

The Town Board of the Town of Wallkill held a Public Hearing on January 11, 2007 at Wallkill Town Hall 99 Tower Drive Bldg A at 7:26 pm. Members present were Supervisor Ward, Councilman King, Councilman Mulqueen and Councilman McCarey. The Town Clerk read the following notice:

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of Wallkill on January 11, 2007 at 7:22 p.m. at Wallkill Town Hall regarding the adoption of a Local Law of the Town of Wallkill for the year 2007, which would amend Chapter 249, sections 19, 20 and 22 and any other applicable sections of the Town Code of the Town of Wallkill, concerning lot and building standards and regulations concerning two family dwellings.

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: Town of Wallkill 99 Tower Drive - Bldg. A Middletown, New York 10941

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, NEW YORK.  
Mr. Ward explains there was a typographical error in the original section and this hearing is to make the correction.

No comment from the Board.  
No Public comment.

**Motion by** Mr. Ward to close the hearing at 7:27 pm

**Seconded by:** Mr. Mulqueen

Supervisor Ward:	Voting Aye
Councilman King:	Voting Aye
Councilman Valentin:	Absent
Councilman Mulqueen:	Voting Aye
Councilman McCarey:	Voting Aye

**Motion Carried**

Councilman Valentin is now present  
The Clerk reads the following Notice:

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of Wallkill on January 11, 2007 at 7:25 p.m. at Wallkill Town Hall regarding the adoption of a Local Law of the Town of Wallkill for the year 2007, which would amend the Town Code of the Town of Wallkill to adopt disciplinary hearing procedures for members of the Town of Wallkill Police Department.

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 Town of Wallkill 99 Tower Drive - Bldg. A Middletown, New York 10941

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

Mr. McKay, Attorney for the Town explains this Local Law.

No Board Comment

**PUBLIC COMMENT**

**Mr. Scalfaro :** On behalf of the Town of Wallkill PBA, The Union is against this Local Law, and they do not agree with Mr. McKay's interpretation of the law. Also states that the Town of Wallkill Police have been without a contract since 2004.

**Mr. Ferri :** Would like a further interpretation of the Town's position on this proposed law.

**Mr. McKay:** Further states the Town's position on this law.

**Motion By:** Mr. Ward  
To close PH at 7:40 pm

**Seconded By:** Mr. McCarey

Supervisor Ward: Voting Aye  
Councilman King: Voting Aye  
Councilman Valentin: Voting Aye  
Councilman Mulqueen: Voting Aye  
Councilman McCarey: Voting Aye

**Motion Carried**

A regular meeting of the Town Board of the Town of Wallkill was held on January 11, 2007 at 99 Tower Drive, Bldg A Middletown NY. Present were Supervisor Ward, Councilman King, Councilman Valentin Councilman Mulqueen and Councilman McCarey. Also present were Mr. Lippertt, Mr. Smith, Mr. Jaques, Chief Hertman and Mr. McKay.

The Meeting was opened with the pledge of allegiance led by Supervisor Ward.

Item L has been added to the agenda.

Public comment on the Agenda.

Mr. Ferri: SEQRA or scoping of the master plan.

Mr. Walker: Land Trust, PDR Questions.

**Motion By:** Mr. Ward to accept minutes of December 27<sup>th</sup> and November 9<sup>th</sup>  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

### **Motion Carried**

### CORRESPONDENCE

To: Town Board Members

From: Orange County DPW, Cesare Rotundo

A speed limit reduction has been approved for a portion of Scotchtown Collabar Rd. The limit will be reduced to 45 mph on a 1.6 mile section of City Rd 47 from 0.1 mile north of City Rd 101 to Lybolt Rd.

The County will post the new limit as soon as the official order is received.

To: Town Board Members

From: M. Hunt, Planning Board secretary

Recommended that a bond in the amount of \$14,400 be posted for one year prior to the dedication of Henderson Drive. Once approved and established the existing site work bond in the amount of \$29,012.50 may be released.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

To: Town Board Members

From: M. Hunt, Planning Board secretary

The Regency Manor Apartment letter of credit may be reduced to \$30,000.00.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

To: Town Board Members

From: Marlene Freehill, Court Clerk

Advises that as of December 30, 2006 she will retire from the Town of Wallkill.

To: Town Board Members

From: Gene Jaques, Building Inspector

Permission to send Walt Barrett and Don Benedetto to Code update course on May 9, 2007 from 9am until 5pm.

**Motion By:** Mr.Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

To: Town Board Members  
From: Jay McClintock Park Supervisor

Permission to attend a two day seminar February 2, 3 on Lake Management at Rutgers University. The cost is \$275.00

**Motion By:** Mr.Ward  
**Seconded By:** Mr. King

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

To: Town Board Members  
From: Jay McClintock, Park Supervisor

Permission for myself, Jason Jaccarino and Dan Ebnetter to attend Turf Grass training in Suffern NY on January 31<sup>st</sup> at a cost of \$90.00 per person.

**Motion By:** Mr.Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
REAPPOINTING JAMES BAYSE AS A MEMBER OF THE TOWN OF WALLKILL  
BOARD OF ASSESSMENT REVIEW**

**WHEREAS**, James Bayse has previously served as a member of the Town of Wallkill Board of Assessment Review; and

**WHEREAS**, James Bayse has performed his duties as a Board of Assessment Review member in a diligent, competent and proper manner; and

**WHEREAS**, James Bayse has sought reappointment to said Board of Assessment Review; and

**WHEREAS**, the Town Board has determined that the continued service of James Bayse as a member of the Town of Wallkill Board of Assessment Review would be to the benefit of the residents of the Town of Wallkill;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Town Board of the Town of Wallkill,

**THAT** James Bayse is hereby reappointed to the position of member of the Town of Wallkill Board of Assessment Review.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
ESTABLISHING A CAPITAL ASSET POLICY**

**WHEREAS**, the Town Board of the Town of Wallkill understands that it is in the best fiduciary interest of the Town to have established a Capital Asset Policy for Town-owned assets, both real and otherwise; and

**WHEREAS**, the establishment of a Town Capital Asset policy by the Town Board is the first step in the GASB34 Procedure, recognized as the standard of excellence in municipal fiduciary responsibility of the Town to its citizens;

**BE IT HEREBY RESOLVED**, by the Town Board of the Town of Wallkill, **THAT** said Town Board hereby adopts a Capital Asset Policy, herein attached, as official policy of the Town of Wallkill.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL SETTING TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT A LOCAL LAW REGULATING THE USE AND OPERATION OF ALL TERRAIN VEHICLES (ATV's) IN THE TOWN OF WALLKILL**

**WHEREAS**, the Town Board of the Town of Wallkill wishes to set a time and place for a public hearing concerning the adoption of a local law to regulate the use and operation of all terrain vehicles (ATV's) in the Town of Wallkill;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that a public hearing be held by the Town Board in order to receive comments and suggestions from the public concerning the adoption of a local law regarding the regulation of the use and operation of all terrain vehicles (ATV's) in the Town of Wallkill on January 25, 2007 at 7:27 p.m. at the Town of Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York; 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.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL ADOPTING LOCAL LAW NO. 1 OF 2007 ENACTING THE TOWN OF WALLKILL MUNICIPAL LAND TRUST LAW**

**WHEREAS**, the Town Board of the Town of Wallkill has proposed to adopt a municipal land trust local law that would provide a mechanism for the Town to purchase development rights (PDRs) or other property for the purpose of preserving open space and to provide a means of administering and overseeing the conservation and protection of those rights and properties; and

**WHEREAS**, a public hearing was held on the 14th day of September 2006 to receive comment from the public with respect to the aforesaid local law; and

**WHEREAS**, the Town Board of the Town of Wallkill has determined that adopting the municipal land trust local law is in the best interest of the residents of the Town of Wallkill;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 1 of 2007, entitled A LOCAL LAW ENACTING THE MUNICIPAL LAND TRUST LAW OF THE TOWN OF WALLKILL, COUNTY OF ORANGE, NEW YORK, 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.

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

**Section 1.**

The Town Code of the Town of shall be amended by adding Chapter 163, entitled “Municipal Land Trust Law”, which shall provide as follows:

## **Section 2.**

Legislative findings.

- <sup>A</sup> The State of New York, by various legislative enactments, including but not limited to General Municipal Law § 247 and Environmental Conservation Law § 49-0301, has emphatically stated it to be a most important state policy to provide for open space and to conserve, protect and encourage the improvement of agricultural lands, both for production of food and the preservation of such lands as valued natural and ecological resources. The Legislature has determined that the acquisition of open spaces and areas is a valid public purpose and that the expenditure of Town funds to acquire legal interests and rights in such lands is in furtherance of such policy and is a proper expenditure of public funds for public purposes.
- <sup>B</sup> The Town of Wallkill is in complete accord with such policy as evidenced by the Town's stated intent to pursue the Purchase of Development Rights. The Town believes that the preservation of and continued alienation of certain tracts of land throughout the Town will preserve the aesthetic natural beauty and ecological natural resources and that same constitutes a valid public purpose.

## **Section 3.**

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**OPEN SPACE PRESERVATION FUNDS** — Includes all monies deposited in the fund established by § 5 hereof.

**AGRICULTURAL LANDS** — Lands used in bona fide agricultural production located in an agricultural district and receiving agricultural assessment.

**AGRICULTURAL USE AND PRODUCTION** — The use and production for commercial purposes of all those items and products as defined in NYS Agriculture and Markets Law § 301, including, but not limited to, plants and animals useful to man, including fruits, viniculture, nuts, vegetables, greenhouse plants, tree nurseries, Christmas trees, forages, sod crops, grains, feed crops, dairy, processing of farm-produced dairy products, all domestic livestock for breeding and grazing and the equine industry, aquaculture, hydroponics, and other similar uses and activities.

**ALIENATION** — The sale or transfer of any development right in real property acquired under this chapter by or from the Town of Wallkill to another person or entity and shall include, without limitation, changes or amendments in the terms or provisions of conservation easements held by the Town.

**CONSERVATION EASEMENT** — A negative easement in gross that restricts the use of real property to conservation purposes described in a deed of easement or other legal document.

**DEED or CONTRACT OF EASEMENT** — A legal document which conveys and/or restricts the use of legal interests in land.

**DEVELOPMENT RIGHT** — Those rights permitted to real property or land with respect to residential or commercial uses or density of use in accordance with law.

**INTEREST or RIGHT** — In real property shall include any legally recognized interest and right in real property less than fee simple.

**NEGOTIATION BEYOND FIXED CONTRACT FACTORS** — Specific modification to standard agreements, easements, or other standard documents which furthers program interests.

**NONFARM OPEN SPACE** — Parcels of land that are not receiving agricultural assessment. Such open space may be part of a significant view shed, harbor endangered species or abundant animal habitats, protect a vital aquifer, be adjacent to an already existing conversation easement parcel, proximate to a public facility, contain a year-round stream or body of water, have an historic structure (or structures) or proven native American landmarks and artifacts, or border a scenic road.

**OPEN SPACE ACQUISITION BOND FUNDS** — Any present or future bonded funds approved by the electorate of the Town of Wallkill for the circumstances described in the Local Law.

**OSP BOARD** — The Wallkill Open Space Preservation Board.

**PERMEABILITY** — The ability of soils to absorb and transmit water from the surface toward the subsoil without an artificial or natural barrier. This term relates to the qualitative evaluation of soils for agricultural purposes.

**STRUCTURE** — Anything constructed, erected or moved from other premises, and located in, on or under the ground, or attached to anything in, on or under the ground, including fences.

#### **Section 4.**

Open Space Preservation Board.

A The Town of Wallkill Open Space Preservation Advisory Board, hereinafter referred to as the

- . "OSP Board," is hereby constituted as a continuing agency of the Town of Wallkill.
- B It shall consist of seven members, each of whom shall be appointed by the Town Board. Each member shall serve for a term of five years, and terms shall be staggered so that there will be continuity in the membership.
- C A Chair shall be annually elected by the members of the Board and may succeed him/her for additional terms not exceeding five years.

**Section 5.**

Duties of Board.

The OSP Board shall have the authority to:

- A Solicit applications from eligible landowners for PDR of both agricultural and nonfarm properties.
- B Encourage owners of lands contiguous with already preserved lands and/or presently agriculturally assessed lands, to submit application for PDR in order to establish/maintain a critical agricultural or open space mass.
- C Hold yearly informational meetings.
- D Offer help with the PDR application process.
- E Visit landowners who are potential applicants for PDR.
- F. Monitor, or make provision therefore, each deed-restricted parcel yearly to insure that regulations of PDR are properly observed; file a written report on each parcel and notify owner, in writing, of any noted infraction.
- G Review any matters relating to development rights in particular and to agricultural matters in general as they relate to the Town.
- H Serve as a review board, in the case of agricultural PDR, for the granting of preliminary approval for the location, construction, or moving of agricultural structures on, to or within all lands on which development rights have been sold in conformance with the easement contract and prior to ordinary agency (whether Town or other) review and approval or permitting.
- I. Promulgate, subject to Town Board approval, such procedural rules and regulations as may be necessary to carry out the intent of this chapter, and to administer its provisions, including evaluation and ranking of applicants for purchase of development rights.

**Section 6.**

Open Space Preservation Fund.

- A The Town of Wallkill Open Space Preservation and Acquisition Fund (the fund) is hereby . established.
  
- B Deposits into the fund may include revenues of the Town from whatever source and shall . include, at a minimum, Open Space Acquisition Bond Funds, all revenues from or for the amortization of indebtedness authorized for the acquisition of open spaces or areas pursuant to § 247 of the General Municipal Law, and any revenues from a real estate transfer tax which may be established.
  
- C The fund shall also be authorized to accept gifts. Interest accrued by monies deposited in the . fund shall be credited to the fund.
  
- D . In no event shall monies deposited in the fund be transferred to any other fund or account.
  
- E Nothing contained in this chapter shall be construed to prevent the financing, in whole or in . part, pursuant to the NYS Local Finance Law, of any acquisition authorized by this chapter. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the Local Finance Law, consistent with effectuating the purposes of this chapter.

**Section 7.**

Purposes of fund.

- A The purposes of the fund shall be exclusively:
  - . To implement the Town's agricultural and open space preservation and acquisition program.
  
  - To acquire interests or rights in real property for the preservation of agricultural and open space lands within the Town.
  
- B The acquisition of interest and rights in real property under the fund shall be in cooperation with . willing sellers and/or donors.

**Section 8.**

Acquisition of interest in property; public hearing and other requirements.

- A No interests or rights in real property shall be acquired pursuant to this chapter until a public . hearing is held. However, nothing herein shall prevent the Town Board from entering into a conditional purchase agreement before a public hearing is held.

- B No land or rights in land shall be acquired in a village within the Town unless such village has consented to such acquisition.
- C Any resolution of the Town Board approving an acquisition of land pursuant to this chapter shall include a finding that such acquisition was the best alternative for the protection of such lands available for the Town, that such acquisition was in furtherance of goals for the equitable allocation of open space acquisition bond funds (if applicable), and that acquisition was in furtherance of other applicable program goals.

**Section 9.**

Alienation of agricultural and open space program lands.

- A No lands acquired pursuant to this chapter shall be alienated, except by vote of a super-majority (a majority plus one) of the Town Board, subject to permissive referendum, pursuant to the procedures found in Article 7 of the Town Law. In the event that the affirmative vote of the Town Board to alienate such lands is less than unanimous, it shall be deemed that the Town Board has referred such alienation to referendum by its own motion, and a referendum shall be held pursuant to the procedures set forth in the Town Law.
- B The Town Board may purchase real estate that is deemed to be threatened by development, in order to protect a critical mass of farmland and/or open space. No open space acquisition bond funds may be used for such purposes. Such land shall then be sold (alienated) within one year of acquisition and shall bear the conservation easement which all other lands carry that have been stripped of their development rights. To the extent that the funds used to purchase such land come from the fund, the net sales price of such land will be returned to the fund. This sale shall not be subject to the requirement of Subsection A above.

**Section 10.**

Evaluation and ranking of applicants.

- A Agricultural evaluation. The OSP Board shall enlist at least three, and up to five, farmers from outside the Town of Wallkill to do on-site review of farms and facilities, to interview applicants, to study applications, to determined criteria values from guidelines, average out values, and arrive at a ranking of applicants and submit results to the OSP Board.
- B Nonfarm open space evaluation. Three members of the OSP Board shall constitute an evaluation and ranking committee for nonfarm applicants.

**Section 11.**

Preparation of proposal for PDR grants to NYS Department of Agriculture and Markets.

- A Upon announcement, by the NYS Department of Agriculture and Markets, of a new round of grants for PDR, two OSP Board members shall be selected to study the RFP (request for proposal), check all applications for completeness, draft the proposal, and submit by the deadline to the Department of Agriculture and Markets. The OSP Board may, to the extent appropriated funds are available, hire a grant writer to be retained by the Town in order to

facilitate and enhance the receipt of grants.

- B After evaluating and ranking the farms that apply for PDR funding each year, those that rank within the top 15% of all previous applicants shall be submitted for state funding (and federal funding, when available). The probability of local farms winning in statewide competitive awards is much greater if only the Town's top farms are entered. Entering the top farms is important since this relieves the burden from local funding and expands the total farmland that can be preserved. There are several inducements for the applicant to apply for state funding. First, the state will make a lump sum payment. Second, in the event that the appraisal comes in at less than the contract amount, the state will reimburse, up to the limit of such contract amount, 75% of the cost for the certified appraisal and survey, for the transactional services of the Town's attorneys, for the stewardship escrow, and for the title search, insurance and recording fees. This reimbursement is subject to a cap of \$25,000. (These reimbursements are subject to the continuation of such policy by the Department of Agriculture and Markets). Finally, the Town of Wallkill will supplement up to 25% of the amount of these items. Personal attorney's fees are not reimbursed.
  
- C As an alternative to the above incentive the Town of Wallkill will supply, from available local PDR funds, to the successful applicant for state funding, 10% of the local match (i.e., 2.5% of the total PDR value) or \$15,000, whichever is the lesser amount.

## **Section 12.**

Gift of open spaces and areas.

The Town Board may accept the gift of open spaces, or rights thereto, on terms and conditions acceptable to the Town Board. If so designated, such lands and or rights, including, among other things, development rights, shall be deemed to have been acquired under the agricultural and open space preservation program.

## **Section 13.**

Allocation of open space acquisition bond funds.

- A The Town Board shall distribute the authorized open space acquisition bond funds in a manner consistent with the contribution from each school district located within the boundaries of the Town. To determine the amount, the Town shall consult with the Town Assessor concerning the taxable valuation in each school district.
  
- B If the Town purchases city-owned property, the Town and City will enter into a purchase agreement to specify the types of uses for which the funds can be used to preserve or enhance open space. Any purchase agreement should also provide that the Town will not be required to maintain or develop the property unless agreed upon by the parties.
  
- C If the Town purchases village-owned property, the Town and village will enter into a purchase agreement to specify the types of uses for which the funds can be used to preserve or enhance

open space. Any purchase agreement should also provide that the Town will not be required to maintain or develop the property unless agreed upon by the parties.

**Section 14.**

Access to Town Attorney for legal opinions.

The OSP Board shall have access to the Town Attorney in matters requiring legal opinion.

**Section 15.**

Conflicts.

Notwithstanding the provisions of any special law, charter law, local law or resolution which may be inconsistent herewith, in whole or in part, this chapter shall in all respects control in the matter of acquisition of development rights in agricultural as well as nonagricultural lands.

**Section 16. Separability**

If any 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 for 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 17. Repeal**

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

**Section 18. 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.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

Motion Carried

**TOWN OF WALLKILL TOWN BOARD STATE ENVIRONMENTAL QUALITY REVIEW ACT RESOLUTION OF NOTICE OF INTENT TO BE LEAD AGENCY**

**WHEREAS**, the Town Board intends to adopt amendments to the Chapter 249 of the Town Code that would modify existing boundaries and district designations and create new zoning districts within the Town and the regulations applicable within said boundaries and districts; and

**WHEREAS**, the proposed amendments and additions to the Town Code constitute a Type I Action under §617.4 of the State Environmental Quality Review Act (SEQRA) and is subject to further review under SEQRA; and

**WHEREAS**, the proposed amendments and additions to the Town Code would be of significance to various agencies, including the Town of Wallkill Town Board, the Town of Wallkill Planning Board, the Orange County Planning Department and the New York State Department of Environmental Conservation;

**NOW THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Wallkill states its intent to be the lead agency for purposes of environmental review under SEQRA; and

**IT IS FURTHER RESOLVED** that the appropriate Lead Agency Coordination Request form be sent to all agencies having an interest in the proposed amendments and additions to the Town Code.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
SETTING A TIME AND PLACE FOR A PUBLIC INFORMATION HEARING  
WITH RESPECT TO ADOPTING AMENDMENTS TO THE TOWN ZONING  
CODE TO CONFORM WITH THE TOWN'S COMPREHENSIVE MASTER PLAN

**WHEREAS**, the Town Board of the Town of Wallkill adopted an updated comprehensive master plan in 2005; and

**WHEREAS**, the Town Board intends to adopt amendments to Chapter 249 of the Town Code that would modify existing boundaries and district designations and create new zoning districts within the Town and the regulations applicable within said boundaries and districts; and

**WHEREAS**, the proposed amendments and additions to the Town Code constitute a Type I Action under Section 617.4 of the State Environmental Quality Review Act (SEQRA) and is subject to further review under SEQRA; and

**WHEREAS**, the Town Board of the Town of Wallkill wishes to provide the public with information concerning the proposed modification of current zoning district boundaries and the proposed modification to regulations applicable within said districts, and further wishes to invite comment from the public regarding the adoption of said amendments and additions to the Town Code;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that a public informational hearing be held by the Town Board of the Town of Wallkill regarding the proposed modification of current zoning district boundaries and the proposed modification to regulations applicable within said districts at 7:15 p.m. on January 25, 2007, at Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York 10941; and be it 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.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT  
TO ADOPTING AMENDMENTS TO THE TOWN ZONING CODE TO  
CONFORM WITH THE TOWN'S COMPREHENSIVE MASTER PLAN**

**WHEREAS**, the Town Board of the Town of Wallkill adopted a comprehensive master plan in 2005; and

**WHEREAS**, the Town Board intends to adopt amendments to Chapter 249 of the Town Code that would modify existing boundaries and district designations and create new zoning districts within the Town and the regulations applicable within said boundaries and districts; and

**WHEREAS**, the proposed amendments and additions to the Town Code constitute a Type I Action under section 617.4 of the State Environmental Quality Review Act (SEQRA) and is subject to further review under SEQRA; and

**WHEREAS**, the Town Board of the Town of Wallkill wishes to set a time and place for a public hearing regarding the adoption of said amendments and additions to the Town Code so that the public may be heard;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that a public hearing be held by the Town Board regarding the adoption of the aforesaid Local Law amending and supplementing the Town Code of the Town of Wallkill at 7:15 p.m. on February 8, 2007, at Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York 10941; and be it 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.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING A CONTRACT WITH AN ALTERNATE ENERGY SUPPLIER  
TO SUPPLY ELECTRIC SERVICE TO THE CONSOLIDATED WATER  
DISTRICT AND THE CONSOLIDATED SEWER DISTRICT IN THE TOWN OF  
WALLKILL**

**WHEREAS**, the Consolidated Water District and the Consolidated Sewer District of the Town of Wallkill presently receive electric service through an alternate energy supplier known as Constellation Energy; and

**WHEREAS**, the contract with Constellation Energy is set to expire on February 1, 2007; and

**WHEREAS**, a Request for Proposals (“RFP”) has been issued seeking proposals from alternate energy suppliers for a three year fixed rate contract to provide electric service to the Consolidated Water District and the Consolidated Sewer District of the Town of Wallkill; and

**WHEREAS**, under the RFP, proposals must be submitted to the Town of Wallkill by January 22, 2007.

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Town Board authorizes Supervisor John Ward to sign a three year fixed rate contract for the provision of electric service to the Consolidated Water District and the Consolidated Sewer District of the Town of Wallkill with the proposer who offers the lowest fixed rate for the provision of electric service in response to the RFP.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**WHEREAS**, that the official undertaking of Public Employees Blanket Bond for the Town of Wallkill for the period beginning January 1, 2007 is approved as to its form, manner of execution and sufficiency of surety, and its approval shall be endorsed upon said Blanket Bond.

SUPERVISOR WARD \_\_\_\_\_

COUNCILMAN KING \_\_\_\_\_

COUNCILMAN VALENTIN \_\_\_\_\_

COUNCILMAN MULQUEEN \_\_\_\_\_

COUNCILMAN MCCAREY \_\_\_\_\_

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
APPOINTING DANIELLE GARCIA AS POLICE OFFICER IN THE TOWN OF  
WALLKILL**

**WHEREAS**, the Town of Wallkill, in compliance with the laws of the State of New York and in compliance with the terms of the Judgment issued by the U.S. District Court relative to the Town of Wallkill Police Department, canvassed and/or interviewed those individuals who are on the current civil service list for Police Officer; and

**WHEREAS**, applying both the New York State Civil Service standards of selection as well as the requirements of the Judgment of the U.S. District Court, DANIELLE GARCIA has been found qualified in knowledge, skill, and experience and has indicated acceptance of appointment to said position;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby appoints DANIELLE GARCIA to the position of full-time Police Officer in the Town of Wallkill Police Department in accordance with both the New York State Civil Service Law and the requirements set by the United States District Court; and be it further

**RESOLVED**, that said appointment shall be deemed effective no earlier than January 12, 2007.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH  
POLICE ASSESSMENT RESOURCE CENTER (PARC) FOR EVALUATION  
SERVICES**

**WHEREAS**, the Town Board of the Town of Wallkill has previously used the services of Police Assessment Resource Center (PARC) to ensure compliance with the Town's federal consent decree; and

**WHEREAS**, the Town Board of the Town of Wallkill has determined that it is in the best interest of the Town to maintain the high standards placed upon it by the federal consent decree;

**BE IT HEREBY RESOLVED**, by the Town Board of the Town of Wallkill,

**THAT** the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to enter into an agreement with PARC for post-consent decree evaluation services; and be it further resolved

**THAT** the contract shall be acceptable in form and content to the Town Attorney.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting No
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting No

**Motion Carried**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
TO ADJUST THE SALARY OF CLERK TO JUSTICE KRAHAM**

**BE IT HEREBY RESOLVED**, by the Town Board of the Town of Wallkill, **THAT** said Town Board hereby adjusts the salary of clerk to Justice Kraham from \$29,262.00 to \$33,628.00 annually.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Mulqueen

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

**COMMITTEE REPORTS**

**Councilman King:** Code review meeting, Local Law regarding unpaid taxes. thanks to Highway Dept for attention to pot holes on Sandburg Ct. Thanks to Building Dept for Help with CM & Sons.

**Councilman Valentin:** !/16/07 meeting with Community Police group.

**Councilman Mulqueen:** No Committee reports.

**Councilman McCarey:** Golf Course was open this past weekend. Golf committee will meet the end of this month.

**Councilman Comments:**

Councilman King: PDR law is a good thing. Encourages communication with H. Card regarding acquisition of his land for a museum. thank you to James Mattatall and Priscilla Thompson for their service to the Zoning Board.

Councilman Valentin: Thanks ZBA members. Thank you to M. Freehill and best wishes to Judge Freehill in their new endeavors. Also thanks to Sue Crowe.

Councilman Mulqueen: Would like to revisit the Solar Power topic for the town properties.

Councilman McCarey: Thanks the Board for their consideration of the ATV law.

**SUPERVISOR'S COMMENTS**

Reads letter from the NYS Association of Towns regarding the annual meeting. Meeting with Mr. Card on Friday to discuss museum property. Condolences to Walter Barrett on the loss of his father.

Chief Hertman: Youth Council meeting on January 17 at 7 pm. Community Council meeting on March 1<sup>st</sup>.

Mr. Smith: No Comment

Mr. Lippertt: Spring cleanup discussions are beginning. Saving money on lack of snow.

Mr. Jaques: Condolences to Walter Barrett.

**Public Participation**

N. Guenste: Police Contract, Pine Bush Alumni Baseball game on May 19<sup>th</sup>. Say No NYRI on going.

M. Cody: Help is needed with the Easter egg hunt.

V. Ferri: Speed limit concerns, more information should be online for the public, solar energy, security system concerns.

M. Walker: land trust concerns.

**Motion by:** Mr. Ward to adjourn at 8:40 pm  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Motion Carried**

Meeting adjourned.

*Louisa M.Ingrassia*