

**Village of Walden
Board of Trustees Meeting
June 22, 2004**

Mayor 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

Absent:	Trustees	Jose DeJesus, later present
		Greg Raymondo

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

Public Hearing- Introductory Local Law I-1 of 2004, “Zoning Map Amendments”

Mayor Pellegrino opened the public hearing. He presented the Affidavit of Publication, Affidavit of Posting Notice and Notice of Hearing which he read.

Brian Morgowitz, Jacobowitz and Gubits, representative of Walden Mobile Home Court explained that they received a positive recommendation from the Planning Board so they are now ready for the Board of Trustees consideration. He further stated that this is a relatively small lot line change and zone line change. What the plan is for the purpose of upgrading the mobile home park and bringing new, modern units in and changing and improving the park overall some extra room was needed for some of the extra units and the lot line change to do what necessitates a zone line change.

Trustee DeJesus asked if the four family house will be conforming.

Mr. Dowd explained that the four family house is already preexisting in a single family zone.

Manager Politi stated that he received a note from the building inspector indicating that the planning board is in favor of the zone change.

Mr. Dowd indicated that the village has not heard from the county planning department so the board cannot take action tonight.

Trustee Keator moved to close the public hearing. Seconded by Deputy Mayor Wynkoop. All ayes. Public hearing closed.

Hearing – Unsafe Buildings – 36 Sherman Avenue

Dean Stickles, Building Inspector stated that this hearing is for a unique situation that was discovered two years ago and was rediscovered a couple of months ago. We have a home in the village that in 2002 it was discovered that the amenities were really not fit. He talked to the owner and he was going to clean things up. The village received a couple of phone calls from different agencies. He showed the board pictures from 2002. He does not know what the conditions are now because he didn't go into the building. He understands that there is no water running upstairs and living conditions are a little bit harsh. It's not the opinion of the building department to take this house away, but he would like to make it livable for the habitants that are there. He doesn't know how to get the owner to do what he has to do.

Officer Hinspeter stated that back in May 25, 2004 he received a call from Officer VanTassel, School Resource Officer at Valley Central High School in regards to Roxanne Ronk. Upon that he went to the residence to speak to the homeowner and the urine smell and feces smell was unbearable. From the pictures the board is seeing not much has changed in the two years, it might have gotten worse. He notified the proper agencies and they came in. They went over there and they determined that something had to be done with the living conditions. He further explained the conditions.

Mr. Stickles stated that there are agencies within the county that can provide help for houses in this condition.

Mr. Dowd asked the building inspector if he was seeking an order today to have the building vacated until it's fixed up.

Mr. Stickles stated no, he's trying to get to the attention of the owner that he has to do something.

Mayor Pellegrino stated that this situation saddens him and he would like to see this gentleman get any help we can offer.

Trustee DeJesus asked if there were children involved and how old they were.

Officer Hinspeter stated that there were children and they are 12 and 13 or 14.

Trustee DeJesus asked if social services or CPS was involved.

Officer Hinspeter indicated that CPS has been involved for the last couple of years.

Mr. Ronk stated that there is running water in his tub. He does his work cloths by hand in the tub and then puts them in the machine. That was what Officer Hinspeter seen was him doing laundry. He asked for a number where he can get some help financially. It's hard when you only make \$300 a week to live on.

Mayor Pellegrino indicated that the village will get him the information he needs, but he has to work with the village.

Trustee Hurd asked Mr. Ronk if he could prioritize his problems, what would be his biggest problem.

Mr. Ronk stated that it's financial.

Mr. Dowd explained to Mr. Ronk that as far as the urine and feces that is something he can do. He can also get the cloths off the floor. There are certain things he can do to make the house more livable. The board wants to see him do something in the next thirty days so they can see progress.

Mr. Ronk stated that the officer saw his work cloths in the bathroom and the laundry by the washing machine.

Mr. Dowd indicated that Mr. Ronk has to start living for his children's benefit by cleaning up the house.

Trustee Keator moved to affirm that the 36 Sherman Avenue is an unsafe building and ordering the repair of the building by the owner and to bring it back on July 27, 2004 to see what progress has been done and what agencies have been contacted. Seconded by Deputy Mayor Wynkoop. All ayes. Motion carried.

Approval of Minutes

Trustee Keator moved to adopt the minutes of June 8, 2004. Seconded by Trustee Norman. All ayes. Minutes adopted.

Trustee DeJesus moved to adopt the minutes of June 15, 2004. Seconded by Trustee Norman. All ayes. Minutes adopted.

Public Comment

James Gould, 31 Overlook Terrace stated that six weeks ago his contacted the village manager regarding a problem up there. Two and a half weeks ago he wrote to the board and a couple of days ago he contacted the village manager. He is still trying to get the status on why the contractor was allowed to cut his driveway without his permission. He was told it was because of the easement the village has and to fix the curbs and to get the roads dedicated. It's been three months and he has no idea when he is going to fix it. The builder did two things wrong, he used the village in order to cut his driveway, and he

didn't cut the driveways on the other side of the road where the sidewalks are. He is looking for the status as to when his driveway will be repaired and when the roads are going to be dedicated.

Manager Politi stated that there are a series of things the builder has to finish before they can top coat. He believes that he has signed on with a paver. There are items he has to complete prior to doing that.

Mr. Gould stated that the engineer cannot get any cooperation out of the builder either.

Trustee DeJesus asked if the village knows why his driveway was cut.

Manager Politi stated that they did it to replace the curbs.

Mr. Gould stated that he came onto their property and cut the driveway and said the village told him to do it.

Manager Politi stated that he may have been working in the village right of way.

Mayor Pellegrino indicated that he will contact the builder and get the answer for Mr. Gould.

Trustee Norman asked if Mr. Gould paid for the asphalt.

Mr. Gould stated he sure did. Every time he goes over the bump it hurts his back. He asked the Mayor to find out why he cut his driveway, when it's going to be fixed, and how it's going to be fixed.

Mr. Dowd stated that it sounds like the contractor was cutting into the driveway to reset the curb and the area immediately in front of the street curb, even five or ten feet in, is usually part of the right of way.

Mr. Gould stated that the right of way is not the contractors, it's the villages.

Mr. Dowd stated that it's the contractors until the village gets it. Until the developer dedicates the right of way, which includes the roadway, the curbs, the sidewalks, the water lines and the sewer lines. If he's beyond the right of way on Mr. Gould's property then he has a personal right to sue him.

Mr. Gould asked why does he have to sue him when he shouldn't have done it and he should be arrested, it's criminal.

Mr. Dowd stated that if it's a misdemeanor trespass the police have to witness it. If it's not then Mr. Gould has the right of civil action against him.

David Sperry stated that as far as Overlook Terrace goes back, in November the new roadway was done with new curbs going down old Overlook Terrace. There are four or five houses on the right hand side of the road that they were suppose to make steps and they haven't been done. He asked if they were going to take place. He doesn't have a list.

Manager Politi stated they were going to be done, but he doesn't know when. He will answer the people that it affects with a date.

Mr. Sperry stated that he found out the village is responsible for sidewalks. He asked if the bluestones are going to be replaced on Ulster Avenue.

Manager Politi stated that when they redo Ulster Avenue there is a great deal of bluestone that is in good shape and they will leave it that way.

Mr. Sperry asked if people were allowed to dump on village streets. Excavators dumped a truckload of dirt on Pond Road and worked off that dirt to landscape the guy's lawn.

Manager Politi stated that he called the police department and they went up to make sure he got it off the road. The common question the village gets is for dumpsters. We try not to allow dumping.

Mr. Sperry stated that he complained about the tar on Westwood Drive a year ago that was sprayed in the cracks and it comes up on cars. The manager told him that Westwood Drive was one of the roads that was planned to be resurfaced a year ago and because things that have come up it couldn't be done.

Manager Politi stated that he will look at it.

Mr. Sperry stated that the manager always says he has a list of things that are going to be fixed. He asked if that list was available to the public. Can he bring the list next Tuesday so everybody here can say we're going to fix something we'll see that it gets fixed?

Manager Politi stated that he has a certain amount of forces, certain amount of money and you get it done as you can get it done.

Mr. Sperry stated that he totally understands that, but when a drainage problem was broken for over five months and it took one day to fix, but it was broke for over five months. He asked about the other one.

Manager Politi stated that he will put crews on that when he can.

Mr. Sperry asked about the list again.

Manager Politi stated that he doesn't have that.

Audited Bills

Trustee Keator moved to pay the audited bills of June 22, 2004. Seconded by Trustee Hurd. All ayes. Motion carried.

Retention Ponds-Fencing

Mayor Pellegrino stated that its time the board discuss having fencing around the retention ponds and have greenery put around them. There is a perfect example on Wait Street and Sunset Drive.

Mr. Dowd stated that these are retention basins and most of the time there is not a lot of water in them. The planning board has been split on this issue for a long time. When you put fences around certain things there are maintenance issues involved. There is also the issue of a kid getting behind the fence. If you decorate the fence with slats you won't be able to see if there is someone in there.

Trustee DeJesus stated that there is the safety of a child. It takes one minutes for a child to drown in an inch of water.

Trustee Keator stated that she suggests a five foot fence.

Mayor Pellegrino stated that he has to go with the safety issue on this, especially with the way kids are jumping everything with their bikes.

Mr. Dowd suggested the board leave the height of the fence up to the planning board.

Deputy Mayor Wynkoop moved to require fencing around detention ponds. Seconded by Trustee Keator. All ayes. Motion carried.

Winding brook-Bond Reduction Request

Manager Politi stated that the Winding brook project still has some outstanding issues they have to complete. The asbuilts aren't complete and have been given back to the builder. There is a valve location they did in March and can't locate now. There is a great deal of engineering fees that haven't been paid. It is his recommendation not to reduce the bond.

Trustee DeJesus moved not to reduce the bond for the Winding brook project. Seconded by Trustee Keator. All ayes. Motion carried.

Firing Range Use Discussion

Mayor Pellegrino stated that the chief has been in touch with the sheriff informing him that we do have concerns because our well is there. He was told that we are not going to offer our range to any other departments, but we will keep it open to the Walden Police Department.

Trustee DeJesus asked what the maximum use per year is to get to that level of concern that Trustee Raymondo has brought up.

Trustee Keator indicated that there are other things we can do to our range, such as putting more sand down and confine the area they are shooting into.

Trustee Hurd stated that Chief Holmes informed him that they have retention birms at the range.

Trustee DeJesus moved that the firing range will be used only by the Village of Walden Police Department. Seconded by Trustee Norman. All ayes. Motion carried.

Information Items-Village Manager

Manager Politi indicated that he made an appointment to the zoning board, Julio Acevedo

Trustee DeJesus asked what Mr. Acevedo's background is.

Manager Politi stated that he does the computer systems for ticket master.

Mayor Pellegrino stated that he enjoys living in Walden and he wants to get involved.

Manager Politi went over his vacation schedule and presented the department head reports.

Board Comments

Trustee DeJesus stated that he will contact the manager next week.

Executive Session

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

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

Trustee Keator moved to offer Mr. Delong the option to explore for a well site, not to exceed \$10,000 and set price per acre if search is successful, not to exceed \$25,000. Seconded by Trustee Norman. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk