

The Town Board of the Town of Wallkill held a regular meeting on February 24, 2005 at 7:30 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman Depew. Also present was J. McKay, Attorney for the Town.

Pledge of Allegiance led by Councilman Depew.

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**SUPERVISOR WARD:** Read the following statement:

I think it is important, due to the confusion of the reported moratorium waiver that it be clarified. Sadly and without assigning fault, there are some obvious and major misunderstandings.

First, there is a moratorium in place in the Town of Wallkill relative to future developments and certain types of building. There is absolutely NO waiver presently in place relative to this moratorium. The Town Board passed a moratorium. Developments and their progress are governed by the actions of the Planning Boards, which is independent and separate from the Town Board. The Planning Board controls that process.

A moratorium was necessary so that we could work in conjunction with the Master Plan Committee to come up with viable zoning laws and protections for our community as we have developed over the past years.

Sometime in October, a resident who is not a large developer in the Town of Wallkill, approached me. They had some questions about their ability to continue with the process before the Planning Board. In the course of determining the appropriate actions to take, a discussion took place, which was to assist a person who wished to go forward in the Planning Board, subject to Planning Board rules.

As a result, after discussing matters with counsel, a "Release and Consent to Proceed with Application Form" was drafted. This document has not incorrectly become known as a waiver. In fact, the document was a Release. Essentially the Release means that anyone who wants to continue before the Planning Board is still subject to the rules of the moratorium. For those matters before the Planning Board, the parties are allowed to proceed up to certain points as fixed by the moratorium law.

Now come the important part. They can only do this if they release the Town from any claims or liability that may arise relative to the Planning Board process or the moratorium itself. Specifically, this Release did not change any of the requirements of the moratorium and did not give any approvals or permitted uses. It specifically allowed the process to continue subject to the directions of the Planning Board provided that the applicant agreed to release the Town from potential lawsuits.

In this fashion, the Town was guaranteed that it would not have any additional legal fees or any future contests relative to the pending issues. Hence, the waiver, as it was called, was, in fact, only a Release of the applicant's rights and did not waive anything relative to the moratorium.

With that in mind and now that it has been clarified, I have made an effort to fully inform the other members of the Board to my actions. Although I thought I was trying to be helpful to this individual, the better price of caution would have been to raise this issue for discussion with the entire Town Board. Clearly, in retrospect, the whole Board should have known what I had done and for that, I sincerely apologize and accept the negative public consequences that resulted. I believe my colleagues on the Board were correct in suggesting that I should have informed them of this, but in the nature of the work I do I am not perfect. Hopefully, this type of confusion will not occur in the future. I was merely trying to save the Town future legal fees.

I hope that this now clarified the situation. I will sincerely do my best to ensure that in the future, regardless of why things are being done, to keep the Town Board better informed.

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**PUBLIC COMMENT ON AGENDA**

J. Mattatall asked if Release was made available to the public.

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**MOTION BY:** Mr. Ward to accept minutes of February 10, 2005.

**SECONDED BY:** Mr. Valentin

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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February 24, 2005

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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To: John Ward  
From: Marylynn Hunt, Planning Board Secretary  
Re: Baum Subdivision

Please be advised that it is the recommendation of McGoey, Hauser & Edsall that the site work bond being held for the above noted subdivision be reduced from \$150,000.00 to \$40,650.00.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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To: John Ward & Council Members  
From: Louisa Ingrassia, Town Clerk  
Re: 2005 NYS Town Clerk's Conference

I will be attending the 2005 NYSTCA Conference in Buffalo. The conference dates are April 17 – April 20.

I will return to the office on April 21<sup>st</sup>. Joyce will be available for anything you may require from my office.

Thank you for your continued cooperation.

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February 24, 2005

To: Town Board  
From: Patricia Hogan

I am writing this letter to ask permission to have a Block Party on Patio Road in the park. I was thinking that we could set it up on the basketball court. I would ask that any Town officials that would like to attend would be welcome.

We have many new residents that have moved in and I think it would be nice for everyone to get to know their neighbors. We will form a committee for organization and clean up of the area after the party. The dates I was thinking of would be early June or late May.

**SUPERVISOR WARD:** Will hold for more information.

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To: John Ward  
From: James Mattatall

I will be attending a training session tomorrow morning in Sugar Loaf sponsored by the Orange County Planning Federation. This training is for planning and zoning record keeping and procedures. The fee is 30 dollars. An anticipated work assignment was cancelled so I am now available to attend.

I will pay for this myself if necessary but am requesting reimbursement. I apologize for the short notice but, until about 10 minutes ago, I was under the impression that I would be working.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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To: John Ward  
From: E. Steenrod

State law requires Code Enforcement Officials to take 25 hours of training a year. The Hudson Valley Code Enforcement Officials conduct a training conference each spring to help meet these requirements. The conference is in Poughkeepsie and the cost is \$180.00 per person. I request that Mr. Kimble, Mr. Benedetto and Mr. Barrett attend. Money for this conference was provided for in my budget. Deadline for reservations is March 20, 2005.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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To: Town Board  
From: J. Lippert

As you know, this year the Parks Department's focus will be on replacing some of the old and unsafe playground equipment in our Town parks. The first park we plan on improving is the Stephen Avenue Park.

The purpose of this letter is to request authorization to advertise and solicit bids for these improvements. We anticipate the cost of this playground replacement to be between \$20,000.00 and \$25,000.00.

With your permission, we will advertise for bids in the Times Herald Record within the next few weeks and open bids in March.

Thank you for your consideration, if you have any questions, please give me a call.

**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 Depew      Voting Aye

**MOTION CARRIED**

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To: Supervisor John Ward & Town Board  
From: R. Evans

Request to replace equipment for the golf course – One (1) 1992 Toro 3100 greens and tee mowers with new Toro 3100 mowers that are on New York State Contract, Toro 5000 sand bunker rake with a new Toro 5020 machine and Cushman Runabout medium duty utility vehicle with a new John Deere Gator HPX 2WD vehicle.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward      Voting Aye

Councilman King      Voting Aye

Councilman Valentin      Voting Aye

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

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To: John Ward  
From: Pine Bush Central School District

The Pine Bush CSD Athletic Department is requesting usage of the TOW tennis courts at Circleville Park. Our JV boys tennis team will need a home-site on Friday, 4/15/05 and Friday, 4/29/05 and Friday, 5/6/05 from 2:45 P.m. thru 6:00 p.m. A certificate of insurance will be issued if our request is approved.

Thank you for your continued support and I look forward to hearing from you soon.

**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 Depew          Voting Aye

**MOTION CARRIED**

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To: Town Board  
From: Orange County Water Authority

Free and Fun, as well as Educational – The Orange County Water Authority is sponsoring a Children’s Water Festival. The Festival will be held on March 19, 2005 at O-U BOCES’ Special Education Building, Gibson Rd, in Goshen. The Festival activities Will be ongoing, from 10:00 AM to 4:00 PM.

The Children’s Water Festival is open to all elementary school students and their families. There will be all sorts of hands-on, inter-active water activities with titles like Float My Boat, Cloud in a Bottle, Goopy Garbage, Giant Bubbles, Soaking it All In, and African Drums and Water.

The Arm of the Sea Theater, a life-size puppet theater, will perform at 11:00 AM and again at 2:00 PM. While admission is free, tickets will be given out on a first-come, first-serve basis. The theater will dramatize the story of the New York City water system and where the New York City water comes from (our area).

The Interactive Museum is presenting Maxwell Kofi and the San Kofa Drum and Dance to teach about African rhythms and the importance of water in Africa. Many fun activities are planned. Come let us put you inside a giant bubble, show you what happens to storm water, and let professional well drillers show you how they drill a well.

The Hudson Valley Materials Exchange will be there with their program – Learning from Leftovers. The Everything Animals Resource Center is bringing amphibians and their “Soaking It All In” activity, and more fun is being added to the list every day.

The Children’s Water Festival is being sponsored by the Orange County Water Authority, the Orange County Soil & Water Conservation District, Orange-Ulster BOCES, Orange County’s Groundwater Guardian communities and the County’s MS4 communities.

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To: Supervisor Ward  
From: J. Lippert

I recommend rejecting the bid for the fertilizer storage facility due to the bid amount being more than the insurance allows. Rick Evans is actively soliciting quotes for this building replacement. The bid bond will be returned to Brescia Building.

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

**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 Depew                      Voting Aye

**MOTION CARRIED**

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To: John Ward  
From: R. Evans

This letter serves as a request for Jay Werbalowsky (Assistant Superintendent) and I to attend the New York State Turfgrass Association Southeast Conference on Monday, February 28, 2005 in Tarrytown, New York. The total cost for this conference is one hundred and sixty dollars (\$160.00) and is included in the approved 2005 Greens & Grounds Operating Budget.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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**RESOLUTIONS**

WHEREAS, a parcel known as “Second Street” is shown as a “paper street” on subdivision map #678, dated 8/16/1926, filed in the Office of the Orange County Clerk; and

WHEREAS, Section 205 of the New York State Highway Law provides that if a public street is not opened or worked within six (6) years after dedication to the public or if a public street has not been traveled or used as a street for a period of six (6) years, then such highway shall cease to be a public street and the Town Board shall direct the Highway Superintendent to declare the street abandoned; and

WHEREAS, said “paper street” parcel has never been opened, worked, traveled or used as a public street; and

WHEREAS, a street is legally abandoned upon the expiration of the six-year period of non-use specified above.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Wallkill that:

1. The paper street known as “Second Street” is not a Town highway as a matter of Fact and law and its abandonment as a Town highway is hereby confirmed; and
2. The Town Superintendent of Highways is hereby directed to file in the Town Clerk’s office a Certificate of Abandonment formally abandoning Second Street as a Town Street.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town of Wallkill owns a small parcel of real property constituting a “paper street” known as “Second Street”, as demarcated on subdivision map #678, dated August 7, 1926, and filed in the Orange County Clerk’s Office on August 16, 1926; and

WHEREAS, the dimensions and acreage of “Second Street” are delineated by description and map annexed hereto as Schedule “A”; and

WHEREAS, the Town of Wallkill took title to Second Street by means of three conveyances, recorded in the Orange County Clerk’s Office on January 11, 1988, at (1)L2868 cp161, (2)L2868 cp 181, and (3)L2868 cp 186; and

WHEREAS, Second Street has never been improved, opened, worked, traveled or used as a public street; and

WHEREAS, Second Street is not needed by the Town and there is no other Town purpose for such property and such property is surplus; and

WHEREAS, the Town of Wallkill Superintendent of Highways executed a Certificate of Abandonment for Second Street, pursuant to New York State Highway Law 205, dated February 24, 2005; and

WHEREAS, the Town Board of the Town of Wallkill has determined that the proposed sale of property constituting Second Street will not have a significant adverse affect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wallkill hereby declares Second Street surplus property.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Wallkill hereby approves the sale of Second Street as described in Schedule A, annexed hereto, pursuant to New York State Town Law 64(2) and subject to permissive referendum.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to execute the necessary documents to convey by quit claim deed Second Street to David Mandelbaum, for the price of \$5,800.00 fair and adequate consideration.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

**MOTION BY:** Mr. King to table to check if a public hearing was held.

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

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

THAT said Town Board hereby amends the appropriate Town of Wallkill employment schedules to create an additional position in the "COURIER" category, as designated by the Orange County Department of Personnel.

**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 Depew      Voting Aye

**MOTION CARRIED**

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WHEREAS, there exist two vacancies in the Town of Wallkill in the Courier position; and

WHEREAS, THOMAS HAMILTON and WILLIAM PHILLIPS fulfill the requirements of knowledge, skill, and experience for the Courier position; and

WHEREAS, it is the opinion of the Supervisor that THOMAS HAMILTON and WILLIAM PHILLIPS are qualified to fill said position.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints THOMAS HAMILTON and WILLIAM PHILLIPS to the position of Courier, to serve in said capacity on a part time basis in the Town of Wallkill; and be it further

RESOLVED, that said appointments shall be effective retroactive to their respective commencement dates.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, there exists a vacancy in the Town of Wallkill Clerk's Office in the part-time Clerk position; and

WHEREAS, MARY PHELAN fulfills the requirements of knowledge, skills, and experience for the part-time Clerk position; and

WHEREAS, it is the opinion of the Clerk of the Town of Wallkill that MARY PHELAN is qualified to fill said position;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints MARY PHELAN to the position of part time Clerk, to serve in said capacity on a part time basis in the Town of Wallkill Clerk's Office at an hourly wage of \$10.30; and be it further

RESOLVED, that said appointment shall be effective as of January 1, 2005.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, there exists a vacancy in the Town of Wallkill Board of Assessment; and

WHEREAS, GEORGE MILLER fulfills the requirements of knowledge, skills, and experience for the position; and

WHEREAS, it is the opinion of the Town Board of the Town of Wallkill that GEORGE MILLER is qualified to fill said position;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints GEORGE MILLER as a member of the Town of Wallkill Board of Assessment for a term of four years; and be it further

RESOLVED, that said appointment shall be effective as of January 1, 2005.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, there exists a vacancy in the Town of Wallkill Department of Public Works at the Mechanic's Helper, and

WHEREAS, TIMOTHY TODMAN fulfills the requirements of knowledge, skills, and experience for the Mechanic's Helper position; and

WHEREAS, it is the opinion of the Commissioner of Public Works that TIMOTHY TODMAN is qualified to fill said position;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints TIMOTHY TODMAN to the position of Mechanic's Helper, to serve in said capacity at the Town of Wallkill Department of Public Works; and be it further

RESOLVED, that said appointment shall be effective February 23, 2005.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, heretofore the Town Board determined to proceed with an Inflow and Infiltration Reduction Program and designated the engineering firm of Malcolm Pirnie to provide the necessary engineering services in connection with the Program, and

WHEREAS, Malcolm Pirnie has presented a proposed contract for those engineering services, and

WHEREAS, the contract in its present form has been reviewed and found acceptable by counsel,

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board does hereby agree to enter into the contract with Malcolm Pirnie forwarded to the Town on February 2, 2005, and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute the contract on behalf of the Town.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board is planning to proceed with an Inflow and Infiltration Reduction Program to improve the Wallkill sewer system, together with the possible financing of all or a portion of the costs involved, and

WHEREAS, such a program would be subject to SEQR review, and

WHEREAS, the Town Board determines that this would be an Unlisted Action, and

WHEREAS, the Town Board by this resolution expresses its intention to serve as Lead Agency, and

WHEREAS, the other Involved Agencies would be: United States Army Corps of Engineers, Orange County Health Department, Wallkill Water & Sewer, Town of Wallkill Highway Department, New York State Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That by this resolution the Town Board hereby expresses its intention to serve as Lead Agency.
2. That the Town Board directs that a copy of this resolution together with an EAF be circulated among the other Involved Agencies: United States Army Corps of Engineers, Orange County Health Department, Wallkill Water & Sewer, Town of Wallkill Highway Department, New York State Department of Transportation.

**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 Depew      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board of Wallkill may adopt a local law for the purpose of extending the moratorium currently in effect on certain residential construction within the Town of Wallkill by 120 days from the termination date of said moratorium currently in effect; and

WHEREAS, the Town Board of Wallkill is empowered by the State to adopt such local law pursuant to Municipal Home Rule Law; and

WHEREAS, said moratoria are listed as Type II Actions under 617.5 of the State Environmental Quality Review Act (SEQRA) and, as such, are not subject to review under SEQRA; and

WHEREAS, the Wallkill Town Board wishes to set a time and place for a public hearing for said proposed local law, so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Town Board with respect to the adoption of the aforesaid Local Law at 7:25 PM on March 10, 2005, at Wallkill Town Hall, 600 Route 211 East, 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. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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**COMMITTEE REPORTS**

**COUNCILMAN KING:** Asked Board members for list of highway projects so meeting can be arranged with Mr. Lippert.

**COUNCILMAN VALENTIN:** Set police committee meeting next Thursday with Judges to discuss graffiti. Read letter from Town of Wallkill Soccer Club asking to renew permit for concession stand January 1, 2005 to December 31, 2005.

**MOTION BY:** Mr. Valentin

**SECONDED BY:** Mr. Ward

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

**COUNCILMAN VALENTIN:** Read letter from Town of Wallkill Little League asking for rights to field for 2005 season.

**MOTION BY:** Mr. Valentin

**SECONDED BY:** Mr. Ward

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

**COUNCILMAN MULQUEEN:** Discussed funding retiree health benefits – Would like to discuss at work session.

**COUNCILMAN DEPEW:** Also discussed health care costs and self audit of who is in benefit program. Would like to discuss at personnel committee meeting tentatively 7 PM next Thursday.

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## **COUNCILMAN COMMENTS**

**COUNCILMAN KING:** Discussed waiver/release and lack of communication which was unfair to residents and Town Board.

**COUNCILMAN VALENTIN:** Read article from Mid-Hudson.com about Tetz Asphalt Plant on diesel pollution. Asked Planning Board to take into consideration. Discussed waiver/release which does protect Town. Stated communication should stay open. Also discussed 300 unit apartment project.

**COUNCILMAN MULQUEEN:** Announced Easter Egg Hunt March 26, 2005 10 AM at Circleville Park. Discussed Westwood Chemical – Reported most hazardous materials have been removed. Discussed waiver and that project not mentioned during Town Board discussion.

**COUNCILMAN DEPEW:** Congratulated George Miller and Jeremy Berkowitz. Discussed waiver/release which he was unaware of but does protect Town. Also discussed 300 unit apartment complex which no one was aware of – Lack of communication between Planning Board and Town Board. Suggested setting policy between Planning Board and Town Board with meetings and updates to improve communication. Stated Town Board should have authorization for waiver.

**COUNCILMAN KING:** Added with any law there is litigation. He stated he doesn't want any waivers granted.

**COUNCILMAN DEPEW:** Stated Town Board should have authorization to receive applications and review them.

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## **SUPERVISOR'S COMMENTS**

**SUPERVISOR WARD:** Reported on resolutions voted on at Association of Towns meeting – Medicaid reform, Highway funding, Wicks Law, Administering of health benefits, Disability benefit for police officers, Help America Vote Act, Benefits for volunteer firefighters and EMS. Binding arbitration, Tort reform, Property tax exemption control, Condominium assessment, Two resolutions on ATVs, Police accident report fees and Town controlled speed limits.

Stated check received in February from Time Warner Cable for franchise fee for \$98,824.00.

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**CHIEF HERTMAN:** Announced Community Council meeting March 3, 2005 at 7 PM 2 guest speakers from Orange County Youth Bureau. National Night Out Against Crime will be August 2, 2005.

**MR. LIPPERT:** Discussed grant on air quality improvement and plowing cul-de-sacs. Stated golf course won't be opening March 4<sup>th</sup>.

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## **PUBLIC PARTICIPATION**

R. Stumpp thanked Chief Hertman for bringing Police Department up to full potential. Asked about plowing 4 PM when less than one inch of snow on ground - Should repair manhole covers. Asked for copy of Supervisor Ward's statement and about 300 unit apartment complex with impact on schools and fire department.

N. Guenste discussed sale of Second Street without bid. Asked about releases and the moratorium. Stated Board members have the right to know what is going on.

M. Cody announced Easter Egg Hunt March 26<sup>th</sup> at Circleville Park and Memorial Day parade – Looking for help with parade.

S. Reville read statement involving 300 unit apartment complex adjacent to his backyard. Concerned about Pine Bush School District and traffic.

M. Paduch suggested the Councilmen vote to rescind waiver. Explained County looking at refunding bond indebtedness.

N. George read statement on proposed apartment complex – Concerned about schools, trees, traffic and taxes.

R. Massaro asked why property can't be changed from Commercial to Residential. Also asked about property on Route 211 and Acorn Avenue. Discussed snow removal in cul-de-sacs. Thanked Councilman Mulqueen for responding right away.

C. Najac asked that the Planning Board Agenda be made available. Discussed I & I sewer – Stated major rain polluting Wallkill River.

R. Sullivan discussed waiver situation and lack of communication. Suggested Supervisor put out newsletter. Asked that zoning not be changed.

C. Squillace stated Town Board here to work together. Discussed favors for developers.

Resident stated if project goes through he will sell his home. Project will affect people's lives. Asked that Board consider residents.

S. Crowe asked for assistance with lighting district.

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**MOTION BY:** Mr. Ward to adjourn and audit claims at 9:45 PM.

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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Meeting Adjourned at 9:45 PM

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Louisa Ingrassia, Town Clerk