

Town Board Agenda

September 12, 2013

7:30 PM

Retirement Presentation

The Pledge of Allegiance, Moment of Silence in remembrance of September 11, 2001

Public Participation 3 Minutes agenda only

Correspondence

Resolutions

- 1.) Resolution to borrow funds from the Town of Wallkill Housing Authority to finance the costs associated with the demolition and removal of the structures located at 174 Shaw Rd. and 85 Sheffield Dr.
- 2.) Resolution setting time and place for a public hearing with respect to the Town Budget for the fiscal year 2014.
- 3.) Resolution adopting local law No. 3 of 2013 amending the town code of the Town of Wallkill to establish a stop intersection at the intersection of Rondack Road and Sharon Drive and at the southbound terminus of Sharon Dr.
- 4.) Resolution referring the Town zoning map amendment petition of Venda Properties, LLC to the Town of Wallkill Planning Board.
- 5.) Resolution authorizing the Town Supervisor to execute a real estate broker's agreement for the sale of town property.
- 6.) Resolution regarding abandonment/discontinuance and conveyance of a portion of Crystal Run Rd.
- 7.) Resolution setting time and place for a public hearing with respect to the benefit Assessment Roll for the Fiscal Year 2014.
- 8.) Addition Personnel Resolutions

COMMITTEE REPORTS:

COUNCILMAN'S COMMENTS

SUPERVISOR'S COMMENTS:

Town Clerks Comments:

COMMISSIONERS/POLICE CHEIF REPORTS:

Public Participation (5 minutes each individual.)

MOTION TO ADJOURN.-

August 19, 2013

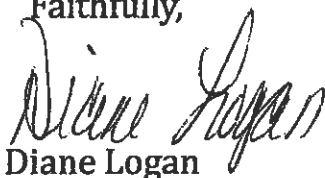
Town of Wallkill Police Dept.
99 Tower Drive
Middletown, NY 10941

Dear Community Member:

On behalf of the staff, volunteers, and visitors of The Guild of St. Margaret's Soup Kitchen, I would like to thank you for your generous donation to our soup kitchen.

Your generous support of our program is deeply appreciated and helps to ensure that members of our community do not go hungry.

Faithfully,



Diane Logan
Food Service Coordinator

12 Depot Street • Middletown • NY • 10940
Phone: (845) 344-0569 • Fax: (845) 343-8321
Email: soupkitchengrace@msn.com
www.stmargaretsoupkitchen.com

GUILD OF ST. MARGARET
SOUP
KITCHEN

Serving Hot
Meals Daily
To All

Monday - Friday
11 am - 12 pm
Sunday
3pm - 4pm

NOW
SERVING
BREAKFAST
Monday - Friday
7:00am - 8:30 am

Dear Town of Walkell Police Department,

Although you will be receiving a formal thank you letter from our soup kitchen, I wanted to send a personal thanks for your generous donation of food to our program. Donations from organizations & individuals in our community enable us to keep feeding our neighbors. Thanks,

for everything you do for our community!

Faithfully,
Phyllis Guardia

Thanks Again! Director
Guild of St. Margaret

TBM
W/S
corps!



AMERICAN GREETINGS

AGSP10237C

© 2000 U.S.

August 30, 2013

How Ingrassia Jr.
Mr. John Lippert

Commissioner of Public Works

I am organizing the Sweeney 5K Run/Walk on Sunday September 29th at Middletown High School. The Sweeney 5k was created in the fall of 2009 to honor a Middletown resident who at the time was battling ALL (Leukemia). His name was Kevin Sweeney, and sadly, he passed away in November of 2010. Kevin was a lifetime resident of Middletown and a graduate of Middletown High School. His father, Jim Sweeney is a retired Middletown City Fireman, and his mother and brother both work for ORMC. The proceeds from this event will help create a scholarship for a Cross Country runner, in Kevin's memory.

The majority of the 5K will be run on the Middletown High School Campus. The Mechanicstown Fire Police have volunteered to direct the roads during the 1 ½ hour time frame of the Sweeney 5K Run/Walk.

I am applying for permission to utilize 4 streets on September 29th from 9:30 to 11am around Middletown High School. They are Wisner Avenue from the Board of Education office entrance to Gardner Ave Ext, right toward the High School, down Gardner Ave Ext. to Fairlawn Ave, left down to Cherry Street, then right and toward the back entrance to the stadium.

I would appreciate the review of this letter at your next meeting. Please contact me for any questions or concerns. Thank You.

Sincerely,

Linda Knapp

Linda Knapp

845-597-5016

jkik119@yahoo.com

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
TO BORROW FUNDS FROM THE TOWN OF WALLKILL HOUSING AUTHORITY
TO FIANCE THE COSTS ASSOCIATED WITH THE DEMOLITION AND REMOVAL
OF THE STRUCTURES LOCATED AT 174 SHAW ROAD AND 85 SHEFFIELD DRIVE**

WHEREAS, by Resolution dated November 18, 2010, the Town Board unanimously voted to demolish and remove the structure located at the the premises known as 85 Sheffield Drive in the Town of Wallkill (also known as Section 86, Block 1, Lot 55) because said structure is unsafe and dangerous pursuant to Town Code Chapter 86; and

WHEREAS, by Resolution dated June 19, 2013, the Town Board unanimously voted to demolish and remove the structure located at the the premises known as 174 Shaw Road in the Town of Wallkill (also known as Section 24, Block 1, Lot 1.62) because said structure is unsafe and dangerous pursuant to Town Code Chapter 86; and

WHEREAS, pursuant to Section 86-10 of the Town Code, all expenses incurred by the Town in connection with the proceedings to secure, demolish and remove unsafe structures, including the cost of actually removing such structures, shall be assessed against the lands on which such structures are located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy; and

WHEREAS, the Town wishes to move forward with the demolition of the structures at the aforesaid properties; and

WHEREAS, the funds required for the demolition of the structures at the aforesaid properties are not contained in the 2013 Town Budget; and

Resolution No. :_of 2013

WHEREAS, the Town of Wallkill Housing Authority is in a liquid cash position and has voted to loan the Town the funds necessary to accomplish the aforesaid demolition projects; and

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Wallkill hereby agrees to borrow monies from the Town of Wallkill Housing Authority as follows:

Demolition of 85 Sheffield Drive: A sum not to exceed \$85,000.00;

Demolition of 174 Shaw Road: A sum not to exceed \$11,000.00; and it is further

RESOLVED, that the aforesaid sums shall be repaid to the Town of Wallkill Housing Authority within two years from the date of such loans with interest at the annual rate of 1%, and it is further

RESOLVED, that the Town Supervisor is authorized to execute any appropriate documents to effectuate the intent of this Resolution, all of which shall be subject to review and approval by the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**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 2014**

WHEREAS, the Town Board of the Town of Wallkill intends to schedule a public hearing for October 24, 2013 at 7:25 pm with respect to the adoption of the Town Budget for the Fiscal Year 2014 as required by Town Law Section 108,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that a public hearing be held by the Town Board on October 24, 2013 at 7:25 p.m. with respect to the adoption of the Town Budget for the Fiscal Year 2014; 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.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
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Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE WALLKILL TOWN BOARD ADOPTING LOCAL LAW NO. 3
OF 2013 AMENDING THE TOWN CODE OF THE TOWN OF WALLKILL TO
ESTABLISH A STOP INTERSECTION AT THE INTERSECTION OF
RONDACK ROAD AND SHARON DRIVE AND AT THE SOUTHBOUND TERMINUS
OF SHARON DRIVE**

WHEREAS, Chapter 233-4 of the Town Code of the Town of Wallkill regulates stop intersections in the Town of Wallkill; and

WHEREAS, a public hearing was held on July 25, 2013 at 7:25 p.m. to assist in the Town's consideration of the need to establish stop intersections at the intersection of Rondack Road and Sharon Drive and at the southbound terminus of Sharon Drive; and

WHEREAS, the Town Board of the Town of Wallkill has determined that establishing the aforesaid stop intersections is in the best interest of the general public safety and welfare; and

WHEREAS, this action is not an action subject to review under the State Environmental Quality Review Act ("SEQRA") pursuant to Part 617.5(c)(16) and (27) of the regulations implementing SEQRA;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 3 of 2013, entitled "A LOCAL LAW AMENDING CHAPTER 233, SECTION 4 OF THE TOWN CODE OF THE TOWN OF WALLKILL, NEW YORK, DESIGNATING THE INTERSECTION OF RONDACK ROAD AND SHARON DRIVE AND THE

Resolution No. :_of 2013

SOUTHBOUND TERMINUS OF SHARON DRIVE AS STOP INTERSECTIONS IN THE TOWN OF WALLKILL”, a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill and to give due notice of the adoption of said Local Law to the Secretary of State of New York; and be it further

RESOLVED, that upon the effective date of this Local Law, the Commissioner of Public Works/Superintendent of Highways is hereby directed to install all appropriate signage to effectuate the intent of this Local Law.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

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 By _____
 Sec'd by _____
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Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
REFERRING THE TOWN ZONING MAP AMENDMENT PETITION OF VENDA
PROPERTIES, LLC TO THE TOWN OF WALKILL PLANNING BOARD**

WHEREAS, Venda Properties, LLC has filed a Petition with the Town Board for the amendment of the Town Zoning Map with respect to the 56.1 acre parcel of real property located in the Town of Wallkill on the west side of Goshen Turnpike identified as Tax Map Parcels 60-1-68.13, to change the current zoning classification of same from O/R to PRD (Planned Residential Development Overlay District); and

WHEREAS, Section 249-82(G) of the Wallkill Town Code requires that the subject Petition be referred to the Town Planning Board for a public hearing, report and advisory opinion to be delivered to the Town Board with findings related to the appropriateness of the proposed zoning change; and

WHEREAS, it is the opinion of the Town Board that the Petition should be referred to the Town Planning Board at this time,

NOW THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby refers the Petition of Venda Properties, LLC to the Town Planning Board for further action, proceedings and an advisory opinion pursuant to Town Code Section 249-82(G) and it is further

Resolution No. :_of 2013

RESOLVED, that with the consent of the Petitioner/Applicant, in addition to compliance with the customary publication and posting of notice once the Town Planning Board schedules the required public hearing, the Petitioner/Applicant shall serve written notice of said hearing by regular and certified mail, return receipt requested upon each property owner within a five hundred (500) foot radius of the real property parcels which are included in the Petition at least ten (10) days prior to the public hearing.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
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 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A REAL ESTATE
BROKER'S AGREEMENT FOR THE SALE OF TOWN PROPERTY**

WHEREAS, the Town Board of the Town of Wallkill has determined that the former Town Hall property it currently owns on Route 211 East, also known as Section 14, Block 1, Lot 60 ("The Property"), no longer serves the needs of the Town; and

WHEREAS, the Town wishes to engage the services of a real estate broker to market and produce potential purchasers of The Property; and

WHEREAS, the Town Board has determined to sell The Property for adequate consideration of no less than fair market value; and

WHEREAS, RJ Smith Realty has made a proposal to serve as the exclusive listing agent of the Town with respect to the brokerage of The Property, which proposal is acceptable to the Town Board,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to execute a listing agreement with RJ Smith Realty for the marketing and sale of the former Town Hall property it currently owns on Route 211 East, also known as Section 14, Block 1, Lot 60, a copy of said agreement being annexed hereto, along with any other appropriate documents, all of which shall be subject to review and approval by the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
REGARDING ABANDONMENT/DISCONTINUANCE AND CONVEYANCE OF
A PORTION OF CRYSTAL RUN ROAD
(Highway Law §171 and Town Law §64)**

WHEREAS, on August 28, 2012, an application was submitted by Crystal Run Crossing, LLC (“CRC”) to the Town of Wallkill Highway Superintendent (“Highway Superintendent”) requesting abandonment/discontinuance of a portion of a town highway known as Crystal Run Road in the Town of Wallkill (“Town”), contingent upon the relocation of Crystal Run Road (“Crystal Run Road Relocation”) as part of the interchange improvement project at NYS Route 17 and Exit 122 (Project Identification Number 8006.72) (“Exit 122 Improvement Project”) by the New York State Department of Transportation (“NYSDOT”), together with lands immediately adjacent thereto to the east owned by NYSDOT and to be conveyed to the Town upon completion of the Crystal Run Road Relocation; and

WHEREAS, in support of the application, CRC provided to the Town a Plan prepared by TM Depuy Engineering and Land Surveying, P.C., entitled “Survey Map of Parcels “A”, “B” & “C” of Crystal Run Road Right of Way & Other Town Lands Abutting Tax Map Parcel Nos. 78-1-80.5, 80.6 to be Abandoned and Conveyed to Crystal Run Crossing LLC”, dated August 28, 2012 and proposed legal descriptions; and

WHEREAS, in accordance with the NYS Highway Law, the Highway Superintendent requested the written consent of the Town Board to abandon/discontinue the portion of Crystal Run Road abutting CRC’s property (Tax Map Parcel Nos. 78-1-80.5, 80.6 and 15), more particularly designated as Parcels A and B with legal descriptions in Exhibits 1 and 2 annexed hereto; and

Resolution No. :_of 2013

WHEREAS, upon completion of the Crystal Run Road Relocation, Parcels A and B, as shown in Exhibit 1, will be useless and unnecessary for highway purposes or serve the needs of the Town, and the additional adjoining land to the east (Parcel C), as shown and described in Exhibit 1, upon conveyance by NYSDOT to the Town, will be used for stormwater management purposes; and

WHEREAS, CRC will enter into a Stormwater Management Agreement with the Town in connection with future stormwater management facilities on Parcel C, in substantively the same form and content as attached hereto as Exhibit 3; and

WHEREAS, CRC owns all of the properties assessable for highway taxes that may be affected by the abandonment/discontinuance abutting that portion of Crystal Run Road, specifically Tax Map Parcel Nos. 78-1-80.6, 80.5 and 15; and

WHEREAS, CRC has submitted a release from all damages which may arise by the abandonment/discontinuance; and

WHEREAS, upon such abandonment, the Town will be relieved from future road maintenance obligations, plowing services, dangers of vehicles backing up and causing damages and maintenance of the future stormwater facilities and will gain additional tax revenue from the land being returned to the tax rolls and put to a productive use; and

WHEREAS, as a result of these benefits to the Town upon such abandonment, the Town Board believes that the fair market value of the property to be conveyed to CRC should take into account these benefits and wishes to enter into a formal contract with CRC for the purchase and sale of the above-described property; and

WHEREAS, there is no real estate broker that would be entitled to any commission with respect to this transaction; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wallkill hereby:

1. Determines to issue a negative declaration pursuant to SEQRA for this unlisted action, as more fully set forth on the attached Determination of Significance and incorporated herein by reference.
2. Pursuant to Highway Law §171, authorizes and consents to an Order of abandonment/discontinuance of the Wallkill Highway Superintendent being made with respect to Parcels A, B and C, as shown and described on the attached Exhibits 1 and 2, said Order being contingent upon completion of the Crystal Run Road Relocation by NYSDOT.

Resolution No. :_of 2013

3. Authorizes the Wallkill Highway Superintendent to file the Order to discontinue the identified portion of Crystal Run Road and all appropriate documentation in the Town Clerk's Office, as required by Highway Law §171, upon receipt of notice of completion of construction of the Crystal Run Road Relocation by NYSDOT; and
4. After the filing of the Highway Superintendent's Order in the Town Clerk's Office, authorizes the Wallkill Town Supervisor to execute any and all documents, including, but not limited to, a purchase and sale agreement with CRC, and take any necessary action to give full force and effect to this Resolution for transferring the abandoned/discontinued portion of Crystal Run Road as set forth in Exhibits 1 and 2 (Parcels A and B) to CRC, subject to review and approval of all documents as to form and content by the Town Attorney.
5. After the filing of the Highway Superintendent's Order in the Town Clerk's Office, and upon the transfer of title of Parcel C from NYSDOT to the Town, authorizes the Wallkill Town Supervisor to execute any and all documents, including, but not limited to, a purchase and sale agreement with CRC, and take any necessary action to give full force and effect to this Resolution for transferring Parcels C, as set forth in Exhibits 1 and 2, to CRC, subject to the execution of a Stormwater Management Agreement in substantively the same form and content as attached in Exhibit 3, and subject to review and approval of all documents as to form and content by the Town Attorney.
6. This Resolution authorizing the abandonment and sale of Parcels A, B and C is subject to a permissive referendum pursuant to Town Law §64 and 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.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO
THE BENEFIT ASSESSMENT ROLL FOR THE FISCAL YEAR 2014**

WHEREAS, the Town Board of the Town of Wallkill intends to schedule a public hearing on October 24, 2013 at 7:25 pm with respect to the Benefit Assessment Roll comprising Town Consolidated Water District #1, The Town Consolidated Sewer District, All Town Lighting Districts, All Town Drainage Districts and Town Law Section 200 for the Fiscal Year 2014,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that a public hearing be held by the Town Board on October 24, 2013 at 7:25 p.m. with respect to Benefit Assessment Roll for the Fiscal Year 2014; 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.