

A regular meeting of the Town Board of the Town of Wallkill was held on October 22, 2009 at 7:30 pm at Wallkill Town Hall 99 Tower Drive. Members present. Councilman King, Councilman Valentin, Councilman Mulqueen and Councilwoman Neighmond. Also present were Sgt. Walsh, Mr. Ingrassia, Mr. Lippert, and Mr. McKay attorney for the Town. Supervisor Ward was absent .The meeting was opened with the Pledge of Allegiance.

Comment on the Agenda

V. Ferri Precious Metals Law, Town Justice salary increase.

CORRESPONDENCE

A letter from a resident of the fourth ward in regard to the replacement of a house trailer. Councilman Neighmond will contact the individual and review the information and report back to the Town Board.

RESOLUTIONS

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
DECLARING REAL PROPERTY LOCATED ON LAURIE ANNE DRIVE SURPLUS AND
AUTHORIZING THE SOLICITATION OF BIDS FOR SALE OF THE PROPERTY

WHEREAS, the Town currently owns a parcel of land on Laurie Anne Drive, also known as Section 79, Block 1, Lot 2; and

WHEREAS, that property is no longer utilized by the Town and is no longer serving a valid public purpose; and

WHEREAS, the Town Board believes that declaring the property surplus, selling the same and returning the property to the Town tax rolls is in the best interest of the residents of the Town of Wallkill; and

WHEREAS, the Town Board wishes to solicit bids from members of the public for the purchase of said property;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town Board of the Town of Wallkill hereby declares said property to be surplus property; and it is further

RESOLVED, that the property should be sold for adequate consideration of no less than fair market value; and be it further

RESOLVED, that the Town Supervisor or his designee is hereby authorized to solicit bids from the public for the sale of the Town’s real property known as Section 79, Block 1, Lot 2, on Laurie Anne Drive in the Town of Wallkill.

Motion By: Mr. Valentin
Seconded By: Mr. King

Supervisor Ward	Absent
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. 7 OF 2009
AMENDING CHAPTER 187 OF THE TOWN CODE OF THE TOWN OF WALLKILL
REGARDING DEALERS IN PRECIOUS METALS OR GEMS

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 precious metals law; and

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

WHEREAS, by its resolution of July 23, 2009, the Town Board scheduled a public hearing on this proposed action for August 27, 2009 at 7:25 p.m.; and

WHEREAS, on August 27, 2009, at 7:25 p.m., the Town Board held a public hearing on this proposed local law, accepted public comment, and closed the public hearing after accepting public comment; 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 hereby finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration; and

2. The Town Board hereby adopts said Local Law No. 7 of 2009, entitled "A Local Law Amending Chapter 187 of the Town Code, Entitled "Dealers in Precious Metals or Gems", a copy of which is attached hereto and made a part of this resolution; and

3. 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.

TOWN OF WALLKILL

LOCAL LAW NO. **7** OF 2009

A LOCAL LAW AMENDING CHAPTER 187 OF THE TOWN CODE,
ENTITLED "DEALERS IN PRECIOUS METALS OR GEMS"

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

Section 1.

Town of Wallkill Code Chapter 187, shall be deleted in its entirety and replaced with the following:

Section 2.

The title of the Chapter shall be: Dealers In Precious Metals or Gems.

Section 3. General

§ 187-1 Legislative findings and intent.

The Town Board of the Town of Wallkill finds that the value of gold and other precious metals has created an increase in criminal activity in same. This fact, coupled with the ease of disposition of such metals, has resulted in an alarming rise in the number of crimes, particularly burglaries. The Town Board finds that the most efficient way to deal with this problem is to regulate the available sources of disposition of such precious metals to protect both the people of the town and the many honest business people in this field.

§ 187-2 Definitions.

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

DEALERS IN PRECIOUS METALS OR GEMS

Any person engaged in the business of purchasing precious metals or gems or objects containing precious metals or gems, but- shall-not-include a licensed dentist.

GEM

One or more precious or semiprecious stones, either uncut or cut and polished for an ornament, or any object containing such a stone.

NUMISMATIC ITEM

That part of a coinage or issue which has been used in exchange or has been used to commemorate a person or event, which term includes coins, tokens, commemorative medals and any metal coin admitted duty-free under the Tariff Schedules of the United States, pursuant to the Tariff Classification Act of 1962, as amended.

PERSON

One or more persons of either sex, a firm, a partnership, a corporation, or any individual representative or agent thereof.

POLICE

The Orange County Sheriff and the Town Police.

PRECIOUS METAL

Gold, silver or platinum, iridium, ruthenium, osmium or any one or more of said metals or any object made in whole or part therefrom.

RETAIL SALE

Sale of an object containing precious metals or gems directly to the consumer on the premises where manufactured.

SELLER

Any person who sells an object or object containing precious metals or gems to a dealer or transient dealer in precious metals or gems.

TRANSIENT DEALER

Any person engaged in the business of purchasing precious metals or gems or objects containing precious metals or gems, who does not have a regular, fixed place of business within a county within the state in which he owns, rents or leases for the purpose of consummating such purchases and in which a transaction described herein occurs.

WHOLESALE MANUFACTURER

An establishment in which an object containing precious metals or gems is manufactured for sale or distribution other than for retail sale directly to the consumer on the premises where manufactured.

§ 187-3 Registration/License required.

It shall be unlawful for any person to act as a dealer in precious metals or gems or as a transient dealer, as defined herein unless such dealer shall have complied with the provisions of this chapter and obtained the required certificate of registration or license from the Town Clerk after review and approval by the Building Inspector/Code Enforcement Officer for each location from which the dealer conducts business and submitted to the police a duplicate copy thereof within 48 hours after obtaining said certificate of registration. Each certificate of registration shall expire on December 31 of each year.

§ 187-4 Persons ineligible for licensure.

- A. No license shall be granted to a person less than 18 years of age.
- B. No license shall be issued to a person who has been refused a license within the past 12 months or who has had a license revoked within the past 12 months unless the applicant can show that the reasons for such rejection or revocation no longer exist.
- C. No license shall be issued to a person convicted of any felony or of a misdemeanor or other offense, if the same involved violence, dishonesty, deceit, or moral turpitude.
- D. No license shall be issued to any applicant without a street address being listed on the application. Post Office boxes are not sufficient.
- E. No license shall be issued to any applicant that refuses to provide valid photo identification.

§ 187-5 Application procedure.

- A. Any person required to obtain a license under this chapter shall file with the Town Clerk a written application, together with an employer's authorization if required, sworn to before a notary public, upon a form approved by the Town Board.
- B. The applicant shall pay a non-refundable application fee.

- C. The applicant shall complete an authorization permitting the Town, its agent or designee, to perform a background investigation of the applicant and entitling the Town, its agent or designee, to obtain information concerning the applicant's prior criminal record, if any, and prior employment history.
- D. The applicant shall indicate the location, including section, block and lot where any dealing in precious metals or gems will be done. Any proposed changes in location must be made in writing to the Town Clerk, who shall refer the request to the Town Building Inspector or Code Enforcement Officer for approval.
- E. An applicant must provide proof of liability insurance in the amount of no less than \$1,000,000 (one million) dollars per occurrence.
- F. Employees, or any other individual that will assist the applicant, whether or not that individual will receive payment or other form of remuneration or compensation from the applicant, must be included in application and, if the license is granted, must wear a photo ID at all times. It is the responsibility of the licensee to confiscate any ID badges of employees or assistants that no longer represent the applicant and return them to the Town Clerk. An additional fee for employee or assistant processing will be charged.
- G. The Town Clerk shall review the application to determine whether or not it is complete and the appropriate fee has been paid. If the application is complete and the appropriate fee has been paid, the Town Clerk shall, within five business days, forward the application to the Town Building Inspector/Code Enforcement Officer for review and/or approval. The Building Inspector/Code Enforcement Officer shall within 10 business days of receipt of the application either deny or approve the application in writing, stating any reasons for the denial of license.
- H. An applicant that has been denied a license may appeal the denial to the Town Board. Appeals to the Town Board must be made within five days of the mailing of the denial by certified mail by the Town Clerk or Building Inspector/Code Enforcement Officer. Upon approval by the Town Board, the Town Clerk shall issue a license signed by the Clerk, authorizing the holder thereof to conduct business under the terms of this chapter.

§ 187-6 Additional requirements for licensure.

- A. All places of dealing in precious metals or gems shall be handicapped accessible.
- B. All applicants licensed hereunder are required to maintain continual compliance with all applicable federal, state and local laws. Any applicant licensed pursuant to this chapter shall immediately notify the Town Clerk, in writing, of their receipt of any notice of violation, summons, judgment, warrant, lien or other

- matter or process related to the proposed or actual suspension, revocation, expiration, cancellation or loss of privileges or good standing concerning any license, permit, approval or privilege required to conduct their business, including, but not limited to, matters concerning insurance coverage, tax liens, tax warrants, and the like.
- C. License to be conspicuously posted within the place at which **the dealer or transient dealer is conducting business.**
 - D. **Photo ID** to be visible at all

times.

§ 187-7 Fees; expiration of

license.

- A. The application fee, license fee, and/or other fees associated with providing approvals for dealers, their employees and/or assistants shall be set by resolution of the Town Board.
- B. (Reserved)
- C. All licenses shall expire December 31 of each year. Applicants and former licensees must submit an application in compliance with the requirements of this chapter, and any other applicable provisions of the Town Code, for any year or part thereof during which they wish to deal in precious metals or gems.

§ 187-8 Revocation of license.

- A. The Town Building Inspector/Code Enforcement Officer may, for a violation of this chapter or any other law, or otherwise for good cause shown, revoke any license after notice and an opportunity for the licensee to be heard regarding the proposed revocation, by delivering to the licensee, either in person or by mailing address given in the application, notice of such proposed revocation in writing and stating therein the reason or reasons for such proposed revocation. A license so revoked shall be returned to the Town Clerk within four days of revocation.
- B. The applicant or licensee shall be entitled to a hearing before the Town Board upon any claim that a license was wrongly refused or revoked.

§ 187-9 Records of applications and licenses.

It shall be the duty of the Town Clerk to keep a record of all applications received and all licenses granted under the provisions of this chapter, in which shall be recorded the names and addresses of persons licensed, the amount of fees paid, and all other pertinent data concerning the issuance of licenses under this chapter. All licenses issued and all records pertaining thereto shall contain the name and address of the licensee and the date of expiration of said license.

§ 187-10 [RESERVED]

§187-11 Certificate of registration; keeping of certain records.

A. Each certificate of registration issued pursuant to this chapter shall:

(1) Be kept conspicuously posted within the place at which the dealer or transient dealer is conducting business or be displayed by the person to whom such certificate was issued.

(2) Indicate the name and place of business of the person to whom it was issued.

B. Record of purchases. Every dealer and transient dealer shall keep a bound book, in a form approved by the Town Clerk, of consecutively numbered transactions, in which shall be legibly written in English, at the time of every purchase from a person other than a dealer, a description of every article so purchased or sold, the number or numbers and any monograms, inscription or other marks of identification that may appear on

such article, a description of the articles or pieces comprising precious metals and gems, and any monogram, inscription or marks of identification thereon, the name and residence address of the person from whom such purchase was made and the day and hour of the purchase.

C. It shall be the duty of every dealer and transient dealer to verify the identity of every person, other than a dealer, from whom he purchases an article and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity.

D. Only the following shall be deemed acceptable evidence of identity: any official document, except a social security account number card, issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof or any public or private employer which requires and bears the signature of the person to whom issued or, when such identification is not available, other identification documentation, the use of which, under the

circumstances would not constitute criminal negligence on the part of the dealer or transient dealer.

- E. It shall be the duty of every dealer or transient dealer to require that every person other than a dealer from whom an article is purchased sign his name in the presence of the dealer or transient dealer and to compare the signature with the signature on the identifying document. In addition, it shall be necessary to provide the following physical description: date of birth, sex, height and color of eyes and to retain on his premises the person's signature, together with the number and description of the identifying document and the number of the transaction, as required by Subsection B of this section.
- F. It shall be the duty of every dealer or transient dealer to require that every person other than a dealer from whom an article is purchased sign his name in the presence of the dealer or transient dealer and to compare the signature with the signature on the identifying document.
- G. Every dealer in precious metals or gems, except a transient dealer as defined herein, shall, within three business days of any purchase of precious metals or gems or of an object containing precious metals or gems, give written notice of such purchase other than from a dealer on a form approved by the Town Clerk to the police.
- H. Every transient dealer shall, however, within 24 hours, deliver to the police written notice of every purchase made of precious metals or gems on a form approved by the Town Clerk.
- I. Such records shall be subject to inspection during normal business hours by the police or any administrative agency having jurisdiction over such dealer or transient dealer pursuant to this chapter. Such records shall be preserved for four years after purchase.

§ 187-12 Keeping of certain records by dealer.

- A. Record of purchases. Every dealer and transient dealer shall keep a bound book, in a form approved by the Town Clerk, of consecutively numbered transactions, in which shall be legibly written in English, at the time of every purchase from a person other than a dealer, the following:
 - (1). Description of every article purchased, including a general description of the article (e.g. wristwatch), a description of any pieces of the article comprising precious metals and gems, and any monogram, inscription, make or model information, or other mark of identification on the article,
 - (2). Description of the seller, including name, residence address, date of

- birth, sex, height, and eye color,
 - (3). Seller's signature,
 - (4). Description of the evidence submitted by the seller to prove his identity,
and
 - (5)- Date, time, and location of the purchase.
- B. Photograph of purchases and proof of identity. Every dealer or transient dealer shall photograph each purchased item when the paid value of the item exceeds \$100, When the total paid value of all items purchased by a dealer or transient dealer from a single seller on a single day exceeds \$100, the dealer or transient dealer shall photograph the entire group of items purchased from said seller. Each photograph shall also contain the image of the documentation proffered by each seller as proof of identity. The dealer or transient dealer must photograph the item or items, together with the documentation, at the time the item or items are purchased from the seller, and the photographs must be developed or printed in color on photograph-quality paper within five business days of the date of purchase of the photographed article. Each developed or printed photograph must be marked with a transaction number associating it with the appropriate record or records of purchase.
- C. Thumbprint of seller. Every dealer or transient dealer shall take a thumbprint of each seller. Each thumbprint must be marked with a transaction number associating it with the appropriate record or records of purchase.
- D. Such records, photographs, and thumbprints shall be subject to inspection during normal business hours by the police or any administrative agency having jurisdiction over such dealer or transient dealer pursuant to this chapter. Such records shall be preserved for four years after purchase.

§ 187-13 [RESERVED]

§ 187-14 Notice to police.

- A. Every dealer in precious metals or gems, except a transient dealer as defined herein, shall, within three business days of any purchase of precious metals or gems or of an object containing precious metals or gems, give written notice of such purchase other than from a dealer on a form approved by the Town Clerk to the police.
- B. Every transient dealer shall, however, within 24 hours, deliver to the police written notice of every purchase made of precious metals or gems on a form approved by the Town Clerk.

§ 187-15 Disposition of certain purchases; delivery of notice to police.

In no event shall any precious metals or gems purchased by a dealer or transient dealer be sold, assigned, or transferred, or melted down until ten (10) business days after service of notice upon the police shall have been completed as set forth in this section.

- A. Service of notice to police by mail shall be deemed to have been completed five days, exclusive of Sunday or such holiday on which there is no regular United States postal delivery, after said notice has been mailed to the police by depositing same in an official depository of the United States Postal Service within the state.
- B. Personal service of notice upon the police shall be deemed to have been completed when said notice has been personally delivered to the police by the dealer or transient dealer or his or her employee or agent.

§ 187-16 Purchases from minors; pawn brokering limitations.

- A. It shall be unlawful for any dealer or transient dealer to purchase any precious metals or gems from any person whom he knows to be or has reason to believe is less than 18 years of age.
- B. It shall be no defense to a prosecution for a violation of this chapter that, in the transaction upon which the prosecution is based, such person acted as the agent or representative of another or that the defendant dealt with such person as the agent or representative of another.
- C. No person registered as a dealer in precious metals or gems may engage in the business of a pawnbroker unless also licensed as a pawnbroker pursuant to Article 5 of the General Business Law. All persons both registered as dealers in precious metals or gems and licensed *as* pawnbrokers shall post a conspicuous notice, to be clearly visible to all customers entering each place of business of such person, stating that customers may freely choose to either pawn or sell property to such persons.

§ 187-17 Penalties for offenses.

Failure by a dealer or transient dealer to comply with any of the provisions of this chapter shall be an offense punishable as follows:

- A. A first offense shall be a violation punishable by a fine of not less than \$500 and not more than \$1,000.
- B. A second or subsequent offense shall be a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

§ 187-18 Exemptions.

The provisions of this chapter shall not apply to:

- A. Transactions involving the wholesale manufacture of an object including precious metals or gems and other industrial and manufacturing uses, including dentistry and dental supplies.
- B. Transactions between dealers and wholesale manufacturers.
- C. Transactions engaged in by any bank, trust company, savings institution or licensed transmitters of money and their registered agents, affiliates and subsidiaries incorporated under the laws of and/or subject to the examination, supervision and control of any state or of the United States, investment advisors or broker-dealers registered under the Securities Exchange Act of 1934 or merchants, brokers, pool operators or advisors registered under the Commodity Exchange Act (7 U.S.C. § I et seq.).

§ 187-19 Registration of pawnbrokers as dealers required.

No pawnbrokers shall purchase, directly or indirectly, any precious metals or gems offered to him as a pawn or pledge, nor shall it be lawful for any such pawnbroker, licensed as aforesaid, to engage in any such secondhand business, unless also registered as a dealer in precious metals or gems pursuant to this chapter.

Section 4. 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 the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Repeal

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

Section 6. 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. Valentin
Seconded By: Ms. Neighmond

Supervisor Ward	Absent
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. 8 OF 2009
MODIFYING THE COMPENSATION OF JUDGE BONNIE KRAHAM

WHEREAS, Town Justice Raymond Shoemaker retired from office effective September 16, 2009 leaving one judicial office within the Town vacant until January 1, 2010; and

WHEREAS, the Town Board has determined that it would be impractical to appoint another judge to fill that vacancy for the short time remaining; and

WHEREAS, the Town Board wishes to ensure that the business of the Town Justice Court is administered efficiently and that matters are adjudicated in a timely manner to protect the rights of individuals appearing before the court; and

WHEREAS, Justice Bonnie Kraham is willing to preside over all business of the Town Justice Court until such time as a new judge is elected and takes office beginning January 1, 2010; and

WHEREAS, pursuant to Town Law § 27 and Article 2 of the General Municipal Law, the Town is authorized to adopt a local law modifying Justice Kraham's salary based upon the additional responsibilities she will be taking on through December 31, 2009; and

WHEREAS, a public hearing was held by the Town Board of the Town of Wallkill at 7:25 p.m. on Wednesday, October 14, 2009, at Wallkill Town Hall, 99 Tower Drive, Bldg. A, Middletown, New York to consider public comment concerning the adoption of the proposed local law to modify Judge Kraham's compensation; and

WHEREAS, this action is not an action subject to review under the New York State Environmental Quality Review Act ("SEQRA") pursuant to Part 617 of the regulations implementing SEQRA;

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 hereby adopts said Local Law No. 8 of 2009, entitled "A Local Law Modifying the Compensation of Judge Bonnie Kraham", a copy of which is attached hereto and made a part of this resolution; and

2. That this resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this resolution in accordance with Article 7 of the Town Law; and

3. 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. Valentin
Seconded By: Mr. Mulqueen

Supervisor Ward	Absent
Councilman King	Voting No
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 ANTONIO ROTUNDO TO THE TOWN OF WALLKILL
ZONING BOARD OF APPEALS**

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

WHEREAS, Antonio Rotundo 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 Antonio Rotundo is qualified to fill said position;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Antonio Rotundo to the Town of Wallkill Zoning Board of Appeals to complete the term of office

vacated by Roseanne Sullivan, which appointment expires on February 28, 2011; and be it further

RESOLVED, that said appointment shall be effective immediately.

Motion By: Mr. Valentin
Seconded By: Mr. Mulqueen

Supervisor Ward	Absent
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 SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO THE TOWN BUDGET FOR THE FISCAL YEAR 2010

WHEREAS, pursuant to Town Law section 106, the Town Supervisor filed the tentative budget for 2010 with the Town Clerk on or before the 30th day of September 2009; and

WHEREAS, pursuant to Town Law section 106, the Town Clerk presented the tentative budget to the Town Board on or before the 5th day of October 2009; and

WHEREAS, pursuant to Town Law sections 106 and 107, the Town Board is now in the process of reviewing the tentative budget to make such changes, alterations and revisions it considers advisable; and

WHEREAS, pursuant to Town Law section 108, the Town Board wishes hold a public hearing with respect to the preliminary budget for 2010;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that a public hearing be held by the Town Board of the Town of Wallkill with respect to the preliminary budget of the Town Budget for the Fiscal Year 2010 on

October 28, 2009, 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. Valentin
Seconded By: Ms. Neighmond

Supervisor Ward	Absent
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
SETTING TIME AND PLACE FOR A SPECIAL MEETING TO ADOPT
THE TOWN BUDGET FOR THE FISCAL YEAR 2010**

WHEREAS, pursuant to Town Law section 106, the Town Supervisor filed the tentative budget for 2010 with the Town Clerk on or before the 30th day of September 2009; and

WHEREAS, pursuant to Town Law section 106, the Town Clerk presented the tentative budget to the Town Board on or before the 5th day of October 2009; and

WHEREAS, pursuant to Town Law section 108, the Town Board held a public hearing on the preliminary budget on October 29, 2009, at 7:25 p.m. at Wallkill Town Hall, 99 Tower Drive - Bldg. A, Middletown, New York; and heard public comment with respect to the same; and

WHEREAS, the Town Board of the Town of Wallkill believes that the preliminary budget as changed, altered and revised is in the best interests of the residents of the Town of Wallkill and should be adopted;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Town Law section 109, the preliminary budget as changed, altered and revised is hereby adopted as the annual budget of the Town of Wallkill for the fiscal year beginning on January 1, 2010, and that the same shall be entered in the minutes of the Town Board.

Motion By: Mr. Valentin
Seconded By: Ms. Neighmond

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

Motion Carried

BE IT HEREBY RESOLVED THAT THE following budget transfer be made:

	To	From
SW1 8310.408	\$2,500	SW1 8320.20 \$22,500
SW1 8310.410	20,000	

Motion By: Mr. Valentin
Seconded By: Mr. King

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

Motion Carried

Committee Reports

Councilman King: Took a ride with Mr. Lippert and toured Town roads.

Councilman Mulqueen: If the Assessor is watching there is nothing to report. Tremendous golf outing to benefit the Regelski Trust. No Thanksgiving golf outing. Looking at a senior citizen clinic for next year.

Councilwoman Neighmond: Human Rights Commission will meet on 11/9 at 7:30pm. Continuing to work on the budget. Monday and Tuesday 7:30 pm budget worksessions.

Councilperson Comments

Councilman King: Has been on the Water and Sewer committee for eight years. Most competent water department. Mr Leider fabrication of fear, unfortunate statement misrepresentation of the truth. Currently a four million surplus.

Councilman Mulqueen: NYRI denied application finally. Nina worked tirelessly on this.

Councilwoman Neighmond The NYRI victory just goes to show that the little guy can win. Glad that this is the last meeting before election. Political signs on the property of

the DPW should be removed. The stealing of signs is childish behavior, roadsides look terrible.

Deputy Supervisor Valentin Met with the Chief, foot patrols will reduce this winter. Sgt Walsh will give Halloween details.

Sgt. Walsh: Ongoing Community Council and Youth Coalition events. Currently conducting a coat drive new coats, gloves and hats needed. Theft of political signs if any information call the police department. Halloween curfew no one under 17 on the street after 9pm. Will be zero tolerance.

Mr. Ingrassia Hydrant flushing is complete. Only a few calls re: dirty water. Ongoing work on Rykowski, ORMC is moving along. No increase in rates for 2010. Held a tour of water treatment facility for 19 OCCC students. Congratulations to Ed Rogers and his wife on the birth of Hallie Marie on October 11th. Meet with President Container will be moving into old Wakefern facility.

Mr. Lippert: Leaf pick up will begin on November 1st. Halloween party will be held on October 30th. 12 and under Mike Cody will provide DJ music.

Mr. Jaques: Has been working with President Container for the past two months. Happy to bring business to the Town.

PUBLIC PARTICIPATION

M.Cody Halloween party, fireworks, egg hunt all great ideas hope they continue. Thank a Veteran

Mr. Valentin Fireworks is paid for through donations. Value work of our employees.

F. Rezac 97 Maple Dr. Budget items, personal and political agendas. Townley Hall is a waste, Baker zone change. Budget transfers.

Mr. Ingrassia: Budget transfer is for the cost of advertising and postage for the Benefit Assessment Public Hearing.

C.Elmes: 20 year resident NYRI power line issue. Would like to personally thank Nina and John King and all those who worked so hard to defeat this. John King is always accessible.

K. Farrell: Town dragging their feet on the Rezac issue. Ward was on the board at the time. Fire Museum great idea not a bus stop what are the plans for that site.

Ms. Neighmond The Town Unions are not supporting any particular candidate.

A. Nilon Worked for the Town 30 years ago. Great place to live and work. Orange County Citizens Foundation.

D. Tulp Small business owners, facts are always good, debate would be wonderful. Had no illegal employees, followed the case until the end. Questions regarding Mr. Patch, could he get a temporary permit.

Mr. Jaques That is a court case with Mr. Patch.

Mr. King Previous law prohibited that.

S. Patch Unhappy with what was done to him. Received permits in he past.

Mr. Valentin We will not debate this issue tonight.

D. Depew Would like to see Cody's name on the Veteran's Park. Thanks to he Veterans committee. Orange County tax rate is decreasing.

M.Paduch Political signs have been stolen. Internet Safety for children. There will be a landlord tenant meeting with the Attorney Generals office on Oct 27th at 7pm at Town Hall.

Mr. Mulqueen Thanks for the Landlord tenant meeting. The theft of political signs is an attack on freedom of speech.

A.Leider Good that budget will be adopted prior to Election. All have lost signs . vendors are afraid to apply, can not afford. Unfriendly to small businesses. Outside source says we should have 8 million in water surplus. Wetlands on his property are not buildable.

R.Stumpp Fireworks Acknowledgments? Why such hostility on the board, cell phones, trip sheets, benefits.

V.Ferri Carpet bagger, new comers, scallywags, justice candidate concerns, letters to the editor, valuated tax.

H. Card Cody has done much for the Town. Would like to see Cody's Corner.

Motion By: Mr. Valentin to audit claims pay bills and adjourn at 9:20 pm

Seconded By: Mr. King

Supervisor Ward
Councilman King
Councilman Valentin

Absent
Voting Aye
Voting Aye

Councilman Mulqueen
Councilwoman Neighmond

Voting Aye
Voting Aye

MOTION CARRIED

Louisa Ingrassia
Town Clerk