaneous Pavement Marking</b>	<b>\$20,300.00</b>
<b>Seneca Pavement Markings, Centerline Pavement Marking</b>	<b>\$36,656.40</b>

and it is further,

**RESOLVED**, that the Town Supervisor, or his designee, is hereby authorized to execute any and all documents to effectuate acceptance of said bids, subject to the approval of the Town Attorney.

**THE TOWN OF WALLKILL  
TOWN BOARD**

**ROLL CALL VOTE**

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

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE SALE OF SURPLUS PROPERTY**

**WHEREAS**, the Town of Wallkill acquired the vehicles and equipment listed in the attached memorandum dated April 18, 2019 for use by the Town’s Department of Public Works; and

**WHEREAS**, said vehicles and equipment are no longer used for their intended purpose due to age, condition and mileage; and

**WHEREAS**, it is no longer necessary for the Town of Wallkill to retain said vehicles and equipment for the purpose for which they were acquired, thus making them items of surplus; and

**WHEREAS**, it is the desire of the Town Board of the Town of Wallkill to auction said vehicles and equipment as surplus in order to recoup funds to be used for Town purposes.

**NOW THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby authorizes the Commissioner of Public Works or his designee to cause the vehicles and equipment in the accompanying memorandum dated April 18, 2019 to be declared and classified as surplus with the minimum auction bid prices set forth in said memorandum.

Resolution No. : \_of 2019

# *Memo*

**To:** Supervisor Diana and Town Board Members

**From:** Louis Ingrassia, Jr.

**Date:** April 18, 2019

**Re:** Surplus Equipment

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Please declare the following list of equipment as surplus and allow us to list the items in our next auction with Auctions International.

2004 International Dump Truck w/Plow and Wing, Mileage 70,996  
VIN No. 1HTWLADR74J083509  
Minimum Bid \$12,000.00

2006 Ford Garbage Truck, Mileage 100,238  
VIN No. 1FDAF56P36EA60365  
Minimum Bid \$8,000.00

2008 Ford Dial a Bus, Mileage 178,548  
VIN No: 1FD4E45P88DB56318  
Minimum Bid \$6,000.00

2007 Ford Edge, Mileage 101,033  
VIN No. 2FMDK48C37BB02060  
Minimum Bid \$1,000.00

2003 Dodge Pickup Truck w/Plow, Mileage 105,126  
VIN No. 3D7KU26D23G772914  
Minimum Bid \$1,000.00

1999 Ice-O-Way Sander  
Minimum Bid \$1,000.00

60" Hydraulic Power Broom Attachment  
S/N 12-3399  
Minimum Bid \$500.00

Jacobsen Turfcut T422D 72" Deck Mower  
S/N 66132-6715  
Minimum Bid \$450.00

2002 GEM E825 Utility Cart (not for use on roads)  
S/N 029503  
Minimum Bid \$100.00

If you have any questions, please feel free to contact me. Thank you.

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
APPOINTING A SEASONAL LABORER FOR THE TOWN OF WALLKILL PARKS  
DEPARTMENT.**

**WHEREAS**, a need exists for a Seasonal Laborer in the Town of Wallkill Parks Department;  
and

**WHEREAS**, Joseph May fulfills the requirements of knowledge and skill for the position; and

**WHEREAS**, it is the opinion of the Commissioner of Public Works and the Town Board of the Town of Wallkill that Joseph May is qualified to fill said position;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby appoints Joseph May to the position of Seasonal Laborer with an hourly rate of \$12.48 in the Town of Wallkill Parks Department, effective May 15, 2019 provided that 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> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. Diana</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
ADOPTING LOCAL LAW NO. \_\_ OF 2019 AMENDING THE TOWN’S ZONING MAP  
AND ISSUING A NEGATIVE DECLARATION AND FINDINGS IN ACCORDANCE  
WITH SEQRA**

**WHEREAS**, upon the petition of 281 Route 211 East, LLC and 560 Route 17M, LLC dated November 16, 2018, the Town Board of the Town of Wallkill wishes to adopt a local law for 2019 amending Chapter 249 of the Town Code, to rezone certain parcels of real property within the Town as set forth below from the Highway Commercial District to the R-1 District:

<u>Address:</u>	<u>Tax Map ID #</u>
265 Route 211 East	50-1-24 (Portion)
11 Certified Drive	50-1-25.1
Fitzgerald Drive	50-1-27.22 (Portion); and

**WHEREAS**, in accordance with the provisions of § 617.6 of the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), (the “SEQRA regulations”), the Town Board previously determined that the aforementioned proposed amendment to the Town Code is an action subject to SEQRA; classified the aforementioned local law as a Type I action pursuant to § 617.4 of the SEQRA regulations and designated itself as Lead Agency with respect to the consideration, review, and determination of significance of the aforementioned local law pursuant to SEQRA regulations § 617.6(b)(1)(I); and

**WHEREAS**, the Town Board has referred this proposed zoning map change to the Orange County Department of Planning for review and comment pursuant to General Municipal § 239-m and has received no response from the Orange County Department of Planning within the

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required response period and in any event, the Town believes that the aforesaid zone change has no county-wide impacts and is a local determination; and

**WHEREAS**, the Town Board has referred this proposed zoning map change to the Town of Wallkill Planning Board in accordance with the Town Code and no objections were received from the Planning Board, which held a public information hearing on April 3, 2019 and issued a report to the Town Board dated April 25, 2019 supporting the petition; and

**WHEREAS**, the Town Board held a public hearing on February 28, 2019, to review the proposed local law for the year 2019; and

**WHEREAS**, the Town Board previously reviewed the Full EAF submitted by the Petitioners and determined that same was adequate with respect to scope and content for the purpose of commencing public review and continued its environmental review pursuant to SEQRA; and

**WHEREAS**, the Town Board has reviewed the Full EAF, the record of the proceedings with respect to the public hearing on proposed local law and EAF, and the criteria for determining significance set forth section 617.7 (c)(1)(i)-(xii), (2)(i)-(iii), and (3)(i)-(vii) of the SEQRA regulations; and

**WHEREAS**, the Town Board has reviewed, weighed and balanced the relevant environmental impacts and has provided a rationale for its decision to adopt the proposed local law and to issue a negative declaration for the same, solely for the zoning change and not for any proposed project to be built at the effected property, which is subject to further review by the Town Planning Board,

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. The Town Board hereby certifies that it has complied with the requirements of Part 617 of the SEQRA regulations;
2. The Town Board hereby finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration for the same, with said negative declaration to be reviewed and approved by the Town Attorney; and
3. The Town Board hereby adopts Local Law No. \_\_ of 2019, which modifies Chapter 249 of the Town Code as set forth in the proposed local law, to designate the following properties:

<u>Address:</u>	<u>Tax Map ID #</u>
265 Route 211 East	50-1-24 (Portion)
11 Certified Drive	50-1-25.1
Fitzgerald Drive	50-1-27.22 (Portion)

Resolution No. :\_of 2019

within the Town as being in the R-1 zone, a copy of which is attached hereto and made a part of this resolution; and

4. The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill; to give due notice of the adoption of said Local Law to the Secretary of State of New York; to publish said Local Law to the public in a newspaper of general circulation; and to publish the Town Board's negative declaration for the proposed action in the Environmental Notice Bulletin of the Department of Environmental Conservation.

**LOCAL LAW NO. \_\_\_ OF 2019**

**A LOCAL LAW UPDATING AND AMENDING THE TOWN OF WALLKILL'S  
ZONING MAP REFERENCED IN CHAPTER 249-5 OF THE CODE OF  
THE TOWN OF WALLKILL, COUNTY OF ORANGE**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALLKILL AS FOLLOWS:

**SECTION 1.-INTENT AND PURPOSE**

The purpose of this local law is to update and amend the Town of Wallkill's zoning map for designation of portions of certain parcels of real property located on Route 211 East, Fitzgerald Drive and Certified Drive (Tax Map Nos. 50-1-24, 25.1 and 27.22) within the Town currently designated as being within the Highway Commercial (HC) District to rezone 5.379 acres of said properties to lie within the R-1 District as set forth below.

In addition to this general purpose, this change to the zoning map associated with the aforementioned proposed development promotes the following objectives:

1. Results in no prejudice or detriment to other properties in the surrounding area;
2. Benefits the public interest and the local community at large; and
3. Observes and is consistent with the intent of the Town of Wallkill's Master Plan.

**SECTION 2.-AMENDMENT**

The Town of Wallkill Code, Chapter 249-5, entitled "Zoning Map established", shall be amended to designate the following parcels of real property within the Town as lying within the R-1 District in accordance with the attached map:

<u>Address:</u>	<u>Tax Map ID #</u>
265 Route 211 East	50-1-24 (Portion)
11 Certified Drive	50-1-25.1
Fitzgerald Drive	50-1-27.22 (Portion)

**SECTION 3.-REVERSION**

- A. It is hereby declared by the Town Board that any portion of the aforesaid parcels that have been reclassified as lying within the R-1 Zoning District shall revert back to the Highway Commercial Zoning District in the event that within three (3) years of the effective date of this local Law construction of buildings and facilities approved for uses either permitted by right or by special use permit in the R-1 District has not commenced.
- B. No site preparation or construction of any type may commence on any portion of the aforesaid parcels that have been reclassified as lying within the R-1 Zoning District until such time as full, final and un-appealable Town Planning Board approval has been given

for such activity.

**SECTION 4.- EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule 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> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. Diana</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING BUDGET AMENDMENTS**

It is hereby resolved that the following amendment be made to the 2019 budget for the emergency work at Korn's Campground:

**Transfer \$50,000**

**From: General Insurance Recovery (A2680)**

**To: Korn's Campground (A8620.4)**

The town has received a 2<sup>nd</sup> payment of \$50,000 from the insurance company to complete emergency repair work at Korn's Campground. This amendment will transfer the funds to the expense line for the work being done.

**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> <b>Mr. Coyne</b>				
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<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. Diana</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING BUDGET AMENDMENTS**

It is hereby resolved that the following amendment be made to the 2019 budget for the purchase of a server for the Town Court:

**Transfer \$6,800.00**

**From: General Contingency (A1990.4)**

**To: Court Purchase of Equipment (A1110.2)**

New York State provides for the computers needed in the court, but not the server. The Court is currently experiencing issues with credit payments and other processing, and BAS quoted a new server to correct the issues. This was not included in the 2019 budget, as we were not aware of the problem at budget preparation time.