

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
APRIL 12, 2005**

Mayor Becky Pearson called the regular meeting of the Village of Walden Board of Trustees to order.

On roll call the following were:

Present;	Mayor	Becky Pearson
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Lauren Keator
		Jose DeJesus
		Mary Ellen Matise

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney
	Jan Weiner, Village Treasurer

BUDGET HEARING

Mayor Pearson presented the Affidavit of Posting Notice, Affidavit of Publication and Notice of Hearing which she read.

Mayor Pearson stated that in accordance with Article Five of the Village Law of the State of New York and Chapter 323 of the Code of the Village of Walden, we, the Village Board of Trustees, submit for your consideration a recommended budget for the Fiscal Year commencing June 1, 2005 and ending May 31, 2006. The primary focus of this budget is to maintain municipal service levels while continuing the investment in the capital improvement plan for the Village's infrastructure, gaining approval and implementation of our comprehensive plan, and to minimize any potential increase in property taxes.

Manager Politi stated that in keeping in mind what the Mayor said that we are trying to keep our investment in the capital improvement plan going, keeping our service levels the same and he added that they would like to see the approval and implementation of our comprehensive plan. The multi-year capital improvement program which started in 1998-99 we're continuing on that path with keeping pace with our capital improvements. This year we intend to spend \$142,500 from the budget for a series of capital improvements and equipment purchases and we would also like to do the rehabilitation of East Avenue which would be bonded. He pointed out the list of capital projects the Cherry Street building roof replacement, which is our water department, and sidewalk replacement is various sidewalks throughout the Village. They intend to

replace one of the police vehicles. They also would like to do administrative office renovations and painting the fire escape at the Village Hall and purchase a vehicle for the office staff. Last year the water rate was raised, but not the sewer rate. This year they intend to bring the rates up to the same amount. The Village Manager explained the department programs. He further stated that overall you're seeing an increase of 3% as proposed in the property tax rate.

Trustee DeJesus stated that the board had a number of work sessions to discuss the budget and this is how they came to present the budget with a 3% increase. There was a request for an additional police officer and that was not approved. They felt there was a need for staffing at DPW. His question has been the parking enforcement individual as to the fact that they are not going to pay for themselves. We have an issue with parking tickets, they are \$5. and the cost of the parking enforcement officer will have to be absorbed somehow. With those two individuals being added to the budget for the police department this board would have to consider other options as well in terms of the cost of the parking ticket. Also, the issues of parking in terms of the Oak Street parking lot, making improvements. We also have to talk about the overnight parking and the issue we have to institute some kind of fees for overnight parking, and we have to clear the parking lots in the morning so the people who come to visit have use of these parking lots.

Mayor Pearson stated that she doesn't feel the board has discussed everything they need to discuss to have a finalized budget.

Trustee DeJesus stated that they have to take some feed back tonight and then have more discussions.

Trustee Matise stated that going back to the March 22nd meeting they did set budget review sessions for March 23, 28 and 29. Next year the board needs to be more specific in telling the public that they are welcome to those work sessions.

Mayor Pearson stated that she would like to see two or three years in a row of the budget changes, not just this year.

Trustee DeJesus stated that there are some mandated costs that the Village has no control over. They can say they are going to keep the increase to the mandated cost. They have that option, but they have to be prepared to recommend corresponding cuts. There are mandated contractual costs, union contracts; there are retirement costs and health insurance costs.

Mayor Pearson stated that almost half of the budget increase is due to contractual agreements and costs that go up every year that we have little control over. The other half that the board has to control is put out there for everybody. That's why we're having this public hearing.

Manager Politi stated that if anyone has any questions about the library budget they are here tonight to answer questions.

Trustee DeJesus stated that the library has the right, by state law, to put a budget to the public. The library board decides what the increase should be and this board has to find the funds to cover that increase. That could be through taxes or cuts in other departments.

Manager Politi indicated that as we set our guidelines for the budget the library board sets guidelines for their budget.

Trustee Matisse read Section 259 of the State Education Law which deals with library taxes, "taxes in addition to those otherwise authorized may be voted for library purposes by any authorized named in Section 255 of this part and shall unless otherwise directed by such vote be considered as annual appropriations therefore until changed by further vote and shall be levied and collected yearly or as directed as are other general taxes."

Leslie Myers, 3 Donner Drive stated that the library is not asking for an increase this year. They will be having a public hearing next Tuesday at 7:30pm. She also has fliers regarding the Sesquicentennial and celebrations they will be doing. Sunday, Jay Unger and Molly Mason will be here to celebrate the Sesquicentennial. They are also asking for donations to have families names put in a library book with a plaque.

Trustee DeJesus stated that he has a question regarding the budget hearing, we are here to receive information.

Mr. Dowd stated that it's a public hearing specifically on the budget, so the questions or comments should confine themselves to the budget process and budget line items. It is here for public comments; it does not require a response from the board.

Mayor Pearson indicated that she hopes the board does respond.

Mike Lynch asked about the parking enforcement officer, how long have we been without that position.

Manager Politi stated since 1996.

Mr. Lynch asked if there's been that much of a parking problem on Main Street.

Manager Politi stated that its beginning and we want to get a handle on it.

Mr. Lynch asked if there was anyway they may not have to create that new position and have a police officer enforce the parking rules.

Manager Politi stated that's the process they went through and that's what they arrived at, a Parking Enforcement Officer.

Keith Millspaugh, Millspaugh Furniture stated that he appreciated the presentation tonight, they didn't get one at all last year. He would like to receive the packet earlier. On page one, employee health benefits says increase \$42,000, he believes it's \$49,000. The General Fund contingencies to the public library are unchanged at \$330,000. He believes that's the total amount the library spends, when the general fund contribution is \$233,000.

Manager Politi stated that was an error, it should be \$233,000.

Mr. Millspaugh stated that he would like a line item presentation rather than a summary presentation, it's confusing.

Trustee DeJesus indicated that the budget is at the Library and the Clerk's office.

Mr. Millspaugh stated that he asked today if there is an adjustment of the line items and there's not an adjusted copy of the line items. He spoke at the last meeting about the confusion between the tax rate increase and the actual tax spending increase. The tax rate increase being in the paper at 3% where the actual tax spending increase in the general fund is 8% that is confusing. The public notice states the Mayor's and Trustee's salary from all sources. Those sources don't include the health insurance. That doesn't count as an income? The actual cost is significantly higher. Some that don't take the insurance take a cash buy out. Do those benefits not show up in employee benefits, but show up in the line items of the Mayor.

Jan Weiner, Treasurer stated that it shows in the summary for the wages of the Board, if they take the buy out. If they take the benefit it shows up under employee benefits.

Mr. Millspaugh stated that the general fund since 2001 has increased 40%, general fund spending. That's an average of 10% per year and yet the presentation the public hears is 2 1/2% to 3%. He feels it's misleading. If there was a 5% increase every year, the budget would be at \$5 million right now, instead of \$5.7 million. In dollars, when you look at the general categories, Public Safety has increased over 30%, which is over 300,000 over that four year period. Cultural and Recreation has increased 70% which is \$125,000 over that four year period. Home and Community has increase 48%, that's over \$212,000 and they have to ask the community could they do better than the village is doing at holding the line at the garbage collection prices. Employee benefits, which is the item that has the biggest impact on the budget has increased over 96% for \$544,000 over four years for a total 40% over that period is 1.6 million dollars. People's benefits and professionals out of that total budget of 7 million are well over 4 million. Yes, we are a service business and that's what we do, a service, but we have to measure how much we pay and how much results we get for the dollar. There are lots of things that money has been spent on, but not in a way we can use it. Specifically, the liner at the

ice skating rink. We spent thousands of dollars, but we might have had one day of ice skating. It was blamed on heavy snow and who was going to plow the snow off. Last year they blamed the rink couldn't hold water, but if the fire department was asked they could put a little water in at a time and they would have had ice on it. We throw money, after money, after money and we still don't have a skating rink we can use. He's concerned with the revenue this year; we're counting on an increase of \$200,000 non-property tax items. That's gone from \$730,000 to \$930,000. Is that from sales tax.

Ms. Weiner indicated yes.

Mr. Millspaugh asked if this year's current budget is reflecting four quarters at the new rate or $\frac{3}{4}$ at the new rate and $\frac{1}{4}$ at the old rate, last year's budget, to know if \$930,000 is a number we can count on receiving.

Manager Politi stated that is what we've projected.

Mr. Millspaugh indicated that if people don't spend then Walden won't have enough money to meet the budget.

Trustee Wynkoop stated that if people can afford to buy something then they can afford the taxes. There are people on a fixed income that cannot pay property taxes now. Why would you increase their property taxes when the sales tax can do it?

Mr. Millspaugh stated that it will hurt the businesses in the community.

Trustee Wynkoop stated that his business wasn't hurt last year.

Trustee DeJesus stated that he would like to hear from residents of the Village if they feel the Village should be cutting back. He wants to hear from the people who are getting the services. He has questions about the skating rink too. He also stated that he voted against the sales tax.

Mr. Millspaugh stated that another income line interfund transfers from water/sewer department, which have been non-existent for the last couple years, which means the water/sewer funds are spending more money than they are supposed to. Last year there was an increase in the sewer fund, we have to raise the taxes and rates in the water/sewer fund in order to pay interfund transfers, which was budgeted and is not there which means we're over-spending in our water/sewer department. Are we going to be taxes spent or are we going to make sure we have the leanest budget giving the proper services for the community? What is the per capita spending, how do we rate, what is our comparison?

Mayor Pearson indicated that she will research that.

Mr. Millspaugh asked what is Walden contributing to the tax burden of the taxpayer.

Yvette Didonato, 180 Walnut Street asked why the Village doesn't get Federal Aid.

Manager Politi indicated that the Village gets CDBG money which is another source of Federal aid. There are also other grants for specific items.

Althea Mullarky, 3 Watkins Drive asked what part of the budget is for the comprehensive plan?

Manager Politi stated that the funding source is community development and grants, not out of the budget.

Marcus Millspaugh, Jessup Street stated that he took his tax bills from 1998-99 and the tax levy is increased every year, 3%, 1.3%, 5.3%, 6.3%, 24.6%, and 4.9%. If you put them against what the expenditures were for the year 2000 and we come to the year 2003-2004 and there was a 40% increase in the tax levy. That same year your tax base increased by 27% yet our tax only went down 2%. That wind fall \$657,000 is built in the budget every year since then. It seems our budgets are not 3%, 3%, 3%. We should be looking at trends and hold the line a little more.

The Village Manager stated that there was a large increase in the year pension contributions and health care saw a dramatic increase.

Keith Millspaugh asked what is meant by pension increase?

Manager Politi stated that it's the pension contribution by the Village.

Keith Millspaugh asked what line.

Manager Politi indicated employee benefits.

Keith Millspaugh stated that the budget is \$140,000 more than what was spent. This year we budgeted one million and we've spent \$839,000. This is the year those increases are fully hit.

Jan Weiner stated that we were told by the State to budget that and they came back with a lower percentage.

Keith Millspaugh asked if there was a significant fund balance.

Ms. Weiner stated that she will have to check that.

Trustee Matisse stated that Hevesi's office released another press release saying the market was down and there were concerns for this year.

Dennis Pantano, 12 Lafayette Street stated that he has not taken the time to be aware of very much that is going on in the Village other than costs and taxes increasing. His fixed income has become a broken income. He made a plea to the Village to control costs as much as possible.

Althea Mullarky stated she attends school budget committee hearings and each department has to come before the board and give a breakdown. You understand where your school tax dollars are going. She would like line item presentations here too.

Trustee DeJesus stated that department heads do come to budget work sessions. The Police Chief came and asked for a police officer and the board did not agree with that and his budget was cut. DPW, for a number of years the Village hasn't put any additional staff in there, so we had to make those choices. Maybe it should be made clear that budget work sessions are open to the public.

Ms. Mullarkey stated that each department's overview would be nice. So we spend the reserve every year?

Manager Politi stated that's for breaks and potential flooding. This year we will be close on the water/sewer side.

Ms. Mullarkey asked are we going to get federal aid because of the flooding.

Manager Politi stated that we have made application for that.

Mayor Pearson stated that she liked Ms. Mullarkey's comments having a little bit more broken down for the public. She'll work on that for next year. She asked if they could start earlier with the budget.

Ms. Weiner stated after March 20th.

Trustee Matisse asked about written comments.

Manager Politi stated that they have to be in by April 19th.

Mayor Pearson stated that we need another work session on things that were discussed tonight.

Ms. Weiner explained that she has to file the Constitutional Tax Limit report with the State 10 days prior to adoption of the budget.

After a brief discussion it was the consensus of the Board to hold a budget work session on Wednesday, April 13th at 6:30 pm.

Ms. DiDonato asked if there was time for written comments.

Mayor Pearson indicated no, but you can bring them to the meeting tomorrow night.

Trustee DeJesus moved to close the public hearing. Seconded by Trustee Matise. All ayes. Motion carried.

Approval of Minutes

Trustee DeJesus made a correction to the March 22, 2005 minutes, Page 7, motion made and seconded by Trustee DeJesus. Change to Seconded by Trustee Raymondo.

Trustee DeJesus moved to adopt the minutes of March 22, 2005 as amended. Seconded by Trustee Norman. On roll call Trustees Wynkoop, Norman, DeJesus and Keator voted yes. Trustees Hurd, Matise and Mayor Pearson abstained. Motion carried.

Trustee DeJesus moved to adopt the minutes of April 4, 2005 with the following corrections, Page 3 change appointment to opportunity and Page 7 change Orange County Trustee to Orange County Trust. Seconded by Trustee Norman. All ayes. Minutes adopted.

Public Portion

Dennis Pantona, 12 Lafayette Street expressed his concerns with dog owners not cleaning up after their dogs. He was told the only way the Pooper Scooper Law could be enforced would be if an officer sees the dog defecating and the owner not cleaning it up. He went to the Town and County Department of Health and was told it's a Village problem. He has two neighbors who at any given time have between 10 and 80 piles of feces in front of their home on their property and nothing has been done about it. It would be a great source of revenue for the Village. He suggested the Village make the people who live here responsible for the curb in front of their home.

Trustee DeJesus asked how can they expand the duties of the dog officer. It is a serious problem. It is disgusting at the entrance to Walden Estates. We have to find a way to address the issue.

Mayor Pearson stated that she will do some research on how other villages handle this problem.

Manager Politi stated that it is on the books that property owners must keep the area clean in front of their premises, 18" into the street.

Craig Anderson stated that he is not going to pick up after other peoples dogs. He has no dogs. The Village has an enforcement problem. It isn't his problem.

Mayor Pearson asked the Village Attorney to read the code as it pertains to curbing of dogs.

Section 61 of the Village Code was read by Mr. Dowd.

Mayor Pearson asked if the law mentions enforcement.

Mr. Dowd stated that it's a violation of the code and carries a fine with it. The bottom line is a police officer, if he sees it, he can enforce it. If he doesn't see it, he can't enforce it and he would need a complainant to come forward who witnessed it and is willing to testify. If the police knew that every day Joe Blow is walking his dog and not taking the feces away, yes, an officer could sit out there and write him up with a ticket.

Mayor Pearson asked Mr. Pantana if he's complained to the police.

Mr. Pantana stated that he came to the code enforcement officer and Mayor and he was told it had to be witnessed.

Trustee Matisse asked Mr. Pantana if there was a problem with dogs running loose?

Mr. Pantana stated that they are being walked.

Mayor Pearson stated that the manager suggested doing a mailer to homeowners about this. It has been on the calendar.

Manager Politi stated that you can also add other property maintenance matters to the mailer.

Mike Lynch, 54 Albany Avenue stated that he was the dog control officer for 10 years and he resigned his position because of the lack of enforcement on many things. One thing was the no through street that recently signs were put up telling people it was a through street. He decided he wanted no part of people who selectively enforce the law. That's what happens here. If you have someone waiting on call, that dog did his business and left.

Mr. Lynch further stated that he came home Friday to find a parking lot next to his house in Bradley Park. He understands it was put there for a handicapped coach, but what happens if that man has to get to the bathroom.

Manager Politi stated that he gets in his car and goes around to the bathrooms.

Mr. Lynch asked if that was selective to one person.

Manager Politi stated that because of the configuration of the baseball diamond it will help access for handicapped people who have trouble walking all the way around the field.

Mr. Lynch asked if anyone walked along the fence that he has repeatedly complained about poison ivy, which borders his property.

Manager Politi stated that every year the Village goes in and sprays.

Mr. Lynch stated that the fence is in terrible condition and the lack of maintenance in the park. The fence does not separate his property from the park. He has asked for that to be opened as a foot path to let people into the park so they wouldn't be going through his property. He would like a better looking fence.

Manager Politi stated that they just started the project. He just talked to DPW about finishing what they have to do and repairing the fence.

Mr. Lynch asked if it was going to be blacktopped.

Manager Politi stated no.

Mr. Lynch stated that he paid for a survey and there was a survey pin in the curb that was removed. Whose property is that. When he wanted to send traffic up the private road he was told it's a private road. How could you put an entry in there?

Manager Politi stated that they looked at the maps and found out where the end of the street was.

Mr. Lynch stated that there is debris to the left of where the Village made the parking lot.

Diane Sandbothe read the attached statement.

Trustee DeJesus asked if there is a law suit still going on with this.

Mr. Dowd stated yes.

Trustee DeJesus stated that the requests pertaining to DLK should be addressed to them through Mrs. Sandbothe's lawyer.

Mrs. Sandbothe asked if the Village is still holding a bond, they would have more power to have DLK to do something.

The Manager stated that he can discuss the litigation with the Board if they'd like.

Mrs. Sandbothe asked who owns the hill behind her house, where the swale is and the retention pond is.

Manager Politi stated that the Village owns nothing right now. We will probably end up with the maintenance on it.

Mrs. Sandbothe asked, the debris that's coming down the hill, who is she suppose to complain to?

Manager Politi stated whoever's property it's coming from. If it's from those four properties it would be Schoonmaker.

Manager Pearson asked if there was a time frame on the bond.

Mr. Dowd indicated that they are supposed to complete the project in three years. We hold the bond until it's complete. There have been some delays like the issue of drainage and the pump station.

Mayor Pearson asked if the Village reduced that bond.

Mr. Dowd stated that they did for the work that was done. They still have enough to fix whatever is not fixed.

Trustee Matisse asked if the manager got a letter from Joe Henry regarding the silt fence.

Manager Politi stated that he was not copied, but he was notified that it should be removed.

Trustee DeJesus stated that they came to the Zoning Board which was a request for a retaining wall.

Mrs. Sandbothe stated that they were building a house with a 20 foot set back instead of 30 foot set back and they said they were putting up a retaining wall and they never did.

Mr. Dowd stated that the Zoning Board called the engineer because of the size of the foundation and the issue as to whether there should be a retaining wall. He believes they engineered it so there wouldn't have to be a retaining wall, but there would be a deep foundation and a high wall in the back.

Mayor Pearson stated that the Town has a law that states the grade you can build on. Does that pertain to the Village of Walden if we're in the Town of Montgomery?

Mr. Dowd stated no.

Yvette DiDonato asked if that should be in the comprehensive plan.

Trustee DeJesus stated that the comprehensive plan addresses environmental factors.

Mary Ann Landolina, 147 Walnut Street explained that it's very hard for people in the audience to hear what's being discussed.

Mayor Pearson stated that she is going to change the direction of the seating.

Keith Millspaugh stated that it's nice to see so many people here tonight. It's nice to see people feel they can come to the Board and get some action. He's complained the past year and a half about he doesn't know how the Village can run with two meetings a month, one hour long, plus executive session. He has a legal question about a zoning application that happened the other night. There's a building on Main Street, next to the hair dresser. They made an application to the Zoning Board to change from 2 apartments to 6 apartments. The application wasn't amended, but somehow the application became 4 apartments and that was approved. He put all his objections in writing to the Board. He doesn't understand how it got passed. He was at a meeting when Jacob's Ridge was discussed, when they were talking about the setback change from 20 to 25 feet. At that time Mr. Dowd told them they would have to reapply to the Zoning Board if they were not going to be approved for that zoning. Why was it an option now.

Mr. Dowd stated that he doesn't remember making that statement. Normally when an applicant comes in and advertises a public hearing for a variance and then they actually down size during the process and the public hearing is still open the Zoning Board doesn't require them to refile and renotice because it's being done at the public hearing and they are continuing to take public comments. That is what happened here. The Schoonmaker application he's not sure what that is about.

Mr. Millspaugh stated that there is a parking problem on Main Street. The building next to his there are three apartments above it and recently the whole residents have changed. They are all parking on Main Street. He's complained to the police and they've come over and written tickets. One time they wouldn't write a ticket because it wasn't enforceable because the signs weren't up. There's still a sign missing. Yesterday there was a person working on his motorcycle all day and he called the police. There is a code that says you can't repair vehicles on any Village street. The officer did speak to the person, but the motorcycle was there all night, because the street sweeper came through and you could see where it went around the bike. It was there all day today. His neighbor was told by the manager that the sign was a NYSDOT problem. She called NYSDOT and was told it's the Village's responsibility to put the signs up. If people knew you could get a ticket for parking longer than two hours they wouldn't park there.

Trustee DeJesus stated that the enforcement is going to go on and people are going to get ticketed and Mr. Millspaugh is going to hear from his customers. He wants to make sure when he makes a decision that it is going to be supported by the business community when it comes to enforcement.

Keith Millspaugh stated that it was discussed to have passes for people who were going to be at a business longer than two hours. How are you going to make sure it's not abused?

Trustee DeJesus stated that if there's going to be passes for people who will be parked longer than two hours then you might as well not have the law. If we're going to have this law and its two hours and you're there longer you're going to get ticketed.

Keith Millsbaugh stated that he has a parking lot for his customers.

Trustee DeJesus stated that you cannot have selective enforcement.

Keith Millsbaugh stated that the more apartments you have on Main Street the more vehicles you have on Main Street. For some reason we use our parking district as a reason where people can increase their number of apartments which only increase the number of vehicles for all those other people to park in our parking lots which were paid for by the Main street businesses.

Trustee DeJesus indicated that the Walker Building is proposing apartments and that will be an issue.

Althea Mullarkey suggested signs be put up asking people to clean up after their dogs. Also, the sign for Watkins Drive is missing. She asked if the Village Attorney was going to be discussed tonight.

Manager Politi stated that it's on the agenda, No. 5, Village Law Section 4-400 Review.

Ms. Mullarkey asked if the Village normally has contracts with people they employ?

Trustee Wynkoop stated that the Village has a letter, retainer, from the attorney.

Ms. Mullarkey asked if it's a legal contract.

Mr. Dowd indicated that he signed it and he binds himself to it.

Manager Politi stated that the engineer is on retainer based on hourly rates.

Suzanne Isaksen stated that she is very excited about her appointment as Village Historian. She asked if she was to be officially sworn in.

Mayor Pearson advised Ms. Isaksen to stop by the Village Clerk's office to get sworn in.

Ms. Isaksen stated that she has discussed with the Mayor and Trustees things they would like to see done and she's identified projects, working with the Sesquicentennial Committee and event sponsor, to ensure all Sesquicentennial events are photo documented. She is working with the Historical Society to develop a walking tour of the

Wallkill Valley Cemetery. She will also be working with Walden residents to identify properties to be listed on the New York State and National registers of historic places. Her background is in architecture and historic preservation. If there are other areas anyone would like her to focus on she would be very happy to talk to them. April 24th will be Walden's Fourth Annual Local History Day from 1-4pm. There will be a presentation by Marcus Millsbaugh. There will also be a special activity to make a birthday card for Walden. On April 21st there will be a program on sustainable communities. It will be held at the Town Hall.

Audited Bills

Trustee Wynkoop moved to pay the audited bills of April 12, 2005. Seconded by Trustee Norman. All ayes. Motion carried.

Mayoral Appointment of Deputy Mayor

Mayor Pearson appointed Mary Ellen Matisse as Deputy Mayor.

Set Date of Public Hearing for Comprehensive Plan

Mr. Dowd explained that prior to adopting the Comprehensive Plan his suggestion is that the Board do a generic environmental impact statement. If you go that route there will have to be a hearing on the impact statement itself as well as the Comprehensive Plan. He believes they should hold off on setting the public hearing on the Comprehensive Plan only until he can arrange with Mr. Sorensen a more appropriate schedule as to when the documents will be done so they can do them simultaneously.

Trustee Hurd stated that he is concerned with the timing because there are so many projects that will become moot.

Mayor Pearson stated that we will hold this off until April 26, 2005.

Stanley M. Wayne Request for Tax Penalty Reimbursement

Mayor Pearson explained that with the fire that happened the cost of demolition Mr. Wayne got penalized on his taxes because of the time it took to get his insurance claim settled. He's requesting a refund of \$1089.00.

Trustee Wynkoop stated that he has no problem refunding the penalty fees.

Trustee DeJesus stated that he understands the situation, but his concern is setting precedent. There are others such as seniors who have a hard time paying their taxes. We all know when the tax bill is due.

Mayor Pearson stated that he did pay the taxes.

Ms. Weiner stated that he wanted the penalty removed on the \$12,000 demolition cost.

Mr. Dowd stated that several months ago he made a request to amend his tax bill to remove the late charges and the Board said no, because legally you can't do that once the tax was set. He didn't pay the taxes on time because he was having a dispute with this insurance company, so he waited until he got the proceeds and then he paid his taxes late.

Trustee Keator stated that she agrees with Trustee DeJesus.

Trustee Hurd stated that it tears your heart out because this family lost two small children. However, the Board has been pretty strict on this, because people are properly noticed. If we do it for one you have to do it for everyone.

Mayor Pearson moved to refund the \$1089. penalty to Mr. Stanley Wayne. Seconded by Deputy Mayor Matise. On roll call Trustees Wynkoop, Norman, Deputy Mayor Matise and Mayor Pearson voted yes. Trustees Hurd, DeJesus and Keator voted no.

Acceptance of Bid for Wastewater Treatment Plant Clarifier Upgrade

Manager Politi stated that the clarifier upgrade bid went well. It's been reviewed by the attorney and engineer and all the numbers are correct.

Mayor Pearson stated that when you look at the bid summary, she can't understand how people can be so different in their bids.

Manager Politi stated that the foot bridge bids came in that way too. The background research was done and it was correct.

Trustee Hurd moved to award the low bidder Lydon Millwright Services for the wastewater treatment plan clarifier upgrade. Seconded by Trustee Keator. All ayes. Motion carried.

Acceptance of Bid for Water Meter System Upgrade

Manager Politi stated that this particular project is the water meter replacement and the meter itself came in quite high twice and we put it out to the board again.

Mayor Pearson asked about the discrepancies in the bid.

Manager Politi stated that after two rounds the engineers felt it possible to do the work with these numbers.

Mr. Dowd stated that back in September 2004 based upon the engineers estimates the Board adopted a bond resolution for \$500,000. The first set of bids for one person to do all the work came in way over that amount. They then split the bids and they also came in over the \$500,000. Before the Board can award the bid they will have to decide whether they want to reject the new set of bids and try again or authorize a supplemental bond resolution and make it higher to cover the two bids. He will prepare a bond resolution for the next meeting supplementing the \$500,000 going to \$650,000. Then you would go through the 30 day permissive referendum and the 20 day estoppels notice. Then if there are no challenges you could award the bids. The bidders said they will hold their bids beyond the 45 days for another 90 days. You have to do it quickly otherwise they can withdraw their bids.

Trustee Wynkoop asked if the grant will be raised too.

Manager Politi stated that it will be proportional to that.

Trustee Hurd asked if they will make the time frame with the grants.

Manager Politi stated yes.

Mayor Pearson asked if you rebid can you still use the same companies.

Mr. Dowd stated that you would have to reject all the bids before you tonight and then go back out to bid.

Mayor Pearson asked, on the summary of work, it says the contractor shall notify the owner of the need of contingency plumbing prior to start of the work. The owner shall determine if such condition exists. So, the owner will also have to put money into this. If they come to her house and the pipe breaks and its old copper, will she have to replace all the pipes?

Manager Politi stated it may fall back on the owner, you will be running into different scenarios.

Mr. Dowd explained that in the contract owner is the Village.

Trustee DeJesus asked if anything beyond the meter is the homeowner's responsibility.

Manager Politi stated that it's your house to keep in good repair.

Mayor Pearson asked what partial owner occupancy means.

The manager stated that he will get an answer on that for her.

Trustee DeJesus moved to authorize the supplemental bond from \$500,000 to \$660,000. Seconded by Trustee Keator. All ayes. Motion carried.

New York State Electric and Gas Street Light Authorization

Manager Politi explained that on Main Street you have the new light posts between Oak and Bank Street. There are three cobra head lights there too. This authorization will take them off the contract.

Mayor Pearson asked when the State did Main Street why didn't they put everything underground.

Manager Politi stated that there would have been a cost back to the property owners.

Trustee Keator moved to authorize the manager to sign the contract with NYSEG removing three cobra lights from Main Street. Seconded by Trustee Matise. All ayes. Motion carried.

Fire District Request

Mayor Pearson stated that the Walden Fire Department is requesting approval to hold the Chief's inspection parade on Saturday, June 4th, 2005 and also permission to have exclusive use of Bradley Park at the conclusion of the parade. They are also asking that the open container law be lifted for Bradley Park and line up and to hold a block dance in Municipal Square on Friday night, June 4th between 7 and 10pm.

Trustee Norman moved to permit the Fire Department to hold the fire chief's inspection parade on June 4, 2005. Seconded by Trustee Keator. All ayes. Motion carried.

Trustee DeJesus moved to allow the Fire Department to have exclusive use of Bradley Park at the conclusion of the parade. Seconded by Trustee Norman. All ayes. Motion carried.

Mayor Pearson moved not to lift the open container law at Bradley Field. Seconded by Trustee Keator. All ayes. Motion carried.

Deputy Mayor Matise stated that there was a request from Diane Savage to have all the dates connected to the Sesquicentennial given to the ambulance corp.

Trustee Keator moved to permit line up on June 4, 2005. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Mayor Pearson stated that the Walden Fire Department would be honored if the Village Officials of the Village of Walden would participate marching in the parade. Line up is at 4pm and step off is at 5pm.

Trustee DeJesus stated that the same goes for the open container for line up, it's not permitted.

Mayor Pearson stated that they didn't ask for it.

Trustee Keator moved to allow the block dance in Municipal Square on Friday, June 3, 2005. Seconded by Trustee Norman. All ayes. Motion carried.

Diane Sandbothe requested that #5 of the discussion items be moved to #1 because she has to leave.

Trustee DeJesus explained that he's sorry but that doesn't work like that, we have an agenda.

Mrs. Sandbothe stated that she would like to hear what has to be said about the attorney.

Board of Ethics

Mayor Pearson stated that she received a letter from Anita Vandermark stating she would like to be on the ethics board. Lynn Schwandt, John Howland, Anthony Marengelo and Alex Landolina are still interested in being on the board. She wasn't able to contact David O'Connor.

Mayor Pearson moved to make the following appointments to the Board of Ethics John Howland, one year term; Alex Landolina, 2 year term; Anthony Marengelo, 3 year term; Lynn Schwandt 4 year term and Anita Vandermark 5 year term. Seconded by Trustee DeJesus. All ayes. Motion carried.

Community Block Development Grant

Mayor Pearson stated that the County Executive Edward Diana is asking for support of the CDBG funding program

Manager Politi stated that now they want to do away with the full block system.

Mayor Pearson stated that the Federal Government FY2006 Budget proposes the complete elimination of the Community Development Block Grant Program. In CDBG's place the administration is proposing the creation of a smaller program within the Department of Commerce that will focus solely on economic development. The new proposed program bears no resemblance to CDBG as we know it. They are looking for a resolution in support of keeping the CDBG funding program.

Trustee DeJesus moved to adopt a resolution Supporting the Community Development Program and Urging Congress to Restore its Funding, (attached). Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

Evergreen Property Parking lot Proposal

Manager Politi informed the Board that the project fell apart.

Set Date for On-site Facilities Review

Mayor Pearson stated that the public is welcome to attend the on-site facilities review.

Manager Politi stated that if a board member can't make on it May 1st at 3pm, he will do another review. They will meet at the Village Hall.

The Manager further stated that although the sewer plant is safe there are certain areas that the public can't be in.

Village Law Section 4-400 Review

Mayor Pearson stated that this whole thing came about because she was looking to possibly, as our out going Mayor did, have an opportunity to look and see what else is out there and whether we have the best lawyer that we could have. She's not saying he's not. She asked Mr. Dowd not to take offense. In the law it says that Under Chapter 32-3 Village Manager, appointing of officers and employees such Village Officers and Employees as the Board of Trustee shall determine are necessary for the proper administration of the Village, except the Village Clerk, Village Attorney and Village Treasurer shall be appointed by and may be removed by the Village Manager, but the Village Manager shall report each such appointment and removal of to the Board of Trustees. The Village Clerk, Village Attorney and Village Treasurer shall be appointed and their salary and compensation fixed by the Board of Trustees. In the NYS Code Book it says something completely different. It says the Mayor does the appointment and the Board would either agree or disagree. She still has something she talked to the state on. She would like clarification because the same thing happened in Monticello and there is a court case in the appellate court.

Trustee DeJesus asked if doing this in public was fair to the attorney.

Mr. Dowd stated that clearly you are not talking about his abilities as a Village Attorney. You are talking about the position of Village Attorney. So this is appropriate conversation publicly. Yes, the Village Law says that the Mayor appoints, subject to approval by the Board of Trustees. However, over forty years ago this Village determined by local law and public referendum to establish the Village Manager form of government and when they did that Chapter 32 of the Village Code was enacted and it

take most of the executive administrative powers from the Mayor and vests them in the Village Manager and that law that was adopted forty plus years ago supersedes the Village Law as it pertains to the Village Mayors role. Your code supersedes as you go by the code and the code specifically says the manager has all the appointment powers for employees and officers except the Board of Ethics, Village Clerk, Village Attorney and Village Treasurer, not by the Mayor consent of, but by the entire board.

Deputy Mayor Matisse asked about the referendum in 1962 establishing the Village Manager position that was a single issue.

Mr. Dowd stated that it vested the entire powering in the Village Manager's position.

Deputy Mayor Matisse asked if the referendum wording included all the points in Chapter 32.1, 32.2 and 32.3 or were they established after the referendum.

Mr. Dowd stated that he believes what is in Chapter 32 was what was adopted by the Board in 1962 and voted on.

Mayor Pearson stated that she would like to go over this with the attorney so she can understand it.

Mr. Dowd stated that he would have to read the case she is talking about. He has the Attorney General's opinion, but that is presuming that you don't have a village manager form of government.

Mayor Pearson stated that she only brought this up because she feels she is doing justice to the Village to see what else is out there. She is not saying that Kevin is not that person. There is a lot out there that maybe we need to look at. That is the board's job.

Mr. Dowd stated that you would have to see if Monticello's law is the same as ours.

Trustee DeJesus stated that it is important to get clarification as it applies to this village.

Informational and Village Manager's Report

Manager Politi indicated that Trustee DeJesus asked for the housing rehabilitation program application which he put in the Board's packet. He will have it on the work session agenda.

The Village Manager reported that Ed Leonard was reappointed to the Planning Board.

Manager Politi stated that a letter was received from Christine Ihne expressing her appreciation to the DPW men that worked on the problem on Clinton Street.

Manager Politi stated that a letter was received verifying the grant application was received for the Quality Community Grant.

The Manager did inform the residents of Oakland Avenue and Scofield Street about the Soap Box Derby.

Board Comments

Deputy Mayor Matise stated that she has been circulating information for senior transportation. They are trying to entertain different routes. That ties into our comprehensive plan. The Great River Sweep activities are April 23rd. They will be cleaning in Wooster Grove and putting blue bird houses at Olley Park. Kevin Sumner gave an update on the Walden River front. He said that they will be installing a bench and plaque in honor of Ann Botchen.

Trustee DeJesus stated that he went to the parking lot by Mr. Lynch's house, how did that come about. How was that decision made to provide parking for one person, two people or anybody?

Manager Politi explained that is open to handicapped parking if needed. There is a coach that is handicapped who will be working on that field. If you see the orientation of the field it would be more practical for him to come in that way, as well as others.

Trustee DeJesus stated that it's even hard to walk on Item 4. If any handicapped person was in a wheel chair they will have to be able to use that. The other concern he has is there should be a fence between Mr. Lynch's retaining wall.

Manager Politi stated that there is an open section of the fence between the end of the retain wall and the fence. Opening this could help Mr. Lynch in many ways.

Mr. Lynch agreed.

Mayor Pearson asked how are you going to make the designation that is handicapped.

Manager Politi indicated that they will sign it.

Trustee DeJesus stated that he sent a letter to Mrs. Cappello who is the President of the Library Board and they will be meeting, because he wants her to understand his role and for him to understand how the library board functions. He would be interested in the by laws.

Trustee DeJesus also stated that 83 West Main Street, the building is not boarded up, the windows are open. Something needs to happen with that. He also stated that the Board was talking about Federal Funding and he would like the Board to have the manager look into old funds. There are a lot of funding that is not being used. Also, the most remote corners of the nation are getting funding, which is sanctioned by the Department of Homeland Security. How do we get our hands on that kind of money?

Manager Politi stated that the Police Chief has been going to the meetings for that. Its more equipment based than funding based.

Trustee Hurd stated that at the April 4th organizational meeting, at the end, the records will show that he made a motion to go into special public meeting for the purpose of going into executive session under personnel to discuss our Village Manager. The only reason we had to do it on April 7th was because there was a time pressure, because it might affect the budget and we had to have the proper budget ready for the public for the meeting tonight. That is what the Board told the public. However, when he arrived on April 7th at 6:30pm he was informed by the Mayor that they were going to have another agenda, which turned out to be Law 4-400 and specifically our two new board members took it upon themselves to do quite a bit of research regarding Village Law specifically centering on the administrative powers to appoint. He thinks the results he sees are generally the kind of results that happen sometimes. Special meetings are designed to be narrow, but some latitude can sometimes be given. However, we generally only call them for something like what they called it for on April 7th or he believes they would call a special meeting if there was a house fire, or a fire when a building needed to be quickly condemned because of a health problem and because we have a tight frame we have to work quickly. The minimum notice for a special meeting is 2 hours.

Mr. Dowd stated that it's reasonable notice to the media which requires either the Mayor to call it or the Trustees to be notified in writing and they have to sign off on it. There is a section in the code called special meetings which says how special meetings are called.

Trustee Hurd stated that he would like to make a request that Board members be given information ahead of time so they have time to review it. As for the information itself he would like to suggest that you really shouldn't practice law without a license, because you end up getting results you got. He'd like to recommend in the future, if we have questions regarding Village Law the most logical person to start with would be the Village Attorney. Someone who has had over 15 years experience administering our Village laws, in fact, has had the opportunity to write a great deal of it. He also thinks that the Village Trustees made a decision to appoint Kevin Dowd, appoint Nancy Mitchell and appoint Jan Weiner. He thinks they wouldn't do so lighting. The least experienced incumbent is Trustee Keator and she has four years with these people. Jose 5 or 6, Roy, Midge and himself had had over 8 years. If we didn't want these people as our workers we would have rethought this a long time ago. He understands she indicated that she just wanted to see if maybe we could find a better attorney or maybe find a better deal. If that's the case then why was there a double standard? Why did we only ask to

find a better deal for the Village Attorney? Why didn't we also ask to find a better deal for the Village Clerk and Village Treasurer?

Trustee Norman indicated that she attended the capsule ceremony on Saturday and it was very nice. Everyone should go to the library and see the scrapbooks.

Mayor Pearson stated that the parade lineup for the Little League parade is Saturday, April 23, 2005 8am at the Walden Elementary School.

Mayor Pearson thanked Althea Mullarkey and the 150th Committee which is a wonderful committee and they have a lot of events coming up. It was very special on Saturday, the capsule ceremony. She was presented with a little shovel which says "the history of the Village begins in the hearts of the children". This was presented to the Walden resident 2005 and they want this to stay in the Village Hall for fifty years to dig up the capsule. The Mayor thanked all those involved.

The Mayor further stated that she is not going to comment to Trustee Hurd tonight.

Executive Session

Trustee Keator moved to hold an Executive Session pursuant to 105-(f), Personnel, of the Public Officers Law. Seconded by Trustee DeJesus. All ayes. Motion carried.

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

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk