

November 18, 2004

The Town Board of the Town of Wallkill held a regular meeting on November 18, 2004 at 7:30 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman Depew.

Pledge of Allegiance led by Councilman Depew.

**PUBLIC COMMENT ON AGENDA**

N. Guenste discussed waiver to Ball Corporation.

Attorney representing Ball Corporation discussed resolution before Board which is a continuation of the waiver.

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**MOTION BY:** Mr. Ward to accept Town Board minutes of October 28, 2004.

**SECONDED BY:** Councilman Depew

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

**MOTION CARRIED**

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**CORRESPONDENCE**

To: Chief Hertman  
From: Krispy Kreme

I would like to take this opportunity to thank you for assisting at the Grand Opening of our newest store in Middletown and for giving us such a warm welcome! We are very excited about this location and are looking forward to becoming a part of the community.

If I can be of any assistance, please do not hesitate to contact me either by phone at 718-777-3110, extension 231, or by email at [gdorman@krispykreme.com](mailto:gdorman@krispykreme.com). Thank you.

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To: Town of Wallkill  
From: Sharon Depuy

November 18, 2004

This letter is to express appreciation for the time and effort in presenting the Town of Wallkill Halloween celebration for the community.

I was able to attend Thursday night with family and we enjoyed it immensely. Unfortunately I was unable to attend Friday night's festivities, but have friends who did and they enjoyed it very much.

Look forward to it again next year! Thank you.

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To: John Ward  
From: MaryLynn Hunt, Planning Board Secretary  
Re: H.O. Penn Site Work Bond – Request for reduction

Please be advised that per the attached memo from Eustance & Horowitz, the above noted bond (personal check #4000018278) in the amount of \$256,000.00 may be reduced to \$435.00.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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**RESOLUTIONS**

WHEREAS, the Town Board of the Town of Wallkill, New York has met and considered the preliminary budget of the fiscal year beginning January 1, 2005; and

WHEREAS, the Town Board conducted a public hearing thereon on November 4, 2004, as required by NYS Town Law 108;

NOW, THEREFORE, BE IT RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Wallkill for the fiscal year beginning on January 1, 2005, and the same shall be entered in the minutes of the Town Board.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

**COUNCILMAN VALENTIN:** Explained budget cut \$200,000 with a group effort.

**SUPERVISOR WARD:** Explained proposed rate will be \$13.88 per thousand down 26 cents with increased services.

**COUNCILMAN DEPEW:** Explained it is a healthy budget with increased line items including bulk pickup. Discussed increase in sales tax.

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board of the Town of Wallkill (the “Town Board” and the “Town,” respectively), in the County of Orange, New York, has received a duly filed petition by the owner of a certain parcel of property in the Town, to establish a drainage district within said parcel to be known as Wallkill Heights Subdivision; and

WHEREAS, said owner has proven to the satisfaction of the Town Board that it is the owner of all taxable real property situated within said proposed district; that there are no resident owners on said proposed district; and that said proposed district is located wholly within the Town; and

WHEREAS, petitioner did submit a map and plans showing the boundaries of the proposed district, a general plan of the proposed drainage system, all outlets and the terminus and course of each conduit and a Schedule showing the metes and bounds of the proposed district, said maps plan and description having been prepared by engineers and surveyors licensed by the State of New York; and

WHEREAS, the cost for the design and construction of said drainage system is to be paid by the property owners within the proposed district with no cost accruing to the Town;

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 600 Route 211 East, Middletown, NY 10940, in the Town, on the 9<sup>th</sup> day of December, 2004, at 7:15 PM to consider said increase and improvement of facilities of the district and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in Times Herald Record, a newspaper published in Middletown, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board of the Town of Wallkill (the “Town Board” and the “Town,” respectively), in the County of Orange, New York, has received a duly filed petition by the owner of a certain parcel of property in the Town, to establish a lighting district within said parcel to be known as Wallkill Heights Subdivision; and

WHEREAS, said owner has proven to the satisfaction of the Town Board that it is the owner of all taxable real property situated within said proposed district; that there are no resident owners on said proposed district; and that said proposed district is located wholly within the Town; and

WHEREAS, petitioner did submit a map and plans showing the boundaries of the proposed district, a general plan of the proposed street light system, all outlets and the terminus and course of each circuit and a Schedule showing the metes and bounds of the proposed district, said maps plans and description having been prepared by engineers and surveyors licensed by the State of New York; and

WHEREAS, the cost for the design and construction of said street lighting system is to be paid by the property owners within the proposed district with no cost accruing to the Town; and

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 600 Route 211 East, Middletown, NY 10940, in the Town, on the 9<sup>th</sup> day of December, 2004 at 7:17 PM to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such

other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in Times Herald Record, a newspaper published in Middletown, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board of the Town of Wallkill (the “Town Board” and the “Town,” respectively), in the County of Orange, New York, has received a duly filed petition by the owner of a certain parcel of property in the Town, to establish a drainage district within said parcel to be known as the lands of Longobardio subdivison; and

WHEREAS, said owner has proven to the satisfaction of the Town Board that it is the owner of all taxable real property situated within said proposed district; that there are no resident owners on said proposed district; and that said proposed district is located wholly within the Town; and

WHEREAS, petitioner did submit a map and plans showing the boundaries of the proposed district, a general plan of the proposed drainage system, all outlets and the terminus and course of each conduit and a Schedule showing the metes and bounds of the proposed district, said maps plans and description having been prepared by engineers and surveyors licensed by the State of New York; and

WHEREAS, the cost for the design and construction of said drainage system is to be paid by the property owners within the proposed district with no cost accruing to the Town;

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 600 Route 211 East, Middletown, NY 10940, in the Town, on the 9<sup>th</sup> day of December,

2004, at 7:20 PM to consider said increase and improvement of facilities of the district and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in Times Herald Record, a newspaper published in Middletown, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board of the Town of Wallkill (the "Town Board" and the "Town," respectively), in the County of Orange, New York, has received a duly filed petition by the owner of a certain parcel of property in the Town, to establish a lighting district within said parcel to be known as the Lands of Longabardio Subdivision; and

WHEREAS, said owner has proven to the satisfaction of the Town Board that it is the owner of all taxable real property situated within said proposed district; that there are no resident owners on said proposed district; and that said proposed district is located wholly within the Town; and

WHEREAS, petitioner did submit a map and plans showing the boundaries of the proposed district, a general plan of the proposed street light system, all outlets and the terminus and course of each circuit and a Schedule showing the metes and bounds of the proposed district, said maps plans and description having been prepared by engineers and surveyors licensed by the State of New York; and

WHEREAS, the cost for the design and construction of said street lighting system is to be paid by the property owners within the proposed district with no cost accruing to the Town; and

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 600 Route 211 East, Middletown, NY 10940, in the Town, on the 9<sup>th</sup> day of December, 2004, at 7:22 PM to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in Times Herald Record, a newspaper published in Middletown, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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WHEREAS, the Town Board of the Town of Wallkill (the "Town Board" and the "Town," respectively), in the County of Orange, New York, has received a duly filed petition by the owner of a certain parcel of property in the Town, to establish a drainage district within said parcel to be known as Scenic View Subdivision; and

WHEREAS, said owner has proven to the satisfaction of the Town Board that it is the owner of all taxable real property situated within said proposed district; that there are no resident owners on said proposed district; and that said proposed district is located wholly within the Town; and

WHEREAS, petitioner did submit a map and plans showing the boundaries of the proposed district, a general plan of the proposed drainage system, all outlets and the terminus and course of each conduit and a Schedule showing the metes and bounds of the proposed district, said maps plans and description having been prepared by engineers and surveyors licensed by the State of New York; and

November 18, 2004

WHEREAS, the cost for the design and construction of said drainage system is to be paid by the property owners within the proposed district with no cost accruing to the Town;

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 600 Route 211 East, Middletown, NY 10940, in the Town, on the 9<sup>th</sup> day of December, 2004, at 7:25 PM to consider said increase and improvement of facilities of the district and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in Times Herald Record, a newspaper published in Middletown, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

**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 Depew                      Voting Aye

**MOTION CARRIED**

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RESOLVED, that the clean up of delinquent properties submitted to the Town Board by the Town Clerk from the Department of Public Works pursuant to Local Law 6 of the year 1994 shall be filed with the Orange County Legislature by the Supervisor so that the County Legislature shall levy such sums against the property which is liable for said delinquent clean up costs and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2005, and it is further

RESOLVED, that a copy of this resolution with statement of clean up costs shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.

Total amount to be collected \$3,963.54.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Depew

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

**MOTION CARRIED**

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RESOLVED, that the delinquent water statements submitted to the Town Board by the Town Clerk from the Water Department pursuant to Town Law Sec. 198-3(d) shall be filed with the Orange County Legislature by the Supervisor so that the County Legislature shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2005, and it is further

RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.

Total amount to be collected \$306,424.27.

**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 Depew	Voting Aye

**MOTION CARRIED**

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WHEREAS, the Ball Corporation, formerly Reynolds Metals, is an industrial user in the Wallkill Sewer District, and

WHEREAS, Reynolds Metals received a waiver from the Town with an agreement that Reynolds Metals limit on fluoride discharges was 20 mg/L, and

WHEREAS, the Towns' present limit is 5 mg/L and the EPA limit is 50 mg/L,

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board does by this resolution continue the waiver previously granted to Reynolds, now that Ball Corporation, and sets the fluoride limit at 20 mg/L.

**MOTION BY:** Mr. Ward

**SECONDED BY:** Mr. Valentin

**COUNCILMAN VALENTIN:** Discussed waiver before limits were set.

**COUNCILMAN MULQUEEN:** Concerned – would like to have ability to read background material on fluoride.

**COUNCILMAN KING:** Explained nothing in writing about waiver – could be setting precedent.

**COUNCILMAN DEPEW:** Stated not an easy resolution to vote on. Upset at the way resolution was done but sees very little precedent, which will not affect environment.

**SUPERVISOR WARD:** Agreed with everything said.

**MOTION BY:** Mr. Valentin to remove second paragraph and last paragraph to read:  
NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does by this resolution grant a waiver...

**SECONDED BY:** Mr. Ward

**COUNCILMAN DEPEW:** Would like to leave resolution as is.

**VOTE ON AMENDMENT:**

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting No

**MOTION CARRIED**

**VOTE ON RESOLUTION AS AMENDED:**

Supervisor Ward                      Voting Aye

Councilman King	Voting No
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman Depew	Voting Aye

**MOTION CARRIED**

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WHEREAS, there exists a vacancy in the Town of Wallkill Parks Department at the position of Assistant Golf Course Superintendent; and

WHEREAS, Jason Werbalowsky fulfills the requirements of knowledge, skills, and experience for the position of Assistant Golf Course Superintendent; and

WHEREAS, it is the opinion of the Commissioner of Public Works that Jason Werbalowsky is qualified to fill said position;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Jason Werbalowsky to the position of Assistant Golf Course Superintendent, to serve in said capacity; and be it further

RESOLVED, that said appointment shall be effective no earlier than November 22, 2004.

**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 Depew	Voting Aye

**MOTION CARRIED**

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WHEREAS, heretofore, the Town Board authorized public bidding for the acquisition and installation of an automatic meter reading system, and

WHEREAS, after receiving the public bids the Town Board awarded contracts to the two low bidders and contracts have been entered into, and



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

**MOTION CARRIED**

**VOTE ON RESOLUTION AS AMENDED:**

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

**MOTION CARRIED**

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**COMMITTEE REPORTS**

**COUNCILMAN KING:** Discussed I & I Study. Code Review meeting with Walt Barrett – Discussed driveways, storage of firewood and noise ordinances.

**COUNCILMAN VALENTIN:** Parks – Discussed grant for Washington Heights equipment. Congratulated Town of Wallkill Soccer Club on college showcase. Thanked Parks Dept. and Park Security for their help. Highway – Leaf pickup has begun. Holiday Gift Drive will be set up. Interviews being held for Deputy Police Chief.

**COUNCILMAN DEPEW:** Code Review – Discussed towing. Commented on Soccer Club Showcase. Wished all Happy Thanksgiving.

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**COUNCILMAN COMMENTS**

**COUNCILMAN KING:** Wished all Happy Thanksgiving.

**COUNCILMAN VALENTIN:** Announced increase in budget for poll inspectors. Wished all Happy and Healthy Thanksgiving and thanked those serving our country.

**COUNCILMAN MULQUEEN:** Wished all Happy Thanksgiving and thanked all involved in the Veteran's Day celebration. Congratulated Bill Cummings on position with City of Newburgh.

**COUNCILMAN DEPEW:** Thanked Town Justices and Court staff for their work. Wished Maxine Youngs well.

**MOTION BY:** Mr. Depew to appoint Kate Fox to the Conservation Commission.

**SECONDED BY:** Mr. King

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

**MOTION CARRIED**

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**SUPERVISOR'S COMMENTS**

**SUPERVISOR WARD:** Announced meeting next Monday to pay bills only at Town Hall followed by public hearing at City of Middletown. Announced Winter Recreation Program at Golf Course. Discussed \$816,000 in mortgage tax. Thanked County Legislator, Mike Paduch, for help with \$5,000 grant towards Master Plan. Discussed Budget – two new police officers will be hired. Discussed mortgage and sales tax and Benefit water and sewer districts with a public hearing on December 9, 2004.

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**CHIEF HERTMAN:** Thanked Town Board for two new officers next year. Announced December 2, 2004 next Community Council meeting to discuss police related issues. Discussed Halloween – very few incidents.

**MR. LIPPERT:** Announced leaf pickup. Reminded residents of winter parking ordinance. Thanked Town Board for their work with Budget.

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**PUBIC PARTIICPATION**

M. Cody asked for addresses of veterans overseas for care packages. Announced Middletown tree lighting on November 26, 2004, Town of Wallkill tree lighting and Santa Claus on November 27, 2004 at 5 PM and November 28, 2004 tree lighting at golf course with Santa Claus from 1 – 5 PM.

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**COUNCILMAN KING:** Commended M. Cody on great job.

Resident thanked Councilman Depew for appointment to Conservation Commission.  
Asked that Board think about a commission for affordable housing.

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**MOTION BY:** Mr. Ward to adjourn and audit claims at 8:35 PM.

**SECONDED BY:** Mr. King

Supervisor Ward                      Voting Aye

Councilman King                      Voting Aye

Councilman Valentin                      Voting Aye

Councilman Mulqueen                      Voting Aye

Councilman Depew                      Voting Aye

**MOTION CARRIED**

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Meeting Adjourned at 8:35 PM

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Louisa Ingrassia, Town Clerk