

The Town Board of the Town of Wallkill held a public Hearing on October 11, 2007 at 7:25 pm. The Deputy Town Clerk read the following notice:

TOWN OF WALLKILL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on October 11, 2007 at 7:27 p.m. at Wallkill Town Hall, 99 Tower Drive, Bldg. A, Middletown, New York regarding the Town Board's adoption of an amendment to Local Law #5-2007 to extend the moratorium on the establishment of new sexually-oriented business uses and/or the enlargement of any existing sexually-oriented business uses in the Town of Wallkill, through and including March 31, 2008.

Any resident of the Town of Wallkill is entitled to be heard upon said issue at such public hearing to be held at:

Wallkill Town Hall
99 Tower Drive
Building A
Middletown, NY 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.

Dated: September 27, 2007
Louisa Ingrassia, Town Clerk

There was no Town Board comment or any comment from the public.

Motion By: Mr. Ward to close public hearing at 7:36 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 October 11, 2007 at 99 Tower Drive Middletown NY at 7:30 pm. Present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman McCarey. Mr. Frank attorney for the Town and Deputy Town Clerk Joyce Dickson.

The meeting was opened with the pledge of Allegiance followed by a moment of silence for the passing of Louis Ingrassia Sr.

The Town Board will only be conducting the Business portion of the meeting in respect to the Ingrassia Family.

CORRESPONDENCE

To: Town Board
From: Rick Evans

I am requesting permission to attend the 2007 Empire State Green Industry Show on Tuesday November 13th thru Thursday November 15th in Rochester NY. Total expenses should be under \$500.00 and that amount was included in this years budget.

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

Project Linus Blanket Day will be held on October 20th at the Town of Wallkill Community Center.

Time Warner announces programming additions NHL network 458 and TBS HD 726.

To: Town Board
From: J. Lippert

Request permission to send Mike Aumick and Dennis Martins to attend work zone safety train the trainer classes on Monday Oct 15- 19th. It is being sponsored by the CSEA and mileage, meal and room expense will be covered by the union.

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ACCEPTING THE PROPOSED DISPOSITION OF
DISCIPLINARY MATTER #06-2007**

WHEREAS, pursuant to New York State Town Law §§ 154 and 155, and pursuant to Town of Wallkill Local Law #2 of 2007, the Town Board of the Town of Wallkill is required to make a final determination with respect to any matters concerning the discipline of members of the Wallkill Police Department; and

WHEREAS, the Town Board has reviewed disciplinary matter #06-2007;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby imposes the disciplinary penalty proposed by the Chief of Police with respect to disciplinary matter #06-2007

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE SALE OF PROPERTY CONSTITUTING ECHO LAKE**

WHEREAS, on April 12, 2007, the Town Board of the Town of Wallkill passed a resolution authorizing the sale of property the Town currently owns in the Town of Goshen located on Echo Lake Road, also known as Section 12, Block 1, Lot 24.2, on the Tax Map of the Town of Goshen and also known as Section 1, Block 1, Lot 40 on the Tax Map of the Town of Wawayanda, consisting of plus or minus 188 acres; and

WHEREAS, the Town Board's resolution authorizing the sale of the property was subject to a permissive referendum pursuant to Section 64(2) of the Town Law of the State of New York; and

WHEREAS, the Town Clerk has received no petition objecting to the adoption of the resolution to sell the foregoing property;

NOW, THEREFORE, IT IS

RESOLVED that said Town Board hereby authorizes the Town property. Supervisor to execute a Contract of Sale with Hopper Hill, LLC, for the sale of the aforesaid

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 SUPPORTING AND CONCURRING IN THE APPLICATION OF THE TOWN OF WALLKILL THROUGH THE ORANGE COUNTY OPEN SPACE PROTECTION PROGRAM TO PURCHASE PROPERTY LOCATED AT 74 VANBURENVILLE ROAD

WHEREAS, in 2004, the Orange County Legislature adopted the Orange County Open Space Plan, as an amendment to the County Comprehensive Plan, with the goal of preserving and protecting valuable open space and natural resources throughout the County; and

WHEREAS, the Orange County Open Space Protection Fund provides funds to villages, towns, cities, qualified not-for-profits and individual property owners for the purchase of land, development rights or conservation easements that meet the objectives set forth in the Orange County Open Space Plan; and

WHEREAS, Harold Card and Kathleen Card wish to convey, and the Town of Wallkill wishes to purchase, the land located at 74 VanBurenville Road, Middletown, New York

10940, listed on the Town tax map as SBL 36-1-4.1, 36-1-92.22 and 22-3-52.2 by means of a fee simple purchase, purchase of easement rights, by purchase of a conservation easement, or by any combination of the foregoing, or through other means, as may be required by the County of Orange for the purpose of funding said purchase and enforcing the open space rights appurtenant to the property; and

WHEREAS, the Town of Wallkill intends to apply to the Orange County Open Space Protection Fund for funds in order to purchase the above property by one of the means aforesaid.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Wallkill, in its capacity as governing body of the Town, does hereby support and concur in the application by the Town of Wallkill for funding in order to purchase the lands located at 74 VanBurenville Road, Middletown, New York listed on the tax map as SBL 36-1-4.1, 36-1-92.22 and 22-3-52.2 from Harold Card and Kathleen Card, by one of the means aforesaid.

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
DESIGNATING DAVID STEINBERG, ESQ. AS
TOWN OF WALLKILL HEARING OFFICER**

WHEREAS, pursuant to Local Law #2-2007, the Town of Wallkill is required to select a hearing officer to provide its police officers with a hearing to determine contested disciplinary charges; and

WHEREAS, there exists a need to designate a hearing officer for the Town of Wallkill; and

WHEREAS, David Steinberg, Esq. fulfills the requirements of knowledge, skills, and experience to conduct said hearings;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby designates David Steinberg, Esq. as a hearing officer for the purpose of conducting disputed disciplinary hearings.

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
ADOPTING AMENDMENTS TO LOCAL LAW #5-2007 TO EXTEND THE
MORATORIUM ON THE ESTABLISHMENT OF NEW SEXUALLY-ORIENTED
BUSINESS USES AND THE ENLARGEMENT OF EXISTING SEXUALLY-
ORIENTED BUSINESS USES
IN THE TOWN OF WALLKILL THROUGH MARCH 31, 2008

WHEREAS, the Town Board of the Town of Wallkill has determined that it is essential to modify the permissible districts within which sexually-oriented businesses may operate within the Town of Wallkill and to modify the regulations applicable within said districts; and

WHEREAS, a public hearing was held on the 11th day of October 2007 to assist in the Town's consideration regarding the adoption of an amendment to Local Law #5-2007 to extend the moratorium on the establishment of new sexually-oriented business uses and the enlargement of existing sexually-oriented business uses in the Town of Wallkill through March 31, 2008; and

WHEREAS, the Town Board of the Town of Wallkill has determined that adopting an amendment to Local Law #5-2007 to extend the moratorium on the establishment of new sexually-oriented business uses and the enlargement of existing sexually-oriented business uses in the Town of Wallkill through March 31, 2008, is in the best interests of the health, safety and welfare 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. 17 of 2007, entitled A LOCAL LAW AMENDING LOCAL LAW #5-2007 TO EXTEND THE MORATORIUM ON THE ESTABLISHMENT OF NEW SEXUALLY-ORIENTED BUSINESS USES AND THE ENLARGEMENT OF EXISTING SEXUALLY-ORIENTED BUSINESS USES IN THE TOWN OF WALLKILL, COUNTY OF ORANGE, THROUGH MARCH 31,

2008, 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.

A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2007, ENTITLED “A LOCAL LAW IMPOSING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT OR ENLARGEMENT OF SEXUALLY-ORIENTED BUSINESSES AND USES IN THE TOWN OF WALLKILL”

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALLKILL, COUNTY OF ORANGE, STATE OF NEW YORK, AS FOLLOWS:

Section 1. Local Law No. 5 of 2007 shall be and hereby is amended by this Local Law as follows:

Section 1. Title: The title of Local Law No.5 of 2007 shall be amended to delete the words “six-month” therefrom.

Section 2. Purpose and Intent: Shall be amended at the second paragraph to delete the words “six-month” after the words “hereby declares a”.

Section 5. Term: Shall be amended to delete the words “be in effect for a period of six months from the effective date of this local law.” and insert the words “remain in effect through and including March 31, 2008.”

Section 2. Separability

If any part or 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 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 3. Repeal

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

Section 4. 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. 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 HARRY F. ROTOLO & SON, INC. IN ORDER TO
UPGRADE THE TOWN'S GENERATOR

WHEREAS, it has come to the Town Board's attention that its back-up electric generator does not supply sufficient power to serve the Town's needs during an emergency; and

WHEREAS, the Town Board of the Town of Wallkill believes it is in the best interests of the residents of the Town of Wallkill to upgrade the Town's emergency generator; and

WHEREAS, Harry F. Rotolo & Son, Inc. is able to provide the Town with, and install, an upgraded generator that will meet the Town's needs; and

WHEREAS, the Town Board of the Town of Wallkill wishes to enter into an agreement with Harry F. Rotolo & Son, Inc. for the purpose of upgrading the Town's emergency generator; and

WHEREAS, the Town will no longer need the existing generator and wishes to declare the same surplus property to be sold, obtain a credit, or otherwise reduce the expenses incurred from the upgraded generator,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to enter into an agreement with Harry F. Rotolo & Son, Inc. in order to upgrade the Town's emergency generator; and be it further

RESOLVED, that, upon installation of the new generator, the existing generator be deemed surplus property.

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTING A LOCAL LAW AMENDING THE TOWN OF WALLKILL TOWN CODE TO INCLUDE THE CATHOLIC AND PROTESTANT CEMETERY LOCATED ALONG COUNTY ROUTE 78, AS A PROTECTED CEMETERY UNDER CHAPTER 249-8.1(A)

WHEREAS, the Town Board of the Town of Wallkill is considering the adoption of a Local Law to amend the Chapter 249, § 8.1 of the Town Code of the Town of Wallkill for the purpose of adding the Catholic and Protestant Cemetery, located along County Route 78 and the access road to Tuckerman Hall, to the list of protected cemeteries within the Town of Wallkill; and

WHEREAS, the Town Board of the Town of Wallkill 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 of the Town of Wallkill with regard to the adoption of the aforesaid Local Law on November 8, 2007 at 7:25 p.m. at Wallkill Town Hall, 99 Tower Drive, Bldg. 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. Valentin

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

MOTION CARRIED

Supervisor Ward and the Town Board members express their sympathy to the Ingrassia Family on the Loss of Louis Ingrassia Sr.

Motion By: Mr. Ward to adjourn at 8:00 pm
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

Meeting Adjourned

Louisa M. Ingrassia
Town Clerk