

Work Session Agenda

TOWN OF WALLKILL
DATE: 9/21/2022

WORK SESSION
TIME: 7:00pm

Topics:

- Vanta Project
- Approve Warrants

Resolutions:

1. Resolution - Authorize Town Supervisor To Accept BID For Preowned Hand-Fed Chipper
2. Resolution - Authorize Supervisor To Execute A Stipulation Of Settlement With Regard to Pending Litigation
3. Resolution – Authorize The Town Board To Demand A LOC Posted With The Town By Charlynn, LLC & Endorsing & Accepting The Notice Of Incomplete Site Improvements and Certification Prepared By MHE Engineering

Executive Session:

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. Serrano				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE SUPERVISOR TO ACCEPT A BID FOR A PREOWNED 2019
BANDIT MODEL 90 XP HAND-FED CHIPPER**

WHEREAS, the Town Board of the Town of Wallkill is in need of a preowned 2019 Bandit Model 90 XP hand-fed chipper; and

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

WHEREAS, bids were solicited, opened and reviewed on September 16, 2022; and

WHEREAS, the lowest responsible bidder has 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 a preowned 2019 Bandit Model 90 XP hand-fed chipper from:

Grand True Value Rental in the amount of \$16,500.00

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. This purchase will be made from the 2022 Approved Budget, line DA5110.2.

Resolution No. : ___ of 2022

ROLL CALL VOTE

**THE TOWN OF WALLKILL
TOWN BOARD**

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. Serrano				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A STIPULATION OF
SETTLEMENT WITH REGARD TO PENDING LITIGATION**

WHEREAS, the Town of Wallkill is currently engaged in litigation to dissolve the Town of Wallkill Housing Authority pending in Supreme Court, Orange County entitled: *In the Matter of the Petition of Town of Wallkill for the Dissolution of the Town of Wallkill Housing Authority*, under Index #: EF006772-2020 (the "Proceeding"); and

WHEREAS, the Town and respondents have reached a settlement disposing of all claims related to the grievance; and

WHEREAS, after due consideration of the advice provided by counsel, the Town Board of the Town of Wallkill has determined that settling the Proceeding is in the best interests of the Town;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, by the Town Board of the Town of Wallkill that the Town Supervisor, or his designee, is hereby authorized to execute a Stipulation of Settlement resolving all issues related to the Proceeding with prejudice, and to execute any other agreements, releases or documents necessary to completely effectuate said settlement, subject to the review and approval of the same by the Town Attorney.

Resolution No. : ___ of 2022

ROLL CALL VOTE

**THE TOWN OF WALLKILL
TOWN BOARD**

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. Serrano				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE DEMAND UPON A LETTER OF CREDIT POSTED WITH THE
TOWN BY CHARLYNN, LLC AND ENDORSING AND ACCEPTING THE NOTICE OF
INCOMPLETE SITE IMPROVEMENTS AND CERTIFICATION PREPARED BY MHE
ENGINEERING, THE TOWN'S CONSULTING ENGINEERS**

WHEREAS, Charlynn, LLC posted with the Town of Wallkill a performance bond in the form of an Irrevocable Standby Letter Of Credit #SB1761250001 in the amount of \$14,000.00, issued by M&T Bank with respect to secure the public and private improvements associated with its approved commercial project located at 1 Goshen Turnpike within the Town; and

WHEREAS, to date, neither Charlynn, LLC, nor any person or entity acting on its behalf, have completed approximately fourteen thousand dollars (\$14,000.00) of required site improvements, as required by the Planning Board's resolution of approval and in the estimate prepared by the Town's Consulting Engineers dated April 1, 2008 and as set forth in a resolution of the Town Board duly adopted on September 10, 2014; and

WHEREAS, the Town has been notified that M&T Bank will not be renewing or extending Irrevocable Standby Letter Of Credit #SB1761250001 after September 30, 2022; and

WHEREAS, no replacement letter of credit or similar other security has been provided by Charlynn, LLC to replace Irrevocable Standby Letter Of Credit #SB1761250001; and

WHEREAS, the Town Board has determined that it is necessary and in the best interests of the Town to make demand upon the aforementioned letter of credit before its expiration,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Wallkill authorizes the Town Supervisor, or his authorized designee, and the Town Attorney, to make demand upon Irrevocable Standby Letter Of Credit #SB1761250001 and/or to negotiate alternative security arrangements with Charlynn, LLC; and

2. The Town Board authorizes the Town Supervisor, or his authorized designee, to execute any necessary documents associated with the making of such a demand and/or with the negotiation of alternative security arrangements with Charlynn, LLC, subject to the review and approval of the same by the Town Attorney; and

3. The Town Board further accepts and endorses the notice of the incomplete site improvements totaling fourteen thousand dollars (\$14,000.00) prepared by the Town's Consulting Engineer, MHE Engineering, in accordance with the terms of Irrevocable Standby Letter Of Credit #SB1761250001 issued by M&T Bank; and

4. The Town Board hereby accepts and endorses the findings contained in the Certification of the Town's Consulting Engineer, MHE Engineering, that Charlynn, LLC has failed to complete, in whole or in part, the required site improvements as detailed in the Planning Board's resolution of approval and in that certain engineer's estimate dated April 1, 2008 and as set forth in a resolution of the Town Board duly adopted on September 10, 2014; and

5. The Town Board hereby states and affirms that the aforementioned site improvements have not been approved or accepted by it to date.