

The Town Board of the Town of Wallkill held a Public Informational Meeting on the purchase of a new Town Hall on October 7, 2004 at 7:00 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman Depew. Spencer McLaughlin, Attorney for the Town was also present.

Presentation by Supervisor Ward – Explained and presented photos and gave description of areas and their use.

COUNCILMAN KING: Thanked Search Committee and explained their work and effort in locating new Town Hall site. Stated he believes this is the best option for the Town.

SUPERVISOR WARD: Explained price, bonding and taxes.

COUNCILMAN VALENTIN: Stated he is glad open house held. Thanked Councilman King for his work.

PUBLIC COMMENT

N. Guenste questioned tax figures. Asked about Ambulance Building and Community Center. Commended Board on great job.

V. Ferri discussed taxes and former Police Commission members. He feels more information needed.

B. Egan commended Board on great choice. Suggested Board look at adjacent property.

M. Walker discussed contracts, medicare issues and financing.

M. Paduch commended Board and asked about study being done.

R. Stumpp discussed costs involved.

G. Green stated he is proud to have served the Town as a Police Commissioner. Explained Search Committee's work for site suited for Town's needs.

V. Ferri explained he is not happy with presentation without studies. Discussed former Police Commissioners and other options for Police Department.

C. Najac discussed need for expansion of Town Hall and feels this is a good deal.

N. Guenste asked when Engineer is scheduled to go into the building.

Chief Herman explained a lot of buildings looked at – this is most suitable.

MOTION BY: Mr. Ward to adjourn informational hearing at 8:17 PM.

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

The Town Board of the Town of Wallkill held a public hearing on October 7, 2004 at 8:18 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman Depew. Also present was Spencer McLaughlin, Attorney for the Town.

SUPERVISOR WARD: Asked the Town Clerk to read the public notice.

TOWN CLERK LOUISA INGRASSIA: PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on October 7, 2004 at 7:15 PM at Wallkill Town Hall regarding the adoption of a Local Law of the Town of Wallkill for the year 2004, amending Chapter 249, Article X of the Wallkill Town Code, increasing the parkland fee for all new developments and sub-divisions.

Any resident of the Town of Wallkill is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at: Wallkill Town Hall, 600 Route 211 East, Middletown, NY 10940

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed Local Law, if any, will be reviewed at said public hearing.

By order of the Town Board of the Town of Wallkill, dated September 23, 2004

SUPERVISOR WARD: Stated this is a Local Law for parkland fee increase.

COUNCILMAN VALENTIN: Explained purpose of parkland fees and fees in other Towns. Stated there is a need to increase it to \$2500 and apartment fees will go up from \$500 to \$1250.

SUPERVISOR WARD: Stated fee has not changed in many years.

COUNCILMAN DEPEW: Explained reason to have fees.

PUBLIC COMMENTS

N. Guenste explained law will put burden on small property owners.

R. Stumpp suggested it be a percentage.

V. Ferri suggested tying fee to cost of most expensive house. Discussed school impact fees.

M. Paduch stated it is about time to raise fees. Suggested collecting fees at end.

S. Najac supports increase.

MOTION BY: Mr. Ward to close public hearing at 8:35 PM.

SECONDED BY: Mr. Valentin

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

MOTION CARRIED

The Town Board of the Town of Wallkill held a public hearing on October 7, 2004 at 8:35 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman Depew. Spencer McLaughlin, Attorney for the Town was also present.

SUPERVISOR WARD: Asked the Town Clerk to read public hearing notice.

TOWN CLERK LOUISA INGRASSIA: PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on October 7, 2004, at 7:25 PM at Wallkill Town Hall regarding the adoption of a Local Law of the Town of Wallkill for the year 2004, amending Chapter 249, Article II and Article V, of the Town Code, defining the term “cul-de-sac” and setting certain regulations pertaining to cul-de-sac infrastructure development.

Any resident of the Town of Wallkill is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at Wallkill Town Hall, 600 Route 211 East, Middletown, NY 10940

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed Local Law, if any, will be reviewed at said public hearing.

By order of the Town Board of the Town of Wallkill, dated September 23, 2004

SUPERVISOR WARD: Explained proposed law.

COUNCILMAN KING: Explained he has looked at laws in other Towns as no law on books as of yet.

COUNCILMAN DEPEW: Would like Board to look at building laws more often. Stated emergency vehicles have difficult time in cul-de-sacs. Commended Councilman King.

MOTION BY: Mr. Ward to close public hearing at 8:40 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

The Town Board of the Town of Wallkill held a regular meeting on October 7, 2004 at 8:45 PM at the Town Hall, 600 Route 211 East. Board members present were Supervisor Ward, Councilman King, Councilman Valentin, Councilman Mulqueen and Councilman Depew. Spencer McLaughlin, Attorney for the Town was also present.

Pledge of Allegiance led by Councilman Depew.

SUPERVISOR WARD: Wished Mike Cody well.

PUBLIC COMMENT ON AGENDA

N. Guenste asked about Ball Corp. resolution.

Discussion by Board and Mr. Smith on Ball Corp. water issue.

V. Ferri asked about Transportation Corp. Stated he opposes bond issue – studies and total cost of project missing and objects to former Police Commissioners being involved in project.

CORRESPONDENCE

To: Board Members
From: Charles & Patricia Maida

We bought property in the town of Wallkill and there are two trailers on the property. The trailers were only used by men for hunting. They had a generator, brought their own water and had a portable bathroom.

We have a family and grandchildren, so we would like to replace the two trailers with one good trailer.

The type of trailer would be 1978 Vista 14 x 66 shingled roof, vinyl siding, kero, furnace, gas stove, gas water heater, central air conditioning unit, refrigerator, 2 bedrooms, living room, kitchen and bathroom.

Thank you.

MOTION BY: Mr. Ward

SECONDED BY: Mr. Valentin

COUNCILMAN DEPEW: Opposed approval which will have adverse affect on quality of life of residents living next to it.

COUNCILMAN VALENTIN: Recommended bringing people in and telling them what is needed to move forward.

Supervisor Ward

Voting No

to be used is a 200 ft by 100 ft section along Route 211 during October 21 through October 24, 2004 from 8 AM to 6 PM each day.

We will be showing approximately 30 recreational vehicles including travel trailers, motor homes, pop up vehicles and 5th wheel trailers. The units will be new or left over 2003 mode year as well as new 2004 and 2005 model years. We will also show a small selection of used RV's.

Rayewood RV Centers will be responsible to obtain all municipal permits and provide proof of insurance to the representatives of the Bradlees' Store prior to the start of the show.

Should you have any questions or need additional information please do not hesitate to call Paul Gregorsky or me at the above number in Sussex, NJ.

MOTION BY: Mr. Ward

SECONDED BY: Mr. Valentin

COUNCILMAN VALENTIN: Asked that the Building Inspector check the site.

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| Supervisor Ward | Voting Aye |
| Councilman King | Voting No |
| Councilman Valentin | Voting Aye |
| Councilman Mulqueen | Voting Aye |
| Councilman Depew | Voting No |

MOTION CARRIED

To: Supervisor John Ward
From: MaryLynn Hunt, Planning Board Secretary
Re: Performance Bond #8733799-91/Strathmore Corp.

Please be advised that per the attached memo from McGoey, Hauser and Edsall, the above noted Bond in the amount of \$54,000.00 can be released. Please note that this project can also be referenced by the name of Lake Village Condominiums and/or Water's Edge.

MOTION BY: Mr. Ward

SECONDED BY: Mr. Mulqueen

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|-----------------|------------|
| Supervisor Ward | Voting Aye |
| Councilman King | Voting Aye |

Councilman Valentin Voting Aye

Councilman Mulqueen Voting Aye

Councilman Depew Voting Aye

MOTION CARRIED

To: Town of Wallkill Police Officers Scheuring, Blackwell & Guedes
From: Barbara & Lou Molinelli & Family

On 9/7/04 the above officers responded to a medical call to 14 Hillcrest Dr. for my mother in law. My family and I want to thank the officers for their timely response, compassionate care, consideration shown to my family. One officer remained at the house with my father in law after the ambulance left and until one of us could get to the house. Thank you for staying with him until we could arrive. Thank you.

To: Louisa Ingrassia
From: Senator Elizabeth O’C. Little

Thank you for taking the time to contact me in regard to the disposition of locally collected traffic fines. I appreciate receiving your input on this important issue.

Since the budget was enacted, we have heard from many communities who will be adversely affected by this provision. Please be assured there was no intent to cause the local governments to lose this revenue. The proposed legislation of which I am a cosponsor would repeal this budget language. We have identified additional revenue to allow us to reject this diversion of funds. The Assembly approved this legislation on September 20 and the Senate is scheduled to approve it November.

Again, thank you for your input.

RESOLUTIONS

WHEREAS, the Town of Wallkill, in due diligence in compliance with the laws of the State of New York and in compliance with the rules set forth by the US District Court in its Consent Decree relative to the Wallkill Police Department, canvassed and/or interviewed those individuals who are on the current civil service list for Police Officer: and

WHEREAS, applying both the New York State Civil Service standards of selection, as well as the requirements of the Federal Consent Decree, Jonah Eisenberg from said Civil Service list has been found eminently qualified in knowledge, skill, and experience and has indicated acceptance of appointment to said position;

NOW, THEREFORE, IT IS HEREBY, RESOLVED THAT the Town of Wallkill Town Board hereby appoints Jonah Eisenberg to the position of full time Police Officer in the Town of Wallkill Police Department in accordance with New York State Civil Service Law and according to the parameters set by the Federal Consent Decree.

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

WHEREAS, the capital project hereinafter described 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 as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Wallkill, Orange County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the acquisition of the approximately 21,000 square foot building located at 99 Tower Drive, including approximately 3 acres of land located there under and adjacent thereto (Section 41, Block 99, Lot 1) and (Section 41, Block 99, Lot 2), original furnishings, equipment, machinery and apparatus, site improvements either therein or thereat on the date of such acquisition and incidental improvements and expenses in connection therewith, for the specific object or purpose of paying the cost of the acquisition of the approximately 21,000 square foot building located at 111 Tower Drive, including approximately 6 acres of land located there under and adjacent thereto (Section 41, Block 100, Lot 1) and (Section 41, Block 100, Section 2), original furnishings, equipment, machinery and apparatus, site

improvements either therein or thereat on the date of such acquisition and incidental improvements and

expenses in connection therewith at a maximum estimated cost of \$4.25 million, for use as a new Town Hall complex for the Town of Wallkill, Orange County, New York, which acquisition is hereby authorized at such maximum estimated cost, there are hereby authorized to be issued not exceeding \$4,250,000.00 serial bonds of the Town of Wallkill, Orange County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of the aforescribed specific object or purpose will consist of the issuance of the not exceeding \$4,250,000.00 serial bonds of the Town authorized to be issued pursuant to this bond resolution. It is hereby further determined that the expenditure of the aforesaid \$4,250,000.00 serial bonds or bond anticipation notes issued in anticipation thereof, or any part thereof, is hereby authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 94 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Wallkill, Orange County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Wallkill, Orange County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its

corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full a quittance to the purchaser of such bonds, who shall not be obliged

To see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in full, in the TIME HERALD RECORD, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. Pursuant to the provisions of Section 35.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

MOTION BY: Mr. Ward

SECONDED BY: Mr. King

COUNCILMAN MULQUEEN: Explained it is beautiful property, but he must consider entire costs and is not convinced that buying both buildings is a good idea. He is concerned about process in letter of intent and substantial expenditure.

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| Supervisor Ward | Voting Aye |
| Councilman King | Voting Aye |
| Councilman Valentin | Voting Aye |
| Councilman Mulqueen | Voting No |
| Councilman Depew | Voting Aye |

MOTION CARRIED

WHEREAS, the Town Board of Wallkill is charged with considering consent to form a sewage-works corporation as a Transportation Corporation under Article 10 of the NYS Transportation Corporation Law; and

WHEREAS, application has been made to this board by James Freeman, Esq., for consent to form said Transportation Corporation the purpose of which would be to connect existing users at a development known as Valley View Mobile Home Park to the Town of Wallkill Sewer System; and

WHEREAS, consent from the Orange County Department of Health to form said corporation by said petitioner has been granted; and

WHEREAS, the Town Board must decide to give or withhold its consent for the formation of said corporation within sixty days after notice of it of the approval by the County Department of Health or within sixty days of having received such petition, whichever is later; and

WHEREAS, said application was made to the Town Board on September 9, 2004 and

WHEREAS, the Wallkill Town Board wishes to set a time and place for a public hearing on said petition, so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Town Board with respect to the petition for the Town Board’s consent to form a Transportation Corporation for purposes of sewage disposal into the Town sewer system at 7:15 PM on October 28, 2004, at Wallkill Town Hall, 600 Route 211 East, Middletown, NY; 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

COUNCILMAN VALENTIN: Asked for an explanation.

MR. McLAUGHLIN: Explained a Transportation Corporation is a way of tying into a local sewer system by an entity – In this case it is Valley View Trailer Park.

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

MOTION CARRIED

WHEREAS, the Town of Wallkill Planning Board has given conditional approval for a condominium complex located on Golf Links Road in the Town of Wallkill; and

WHEREAS, a condition of said final approval is that the developer of said project, Fairways Wallkill, LLC, enter into a Developer’s Agreement to provide traffic improvements with the Town of Wallkill, stipulating that the developer make specific traffic improvements to mitigate traffic congestion relating to the East Main Street and Golf Links Road intersection; and

WHEREAS, said mitigation would result in an inordinate financial burden on the taxpayers of the Town of Wallkill, absent said Developer’s Agreement;

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 improvements with Fairways Wallkill, LLC, as herein attached, as requested by the Town of Wallkill Planning Board.

MOTION BY: Mr. Ward

SECONDED BY: Mr. Depew

SUPERVISOR WARD: Explained this a right turn lane on Golf Links Road and right lane on East Main Street and a second lane at Exit 122.

Supervisor Ward Voting Aye

Councilman King Voting Aye

Councilman Valentin Voting Aye

Councilman Mulqueen Voting Aye

Councilman Depew Voting Aye

MOTION CARRIED

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Wallkill for a public hearing to be held by said Governing Body on September 23, 2004 at 7:15 PM at Town Hall, 600 Route 211 East to hear all interested parties on a proposed Local Law entitled A Local Law amending the Town Code of the Town of Wallkill, County of Orange, New York, regarding the Conservation Committee, changing the name of the Conservation Committee to “Conservation Commission”; and

WHEREAS, notice of said public hearing was duly advertised in Times Herald Record, the official newspaper of said Town, on September 13, 2004, and

WHEREAS, said public hearing was duly held on September 23, 2004 at or about 7:25 PM at Wallkill Town Hall, 600 Route 211 East, Middletown, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law is an unlisted action under SEQRA and is not subject to review under SEQRA, and

WHEREAS, the Town Board of the Town of Wallkill, after due deliberation, finds it in the best interest of said Town to adopt said Local Law,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 12 of 2004, entitled A Local Law amending the Town Code of the Town of Wallkill, County of Orange, New York, relating to the Conservation Committee, changing the name of the Conservation Committee to "Conservation Commission"; 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.

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

WHEREAS, in the past the Town of Wallkill has extended the pay to certain municipal employees that were activated to military service. This pay will be reduced by the amount of pay received by the employee from the military.

NOW, THEREFORE BE IT RESOLVED, that the pay to certain Town of Wallkill employees that have been activated to military service be likewise extended to Dec. 31, 2005 to those employees, in good standing, who are serving in the US Military beyond the normal 30 day period.

MOTION BY: Mr. Ward

SECONDED BY: Mr. Valentin

SUPERVISOR WARD: Explained one of the police officers was called to active duty in Iraq.

Supervisor Ward Voting Aye

Councilman King Voting Aye

Councilman Valentin Voting Aye

Councilman Mulqueen Voting Aye

Councilman Depew Voting Aye

MOTION CARRIED

WHEREAS, heretofore Clubside, Inc. has instituted an action in the United States District Court for the Southern District of New York against Thomas F. Nosworthy, Jr., Eric Valentin, David Furlin, James McCarey, Joan Wolfe, and Edward Smith, being sued individually, and the Town of Wallkill, and

WHEREAS, pursuant to the Code of the Town of Wallkill the Town Board is empowered to provide counsel in these circumstances, and

WHEREAS, the Town Board by resolution adopted in 2003 agreed to provide a defense to Edward Smith and retained the firm of Drake, Sommers, Loeb, Tarshis, Catania & Liberth, PLLC for such purpose, and

WHEREAS, in the course of the said litigation a conflict of interest has arisen such that the firm of Drake, Sommers, Loeb, Tarshis, Catania & Liberth, PLLC, can no longer continue its representation of Edward Smith, and

WHEREAS, Edward Smith has requested that the Town provide him with separate counsel in this matter, and

WHEREAS, Edward Smith has requested that the Town retain the firm of Gellert & Quartararo, P.C., to take over representation of him in the said litigation in place and instead of Drake, Sommers, Loeb, Tarshis, Catania & Liberth, PLLC,

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Town of Wallkill hereby authorizes the firm of Gellert & Quartararo, P.C to represent Edward Smith in the litigation brought by Clubside, Inc. pending in United States District Court for the Southern District of New York.
2. That the terms and conditions of such representation, including without limitation the hourly billing rate and procedures for submission of invoices, shall be the

same as the terms and conditions of representation agreed upon in regard to the prior representation of Edward Smith by Drake, Sommers, Loeb, Tarshis, Catania & Liberth, PLLC.

MOTION BY: Mr. Ward

SECONDED BY: Mr. Depew

Supervisor Ward Voting Aye

Councilman King Voting Aye

Councilman Valentin Abstained

Councilman Mulqueen Voting Aye

Councilman Depew Voting Aye

MOTION CARRIED

COMMITTEE REPORTS

COUNCILMAN KING: Set Code Review meeting Wednesday at 8:30 PM. Reported on meeting with Master Plan Review Committee. Discussed water issues.

MR. SMITH: Explained aerators need to be replaced and should be up and running by Monday.

MOTION BY: Mr. Ward to appoint Eric Johnson to the Zoning Board of Appeals.

SECONDED BY: Mr. Depew

COUNCILMAN DEPEW: Explained good candidate with good qualifications.

COUNCILMAN KING: Stated no second interview for Frank Farrell.

Supervisor Ward Voting Aye

Councilman King Voting No

Councilman Valentin Voting No

Councilman Mulqueen Voting No

Councilman Depew Voting Aye

MOTION FAILED

MOTION BY: Mr. Ward to appoint Nina Guenste to the Zoning Board of Appeals with condition she resign from the Conservation Commission.

SECONDED BY: Mr. Valentin

COUNCILMAN VALENTIN: Explained she is concerned, involved and knowledgeable.

COUNCILMAN MULQUEEN: Stated he takes offense to the stipulation in the resolution that she resign from Conservation Commission.

MR. McLAUGHLIN: Discussed conflict and stated there should be clarification.

COUNCILMAN DEPEW: Explained she is very dedicated but conflict with Democratic Party Chairperson.

MOTION BY: Mr. Depew to table based on information from Councilman King about second interview.

SECONDED BY: Mr. Ward

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| Supervisor Ward | Voting No |
| Councilman King | Voting No |
| Councilman Valentin | Voting No |
| Councilman Mulqueen | Voting No |
| Councilman Depew | Voting Aye |

MOTION FAILED

MOTION BY: Mr. Ward to appoint Nina Guenste to the Zoning Board of Appeals with the condition she resign from the Conservation Commission.

SECONDED BY: Mr. Valentin

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|-----------------|------------|
| Supervisor Ward | Voting No |
| Councilman King | Voting Aye |

Councilman Valentin Voting Aye

Councilman Mulqueen Voting Aye

Councilman Depew Voting No

MOTION CARRIED

COMMITTEE REPORTS

COUNCILMAN VALENTIN: Set Highway Committee meeting Wednesday, October 13th at 6 PM. Drainage work to start on Little League fields. Congratulated new Police Officers. Announced curfew in effect with six extra Police Officers. Read statement on Police negotiations.

SUPERVISOR WARD: Read second part of statement.

COUNCILMAN MULQUEEN: Announced Human Rights Committee meets October 25th at 7 PM. Discussed Middletown School District concern to improve communications.

MOTION BY: Mr. Mulqueen to serve as liaison with Middletown School District.

SECONDED BY: Mr. Ward

Supervisor Ward Voting Aye

Councilman King Voting Aye

Councilman Valentin Voting Aye

Councilman Mulqueen Voting Aye

Councilman Depew Voting Aye

MOTION CARRIED

COUNCILMAN DEPEW: Announced Fire Prevention at Howells Fire House. Discussed Town Emergency Plan and grant money. Would like this on agenda for Thursday at 9 PM.

COUNCILMAN COMMENTS

COUNCILMAN KING: Upset at contract being read. Left meeting due to family situation.

COUNCILMAN VALENTIN: Announced voter registration Saturday, 2 to 9 PM. Wished Mike Cody and Guy Clynes well. Congratulated Nina Guenste on ZBA appointment. Congratulated Supervisor Ward on son's wedding. Commented on Silverlake Fire House Fire Prevention and Overhill & Sunrise Neighborhood Watch meeting. Discussed Ethics Board.

COUNCILMAN DEPEW: Congratulated his grandparents on their anniversary. Good wishes to Mike Cody and Guy Clynes.

SUPERVISOR COMMENTS

SUPERVISOR WARD: Stated Deputy Building Inspector, Don Kimble in hospital – Wished him well. Announced two men back from Iraq. Thanked all for input on new Town Hall. Commented on ZBA vote.

CHIEF HERTMAN: Announced Police exam December 4th – October 27th filing date. Welcomed Overhill-Sunrise Neighborhood Watch Group. Announced Friday Press Conference and swearing in of new Police Officers at 12:00. Community Council meeting Thursday, October 14th at 7 PM. Thanked Board for approving pay for Sgt. Moskowitz who is being deployed to Iraq for 1 ½ years.

MR. LIPPERT: Announced Richard Gesner retirement. Explained work done on Tower Drive & Route 211. Thanked Circleville Fire Dept., Mobile Life Ambulance, Town of Wallkill Ambulance and Town of Wallkill Police Department.

PUBLIC PARTICIPATION

R. Stumpp asked about Capital Improvement Park Fund. Discussed time limit for pay to employees in military.

N. Guenste asked for light on flags.

V. Ferri discussed Time Warner Franchise Tax issue, Galleria litigation, cost of cameras on Patio Road, military issue and comments made at Pine Bush School Board meeting.

B. Quinones discussed Patio Road issues.

K. Holland discussed Townley Hall issues.

MOTION BY: Mr. Ward to adjourn and audit claims at 10:26 PM.

SECONDED BY: Mr. Depew

Supervisor Ward Voting Aye

Councilman Valentin Voting Aye

October 7, 2004

Councilman Mulqueen Voting Aye

Councilman Depew Voting Aye

Meeting Adjourned at 10:26 PM

Louisa Ingrassia, Town Clerk