

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
MARCH 8, 2005**

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:

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

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| Absent: | Trustee | Jose DeJesus |
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| Also Present: | James Politi, Village Manager |
| | Nancy Mitchell, Village Clerk |
| | Kevin Dowd, Village Attorney |

Approval of Minutes

Trustee Keator moved to adopt the minutes of February 22, 2005. Seconded by Trustee Norman. All ayes with the exception of Mayor Pellegrino abstaining. Minutes adopted.

Public Comments

Becky Pearson, 167 Walnut Street asked about the bandstand at Wooster Grove.

Manager Politi advised her that the bandstand will be in a railroad theme and it is being designed by an architect.

Vincent Tornone, 12 Yale Drive stated that he's requested Children at Play signs and they still aren't up. Yale Drive has become a thru way for a lot of vehicles. He also requested a speed limit sign and speed bumps. He knows they can't have speed bumps, but he would like the speed limit sign. He and his neighbors have called the police and they've been out there giving out summons. He has also called Walt Sweed in regard to the way DPW plows; he recommended he talk to Corkey. He spoke to Corkey twice and nothing has gotten done. When he moved into Yale Drive they didn't ask for sidewalks and they are responsible to keep the sidewalk clear. The neighbors across the street don't have to shovel sidewalks, because they don't have any. When they get a heavy snowstorm the DPW pushes all the snow on the sidewalk side. When he spoke to Mr.

Sweed he said they would split it 50/50 and he's taken pictures showing that's not being done. Every time he goes out and clears the sidewalk they come down the street and his sidewalk get covered. The Code Enforcement person can fine him all they want, he's not doing his front sidewalk anymore. He asked Mr. Sweed to come out and look at it and he's never got a response back. Also, when he spoke to Corkey and Walt about the snow and he made an issue about what they were doing on the corner of Yale and Berwick, they were covering the fire hydrant and also near 10 Yale Drive. After he made the statement flags were put on the hydrants. That was three years later.

Mayor Pellegrino stated that he has a sidewalk just like Mr. Melnick. He asked Mr. Tornone if he's ever done snowplowing, because he has ridden in the truck and their main concern is to open those roads and keep them open for the safety of the people. He solved his problem by buying a bigger snow blower.

Mr. Tornone stated that he has a big snow blower and he has no problem clearing his sidewalk. He's just requesting they split the snow to the other side where there is no sidewalk.

Mayor Pellegrino stated that he will speak to the driver, but he doesn't know if they can do that.

Trustee Norman asked if they could get Children at Play sign.

Manager Politi stated yes.

Patricia Henighen, 22 East Avenue asked about the Friends of the Olley Park being able to use the name for incorporation purposes.

Mr. Dowd stated that he doesn't see any reason why they couldn't do that. When the Olley family gave the park to the village it becomes part of the public name of the park and the Village has not copy written or in any way protected the name Olley Park to exclude people from referring to such. He doesn't know if there is any legal basis for saying you couldn't do that. If the Olley family doesn't want the name used that's a different issue.

Trustee Hurd stated that the danger is that a group may think they become quasi governmental by doing that. They talked about getting grants and that is way beyond the scope of any volunteer group. A volunteer group has no more legal standing then his neighbor across the street.

Mr. Dowd stated that you don't want private groups or private citizens creating policy for the village as to what Goes in its parks or for anything else. Any time a grant is sought it should be brought to the Village Board's attention and the Village Board should either alone or in conjunction with another group seek the grant, provided that's what the Village Board wants to do. He doesn't think a state agency will give a grant unless the landowner isn't going to consent to it. The only other concern would be if an

organization that is incorporated with a name that appears to give some sort of official sanction you don't want them going out raising funds and people thinking they are giving it to the Village.

Ms. Hennighen stated that if they advertise as a non profit group, not connected to the Village, there are regulations.

Trustee Raymondo asked what vision they have for Olley Park.

Ms. Hennighen stated that they ARE working towards the conservation and preservation to promote education there.

Trustee Raymondo indicated that is mostly a recreational area. It's not a conservation area. Conservation would restrict recreational activities.

Ms. Hennighan stated that she thinks they are complimentary.

Trustee Raymondo stated that when they get their charter the Board can look at it.

Ms. Hennighan stated that she spoke to the Village Manager on Monday and he asked them to submit a narrative for the grant with the idea the Village would be supportive of putting through the grant because it is due the end of this month.

Mayor Pellegrino stated that should go through the Recreation Committee too.

Althea Mullarkey stated that she is on the Friends of the Josephine-Louise Library and they are under the same type of charter Ms. Hennighan is going for. They had to get permission to use Friends of the Josephine-Louise Library. Part of the non profit status is there is a block you have to check saying do you have permission to use this name on legal documents.

Trustee Hurd asked from whom.

Ms. Mullarkey stated from the Board of Trustees. She gets grants all the time.

Manager Politi stated that he will review what Ms. Hennighan gave him.

Audited Bills

Trustee Keator moved to pay the audited bills. Seconded by Trustee Norman. All ayes. Motion carried.

Donald & Arlene Broas, Retaining Wall Encroachment Review

Manager Politi stated that Mr. and Mrs. Broas own the house on Cross Street and there is a retaining wall and they are requesting permission to keep that retaining wall.

The South Montgomery Street side is a County road. This only pertains to the Cross Street side.

Trustee Keator moved to grant permission to Donald and Arlene Broas to keep the retaining wall on Cross Street subject to insurance conditions. Seconded by Trustee Norman. All ayes. Motion carried.

Surplus of Emergency Lighting and Siren Box

Manager Politi explained that these lights and siren boxes are from the old police cars and they will be going from the police department to another volunteer group so there is no need to put it out for surplus.

Trustee Hurd moved to declare the emergency lighting and siren boxes surplus and donate them to the Fire District. Seconded by Trustee Keator. All ayes. Motion carried.

Orange County Land Trust

Manager Politi indicated that he gave the Board a letter from the Orange County Land Trust. Ann Botshon was their point person and she was very active and unfortunately she passed away recently. When they do the waterfront park they want to donate a bench in her name.

Trustee Keator moved to have a bench in Ann Botshon's name at the Maple Street River Access Park. Seconded by Trustee Raymondo. All ayes. Motion carried.

Draft Comprehensive Plan

Manager Politi stated that the Board has received a copy of the draft Comprehensive Plan. The changes that were made were mostly typos. There are copies in the library and the Village Clerk's office.

Mr. Dowd indicated that they will have to coordinate with Alan Sorenson as to how they are going to do SEQRA on this. Normally you would do a generic environmental impact statement and there may be a hearing involved there, so you might want to combine the two hearings in one night. They will come up with proposed time line on how long it's going to take to do certain things. Once you adopt it then you have to go to zoning.

Mayor Pellegrino indicated that he feels they should have a couple weeks to review it.

Mr. Dowd stated that he will get back to the Board in two weeks with a time schedule.

Manager Politi explained to the Board that there were extra meetings that Mr. Sorensen attended, so they went over the allocated money. He will need \$5,000. more

Trustee Keator moved to allocate \$5,000 more to Alan Sorensen. Seconded by Trustee Raymondo. All ayes. Motion carried.

Water Meter Replacement

Manager Politi stated that the Village decided to go back out to bid for the water meter replacement. The bids came in high and they tried to separate them to see if they could get the number down.

Trustee Raymondo stated that ten years ago the Village applied for a grant to the State. It was specifically for meters.

Manager Politi asked if it was a grant or the loan program through the State. He will research it.

Manager Politi further stated that the memo is dated yesterday and we are losing the time line for the bid being valid for 45 days. He explained that they split the bids and the number came back almost the same. We did get the meter they wanted at a fair price. The meter bid was \$119,000. That is for 1495 Sensus meters.

Trustee Raymondo stated that this is a lot of information.

Manager Politi stated that he's not asking for a decision, he's trying to inform the Board because it's coming up quick. The second piece is the replacement which is the installation and the low bid was \$537,000. You put those two together you get the same number. The only benefit is that you have consistency in the meters.

Mr. Dowd stated that you're \$160,000 short of your bond request.

Manager Politi stated that you get half of this back from the grant. He further stated that this is time barred for the grant by the end of the year.

Mr. Dowd stated that they are over their bond so what you could do is award the meters and buy them. The problem is you cannot accept the bid for the installation, \$537,000 because that puts you over what you have bonded for. You would have to get the bidder to keep his bid secure for more than 45 days and then we would come back and do a supplemental bond resolution to up the \$500,000 to \$650,000. Have all the estoppel periods run and then award the project getting a 50% reimbursement under the sewer grant that you got.

Trustee Hurd asked if the Village would get 50% of the total.

Manager Politi stated yes, because they allowed us to go back out to bid.

Trustee Raymondo stated that they are way over bid. There are other companies out there. You may want to put it out to bid again.

Manager Politi stated that he had the same reaction from the engineer and he's wrestling with the number.

36 Sherman Avenue

Mr. Dowd stated that the Board received a memo from Kerron Barnes dated March 8th. As the memo says there seems to have been steady progress in getting the Ronk family together and agreeing who would be in charge and who would sign the loans and get this property cleaned up. However, it appears recently there's been a setback and that setback seems to be that they've talked to an attorney and we can't compel them to do certain things and therefore they seem to be backing away from going for a loan through the Village and signing an agreement and fixing the property up as fast as the Village would like it fixed up. They have removed one automobile and they understand that they have to remove and do other repairs, but Mr. Barnes can't get a time frame out of them as to when they want to do it. They seem to think that only one member of this Board is pushing them to clean up the property.

Trustee Raymondo asked if the house was sound and safe.

Mr. Dowd stated that was one thing Mr. Barnes was trying to do is get inside and see what the condition was. They won't let the Building Inspector in.

Trustee Raymondo asked if the main concern is the exterior.

Mr. Dowd stated that they realize they have to do some repairs and some replacement and clean-up. They are not returning Mr. Barnes's calls to give the Village a time frame for when they are going to do this stuff.

Trustee Hurd stated that he wants to make sure the Village is on solid legal ground.

Mr. Dowd stated that the Village has done this before and we've been challenged before and the bottom line is you always give them the chance to pay it first and if they don't pay it you put it on their taxes. If they want to challenge the assessment they can. You've made a record of proper notice, proper hearings and more than enough time to clean up. The Village is totally in their power and priority to do what you have to do tonight. The Village will notify them by resolution saying they have ten days.

Trustee Raymondo stated that in the letter they point the finger at one of the board members and that is totally unfair because we were united.

Trustee Raymondo moved to adopt Resolution No. 15-04-05, Affirming the Board of Trustees Resolution Declaring a Certain Building Located at 36 Sherman Avenue in the Village of Walden to be an “Unsafe Building: as Defined in the Section 63-2 of the Village Code and Ordering Such Building to be Repaired, (attached) Seconded by Trustee Norman. All ayes. Resolution adopted.

Mr. Dowd stated that the other piece of correspondence in the Board’s package may be a mechanism for the Building Inspector to get inside.

Correspondence

A letter was received from the American Legion thanking the Board for their support.

Correspondence was also received from Eddie Diana pertaining to the sales tax with a check in the amount of \$8413.93 which is the Village’s second payment and there in one more to come.

Board Comments

Trustee Raymondo asked if a person inhabits a dwelling that has a loan from the Village and that person never changed the deed, is that person still responsible to pay the loan.

Mr. Dowd stated that the Village’s mortgage stays with that property. It doesn’t go away if somebody dies. Even though there’s a transfer of the property by an executive deed the lien will still be there.

Trustee Raymondo asked when the lien will have to be satisfied.

Mr. Dowd stated that according to the documents when the transfer takes place it triggers the loan to be paid in full.

Trustee Hurd stated that if the Board knows of anyone that would be interested in participating in the Soap Box Derby please have them contact himself, Chief Holmes for Manager Politi. The cut off date is March 15th, 2005.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk