

Work Session Agenda

TOWN OF WALLKILL
DATE: April 28, 2021

Work Session
TIME: 7:00 PM

Discussion Topics: Charter Communications
Water Bill
Resident Mail Box

Announcements: NONE

- Resolutions:
1. Resolution Of The Town Board Of The Town Of Wallkill Authorizing The Transfer OF Funds
 2. Resolution Of The Town Board Of The Town Of Wallkill Establishing A Schedule For The Filing Of Hotel Tax Returns Pursuant To Local Law # 1 Of 2021
 3. Resolution Of The Town Board Adopting Local Law NO. 2 Of 2021 Creating A New Chapter Of The Town Code Entitled “Unattended Unattended Donation Boxes”
 4. Resolution Of The Town Board Of The Town Of Wallkill Authorizing The Approval Of Project Agreements And Acceptance Of Easements And Declarations For The Med Parc Subdivision

Executive Session:

Motion to Adjourn:

Resolution No. :_of 2021

**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. DenDanto				
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 with respect to the 2021 Town Budget as follows:

1) **GENERAL FUND**

	Account:	Description:	Debit (From):	Credit (To):
From:	A3007	State Aid, Park & Ride	1,000.00	
To:	A5190.42	Park & Ride Utilities		1,000.00

This amendment anticipates revenue to cover utility expenses for the Park & Ride lot in the town. The town receives state aid for all expenses for the Park & Ride; rent, utilities, maintenance, etc.

2)

	Account:	Description:	Debit (From):	Credit (To):
From:	A1220.11	Supervisor Salaries	20,000.00	
To:	A1220.4432	Supervisor Financial Consultant		20,000.00

This transfer utilizes funds budgeted for an additional employee in the Accounting Office to cover the cost of a consultant to work in Accounting while the hiring process takes place.

3)

	Account:	Description:	Debit (From):	Credit (To):
From:	TA80	Celebrations	1,188.00	
To:	A7550.4810	St. Patrick's Celebrations		1,188.00

This amendment transfers funds donated to the town for celebrations into the related expense.

4) GENERAL FUND

	Account:	Description:	Debit (From):	Credit (To):
From:	DA5133.1	Central Garage Salaries, Highway	8,335.20	
To:	DA9950.9	Interfund Expense, to General		8,335.20
From:	DA9950.9	Interfund Expense, to General	8,335.20	
To:	DA201	Cash in Time		8,335.20
From:	A201	Cash in Time	8,335.20	
To:	A5031	Interfund Revenue, from Highway		8,335.20
From:	A5031	Interfund Revenue, from Highway	8,335.20	
To:	A5133.1	Central Garage Salaries, General		8,335.20

This amendment utilizes funds budgeted in the Highway Fund to reimburse the General Fund for Central Garage salaries charged to the old General Fund expense for those in error.

5) LORELEI WATER

From:	SWC9730.6	Lorelei Water BAN expense-principal	20,360.00	
To:	SWC9710.6	Lorelei Water Bond expense-principal		20,360.00
From:	SWC9730.7	Lorelei Water BAN expense-interest	27,034.00	
To:	SWC9710.7	Lorelei Water Bond expense-interest		27,034.00

The funds were budgeted for the Lorelei Water debt. This entry reclassifies it to the proper line, it is now a bond expense, not a bond anticipation note. It was converted to long term debt in 2020.

**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. DenDanto				
TOTAL				

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ESTABLISHING A SCHEDULE FOR THE FILING OF HOTEL TAX RETURNS
PURSUANT TO LOCAL LAW # 1 OF 2021**

WHEREAS, the Town Board of the Town of Wallkill adopted Local Law of 2021 entitled the “Town Of Wallkill Hotel Room Occupancy Tax Law”, which law was filed in the office of the New York Secretary of State on March 8, 2021; and

WHEREAS, §216-37(A) of said law requires hotel operators within the Town to file quarterly returns for the three-month periods ending the last day of March, June, September and December of each year unless the Town Board deems it necessary to require returns to be made for other periods upon such dates as it may specify; and

WHEREAS, currently, the County of Orange requires hotel tax returns to be submitted for the three-month periods ending the last day of February, May, August and November of each year; and

WHEREAS, in the interest of assisting the hotel operators within the Town in the preparation of its Town hotel tax returns, it is the opinion of the Town Board that the Town should maintain the same hotel tax return filing schedule as Orange County

NOW, THEREFORE BE IT HEREBY

RESOVLED in accordance with §216-37(A) of Local Law # 1 of 2021, hotel operators within the Town shall be required to file quarterly tax returns for three-month periods ending on the last day of February, May, August and November of each year.

Resolution No. : ___ of 2021

**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. DenDanto III				
TOTAL				

The following was presented

By: _____

Sec'd by: _____

Date of Adoption: _____

**RESOLUTION OF THE WALLKILL TOWN BOARD ADOPTING LOCAL LAW NO. 2
OF 2021 CREATING A NEW CHAPTER OF THE TOWN CODE ENTITLED
“UNATTENDED DONATION BOXES”**

WHEREAS, the Town Board of the Town of Wallkill wishes to adopt a Local Law entitled “LOCAL LAW NO. 2 OF 2021 CREATING A NEW CHAPTER OF THE WALLKILL TOWN CODE ENTITLED “UNATTENDED DONATION BOXES” to regulate the placement of Unattended Donation Boxes within the Town; and

WHEREAS, in connection with the proposed Local Law, the Town Board determined that said action is a Type II Action under Section 617.5 (c)(26) of the State Environmental Quality Review Act (SEQRA) and is not subject to further review under SEQRA; and

WHEREAS, a public hearing was held on November 19, 2020 at 7:25 p.m. 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 hearings and wishes to proceed with the adoption of said Local Law,

WHEREAS, the Local Law was previously adopted by Resolution of the Town Board on November 19, 2020 but was not filed in the Office of the New York Secretary of State, which is why said Local Law is being reconsidered at this time.

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 2 of 2021, entitled “LOCAL LAW NO. 2 OF 2021 CREATING A NEW CHAPTER OF THE WALLKILL TOWN CODE ENTITLED “UNATTENDED DONATION BOXES”, a copy of which is attached hereto and made a part of this resolution; and be it further

Resolution No. : ___ of 2021

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.

Town of Wallkill
Chapter 229
Unattended Donation Boxes

HISTORY:

The Town of Wallkill has specific locations where Unattended Donation Boxes (as defined herein) are in use. The Town Board deems it necessary to standardize the handling of these Unattended Donation Boxes and their locations in the interest of public health and safety.

§229-1 Intent.

The purpose of this Chapter is to regulate the placement of Unattended Donation Boxes (as defined herein) within the Town. The procedures and requirements of this chapter are enacted to:

- A. Promote the community's health, safety, and welfare by regulating Unattended Donation Boxes for clothing or other salvageable personal property within the Town;
- B. Ensure that Unattended Donation Boxes do not pose a hazard to pedestrian and vehicular traffic;
- C. Ensure that material is not allowed to accumulate outside of the Unattended Donation Boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and
- D. Establish criteria that avoid attracting vermin, unsightliness, and a public health hazard.

§229-2 Definitions.

OPERATOR

A person, entity, association or organization that places, maintains or operates Unattended Donation Box(es) to solicit donations of salvageable personal property.

PERMITTEE

The Property Owner or Lessee who is issued a permit authorizing placement of Unattended Donation Box(es).

PROPERTY OWNER

The person, entity, association or organization who owns the real property where the Unattended Donation Box(es) are or are proposed to be located.

RESIDENTIAL DISTRICT

Residential zoning districts as established pursuant Town code and Town zoning code, including but not limited to RA, RA-1, R2, APR, RA-H, R-M(B), PRD, and adopted specific plans with applicable residential zoning districts.

UNATTENDED DONATION BOX:

Any unattended container, receptacle, or similar device that is located on any property within the Town used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the Town zoning code or other applicable law.

§229-3 Unpermitted Unattended Donation Boxes Prohibited.

Unless otherwise exempt, it shall be unlawful and a public nuisance for any Property Owner or Operator to place, operate, maintain or allow Unattended Donation Box(es) on real property unless the Property Owner first obtains a permit issued pursuant to this Chapter and the Unattended Donation Box is placed, operated and maintained in accordance with all provisions of this chapter.

§229-4 Permit applications.

A. The permit application shall be made on a form provided by the Town Building Department and shall include the following information:

1. The name, address, email, website (if available) and telephone number of the Property Owner or applicant;
2. Written proof sufficient to establish that the Operator who will utilize the Unattended Donation Box is qualified to solicit donations of salvageable personal property pursuant to applicable local, state and/or federal law;
3. The text of the instructions, signage and disclosures that will be affixed to the Unattended Donation Box;
4. The physical address of the Property Owner's proposed location and a drawing sufficient to specify the proposed location of the Unattended Donation Box on the real property, as well as the size of the proposed Unattended Donation Box;
5. The proposed method of operating, monitoring, emptying, cleaning and maintaining the Unattended Donation Box, including, but not limited to, the proposed frequency of each of the aforesaid activities.

B. Each application shall be accompanied by a nonrefundable fee in an amount established annually by Town Board resolution. This fee shall be in addition to any fee or tax imposed by the Town pursuant to any other provision of the Town Code.

C. Applications shall be completed and filed with the Town Building Department, with payment.

D. Within 30 days of receiving a completed application, the Town shall issue a permit or deny the issuance of a permit.

E. The Town shall not issue a permit unless:

1. The applicant has submitted a complete and accurate application accompanied by the applicable fee;

2. The Operator who will maintain or operate the Unattended Donation Box is qualified to solicit donations of salvageable personal property pursuant to local, state or federal law;

3. The proposed location and placement of the Unattended Donation Box on the Property Owner's real property is in compliance with all applicable laws and will not impede pedestrian and/or bicycle traffic, sight distances onto adjacent streets, or vehicular traffic.

F. If the Building Inspector denies an application, he shall state the specific reasons for denial in writing.

G. Any permit issued shall be valid for one Unattended Donation Box. Multiple Unattended Donation Boxes controlled by the same Owner/Operator shall have separate permits for each box.

H. The term of the permit shall expire one year from the date of issuance.

I. No Permittee or Operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or Operator.

J. Prior to expiration of the permit, the Permittee may voluntarily surrender the permit by notifying the Building Department in writing of the intent to surrender the permit. The permit shall become void upon the Town's receipt of written notice of intent to surrender the permit. Upon such surrender, the Permittee shall remove the Unattended Donation Box from the permitted location within 14 calendar days from the date of surrender. Failure of the Operator/Permittee to remove the Unattended Donation Box, along with all accumulated personal property, clothing, debris and other items in the immediate area of the Unattended Donation Box will result in fines and penalties as prescribed annually by resolution of the Town board.

§229-5 Renewal of permits.

A. A Permittee may apply for permit renewal by submitting to the Building Department, before the expiration of the permit, a renewal application and a nonrefundable renewal fee in an amount set by resolution of the Town council.

B. The Building Inspector shall either approve or deny the renewal of a permit within 30 days of receipt of the complete renewal application and payment of the renewal fee.

C. The Building Inspector shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit, existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal that are inconsistent with any finding required for approval of a new permit or that would justify the revocation of the permit.

D. A permit may be suspended or revoked for cause, if an Operator/Permittee is found to be violation of the below guidelines to operate and maintain the Unattended Donation Box.

§229-6 Unattended Donation Box requirements for operation and maintenance.

A. A Permittee shall operate and maintain or cause to be operated and maintained, all Unattended Donation Box(es) located in the Town as follows:

1. Unattended Donation Box(es) shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;
2. Unattended Donation Box(es) shall be locked or otherwise secured;
3. Unattended Donation Box(es) shall contain the following contact information in two-inch type visible from the front of each Unattended Donation Box: the name, address, email, and phone number of both the Permittee and Operator;
4. Unattended Donation Box(es) shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Town.

B. The Permittee shall maintain or cause to be maintained the area surrounding the Unattended Donation Box free of any junk, garbage, trash, debris or other refuse material.

C. The Permittee and Operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the Unattended Donation Box within twenty-four hours of written or verbal notice from the Town.

D. The Permittee and Operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the Unattended Donation Box as well as fines associated with littering in the event said boxes are not maintained.

E. It shall be unlawful for any Property Owner or Operator to place an Unattended Donation Box in any Residential District.

F. No Unattended Donation Box shall be placed within four hundred feet from another Unattended Donation Box.

G. No Unattended Donation Box shall be placed in designated parking spaces on private commercial property.

H. No more than one Unattended Donation Box shall be placed on each tax map parcel of real property.

§229-7 Revocation of permit, removal of Unattended Donation Box(es) and liability.

A. The Town shall have the right to revoke any permit issued hereunder under the following circumstances:

1. If any of the grounds upon which it may have refused to issue an initial permit exists;

2. The failure of the Permittee to comply with the provisions of this Chapter, other provisions of the Town Code, or other local, state or federal law; or
 3. The Town determines that the continued presence of the permitted Unattended Donation Box in its current location in any way compromises the health, safety and/or welfare of the public.
- B. In such event, the Town shall provide a written notice to the Permittee stating the specific grounds for such suspension or revocation. Upon such suspension or revocation, the Unattended Donation Box shall be removed from the Permittee's real property within 30 calendar days and, if not removed within this time period, the Town may remove, store and dispose of the Unattended Donation Box at the Permittee's sole cost and expense.
- C. Upon suspension or revocation, a Permittee shall be prohibited from applying for a permit to place an Unattended Donation Box at any location within the Town of Wallkill for a period of one year.
- D. Any violation of the provisions of this Chapter constitutes a public nuisance subject to abatement pursuant to this code or as otherwise permitted by law.

§229-8 Violation; Penalties.

Any person violating any provision of this Chapter is guilty of a violation.

§229-9 Appeal of Denial, Suspension or Revocation.

Any person aggrieved by the decision rendered by the Town in:

1. Granting or denying an application for a permit under this Chapter;
2. Granting or denying an application to renew a permit under this Chapter; or
3. Suspending or revoking a permit issued hereunder

may appeal such decision to the Town Supervisor. The appeal shall be made by filing a written notice thereof with the Town Clerk not later than ten calendar days after receiving notice of the decision from the Town. The Town Supervisor shall hold a hearing on the appeal within 30 calendar days and issue a decision within 10 business days following the conclusion of the hearing. Any party aggrieved by the decision of the Supervisor may appeal such decision to the Town Board within 5 days of receipt of the Supervisor's decision. The Town Board may choose to hold a further appeal hearing or decide the matter on the existing record. A decision of the Town Board will be issued within 45 days of the date when the appeal was filed with the Town Clerk.

§229-10 Administrative fees.

The Town Board may, by resolution, establish reasonable fees and deposits to defray the cost of processing applications, appeals and for the administration of this chapter.

§229-11 Exemption.

Unattended Donation Boxes located entirely within the interior of a building are exempt from the requirements of this Chapter, in the event that the Operator and Property Owner are one in the same and not to the extent that they violate other Town building or fire codes.

**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. DenDanto				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE APPROVAL OF PROJECT AGREEMENTS AND
ACCEPTANCE OF EASEMENTS AND DECLARATIONS FOR THE MED PARC
SUBDIVISION**

WHEREAS, 599 E. Main Street Project LLC (“Developer”) is in the process of developing lands known as the Med Parc Subdivision along East Main Street in the Town known as Section 78-1-94.13 and 78-1-94.122; and

WHEREAS, Developer obtained approval from the Town of Wallkill Planning Board to subdivide and develop said property, which requires the Developer to, inter alia, enter into certain agreements with the Town, convey certain easements to the Town and file certain declarations, requirements and restrictions to run with certain parcels within the subdivision; and

WHEREAS, Developer has provided the Town with the aforesaid documents; and

WHEREAS, the Town’s acceptance and approval of the proposed documents is in the best interest of the Town, its citizens, and the public, health, safety and welfare of the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Board of the Town of Wallkill accepts the subdivision documents proposed by 599 E. Main Project LLC, including but not limited to, the following:

1. Deed to Road
2. Offer of Dedication
3. Sewer Water Line Easement
4. SWPPP Restrictive Covenants
5. 1st Amendment to Declaration of Easements
6. Stormwater Maintenance Agreement
7. Developer’s Agreement
8. Declaration of Restrictive Covenants

Resolution No. ___ of 2021

9. Construction Inspection Agreement
10. All other documents deemed necessary by the Town Attorney, Town Planning Board Attorney, Town Consulting Engineer and Town Building Inspector, and it is further

RESOLVED, that the Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing following review and approval by the Town Attorney and Town Consulting Engineer.