

A regular meeting of the Town Board of the Town of Wallkill was held on May 28, 2009 at 7:30 pm at Wallkill Town Hall 99 Tower Drive. Members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilwoman Neighmond. Also present Chief Hertman, Mr. McKay and Louisa Ingrassia Town Clerk. Mr. Ingrassia and Mr. Lippert were absent.

Public comment on Agenda items

None

CORRESPONDENCE

To: Supervisor Ward and Town Board Members
From: Babies R Us

Would like to have a Car Seat Safety check at the Dunning road store on June 12,2009 in the side parking lot.

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

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilwoman Neighmond	Voting Aye

Motion Carried

To: Supervisor and Town Board Members
From: Scott Heider, Gander Mountain

The Gander Mountain Store will be having a pool event sponsored by one of its vendors, Johnson's Outdoors starting on June 12th and ending on June 14th. We will need a space of approximately 70 by 100 feet and would like to have it set as close as possible to the building. Attached is a drawing of what we propose.

Mr. King would like to know what the security of this pool area will be? Mr. Mulqueen is opposed to parking lot sales and has concerns with a swimming pool. On a motion by Councilman Mulqueen seconded by Councilman King with all voting in the affirmative the request is tabled for further review.

RESOLUTIONS

BE IT RESOLVED, that the Town of Wallkill is hereby submitting its Application for the installation of sidewalks on Silver Lake Scotchtown Road between Georges Road and Tower Drive – Phase 3 for consideration under the FY-10 Orange Urban County Consortium Community Development Program, and that the Supervisor is hereby authorized to submit this Application. Be it further certified that Town Officials have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY-10 program year, and have met all of its applicable requirements and that the information contained in the Application is accurate and true to the best of their knowledge.

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

Supervisor Ward Voting Aye
Councilman King Voting Aye
Councilman Valentin Voting Aye
Councilman Mulqueen Voting Aye
Councilwoman Neighmond Voting Aye

Motion Carried

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
APPOINTING MARIE KEATING TO THE PART-TIME POSITION
OF POLICE DISPATCHER**

WHEREAS, there exists a vacancy in the Town of Wallkill Police Department for a part-time dispatcher; and

WHEREAS, Marie Keating fulfills the civil service requirements of knowledge, skills, and experience for the part-time Dispatcher position; and

WHEREAS, the Town of Wallkill Police Department has a need for a part-time Police Dispatcher for the efficient and cost-effective functioning of that Department; and

WHEREAS, it is the opinion of the Chief of the Wallkill Police Department and the Town Board of the Town of Wallkill that Marie Keating is qualified to fill said position;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Marie Keating to the position of part-time Dispatcher to serve in said capacity at the Town of Wallkill Police Department; and be it further

RESOLVED, that said appointment shall be deemed effective no earlier than May 15, 2009

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

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilwoman Neighmond	Voting Aye

Motion Carried

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL ACCEPTING CERTIFICATE AND ORDER OF THE COMMISSIONER OF PUBLIC WORKS-TOWN SUPERINTENDENT OF HIGHWAYS DECLARING THE TOWN ROAD KNOWN AS DODGE DRIVE TO BE DISCONTINUED AS USELESS PURSUANT TO HIGHWAY LAW §171 AND THEREAFTER AUTHORIZING THE CONVEYANCE OF DODGE DRIVE TO AOKI INVESTMENT PROPERTIES, LLC AND/OR ROCK GARDEN, LLC

WHEREAS, a Petition, pursuant to Highway Law §171(2) has been filed by AOKI INVESTMENT PROPERTIES, LLC and ROCK GARDEN, LLC with the Town of Wallkill Commissioner of Public Works - Town Superintendent of Highways, requesting that he declare the Town road known as Dodge Drive, which road is wholly situated within the Town of Wallkill, to be discontinued as a Town road on the ground that said road is useless for public purposes because said road: a) is unimproved; b) does not meet the specifications for Town roads under the Wallkill Town Code; c) is not maintained by the Town of Wallkill and has not been so maintained since at least 2006; and d) is not regularly used by the public to travel between N.Y.S. Route 211 and Fitzgerald Drive as almost 100% of said traffic utilizes the road known as Certified Drive for such purpose; and

WHEREAS, the Commissioner of Public Works - Town Superintendent of Highways of the Town of Wallkill has reviewed the Petition, agrees with the contents thereof and has prepared a Certificate and Order declaring that Dodge Drive be discontinued as a Town road; and

WHEREAS, pursuant to Highway Law §171(2), AOKI INVESTMENT PROPERTIES, LLC and ROCK GARDEN, LLC, as the only property owners of the property adjoining Dodge Drive, have executed and delivered General Releases in favor of the Town of Wallkill from any and all damages, monetary and otherwise, related to the discontinuance of Dodge Drive as a Town road; and

WHEREAS, the Town Board has determined that it is in the best interests of the citizens of the Town of Wallkill to approve the proposed Certificate and Order of the Commissioner of Public Works - Town Superintendent of Highways declaring that Dodge Drive should be discontinued as a Town road; and

WHEREAS, the Town Board has determined that it is in the best interests of the citizens of the Town of Wallkill to thereafter convey the road known as Dodge Drive to AOKI INVESTMENT PROPERTIES, LLC and/or ROCK GARDEN, LLC for the purposes of placing said property on the tax rolls of the Town of Wallkill, and

WHEREAS, the proposed Certificate and Order of the Commissioner of Public Works - Town Superintendent of Highways and the approval of same by the Town Board do not constitute “actions” as defined by Part 617 of the New York Code of Rules and Regulations-State Environmental Quality Review (“SEQR”) as any further utilization of the property known as Dodge Drive shall come under the purview of the Town Planning Board, which shall act as Lead Agency for any future SEQR actions, including the determination of site plan, subdivision plan and special use permit applications that are pending or might be submitted in the future by AOKI INVESTMENT PROPERTIES, LLC and/or ROCK GARDEN, LLC,

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Pursuant to Highway Law §171(2), the Town Board hereby approves and consents to the proposed Certificate and Order of the Commissioner of Public Works - Town Superintendent of Highways declaring that Dodge Drive should be discontinued as a Town road on the ground of uselessness.
2. The Commissioner of Public Works - Town Superintendent of Highways, is hereby authorized and directed to duly execute the proposed Certificate and Order and file same in the Office of the Town Clerk, along with the original Petition and General Releases executed by AOKI INVESTMENT PROPERTIES, LLC and ROCK GARDEN, LLC in favor of the Town.
3. The Town Supervisor is thereafter authorized to execute all necessary documents to effectuate the transfer of Dodge Drive to AOKI INVESTMENT PROPERTIES, LLC and/or ROCK GARDEN, LLC, provided that said documents are in a form acceptable to the Town Attorney.
4. All documents associated with the transfer of said property are to be recorded in the Office of the Orange County Clerk and thereafter filed with the Town Clerk of the Town of Wallkill.

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

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilwoman Neighmond	Voting Aye

Motion Carried

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL APPOINTING PART TIME DIAL-A-BUS DRIVER

WHEREAS, the Town Board of the Town of Wallkill appoints Jorge Martinez to the position of Dial-A-Bus driver, part time, to serve in said capacity in the Town of Wallkill Dial-A-Bus program; and

WHEREAS, it is the opinion of the Town Board of the Town of Wallkill that Jorge Martinez is qualified to fill said position, Part time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby, appoints Jorge Martinez to the position of Dial-A-Bus driver, part time, to serve in said capacity in the Town of Wallkill Dial-A-Bus program, in that said position shall be Part time; and

RESOLVED, that said amendment shall be retroactive to May 29, 2009

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

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilwoman Neighmond	Voting Aye

Motion Carried

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL AUTHORIZING THE TOWN SUPERVISOR TO SIGN AGREEMENT FOR ADMINISTRATIVE SERVICES

WHEREAS, the Town Board of the Town of Wallkill has determined that it is necessary to contract for Administrative Services for the Schutt Road Extension; Dunning Road to North Galleria Drive

NOW THEREFORE BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to enter into an agreement with McGoey, Hauser and Edsall for Administrative Services for the Shutt Road Extension; Dunning Road to North Galleria Drive; 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 Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilwoman Neighmond	Voting Aye

Motion Carried

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ADOPTING LOCAL LAW NO. 3 OF 2009
OF THE TOWN CODE OF THE TOWN OF WALLKILL
GOVERNING FLOOD DAMAGE PREVENTION**

WHEREAS, the Town Board of the Town of Wallkill wishes to adopt a local law to update and amend the Town of Wallkill’s current Flood Damage Prevention law; and

WHEREAS, by its April 23, 2009 resolution, the Town Board preliminarily classified the aforementioned proposed action as an unlisted action, pursuant to Section 617 of SEQRA, and declared its intent to be Lead Agency with respect to the consideration, review, and approval of the above-described action; and

WHEREAS, by its resolution of April 23, 2009, the Town Board scheduled a public hearing on this proposed action for May 14, 2009; and

WHEREAS, on or about April 24, 2009, the Town Board referred this proposed local law to the Orange County Planning Department, the Town of Wallkill Planning Board, the Town of Wallkill Zoning Board of Appeals, the Department of Environmental Conservation and the Federal Emergency Management Agency, for review and comment,

and none of the aforementioned agencies have provided comments objecting to this proposed local law; and

WHEREAS, on or about April 24, 2009, the Town Board also circulated a Short Environmental Assessment Form (EAF) on this proposed action to interested and involved agencies and placed copies of the same, along with this proposed local law, on file in the Town Clerk's Office for review and comment by the public; and

WHEREAS, on May 14, 2009, at 7:25 p.m., the Town Board held a public hearing on this proposed local law, accepted public comment, closed the public hearing after accepting public comment, and permitted the public to submit written comments thereafter; and

WHEREAS, the SEQRA public hearing on this proposed action was duly noticed to the public in a newspaper of general circulation; and

WHEREAS, the Short EAF for this proposed action indicates that there are likely to be no significant adverse environmental impacts; and

WHEREAS, the proposed local law benefits the public at large, and is in the best interests of the public.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The Town Board declares itself to be Lead Agency with respect to the SEQRA review of this proposed local law and classifies the same as an unlisted action; and
2. The Town Board hereby finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration; and
3. The Town Board hereby adopts said Local Law No. 3 of 2009, for Flood Damage Prevention, a copy of which is attached hereto and made a part of this resolution; and
4. The Town Clerk is hereby 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. Valentin

Supervisor Ward Voting Aye
Councilman King Voting Aye
Councilman Valentin Voting Aye

Councilman Mulqueen
Councilwoman Neighmond

Voting Aye
Voting Aye

Motion Carried

LOCAL LAW NEEDS TO BE INSERTED.

COMMITTEE REPORTS

Councilman King: Bulk pick up is continuing. Thanks to Vince for the information on promoting alternative energy sources.

Councilman Valentin: Please remember no dogs are allowed in our parks. Orange County has a beautiful dog park in Hamptonburgh at the County park.

Councilman Mulqueen: Golf revenues are up \$10,000.00 over last years revenue at this time. Many outings are upcoming, call the course for more information.

Councilwoman Neighmond: Human Rights meeting on June 1st.

Council Comments

Councilman King: Attended memorial Day services very nice. We need to take proper care of our Veterans.

Councilman Valentin: Thank you to the Building Dept for there assistance to the Scotchtown family that is rebuilding after their fire.

Councilman Mulqueen: Election inspectors are needed. Mid Hudson news reports on a convicted police officer, hopes that Judge Freehill does the right thing. He has all the facts. No special treatment because he is a Police Officer.

Councilwoman Neighmond: There is a rabies Clinic this weekend. Historical Association will meet on June 4th at Town Hall. Memorial Day was great.

Mr. Ingrassia: is attending to a personal issue and **Mr. Lippert** is on vacation.

Chief Hertman: Friday 10 am there will be a bicycle auction at Townley Hall. Ongoing Youth Coalition and Community Council events. June 7th baseball game at Howard Drive complex. Census workers are in the area and are indentified.

Mr. Jaques: Working on putting together information on green building. Will be seting up meetings to address this.

PUBLIC PARTICIPATION

Mr. Ferri Administrative costs, court fees, vehicle and traffic laws, fines.

Mr. Smith: Water main on Dodge Drive.

Mr. Crawford: High Barney Road issues, county town participation.

Ms. Neighmond and Mr. Mulqueen: express their displeasure with the insinuation of “Playing Politics”.

Motion By: Mr. Ward to audit claims pay bills and adjourn at 8:20pm.

Seconded By: Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilwoman Neighmond	Voting Aye

Motion Carried

Louisa M. Ingrassia
Town Clerk