

March 30, 2005

The Town Board of the Town of Wallkill held a public hearing on March 30, 2005 at 7:20 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Mulqueen and Councilman Depew. Councilman Valentin was absent. Also present was J. McKay, Attorney for the Town.

The following public hearing notice was read by the Town Clerk:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on March 30, 2005 at 7:20 PM at Wallkill Town Hall regarding the adoption of a Local Law of the Town of Wallkill for the year 2005, which would amend the Town Code of the Town of Wallkill for the purpose of establishing a program for the purchase of development rights of certain properties in the Town that may be crucial to preserving critical open space in the Town.

Any resident of the Town of Wallkill is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at: Wallkill Town Hall, 600 Route 211 East, Middletown, NY 10940.

By order of the Town Board of the Town of Wallkill, dated February 10, 2005.

**SUPERVISOR WARD:** Explained Purchase Development Rights.

**COUNCILMAN KING:** Explained the Town would purchase development rights – The landowners would still own the property. It would protect open spaces. The Town can apply for different programs with less stress on infrastructure.

**COUNCILMAN DEPEW:** Explained PDR is a good way of keeping farms in operation. Concerned about how will it be run and financed.

**COUNCILMAN KING:** Explained Towns of Warwick and Montgomery PDR very successful – Officials would meet with Town.

**COUNCILMAN MULQUEEN:** Confused that PDR is not a plan but a strategy – It requires Farmland Protection Law.

#### **PUBLIC COMMENT**

N. Guenste stated she is happy this was brought up. She would like to see the Conservation Commission part of it.

S. Labruna thanked Councilman King for introducing this. Stated the Conservation Commission is ready to answer questions and concerns.

M. Hesse discussed rail trail project and property between Route 17 and the golf course which was supposed to be preserved.

**MOTION BY:** Mr. Ward to close public hearing at 7:34 PM.

**SECONDED BY:** Mr. King

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                Voting Aye

Councilman Depew                    Voting Aye

**MOTION CARRIED**

---

The Town Board of the Town of Wallkill held a public hearing on March 30, 2005 at 7:35 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Mulqueen and Councilman Depew. Also present was J. McKay, Attorney for the Town.

The following public hearing notice was read by the Town Clerk:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on March 30, 2005, at 7:25 PM at Wallkill Town Hall regarding the sale of surplus property formerly known as "Second Street."

Any resident of the Town of Wallkill is entitled to be heard upon said proposed sale.

By order of the Town Board of the Town of Wallkill, dated February 10, 2005.

**SUPERVISOR WARD:** Explained paper street is located off Silverlake Scotchtown Road between the tunnel and 211 where a developer needs access to property in the back. The Highway Superintendent recommends it become a private road.

**PUBLIC COMMENT**

N. Guenste stated the paper street was laid out in 1920 and the Town has not done anything with it. She asked why landowners don't have a right to bid on the property, if it is considered abandoned and will be put out to bid and if Supervisor Ward will abstain on voting.

**COUNCILMAN KING** recommended the Board look at the project prints from the Planning Board.

**COUNCILMAN DEPEW** stated if the road is not sold to the developer then the Town has to maintain it.

March 30, 2005

**SUPERVISOR WARD** stated if approved it is subject to permissive referendum.

**COUNCILMAN MULQUEEN** discussed options for street.

M. Hirshberg discussed approval for garden apts and to cross wetlands. Asked that Second Street be deeded to his development.

**COUNCILMAN DEPEW** stated the property is landlocked without Second Street.

**MOTION BY:** Mr. Ward to close public hearing at 7:46 PM.

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                Voting Aye

Councilman Depew                    Voting Aye

**MOTION CARRIED**

---

March 30, 2005

The Town Board of the Town of Wallkill held a regular meeting on March 30, 2005 at 7:50 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Mulqueen and Councilman Depew. Also present was J. McKay, Attorney for the Town.

The Pledge of Allegiance was led by Councilman Depew.

---

**NO PUBLIC COMMENT ON AGENDA**

---

**MOTION BY:** Mr. Ward to adopt minutes of March 10, 2005.

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

**CORRESPONDENCE**

To: J. Ward  
From: Raffaello Lodge #2661

Permission is requested to hold a carnival at Stop & Shop May 19<sup>th</sup> & 20<sup>th</sup> from 6 PM to 11 PM, May 21<sup>st</sup> from 12 noon to 11 PM and May 22 from 12 noon to 8 PM.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye



March 30, 2005

help and protect us. For that I am truly grateful! Thank you. God bless you and keep you safe.

---

To: Supervisor & Town Board

From: Chief Robert Hertman

Your authorization is hereby requested to advertise and solicit bids for nine (9) Digital Patrol Car Video Systems. These units are to be utilized as required by Best Practices Guidelines and Consent Decree.

These funds were not allocated in the 2005 Budget. With your authorization, we plan to advertise our Notice to Bidders in April, and to publicly open the bids on April 13, 2005.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

To: Town Board

From: Citizens Reunited to Overcome Cancer

Requesting to use Townley Hall on May 14<sup>th</sup> and waive the fee as they are non-profit.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

March 30, 2005

To: E. Valentin  
From: The Boys & Girls Club

I'm sending you some information regarding the all-day music festival we discussed. The event tentatively called "The Big Orange" is designed to showcase local music talent as well as to raise funds for the Boys & Girls Club's youth programs. It will be held on Saturday, June 18<sup>th</sup> at the Circleville Park. Our tentative starting time is 10 AM and the concert would wrap up around 8 PM.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

**MOTION BY:** Mr. King table and discuss at work session.

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

To: J. Ward  
From: Jay McClintock, Jr.

John, I am requesting to attend the Playground Safety Inspectors Course on May 5, 6, 7 in Middletown, New Jersey.

This course will certify myself in playground safety inspections. I will then be able to inspect all of our playground equipment and make sure that it meets ASTM F1487 standards. This will help to insure that all of our playgrounds are safe and maintained properly.

Course cost is \$400.00  
Examination/Certification fee is \$100.00  
Total Course cost is \$500.00 + Tolls

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

March 30, 2005

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

---

To: J. Ward  
From: Orange County Fair Motorsports, Inc.

This letter is to inform you that opening night for the speedway will be April 16, 2005. We will be open every Saturday night until September 17, 2005. There are a couple of mid-week events with dates pending during the season. I will notify you when these dates are confirmed. I have enclosed a 2005 schedule.

We will be closed from September 18, 2005 until we reopen for our finale on Eastern States Weekend, October 21-23. If you have any questions, please do not hesitate to contact me.

---

To: Town Board  
From: J. Lippert

Your approval is hereby requested for Bob Bishop and I to attend the 2005 Highway School in Ithaca from June 5<sup>th</sup> through June 8<sup>th</sup> of this year. Highway School is the annual training program for New York State Highway Superintendents developed by the Cornell Local Roads Program in cooperation with the New York State Association of Towns and Department of Transportation.

The Cost of our attendance at the Highway School has been included in the 2005 Highway Department budget.

Thank you for your consideration of this request.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

Supervisor Ward      Voting Aye

Councilman King      Voting Aye

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

---

March 30, 2005

To: J. Ward & Town Board  
From: Wallkill Seniors & Happy Seniors

Letter of thanks to Town for St. Patrick's Day lunch.

---

To: Police Department  
From: Kevin Weiss

My name is Kevin Weiss, Property Manager for Clairmont Condominiums. Just a quick note to let you know how you and your Police Dept. have been a wonderful help to me and our tenants. As a decorated former Custom Protection Officer for the Wackenut Corp., I was taught how to be a part of an elite protection force. Unfortunately I was almost killed in a serious car accident and at this time cannot work due to my disabilities. I want you to know I have lived in the Town of Wallkill since 1969, and you and your police force have been very professional, courteous, and very understanding and compassionate whenever we needed your assistance. My wife and I and my two daughters just want to thank you and your staff: Dispatcher Kathy Rodriguez, Officers Paul Besser, Scheuring, Weissman, Kuhn, Parisi, and many others that have made us all here at Clairmont feel safe and secure. If I was ever to work again, I would definitely apply working for your professional staff. Again, thank you for your consideration in this regard. Keep up the Great Work.

---

To: J. Ward & Town Board  
From: R. Evans

Requesting permission to send someone to training class on March 29<sup>th</sup>.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

March 30, 2005

To: J. Ward  
From: Bob Radivoy, 29 Sunrise Drive

Wanted to thank Sharon Weber and Barry Weissman for quick response to rabid raccoon in the area.

---

**RESOLUTIONS**

WHEREAS, Town Board of Wallkill may adopt a local law to amend Chapter 242 of the Town Code for the Town of Wallkill for the purpose of setting a penalty surcharge related to the installation of new water meters; 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 code change is listed as a Type II Action under 617.4 of the State Environmental Quality Review Act (SEQRA) and is not subject to further 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 7:10 PM on April 28, 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 Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

March 30, 2005

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Wallkill for a public hearing to be held by said Governing Body on March 10, 2005, at 7:10 PM at Town Hall, 600 Route 211 East, Middletown, New York to hear all interested parties on a proposed Local Law entitled A Local Law Authorizing the Town of Wallkill Planning Board to approve a cluster development for certain property pursuant to New York State Town Law Section 278, providing for authorization to approve a cluster development for property of Banta Management, located at Route 211 and Tower Drive in the Town of Wallkill, County of Orange, State of New York, and known as tax map parcels 41-1-39.3, 39.4, 39.5, 39.11, and 39.12; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald Record, the official newspaper of said Town, on March 1, 2005, and

WHEREAS, said public hearing was duly held on March 10, 2005 at or about 7:10 pm at Wallkill Town Hall, 600 Route 211 East, Middletown, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQRA), it has been determined by the Town Board of said Town that adoption of said proposed Local Law is a Type II Action under SEQRA and requires no further review under SEQRA, and

WHEREAS, the Town Board of the Town of Wallkill, after due deliberation, finds it in the best interest of said Town to adopt said Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 4 of 2005, entitled a Local Law authorizing the Town of Wallkill Planning Board to approve a cluster development for certain property pursuant to New York State Town Law Section 278, 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.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                Voting Aye

March 30, 2005

Councilman Depew

Voting Aye

**MOTION CARRIED**

---

WHEREAS, well-maintained transportation infrastructure is vital to economic stability and quality of life, and

WHEREAS, the future economic viability of the State of New York is highly dependent upon the expansion of existing transportation infrastructure and the development of new transportation systems, and

WHEREAS, the New York State Department of Transportation (NYSDOT) appointed an independent panel of transportation professionals in 2004 to assess New York State's current infrastructure and future needs as part of NYSDOT's development of a 20-year master plan, and

WHEREAS, the Advisory Panel on Transportation Policy presented three major findings as listed below:

Finding #1: The transportation system is under stress, and conditions will worsen, unless New York State dramatically changes the planning, investing, managing, and institutional relationships that drive the system.

Finding #2: The New York State Department of Transportation, as the only multi-modal transportation agency, must lead a comprehensive effort to optimize the transportation system in New York State. The multiple transportation operation in the State must be integrated to form a seamless system that delivers significantly improved service while enhancing the environment.

Finding #3: New York State must develop a new strategy that provides substantial, sustainable and predictable funding dedicated to transportation investments. This strategy must reinforce the goals of mobility and reliability, safety, security, economic competitiveness and environmental enhancement; strike a balance between payments by beneficiaries and the benefits received; and provide for financial transparency and accountability to ensure continued confidence in the financing strategy, and,

WHEREAS, the New York State Advisory Panel called for bold leadership and substantial multi-year funding to meet transportation infrastructure needs,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wallkill fully supports the findings and implores federal and state lawmakers to provide the leadership and funding necessary to meet New York State's current and future infrastructure needs.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

March 30, 2005

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman Depew	Voting Aye

**MOTION CARRIED**

---

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Wallkill for a public hearing to be held by said Governing Body on January 13, 2005, at 7:25 PM at Town Hall, 600 Route 211 East to hear all interested parties concerning a petition to extend the Town of Wallkill Sewer District to a certain parcel of property in the Town on Cottage Street Extension identified as tax map #40 – 1 – 21.31 not served by said district in the Town of Wallkill, said petition attached hereto, filed by the owner of said properties; and

WHEREAS, notice of said public hearing was duly advertised in Times Herald Record, the official newspaper of said Town, on January 2, 2005, and

WHEREAS, said public hearing was duly held on January 13, 2005 at or about 7:25 PM at Wallkill Town Hall, 600 Route 211 east, Middletown, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said extension of the Town of Wallkill Sewer District, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law is an Unlisted Action under SEQRA and no further action under SEQRA is required, and

WHEREAS, the Town board of the Town of Wallkill, after due deliberation, finds it in the best interest of said Town to extend said district to the property petitioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby extends the Wallkill Sewer District to said property further identified in the attached map and description.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward	Voting Aye
Councilman King	Voting No

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

---

WHEREAS, there exists a vacancy in the Town of Wallkill for a Dial-A-Bus driver, part time; and

WHEREAS, Pedro Jimenez fulfills the required of knowledge, skill, and experience for the part time Dial-A-Bus position; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Pedro Jimenez to the position of Dial-A-Bus driver, part time, to serve in said capacity in the Town of Wallkill Dial-A-Bus program.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

Supervisor Ward      Voting Aye

Councilman King      Voting Aye

Councilman Mulqueen      Voting Aye

Councilman Depew      Voting Aye

**MOTION CARRIED**

---

WHEREAS, the Town Board of the Town of Wallkill wishes to insure that all bills for goods and services rendered to the Town of Wallkill are paid in a timely manner; and

WHEREAS, in the past, certain vouchers have been submitted years after said goods or services have been rendered; and

WHEREAS, in order for the Town of Wallkill to be able to financially plan, budget, and balance its books on an annual basis, it is imperative that vouchers be submitted within a reasonable time frame;

March 30, 2005

WHEREAS, the Wallkill Town Board wishes to set a time and place for a public hearing regarding the establishment of said policy, so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Town Board of the Town of Wallkill regarding adoption of a local law that would establish a time frame for submission of vouchers by vendors to the Town of Wallkill at 7:15 PM on April 28, 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 Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

WHEREAS, the Town Board of the Town of Wallkill is empowered by Town Law Section 130(15), inter alia, to enact, amend, and repeal local laws and ordinances, which promote the health, safety, morals and general welfare of the community, including the protection and preservation of the property of the Town of Wallkill and its inhabitants, among other things; and

WHEREAS, the Town Board of the Town of Wallkill is empowered by Municipal Home Rule Law Section 10, et. Seq. to adopt such local laws as are not inconsistent with the provisions of the constitution or any general law relating to its property, affairs or government, including such local laws as are contemplated to protect the safety, health and well-being of persons or property within the Town; and

WHEREAS, Town Law Section 130 and Municipal Home Rule Law Sections 10 and 20 require that the Town Board provide notice and a public hearing before the enactment, amendment, or repeal of any local law or ordinance; and

WHEREAS, the Wallkill Town Board is considering a Local Law entitled "A Local Law Amending the Code of the Town of Wallkill, County of Orange Prohibiting Placement of Obstructions or Injurious Substances on a Public Highway", which would add Section 150-3(F) to the Town of Wallkill Code; 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, by the Town Board of the Town of Wallkill, that a public hearing be held by the Town Board with respect to the adoption of the aforesaid Local Law at 7:20 PM on April 28, 2005, at Wallkill Town Hall, 600 Route 211 East, Middletown, NY; 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 Mulqueen              Voting Aye

Councilman Depew                  Voting Aye

**MOTION CARRIED**

---

WHEREAS, unsafe buildings pose a threat to the life and property in the Town of Wallkill; and

WHEREAS, it is the purpose of the Town of Wallkill to provide for the safety, health, protection and general welfare of persons and property in the Town of Wallkill by requiring that such unsafe buildings be repaired or demolished and removed; and

WHEREAS, the Town of Wallkill Building Inspector has made an inspection of the premises known as Jay's Bungalows and has reported in writing to the Town Board his findings that the buildings are unsafe and dangerous and has made recommendations regarding their demolition; and

WHEREAS, the Building Inspector has requested that the Town order the demolition and removal of the buildings; and

WHEREAS, the Town Board of the Town of Wallkill is empowered by Chapter 86 of the Town Code of the Town of Wallkill to order the demolition of properties located within the Town of Wallkill that become dangerous or unsafe to the general public;

March 30, 2005

NOW, THEREFORE, it is hereby

RESOLVED, by the Town Board of the Town of Wallkill, that a public hearing be held by the Town Board at 7:10 PM on May 12, 2005, at Wallkill Town Hall, 600 Route 211 East, Middletown, NY to determine whether the buildings on the property of Kaleel Hanna, also identified as Section 3, Block 1, Lot 101 of the Town of Wallkill, as recorded by the County Clerk of the County of Orange, should be demolished; and, further,

RESOLVED, that a notice be served upon said person pursuant to Chapter 86 of the Town Code of the Town of Wallkill,

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 Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

WHEREAS, on or about July 7, 2004, an agreement was entered into between the Town of Wallkill and Ball Metal Beverage Container Corporation (“Ball”) with respect to certain levels of fluoride and other dissolved solids discharged as wastewater by Ball into the Town of Wallkill sewer system as a result of its industrial manufacturing activities; and

WHEREAS, Ball was to have achieved full compliance with the Town of Wallkill’s maximum wastewater discharge levels, as specified in the agreement, on or before December 31, 2005; and

WHEREAS, Ball has requested that the compliance date be extended through July 31, 2006; and

WHEREAS, the Town Board of the Town of Wallkill is satisfied that Ball has made and continues to make good faith efforts to achieve compliance under the agreement but that additional time is needed to achieve full compliance despite the aforesaid good faith efforts by Ball;

NOW, THEREFORE, BE IT HEREBY

March 30, 2005

RESOLVED, by the Town Board of the Town of Wallkill, that the agreement dated as of July 7, 2004 entered into between the Town of Wallkill and Ball Metal Beverage Container Corporation with respect to certain levels of fluoride and other dissolved solids discharged as wastewater by Ball into the Town of Wallkill sewer system as a result of its industrial manufacturing activities is hereby modified and extended to require full compliance by Ball with the wastewater discharge levels specified in the agreement on or before July 31, 2006; and be it further

RESOLVED, that the Supervisor and the Town Attorney are authorized to draft and sign all documents necessary to effect said modification and extension of the original agreement.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

**COUNCILMAN KING:** Explained he met with Mr. Smith and representatives from Ball Corp. about cleaning up the situation.

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

---

WHEREAS, there exists a vacancy in the Town of Wallkill Department of Public Works/Parks Department at the Laborer level; and

WHEREAS, Michael Nye fulfills the requirements of knowledge, skills, and experience for the laborer position; and

WHEREAS, it is the opinion of the Commissioner of Public Works that Michael Nye is qualified to fill said full-time position;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Michael Nye to the full-time position of Laborer to serve in said capacity at the Town of Wallkill Department of Public Works/Parks Department; and be it further

RESOLVED, that said appointment shall be effective no earlier than March 31, 2005.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. King

Supervisor Ward                      Voting Aye  
Councilman King                      Voting Aye  
Councilman Mulqueen                Voting Aye  
Councilman Depew                    Voting Aye

**MOTION CARRIED**

---

BE IT HEREBY RESOLVED THAT THE FOLLOWING BUDGET TRANSFER BE MADE TO THE 2005 BUDGET:

TO		FROM	
SW18320.200	\$14,000	SW1 909	\$14,000

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Mulqueen

Supervisor Ward                      Voting Aye  
Councilman King                      Voting Aye  
Councilman Mulqueen                Voting Aye  
Councilman Depew                    Voting Aye

**MOTION CARRIED**

---

**COMMITTEE REPORTS**

**COUNCILMAN KING:** Highway Committee – Wished Frank Wall best of luck on retirement. Reported on meeting with J. McClintock, Jr. on cleanup and cul-de-sac work.

**COUNCILMAN MULQUEEN:** Human Rights Commission met March 28<sup>th</sup> - The Random Acts of Kindness presentation April 14<sup>th</sup>.

**COUNCILMAN DEPEW:** Set meeting next Thursday at 4:00 with City of Middletown Public Works to discuss County Rt. 78 speed limits. Thanked Highway Dept. for work on Prosperous Valley Road. Stated two formal complaints received regarding towing expenses. Also trash in area of Exit 118.

**COUNCILMAN COMMENTS**

**MOTION BY:** Mr. King to preserve tree on Brown Road.

**SECONDED BY:** Mr. Mulqueen

**MOTION BY:** Mr. Depew to amend motion to relieve liability from Commissioner of Public Works.

**SECONDED BY:** Mr. Ward

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman Depew	Voting Aye

**MOTION CARRIED**

**COUNCILMAN DEPEW:** Thanked Howells & Bloomingburg for house fire response. Wished Happy Birthday to his Aunt Debbie and congratulated Frank Wall. Thanked Highway Department for help with flood issues.

**MOTION BY:** Mr. Depew – No Parking on Maltese Drive.

**SECONDED BY:** Mr. Ward

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman Depew	Voting Aye

**MOTION CARRIED**

**COUNCILMAN DEPEW:** Thanked all for help with Corned Beef & Cabbage Dinner and thanked Mike Cody for help with Easter Egg Hunt.

---

## **SUPERVISOR'S COMMENTS**

**SUPERVISOR WARD:** Will read list of Corned Beef & Cabbage helpers at next meeting. Golf Course will open April 8<sup>th</sup> with no rate change – Breakfast Special will be added. Discussed monitor report – Decree may be lifted January 31, 2006. Saturday – Hazardous Waste Day in Port Jervis at Fire Training Center – 9 AM to 3 PM Registration 291-2643. Discussed school tax burden – Resolution was tabled for Town Board review. Stated flooding putting burden on sewer plant. Asked that Board members know about resolutions up front for public comments.

---

**DEPUTY CHIEF QUINN:** Stated Chief on vacation. Discussed video system. Announced August 2<sup>nd</sup> – National Night Out Against Crime. Reported on call to Sam's Club – Woman revived by Town Police. Discussed letter sent home to Middletown students.

**MR. SMITH:** Announced hydrant flushing April 11 – April 21.

**MR. LIPPERT:** Read letter from Mike Cody about Memorial Day Parade May 30<sup>th</sup> 8 AM and will end in Wallkill. Looking for donations. Stated they are \$5,000 over in salt. Thanked Town Board for appointment of Michael Nye. Discussed Frank Wall's 23 years in Public Works Dept.

---

## **PUBLIC PARTICIPATION**

P. Owen thanked all for help with saving tree on Brown Road.

R. Lowery thanked Councilman King for saving tree.

N. Guenste discussed resolutions and motions being listed on Agenda.

S. Labruna submitted Conservation Commission's Annual Report to Town Board.

**COUNCILMAN DEPEW** stated not all Town employees are Town residents – Asked that when you deal with Town employees, don't yell at them.

---

**MOTION BY:** Mr. Ward to adjourn and audit claims at 9:02 PM.

**SECONDED BY:** Mr. King

March 30, 2005

Supervisor Ward            Voting Aye

Councilman King            Voting Aye

Councilman Mulqueen      Voting Aye

Councilman Depew          Voting Aye

**MOTION CARRIED**

---

Meeting Adjourned at 9:02 PM

---

Louisa Ingrassia, Town Clerk