

**Village of Walden  
Board of Trustees Meeting  
July 27<sup>th</sup>, 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
		Lauren Keator
		Jose DeJesus
Absent:	Trustees	Greg Raymondo
		Richard Hurd
Also Present:		James Politi, Village Manager
		Nancy Mitchell, Village Clerk
		Kevin Dowd, Village Attorney
		Dean Stickles, Building Inspector

**Approval of Minutes**

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

**Public Comments**

Robert Montanaro, 132 N. Montgomery Street, Lot A7, stated that he is here because he has an issue that he would like to bring to the boards' attention. His issue is he is living at Walden Glen LLC Mobile Home Park off of N. Montgomery Street in the Village of Walden on Lot A-7 and his issue is Lot A-3 which is directly behind him, there is a violation of the zoning. His questions are why was this violation allowed to take place, how were the people who now occupy the house at Lot A-3 allowed to take occupancy at this home while this violation is in place and why was his wife and himself put into this environment where they have to live where they have to be subject to everything this violation has created. Not only that this has been going on since January when the people moved into this home. He has a copy of a page out of the village zoning which shows that there is a clear violation in the zoning. He also has pictures showing the violations of the zoning.

Trustee Norman asked what the violations were.

Mr. Montanaro showed the violations marked on the zoning law and showed the board pictures of his home and the home behind him.

Mayor Pellegrino indicated that the board couldn't answer Mr. Montanaro's questions tonight. They would have to come up and look at the area.

Manager Politi asked what the violations are.

Mr. Montanaro stated that the lot that he is on and the lot behind him, there are yards. If the back of his home is considered the rear there needs to be thirty feet between his lot line and the lot line in the back and if its considered to be a side yard there needs to be fifteen feet and there is not. Right behind his home there is a driveway which is less than fifteen feet from his home. If it's an interior lot there needs to be thirty feet and none of this is there. It's caused enough to allow him to take it to the next step.

Mr. Stickles indicated that Mr. Montanaro was explained the situation this afternoon or late this morning. It's being worked on and if the board would like a report from him he will give the board a report.

Mr. Montanaro stated that no one got in touch with him like Mr. Stickles said they would. It was discussed with him as to what the possible future is going to be there and that is not the reason why he is here. He is here to see why what ever happened in the past why it happened. Because of this situation it's put him and his wife in the position where they are about to lose there home. That's how serious it is to them. It needs to be addressed.

### **Walden View Apartments**

Kerron Barnes explained that this issue came up about two years ago and basically the developer has asked to restructure the loan and the ownership of Walden View. Walden View has sixty units and it was built with a HUD Grant and the grant agreement was signed in November of 1984. The deal was that HUD would pay half of the cost of the development as a grant to the village which became a loan to the developer and the developer was required to keep 20% of the apartments reserved for lower income persons for 20 years. That was the deal. The loan to the village with the grant was \$1,232,000. and that has been paid off over the years to where it has four years to go on it. There was an additional loan made in 1989 from Orange County Housing Revolving Fund of \$300,000. That was designed to put a special electro thermal heating system into the project. Now you can't get parts for the heating system and it is now failing. The developer made a request to the village in 2002 which was to restructure the loan agreement and it was a minor restructuring of the ownership structure and it's also refinancing. At that time they wanted to extend the loan for two more years. At this point because the heating system is now failing and finances are a lot different the developer is asking the village to extend their loan by sixteen years. At the same time they will get a new first mortgage from Community Preservation Company which is a special bank that lends to housing. Under the new agreement the village would be paid

\$100,000 up front and instead of a balloon payment, which is a burden to the developer, they would pay \$50,000 a year for the next fourteen years. After a lengthy discussion last time they did submit an amendment to HUD. Verbally they approved the change in the loan of two more years and they also approved the change in the ownership structure. They never approved it in writing. Since then the situation with Walden View has changed. Also, the developer has received approval but not actual funds under the Orange County HOME Program which means that the twelve affordable housing units would remain affordable housing anyway.

Marcia Jacobowitz stated that her letter of July 2<sup>nd</sup> summarizes where Mr. Barnes left off. It describes what they are going to do with the \$300,000 plus what they are looking to get with the refinance. They will be revamping the whole heating system, the electro thermal storage did not work out the way NYSEG had described it. The mechanism that makes those units' works is becoming obsolete. They will be changing the whole system over to a radiant heating system and they have done a lot of research to come up with what is the best and most economical and the most feasible heating system for them to do it and for the tenants to bear the cost of it. In addition to that the buildings down there take their toll from the people living there so they will be doing some other renovation work and upgrading. It's important for the board to know that since the inception of the project there hasn't been one dime taken out by the partners in any way shape or form. There have been loans made in the beginning that are still standing on the books. Every loan that was taken from a lending institution has been repaid. The financial situation has definitely turned the corner and by being able to refinance at this particular point in time they have a very high interest rate on the first mortgage and now that the market has changed they can reap the benefit by refinancing.

Trustee DeJesus asked how the loan from the county plays into this.

Ms. Jacobowitz explained that it's a grant of \$150,000. It's been approved and it was approved originally for a slightly different type of heating system and she went back and did a very detailed narrative for the committee describing the radiant heating system and she suspects it will still be available to them, but she has to get confirmation that it still will be. The numbers in her letter are approximate.

Trustee DeJesus asked what the monthly payments to the village are.

Mr. Barnes indicated that it's paid annually, due January 1<sup>st</sup> of each year, \$8,000 principal and 1% interest on the unpaid balance, so the payments run \$19,000 per year.

Trustee DeJesus asked Mr. Dowd if he's reviewed this and what is his opinion.

Mr. Dowd indicated that it's not necessarily a legal decision to be made, but based upon their prior request a few years ago about changing the arrangement of the partnership by which this board already approved and based upon the fact that the village will be protected and will continue to have a mortgage on the property and get paid \$100,000 up front plus higher payments the village won't be in any worse shape then you

were because you still will be in second spot to the loan and you'll be getting a lump sum up front and you're going to be getting higher payments per year but you have to extend the loan.

Trustee Keator asked what kind of time frame are they talking about regarding the heating system.

Ms. Jacobowitz stated that it has to be done before winter.

Mayor Pellegrino stated that because this is a work session and not all board members are here he's not going to ask for a vote on this issue tonight. He asked the board members to please review the information they have received.

Mr. Barnes stated that what ever agreement the village comes to they will have to get it through HUD and that has become a difficult process.

### **Public Comments Continued**

Becky Pearson, 167 Walnut Street stated that she attended the planning board meeting and trees were an issue. She understands what is being done and they are trying to work with the laws the village has but the developers don't want to be concerned with what they have to save and what they don't have to save. She doesn't know where in the law it says who makes sure things don't get cut down. She feels the law should be looked at again and readdress it. The flack the planning board gets from developers is amazing. There are laws out there that make people cover the tree and make sure they don't damage the roots. They make that happen and she doesn't know why this village can't make that happen. She gave the board information before on trees and a lot of that had to do with saving trees in developments. Its trees for the village itself. She suggested the board discuss this further at a work session.

Cindy Kyle, 94 S. Montgomery Street stated that they have gotten together with some of the families in the area and they were wondering if it was possible for the village to put up a speed limit sign and a children at play sign. Going out of town there is a 30mph sign just after George Street and the next one doesn't occur for a half mile after the curve and with so many people using the detour they are getting a lot of traffic and speeders on South Montgomery Street. Heading into town its 25mph by the Village of Walden sign and the next one occurs at .1 and it's not until the intersection again. There are twenty children within a two block radius so they would like the board to consider putting up a 25mph/30mph zone sign and also a sign to protect the children playing there.

Mary Ellen Matisse stated that she was looking at the water authority map and the Village of Walden has one of the biggest aquifers on the east side of town towards Berea Road and a lot of the wetlands is feeding the Tinbrook and a lot of it is sub water. She was wondering in light of all the problems trying to locate water on the west side what are we going to do to protect the water supply on the east side. If the town lifts its

moratorium and starts developing in the town how can we protect the water supply if they start tapping in?

Manager Politi indicated that the village is currently looking for a well right now and they have looked at those maps for quite some time now. That is why we are looking for a well so they can insure water for the village.

Trustee DeJesus stated that is included in the master plan which the village is working on now.

Mr. Dowd stated that the town should be notifying the village under SEQRA especially if it's in the vicinity of our water supplies, so the village can have input as to any taking of the water. The DEC controls how much water can be taken out of the ground and issues permits for that. They are also there to protect the water supply.

Deputy Mayor Wynkoop asked Mr. Dowd if there was any way the village could insure that the town notifies the village when they dig a well out there. We've already told them that we have a problem with their master plan.

Mr. Dowd stated that they are required by the General Municipal Law to notify when they are within 500 feet of a municipal border. We do get notified when that happens.

Mrs. Pearson stated that a couple of meetings ago the board held an executive session for property purchase. Has there been any property purchased that isn't known about yet.

Deputy Mayor Wynkoop stated that it's all about the well.

Mrs. Pearson stated that the last meeting one of the trustees mentioned about putting people on boards and about the time they've lived in the village. Will that be discussed again?

Trustee Norman informed Mrs. Pearson that when Trustee Raymondo comes back the board will be discussing that.

### **Audited Bills**

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

### **Window Guards**

Trustee Keator stated that it's been a while since she's mentioned guards and having the child fall in Poughkeepsie a few weeks back brought it back to her. She

knows there are safety issues as well as a hazard as far as fire is concerned. She asked the manager what response he got from the fire fighters.

Manager Politi stated that from a fire fighters side anything in a window is a hindrance. That slows them down. Jason Faso was to have an example, but he hasn't gotten it here. The current guards, if installed properly, can be broken out by an adult. From a fire fighter's standpoint that slows them down. From what he understands window guards are mandatory in New York City and Buffalo. One of the questions if they were going to bring a window guard law into effect does that go beyond the New York State Code.

Mr. Stickles stated that he contacted Mark Anderson who is the code counselor for the Department of State, who has been away and he will be back Thursday, to see whether the village can supersede the state code or does it have to go before the code council.

Trustee Keator stated that the village doesn't have that many buildings that are high. The building on the corner of Main Street has a family on the third floor, she has observed the parents down on the street and the babies are on the third floor pounding on the windows or pounding on the screens. It would take nothing for that screen to come out and the baby to fall. She would like to revisit this after Mr. Stickles talks to Mr. Anderson.

Manager Politi stated that he is not sure where the law for window guards begins, is it the second floor, third floor, fourth floor, etc.

### **Dumpster Enclosures**

Mayor Pellegrino stated that he went through the village last night and for all the dumpsters the village does have he saw four that were in bad shape. The problem mostly is from the owner not breaking down the boxes. He suggested the village send a letter to the businesses, especially the food businesses, advising them of the law.

Mr. Stickles stated that dumpster enclosures are already addressed in the property maintenance code.

Trustee DeJesus stated that he's seen where they just forget to close it.

Manager Politi stated that he will also send a copy of the law to the garbage haulers.

Mayor Pellegrino stated that he also has pictures that he will show the code enforcement officer.

### **Ronk Update**

Manager Politi stated that because this involves personal finance he would like to discuss it in executive session under personnel.

### **Tom Foder Request**

Tom Foder stated that he lives at 12 Clinton Street and he would like to get his money back that he spent to go to the sewer line that wasn't in front of his house. It cost him \$2,000. The other issue is he still doesn't have a sewer line that is working properly, because the line goes through his neighbor's yard. He doesn't have a line in front of his house that he can tie into. The closest line is on Gladstone Avenue.

Mayor Pellegrino stated that on the maps there was suppose to be a dotted line indicating a proposed line and someone filled in the dots. So, they thought there was a line there and there wasn't.

Manager Politi stated that in good the village realizes that mistake for the excavation cost, but the question now becomes whether we want to run a main up the street, but Mr. Foder does have access to Gladstone.

Mr. Foder stated that everyone has a lateral in front of there house he doesn't understand shy he has to run his line down to Gladstone. You can't the machinery in to dig. There is a tree and a house in the way.

Manager Politi explained that a sewer lateral owned from the home to the main by the homeowner.

Mr. Foder stated that other people would have to tie into the line if it was put on Clinton Street.

Manager Politi stated that he's not sure where the other homes sewer lines run. He doesn't know if that line would service more than Mr. Foder.

Trustee DeJesus asked if they can look at what effect it would have on the neighborhood.

Mayor Pellegrino asked to take a look at it with the manager.

Trustee Norman moved to reimburse Tom Foder \$2,000. Seconded by Trustee Keator. All ayes. Motion carried.

### **Information Items-Village Manager's Report**

Mayor Pellegrino stated that a letter was received from Nancy Calhoun to the Village Clerk indicating that the State Education Commissioner, Richard P. Mills has awarded the Village of Walden \$12,500 for inactive records documentation.

Manager Politi stated that the residents of Ayr Court are requesting permission to hold a block party on August 14<sup>th</sup> with a rain date of August 21<sup>st</sup>. The police department is fine with this. Jacobs Ridge residents might also request permission to hold a block party on the same date.

Trustee DeJesus asked if it was okay with the police department to hold both parties on the same day.

Manager Politi stated yes.

### **Board Comments**

Mayor Pellegrino indicated that the slide at the Alfred Place Park has a broken railing. He'd like it taken care of immediately.

### **Executive Session**

Trustee Keator moved to hold an executive session pursuant to 105-(f), DPW and Ronk Personnel, of the Public Officers Law. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee DeJesus moved to reconvene the regular meeting. Seconded by Deputy Mayor Wynkoop. All ayes. Meeting reconvened.

Trustee DeJesus moved that the village would pay up to \$1500 for W. S. Locating insurance. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Keator moved to authorize the village attorney do a title search of Sherman Avenue. Seconded by Trustee Norman. All ayes. Motion carried.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk