

Town Board Meeting Agenda

TOWN OF WALLKILL
December 20, 2018

TOWN BOARD MEETING
TIME: 7:30 PM

Pledge of Allegiance

7:25 – Public Hearing Local Law Solar Opt Out.

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
 - Certificate Talmadge
Special Recognition Weinert, VanNosdall & Strunk
 - No Kid Hungry Backpack Program
 - Thank You Highway Department
3. RESOLUTIONS:
 1. Resolution Authorizing Budget Amendments Sewer.
 2. Resolution Authorizing Budget Amendments Highway.
 3. Resolution Adopting Local Law to Opt Out Solar & Wind Energy Systems.
 4. Resolution Adopting Zone Change Orange Development.
 5. Blanket Bond.
 6. Resolution Authorizing Budget Transfer.
3. COMMITTEE REPORTS
4. COUNCILMAN'S COMMENTS:
5. SUPERVISOR'S COMMENTS:
6. TOWN CLERK'S COMMENTS:
7. COMMISSIONERS/POLICE CHIEF REPORTS:
8. PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL)
9. MOTION TO ADJOURN

**TOWN OF WALLKILL TOWN BOARD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on December 20, 2018 at 7:25 p.m. at Wallkill Town Hall, 99 Tower Drive, Building A Middletown, New York regarding the adoption of a Local Law to opt out of granting solar and wind energy real property tax exemptions to property owners within the Town pursuant to Municipal Home Rule Law and in accordance with Section 487-8 of the Real Property Tax Law

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
99 Tower Drive - Bldg. A
Middletown, NY 10941

The Town of Wallkill will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF WALLKILL.

Dated: November 7, 2018

Louisa M. Ingrassia, Town Clerk
Town of Wallkill

TOWN OF WALLKILL

LOCAL LAW NO. ____ OF 2018

**A LOCAL LAW PERMITTING THE TOWN OF WALLKILL TO OPT-OUT OF THE
REAL PROPERTY TAX EXEMPTION FOR QUALIFYING ENERGY SYSTEM
INSTALLATIONS**

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

Section 1. Purpose.

This Local Law is enacted for the purpose of prohibiting tax exemptions for solar and wind energy system installations

Section 2. Amendment.

The portion of the Town of Wallkill Town Code entitled **Chapter 216. TAXATION** shall be and hereby is amended by this Local Law as follows:

Add New Article VIII Entitled: "Opting Out of Exemption for Solar and Wind Energy Systems" as follows:

§ 216-26. Short title.

This article shall hereafter be known as the "Town of Wallkill Solar and Wind Energy Real Property Tax Exemption Opting Out Law of 2018."

§ 216-27. Legislative intent.

Section 487 of the state Real Property Tax Law grants a fifteen-year exemption from real property taxation of the increase in assessed value attributable to the construction or installation of qualifying solar energy systems, wind power systems, and farm waste energy systems. Real Property Tax Law § 487(8)(a) also authorizes a municipality to opt out of granting that property tax exemption by adoption of a local law. The Town of Wallkill wishes to protect the Town's tax base by adoption of this article, which requires that solar energy systems, wind power systems and farm waste energy systems are subject to the payment of Town taxes.

§ 216-28. Legislative authority.

This article is enacted pursuant to Subdivision (8) of § 487 of the Real Property Tax Law of the State of New York.

§ 216-29. Exemption not permitted.

Notwithstanding the provisions of Subdivision (2) of Real Property Tax Law § 487, no real property tax exemption of Town taxes shall be granted to solar energy systems, wind power systems or farm waste energy systems which began construction after the effective date of this article.

Section 3. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: Mr. Diana

Sec'd by: Mr. Coyne

Date of Adoption: December 12, 2018

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL AUTHORIZING
BUDGET AMENDMENTS**

It is hereby resolved that the following amendment be made to the 2018 budget:

Transfer \$54,210

From: Sewer Fund Contingency (SSA1990.4)

To: Sewer Building Repairs (SSA8110.4616)

This amendment is to utilize available contingency funds to repair the roof of the Sewer Plant. Quotes for the emergency repairs were received from 3 vendors and the selected vendor, All Steel and Aluminum had the lowest price.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: Mr. Diana

Sec'd by: Mr. Coyne

Date of Adoption: December 20, 2018

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL AUTHORIZING
BUDGET AMENDMENTS**

It is hereby resolved that the following amendment be made to the 2018 budget:

Transfer \$40,000

From: Fuel Revenue from Other Govt's (DA2302) \$40,000

To: Highway Diesel Expense (DA5112.46201) \$20,000
 Highway Gas Expense (DA5112.4633) \$20,000

This amendment is to utilize excess revenues collected over the budgeted amount, since the cost of fuel increased, to cover the increase in fuel expenses.

Transfer \$30,097

From: Highway General Liability (DA5110.431) \$30,097

To: Highway Machinery/Supplies (DA5130.41) \$ 4,000
 Highway Snovertime (DA5142.12) \$26,097

This amendment is to fund the lines needed for supplies and salaries in case there is a storm event.

Resolution No. _____ of 2018

**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. Diana				
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
TOTAL				

RESOLUTION OF THE WALLKILL TOWN BOARD ADOPTING LOCAL LAW NO. _____ OF 2018 TO OPT OUT OF GRANTING REAL PROPERTY TAX EXEMPTIONS FOR SOLAR AND WIND ENERGY SYSTEMS

WHEREAS, the Town Board of the Town of Wallkill wishes to enact a Local Law to opt out of solar and wind energy real property tax exemptions pursuant to Municipal Home Rule Law and in accordance with Section 487-8 of the Real Property Tax Law;

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;

WHEREAS, a public hearing was held on December 20, 2018 to assist in the Town's consideration of the adoption of said Local Law and the public hearing was closed that same night; and

WHEREAS, the Town Board has considered the matters that were discussed at the public hearing; and

WHEREAS, the Town Board of the Town of Wallkill has determined that the adoption of the aforesaid Local Law is in the best interest of the residents of the Town; and

Resolution No. :_of 2018

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. ___ of 2018, entitled “**A LOCAL LAW PERMITTING THE TOWN OF WALLKILL TO OPT-OUT OF THE REAL PROPERTY TAX EXEMPTION FOR QUALIFYING ENERGY SYSTEM INSTALLATIONS**”, 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.

**BY ORDER OF THE TOWN BOARD OF THE
TOWN OF WALLKILL, NEW YORK.**

Dated: December 20, 2018

Louisa M. Ingrassia, Town Clerk

TOWN OF WALLKILL

LOCAL LAW NO. ____ OF 2018

**A LOCAL LAW PERMITTING THE TOWN OF WALLKILL TO OPT-OUT OF THE
REAL PROPERTY TAX EXEMPTION FOR QUALIFYING ENERGY SYSTEM
INSTALLATIONS**

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

Section 1. Purpose.

This Local Law is enacted for the purpose of prohibiting tax exemptions for solar and wind energy system installations

Section 2. Amendment.

The portion of the Town of Wallkill Town Code entitled **Chapter 216. TAXATION** shall be and hereby is amended by this Local Law as follows:

Add New Article VIII Entitled: "Opting Out of Exemption for Solar and Wind Energy Systems" as follows:

§ 216-26. Short title.

This article shall hereafter be known as the "Town of Wallkill Solar and Wind Energy Real Property Tax Exemption Opting Out Law of 2018."

§ 216-27. Legislative intent.

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§ 216-28. Legislative authority.

This article is enacted pursuant to Subdivision (8) of § 487 of the Real Property Tax Law of the State of New York.

§ 216-29. Exemption not permitted.

Notwithstanding the provisions of Subdivision (2) of Real Property Tax Law § 487, no real property tax exemption of Town taxes shall be granted to solar energy systems, wind power systems or farm waste energy systems which began construction after the effective date of this article.

Section 3. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule 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>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ADOPTING LOCAL LAW NO. ___ OF 2018 AMENDING THE TOWN'S ZONING MAP
AND ISSUING A NEGATIVE DECLARATION AND FINDINGS IN ACCORDANCE
WITH SEQRA**

WHEREAS, upon the petition of Orange Development, LLC dated October 10, 2018, and upon the recommendation of the Town Planning Board, the Town Board of the Town of Wallkill wishes to adopt a local law for 2018 amending Chapter 249 of the Town Code, to rezone a certain parcels of real property within the Town as set forth below from Residential Floating Zone (R-AH) to Light Enterprise District (Ent-L):

Address:

Tax Map ID #

NYS Route 211 E

44-1-25.12; and

WHEREAS, in accordance with the provisions of § 617.6 of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), (the "SEQRA regulations"), the Town Board previously determined that the aforementioned proposed amendment to the Town Code is an action subject to SEQRA; classified the aforementioned local law as an unlisted action pursuant to § 617.4 of the SEQRA regulations and designated itself as Lead Agency with respect to the consideration, review, and determination of significance of the aforementioned local law pursuant to SEQRA regulations § 617.6(b)(1)(I); and

WHEREAS, the Town Board has referred this proposed zoning map change to the Orange County Department of Planning for review and comment pursuant to General Municipal §239-m and has received a letter from the Orange County Department of Planning indicating that the proposed zoning change is a local determination; and

Resolution No. :_of 2018

WHEREAS, the Town Board has referred this proposed zoning map change to the Town of Wallkill Planning Board in accordance with the Town Code and no objections were received from the Planning Board, which held a public information hearing and issued a report to the Town Board supporting the petition; and

WHEREAS, the Town Board held a public hearing on November 15, 2018, to review the proposed local law for the year 2018; and

WHEREAS, the Town Board previously reviewed the EAF submitted by the petitioner and determined that same was adequate with respect to scope and content for the purpose of commencing public review and continued its environmental review pursuant to SEQRA; and

WHEREAS, the Town Board has reviewed the EAF, the record of the proceedings with respect to the public hearing on proposed local law and EAF, and the criteria for determining significance set forth section 617.7 (c)(1)(i)-(xii), (2)(i)-(iii), and (3)(i)-(vii) of the SEQRA regulations; and

WHEREAS, the Town Board has reviewed, weighed and balanced the relevant environmental impacts and has provided a rationale for its decision to adopt the proposed local law and to issue a negative declaration for the same, solely for the zoning change and not for any proposed project to be built at the effected property, which is subject to further review by the Town Planning Board,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby certifies that it has complied with the requirements of Part 617 of the SEQRA regulations;
2. The Town Board hereby finds that the proposed local law has no significant adverse environmental impacts and issues a negative declaration for the same, with said negative declaration to be reviewed and approved by the Town Attorney; and
3. The Town Board hereby adopts Local Law No. ___ of 2018, which modifies Chapter 249 of the Town Code as set forth in the proposed local law, to designate the following properties:

Address:

Tax Map ID #

NYS Route 211 E

44-1-25.12

within the Town as being in the Light Enterprise zone, a copy of which is attached hereto and made a part of this resolution; and

Resolution No. :_of 2018

4. The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill; to give due notice of the adoption of said Local Law to the Secretary of State of New York; to publish said Local Law to the public in a newspaper of general circulation; and to publish the Town Board's negative declaration for the proposed action in the Environmental Notice Bulletin of the Department of Environmental Conservation.

LOCAL LAW NO. ____ OF 2018

**A LOCAL LAW UPDATING AND AMENDING THE TOWN OF WALLKILL'S
ZONING MAP REFERENCED IN CHAPTER 249-5 OF THE CODE OF
THE TOWN OF WALLKILL, COUNTY OF ORANGE**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALLKILL AS FOLLOWS:

SECTION 1.-INTENT AND PURPOSE

The purpose of this local law is to update and amend the Town of Wallkill's zoning map for designation of a certain parcel of real property located on NYS Route 211 East, Tax Map #' 44-1-25.12 within the Town currently designated as being within the Residential Floating Zone (R-AH) to rezone said property to lie within the Light Enterprise District as set forth below.

In addition to this general purpose, this change to the zoning map associated with the aforementioned proposed development promotes the following objectives:

1. Results in no prejudice or detriment to other properties in the surrounding area;
2. Benefits the public interest and the local community at large; and
3. Observes and is consistent with the intent of the Town of Wallkill's Master Plan.

SECTION 2.-AMENDMENT

The Town of Wallkill Code, Chapter 249-5, entitled "Zoning Map established", shall be amended to designate the following parcels of real property within the Town as lying within the Light Enterprise District:

<u>Address:</u>	<u>Tax Map ID #</u>
NYS Route 211 E	44-1-25.12

SECTION 3.- EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule 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>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

WHEREAS, that the official undertaking of Public Employees Blanket Bond for the Town of Wallkill for the period beginning January 1, 2019 is approved as to its form, manner of execution and sufficiency of surety, and its approval shall be endorsed upon said Blanket Bond.

COUNCILMAN COYNE _____

COUNCILMAN VALENTIN _____

COUNCILMAN MEYER _____

COUNCILMAN JOHNSON _____

SUPERVISOR DIANA _____

**UPON ROLL CALL VOTE AS LISTED ABOVE THE SUPERVISOR
DECLARES THE RESOLUTION AS DULY ADOPTED.**

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By: Mr. Diana

Sec'd by: Mr. Coyne

Date of Adoption: December 20, 2018

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL AUTHORIZING
BUDGET AMENDMENTS**

It is hereby resolved that the following amendment be made to the 2018 budget:

Transfer \$500

From: Sewer Engineering (SSA8110.4411) \$500

To: Sewer Uniforms (SSA9090.83) \$500