

TOWN BOARD MEETING AGENDA

TOWN OF WALLKILL

DATE: November 14, 2013

TOWN BOARD MEETING

TIME: 7:30 PM

(Public Hearings to begin at 7:25 PM)

7:25: Public Information Meeting on Dial-A-Bus Fare Increase

7:25 Public Hearing on Zone Changes within the Town of Wallkill, NY

Moment of silence for the people of the Philippines after Typhoon Haiyan

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
3. RESOLUTIONS:

A.) Resolutions

- 1.) Resolution authorizing the acceptance of a deed conveying certain land to the Town by Alyssa J. Hallstead.
 - 2.) Resolution authorizing the acceptance of an easement agreement proposed by Alyssa J. Hallstead.
 - 3.) Resolution adopting the Town Budget for the fiscal year 2014.
 - 4.) Resolution authorizing the Town Supervisor to enter into agreements for police services with local business for the 2013 Holiday Season.
 - 5.) Resolution authorizing the Town Supervisor to execute an outside vendor contract for the upgrading and maintenance for the Town Building Department's computer systems.
 - 6.) Resolution authorizing the disposition of surplus property.
 - 7.) Resolution authorizing the decrease in the amount of the Letter of Credit for the Route 211/Tower Drive Construction project.
 - 8.) Resolution authorizing the decrease in the amount of site work performance bond for the Pop-T Realty Project.
 - 9.) Resolution releasing the site work performance bond for the Crotty Road, LLC Project.
 - 10.) Resolution authorizing the decrease in the amount of performance bonds for the Wallkill Gardens Construction Project.
 - 11.) Resolution ordering the repair, removal or demolition of certain Town property located at 410 Sands Road and scheduling a public hearing thereon.
 - 12.) Resolution setting time and place for a special meeting to audit and pay bills and claims.
 - 13.) Resolution directing the Town Assessor to forward to the Orange County Tax Department the costs of remedial work at 40 Dundee Circle to be assessed on the property owners' 2014 Tax Bill.
 - 14.) Resolution directing the Town Assessor to forward to the Orange County Tax Department a list of Town properties to be assessed for Non-Payment of refuse removal fees.
 - 15.) Resolution directing the Town Clerk to forward to the Orange County Tax Department a list of Town Properties to be assessed for non-payment of water and sewer usage statement.
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4. COMMITTEE REPORTS:
 5. COUNCILMAN'S COMMENTS
 6. SUPERVISOR'S COMMENTS:
 7. TOWN CLERK'S COMMENTS:
 8. COMMISSIONERS/POLICE CHIEF REPORTS:
 9. PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL.)
 10. MOTION TO ADJOURN.

TBM /ws CorSp

RECEIVED

OCT 8 2013

TOWN OF WALLKILL
POLICE DEPARTMENT

Tamara Moskowitz
PO Box 4764
Middletown, NY 10941

Supervisor Daniel Depew
Town of Wallkill
99 Tower Drive, Building A
Middletown, NY 10941
October 26, 2013

Supervisor Depew:

It is with great pleasure that I write you this letter, to express my sincerest appreciation for improving my family's quality of life.

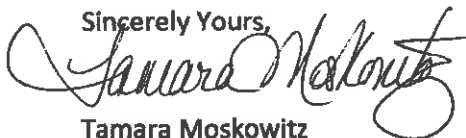
I am the wife of Ari Moskowitz. For over 18 years, my life with him has revolved around his rotating schedule at work, with his work schedule changing every four weeks. As you are well aware, this can make planning very difficult, due to working night shifts, that rarely coincide with the majority of people (like myself) who work "regular" daytime hours.

On September 1, 2013, my life changed dramatically. That was the date that the Town of Wallkill Police Department implemented "Steady Shifts" for the first time in Department history. For the first time, my daughter and I experienced the joy of having a "husband" and "father" home for dinner every night, and home asleep every night with us, as well. The joy of watching my husband studying and doing homework with our daughter every night, as well as, all of the extra "family time" cannot be matched by anything in recent memory.

I wish to take this opportunity to sincerely thank you, for the monumental gesture you have made to the Police Department, by allowing its members to work steady shifts, and afford them the opportunity of a better, more stable life. You did not have to grant this opportunity. You CHOSE to. And for that reason, I felt compelled to write you this letter and offer you my sincerest thanks and gratitude.

Thank you again, for taking this tremendous gesture, and improving the lives of my husband and every member of the Police Department.

Sincerely Yours,



Tamara Moskowitz

**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
AUTHORIZING THE ACCEPTANCE OF A DEED CONVEYING CERTAIN LAND TO
THE TOWN BY ALYSSA J. HALLSTEAD**

WHEREAS, Alyssa J. Hallstead has proposed conveying a deed to a certain 2.7832 acre parcel real property located along the Wallkill River as described in Exhibit "A" annexed hereto to the Town for Town purposes, including the maintenance protection and expansion of the Town's municipal water facilities located on the aforesaid properties; and

WHEREAS, the Town's acceptance of the proposed conveyance is in the best interest of the Town, its citizens, and the public, health, safety and welfare of the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Board of the Town of Wallkill accepts the conveyance of that certain 2.7832 acre parcel real property located along the Wallkill River as described in Exhibit "A" annexed hereto proposed by Alyssa J. Hallstead provided that clear title is delivered to the Town and authorizes the Town Supervisor, or his authorized designee, to execute any necessary documents associated with the same, subject to the review and approval of the Town Attorney, and it is further

RESOLVED, that the Town Board hereby authorizes the expenditure of sums up to \$10,000.00 to cover costs incurred by Ms. Hallstead to convey the aforesaid property and related easements in favor of the Town.

**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
AUTHORIZING THE ACCEPTANCE OF AN EASEMENT AGREEMENT PROPOSED
BY ALYSSA J. HALLSTEAD**

WHEREAS, Alyssa J. Hallstead has proposed an easement agreement to provide the Town with future access to properties located on Bart Bull Road described as Tax Map Numbers 31-1-26.1 and 31-1-27 owned by Ms. Hallstead for Town purposes, including but not limited to, ingress and egress, and the repair, maintenance and/or construction of municipal water facilities located on the aforesaid properties; and

WHEREAS, the Town's acceptance of the proposed easement agreements in final form, containing the revisions by the Town's Consulting Engineers and Town Attorney are in the best interest of the Town, its citizens, and the public, health, safety and welfare of the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Board of the Town of Wallkill accepts the easement agreement proposed by Alyssa J. Hallstead and authorizes the Town Supervisor, or his authorized designee, to execute any necessary documents associated with the same, provided the final versions of the aforementioned easement agreement is acceptable in form and content to the Town's Consulting Engineers and 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
ADOPTING THE TOWN BUDGET FOR THE FISCAL YEAR 2014**

WHEREAS, pursuant to Town Law section 106, the Town Supervisor filed the tentative budget for 2014 with the Town Clerk on or before the 30th day of September 2013; and

WHEREAS, pursuant to Town Law section 106, the Town Clerk presented the tentative budget to the Town Board on or before the 5th day of October 2013; and

WHEREAS, pursuant to Town Law section 108, the Town Board held a public hearing on the preliminary budget on October 24, 2013, at 7:25 p.m. at Wallkill Town Hall, 99 Tower Drive – Bldg. A, Middletown, New York and heard public comment with respect to the same; and

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

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that, pursuant to Town Law section 109, the preliminary budget as changed, altered and revised is hereby adopted as the annual budget of the Town of Wallkill for the fiscal year beginning on January 1, 2014, and that the same shall be entered in the minutes of the Town Board.

**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
AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AGREEMENTS FOR
POLICE SERVICES WITH LOCAL BUSINESS FOR THE 2013 HOLIDAY SEASON**

WHEREAS, certain retail businesses within the Town experience large crowds during the holiday shopping season, particularly on days with special sales promotions; and

WHEREAS, Wal-Mart, Best Buy and Target have all expressed a desire to enter into agreements with the Town of Wallkill for a police presence of uniformed Town of Wallkill Police Officers at said retail locations on certain days of the holiday shopping season; and

WHEREAS, the Town of Wallkill is willing to enter into such agreements provided that all expenses associated therewith are paid by the merchant(s) and that such agreements will not interfere with normal police operations and patrol within the Town; and

WHEREAS, the Town Board believes that it is in the overall best interest and public safety of the residents of the Town to enter into such agreements,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor or his designated representative to enter into agreements for crowd control police services with Wal-Mart, Best Buy and Target for the 2013 holiday shopping season, which agreements shall be subject to the review and approval of 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
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN OUTSIDE VENDOR
CONTRACT FOR THE UPGRADING AND MAINTENANCE OF THE TOWN
BUILDING DEPARTMENT'S COMPUTER SYSTEMS**

WHEREAS, the Town of Wallkill Building Department's computer systems are presently in need of reorganization, upgrading and maintenance for the efficient operation of said computer systems; and

WHEREAS, Business Automation Services, Inc. ("BAS") has made a proposal to provide said services with respect to the Building Department's computer systems; and

WHEREAS, the professional services to be provided by BAS are not subject to competitive bidding procedures; and

WHEREAS, the Town Board has determined that it is in the overall best interests of the Town to enter into a contract with BAS for the aforesaid computer systems services,

NOW THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to execute a contract with BAS for the furnishing of all labor, software and materials necessary to reorganize, upgrade and maintain the Building Department's computer systems in accordance with the proposal annexed hereto at a cost of \$5,700.00 plus annual support, hosting and maintenance fees of \$1,200.00, along with any other 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
AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY**

WHEREAS, the Town of Wallkill has acquired three (3) bicycles which have been designated by the Town Police Department as “found property-owners unknown”; and

WHEREAS, said bicycles do not serve any Town purpose; and

WHEREAS, it is no longer necessary for the Town of Wallkill to retain said bicycles, thus making them surplus property; and

WHEREAS, it is the desire of the Town Board of the Town of Wallkill to repair said bicycles as necessary and donate same to needy youth in the community,

NOW THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby declares that the aforesaid three (3) bicycles be classified as surplus property and either be sold via Auctions International or other reputable auction company, destroyed, donated to needy youth within the Town, or otherwise disposed of in a manner deemed appropriate to the Commissioner of Public Works.

**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
AUTHORIZING THE DECREASE IN THE AMOUNT OF THE LETTER OF CREDIT
FOR THE ROUTE 211/TOWER DRIVE CONSTRUCTION PROJECT**

WHEREAS, Banta Management Services, Inc. has previously posted Letter of Credit No. 3 in the amount of \$118,645.00 drawn on the Bank of Millbrook with the Town of Wallkill to serve as a performance bond for the construction of the public improvements for the property located at Tower Drive and NYS Route 211 707 East Main Street, Middletown, New York as follows; and

WHEREAS, McGoey, Hauser & Edsall, P.C., the Town's Consulting Engineer, by way of correspondence dated October 31, 2013 has advised that because a portion of the required public improvements have been satisfactorily completed since the issuance of the Letter of Credit, it is appropriate to reduce the amount of the aforesaid Letter of Credit as set forth below; and

WHEREAS, the Town Board of the Town of Wallkill agrees with the recommendations of the Town's Consulting Engineer and is authorized to decrease the amount of the aforesaid Letter of Credit pursuant to Town Code Section 249-42(B)(6),

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The Town Board of the Town of Wallkill hereby approves the decrease of the face amount of the Letter of Credit posted by Banta Management Services, Inc. from \$118,645.00 to \$25,000.00.
2. That said decreased Letter of Credit not be accepted by the Town Clerk until such time as the form and content of the modified Letter of Credit is found acceptable by the Town Attorney and all outstanding inspection fees are paid by the developer; and
3. The Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing.

**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
AUTHORIZING THE DECREASE IN THE AMOUNT OF SITE WORK
PERFORMANCE BOND FOR THE POP-T REALTY PROJECT**

WHEREAS, Fairbanks MFG LLC has previously posted cash in the amount of \$73,700.00 with the Town of Wallkill to serve as a performance bond for the construction of said entity's approved site at 79 Industrial Place Extension within the Town of Wallkill; and

WHEREAS, KC Engineering and Land Surveying, P.C., the Town's Consulting Engineer, by way of correspondence dated November 7, 2013 has advised that because a portion of the required improvements have been satisfactorily completed since the original project approval, it is appropriate to **reduce** the amount of aforesaid cash performance bond to \$15,000.00; and

WHEREAS, the Town Board of the Town of Wallkill agrees with the recommendation of the Town's Consulting Engineer and is authorized to decrease the amount of the required cash bond pursuant to Town Code Section 249-42(B)(6),

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The Town Board of the Town of Wallkill hereby approves the decrease of the cash bond from \$73,700.00 to \$15,000.00 with respect to the 79 Industrial Place Extension project; and
2. The sum of \$58,700.00, less any outstanding inspection and or consulting fees, be returned to Fairbanks MFG LLC, leaving a cash balance on hand with the Town in the amount of \$15,000.00; and
3. The Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing.

**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 RELEASING
THE SITE WORK PERFORMANCE BOND FOR THE CROTTY ROAD, LLC
PROJECT**

WHEREAS, Crotty Road, LLC has previously posted cash in the amount of \$5,000.00 with the Town of Wallkill to serve as a performance bond for the construction of said entity’s approved site at 135 Crotty Road within the Town of Wallkill; and

WHEREAS, McGoey, Hauser & Edsall, P.C., the Town’s Consulting Engineers, the Town’s Consulting Engineer, by way of correspondence dated November 7, 2013 has advised that because the required improvements have been satisfactorily completed since the original project approval in 2010, it is appropriate to release the aforesaid cash performance bond; and

WHEREAS, the Town Board of the Town of Wallkill agrees with the recommendation of the Town’s Consulting Engineer and is authorized to decrease the amount of the required cash bond pursuant to Town Code Section 249-42(B)(6),

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The Town Board of the Town of Wallkill hereby approves the release of the cash bond of \$5,000.00 with respect to the 135 Crotty Road project; and
2. That the sum of \$425.46 (inspection fees) be paid to the appropriate Town professionals from the cash bond; and
3. The sum of \$4,574.54 be returned to Crotty Road, LLC; and
4. The Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing.

**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
AUTHORIZING THE DECREASE IN THE AMOUNT OF PERFORMANCE BONDS
FOR THE WALLKILL GARDENS CONSTRUCTION PROJECT**

WHEREAS, Wallkill Gardens, LLC has previously posted the following performance bonds issued by Aegis Security Insurance Company with the Town of Wallkill to serve as performance bonds for the construction of the Wallkill Gardens residential development project located at 100-300 North Woods Road with the latest amounts of said bonds being as follows:

<u>Bond Type</u>	<u>Bond Number</u>	<u>Current Amount</u>
Streets	B10013300	\$ 425,065.00
Storm Drainage	B10013301	\$ 21,900.00
Sanitary	B10013303	\$ 2,316.00
Accessory	B10013304	\$ 15,533.33

WHEREAS, McGoey, Hauser & Edsall, P.C., the Town's Consulting Engineer, by way of correspondence dated October 28, 2013 has advised that because the majority of the required public improvements have been satisfactorily completed since the issuance of the bonds, it is appropriate to release certain bonds and retain the Sanitary Sewer Bond as set forth below; and

WHEREAS, the Town Board of the Town of Wallkill agrees with the recommendations of the Town's Consulting Engineer and is authorized to release and/or retain the aforesaid bonds pursuant to Town Code Section 249-42(B)(6),

Resolution No. : _of 2013

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Wallkill hereby approves the release and retention of the bonds posted by Wallkill Gardens, LLC as follows:

<u>Bond Type</u>	<u>Bond Number</u>	<u>Amount of Bond</u>	<u>Action</u>
Streets	B10013300	\$ 425,065.00	RELEASE BOND
Storm Drainage	B10013301	\$ 21,900.00	RELEASE BOND
Sanitary	B10013303	\$ 2,316.00	RETAIN BOND
Accessory	B10013304	\$ 15,533.33	RELEASE BOND

2. That the bonds listed above that are to be released shall not be surrendered by the Town Clerk until such time as any outstanding fees owed to the Town have been paid in full by the developer; and
3. The Town Supervisor or his designee is hereby authorized to execute any necessary documents associated with the foregoing.

**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
ORDERING THE REPAIR, REMOVAL OR DEMOLITION OF CERTAIN TOWN
PROPERTY LOCATED AT 410 SANDS ROAD
AND SCHEDULING A PUBLIC HEARING THEREON**

WHEREAS, unsafe buildings pose a threat to life and property in the Town of Wallkill; and

WHEREAS, it is the obligation of the Town Board of the Town of Wallkill to provide for the safety, health, protection and general welfare of persons and property in the Town of Wallkill by requiring that such unsafe buildings and structures be repaired, if the same can be safely repaired, or demolished and removed; and

WHEREAS, the Town of Wallkill Building Inspector has made an inspection of the premises known as 410 Sands Road in the Town of Wallkill (also known as Section 7, Block 1, Lot 38 and has reported in writing to the Town Board his findings that the buildings are unsafe and collapsing; and

WHEREAS, the property owner has been previously served with Orders to Remedy and Violation Notices, but has failed to remedy the aforesaid conditions; and

WHEREAS, McGoey, Hauser and Edsall Consulting Engineers, P.C., ("MHE") on behalf of the Town, performed a field review of the property on November 1, 2013. By report dated November 4, 2013, MHE noted that the dwelling unit, barn, sheds and above-ground pool on the property are all collapsing, in disrepair and uninhabitable and joins in the recommendations of the Building Inspector, both of whom are of the opinion that all of the aforesaid structures be demolished as soon as possible as they present a public health risk; and

Resolution No. :_of 2013

WHEREAS, the Building Inspector has requested that the Town immediately order the repair, demolition or removal of the buildings, as the condition presents a clear and imminent danger; and

WHEREAS, the Town Board of the Town of Wallkill is empowered by Section 86-5 of the Town Code to order the repair or demolition of properties located within the Town that present a clear and imminent danger to life, safety or health;

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Building Inspector is hereby authorized and directed to immediately to serve notice, pursuant to Section 85-6 of the Town Code, upon the property owner of 410 Sands Road, Town of Wallkill to repair or demolish the unsafe structure at the above property; and it further

RESOLVED, that pursuant to Section 86-5 of the Town Code, a public hearing regarding the repair or demolition of the structure at 410 Sands Road, Town of Wallkill shall be held at 7:25 p.m. on December 12, 2013, 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 and that notice of said public hearing shall also be included in the notice to be served on the property owners by the Building Inspector pursuant to Town Code Section 86-5.

**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 TOWN BOARD OF THE TOWN OF WALLKILL
SETTING TIME AND PLACE FOR A SPECIAL MEETING TO AUDIT AND PAY
BILLS AND CLAIMS**

WHEREAS, the Town Board of the Town of Wallkill wishes to schedule a special meeting to audit and pay bills and claims of the Town; and

WHEREAS, the outstanding bills and claims are due for payment prior to the next regularly scheduled Town Board meeting; and

WHEREAS, the Town Board of the Town of Wallkill is empowered to schedule a special meeting for any lawful purpose,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that a Special Meeting of the Town Board of the Town of Wallkill with respect to the auditing and payment of pending bills and claims, along with any other lawful and necessary Town business, shall be held at 4:30 p.m. on November 30, 2013, 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 Special Meeting to be given as provided by 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 DIRECTING THE TOWN ASSESSOR TO FORWARD TO THE ORANGE COUNTY TAX DEPARTMENT THE COSTS OF REMEDIAL WORK AT 40 DUNDEE CIRCLE TO BE ASSESSED ON THE PROPERTY OWNERS' 2014 TAX BILL

WHEREAS, A stream extends through the real property located in the Town of Wallkill, County of Orange, State of New York known as tax map Section 42, Block 4, and Lot 3 and more commonly known as 40 Dundee Circle, Middletown, New York 10941 (the "Property"); and

WHEREAS, The stream overflowed during hurricane, heavy rain and extreme weather events over the past two years and, in the process, undermined the Property along the stream; and

WHEREAS, although the Town bore no liability or responsibility for causing or repairing the existing conditions, the Town determined that it was advisable to intervene on a one-time emergency basis in order to provide stone to the Property for placement on the stream bank on the Property to prevent future flooding, safeguard the stream and to safeguard and protect the general health, safety, and welfare of the properties adjacent to the stream and the public at large; and

WHEREAS, the Property owners were willing to bear all of the costs associated with delivering and placing the stone on the Property but were unable to pay the aforesaid costs at this time. Therefore, pursuant to a Town Board Resolution dated September 25, 2013, the Town entered into a License Agreement with the Property owners to effectuate the remedial work and the property owners consented to the assessment of such costs directly onto their 2014 Town and County Real Property Tax Bill; and

WHEREAS, the Town Board wishes to recover the costs of said remedial work set forth below,

Resolution No. 1 of 2013

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby directs the Town Assessor to forward to the Orange County Tax Department and Orange County Legislature the following schedule of properties within the Town of Wallkill:

<u>Owners Name</u>	<u>Tax Map #</u>	<u>Street Address</u>	<u>Amount Due</u>
Howard K. Storms, Jr. Elizabeth W. Storms	42-4-3	40 Dundee Circle	\$2,055.36

which property shall be assessed for non-payment of the above-described remedial work, with such assessment to be levied against said property on the appropriate 2014 Town and County Tax bill which shall state the amount of the tax in a separate column in the annual tax rolls for the year 2014, and it is further

RESOLVED, that this Resolution shall take effect immediately.

**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 DIRECTING THE TOWN ASSESSOR TO FORWARD TO THE ORANGE COUNTY TAX DEPARTMENT A LIST OF TOWN PROPERTIES TO BE ASSESSED FOR NON-PAYMENT OF REFUSE REMOVAL FEES

WHEREAS, pursuant to Town Code Section 200-15, any property owner or occupant having been duly notified in writing upon seven days' notice to remove refuse, inclusive or overgrown lawns and vegetation, and/or garbage from his property and having failed to do so shall be responsible for any costs incurred by the Town of Wallkill in removing said refuse or garbage, and said costs shall be assessed against the property and shall appear as a lien on the next real property tax bill; and

WHEREAS, the attached list sets forth the properties by address, tax map designation, the names of the owners and the amounts incurred by the Town to maintain the properties during the calendar year 2013, which amounts have been billed to said owners yet remain unpaid; and

WHEREAS, the Town Board wishes to recover the refuse removal/property maintenance costs set forth in the attached list from the property owners pursuant to the Town Code,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby directs the Town Assessor to forward to the Orange County Tax Department and Orange County Legislature the following schedule of properties within the Town of Wallkill:

Resolution No. of 2013

<u>Owners Name</u>	<u>Tax Map #</u>	<u>Street Address</u>	<u>Amount Due</u>
Lerriza DeLima	92-4-12	8 Frederick Street	\$643.23
Bruce DuBoise	98-1-7	548 SLSR	\$600.00
Kevin & Lillette Biggs	58-1-5	9 Stratton Ave	\$600.00
Jose & Hilda Vazquez	79-11-2	32 Scott Drive	\$600.00
John & Melanie Davis	27-2-6	19 Elizabeth Ave	\$300.00
Brenda Gill	27-3-22	10 Elizabeth Ave	\$600.00
John & Lisa Mastrorilli	43-3-2	20 Scotchtown Pl	\$600.00
John & Sally Guck	42-8-12	22 Blumel Road	\$600.00
Binky & Domingo Bautista	6-1-10	100 Howells Tpke	\$300.00
Mary Ann Hyjek	1-1-14.22	370 Route 17K	\$600.00
Ronald Moon	28-1-42	84 Patio Road	\$600.00
Diane Sieglitz	28-4-34	16 Hampton Ct	\$600.00
Norma Roman	28-4-35	18 Hampton Ct	\$600.00
Wells Fargo Bank	28-5-2	27 Greenway Terrace	\$300.00
Michael & Julie McLean	87-1-107	8 Sandburg Ct	\$300.00
Lakhwinder Kaur	86-1-29	42 Sheffield Dr	\$600.00
A Hamid Kermanshah	12-1-4.213	339 King Road	\$600.00
Donald & Beverly Conkling	68-2-9	134 High Barney Road	\$600.00
Ruth Baker	7-1-11.2	634 Goshen Tpke	\$600.00
Michael & Hildy Schwarz	7-1-6.1	600 Goshen Tpke	\$600.00
Fircy Nenez	55-1-6	5 Park Court	\$300.00
Amy Jo Williams	75-4-4	20 Brookline Ave	\$300.00
Alexander & Santa Zeno	81-2-16	578 SLSR	\$600.00
Irvin Dominguez	28-5-29	81 Greenway Terrace	\$600.00
Claude Brathwaite	81-9-11	21 Tammy Drive	\$600.00
James & Sharon Frost	7-2-21.4	1923 Route 302	\$300.00
Estate of Catherine Labianca	79-4-9	26 Stephen Ave	\$701.22
Christoper & Kathleen Dies	28-1-41	82 Patio Road	\$300.00
Herbert & Jeanette Williams	27-3-24	6 Peace Drive	\$300.00
Kim Tong	74-3-22	52 Woodlawn Ave	\$300.00
Benzion Bayer	74-2-16	39 Woodlawn Ave	\$300.00
James Dembeck	69-2-1.2	10 Weber Road	\$300.00
Thomas & Lorraine Buckley	86-1-55	85 Sheffield Drive	\$3,360.00
John Windle, Jr.	5-1-101	16 Heritage Crossing	\$300.00
Victor Otero	60-1-36.2	230 Mt. Joy Road	\$300.00
Deborah, Drew & Jason Webber	74-1-8	9 Gardner Avenue	\$300.00
Ramon Rosairo	68-1-10	45 Karen Drive	\$300.00

which properties shall be assessed for non-payment of refuse removal fees, with such assessments to be levied against said properties on the appropriate 2014 Town and County Tax bills which shall state the amount of the tax in a separate column in the annual tax rolls for the year 2014, and it is further

RESOLVED, that this Resolution shall take effect immediately.

**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 DIRECTING
THE TOWN CLERK TO FORWARD TO THE ORANGE COUNTY TAX
DEPARTMENT A LIST OF TOWN PROPERTIES TO BE ASSESSED FOR NON-
PAYMENT OF WATER AND SEWER USAGE STATEMENTS**

WHEREAS, numerous property owners within the Town of Wallkill have failed to pay invoices presented to them for municipal water and/or sewer usage; and

WHEREAS, said charges, totaling \$401,729.88, must now be assessed against the properties which received such water and/or sewer services and appear as a lien on the next real property tax bill,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the delinquent water statements submitted to the Town Board by the Town Clerk from the Water and Sewer Department pursuant to Town Law Sec. 198-3 (d), totaling \$401,729.88, 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 2014, and it is further

RESOLVED, that a copy of this resolution with the delinquent water statements totaling \$401,729.88 shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.