

**Village of Walden
Board of Trustees
April 27, 2004**

Deputy Mayor Wynkoop called the meeting of the Village of Walden Board of Trustees to order at 6:30 PM.

On roll call the following were:

Present:	Deputy Mayor Trustees	Roy Wynkoop Richard Hurd Mary Jean Norman Greg Raymondo Lauren Keator
----------	--------------------------	---

Absent:	Mayor Trustee Village Clerk	Rocco Pellegrino Jose DeJesus Nancy Mitchell
---------	-----------------------------------	--

Also Present:	James Politi, Village Manager Kevin Dowd, Village Attorney Victoria Kurtz, Deputy Village Clerk
---------------	---

Approval of Minutes

Trustee Hurd moved to adopt the minutes of April 13, 2004. Seconded by Trustee Norman. All ayes. Minutes adopted.

Public Comment

Althea Mullarky, 3 Watkins Drive stated that they want the board to know the values of the Girl Scout scouting program. A couple of the board members asked about their changes that came with the cabin. They want to reassure the board that they are striving to rebuild the excellence they had in the past. Girl scouting has been part of the community almost as long as there has been Girl scouting in America. Girl scouting started in America in 1911, Girl Scouting started in the Village of Walden in 1919. They are very proud of their history values and traditions. She doesn't know how the board personally feels about what happened to the cabin. There's been devastating changes to it. Whether they want to believe it or not, it's true. They are trying to limit as much as possible what can happen to it in the future. One of the things they would like to see happen was to see the Girl Scout Cabin placed on the National Registry of Historical Buildings. She was told by several people that the cabin definitely qualifies. As a citizen she cannot place this on the register, it has to come from the board members. She is asking the board to do this. They can contact Lisa Melville who has all the paperwork ready. She has been asked how the service unit works in the community since no one

really has come into the Girl Scout Cabin to see a meeting. She gave a brief description of how it's structured in a community. From the beginning their sponsor, the Walden Women's Club, has insured their ability to thrive and grow. First in 1922 by bringing this program to every girl in the community, then in 1939 by organizing this community and building the Girl Scout Cabin. Sixty plus years they have never, ever wavered in the dedication to them. Obviously with the severing of the relationship with the board and the Walden Women's Club taking away the user license their sponsorship was withdrawn from them. The Walden Girl Scout Cabin has thousands of smiles, millions of giggles and years of pride within its walls. It's one of many meeting places in our community for local Girl Scouts. The Girl Scouts meet in schools, private houses, churches and various other meeting halls throughout the town and villages, but there is no doubt the Walden Girl Scout Cabin holds a special place in their hearts and their ability to meet there has been the center of their ability to grow and endure the best of yesterday, today and tomorrow. Two years ago all of them in Girl Scouting learned through a newspaper article that the Walden Girl Scout Cabin had become part of a law suit. At that time and as of now they still have questions about the future of the cabin. What it means, why the discipline of the cabin, can they do anything to help this go away and what else is being done. These questions were asked on behalf of all Girl Scouts in the community, past, present and future. Over the last four years the service unit has done much needed repairs and renovations to the cabin, new bathrooms, furnace, insulation, emergency lighting, complete over hauling of the electrical lighting, new flooring, removal of twenty years of backyard debris, new locks, new gutters, roof repair, driveway repair, new handicapped ramp, new outside stairs, new tables and new benches. Despite being told to stop some of their efforts during the litigation process they did still continue to do that. Today they are asking for a refund for only two of their most recent expenditures. These were two expenditures that were not utilized at the cabin. One was the driveway, \$228 for the ties. They were picked up and delivered to DPW and never installed. It was part of their effort to keep people from running up on the lawn. They also asked for a refund for the locks. The keys were taken away from them after they spent almost \$500 to put security locks in. The Girl Scouts raised the money for the locks by selling cookies. Since the locks were removed a majority of their supplies and the history of the cabin, they had to rent a storage area. They are asking for the money back to help defray the cost of the storage area.

Becky Pearson, 167 Walnut Street stated that she sees on the agenda maybe there is going to be a discussion on 49 East Main Street. Would there be public comment after that.

Deputy Mayor Wynkoop stated no, its just discussion setting the referendum.

Mrs. Pearson asked if there is going to be a referendum. Was there a final number? They submitted 972 signatures. She called the Village Clerk who said she got to seven hundred and seventy some and she said the lawyer said she didn't have to count anymore. She asked what the procedure is now.

Manager Politi stated that will discussed tonight.

Mrs. Pearson stated that she won't be able to comment then. She cannot ask any questions.

Trustee Norman stated let her ask her questions.

Mrs. Pearson stated that she goes on the west side of town every day and what she sees is sneakers hanging from guide wires. Why can't you take them down?

Manager Politi advised Mrs. Pearson to contact the electric company.

Trustee Raymondo stated that the village can't remove them.

Mrs. Pearson asked if the manager could call the utility company.

Trustee Raymondo stated that she can call. He would be glad to call tomorrow.

David Sperry 12 Overlook Terrace stated that two weeks ago when everyone reported to the meeting there was a sign on the door to please sign in and 15 minutes will be public comment. That is the first time that was ever mentioned throughout this village's history as far as he knows. There was five people which limited it to 3minutes. If there were more people it would have been less. He asked the board members if they were in favor of the time limit. The mayor cannot make that time limit on his own. It has to go to the whole board. He asked each board member if they were in favor.

Deputy Mayor Wynkoop stated that they don't have to answer. He doesn't have the right to poll the board.

Mr. Sperry stated that he found out one member isn't in favor of the time limit. He further stated that action item number 2, he didn't have time to look over the whole thing, but overtime cost throughout the village, is there a way to curb some of this. The police department's overtime for 2002-2005 is going to increase 90%. Miscellaneous services that are proposed for \$20,000 last year was over \$40,000 and this year over \$68,000 under legal miscellaneous services. He asked what are those services that cost \$68,000 and we are \$40,000 over budget.

Deputy Mayor Wynkoop stated that they had the public hearing on the budget and that is when Mr. Sperry should have brought it up. He can make all the comments he wants.

Mr. Sperry stated that he will bring that up at the next meeting in May and get responses.

Deputy Mayor Wynkoop stated that he can stop any board member on the street and talk to them. He can't poll the board. There was a public hearing.

Mr. Sperry asked how can he get answers.

Deputy Mayor Wynkoop advised Mr. Sperry that he could have gotten answers at the budget hearing.

Mr. Sperry stated that he also asked about the fifteen minute rule, where can he get answers for that. He also asked about water lines that were to be put in on Overlook Terrace. Did the contractor have a permit to dig on that street?

The Deputy Mayor stated that he would have to come into the Village Office and ask that.

Mr. Sperry asked if there was final village utilities as far as fixing them.

The manager stated that it depends on if we have to fix it.

Trustee Raymondo stated that you have to know the law and its hard.

Mr. Sperry asked when you're digging on a public street and you hit a public water line on a public street, number one, do you have permission to dig on that public street.

Trustee Raymondo stated that they have to have a permit. A lot of the sewer and water lines are not marked in this village and you cannot hold the contractor liable. Accidents do happen.

Mr. Sperry asked if he will get answer to the fifteen minute rule at the next meeting?

Deputy Mayor Wynkoop stated probably not. Come in and talk to someone in the office. We are not here to answer questions right now. He thanked Mr. Sperry for his comments.

Mr. Sperry stated that his comment is he feels the fifteen minute rule is ridiculous. The village shuts down a little after three each day and he's asked about extending the hours or working Saturdays.

Trustee Raymondo stated that Mr. Sperry made a comment to him that nobody was here and he made sure the village had an answering machine. He made sure that at 3:30pm Dean was still here and sometimes he hangs out until 3:45. Don't say at 3pm the village shuts down, because it doesn't shut down.

Mr. Sperry asked if they could extend the office hours past 3:30pm being people work 7-3. A normal work day is 9am-5pm. Banks are open 9am-5pm.

Trustee Raymondo asked Mr. Stickles how many phone calls has he gotten after 3:30pm that was on the machine.

Mr. Stickles stated about 20.

Trustee Raymondo stated that's been over two months. Mr. Stickles accommodates people past 3:30pm, so Mr. Sperry doesn't have an ax to grind.

Deputy Mayor Wynkoop stated that what the village did is there is a phone number where you can reach any department you want.

Mr. Sperry stated that when he spoke to the mayor and the mayor indicated that the reason offices weren't going to be open on weekends is the women didn't feel secure working alone on weekends.

Deputy Mayor Wynkoop stated that the mayor was here on Saturdays for almost a year and no one came in.

Mr. Sperry asked if he wants to look at prints does he have to make a special appointment?

Mr. Stickles stated that all Mr. Sperry has to do is call and make an appointment.

Marcus Millspaugh asked that the village clean up by the river on Pine and Maple Streets. He notice in back of the lift station its unkept. He also asked about the emergency generator if it gets excercised.

Manager Politi stated that it does.

Mr. Millspaugh asked about the pedestrian bridge on East Main Street.

The Deputy Mayor stated that the bridge is on order.

Mr. Millspaugh stated that the sewer line is hanging by a thread.

June Garcia 5 Westwood Drive stated that she doesn't know what the village street projects involve but driving up Bank Street you would swear you have something wrong with your car. She has complained about stagnant water in the gutters, mainly on Westwood Drive. The biggest concern is mosquitoes. She asked if anyone ever checked the tire playground for proper drainage.

Manager Politi stated that they drilled holes in the tires three years ago. Bank Street will be tied into the Main Street/Ulster Avenue project.

Alfreda Robinson, 5 Ayr Court stated that she lives on a cul de sac and the children have taken over that street and they use it as a personal playground. They leave

pieces of wood in the road. There is a basketball hoop at the very edge of the property of Berwick and Ayr. They play basketball in the street. The children don't get out of the way. The police come along and don't say anything. She feels they need some relief there. Several of her neighbors called about getting their street swept and it came down once.

Manager Politi indicated that the sweeper hasn't been running.

Mrs. Robinson stated that she is also concerned about the hours of business for the village. She took off from work yesterday because she needed to take care of business. She called and the young lady said she would be there at 6:15am; otherwise she wouldn't be able to take care of business. The office is open from 7-3 and if there were days they were open until 4pm that would allow people who commute to come in and transact business. She is also concerned with the noise level in her area after 10pm. Sometimes its music and sometimes it's a gathering of people.

Deputy Mayor Wynkoop advised Mrs. Robinson to call the police.

Mrs. Robinson stated that she was told by the police that its according to a decibal level.

Mary Ann Landolina, 147 Walnut Street stated that she supports that the Walden Girl Scout Cabin be put on the National Historical Registry as a historical site.

Sharon Cosgrove, 50 Highland Avenue stated that she is happy with the way they are going the roads, but her concern is her sidewalk and driveway. The road is getting higher at the end of her driveway.

Manager Politi stated that they still have to put in the curbing.

Mrs. Cosgrove stated that she worked very hard when she first came to this community in raising funds for playground equipment at Olley Park. It saddens her to see the condition of the house. She felt more secure with someone living in the house.

Deputy Mayor Wynkoop stated that the village is working on that.

Mary Ellen Matisse 21 Clinton Street stated that Clinton Street has four major problems, 12 is still not connected to the sewer.

Manager Politi stated that he is connected to the sewer.

Ms. Matisse stated that on Clinton Street there is a water connecting line under the street. There is a metal cover missing and debris is now collecting in the hole.

Ms. Matisse further stated that last year NYSEG destroyed the storm drain at the end of the street before it becomes a private road. They fixed it and the water is not being

caught in the catch basin. There is a lot of gullying from all the rain and its eroding the dirt in front of her house.

Ms. Matisse asked about the status of the comprehensive plan.

Trustee Keator stated that the next meeting is Tuesday, May 4th.

Ms. Matisse stated that she asked to be on the committee and she never got a reply. She thought there was going to be two residents.

Keith Millspaugh thanked the board for going beyond the time limit. He pointed out that at the last meeting public comment went for 15 minutes and the entire meeting lasted 60 minutes, so unless there is a limit when meetings have to be ended within an hour or hour and a half. It is great that the public is showing up. He realizes that the law does say that the board doesn't have to answer questions. It doesn't mean that a communication doesn't have to exist. This is the best place for that communication to happen and he would like to persuade the board to be more open and the policy of not answering questions.

Mr. Millspaugh further stated that at the last meeting there was a public hearing for the budget and he was asked not to go over his comments at that time and unfortunately he was not able to get together with the Mayor during the two weeks. The Mayor did promise Mr. Millspaugh that he could make his comments tonight. His concern is if he makes the comments and he gets no feedback it doesn't help for him to make the comments. Because he wasn't able to talk to the mayor about anything specific, basically he generalized what he wants to say. It's on the agenda as an action item and he doesn't know if the board could put off the vote because the mayor is not here. He asked if by law does the budget have to be adopted by the 1st of May?

The Deputy Mayor indicated yes.

Mr. Millspaugh stated that the budget is meant for fiscal controls. He gave the board a piece of work he spent many hours on and a few dollars too. It's effective for him to compare year to year. He hopes the board did look at it and see the trends that do exist. What it does do is set the tax rate. The main question is what does it pay for, what is planned for in the budget, is what is planned for too much or is what is planned for too little. What was missing from the public hearing was a presentation from the board to the public to say exactly what was in the document. He realizes the document is available for people to look at, but you can't look at it and get the specifics of what is changing from year to year and what might be added this year and what are the reasons for the changes. He put down topics that would have been nice for the mayor and the board to present which would be the need for programs, why do we have the programs we have, is it something that is right to be spending money for from tax payers who are over taxed. He sat at the sales tax meeting where our board voted to support the county sales tax because if the property tax from the county put up at the projected 19.6% rate for a \$100,000 house it would have been a \$177,000 increase. He thinks we can take \$177

easily out of this budget, but he didn't hear any of the justifications for the budget from the board who created the budget. What about the size of the departments. We hear about things that don't seem to be getting done. The general fund is over five million dollars and the whole budget is over six million dollars. Why aren't things getting done better than what they are? He would like to understand why they don't get done. Is it a problem with employees or a problem with management? There are a lot of things that are not getting done also. The community has to be a part of this and to not shut them down is very important. Trustee Hurd made a 45 minute presentation regarding the purchase of the building. We have no presentation for a six million dollar budget. He doesn't understand why that doesn't happen. Unless the capital line has changed the last time he saw it was \$65,000. You talked about there should be ten years of projects in the hopper so that every year that was in concept, whether that happens or not that is up to the voters when they vote for people. Where are those ten years of capital projects? Is that \$65,000 a number you're going with right now?

Manager Politi stated yes, it's in the budget.

Mr. Millspaugh stated that all the other improvements that are coming from the general fund or water and sewer fund, how does it work if right now there is a grant for an \$800,000 sewer improvement, we have to spend the money first and then get reimbursed for it?

Manager Politi invited Mr. Millspaugh to come in and he will explain it to him.

Trustee Raymondo stated that the mayor was looking forward to meeting with Mr. Millspaugh. Mr. Millspaugh couldn't do it and the mayor couldn't do it. They had the budget hearing. At this time the board is going to pass the budget because May 1st the budget has to be adopted. Mr. Millspaugh's concerns are well taken. The manager has offered to sit down and talk to Mr. Millspaugh privately. By Mr. Millspaugh sitting there lecturing the board is not going to go anywhere. His advice would be for Mr. Millspaugh to address the mayor and sit down with the village manager and he will explain it to him. He's not willing to listen to Mr. Millspaugh's lecturing.

Mr. Millspaugh stated that he was asked not to make his presentation at the last meeting which was the public hearing. He would like it in the minutes that the board doesn't want to hear what he has to say.

Trustee Raymondo stated that he didn't say that. Mr. Millspaugh has the right to present your presentation, but he's going on with something that the manager says he will give Mr. Millspaugh an answer. Everything he has there the mayor, the trustees and the manager are willing to answer him privately.

Mr. Millspaugh asked why a presentation wasn't made.

Deputy Mayor Wynkoop stated that Mr. Millspaugh had a laundry list, in all fairness. It was a laundry list of how Mr. Millspaugh does his budget. Mr. Millspaugh

sat in on some of the budget meetings and he saw how it was done. The department heads explained why they need that amount and Mr. Millspaugh was there for that.

Trustee Raymondo stated that in 1986 when Mr. Millspaugh was on the board they had those kinds of meetings and it almost mirrors what goes on right now.

Trustee Hurd stated that the fact that this board has directed that a copy of the budget be made available to all the residents; there is a copy in the library which has only been done within the last few years. Remember that the public elected a board to do the business of the village and most of trustees have gone through this budget year after year, after year. They are aware of their budget items and its up to them to make the decisions and to vote or not vote. They can be held accountable for their vote. The public elects them and they can fire them. You grant us, when you elect us, a great deal of power and authority. It's their authority invested in this board.

Mr. Millspaugh stated that the point he says is always left out of there which is encouraging tonight, because they are allowed to talk, is lack of communication and feedback.

Trustee Hurd stated that Mr. Millspaugh has the right and duty to tell the board what he is happy about and what he is not happy about.

Mr. Millspaugh stated that before he left the podium he had the agreement that he would be allowed to have his part of the public hearing, which was not allowed to him, at the last meeting.

Deputy Mayor Wynkoop stated that the mayor tried and Mr. Millspaugh tried and they just couldn't get together.

Mr. Millspaugh stated that what is in the budget is not presented to the community.

Deputy Mayor Wynkoop stated that the whole village can come to those meetings. They are open to anyone.

Mr. Millspaugh stated that you can't talk at those meetings.

Deputy Mayor Wynkoop stated that he has people come into the store and talk to him. He's willing to listen to anyone.

Manager Politi indicated that Brian Sebring was at every meeting and he was allowed to ask questions.

Trustee Norman stated that Mrs. Pearson has asked questions at the budget work sessions.

Deputy Mayor Wynkoop stated that this village has had more happen in the last five years than it has happen in the past 40 years and anyone that accuses this board of doing something dishonest, you're lying. He doesn't hesitate saying that because he's never done anything dishonest in his life. About a capital budget, this village has never had a capital budget, every street in this village was falling apart, every gutter was falling apart, every sewer was falling apart, we attracted no new businesses, it was going downhill and its changed and he's proud it's changed.

Trustee Hurd stated that they do listen, but they have to make their own decision based on what they feel is right.

Mr. Millspaugh stated that it's not his intention to be taken as a lecturer. His intention is to express his point of view and that is what he's trying to do.

Trustee Hurd stated that Mr. Millspaugh has had a tremendous amount of time before this board for the last several months. If he was mayor he would have never agreed to meet and give you hours and hours of personal time. As a part time person he probably doesn't have the time. There's not enough time.

Mr. Millspaugh stated that the board is the representatives of the public, the open meetings law that he has been quoting and the ethics that he's been talking about, its nothing that is illegal, it's the open discussion that he feels are not happening to the degree that they need to, not from the public to the board or from the board to the public, but when the decisions are made so they can hear the debate and what goes into the decision. That's all he's asking for. He hasn't seen it.

Trustee Hurd stated that after the last meeting he had a private discussion with Mr. Millspaugh and he said he disagreed with Mr. Millspaugh, he thinks he's seeing a great deal of open and honest discussion. They disagree on that.

Scott Bonnick, 6 Aye Court asked if there were any plans for a park on the west side of the village. The village did some drain work by his driveway and they did a poor job patching his driveway. Mr. Stickles told him that the hole in his driveway is his responsibility.

The Village Manager will look into it.

Trustee Hurd asked Mr. Bonnick about the complaint about kids playing in the street, has he spoken to the parents.

Mr. Bonnick stated that he spoke to the parents. He doesn't allow his kids to play in the street that is why he asked about the plans for a park.

Audited Bills

Trustee Hurd moved to pay the audited bills of April 27, 2004. Seconded by Trustee Keator. All ayes. Motion carried.

Resolution No. 15-03-04 – Adopting the 2004-2005 Budget

Trustee Keator moved to adopt the 2004-2005 Village of Walden Budget. Seconded by Trustee Hurd.

Trustee Hurd thanked Village Manager Politi for his efforts and his hard work on the budget and keeping the budget in such a tight constraint considering the pressure from pension costs and contract negotiations. Considering the attorney fees for both union negotiations they were able to keep the budget incredibly low.

Trustee Raymondo stated that he wants to also thank the manager. He further stated that they did work very hard to keep the budget at 2%. If you work for civil service you know what the medical costs are. You know the cost when you do union contracts.

Deputy Mayor Wynkoop stated that the budget is very fair, 2 % increase is not a great deal. Assessments helped keeping the increase down.

On roll call Trustees Keator, Raymondo, Hurd, Norman and Deputy Mayor Wynkoop voted yes.

Designation of the Official Newspaper

Tabled until May 11, 2004.

Resolution 12-03-04-Setting Dates and Times and Locations of the Board Meetings

Trustee Raymondo moved to adopt Resolution No. 12-03-04, Setting Dates and Times and Locations of the Board Meetings, with the exception of the times of Board meetings which will be discussed at the May 11, 2004 meeting, (attached). Seconded by Trustee Norman.

Trustee Keator stated that she would like to keep the times of meetings at 6:30pm.

All ayes. Motion carried.

Resolution No. 16-03-04 – Justice Court Grant Application

Trustee Hurd moved to adopt Resolution No. 16-03-04, Justice Court Grant Application, (attached). Seconded by Trustee Raymondo.

Trustee Hurd indicated that Judge Ozman saves the village a great deal of money by doing this each year.

Subordination Agreement – 63 Ulster Avenue

Deputy Mayor Wynkoop explained that the village is in receipt of a request for a subordination of the village mortgage on a two family property at 63 Ulster Avenue. The owner has an existing first mortgage which will remain in place. He wishes to take out a home equity loan which we would have to subordinate to. This will put the village in third place. The loan to value ratio is 62%.

Mr. Dowd stated that the most of the time the village doesn't take third place.

Trustee Raymondo indicated that he would like the village in second place.

Trustee Hurd stated that the amount is small and the equity is 62%, he doesn't see a problem. We are doing this to make our housing stock go up.

Trustee Raymondo indicated that he would like to here what our attorney says.

Mr. Dowd stated that it's a situation where you have the second mortgage now, the request is to subordinate to third position. The line of credit might not be going into the house. The issue is whether you want to subordinate to third position. It's one lender and if there was a foreclosure and assuming the house is work \$160,000 the first two mortgages would be paid off and then what is left over would pay the village mortgage. They could also cut you off.

Trustee Hurd moved approve the subordination agreement for 63 Ulster Avenue. Seconded by Trustee Norman. On roll call Trustees Hurd, Norman and Deputy Mayor Wynkoop voted yes. Trustees Keator and Raymondo voted no. Motion defeated.

Subordination Agreement – 29 Gladstone Avenue

Deputy Mayor Wynkoop stated that there is a request for a subordination agreement at 29 Gladstone Avenue. We would be second on the mortgage.

Trustee Hurd moved to approve the subordination agreement for 29 Gladstone Avenue. Seconded by Trustee Raymondo. On roll call Trustees Keator, Raymondo, Norman, Hurd and Deputy Mayor Wynkoop voted yes. Motion carried.

Newsletter

Tabled until there is a full board.

Trustee Hurd stated that Montgomery does a newsletter quarterly.

Village/School District Sex Offender Policy

Tabled until there is a full board.

Sign Ordinance Review

Tabled until there is a full board.

Property Maintenance Review

Deputy Mayor Wynkoop indicated that he and Trustee Keator brought this up a few weeks ago that there are a lot of properties that the village has to get some kind of control over. It's no fault of the Building Inspector or Code Enforcement Officer; it has to be our laws. The board will have to make stronger laws to give the inspectors more teeth so they can get this property cleaned up.

Trustee Keator asked Mr. Dowd if he was able to look at this.

Mr. Dowd stated that he was told that one the issues is the speed in which you bring people into court or to clean their properties. Back in 1998 when the law was written he worked with Darren Hernandez on this and this is a pretty comprehensive property maintenance law compared to other villages. They got the amount of time down to the barest minimum because if you're going to clean someone's property up first you have to give them a notice there is something wrong and that would give them a period of time to clean it up. When they don't clean it up you have two options, first you can take them immediately to court by issuing an appearance ticket and prosecute them in court which the remedy would be a fine. For every day they don't clean it up another appearance ticket will be issued and another charge in court. You can continue to fine somebody until they get the idea that when it gets too costly for fines or prison sentences they will clean up their property. They can do that right now. The other option is the clean up cost and the difficulty with this is when you are going to proceed to clean up somebody's property and charge it back for the work and put it on their taxes there is a thing called due process rights. Just like they have a hearing in court on the criminal violation for not cleaning up his property he's entitled to a hearing or due process before this board acts as a court and says if you don't clean it up we're cleaning it up we will charge you for it and put it on your taxes. There is a little thing called due process rights of the person. Just like the person has a hearing in court on the criminal violation for not cleaning up his property he's entitled to some sort of a hearing or due process before this board acts basically as a court and says if you don't clean it up we will clean it up and we charge you for it and put it on your taxes. Right now the way we do that is, if you want to go that way you hit them with a notice to appear before this board so they can have a hearing and normally this board would give them additional time to clean things up and if not, you have in the past, ordered the code enforcement officer to clean the properties and charge them back. The problems when you are dealing with mailings of notices you have to give time for the mailing to get to the person you are sending it to so they know there is a hearing that they are entitled to come before the board to contest the action the board may take. They got this down to five days from the date of service. The mail system sometimes you get it one day and sometimes it takes five days. If you are doing it by

certified mailings the person has to go to the post office and sign for the green card. The main idea here is to give them enough time in which to know that they have a hearing and they can come and show up. If they don't show up, which times that they haven't, and the village said clean it up. The bottom line is you are penalizing them and they are entitled to a hearing. That was the issue he was told was one of the concerns.

Trustee Hurd stated that in some instances they refuse to accept the registered mail. They refuse to go to the post office to pick it up.

Mr. Dowd stated that at the end of the fifth day if they don't want to pick it up and its returned we have documentation of that and you conduct a hearing in their absence and proceed the same route.

Deputy Mayor Wynkoop stated that it's the same properties.

Mr. Dowd stated that if they clean up the first time or you have to clean it up for them and they come back and they have garbage out there again it's another charge.

Deputy Mayor Wynkoop asked if they can bring in a list.

Mr. Dowd stated that if they've been properly noticed to clean it up and they have not cleaned it up and you don't want to go to court for fines and you want to clean the properties up, yes then we can get the list and do the mailings.

Trustee Raymondo stated that the board gets a report from the code enforcement officer and the building inspector and the process starts. If you look at the list most of them take five months.

Mr. Dowd stated, that's not the fault of the law.

Trustee Raymondo indicated that he understands. So, they are looking for a more speedy way to be able to enforce this, because they owe it to the neighbors and the village to have the unsightly places cleaned up.

Mr. Dowd stated that he doesn't think, as far as the actual statute itself is concerned, that there is a defect in it.

Trustee Raymondo stated that the board has tried to work with these people.

Mr. Stickles stated that he gave the board a letter regarding a particular person and he would like them ordered to clean up.

Trustee Keator asked that thIS be put on for the next meeting.

Trustee Raymondo stated that there should be no exceptions. Also, the village has to make sure their properties are in compliance.

Trustee Keator read the dates that the property owner at 82 W. Main Street was notified. She further stated that a couple of the eye sores, previous list from two weeks ago, there were a couple porches that were filled beyond window sill level. There is nothing in the property code for that.

Mr. Dowd stated that is under the unsafe building code.

Mr. Stickles stated that it's his opinion that if someone has an enclosed porch with windows and it's not open to the public, it's almost like someone looking into your living room or dining room and saying they don't like the way you decorate. That would fall under the unsafe building code as far as fire safety.

Trustee Keator stated that there were four properties she saw without going onto the property. Some may very well be a fire hazard. She will give the addresses to the building inspector.

Mr. Stickles stated that if he sends a request to a homeowner and they refuse to let him in he has to go through the justice court to get a search warrant and he has to have good information to get that. It's not as easy for those things as it is for open areas.

Trustee Keator asked if there was a way to rewrite that part of the code that would put that into property maintenance.

Mr. Dowd stated that it becomes a search and seizure issue depending how the enclosed porch is enclosed and how you're being accessed to see what is there and to see if it is a violation of property maintenance. Something in front of a window in an enclosed porch doesn't mean you can't get out of the door of the porch.

Deputy Mayor Wynkoop asked the building inspector to bring the other two in and if he finds other places that he thinks by bringing them in front of the board it will work.

Mr. Stickles stated that he would like to have the authority to have these properties cleaned up after the allotted period of time.

Trustee Raymondo moved to set a hearing for 40 Hill Street and 36 Sherman Avenue under the property maintenance law and abandoned vehicle statutes. Seconded by Trustee Keator. All ayes. Motion carried.

Mr. Stickles stated that under the property maintenance code now the ones that are being talked about aren't referenced in that as far as what can be done, you can't have internal furniture outside. There are porches that are nicely decorated.

Trustee Hurd stated that he doesn't think there is any written code that would answer the questions because the standard would be constantly changing and it's a fine line as far as they would want the village to go.

Trustee Keator stated lets take the high boys and the nice decorated wooden furniture as opposed to the unnice undecorated furniture that is outside and just deal with the clutter issue. There are a couple properties where she thought they were cluttered and she gets a response that they are not in the property maintenance code.

Mr. Dowd asked how you define clutter.

Trustee Keator stated when you can't walk on the porch other then getting in and out of the door. There has to be something they can use or somewhere they can find the words that they need to get rid of what is there. Tell her where to look and she will start looking.

Mr. Dowd stated that we know if there are clutter issues in the sense of blocking doors and exit ways from a porch, but that falls under fire and safety and we don't need the property maintenance code. Absent that kind of obstruction then you get down to what is clutter.

Trustee Keator stated that is exactly the point, as long she can make it inside and outside her front door or back door everything else that's over there doesn't matter because it's not limiting them from getting in and out of her front door.

Mr. Dowd stated that you can say you can't have any more than five items on your porch.

Trustee Keator stated that it might be Christmas boxes in June.

Deputy Mayor Wynkoop asked that this be put on the next work session.

Trustee Hurd indicated that what ever they do it has to be reasonable and understandable, not only by the code enforcement officer but by the residents. It should also be a consensus of what they would like to see.

Mr. Dowd stated that it cannot be vague.

49 East Main Street Purchase/Referendum

Mr. Dowd stated that since there are enough signatures on the petition the law says you must hold a special election anywhere from 10 days to 60 days from the date the petition was filed. The outside date is June 19th which is a Saturday. The board has the right to set a referendum date. There will be notices, propositions prepared, ballot prepared and the board has to set the date, time and place of the election. Bond council will prepare the actual proposition and the ballot will be made up by the Village Clerk.

Trustee Hurd stated that he wants to do this sooner rather than later so everyone has notice. The building owner also has some concerns.

Mr. Dowd stated that the building owner wants to close by July 31st if it's not a problem.

Trustee Hurd moved to hold the special election for the referendum on May 25th, 2004 from 6am until 9pm at the Walden Elementary School. Seconded by Trustee Norman. All ayes. Motion carried.

Becky Pearson stated that if this is a no vote what will happen with the building.

Trustee Hurd stated that the villages purchase offer was always contingent upon a permissive referendum.

Mr. Dowd stated that if you don't have the money you can't buy the building.

Mrs. Pearson stated thanked the people here tonight that did help with the petitions. There were a lot of concerns from a lot of people. They reached a third of the village in thirty days. Some of them stated that they don't think they should come to the meetings because things are not going to happen and it doesn't matter. Its right that the board should listen to people and the public portion shouldn't be limited.

Informational/Manager's Report

Manager Politi stated that the Mayor informed him that he is in favor of the budget.

The manager stated that St. Jude's research hospital, their volunteer group, would like to do a bike athon/walk athon in June. They spoke to the police department. He may come back to the board for a formal okay.

Manager Politi stated that the department heads reports are in the packet.

Board's Comments

Trustee Raymondo stated that it was good the board had interesting conversations tonight and shared some thoughts with the public. They should do that more.

Trustee Hurd stated that in terms of public comment, public discourse, we are here 24/7/365. We are not just here two Tuesday evenings. Call us, stop us in the Thruway. You don't have to wait for a meeting.

Trustee Norman thanked Jan Weiner, Treasurer for her hard work on the budget. Also, at the top of Highland Avenue there is a really bad drop.

Manager Politi stated that's how they tie in. He will look at that.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk