

The Town Board of the Town of Wallkill held a regular meeting on October 26, 2006 at 99 Tower Drive Bldg. At 7:30 pm. Members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman McCarey. Also present were Mr. Smith, Mr. Jaques, Mr. Lippert, Mr. McKay and Town Clerk Louisa Ingrassia.

The meeting was opened with the pledge of allegiance led by Supervisor Ward.

NO PUBLIC COMMENT ON THE AGENDA.

Motion By: Mr. Ward to accept the minutes of the meeting of October 12, 2006.

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

Correspondence

To: Town Board Members

From: Grateful Citizens

Would like to express gratitude for the quick response of the Police in response to the miss -dialing of 911. Ask that the Town Board relay their thanks to the officers involved and the police Chief.

To: Town Board Members

From: Marylynn Hunt, Planning Board Secretary

As per Eustance and Horowitz the bond in the amount of \$51,564.00 for the Stone ridge Estates Subdivision be released.

Motion By: Mr. Ward

Seconded By: Mr. King *for discussion*

The Board Members were not sure of the location of this subdivision, and upon a motion by Mr. Valentin and seconded by Mr. King the item was tabled.

To: Town Board Members

From: Marylynn Hunt, Planning Board Secretary

As per Eustance and Horowitz a recommendation that the site work bond for Liberty commons in the amount of \$1,422,991.60 be reduced to \$839,354.00

To: Town Board Members

From: Joseph McKay, Greenwald Law Offices

I have been contacted by Marcia A. Jacobowitz, Esq., attorney for the Liberty Commons development in the Town of Wallkill. Ms. Jacobowitz has requested that a developer's improvement bond be posted in the form of municipal bonds, a letter of credit, or certificates of deposit.

Based upon the foregoing, I request that the Town Board authorize a change in the form of the Liberty commons improvement bond to municipal bonds, a letter of credit, or certificates of deposit, subject to the terms of an acceptable performance agreement in compliance with N.Y.S. Town Law and the Town Code of the Town of Wallkill, and in the form acceptable to the Town Attorney, to be executed by the developer and the town Supervisor.

Since the matter is of an exigent nature, I request the Town Board act with the respect of this matter at the Town Board meeting of October 26, 2006.

Thank you for your attention to this matter.

Joseph McKay

Motion By: Mr. Ward

Seconded By: Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting No
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

MOTION CARRIED

To: Town Board Members

From: J. Razzano,
Supervisor Town of Wawayanda

Would like to thank the Town of Wallkill for the use of the speed trailer.

RESOLUTIONS

WHEREAS, a Petition dated the 23rd day of January, 2006 accompanied by a map, plan and report were duly filed in the office of the Town Clerk of the Town of Wallkill on the 20th day of March, 2006 requesting the extension of the Wallkill Consolidated Sewer District, and

WHEREAS, thereafter the Town Board of the Town of Wallkill did on the 12th day of April, 2006 duly adopt an order reciting the description of the boundaries of the proposed district extension, the fact that the petitioners proposed to install the necessary improvements for the district extension at their sole cost and to transfer the improvements to the Town of Wallkill without consideration, the fact that the documents were on file in the Town Clerk's Office and specifying that the Town Board would meet at Town Hall, 600 Route 211 East, Town of Wallkill, New York, on the 11th day of May, 2006, at 7:20 o'clock P.M. on said day to consider the extension of the Wallkill Consolidated Sewer District, including the environmental significance thereof, and to hear all persons interested in the subject matter therefore, and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did at the time and place specified in said order duly meet and consider such proposal and hear all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, the Town Board assumed Lead Agency status for the purpose of SEQR proceedings and has determined this to be an Unlisted Action and has issued a Negative Declaration, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Wallkill, Orange County, New York, as follows:

1. That the petition is signed and acknowledged or proved as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed sewer district extension are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed sewer district extension.
4. That it is in the public interest to grant in whole the relief sought by the petition, and be it

FURTHER RESOLVED that the Town Board does hereby approve the extension of Wallkill

Consolidated Sewer District in the Town of Wallkill, Orange County, New York, bounded and described in annexed Schedule A, and be it

Motion By: Mr. Ward
Seconded By: Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting No
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

MOTION CARRIED

At a Meeting of the Town Board of the Town of Wallkill in the County of Orange, State of New York, held at Town Hall, 600 Route 211 East, Town of Wallkill, NY, on the 26th day of October, 2006.

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In the Matter of the Extension of Wallkill Consolidated Sewer District in the Town of Wallkill,

County of Orange, State of New York

ORDER EXTENDING THE WALLKILL CONSOLIDATED SEWER DISTRICT

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WHEREAS, a Petition seeking the extension of the Wallkill Consolidated Sewer District was duly filed with the Wallkill Town Clerk on the 20th day of March, 2006, and

The Town Board of the Town of Wallkill having made an Order in the above matter on the 12th day of April, 2006 reciting that a Petition, map, plan and report had been filed in the Office of the Town Clerk of the Town of Wallkill and that the properties included within the proposed Sewer District Extension were described in Exhibit "A" annexed to the Order, and that there was no maximum amount proposed to be expended, and other information required by law, and calling a public hearing on the matter for the 11th day of May, 2006 at 7:20 o'clock P.M. at Town Hall, 600 Route 211 East, Town of Wallkill, New York, and

A hearing by said Town Board having been duly held at such time and place, and it having been duly resolved and determined following such hearing that the Notice of the Public Hearing was published and posted as required by law and was otherwise sufficient, that all of the property and property owners within the proposed Sewer District

Extension were benefited thereby, that all the property and property owners benefited were included within the proposed Sewer District Extension, that it was in the public interest to establish the proposed Sewer District Extension and it having been then and there further resolved that the establishment of said Sewer District Extension as proposed be approved, and permission of the State Comptroller not being required, it is

ORDERED that the Wallkill Consolidated Sewer District be extended to include the property bounded and described in annexed Exhibit "A", and it is further

ORDERED that the Town Clerk of the Town of Wallkill is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the Clerk of the County of Orange in which the Town of Wallkill is located within ten (10) days after the adoption of this Order, and it is further

ORDERED that the Town Clerk is hereby authorized and directed to file a certified copy of this Order in the Office of the State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this Order.

Dated: Town of Wallkill, New York 26th day of October, 2006

Motion By: Mr. Ward
Seconded By: Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting No
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 SPECIAL MEETING WITH RESPECT
TO THE TOWN BUDGET FOR THE FISCAL YEAR 2007**

BE IT HEREBY

RESOLVED that a special meeting be held by the Town Board of the Town of Wallkill with respect to the adoption of the Town Budget for the Fiscal Year 2007 on November 15, 2006, at 7:00 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. McCarey

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 WALLKILL TOWN BOARD SETTING TIME AND PLACE FOR A PUBLIC HEARING TO ADOPT A LOCAL LAW AMENDING THE TOWN CODE IN ORDER TO COMPLY WITH THE REVISED NEW YORK STATE UNIFORM FIRE AND BUILDING CODE

WHEREAS, the Town Board of the Town of Wallkill wishes to set a time and place for a public hearing concerning the adoption of a local law amending the Town Code of the Town of Wallkill, to comply with revised administration and enforcement provisions of the New York State Uniform Fire and Building Code;

NOW, THEREFORE, it is hereby

RESOLVED, Town Board in order to receive that a public hearing be held by the comments and suggestions regarding the adoption of a local law amending the Town Code of the Town of Wallkill, to comply with revised administration and enforcement provisions of the New York State Uniform Fire and Building Code on December 14, 2006 at 7:25 p.m. at the Town of Wallkill Town Hall, 99 Tower Drive - Building 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. McCarey

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

MOTION CARRIED

WHEREAS, the Town of Wallkill is undertaking an Inflow and Infiltration Reduction Program involving the rehabilitation of various sanitary sewer lines in the Cottage Street, Silver lake-Scotchtown Road and East Main Street areas in the Town of Wallkill and

WHEREAS, on February 24, 2005 the Town Board of the Town of Wallkill determined that this action would be an Unlisted Action for purposes of the State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, the Town Board in the resolution of February 24, 2005 also expressed its intention to serve as lead agency for the SEQRA review, and

WHEREAS, appropriate notices were sent to other potential Involved Agencies and no other agency has expressed its intention to serve as lead agency,

NOW THEREFORE BE IT RESOLVED as follows: that by this Resolution the Town Board hereby declares itself as lead agency for purposes of the SEQRA review of the Inflow and Infiltration Reduction Program.

Whereas, appropriate notices were sent to other potential involved agencies and no other agency has expressed its intention to serve as lead agency.

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

WHEREAS, the Town of Wallkill is undertaking an Inflow and Infiltration Reduction Program involving the rehabilitation of various sanitary sewer lines in the Cottage Street, Silverlake-Scotchtown Road and East Main Street areas in the Town of Wallkill

("the Project"), and

WHEREAS, on February 24, 2005 the Town Board of the Town of Wallkill determined that the Project would be an Unlisted Action for purposes of the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the Town Board of the Town of Wallkill has assumed lead agency status for purposes of the SEQRA review of the Project, and

WHEREAS, a Full Environmental Assessment Form for the Project has been prepared by the Town's engineers, Malcolm Pirnie, and the Environmental Assessment Form indicates that the Project will have no or very limited impacts on the Environment, and

WHEREAS, the New York State Department of Environmental Conservation, by letter dated September 14, 2006 to Malcolm Pirnie, has determined that the Project is considered "Replacement in Kind" and does not require approval of any plans by the DEC.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Wallkill, pursuant to SEQRA and the regulations of the Commissioner of the Department of Environmental Conservation found at 6 NYCRR Part 617 as follows:

1. The Project involves the replacement and rehabilitation of existing sewer lines to address ongoing Inflow and Infiltration problems in the sewer collection system leading to the Town's Waste Water Treatment Plant.
2. The Project is necessary to resolve existing Infiltration and Inflow problems which cause overflows in various sections of the sanitary sewer line and to reduce excess discharge to the Town's Waste Water Treatment Plant.
3. The Town Board has determined that the Project is an Unlisted Action pursuant to SEQRA.
4. A Full Environment Assessment Form has been prepared by the Town's engineer, Malcolm Pirnie, at the request of the Town Board, a copy of which is attached to this resolution.
5. The Project will have minimal impact on land. Any impact would be associated with construction and replacement of existing sewer lines and would be restricted to that period of time, after which the land will be

restored to its original condition. In addition, there are no unique or unusual land forms found throughout the site of the Project.

6. The Project will not affect any water body presently designated as protected, and the Project will not affect any non-protected or new body of water.
7. The Project will not affect surface or ground water quality or quantity.
8. The Project will not alter the drainage flow or patterns that presently exist and will not alter surface water run off. If anything, the Project will remediate an existing condition of overflow of existing sanitary lines during heavy rain events. As a result, the Project will alleviate current conditions that create negative impacts on the environment.
9. The Project will not affect air quality, will not affect any threatened or endangered species or any non-threatened or non-endangered species and will not affect agricultural land resources.
10. The Project will not have any affect on aesestic resources and will not impact any site which has historic importance particularly since the Project will assist in the replacement of existing sanitary sewer lines and will generally be undertaken in existing easements which have been given to the Town for that purpose.
11. The Project does not affect the quantity or quality of existing or future open spaces or recreational opportunities, it will have no impact on existing transportations systems, it will not affect the community's energy supply and will not produce objectionable odors, noise or vibrations, other than normal noises and vibrations associated with the limited construction period involved with the sewer line rehabilitation.
12. The Project will not have any impact on critical environmental areas established by regulations of the DEC.
13. The Project will not have any negative impact on public health or the growth and character of the community or neighborhood in which the sanitary sewer lines exist, but rather will remediate an existing negative condition.
14. Based upon the above, the Town Board after reasoned consideration of the potential environmental impacts of the Project, and after a thorough review and consideration of the Project's environmental elements, hereby determines that there will be no significant environmental effect as a result of the completion of the Project and is, by this resolution, making a negative declaration of environmental impact as that term is

referred in the Environmental Conservation Law and part 617 of the SEQRA regulations, and further authorizes the Town's Supervisor to sign the Full Environmental Assessment Form on behalf of the Town.

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

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 In the Matter :
 of : **ORDER CALLING**
 the Increase and Improvement of the : **PUBLIC HEARING**
 Facilities of the Consolidated Sewer :
 District in the Town of Wallkill, :
 Orange County, New York :
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WHEREAS, the Town Board of the Town of Wallkill, Orange County, New York, has duly caused to be prepared a plan and an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Consolidated Sewer District of said Town, which plan and estimate of cost are on file in the office of the Town Clerk where they are available for public inspection during normal business hours; and

WHEREAS, such increase and improvement proposed for such Sewer District consists of infiltration and inflow remediation improvements at various locations in the Sewer District at an estimated maximum cost of \$3,000,000, including incidental expenses in connection therewith; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$3,000,000, which amount shall be allocated and charged as the cost of increasing and improving the facilities of the Consolidated Sewer District and shall be borne by the Sewer District; and

WHEREAS, the capital project heretofore described, based on information supplied to the Town Board, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Consolidated Sewer District as described above, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Wallkill, Orange County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Wallkill, Orange County, New York, shall be held at the Town Hall, 99 Tower Drive, in Middletown, New York, in said Town, on November 9, 2006, at 7:10 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing on the question of the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Wallkill, Orange County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the notice of public hearing to be published once in the Times Herald-Record, the official newspaper of said Town, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty days before the date designated for the public hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Wallkill, Orange County, New York, will meet at the Town Hall, 99 Tower Drive, in Middletown, New York, in said Town, on November 9, 2006, at 7:10 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Wallkill, Orange County, New York, within said Town, consisting of infiltration and inflow remediation improvements at various locations in the Sewer District at an estimated maximum cost of \$3,000,000, including incidental expenses in connection therewith.

Said project has been determined by the Town Board to be an Unlisted Action for purposes of the State Environmental Quality Review Act which, as proposed, will not result in any significant environmental effects.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Middletown, New York
October 26, 2006

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF WALLKILL,
ORANGE COUNTY, NEW YORK

By: _____
Town Clerk

Section 4. This order shall take effect immediately.

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

Motion By Supervisor Ward to enter into executive session for the purpose of discussion of litigation.

Seconded by Mr. King 8:05 pm All Aye

Motion by Supervisor Ward to adjourn executive session at 8:40 pm
Seconded by Mr. McCarey All Aye

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO A
DEVELOPER'S AGREEMENT

WHEREAS, the Town of Wallkill Planning Board has given conditional approval for the construction of a residential development located near the intersection of Cottage Street Extension and Mud Mills Road in the Town of Wallkill; and

WHEREAS, a condition of said final approval is that the developer of said project, BAKER RESIDENTIAL LIMITED PARTNERSHIP, enter into a Developer's Agreement to Provide Traffic Mitigation Improvements with the Town of Wallkill;

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

THAT said Town Board hereby authorizes the Town Supervisor to enter into a Developer's Agreement To Provide Traffic Mitigation Improvements with BAKER RESIDENTIAL LIMITED PARTNERSHIP, subject to review and consultation with the Town Engineer and the Town Attorney, as requested by the Town of Wallkill Planning Board.

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
APPOINTING ZACH MOBERG TO *LABORER* POSITION**

WHEREAS, there exists a full-time vacancy in the Town of Wallkill Golf Club Maintenance Department at the *Laborer* level; and

WHEREAS, Zach Moberg fulfills the requirements of knowledge, skills, and experience for the *laborer* position; and

WHEREAS, it is the opinion of the Superintendent of the Town of Wallkill Department of Public Works that Zach Moberg is qualified to fill said position;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Zach Moberg to the position of full-time *Laborer*, to serve in said capacity at the Town of Wallkill Golf Club Maintenance Department; and be it further

RESOLVED, that said appointment shall be effective no earlier than October 27, 2006.

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

COMMITTEE REPORTS

Councilman King: Thanks to Mr. Smith for assistance in the CM well testing investigation. Will be proposing the testing of the wells in that area.

Councilman Valentin: Halloween festivities will be held on Friday at 6pm.the Curfew will be extended through the weekend.

Councilman Mulqueen: No report.

Councilman McCarey: Reduced rates at the Golf Course this weekend. Would like to have a code review meeting. Also would like the town to consider an ATV law.

Councilman Comments

Councilman King: Tuesday is Election Day-remember to vote.

Councilman Valentin: Wishes all a safe Halloween, thanks to the neighborhood watch people.

Councilman Mulqueen: Encourages all to vote “common responsibility”. Thank you to Gary Lake for his work on the Planning Board.

Councilman McCarey: Remember Veterans Day.

Supervisors Comments: Saturday from 10-2 we will hold an open house. Attended a meeting of the Community Council concerning youth. Speed issues. Waste Management has changed to Intestate Waste. Thanks to Crystal Run Healthcare for the Flu shot clinic held for the seniors.

Chief Hertman: Next meeting of the Community Council is November 13, 2006. Halloween curfew, child fingerprinting at the Halloween Hayride.

Mr. Smith: None

Mr. Lippert: Stormwater work session is needed. Grant for Pocatello drainage was received. Leaf pickup is in full swing.

Mr. Jaques: Stormwater work session is needed.

PUBLIC PARTICIPATION:

M. Cody: Flag retirement ceremony, Purple Heart Museum, Pavers at Memorial Park are available.

S. Crowe: Nov 2nd Community Council meeting

S. Labruna: Sewer hookup questions.

D. Depew: Speed Limit concerns, Mid County Water Alliance is needed.

J. Mattatall: Zoning Board in need of secretary.

B. Alvarez: Looking for Lights on Sandburg Ct.

Motion By: Mr. Ward to audit claims, pay bills and adjourn.

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

Meeting Adjourned

Louisa Ingrassia
Town Clerk