

**Village of Walden  
Board of Trustees Meeting  
February 10<sup>th</sup>, 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	Richard Hurd
		Mary Jean Norman
		Lauren Keator
		Jose DeJesus
		Greg Raymondo

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

**Approval of Minutes**

Trustee Raymondo moved to adopt the minutes of January 27, 2004. Seconded by Trustee Norman. All ayes. Minutes adopted.

**Presentation – Joseph Vespo, County Sales Tax**

Joseph Vespo, Orange County Administrative Officer presented the justification for the 3.4% increase in the County's sales tax. Attached is the information Mr. Vespo presented.

Trustee DeJesus asked if the ¾% increase is approved what would be the property tax increase.

Mr. Vespo indicated nothing.

Trustee DeJesus asked, if the County gets the ¾% increase, there won't be any property tax increase?

Mr. Vespo stated absolutely.

Trustee DeJesus stated that the other thing he sees here is that Mr. Vespo gave a breakdown of the 487 million, then he was deducting the 83.3 million Executive Budget, that leaves 393.8 million, then he deducted the increase mandated cost of 28.5 which leaves \$363.3 million. He doesn't see a breakdown for that here.

Mr. Vespo explained that the figures are the big unfounded unanticipated big shots. They are getting shots throughout.

Trustee DeJesus stated that he still wants to know there is \$363.3 million, you have 487.1 which was the adopted budget for 2004. From that deducting 383.3 which was the Executive Budget.

Mr. Vespo stated that the 83.3 is County tax.

Trustee DeJesus stated that he was trying to find out what happened to the 363.3 million dollars in expenses. He understands they are focusing on mandated costs, but what about the other expenses that they are talking about.

Mr. Vespo stated that every department shows the budget but what they did here was show why they needed the increase. He would be happy to send Trustee DeJesus the whole budget.

Trustee DeJesus stated that the county must have an Executive Budget somewhere.

Mr. Vespo stated yes and he will send it to Trustee DeJesus.

Trustee Raymondo asked if this was the first village the county did a presentation for?

Mr. Vespo stated that most of the other villages have approved the increase just based upon the letter that was sent by the County.

Trustee Raymondo asked why he came to Walden.

Mr. Vespo stated that he was invited.

Trustee Raymondo asked where does it show the money from the sale of the Silesian property in the budget.

Mr. Vespo stated that there are a lot of expenses in 2004. What you do is take snapshot of January 1<sup>st</sup> and you have anticipated revenues and anticipated expenses.

Trustee Raymondo stated that what he is trying to show is that there is money that they don't show here, like 4.6 million tobacco money. Where does that show in this budget?

Mr. Vespo stated that part of the tobacco money is showing up in the amount of surplus that came in. Tobacco is a general fund item. It's not a separate item.

Trustee Raymondo asked if the County has passed the budget yet.

Mr. Vespo stated yes.

Trustee DeJesus stated that the 17.4 million surplus doesn't include the carry over from 2003.

Mr. Vespo stated that 17 + 26 is what you need to maintain your bonding. They are not swimming in extra money. He indicated that he will also send Trustee DeJesus the report by the outside accounting firm that the legislature hires and their report will confirm that this is a bare bones budget.

Trustee Hurd stated that the State Comptroller worked out a deal with most of the Villages and communities regarding pension costs. Considering the fact that most were in the system are reflective of the general population meaning that the baby boomers are about to retire. Does Mr. Vespo think that the 4.7% will hold or should the villages expect increases down the road?

Mr. Vespo stated that in 2003 it was 4.6 million dollars and then they got notification that the 4.6, if they do the ratio that would be fine. Then four months they came back and said it has to be 13 million.

Trustee Hurd asked Mr. Vespo if he thinks they've made up the gap?

Mr. Vespo stated that he's hoping for a recovery of the market, a recovery in the economy and more tax revenues, they are hopeful.

Trustee Raymondo asked about the anticipated revenues.

Mr. Vespo stated 407 million, they are hoping.

Trustee Raymondo asked if this will go into effect June 1<sup>st</sup>.

Mr. Vespo stated that you have to have a Home Rule vote which they did. Now you submit it to the State and the Assembly, the request for the ¾%. After it's approved, what you have is the Governor has as long as he wants to sign it. Once he signs it can't be implemented for ninety days. However, there are only four days in the year that it can be implemented, March 1, June 1, September 1 or December 1. If this is not signed by the Governor by March 1, if he signs it on March 2, ninety days is June 2, now the next time you can implement this is September 1. This is based upon the ¾ of 1% being enacted by June 1. If this is not enacted by June 1 and if it goes to September 1 the revenue will be six million and they will probably have to lay off people.

Trustee DeJesus asked why the Department of Motor Vehicles is not operated by the State as other counties do.

Mr. Vespo stated that there would be a big loss in revenues.

Keith Millspaugh asked what happens next year if the State mandates 30 million more.

Mr. Vespo stated then we will be in trouble.

Mr. Millspaugh stated then the taxes will go up. He asked if the counties were getting together to fight this. The more resistance they get the better it is for their fight. He can't imagine another 3/4% tax raise. When will that stop.

Mr. Vespo stated that it's been over ten years ago that it changed.

Mr. Millspaugh asked what has the County property assessment gone up from last year to this year?

Mr. Vespo stated that it went up and that's the reason its only 16 million.

Mr. Millspaugh stated that your increase covers their mandate so any extra expenses they are not showing.

Mr. Vespo stated that these are the increase of the major moneys.

Mr. Millspaugh asked where did the extra assessment go in to.

Mr. Vespo stated that you have to look at the whole budget.

Mr. Millspaugh stated that he feels the Board is doing the right thing by voting not to go along with the increase.

### **Public Comments**

Mike Pearson 167 Walnut Street asked about snow removal on Main Street. When did the policy change?

Manager Politi stated that at this time the Village is pretty much zeroed out on the budget for snow removal and he has to make that choice whether they will go beyond that budget line.

Mr. Pearson stated that he doesn't understand how the Village of Montgomery can do it the next day and the Village of Walden can't. You should change the entrance sign to the Village saying, closed for the winter and you want people to shop in the Village of Walden, how are they to do that when there's no access to get in there. What if someone falls?

Keith Millspaugh read the attached letter to the Board which he tried to write as least offensive as possible. He further stated that he had a two hour meeting with the manager yesterday. The manager heard what he had to say and he heard what the manager had to say. He decided he wanted to communicate to the board so is sat down and quietly put his thoughts together. This is how he feels and he feels the Board does not discuss the things that are the meat and potatoes. Things seem to be decided somewhere else. He sees there is an item for executive session for property purchase. He asked what that was about?

Manager Politi stated that it's to be decided in executive session.

Mr. Millspaugh asked, for what reason?

Mr. Dowd stated that the Village is interested in a piece of property and to discuss it in public could affect the purchase price of the property.

Mr. Millspaugh stated that there is only one reason and that is if its going to negatively effect the purchase price of the property, to go into executive session for. Why do you think it would increase the price of the property if there was public discussion.

Mr. Dowd stated that because it may encourage other potential buyers which would drive the price up.

Mr. Millspaugh asked when action would be taken on that, after executive session tonight? When would the public have an opportunity to comment on something like that or to hear the debate as to why the purchase of the property is important or necessary.

Mayor Pellegrino stated that would happen if the board moves forward with it.

Mr. Millspaugh stated that you're telling Mike Pearson that you don't have the money to remove snow on Main Street, but you have money to go out and purchase property.

Mr. Dowd advised Mr. Millspaugh that the money would be borrowed through a bond resolution.

Mr. Millspaugh asked when does the public get to hear the discussion on the policy on purchasing property?

Trustee Raymondo indicated when the decision is made to purchase it. When we get all the facts and figures we will present it to the public.

Mr. Millspaugh stated that there is nothing that prevents the Village Board from coming out of executive session and agree to enter into a contract for the purchase of the property without the public having any input.

Mayor Pellegrino stated that the Board doesn't do that. He wouldn't do that.

Mr. Millspaugh stated that he went through two years of minutes and he found very little substance along this line.

Mayor Pellegrino stated that the last purchase of property was out in the meeting and discussed. He doesn't know what Mr. Millspaugh is referring to as secretive. He thinks he's wrong.

Manager Politi stated that during the bond process you would have the chance to question it.

Mr. Dowd stated that if the Board decided to go forward and enter into a contract they would have to do that in public.

Trustee Hurd stated that the issue is based on what we know and Village Law and based on recommendation of our attorney that we need to go into executive session for. You live in a representative republic and people who are elected here are your Village representatives. We represent people and they have the right to replace us or hire someone else or fire them every two years. Other than that it really is the judgment of each individual Trustee to represent the Village to the best of his or her abilities, but it's the Board's vote.

Mr. Millspaugh asked if the Board is having those discussions, he doesn't know where they are having them because it's not here or being recorded.

Mr. Dowd stated that the only reason for having minutes is to reflect actions the Board took. You can't rely on minutes to give a verbatim debate of what all the issues confronting the Board are. The only thing necessary for minutes is actually a vote when an action is taken or to expend money. Using the minutes as a gauge as to what goes on in the Board meeting is not correct.

Dave Sperry asked about the comprehensive plan workshop.

Manager Politi advised Mr. Sperry that the workshop was held on February 4<sup>th</sup>. The other meeting was canceled because of snow.

Mr. Sperry asked about the budget. Tonight he learned they're going to be short falls with the budget. Back in October it was asked how the budget was doing. A month ago they asked for an update of the budget. He guesses everyone gets the paperwork handed to them before the meetings. They have a monthly report. The public doesn't get monthly reports.

Manager Politi stated that the monthly report is available to the public.

Mr. Sperry stated that he doesn't know how much money is left in the budget for the remainder of the year, but apparently there isn't the money that people think is there. Instead of the monthly report have a full report very soon.

### **Audited Bills**

Trustee Hurd moved to pay the audited bills of February 10, 2004. Seconded by Trustee DeJesus. All ayes. Motion carried.

### **Town of Montgomery Request**

The Town of Montgomery asked permission to use the Girl Scout Cabin March 2<sup>nd</sup>, 2004 from 6am – 9pm for the primary.

Trustee Hurd moved to allow the Town of Montgomery to use the Girl Scout Cabin on March 2<sup>nd</sup>, 2004 from 6am – 9pm. Seconded by Trustee DeJesus. All ayes. Motion carried.

### **Olley Park Home Rule**

Mr. Dowd explained that the Board had asked the State Legislators to see if the house at Olley Park could be removed from parklands so that it can be rented with the idea that renting the property would decrease vandalism not only to the house but to the park. Those bills were entered into the hopper up in Albany both in the Senate and Assembly. They are processing the Village's home rule request. Tonight the Board has to adopt the resolution requesting that the State Legislators enact such a law to rent out the property and take it out of the parkland.

Trustee Raymondo moved to adopt Resolution No. 7-03-04, Resolution Requesting the Enactment of New York State Senate Bill #S.5082 and New York State Assembly Bill #A.8598 Authorizing the Village of Walden Discontinue Certain Land as Parkland and Alienate the Same, (attached). Seconded by Trustee Norman.

Trustee DeJesus asked if the house was in rent able condition?

Manager Politi stated that it will need work only because its been sitting.

Trustee DeJesus asked if the pipes froze in the house?

Manager Politi stated that one pipe froze.

Trustee DeJesus asked what the costs of repairs would be?

Manager Politi stated that its ceiling tiles and carpet.

Trustee Raymondo asked for cost of what they need to make the house rent able.

Mayor Pellegrino stated that the manager had to appear in court because of vandalism at the park and he has to appear in two weeks.

All ayes. Resolution adopted.

### **Intermunicipal Agreement – Village of Maybrook**

Manager Politi explained that Maybrook lost their Dare Officer and our Dare Officer is available to do it. There would be no cost to the Village. They will reimburse us for all his time.

Trustee Raymondo asked if there would be any conflict with the other officers?

Manager Politi stated no, because he is just the Dare Officer.

Trustee DeJesus asked if this agreement covers this person if he is harmed while doing his duties in Maybrook.

Manager Politi stated that the Village of Walden will be indemnified.

Mr. Dowd stated that they are incurring all the costs and if he gets hurt they will reimburse us.

Trustee DeJesus asked that there be something in the contract in terms of liability. That is critical.

Mr. Dowd indicated that he will add that to the agreement.

Trustee Raymondo asked how many hours.

Manager Politi indicated five hours up to seventeen weeks.

Trustee Norman moved to approve the intermunicipal agreement with the Village of Maybrook with the amendment. Seconded by Trustee Keator. All ayes. Motion carried.

### **Fire Department Request**

Paul Pullar stated that the radios the department has now are low bank in line of sight. They have to see or be in a direct line in order to transmit from radio to radio. What this will do is their radios will transmit to this repeater and the signal will be boosted so they can transmit back to other radios. There are dead zones in the Village, but the Town has worse ones.

Deputy Mayor Wynkoop asked how are they going to attach the antennas?

Mr. Pullar stated that he doesn't know, but he was told it will be simple. He further stated that the fire district will provide insurance.

Manager Politi stated that he will need specifications of how they are going to do it.

Mr. Pullar stated that he will get that as well as the installer's certificate of insurance.

Trustee DeJesus asked if this would have to go to the Planning Board.

Mr. Dowd asked Mr. Pullar how long would the antenna be up there?

Mr. Pullar stated a month or two.

Mr. Dowd indicated that this board has the right to give them that one month temporary right.

Mayor Pellegrino indicated that he would like more information before this is approved.

### **Informational & Village Manager's Report**

Manager Politi stated that he did follow up with the Department of Transportation about the traffic signals. They hope to get a three phase sequence to help the flow of traffic. The project is definitely moving along. The bridge should be open in the fall.

Manager Politi advised the Board that there have been calls on the orthopolyphosphate system. He brought in the engineers back in and hopefully they have found a solution and that solution has been in place for three weeks.

Trustee Keator asked if the manager has spoken to the women mentioned.

Manager Politi stated that they were giving it a week or so.

The manager stated that the west side sewer collector, construction is under way and moving along.

The department reports are in the packets.

Trustee Keator asked about the hearing for Mr. DeGroot two weeks ago.

Mr. Dowd stated that after the meeting he asked some of the village people to give him information so he could prepare the resolution.

Trustee Keator asked about Mr. Ronk's property on Sherman Avenue?

Manager Politi stated that another letter was sent. He has done some clean up.

Trustee Keator asked about Mr. Reardon.

Manager Politi indicated that the garage is down.

Trustee Raymondo asked about 97 Coldenham Road.

Trustee DeJesus stated that they are excavating in the rear of the property and they aren't supposed to be doing that.

Manager Politi stated that he heard they were bringing the equipment there, not excavating. He will get a report on that.

### **Board Comments**

Mayor Pellegrino stated that he would like to address the public. He has been accused of not doing anything for the village by Mr. Millspaugh at a previous meeting. He denounces that. There are no secret meetings and how dare does Mr. Millspaugh accuse the Board of doing that. Nothing is discussed in secrecy and nothing is hidden here. He refuses to happen what happened to the Town of Montgomery happen in this Village. He is proud of what he does for this Village. He attends NYCOM meetings. He gives up his vacation time. He gives up his work time. When he goes to a NYCOM meeting the Village doesn't get receipts for gas or tolls. He's proud to serve the people. As far as reaching out to other officials. He thinks its very important for the Village and we've received a lot of information by going out and seeing what other village's do and bringing that information back there. Again, he feels honored to serve this Village and he will do anything to improve this village.

Trustee DeJesus stated that Mr. Millspaugh mentioned personal use of public property, he doesn't know what he means by that. He hopes he has information to back up that.

Trustee DeJesus further stated that in regard to snow removal, when he first moved here it was impressive to see that the snow was being removed from Main Street. He would like to know why the Village stopped removing the snow from Main Street. He understands there is a question of cost. Not everything has to be overtime. We have to look at schedules at DPW, what is happening during the day. Use the personnel between 10am and 1pm to remove the snow.

Manager Politi stated that he discussed that with Keith to do it during the day. The businesses have to understand.

Trustee DeJesus further stated that the issues of overtime have to be looked at. We approved \$3000 for phone cost and we are now at \$4500 and this is only January. Use of cell phones has been going on for a long time. There was a phone bill for \$213.00 and one for \$109.00. What is the purpose of the regular phones during business hours. It seems to him that the cell phones are being used way too much. There are a lot of items that are way over budget. There are areas in the Village, such as at the corner of Hepper and East Main Streets, you can't walk through there and at the end of that there is another mound of snow that people can't negotiate. There is a business on Hepper Street where they moved the snow right against the road property. We have to look at that.

Deputy Mayor Wynkoop stated that something has to be done with the snow on Main Street. People are walking over snow banks to get to the doctors.

### **Executive Session**

Trustee Keator moved to go into Executive Session pursuant to 105-(d), Litigation and 105-(h), Property Purchase, of the Public Officers Law. Seconded by Deputy Mayor Wynkoop. All ayes. Motion carried.

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

Trustee DeJesus moved to approve the CSEA contract. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Keator moved to authorize the Mayor to sign the stipulation of consent order for the Girl Scout Cabin. Seconded by Member Norman. All ayes. Motion carried.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk