

**Village of Walden
Board of Trustees
January 13, 2004**

Mayor Rocco Pellegrino called the regular meeting of the Village of Walden Board of Trustees to order at 6:30 PM.

On roll call the following were:

Present:	Mayor	Rocco Pellegrino
	Deputy Mayor	Roy Wynkoop
	Trustees	Mary Jean Norman
		Richard Hurd
		Lauren Keator
		Jose DeJesus
		Greg Raymondo

Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Approval of Minutes

Trustee DeJesus moved to adopt the minutes of December 9th, 2003. Seconded by Trustee Raymondo. All ayes. Minutes adopted.

Trustee DeJesus moved to adopt the minutes of December 19th, 2003. Seconded by Trustee Wynkoop. All ayes with the exception of Trustee Raymondo abstaining. Minutes adopted.

Public Comment

Mike Ciardullo stated that since the construction of the bridge and the sidewalks on Main Street in front of his building, when it rains he gets six inches of water in his basement. It's coming from the way the sidewalks were done. He spoke to the Village Manager and he's been great helping him out with this and dealing with the state. Trying to deal with the state has been a nightmare. Fill out papers, fill out papers, and fill out papers. He's not the only one with the problem. Walden Federal's building also has a problem with water coming into their building. The water is coming in from underneath the sidewalks. Usually you put six inches of stone before you put the sidewalks in and the state put two feet of stone, so the water flows through the stones. There are no storm drains, and there's no draining. The Village and he are going to try to correct this and if this doesn't work the sidewalks will have to be ripped up. He wants the Board to be aware that the state has to rip these sidewalks up. He wants the Board to put some pressure on the state to take responsibility.

Mayor Pellegrino asked the manager to draft a letter to the state.

Manager Politi stated that he will work with Mr. Ciardullo on this.

Mr. Ciardullo also stated that the traffic light on Oak Street and Main Street between four and seven o'clock at night is impossible to get up from the Thruway up to Main Street. The problem is when you come up to Main Street 99% of the traffic is turning left. He has sat there in the traffic jam for five light changes, one car per light change. It backs the traffic up all the way to the Thruway, all the way up the bridge, and all the way up the other side of the river. He understands this is the state's responsibility. They have to take a look at the situation and time the lights so the traffic flows.

Manager Politi stated that he is having very little luck getting through or getting answers to change the light patterns. He's gone to the local office, written to the state and gone to Senator Larkin's Office and it keeps falling on deaf ears. There is a cost to change the cards on the lights and there are no change orders on this project.

Mr. Ciardullo stated that he stopped down and spoke to the man who is head of the State that is running this project, Jim Corwin, that's like talking to no one. He had five people come up and look at the water in the basement and they all stand there with their hard hats on and take pictures, say thank you and leave. He spoke to a lawyer and he said he has to pay him his fee and you can't get that money back from the state for what you have to sue the state to fix this.

Trustee DeJesus asked why Mr. Cirardullo has to sue the state to fix something they created. This was not a problem before and now there is a major problem with the water.

Manager Politi stated that right now Walden Federal has a claim in against the state because of the water.

Trustee DeJesus stated that it is a known fact that there wasn't a water problem there before.

Mr. Dowd stated that he would have to prove that.

Mr. Ciardullo stated that it would be easy for him to prove it because in March the curb box broke and he had water in the basement. The village came and fixed it and there was no more water. That went on through July. In June we had ten inches of rain and he didn't have any water in his basement. In July, when the state ripped the sidewalks up, he started getting water. He had the gentlemen from the water department in and the water was like a river coming through. The water department tested it and said this is not village water, its rain water.

Mayor Pellegrino asked that the Manager to set up a meeting with NYSDOT.

Larry Sager, 78 Orchard Street stated that he read the minutes and he asked if any banks in this village pay taxes.

Manager Politi stated yes.

Mr. Sager asked if board members don't take the benefits do they get a buy back.

Manager Politi stated that board members have the same rights a privileges that are given to all employees who turn back there benefit package.

Mr. Sager asked if it was shown that way in the budget.

Manager Politi stated no, because that is an option at any time.

Mr. Sager asked that be put in the minutes as public record.

Payment of Audited Bills

Trustee Norman moved to pay the audited bills of January 13, 2004. Seconded by Trustee Keator. All ayes. Motion carried.

Resolution No. 5-03-04, Setting the Time and Date for the 2004 Village Election

Trustee Hurd moved to adopt Resolution No. 5-03-04, Setting the Time and Date of the 2004 Village Election, (attached). Seconded by Trustee Raymondo. All ayes. Resolution adopted.

Resolution No. 6-03-04, Supporting the County of Orange's Home Rule Request Seeking an Increase in the Existing County Sales Tax Rate

Mayor Pellegrino asked that this be put on as a discussion item.

Authorization to Sign Well 3 Contract of Sale

Mr. Dowd stated that he is satisfied with all the documents.

Trustee Raymondo asked who was capping the wells.

Manager Politi stated that Village.

Deputy Mayor Wynkoop moved to authorize the Village Manager to sign the contract of sale for Well No. 3. Seconded by Trustee Hurd. On roll call Trustees Hurd,

Norman, DeJesus, Deputy Mayor Wynkoop and Mayor Pellegrino voted yes. Trustees Keator and Raymondo voted no. Motion carried.

Trustee DeJesus asked about the tent and trailers in front of the Big Apple Circus. At one point the Planning Board was talking about that being a temporary site. His concern is that the tractor trailers will be parked in the front without any screening. Recently they had a rig blocking the entrances to the site. He wants to make sure when the Village goes back to them with this contract that in fact something is to be done with the parking of the rigs and tractors and how they will be screened from the outside and that they are going to be used to block the entrances to the site.

Manager Politi stated that Big Apple is buying the property so they can put the pad for the tent there. He will also call Tom Martin and discuss this.

Dennis DeGroodt, 32 Seely Street-Property Maintenance

Dean Stickles, Building Inspector stated that there was a hearing set for tonight but due to a technical difficulty he would like to move that to January 27, 2004.

Trustee Norman moved to hold a hearing on January 27, 2004 at 6:30PM regarding 32 Seely Street, for property Maintenance. Seconded by Trustee Keator. All ayes. Motion carried.

James Ronk, 36 Sherman Avenue-Property Maintenance

Mr. Stickles stated that Mr. Ronk has been before the Board before and he doesn't clean anything up until he's told and then it goes right back the way it was.

Mr. Stickles further stated that there has been a complaint by a neighbor that Mr. Ronk is pumping water out of his basement. He is pumping water out of the basement, but it's not pumped directly to the street. It runs the curb line and goes into the catch basin. He doesn't know what he can do about that.

Trustee Keator asked if the Building Inspector still had the pictures of the inside of the house, because those conditions were beyond deplorable.

Mr. Stickles stated that was given to the Police Chief and he doesn't know the outcome of that.

Trustee Norman moved to hold a hearing on January 27, 2004 at 6:30PM, or soon thereafter, regarding 36 Sherman Avenue for property maintenance. Seconded by Trustee Keator. All ayes. Motion carried.

Kevin Reardon, 42-44 S. Montgomery Street-Unsafe Building

Mr. Stickles stated that Mr. Reardon's barn/garage on Walker Street fell approximately on 2/18/03. The Building Inspector has tried to work with him. Mr. Reardon had a building permit issued to him on 6/20/03 to remove the barn/garage. Nothing has been done to date. A letter was received on 1/4/03 stating that he would have a dumpster in place by last Friday. As of 2:30pm today there was no dumpster or equipment in place. He would like that barn/garage removed before someone gets hurt.

Trustee Keator moved to hold a hearing on January 27, 2004 at 6:30PM, or soon thereafter, regarding 42-44 S. Montgomery Street, Unsafe Building. Seconded by Trustee Raymondo. All ayes. Motion carried.

Mayor Pellegrino asked the Board Members to go see these properties before the hearings.

Sesquicentennial Celebration Committee

Mayor Pellegrino stated that the village would like to get a committee together for the Sesquicentennial Celebration.

The following people volunteered to serve on the Sesquicentennial Celebration Committee: Trustees Norman, DeJesus, Raymondo, Keator, Deputy Mayor Wynkoop, John Howland and Jodi Lynn.

Comprehensive Plan Steering Committee

Mayor Pellegrino stated that anyone interested in serving on the comprehensive plan steering committee should contact the Village Manager.

The following Trustees volunteered to serve on the comprehensive plan steering committee: Trustees Keator, Raymondo and DeJesus.

Manager Politi stated that he would like two people from each of the primary boards and then try to include one or two of the business community and one or two citizens.

Trustee Raymondo stated that we need more village input.

Resolution No. 6-03-04, Supporting the County of Orange's Home Rule Request Seeking on Increase in the Existing County Sales Tax Rate

Mayor Pellegrino asked how the Board would feel drafting a resolution to support the increase of the sales tax.

Trustee Norman stated no.

Trustee Keator stated no.

Manager Politi stated that Trustee Raymondo submitted a letter regarding this, (attached).

Trustee Hurd indicated that he feels the board should give this some consideration. The unfounded mandates that are given to the county, towns and villages now, what Mr. Diana is trying to do is take the least painful way to raise the necessary money. It will be raised, and if it doesn't come from the sales tax it will come from property tax. As people from out of the area come here to shop we would at least get some income from the other areas. All the surrounding counties, with the exception of Sullivan County, are already at the rate Mr. Diana is proposing.

Trustee Raymondo stated that there are nine legislators right now that are opposed to this. You only need eleven to defeat this. They don't know if the state is going to approve the plan. They want to pass this prior to June 1st, 2004. The county will get 60 million dollars back for the new budget on June 1st. The sales tax increase will have already been passed. They also did not apply for all the money back from the state on Medicare. So they don't know how much money they are going to get back for the county Medicare expenses from the state. His point has always been there are other ways to do a budget.

Trustee DeJesus asked if anybody know that the budget 80% includes the \$175 increase. Is Mr. Diana still projecting even with the increase in the sales tax there will be a cap on the budget.

Manager Politi stated that it was to make it up.

Trustee DeJesus stated that Mr. Diana should not include that \$175 because the county legislature doesn't have the power to enact that raise without the state legislature acting.

Mr. Dowd stated that the passage of the budget in which that was directly in the budget itself had the consent of the legislature to pass the budget; therefore he believes he has the votes to get it past the county legislature and into the state.

Trustee DeJesus stated that Westchester County is also asking for a raise in their sales tax. The other thing he has concerns with is we don't know what the pension is going to be for us in the village, so that raises a red flag if we go along with the increase in tax for the county, which is going to be across the board, which will just be village residents. Then on top of that you are going to have whatever impact the pension contributions are going to bring about, so we will have to raise taxes in the village. Also, with the Medicaid fees he thinks that will be resolved. What is happening is the counties will have to pay 25% of the Medicaid cost. The state pays 25% and the feds pay 50%. Basically at this point they are looking for the state to pick up the 25%. He feels it will

have to happen. That is every county, which then reduces the burden on the counties that it will reduce the need for an increase in the sales tax.

Trustee Raymondo moved to table this resolution. Seconded by Trustee Norman. All ayes with the exception of Trustee Hurd voting no. Motion carried.

Manager's Report

Manager Politi indicated that Drew Uszenski resigned from the Planning Board because he moved out of the village.

Trustee DeJesus stated that there are people that come to the Planning Board meetings regularly and they know what is going on. He will forward recommendations to the manager.

Trustee Raymondo asked that the board be informed before an appointment is made.

The Manager also indicated that there is an update on the Walden Trail's Connection in the packets.

He also indicated that the department heads reports are in the board's packets.

Comments by the Board Members

Trustee Hurd asked about the water/sewer bill rate of \$2.05 per 100 cubic feet, which rate was established about four years ago and part of that was going to be set aside in a separate water fund and separate sewer fund, do we know how much is in that?

Manager Politi stated that he doesn't know right now, but he will find out.

Trustee Hurd asked if the village is accumulating funds at that rate.

Manager Politi stated yes, he will find out what the balance is.

Trustee Hurd asked if it's doing what we wanted it to do, are we building adequate reserves.

Manager Politi stated that it's covered to a degree. There seems to be peaks and valleys. It could be more.

Trustee DeJesus stated that in October he suggested the Board get some kind of a breakdown as to expenditures by departments to get an idea as to how budgets were panning out in terms of expenses, in lieu of preparation of the budget.

Manager Politi stated that he will have all the information leading into the budget. At this point the Board does get their monthly statements which will give the Board an idea as to where the departments are.

Trustee Hurd asked about the pension costs. Is it still in force that the increase will be four something percent?

Manager Politi stated that we are hoping.

Trustee Hurd stated that he thought that was going to be a steady.

Manager Politi stated right, so that you could have that over time to make up that hit.

Trustee Hurd asked if that grievance is still in force, it hasn't even been a year.

Manager Politi stated that it should be, he hasn't gotten the final number.

Trustee DeJesus stated that there was talk that it was going to be reduced.

Manager Politi stated that at this point we've only found out about our health insurance and that is going up another \$700 or \$800 per family plan.

Trustee DeJesus stated that the Board had voted to ask Senator Larkin to follow up on renaming the upper bridge and he also wrote him a letter in that regard. He received a call from someone in Senator Larkin's office stating that things are moving along.

Deputy Mayor Wynkoop asked if pot holes can be patched on Edmunds Lane.

Manager Politi stated that they can put some cold patch in.

Executive Session

Trustee Keator moved to hold an executive session pursuant to 105-(f), personnel and 105-(h), Purchase of Property, of the Public Officers Law. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Keator moved to reconvene the regular meeting. Seconded by Trustee DeJesus. All ayes. Meeting reconvened.

Adjournment

Trustee Keator moved to adjourn. Seconded by Trustee DeJesus. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk