

**Village of Walden  
Board of Trustees Meeting  
April 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
	Jan Weiner, Village Treasurer

Absent:	Kevin Dowd, Village Attorney
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**Approval of Minutes**

Trustee DeJesus moved to adopt the minutes of March 23, 2004. Seconded by Trustee Norman. All ayes. Minutes of March 23, 2004 adopted.

Trustee DeJesus moved to adopt the minutes of April 5, 2004. Seconded by Deputy Mayor Wynkoop. All ayes. Minutes of April 5, 2004 adopted.

**Public Hearing – 2004-2005 Budget**

Mayor Pellegrino opened the public hearing for the 2004-2005 Budget. He further stated that there is a 2% increase in the general fund and a 1% increase in the library fund, which are library salaries.

Keith Millspaugh stated that he took the summary reports from two years ago, year before and this current year, as of the end of February, and the proposed amount before the work session, so he doesn't have the final amounts that the board is looking at now.

When he does his budgets he looks at the historical numbers so he can anticipate what they will be spending this year. He had some questions as to what is the policy regarding overtime and other issues. He didn't see, from the work sessions that he attended that the board compare three and four years at a time. He just saw the board's worksheet that was in the proposed budget. They went through that line item by line item but not historic.

His concern with the budget is when he saw last year that the appropriations were raised \$738,000, because of the increase assessment of \$55,000,000 to the Village of Walden the tax rate was able to be reduced by \$.14. In his opinion there is historically a lot of numbers that don't ever get used and to him that's that budget and he believes that tax rate can be reduced, but he hasn't seen the board's final numbers.

Mr. Millspaugh further stated that at the last meeting when they were talking about the 49 East Main Street property he talked about cost benefit analysis and he wants to take that cost benefit analysis and say when he looks at his budgets for his business he looks at each line and says what is the cost of this line and what is the benefit I receive from the line. He wanted to go through his analysis line by line.

Mayor Pellegrino reminded Mr. Millspaugh that he was invited in for a meeting with the manager and mayor to go over the budget and he would prefer that.

Mr. Millspaugh stated that in Trustee Hurd's presentation he talked about a number of capital projects that were projected through the years and he doesn't see that listed for the future. He asked if the public hearing would be closed tonight or will the public be allowed to talk about these line items at the next meeting.

Mayor Pellegrino advised Mr. Millspaugh that the public hearing will be closed tonight.

Mr. Millspaugh asked how he will be able to get his comments on the record.

Manager Politi stated that over the next two weeks is when the board does any adjustments.

Mayor Pellegrino stated that the public would have time to comment on the budget at the next meeting.

Trustee Raymondo asked Mr. Millspaugh if he was also commenting on the library budget.

Mr. Millspaugh stated that he hasn't gotten that far. He just has the general fund. He doesn't have the water fund, or the sewer fund.

Trustee Raymondo asked if Mr. Millspaugh was going to comment on the entire budget or just pick certain items.

Mr. Millspaugh stated that he has the general fund and the library fund is in there as a transfer which was decided by the public, so to him it's a transfer from the general fund to the library fund.

Trustee Raymondo asked if Mr. Millspaugh realizes it impacts the tax rate.

Mr. Millspaugh stated that he realizes it increases the village spending by \$38,000.

Becky Pearson stated that she saw under community environment there was \$10,000 for removal of trees, \$5,000 for materials and supplies and there was \$500 for shade tree equipment. She didn't see a line item for purchase of trees. Is there such a thing in the budget for that?

Manager Politi stated that it's all within the \$10,000.

Mrs. Pearson stated that somewhere there is \$15,000 for trees. She asked if that is combined for removal and materials and supplies. This year we spent \$7,000 so far.

Manager Politi stated that he believes it was a little more than that.

Mrs. Pearson asked how many trees were planted this year.

Manager Politi stated that he didn't have that information.

Mrs. Pearson stated as a village resident she would really love to see that in the budget and if we have the money allocated for that we can plant more trees. She has talked to people as she is going around the village and trees are an issue. There are a lot of people out there that wants trees.

Mrs. Pearson stated that Trustees Keator and Norman had a question about lawyer fees and DPW. Did they get their answers?

Manager Politi stated that the money is pooled from water, sewer and general, just like his salary.

Mrs. Pearson asked if they finalized all the small tools they were questioning.

Manager Politi stated that is being generated.

Marcus Millspaugh stated that it was announced at the beginning of the budget hearing, 2% increase for the general fund and 1% increase for the library. The 1% of the library represents what percent of village budget.

Manager Politi stated that you will see an increase of 3% on your taxes.

Mr. Millspaugh asked what the dollar raise for the library was.

Manager Politi advised him \$38,000.

Mr. Millspaugh stated that \$38,000 isn't 1%.

Trustee Hurd stated that was from property tax.

Manager Politi stated approximately 60% comes from property tax.

Trustee Norman moved to close the public hearing. Seconded by Trustee DeJesus. All ayes. Public hearing closed.

### **Public Comment**

Mayor Pellegrino stated that there is a sign in sheet from now on and public comment will be limited to 15 minutes.

Dave Sperry asked where the 15 minutes policy came from.

Mayor Pellegrino stated that it came from him.

Mr. Sperry asked if there was going to be a clock somewhere so they know when time is up.

Mr. Sperry asked if the new building at 49 E. Main Street was going to have upstairs offices.

The manager stated work space, not public offices.

Mr. Sperry asked if there was going to be any offices on the second floor.

Manager Politi stated no.

Mr. Sperry stated that there will be a lunch room.

Manager Politi stated no, a map room, areas for water department, but there will not be public access.

Mr. Sperry asked if anyone knows what the radiant heated floors have to be for the entire year for that building.

Trustee Raymondo stated 67.3 degrees.

Mr. Sperry asked, then that building will be set at 67 degrees whether anyone is working or not.

Trustee Raymondo indicated that there are two furnaces there, one for the radiant heat and one for the offices.

Mr. Sperry stated that he saw they removed the plywood from the retention ponds at Jacob's Ridge. He assumes the village is accepting responsibility for the retention ponds.

The manager indicated that they are not the villages yet.

Mr. Sperry stated that from meetings in the past the ponds water at Jacobs Ridge weren't supposed to dump directly into the village storm drains because of the silt and sand. Those ponds are open and have been open for the last week and a half now. They are also taking that sludge and dirt and dumping it down the side bank of Overlook Terrace. He asked if anyone has been up there to look at the damage and the slope of that property going down to the residents below. They were moving dirt yesterday with two inches of rain possibly by Friday. The engineers are the ones that the village employed, where we have legal ramifications, because not only is the people down below suing the developer he is also putting a tax on our taxes when he sues the village. Something should be done to start recovering some of this money for these necessary law suits against the village which are caused by these developers.

Becky Pearson stated that the minutes the board just approved, she went back and listened to the tapes. There were some letters from the editor this week and last week about how the Mayor, that there were no more comments. From where she was standing in the back there were still some people interested in speaking. She thinks that with people who truly come out to the village board meeting for concerns and she really thinks there are concerns on this. What was stated was after Mr. Millspaugh spoke the Mayor said there will be one more comment and that comment was from Mr. Roebuck. After Mr. Roebuck spoke what was then said was that will be it for public comment and there were hands up in the back. The public was very nice, they did not yell out and say I want to speak, but there were hands up. She did listen to the tape to make sure she wasn't misinformed. She thinks the people who did take the time to come out, she feels it was for a good purpose and she knows there were some questions that did not get answers. She doesn't think everybody said the same thing over and over again. There were other comments out there that would have helped with the decision of what was already decided. Her other question is that the sale pending sign is gone, is there new information on that building that they might need to know about. Are we still purchasing it?

There was an indication that we are.

Mr. Millspaugh read the attached letter. He further stated that part of his point is we need an open government. He believes the Mayor is doing the opposite by limiting the public portion and there are people here who may be influenced by what someone else says and would like to add something too. He would like the board to reconsider. Midge and Lori wrote a letter that is saying the same thing he is saying, it's just coming from the other side of the table. What happens is negative feelings arise because of the limited discussion that he hears and they feel sometimes that they do fall on ears that aren't willing to listen? The intention of his letters is just to get a message across. He would love to have open discussion if the board is willing to do that. He feels this is necessary in village government.

Trustee Norman stated that she was elected by the people and she feels that anyone/resident that comes to this meeting has the right to speak. That is why they are here, to answer questions and they are here to do the best of their ability to make Walden better and for the future. She does agree that there are times when people stand up there they deserve that right to talk longer, but there are times when it gets frustrating, because it goes on and on and on.

Mr. Millspaugh stated that the other part of that is they have the right to hear discussion that goes behind the decisions, which is what they don't hear and he's just asking that more of that happens regarding the discussions.

Jodi Lynn, 36 Donna Chrystie Lane stated that in regard to the DPW building and the petition that is circulating, she would like to bring one suggestion to the board to see if they would entertain discussing it and that is to bypass the petition process and go directly to public referendum. She understands this is something that has been done in other towns and villages.

Mrs. Lynn also stated that she thought the sign ordinance was going to be on the agenda for tonight and she has a couple of comments on it. She has noticed new businesses opening in town and they have signs that might not be in compliance. She suggested the village reach the businesses before they put up the signs, to say we have a sign ordinance and give them a copy of the law. She was advised that at one time there was a packet handed out to businesses.

Mayor Pellegrino stated that he spoke to Mr. Stickles about this and it's great we give them a list of things they should do, but he thinks there should be a list of things they shouldn't do.

Mrs. Lynn stated that it's even new homes and clearing sidewalks of snow for the full width, dog ordinances, noise ordinances, is there any way of reaching new people in the village or new businesses.

Trustee DeJesus stated that is a good idea and also, people should know when they move into new developments they cannot open businesses. This information has to go out.

Trustee Raymondo stated that there is a problem where they don't feel they have to follow our village code. Dean has to make them aware that their signs don't meet the code. There are houses that have sold and the real estate sign is still there.

Trustee DeJesus asked to have the sign ordinance on the next agenda.

The mayor advised him that it was.

Althea Mullarky, 3 Watkins Drive stated that item three on the agenda, Resolution No. 14-03-04, Adopting in Full the Consent Judgment of the United States District Court,

does this mean the village already partially adopted some of this stuff that is in there and this is the final resolution for it or was this in effect once you signed it?

Trustee DeJesus stated that was the court decree.

Manager Politi stated that it is part of the decree that we are required to do.

Mrs. Mullarky stated that the word order is crossed off and it says consent judgment, what does that mean?

Manager Politi stated that he would have to ask the attorney.

Mrs. Mullarky stated that the financial amount that Mr. Stoudnour received, \$15,500.

Manager Politi stated that Mr. Stoudnour didn't receive that, it was attorney fees. That is through the insurance company.

Mrs. Mullarky stated that at the bottom of the consent it says that no person not a party has an interest in the subject matter of the action, does that mean that since the Girl Scouts and the Walden Women's Club weren't a part of this was not a subject that has an interest in the subject matter.

The Village Manager asked Mrs. Mullarky to call the attorney.

Mrs. Mullarky stated that part of this that you are going to adopt tonight its part of the public record how she got it and it says the name has to be changed from the Girl Scout Cabin, she feels strongly about this. Part of the reason why she moved to the Village of Walden was because when she drove through here people talked to them and they saw the Girl Scout Cabin and said this is the type of community we want to live in, a community that supports a group like this. It says it has to be changed to the Walden Scout, Bradley Cabin or such gender of equal name. From the Valley Central Service Unit Girl Scouts they would like to submit the name of the Millspaugh Cabin because it does reflect the history of the cabin, who built it and who brought Girl Scouting into the community and who has been instrumental in keeping it going for so many years.

The Mayor closed public comment

Trustee DeJesus stated that sometimes they ask questions of the speaker, how is that going to be considered?

Mayor Pellegrino stated that he gave all of them extra time.

### **Payment of Audited Bills**

Trustee DeJesus moved to pay the audited bills of April 13, 2004. Seconded by Trustee Hurd. All ayes. Motion approved.

**Resolution No. 13-03-04 Support for the Elimination of the Sunset Provisions of the Local Government Records Management Improvement Fund (LGRMIF) and the Cultural Education Fund (CEF)**

Trustee Raymondo moved to adopt Resolution No. 13-03-04, Support for the Elimination of the Sunset Provisions of the Local Government Records Management Improvement Fund (LGRMIF) and the Cultural Education Fund (CEF), (attached). Seconded by Trustee Norman. All ayes. Resolution adopted.

**Resolution No. 14-03-04, Adopting in Full the Consent Judgment of the United States District Court**

Trustee Hurd moved to adopt Resolution No. 14-03-04, adopting in Full the Consent Judgment of the United States District Court, (attached). Seconded by Trustee Norman. On roll call Trustees Hurd, Norman, DeJesus, Keator, Deputy Mayor Wynkoop and Mayor Pellegrino voted yes. Trustee Raymondo voted no. Resolution adopted.

Keith Millsbaugh asked about the information Mrs. Mullarky brought up tonight how do you go forward without talking to the attorneys first.

Mayor Pellegrino stated the village has been through this with the attorney.

Trustee DeJesus stated that this is a consent decree and a consent decree is something mandated by the court, so we have no choice in the matter. This is what it came to, a consent decree, an order of the court, whether they cross our order or consent, it indicated this is what the village must do in order to satisfy the law suit and that is what we are acting on. There is a whole lot of background that led to this situation. This is the outcome of the litigation.

Mayor Pellegrino stated that it will in the paper tomorrow. You will have all your answers.

**Request for Deaf Child Sign, Northgate Drive**

Trustee Norman moved to approve a Deaf Child sign on Northgate Drive. Seconded by Trustee Keator. All ayes. Motion carried.

**Street Light Authorization, Rt. 52 Bridge**

Manager Politi explained that there were two street lights on the bridge prior to the state rebuilding the bridge. They removed the lights so you are taking them off your account.

Trustee DeJesus moved to authorize the Village Manager to sign the street light authorization, Rt. 52 Bridge. Seconded by Trustee Keator. All ayes. Motion carried.

### **Street Light Authorization, East Main and Woodruff Streets**

Manager Politi stated that these lights will be located where the pedestrian crossing will be.

Mayor Pellegrino stated that he would like to thank Senator Larkin for all his help getting the pedestrian crossing.

Trustee Keator moved to authorize the Village Manager to sign the street light authorization, East Main and Woodruff Streets. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Enterprise Steamer Company's Request to Use Bradley Park**

Trustee Norman moved to permit Enterprise Steamer Company's to use Bradley Park August 1<sup>st</sup> to August 8<sup>th</sup>, 2004 for the annual fair. Seconded by Trustee Keator. All ayes. Motion carried.

### **Subordination Agreement – 63 Ulster Avenue and 29 Gladstone Avenue**

Tabled until further information is received.

### **Eagle Scout Project Request**

Richard Penney II presented the board with his Eagle Scout project, to clean and remove all leaves, brush and downed trees in the picnic area at Wooster Grove and to build ten picnic tables, three of which will be handicap accessible.

Mr. Penney requested dump trucks from the village for one day to remove the brush he's cleaned. He is expecting to complete the project within four months.

Mayor Pellegrino thanked Mr. Penney for caring for the village.

### **MeKeel-Zoning Change Request**

Mayor Pellegrino indicated that this piece of property is zoned industrial and they would like to change it and put in single family homes. This was sent to the comprehensive committee and they were in favor of leaving it zoned industrial

Trustee Keator stated that she was at the comp board meeting and they discussed many things and a big portion of the meeting was for this and they did decide this should remain industrial.

Trustee DeJesus stated that this is one of the fewer sites the village has left.

It was the consensus of the board that this property remain industrial.

Trustee Raymondo stated that the village is working on a very good study so you should not make any changes unless the comprehensive board says we should.

Manager Politi stated that he will advise the property owner.

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

Manager Politi stated that the contractor for the bridge requested a meeting with the business owners. It was a low turnout.

The manager further stated that the village is in the Urban County Consortium and there is a kick off meeting. The village would have access to \$125,000 per year. The way to look at that is the Urban Consortium puts you into both programs if you chose. There is a new program lumped into that where you can take \$375,000, but for the next couple of years you wouldn't be able to draw down.

Manager Politi indicated that there was a good rail trail meeting and there is a walking meeting this weekend.

The manager also stated that the footbridge replacement, they are getting ready to order the bridge.

The manager advised the board that paving will begin this week.

Manager Politi stated that the Little League parade will be this weekend.

Mayor Pellegrino stated that he will not be able to attend the parade so if anyone would like to throw the first pitch out for him they can.

### **Board Member's Comments**

Trustee Raymondo stated that he sees the village hired new police officers. In the past after the officers were hired they would come to a board meeting to meet the public and board. He feels they should do that.

Trustee Raymondo further stated that maybe the police department can enforce speeding more in the afternoon rather than 5:30am. There is more traffic going down Route 208 between 3 and 6pm rather than 4:30-5:30 am.

Trustee Raymondo also indicated that at 141 Orange Avenue there is a trailer that is filled with trash.

Trustee DeJesus stated that he thinks the board has to talk about trees and the tree ordinance. It was an issue of the Planning Board and it should be a condition of approval that trees that are a certain size remain on the property. That is already in the code. One of the work sessions they had on the budget he asked about pruning trees. We do need to look at the trees on Main Street. We need to look at an ordinance for the preservation of trees and also look at the planning and preservation of trees. There are grants for that and trees do make a community look nice.

Trustee Keator stated that she feels information should go out, maybe in a newsletter, monthly or quarterly or rearrange the calendar so there is more information besides just a calendar.

Trustee Hurd stated that Keith brought up what Trustee Hurd said about Walden being a small village and he didn't know what he meant by that, it's a when he moved here his phone number was 778-3046, he's lived here 19 years and his phone number is still 778-3046. He invited Mr. Millspaugh to come see him.

Deputy Mayor Wynkoop stated that he's been riding around the village and it's no reflection of our code enforcement officer, but can we put it on the work session to put some kind of teeth in the law so the code enforcement officer can do something with these dumps.

Trustee Norman stated that she believes with the deputy mayor.

Trustee DeJesus stated that there is a newspaper in this village that doesn't serve the people well. It's very lopsided reporting. The village elections took place and there were no results in the paper. He feels sometimes that information is missing.

## **Adjournment**

Trustee Hurd moved to adjourn. Seconded by Trustee Raymondo. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell  
Village Clerk