

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
SEPTEMBER 14, 2004**

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

On roll call the following were:

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

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

**Approval of Minutes**

Trustee Norman moved to adopt the minutes of August 14<sup>th</sup>, 2004. Seconded by Trustee DeJesus. All ayes. Minutes adopted.

**Public Comments**

Mary Ann Landolina, 147 Walnut Street, Chairman of the Walden Harvest Fest stated that she would like to ask for the Board's help in manning the information booth the day of the festival. She also indicated that there is a very serious problem on Main Street. She is concerned about the sidewalks because that is the parade route and what she is afraid of is the parade people throw candy and the kids go running and she is afraid they will get hurt. They need to be assured that will be sectioned off. In case of bad weather, they did order a tent for the stage.

Mary Ellen Matise, Clinton Street stated that last night she went to the Town of Montgomery Planning Board meeting and she made a presentation to them on the village's behalf, asking them if they would let the village know what they are doing in relationship to the application from Cranesville Block, since it is on the Tinbrook drainage and the branch where it drains through Walden. She left there with the understanding that they really can't assume responsibility for notifying the villages of the impending impact from this. They said private citizens should do it. She feels they should notify the village particularly since we are the owners and administrators of the public water supply. The water supply is outside our jurisdiction in a part of the town that is susceptible to impact because of ground water and aquifer issues and drainage

issues. Now they are talking about putting a concrete processing facility on the corner of Stone Castle Road and Route 52, on a 60 foot rise, and on a slope. All of their rinsing area, which is supposed to be contained, is on the back of the slope draining down into the Tinbrook. They show a pipe that will be draining down. They show a setup similar to the setup they have in Fishkill. She has provided some of that information. She feels the village should be proactive and there are a number of things that they can do. They can notify the planning board that they want to hold a public hearing for our residents in the village about the potential impact on our water supply. We can ask them for a hydrological study be done of the area and the potential impact to the well area. We can ask them for interested party status. They said, you can go back and tell them that the next hearing is October 12<sup>th</sup> at 8pm and the village is invited to come or send somebody, but that will be their notice. Unless the citizens put it in the paper the Town of Montgomery is not going to put it in the paper. They have not closed the hearing yet. This will be the third hearing. She asked Melanie Brown to come to the meeting; she has provided a lot of information that has been provided to the village.

Mayor Pellegrino indicated that Ms. Matise should have asked to be put on the agenda. The village will take this under advisement. Between Home Rule or between even now, with David Church, any subdivision two lots or more has to go back to the Orange County Planning Department.

Kevin Dowd stated that if it meets the criteria of the General Municipal Law, if it's within 500 feet of a municipal boundary they have to notify you. If it's within 500 feet of a state/county/town highway they have to notify the County Planning Department. He's not sure what the distance is and he's not sure of what the down stream effect would be on the Tinbrook and well fields. The village may want the village engineer look at this to see whether there would be any hydrological impact to the well field. Before they get involved with the planning process of the town you would want to know, if in fact, there is a potential impact and then you can put them on notice that you want to know what is going on and you are concerned about things, but you have to know the facts first.

Mayor Pellegrino asked the manager to get in touch with Ron Gainer, Village Engineer.

Manager Politi stated that he will give Mr. Gainer a call. He has the information Ms. Matise gave him and he will pass that on.

Ms. Matise asked if the village receives information from them that says the village should further address the issue will they make it an agenda item.

Mayor Pellegrino stated that once he receives the information they could go forward with it.

Manager Politi advised the board that the night of the town meeting is a Village Board work session meeting.

Trustee DeJesus stated that we might want to look at the proposed well that they have. There is an issue that DEC is involved with Crane's facility across the river. That would be good to know before we decide what to do.

Althea Mullarky, 2 Watkins Drive stated that the Walden Harvest Fest is this weekend and she would like to know what time the board would like to be in the dunking booth. She will talk to the board after the meeting.

Becky Pearson, 167 Walnut Street asked about Main Street, can the no parking signs come down. There are still holes in the bricks and there are no trees, what is the status of the project. Traffic is totally being affected by this in stores.

Manager Politi advised Ms. Pearson that there are several pieces of concrete to be removed and replaced. The brick will be put in all at one time, so it may hold off opening up the other side and taking the bands off because you would have that gap there for a trip hazard. He referred Ms. Pearson to Cianbro, call Dale for timing.

Mayor Pellegrino stated that he will call him.

Ms. Pearson asked if there are anymore thoughts on trees.

Trustee DeJesus indicated that they are addressing the tree situation in the comprehensive plan that will be out soon.

Ms. Pearson stated that Kerron Barnes called her in regard to grants for trees.

Trustee DeJesus stated that Mr. Barnes should be talking to the manager.

Dave Sperry asked if the village has a maintenance schedule for the Jacobs Ridge development retention ponds.

Manager Politi stated that he'd rather not talk about that at this point. The village doesn't own them.

Mr. Sperry asked about the swale behind his house, the manager was to talk to the engineer about it.

Manager Politi stated that he did, but he doesn't have an answer yet.

Mr. Sperry stated that every time it rains it washes the soil away and its getting deeper and deeper.

Manager Politi indicated that it is part of their punch list.

Mr. Sperry asked if there is enough money in bonds from this developer to hold it.

Manager Politi stated that he thinks they have enough to complete the project.

Mr. Sperry asked if there was a contract with Winum Landscaping for the village mums and flowers throughout the village. If he can see the contract?

Manager Politi stated that Mr. Sperry can F.O.I.L. for it.

### **Payment of Audited Bills**

Trustee DeJesus moved to pay the audited bills of September 14<sup>th</sup>, 2004. Seconded by Trustee Keator. All ayes. Motion carried.

### **INTRODUCTORY LOCAL LAW 1-2 OF 2004, (15 MINUTES PARKING AT COHEN'S OLD WORLD BAKERY & HANDICAPPED PARKING SPACE AT WALNUT STREET)**

Mayor Pellegrino stated that the business owner at 88 W. Main Street has asked for a 15 minute parking zone.

Manager Politi stated that it's two spaces for 15 minute parking and in addition to handle the traffic on Walnut Street they will have no parking here to corner along side Mr. Bunora's building and put a handicapped space there.

Trustee DeJesus stated that the board had a request awhile ago for a loading zone by Mr. Ciardullo which is the same notion as this. The concern he has is if this is going to be done we have to test this out, because they are asking for this all day and it might just be the case in the morning. We might want to limit it.

Manager Politi stated that they will have to have a public hearing and as we did with Mr. Ciardullo we did the courtesy of notifying the neighborhood. We can do that again.

Trustee Keator stated that she spoke to Mr. Ciardullo this afternoon and the reason he asked for the special parking was to not hamper traffic with his tractor trailers on Main Street. She agrees that it should be for a limited time, if at all.

Mayor Pellegrino asked if they will be serving lunch.

Manager Politi stated that he thinks its breakfast and lunch.

Trustee DeJesus stated that right now its just walk in and now your talking about more then that and that leads to something else. He thinks they need more information.

Deputy Mayor Wynkoop stated that if he is going to have sit down business then people will be getting tickets.

Trustee Keator asked if the village is going to line the streets.

Manager Politi stated yes.

Trustee Raymondo stated that this research will take a long time, so he would like his request be separate. The fifteen minute parking is not going to be solved any time soon. It won't take that much work to move the parking spaces back on Walnut Street.

Trustee Keator stated that you have to take into consideration that the bakery is going to be on one side of the street, but you're going to have people parking on the other side.

Manager Politi stated that it's businesses on one side and the other side is residential, so you really don't see much business space.

Trustee Keator suggested that they let Mr. Becker open for a month and see what happens with the parking.

Trustee DeJesus asked why they are doing a local law for just this corner when there are other corners throughout the village that they should survey and include.

Mr. Dowd explained that they are changing the code to create a handicapped spot.

Trustee Raymondo stated that they are moving the parking sign on both sides of the street.

Manager Politi stated that it's just one side.

Trustee Raymondo stated that they have to do both sides. Why is it so difficult to bring it back to what it used to be? There was never any parking at the corners of the street.

Chief Jeffry Holmes stated that at every corner of the village you can put up a no parking here to corner sign twenty feet in. The problem here is they wanted to extend it further back so there will be no parking on the 1 Walnut Street side. On the other side it's already no parking twenty feet in from the corner and you have two parking spots where the old doctor's office was. What your asking is to clean that one side for traffic and make a handicapped spot in front of the bar entrance. So what they've done with the law is extend from the corner more than twenty feet. The reason they have to do that is if anyone ever got a ticket written for them we could lose that ticket in court. It has to be done according to law. The other thing they are looking at is painting all the streets with parking spots. At the same time they are going to make yellow spots in the roadway so people can clearly see where they can and where they can't park. They might have to take a look at putting no parking here to corner on all the corners. They wouldn't have to do a local law because according to the vehicle and traffic law it already is twenty feet from here to the corner.

Trustee DeJesus stated that he's not in favor of having fifteen minute parking from 6am to 9pm.

Trustee Keator stated that the board needs to know more about what Mr. Becker is planning to do with the business before the board takes this any further.

Trustee DeJesus moved to introduce Introductory Local Law I-2 as amended, which will only include Section 2, Walnut Street parking and delete Section 1. Seconded by Trustee Raymondo. All ayes. Motion carried.

Trustee Raymondo moved to set a hearing on September 28, 2004 at 6:30pm for Introductory Local Law I-2 of 2004 which as amended will only contain Section No. 2.

### **Bond Resolution - \$275,000, Well Development**

Manager Politi indicated that this is for well development on the Delong property. The estimated cost is \$450,000. The village made application to the county and it's looking as though we have the \$175,000.

Deputy Mayor Wynkoop moved to declare the Board of Trustees lead agency and issue a negative declaration. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd moved to adopt the bond resolution Authorizing the Issuance of \$275,000 Serial Bonds of the Village of Walden, Orange County, New York, to Pay Part of the Cost of the Purchase of Land and the Exploration and Development of Wells Thereat and for said Village, (attached). Seconded by Trustee DeJesus. All ayes. Resolution adopted.

### **Bond Resolution - \$500,000, Water Meter System**

Manager Politi stated that the village will be receiving an EPA Grant for a portion of the cost. We have to borrow the full amount because it's a reimbursement which will go against the grant which is half the amount.

Trustee Raymondo asked, when will the village receive the money back from the EPA?

Manager Politi stated as soon as the project is completed. You can also do it in phases.

Trustee Hurd asked what the time frame was.

Manager Politi stated approximately six months. Over half the meters will have to be changed. Then the remote meter system is every meter. This new system can be

read in forty five minutes. It will save on labor, time and instead of billing every month you can bill four times a year.

Trustee Hurd asked, you borrow \$500,000 and in six months later we get \$250,000, do we restructure the bond.

Mr. Dowd stated that the idea would be you would float a BAN the first year for \$500,000. You complete the project, expend the \$500,000, you get back \$250,000, then you go for long term financing for the second \$250,000 and you'd be out 5 to 10 years to make it affordable.

Trustee Keator moved to declare the Board of Trustees lead agency and issue a negative declaration. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Keator moved to adopt the bond resolution Authorizing the Issuance of \$500,000 Serial Bonds of the Village of Walden, Orange County, New York, to Pay the Cost of the Purchase and Installation of New Water Meters, Readers and Software in and for said Village, (attached). Seconded by Deputy Mayor Wynkoop. All ayes. Resolution adopted.

### **Pooper Scooper Law**

Mayor Pellegrino stated that this has been on the cable access channel, we had it on the bulletins that go out, we tried the nice guy approach and we still have citizens coming in complaining about the dog droppings and failure of people to clean up after their animals. It ends up where you try to be nice and they don't do it, for health reasons you have to make a law.

Trustee Keator explained that in the board's packets there are samples of legislation from various municipalities. She read through all of them and the actual code. She took out parts of the laws that she would like the board to look at. She explained the changes to the board.

Manager Politi stated that doing a local law will help the police department out.

Trustee Hurd asked if the police have to witness this.

Manager Politi stated yes.

Trustee Keator stated that once this becomes a law all the officers who see someone walking an animal they should roll down their window and ask if they have their bag and scoop. Start asking if they are prepared to pick up after their dog.

It was the consensus of the board to go forward with this local law.

Mr. Dowd stated that he will look at it and he will prepare something for the work session.

### **Apartment Window Guards**

Manager Politi stated that he did some research and Buffalo and New York City are the two cities that had that in place. When he called Buffalo he found out that they have moved away from that. They don't enforce the law. The new state law for sill heights they follow that. New York City continues to enforce this. The law requires that building owners install approved window guards in the home of any family where a child younger than eleven years of age lives. New York City starts at the second floor and it's meant for apartment buildings. You have to know there are children under eleven. That is hard to understand how you find that out.

Deputy Mayor Wynkoop suggested the village send something home with the school children.

Trustee DeJesus stated that the landlord should have the responsibility when someone is signing a lease to know the age group. It's not the village's responsibility.

Manager Politi stated yes, it's their responsibility and it becomes their liability. Maybe the tenant could notify the village if they don't have window guards.

Trustee Hurd suggested a public awareness situation where we could know how much they cost and send that information to the school making the parents aware of it.

It was the consensus of the board to send notification to the schools making the parents aware of window guards.

Trustee Keator asked that notification go to the businesses on Main Street who have apartments.

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

Rail Passenger Service- the Village is still searching the possibility of rail service. It's somewhere in the capital plan down the road.

"Vista" at the Upper Bridge- DOT has agreed to proceed with the construction of the "vista" on the west side of the new bridge. The manager is working on an easement with the Cedar's.

Soap Box Derby- the manager and police chief met with the soap box derby committee and it looks good. On October 3<sup>rd</sup> they will be bringing some cars in to test the speed.

Main Street Sidewalk Replacement- they will be replacing 17 panels where there were concerns.

James Olley Park- the manager responded to two separate complaints regarding James Olley Park.

Christmas Lamppost Wreaths- the manager will be meeting with NYSEG tomorrow regarding some concerns.

Welcome Signage- the manager is moving ahead with that. They are also designing a wooden banner which will go across the bottom of the signs stating that we are celebrating 150 years.

Oakland Avenue Trees-there are two trees that Mr. Presutti, Certified Arborist has found to be hollow and should come down. The bulk of the 21 trees are healthy. The manager has contacted a couple of removal companies to see what the cost would be to do the whole project.

Trustee DeJesus stated that there are trees on Sherman Avenue that should be looked at. There are also trees that need to be pruned back.

### **Board Comments**

Trustee Norman asked if the village was going ahead with fixing the skating rink at Wooster Grove.

Manager Politi stated that Mr. Howland is getting prices.

Trustee Norman stated that the picnic tables that the scouts did are really, really nice.

Manager Politi stated that the information board at Wooster Grove is a separate project.

Trustee Raymondo stated that they talked about board appointments two months ago where it was suggested that anyone appointed to a board would have to meet certain requirements such as, minimum of two years residency and if they voted in the last village election.

Trustee DeJesus stated that you can do residency requirement, he doesn't think you can do if they voted.

Trustee Raymondo asked if they can do registered voter.

Trustee DeJesus stated no. You can do it as a resident of the village.

Mr. Dowd stated that anyone appointed to any board must be a resident of this village.

Trustee Raymondo stated that they should know the village, not just walk in living here for a month. It should be at least a year.

Mr. Dowd indicated that you could have someone move into this village who has extensive knowledge of planning and you can't put them on the board if they don't meet the minimum residency requirement.

Trustee Raymondo asked if it's legal for him to suggest that someone has a two year residency in the village.

Mr. Dowd stated that they can pass such a law. Most of those appointments are the village manager's so you would be taking back some of the powers that he has to appoint people. What makes someone who is here two years as opposed to someone that is here one year, 365 days?

Trustee Raymondo stated that what he is saying to be fair to the village and the boards and to the rest of us that appointments to planning board, zoning board or whatever board that person at a minimum should be living in this village for two years. They should also be qualified, but he doesn't want to do that.

Trustee DeJesus stated that he doesn't think they would be taking powers away from the manager. He thinks they are defining the process. What they are saying is that there has to be some kind of expertise in the area. When he was appointed to the planning board he had served at the level in Westchester, so there has to be a comparable experience there.

Trustee Hurd stated that isn't it possible to convey a sense of what they want to see to the manager.

Deputy Mayor Wynkoop stated that the manager should make the appointments, but he agrees with Trustee Raymondo that there should be a time limit.

Trustee Norman stated that she also agrees with Trustee Raymondo.

Trustee Hurd stated that he's saying if the board conveys that they want the manager to use his best judgment based on education, training, experience and residency. He's capable of making those decisions.

Mr. Dowd stated that he will check and see if there are any other municipalities that put a minimum requirement on appointed board members.

Trustee Raymondo stated that with all due respect he doesn't care about other municipalities. He cares about the Village of Walden.

Mayor Pellegrino stated that when the board does something like this they usually have the attorney look into it first.

Trustee DeJesus stated that the board also agreed that if they were introducing something of this nature they would look at it at a work session.

Mayor Pellegrino asked if Trustee Raymondo wanted it on the next work session.

Trustee Raymondo stated that's not what he wants. He asked if that is what the board wants.

Mr. Dowd stated that this would have to be done by local law because your residency requirements do not say you have to be a resident of this village for a specific period of time. He wants to make sure there are no cases out there that says that's a violation of due process. He suggested it go on the agenda in two weeks and he will have an answer.

Trustee Raymondo asked if farm animals were allowed in the village.

Mr. Dowd explained that the code states that no person shall permit horses, cattle, sheep, goats, pigs, fowls, or other animals to run or roam at large in any streets or public grounds. It says nothing about harboring them in the village.

Trustee Raymondo asked if there was anything in the code that says how many people can inhabit a house.

Mr. Dowd stated no, State law has defined family very wide open. The only way you can change that is if you were to legislate and limit the number of adults unrelated to one another that live in the house.

Trustee Raymondo asked if the village had a plan to dispose of the bikes behind the municipal building.

Manager Politi stated that they are working on it.

Trustee Raymondo stated that the last time the village had bulk pick up they didn't clean behind the knife museum house. He asked that it be put out this bulk pick up.

Trustee DeJesus asked about the letter that was sent from the town regarding the interim municipal project.

Manager Politi stated that is meant for studies or some type of plan.

Trustee DeJesus asked if it was for improvement of trails for example.

Manager Politi stated that he asked that question and the way it's laid out and it would be a management plan. The village could be part of the grant or plan.

Mayor Pellegrino stated that he spoke to the Mayor of Maybrook and they passed a letter to support this. He also spoke to the Mayor of Montgomery and they are not interested. Mayor Brescia had a great idea, he said if money like this can be gotten by intermunicipal agreements maybe one year the town could get it and maybe one year one of the villages could get the grant.

Trustee DeJesus stated that he feels if the village has the opportunity to get \$9,000 to apply for a planner it would save the village. He would like the manager to explore this and see if we can apply for it.

Mr. Dowd stated that he read the letter and he thinks the town wants the board to resolve and/or make a motion to go in with the other communities and the town to apply for this joint application.

Mr. Dowd further explained that this is a partner together on an application for a grant program. The letter says we would like to work with a consultant that can help our communities identify open space resources and prioritize them. It sounds like a joint effort that is for a specific area. It would include public input and take the form of mail surveys, meetings that include a survey given to the whole group of attendees. Its objective is to do planning regarding open space in the town and villages and relate them to the county open space master plan.

Trustee Hurd asked that this be put on the work session because he would like to be more specific as to what this is.

Manager Politi stated that there is a time limit.

Trustee DeJesus asked that the village inquire.

Trustee Hurd stated that the Rotary Club is planning on building a bandstand at Wooster Grove. At the last Community Council they thought they would get input for the design.

Manager Politi showed the board the design. They are still moving forward.

Deputy Mayor Wynkoop stated that he's had complaints from people trying to turn left out of the municipal parking lot. There is a parking space on the corner and you can't see around the cars. He would like to see about doing away with the one space.

Mayor Pellegrino stated that he was approached by someone in the Little League advising him that they are putting together some effort to put lights at Bradley Field. They were trying to get together a fund raiser. They asked if there were any grants the village can pursue.

Trustee Raymondo stated that he just had a contractor take down the lights from the ball field at the prison and he was looking to donate the lights and poles. He will give him a call. The village would have to pick them up.

### **Executive Session**

Trustee Keator moved to go into executive session pursuant to 105- (f) personnel and 105-(d) litigation of the Public Officers Law. Seconded by Trustee Raymondo. All ayes. Motion carried.

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

Trustee Norman moved to renew WS Locating's contract for an additional 3 months. Seconded by Trustee Raymondo. All ayes. Motion carried.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk