

Town Board Meeting Agenda

TOWN OF WALLKILL
July 25, 2019

TOWN BOARD MEETING
TIME: 7:30 PM

Pledge of Allegiance

Moment of Silence: Nina Neighmond former 4th Ward Councilwoman

7:25 Public Hearings:

2019 Consolidated Sewer District Water Treatment Plant

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
3. RESOLUTIONS:
 1. Resolution Authorizing Budget Amendments for Waterfront in General Fund.
 2. Resolution Authorizing Use of Parklands Fees Fund Balance.
 3. Resolution Authorizing Issuance of \$8,000,000 Bond.
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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Wallkill, Orange County, New York, will meet at the Town Hall, 99 Tower Drive, in Middletown, New York, in said Town, on July 25, 2019, at 7:30 P.M., Prevailing Time, for the purpose of conducting a public hearing on the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Wallkill, Orange County, New York, within said Town, consisting of the acquisition and installation of various improvements to facilities of the District and the replacement of equipment at the Wastewater Treatment Plant for the Consolidated Sewer District at an estimated maximum cost of \$8,000,000, including incidental expenses in connection therewith, as more particularly described in the plan and estimate of cost, in the form of Engineer's Reports dated February 2016 and March 2016 and a Grant Application Report, dated April 2016, each prepared by KC Engineering and Land Surveying, P.C., which are on file in the office of the Town Clerk where they are available for public inspection during normal business hours .

Said project has been preliminarily determined by the Town Board to be a Type II Action for purposes of the State Environmental Quality Review Act which, as proposed, will not result in any significant environmental effects.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Middletown, New York

July 5, 2019

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF WALLKILL, ORANGE COUNTY,
NEW YORK

By: Louisa M. Ingrassia

Town Clerk

**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
AUTHORIZING BUDGET AMENDMENTS**

1. It is hereby resolved that the following amendment be made to the 2019 budget for the Waterfront in the General Fund:

Transfer \$300

From: Beach Revenues (A2001)
To: Waterfront Expenses (A7020.47176)

The amendment is needed to have a sufficient balance to cover an order of the Tyvek wristbands used at the beach at Circleville Park to track swimming and boating customers/payments. The order is a total of \$694 for 10,000 wristbands. This was researched extensively and this is the best price.

2. It is hereby resolved that the following amendment be made to the 2019 budget for the Land Purchase expense line:

Transfer \$14,891

From: Contingency (A1990.4)
To: Purchase of Land (A1940.2)

The town purchased land at 880 Bloomingburg Road and this amendment will fund that expense.

3. It is hereby resolved that the following amendment be made to the 2019 budget for the Parks Purchase of Equipment line:

Transfer \$85,000

From: Parkland Trust Fund (TE37)
To: Equipment (A7021.2)

This is for the purchase of a 2019 F550 Truck with Compactor Body. The truck was authorized to purchase from Parkland Trust funds in the 2018 budget, but was not received until the spring of 2019. This resolution authorizes the use of the Special Purpose funds to cover the cost of the purchase from the 2019 budget.

4. It is hereby resolved that the following amendment be made to the 2019 budget for the Dial-A-Bus Local Share of New Bus expense:

Transfer \$5,441

From: General Fund Balance (A599)
To: Local share of New Bus (A5630.4681)

This bus was budgeted to pay the Town of Wallkill share from the 2018 budget, but the bus was not delivered until 2019, so the amendment will cover the shortage in the 2019 budget.

5. It is hereby resolved that the following amendment be made to the 2019 budget for the Highway Snow Overtime expense:

Transfer \$42,000

From: Highway Fund Balance (DA599)
To: Snovertime (DA5142.12)

This transfer will cover the current shortage from the snow overtime incurred in the early part of the year. An additional transfer will need to be made for any overtime occurring in the fall/winter of 2019.

**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
AUTHORIZING THE USE OF THE SPECIAL PURPOSE PARKLANDS FEES FUND
BALANCE FOR THE PROCUREMENT OF A LIGHTING EQUIPMENT SYSTEM
FOR THE TOWN LITTLE LEAGUE PARK**

WHEREAS, by Resolution # 79 of 2019 adopted on June 27, 2019, the Town Board of the Town of Wallkill authorized and approved a contract with Musco Sports Lighting, LLC for the procurement of a lighting equipment system to be installed at the Town of Wallkill Little League Park; and

WHEREAS, the Town Board has determined that the funds for said procurement should be drawn from the Town's Special Purpose Parklands Fees Fund,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that all funds necessary to effectuate Resolution # 79 of 2019 should be drawn from the Town's Special Purpose Parklands Fees Fund and that the Town Comptroller is hereby directed to make all appropriate steps in connection with this action.

and Land Surveying, P.C., are on file in the office of the Town Clerk where they are available for public inspection during normal business hours; and

WHEREAS, such proposed increase and improvement consists of the acquisition and installation of various improvements and the replacement of equipment at the Wastewater Treatment Plant for the Consolidated Sewer District, at an estimated maximum cost of \$8,000,000, including incidental expenses in connection therewith, as more particularly described in the above reports; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$8,000,000, which amount shall be allocated and charged as the cost of increasing and improving the facilities of the Consolidated Sewer District and shall be borne by the Sewer District; and

WHEREAS, the capital project heretofore described, based on information supplied to the Town Board, has been determined to be a Type II 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 will not result in any significant environmental effects; and

WHEREAS, at a meeting of said Town Board duly called and held on June 27, 2019, an order was duly adopted by it and entered in the minutes specifying that the said Board would meet to consider the increase and improvement of the facilities of Consolidated Sewer District in said Town at an maximum estimated cost of \$8,000,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 99 Tower Drive, in Middletown, New York, in said Town, on July 25, 2019, at 7:30 P.M., Prevailing Time; and

WHEREAS, the said order duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in the official newspaper of this Town, on July __, 2019, and a copy of such order was posted on _____, 2019, on the signboard maintained by the Town Clerk of the Town of Wallkill, pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of the Consolidated Sewer District in the Town of Wallkill, Orange County, New York, consisting of the acquisition and installation of various improvements and the replacement of equipment at the Wastewater Treatment Plant for the Consolidated Sewer District, including incidental expenses in connection therewith, as described in the preambles hereof, at a maximum estimated cost of \$8,000,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The order was thereupon declared duly adopted.

* * *

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the Town of Wallkill, Orange County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the order contained therein, held on July 25, 2019, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, on July ____, 2019.

Town Clerk

(SEAL)

Resolution No. _____ of 2019

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented

By _____

Sec'd by _____

Date of Adoption July 25, 2019

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF THE TOWN OF WALLKILL, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED SEWER DISTRICT IN AND FOR SAID TOWN.

BOND RESOLUTION DATED JULY 25, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF THE TOWN OF WALLKILL, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED SEWER DISTRICT IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

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

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Wallkill, Orange County, New York, consisting of the acquisition and installation of various improvements and the replacement of equipment at the Wastewater Treatment Plant for the Consolidated Sewer District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$8,000,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said class of objects or purposes is \$8,000,000, and that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of the \$8,000,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law. The maximum maturity of the bonds 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 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. To the extent not paid from the collection of assessments against benefited property in the Consolidated Sewer District, 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.

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 or she shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he or she 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 acquittance 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 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. 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 10. 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 11. This resolution, which takes effect immediately, shall be published in summary form in the *Times Herald Record*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing order was duly put to a vote on roll call which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The order was thereupon declared duly adopted.

* * *

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the Town of Wallkill, Orange County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town
Board of said Town , including the resolution contained therein, held on July 25, 2019, with the
original thereof on file in my office, and that the same is a true and correct transcript therefrom
and of the whole of said original so far as the same relates to the subject matters therein
referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspapers and/or
other news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on July ____, 2019.

Town Clerk

LEGAL NOTICE OF ESTOPPEL

NOTICE IS HEREBY GIVEN that the resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Wallkill, Orange County, New York, on July 25, 2019, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A summary of the aforesaid resolution is set forth below. The resolution provides as follows: that the faith and credit of the Town of Wallkill, Orange County, New York (the "Town"), are irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable; that 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; that the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds authorized by such resolution, including renewals of such notes, is delegated to the Supervisor; that all other matters, except as provided in such resolution, relating to the bonds authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed in such resolution and the manner of the execution of the same and also including the consolidation with other issues, and the authority to issue such obligations on the basis of substantially level or declining annual debt service, is delegated to and shall be determined by the Supervisor; and that this LEGAL NOTICE shall be published.

The summary of the bond resolution follows:

BOND RESOLUTION DATED JULY 25, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF THE TOWN OF WALLKILL, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED SEWER DISTRICT IN AND FOR SAID TOWN.

The period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

THE FULL TEXT OF THIS BOND RESOLUTION IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE TOWN CLERK LOCATED AT 99 TOWER DRIVE, MIDDLETOWN, NEW YORK, DURING NORMAL BUSINESS HOURS.

Dated: Middletown, New York
July __, 2019

Town Clerk