

**Village of Walden
Board of Trustees Meeting
February 24, 2004**

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

On roll call the following were:

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

Absent:	Trustee	Greg Raymondo, later present
---------	---------	------------------------------

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

Approval of Minutes

Trustee Keator moved to adopt the minutes of February 10th, 2004. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Public Comment

Becky Pearson, 167 Walnut Street asked who the Village was going to hire to replace Steve Neuhaus.

Mayor Pellegrino stated that right now the Village is considering working with Walt Sweed. There was some items that were missed and let go that should have been taken care of. He would like to see the whole department brought back to where it was at one point.

Mrs. Pearson asked if the title would be Public Works Superintendent or Deputy Village Manager.

Village Manager Politi stated that he hasn't decided that yet.

Keith Millsbaugh stated that the county sales tax that is on the agenda tonight; there has been a few columns in the paper about it which talks about the negative effect it would have on businesses. He wants the Board to know that he feels it would have a negative effect on his business even though Mr. Vespo's presentation two weeks ago

claimed that 55% or 45% of the sales in Orange County actually comes from people outside of Orange County. He does business with Dutchess and Ulster Counties which are higher tax rates. In his business they collect the tax for the county they deliver to, not the county they sell from. People will go to where they can save the tax. Right now with the competition from North Carolina, which on everybody's tax form there is a line that says if you owe other sales tax for things you buy out of state or over the internet, you're suppose to claim it and pay tax on it. They have to pay tax for everybody. It's not uncommon for them to have a \$5,000 sale and 7 ½% is almost \$400 which is a lot of money to add onto a purchase and it really does hurt peoples decisions to make a purchase locally. He would like the Board to take all that into consideration. Also, talking about all the mandates Orange County has to pay whether they can afford it or not and we as a society start to revolt against some of these taxes that there is no end to where they are going. He asked Mr. Vespo that question at the meeting two weeks ago and he claimed that it was ten years since the last tax increase and he knows that isn't true because there was a quarter percent raise not that long ago.

Mr. Millspaugh further stated that he wants to clarify his position and the reason why he wrote the letter two weeks ago. He just wants to make sure that all the things the Board deals with are done in public and the discussions are all taken place so that the public can participate or hear the decisions. That is why he copied the Open Meetings Law because that is how you know government is functioning the way it is suppose to function. In looking at some of his information on the Open Meetings Law he came across a document from New York State that says when you go into Executive Session citing a general category, such as personnel matters only, it's not sufficient ground for going into Executive Session. The motion should be more specific. However, it can't put into jeopardy what the Board is talking about. He asked about the topic on the agenda two weeks ago, property purchase, he realizes that mentioning a specific property would be sensitive, he questions whether it truly would significantly effect the selling price of the property, but he believes the community has the right to know what the Village is looking for property for. He's looking for open communication but not going beyond where the community needs to know.

Mayor Pellegrino stated that he didn't say anything about it at the last meeting and he's not going to say anything about it now.

Mr. Millspaugh indicated that there is nothing on the agenda tonight about it and there is nothing in the minutes about it. He's interested in what it is in reference to, but not specifically the property, but why is the Village looking at property.

Mr. Dowd explained that if the Board told Mr. Millspaugh the reason why they wanted it he could narrow it down to what property they are talking about. It will all become clear when and if the Board decides to go forward and announces that's what they want to do.

Mayor Pellegrino stated that it would go to the public, if it's moved upon.

Mr. Millspaugh asked if the Village could enter into a contract without having a public meeting about it.

Mayor Pellegrino stated that he wouldn't, even if he could.

Mr. Dowd indicated that action of the Board would have to be taken in public.

Mr. Millspaugh stated that for everything that goes on he feels the public doesn't know enough of what goes on in the Village of Walden. It's a concern that the Board should address.

Trustee DeJesus asked if Mr. Millspaugh doesn't think the Board has enough discussions at the meetings. He went back and did some research on the minutes, how this was handled before, in terms of executive sessions. He doesn't see where this Board is handling it any different then when Mr. Millspaugh was on the board. The same kind of action that they took then this Board takes now. He doesn't understand what the situation is where Mr. Millspaugh feels that this Board is not having enough discussion. He feels this Board is pretty open. There are no secret meetings taking place anywhere. Every decision that is made is made in public. He's still a little baffled by the whole attitude about the Board is having discussions in secret. He takes offense to that.

Mr. Millspaugh indicated that there is very little substance on tonight's agenda which involves running the Village. There are no discussion items. Becky brought up the point about what is the future of the organizational structure of the Village. This is an open public meeting; we are supposed to hear what the thinking is for the organizational structure of the Village.

Mayor Pellegrino stated that there were suppose to be some other items on the agenda. He asked Mr. Millspaugh to blame him for things not being on the agenda, but he's trying to move this Village forward and he's doing it his way. We are having fun and we are being successful. He's not doing it the way Mr. Millspaugh would do it, but he's doing it from his heart.

Mr. Millspaugh stated that there is the Open Meetings Law that says it's all supposes to be out on the table.

Trustee DeJesus asked Mr. Millspaugh what he felt was not on the table.

Deputy Mayor Wynkoop also asked what kind of information is not on the table.

Mr. Millspaugh asked if the Village was going to a Deputy Manager.

Deputy Mayor Wynkoop stated that we already answered that, nothing has been decided.

Trustee DeJesus stated that the manager told Becky that no decision has been made on that. He has to bring it to the table and it has to be discussed. He doesn't understand what Mr. Millspaugh is looking for. Some of the things Mr. Millspaugh brings up has no substance, if he wants to talk about substance. He takes great offense, the comments that the agenda does not include discussion items. Every agenda has to have discussion items? He doesn't understand it.

Jodi Lynn, Walden Community Council stated that she attends the meetings and she finds that sometimes she feels she is listening in on a conversation that she's not clear about what is being discussed. She is not saying it's not open but sometimes she can't hear or she is just not sure what is being discussed. Maybe some items should be explained to the public.

Trustee Hurd explained that sometimes things get discussed over months, so that there is continuity with the Board that a person who doesn't come regularly doesn't pick up on it.

Deputy Mayor Wynkoop asked Mrs. Lynn if she felt the Board wasn't sticking to the agenda.

Mrs. Lynn stated that she does feel the Board is sticking to the agenda.

Audited Bills

Trustee Norman moved to pay the audited bills of February 24, 2004. Seconded by Trustee DeJesus. All ayes. Motion carried.

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

Mayor Pellegrino indicated that so far 24 municipalities are for this and 4 against. As of February 20th, 2004 there were 20 that took no action.

Deputy Wynkoop stated that he is a businessman, not to the extent Mr. Millspaugh is, he can see when you sell a big item there is a big sales tax. He also knows that they promised us that if we don't pass the sales tax that it will come back to us in the form of a property tax and he knows a lot of people in Walden that cannot afford an increase in property tax.

Trustee DeJesus stated that he has a couple issues with this; the County Executive is threatening people not to provide grants to their communities, which is unethical. That is bullying and he doesn't appreciate it because he has a responsibility to the taxpayers in Walden. The tax increase is going to come regardless if the Board passes the county sales tax increase or not. He will not support this sales tax increase. They really need to

look at zero base budgeting. If you are collecting \$340 million then you start with that and work your way back.

Trustee Keator stated that she was adamant against the tax and Mr. Vespo's presentation didn't impress her. She spoke to some people about this. When she does her personal budget for her household she puts an increase in there every year saying it is for property tax. It is getting so you can't live in your own village anymore and it's not the village's fault. She got to think about people who don't own homes, people that rent don't have to worry about property tax, but if they go to the store they can help that a little bit if they do have to raise the sales tax. She would rather see everybody pay the tax when they go to the store as opposed to just the homeowners getting hit. The kick back the Village gets from the county sales tax was not a reckoning factor for her at all.

Trustee Norman stated that she is not a homeowner, she rents and she feels the taxpayers have gone to the limit. She has children that own homes and she would like them to stay here and its getting to the point where people can't afford it anymore. Paying a sales tax on merchandise is her way of helping.

Trustee DeJesus stated that they must keep in mind all these mandates have to be looked at. If you are collecting \$340 million you have \$340 million to work with. You start from the top and go down the line and you look at what needs to be done.

Trustee Hurd indicated that he is going to support the resolution because the Village would have the opportunity to derive some revenue from out of the area residents. If you rent your rent will go up if that tax goes up. He bets no one in the room has written to our Governor or our Senators and to our Federal officers saying I am sick to death of unfounded Medicaid mandates. This state is the richest Medicaid state in the United States. Mr. Vespo was wrong about what he said about the pensions. Those things are not going to level out; they are going to get worse.

Mrs. Pearson stated that she agrees with Trustee DeJesus only because you are going to get taxed no matter what, so what is happening you are going to get taxed twice. If you can eliminate one that may be better then taking two.

Mr. Millspaugh stated that he asked Mr. Vespo two weeks ago, what happens when all the expenses go up next year and he said then the taxes go up next year. Let's start the revolution here.

Trustee Hurd moved to adopt Resolution No. 6-03-04, (attached). Seconded by Deputy Mayor Wynkoop. All ayes with the exception of Trustee DeJesus voting no. Resolution adopted.

Walden Little League Request to Use Bradley Park for Baseball Season and Parade

Trustee DeJesus moved to allow the Walden Little League to use Bradley Field from the first week in March until the last week in July and grant permission to allow the

annual Little League Parade on April 17, 2004 starting at the Walden Elementary School and ending at Bradley Field. Seconded by Trustee Keator.

Trustee DeJesus stated that last year the Village set aside money for the Little League to do what ever they had to do, fill in holes here and there, is that money there?

Manager Politi stated that there is money for the infield. They also want to replace some dugouts.

All ayes.

New York Environmental Protection and Spill Compensation Fund Damage Claim No. 392

Manager Politi stated that there was an oil spill on Oak Street and the Village had to clean it up. There is a fund, New York Environmental Protection Spills Compensation Fund, and the claim was put in and we will be reimbursed \$1518.50.

Trustee Keator moved to authorize the manager sign the full release and subrogation receipt for Damage Claim No. 392. Seconded by Trustee Norman. All ayes. Motion carried.

Fire Department Request

Manager Politi stated that the request by the Fire Department to place an antenna on the Wait Street water tank has been tabled because Goosetown wanted to be here and their representative can't make it.

Manager's Report

Manager Politi indicated that the Comprehensive Steering Committee met.

Trustee Keator stated that she feels the committee got a lot accomplished. They did come to a decision to ask the Town's Comprehensive Board to meet informally to discuss the bull's eye they have around the Village. The committee discussed pros and cons of what they would like to see. One of the things they did discuss was rezoning some of the parcels.

Trustee DeJesus stated that the committee looked at a couple of the large parcels in the Coldenham, Edmunds Lane area. He feels the meeting went well and he feels it's critical to meet with the Town's Committee. There was also discussion regarding rail service into the Village. Mr. Sorensen will be looking into that.

Deputy Mayor Wynkoop indicated that he attended the Town's meeting and Scott's Corners and the area around the villages were brought up. One of the councilmen

indicated that he feels the Village's should annex property. The rest of the board backed away from that.

Trustee DeJesus stated that the other thing that came out of the meeting was a question for Mr. Dowd regarding the case in Monroe where a developer is suing the Village to annex his development area. He asked if the Town can legally force the Village to annex.

Mr. Dowd stated that if the Town says yes and the Village says no, then if anyone wants to bring it further they have to bring an Article 78, but it ends when it goes to the appellate division down in Brooklyn.

Trustee DeJesus asked if the residents have to vote on the annexation.

Mr. Dowd indicated that it depends on whether the land is vacant or not.

Trustee DeJesus stated that there was the issue of, if you are going to do something outside the borders of the Village and it will have an impact on our Village we could call for a review of that plan.

Mr. Dowd stated that there would be an environmental review at which point they would have to evaluate all the impacts. That's when the Village could intercede in that application.

Manager Politi stated that the Village is in budget preparation.

The manager indicated that the traffic signals are in that the Village asked for.

Trustee DeJesus stated that the Village has to look at the each departments budgets closely and to try to keep things within bounds.

Manager Politi stated that he has asked each department head to do that and they have.

The Sesquicentennial meeting is set for tomorrow night.

Board Comments

Deputy Mayor Wynkoop stated that the snow removal from Main Street during the day went very well.

Trustee Norman stated that the Winter Carnival went very well. John Howland and his recreation employees did a great job.

Trustee Norman also stated that she received a complaint from a few of the mothers that walk their children to Wooster Grove. They have asked to have snow removed from the sidewalks. They have to walk in the road.

Trustee Keator also indicated that the Winter Carnival went well and Mr. Howland and his employees did a great job.

Trustee DeJesus asked about the foot bridge on East Main Street.

Manager Politi stated that he will give Trustee DeJesus an update as soon as he gets more information. It will be very expensive.

Trustee DeJesus stated that the graphic design on the corner of East Main Street and Hepper Street constantly park a truck on the sidewalk and that is a public sidewalk. They need to be informed to park elsewhere. They also pile the snow from the sidewalk to the corner blocking the sidewalk.

Mayor- Comments

Mayor Pellegrino stated that he was in the diner talking to the owner and he indicated that the parking problems with Sweeney's is back. He will be coming in to discuss this.

The Mayor spoke to Mayor Brescia about the electric cars that the county received. He put in a request with Mayor Brescia and County Executive Diana for one of the cars.

Mayor Pellegrino indicated that the Rail Trail committee will be meeting soon.

Executive Session

Trustee Keator moved to hold an Executive Session pursuant to 105-(f) Personnel, of the Public Officers Law. Seconded by Trustee Norman. All ayes. Motion carried.

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

Trustee Norman moved to approve the contract with W.S. Contracting. Seconded by Trustee Hurd. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk