

**Village of Walden
Board of Trustees Meeting
April 26, 2005**

Mayor Becky Pearson called the Board of Trustees Work Session Meeting to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matise
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Lauren Keator
		Joe DeJesus

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

Approval of Minutes

Adoption of the April 12th, 2005 minutes was tabled until May 10th, 2005.

Public Comments

Diane Sandbothe read the attached statement and presented the Board with pictures of Jacobs Ridge. She asked if any decision has been made to her requests at the April 12, 2005 meeting.

Manager Politi stated not to date.

Deputy Mayor Matise asked if the manager referred that to Mr. Fitzsimmons.

Deputy Mayor Matise advised Mrs. Sandbothe that her letter was referred to Jim Fitzsimmons of Dufresne-Henry.

Ms. Sandbothe asked when the bridge was going to open.

Mayor Pearson stated that she has a letter she is going to read this evening. She spoke to the company that is doing the work and they hope to be done by May 31st.

Ms. Sandbothe asked why it's taking so long.

Mayor Pearson stated that the footings they had to make for posts they couldn't dig by machine; they had to hand dig them.

Ms. Sandbothe stated that the sanitation company that takes away yard waste only took away half of the debris.

Mayor Pearson asked the manager to check on that.

Mary Huber, 55 Main Street stated that the antique store at 61-65 Main Street is putting their articles out on the sidewalk making it difficult for people to walk by. If they can put stuff on the street why can't everyone.

Mayor Pearson stated that the Board will be discussing that this evening. It is in the code. She is also going to be talking about a second public comment session.

Mrs. Huber stated that 41 East Main Street is another problem; they park motorcycles on the sidewalk causing her to walk in the street.

Brownie Troop 20 and Junior Girl Scout Troop 515 presented the Board with Birthday cards they made for the 150th Birthday. They attended the Historical Society slide show on Sunday.

Nancy Ohlmer stated that after the Board looks at the cards they would like to take them to the Library to put them on display.

Patricia Henighan asked if the permit was renewed for the application of herbicide at Olley Park and also vegetation is being removed. She asked the Board to consider what happened last summer in terms of the vegetation removal around the marsh area. Hopefully that kind of thing won't happen again. If you go down there now the marshes have very little signs of renewing itself. If there is a concern about water quality there should be concerns about maintaining vegetation around the lake area. That also adds to better water quality.

Mayor Pearson asked if Ms. Henighan had information on different herbicides and different chemicals that can be used, because it has to be used for swimming. Health codes have to be stringent for the children that are swimming in there.

Ms. Henighan stated that she was actually looking for the type of herbicide that was used last year. Then she could research that and make another suggestion. One suggestion would to try and mediate the marsh area by doing some weed bed implanting there to add a little bit more around that area that was removed last year.

Mayor Pearson stated that it will grow back in time. She is not saying to replant it, it will grow.

Ms. Henighan stated that in the meantime there is concern about the water collecting extra growth and this is the time when things are being fertilized and extra nitrates are being carried by runoff into the water, so things that can prevent that is going to help reduce the need for herbicide in the water. Last summer the whole area across from the swimming area was cut, which seemed unnecessary. She could see having a trail or two down to where people want to fish, but removing all the grass on the other side kind of spoils the view shed and removes habitat for nesting birds and wildlife. They put up blue bird houses in the park last weekend and these birds depend on insects that depend on the long grass. She doesn't see why the areas across the pond had to be kept cut.

Mayor Pearson asked what the reason was the Village cut that last year.

Manager Politi stated that they have cut it in the past to maintain the growth.

Mayor Pearson stated that it keeps encroaching on the pond and it will take over the pond in time and they need a swimming area for the children. There has to be a balance between the two. She agrees there shouldn't be massive cutting. She asked if there was a way to control that.

Manager Politi stated that they can cut paths in to fish, but the herbicide has to be used.

Mayor Pearson asked if there was something that was more natural.

Deputy Mayor Matise suggested the Village contact Kevin Sumner and either he or someone from the Orange County Soil and Water Conservation District would be happy to come and give their recommendations.

Manager Politi stated that there must be reason DEC agrees to the herbicide we use.

Deputy Mayor Matise stated that the Village would get better advice from the Orange County Soil and Water Conservation District.

Mayor Pearson asked the Manager to look into that.

Ms. Henighan stated that in August the Village put up a sign that says "village property no trespassing", which is the beginning of the walking area. She was told it would be temporary and it is still there. People that aren't familiar with the park might take them seriously and feel there is nothing beyond the gate, where there is a very pleasant and healthy walk. Today someone pulled up in a car and asked if there were any trails at the park. Her suggestion would be to erect a sign saying trail area, no motorized vehicles.

Mayor Pearson asked why there's a no trespassing sign.

Manager Politi explained that it was to keep the motorized vehicles out of there. We do need a new sign.

Mayor Pearson asked if there was a kiosk at Olley Park.

Manager Politi indicated that it is at the top of the hill.

Mayor Pearson asked that something go on it about trails.

Ms. Henighan stated that the kiosk is empty most of the time and it's hard to read if you are just driving by. She suggested it be moved where someone on foot could read it or larger letters.

Mayor Pearson suggested a sign that states trail starts here, no motorized vehicles.

Deputy Mayor Matise indicated that some of the signage is part of the grant request to the Greenway.

Mickey Millspaugh stated that his annual spring plea is to please clean up the river bank at the foot of Pine Street. At the joint meeting with the comprehensive plan he asked Mr. Sorensen about what he thought about having a planning consultant available for the planning and zoning boards. He thought it was a good idea. Mr. Millspaugh asked him if he does that work and he indicated that he did. He asked the Board to discuss that and have him available. That is more important in the initial stages of the project than having an engineer. He would be able to guide the boards as to what portions of their plan needs to be reviewed by the engineer.

Mike Lynch, 54 Albany Avenue stated that he has concerns about the parking lot next to his house. He was glad to see a Trustee, Deputy Mayor and Mayor come to his house asking about his concerns. He gave the Board a description of his property. He knows if he wanted to build a parking lot on his property he would have to be a good neighbor and he doesn't feel the Village was a good neighbor. They didn't have the property surveyed, they just built it. Is it encroaching his property? There are a whole lot of questions he has asked. He's not sure the setback rules were satisfied. There is an open fence that allows people to go through his property, which could become a liability for him, which should be addressed immediately. He's just asking for the village to be a good neighbor. He wasn't notified last time the Village sprayed the poison ivy and there is a pesticide notification law and he has the right to know. They haven't sprayed it this year.

Mayor Pearson indicated that she asked the Manager to have it pulled down rather than spaying.

Mr. Lynch stated that tonight before he came to the meeting he called the Walden Police because of all the cars parked on the grass at Bradley Park. The Officers were

very helpful. They did say that the people parking on the grass was a Little League problem. He begs to differ, he paid for that grass. Little League doesn't pay taxes.

Mayor Pearson asked Mr. Lynch how he feels about the handicapped parking there.

Mr. Lynch commended the Village on the effort of giving the handicapped people a place to park, but where are they going from there. They put the horse before the cart, it happens a lot here. If he spent money that foolishly he would be in foreclosure.

Deputy Mayor Matise asked if there was an issue of people parking on the grass in the handicapped lot.

Mr. Lynch stated that they were parking all around the handicapped lot tonight, in the grass. On top of it, Sergeant Metzger indicated that they can't enforce that law. It's never been signed into law. Again, he asks the Village to stop wasting money on signage. Take them down. Let his children park there. There were motorcycles parked there Saturday and he doesn't know many handicapped people that ride motorcycles.

Keith Millspaugh stated that two weeks ago he brought up the parking on Main Street and he would like an update on the sign that he doesn't believe is up yet and the enforcement of the parking there.

Mayor Pearson stated no, she also addressed that sign and she hasn't seen it go up either. She has that on her discussion this evening and she would like to talk about it this evening and make sure if no one has any opinions they will do the two hour parking and go for it.

Mr. Millspaugh stated that one problem he has with it, in watching the police talk to the owners of the cars that have been parked there for 48 hours at a time, the solution the car owners are given is all they have to do is to move from one space to another space. He doesn't think that is the intent of the law. He hopes that is brought up in the discussion.

Mayor Pearson asked Mr. Millspaugh if he had a solution, a comment on that.

Mr. Millspaugh stated that the solution is how we enforce the law. Enforcement can't be where it's acceptable to advise the violator that they can just move their car a half a turn or move to another parking space. Tonight in the action items there's approval of the Village budget, he asked if there's been any change in the dollar amounts since the public hearing.

Manager Politi indicated no, dollars have been switched around. The dollar amount is the same.

Mr. Millspaugh stated that he would like to reinforce what Mr. Lynch said about putting the cart before the horse. The Board has heard him criticizing the way Village government in Walden has been run. His second comment is he's not satisfied that the effort that was necessary to go into the budget was put into the budget. His third comment deals with the open government issue and that the public gains confidence in their public officials by hearing discussion around the table. He feels the present format makes it easier to hear. He heard the mayor talk once into the microphone, he couldn't hear Mary Ellen's wording or the other one. It's a step in the right direction to let the public hear what is going on. One of the dilemma's that can come about from the manager's form of government is that the trustees can become complacent and they can over rely on the manager to do too much of the leading part in the Village. The manager's job is to enforce the direction that the Board chooses to take. He sees the Board is going to be talking about review of a second public comment. He's carrying over a second public comment from the last meeting. In the round table Trustee Hurd, in his opinion, made some comments that exposes just what he is saying here and he accused Trustee Matise and Mayor Becky of practicing law without a license because they are asking questions and that what sitting on this board is all about. In the year and a half that he has been complaining it's because he feels the questions that need to be asked are being asked. Four weeks ago at the meeting after the election he said he's hoping to see the board come together and become a board that will take charge and take this village to where a village needs to go. In his opinion its not there and has a long way to go. He just asks that the thinking about putting down people who are asking questions changes to everybody asking questions. Everybody needs to satisfy every question they have on this board. That will give the public the confidence that everything that needs to be taken care of will be taken care of.

Audited Bills

Trustee Hurd moved to pay the audited bills of April 26, 2005. Seconded by Trustee Norman. All ayes. Motion carried.

Resolution No. 20-04-05, A Resolution Adopting a Budget for the Fiscal Year Commencing June 1, 2005 and Ending May 31, 2006, Making Appropriations of the Conduct of Village of Walden Government, Establishing Rates of Compensation for Officers and Employees for Such Period, Setting the Property Tax Rate, Setting Fees and Charges, Setting the Rate of Water Charges, Setting the Rate for Sewer Charges, Setting the Rate for Garbage and Refuse Collection Charges, and Establishing Policies of the Administration of the Budget.

Trustee DeJesus asked if they decided on two part/time positions for the parking enforcement.

Manager Politi stated yes, and cut back the hours.

Trustee DeJesus stated that you cannot allow people to park in a space for two hours and then move them up two spaces. This has to be looked at. We also have to look

at providing permits for over night parking. This should be discussed at a work session during May. We have to also look at finishing the parking lot at Oak Street. We also have to look at the fact that \$5.00 is the cost of a ticket and that may not be sufficient. And that's not a ticket for the whole day. He wasn't in too much support of the enforcement officer because he feels the police department should be doing that. Just like any of us see someone's car parked on a corner where it says no parking from here to corner, and a police officer should be able to see that as well. Officers on foot patrol could enforce that. We have to be aware that these two parking enforcement individuals are not going to pay for themselves. He is also against entertaining any idea of giving people a pass to park in a space for more than two hours because they are shopping at any given business. If we are going to have a law we are going to enforce it. He wanted everyone to be aware that it doesn't end there with hiring two enforcement officers. There is more work to be done around all that. The other thing is the Board has been given a budget without the bucket truck.

Mayor Pearson stated that the budget she has the proposed bucket truck is in there.

Manager Politi stated that it shouldn't be in there. The bucket truck is not part of the budget.

Trustee DeJesus stated that they should also understand that they are moving ahead with hiring an additional person at DPW.

Manager Politi indicated that another MEO position is in that budget.

Trustee DeJesus stated that the issue of park fees was brought up. The difference between a Village resident and someone outside the Village is really negligible. In other communities people outside the area gets charged double or more, because that is the only fee they pay. They're not paying into the tax base. We really need to look at those fees in terms of how they apply to people from outside the Village.

Mayor Pearson stated that she doesn't disagree with Trustee DeJesus with the police doing the parking enforcement. They discussed having one or none of the parking people, because the police could do it. That didn't happen.

Trustee DeJesus asked if they were going to evaluate the parking enforcement position in December to see if any changes have to be made.

Deputy Mayor Matisse asked when the Village commitment to the library budget is set by law, who decides on the amount that is asked as a contractual amount from the Town, Library Board or does the manager help them.

Trustee DeJesus asked to hold that answer off until his report on the library.

Trustee Hurd moved to adopt Resolution No. 20-04-05, A Resolution Adopting a Budget for the Fiscal Year Commencing June 1, 2005 and Ending May 31, 2006, Making

Appropriations of the Conduct of Village of Walden Government, Establishing Rates of Compensation for Officers and Employees for Such Period, Setting the Property Tax Rate, Setting Fees and Charges, Setting the Rate of Water Charges, Setting the Rate for Sewer Charges, Setting the Rate for Garbage and Refuse Collection Charges, and Establishing Policies of the Administration of the Budget. Seconded by Trustee Keator. All ayes. Resolution adopted.

Supplemental Bond Resolution – Water Meter Replacement Project

Resolution Authorizing the Issuance of \$150,000 Serial Bonds of the Village of Walden, Orange County, New York, to Pay Additional Costs of the Purchase and Installation of New Water Meters, Readers and Software, in and for Said Village

Deputy Mayor Matisse stated that there was a previous resolution, September 14, 2004 for the initial \$500,000 of this project. This resolution would add an additional \$150,000 to meet the costs of the project. The project is part of a grant where half of the \$650,000 will be coming back to the village. She asked how long the term of the bond was.

Mr. Dowd stated up to twenty years, not necessarily twenty years.

Trustee Hurd moved to adopt Resolution Authorizing the Issuance of \$150,000 Serial Bonds of the Village of Walden, Orange County, New York, to Pay Additional Costs of the Purchase and Installation of New Water Meters, Readers and Software, in and for Said Village, (attached). Seconded by Trustee DeJesus.

Trustee DeJesus asked about how the work is going to be done with the pipes and plumbing in older homes. If you go into a house and it's beyond the three feet inside and the plumbing is in bad shape, what happens.

Manager Politi stated that the contractor would stop call the engineer and the engineer would then make an inspection as to whether they can or can't actually put the meter in within the three feet on either side of the meter. If it's beyond that they would stop and see what it would take to put it in and repair it. He has contacted other municipalities that have done this and you will run into those problems. He called Port Jervis, Pawling, and Fishkill.

Trustee DeJesus asked if they would then have to go out and read the meters.

Manager Politi stated yes.

Trustee DeJesus stated that if the plumbing is in bad shape the contract calls for an estimate.

Manager Politi stated that the contractor would give an estimate first and then the Village would verify the estimate as to if it's valid.

Trustee DeJesus stated that he doesn't want people to get estimates for work that they don't need. He stated that the Village has money through the community development funds to set up some kind of a loan situation maybe at 0% for people that need some of this work.

Manager Politi stated that there is money there, but they would have to meet the guidelines.

Mayor Pearson asked if there was a check valve.

Manager Politi stated yes, they call it a back flow preventer.

Mayor Pearson asked if all the new homes have these in them.

Manager Politi stated yes.

Deputy Mayor Matise stated that she has a question about the expansion tank, will it be within the three feet.

Manager Politi stated that's a good question, but even with the shut off there is a unit price for shut offs. Where ever you need to put that in its going to fit. There will be physical differences.

Deputy Mayor Matise stated that her whole concern is they get this information out to the homeowners in a factual format in time before the bids are accepted so people have time to come to board meetings to discuss their concerns and get more information if they need it.

Manager Politi stated that they did discuss about doing a notification. The contractor has to do a notification. He will put an information packet together.

Deputy Mayor Matise stated that the head of public works in Port Jervis told her that a Village employee does have to be with the contractor at all times to make sure everything is happening correctly. They are using the same company that is bidding on our project.

Manager Politi stated that you would do the spot checks to keep them honest. Cold Spring had to have a lot of the work done over again because they weren't spot checking. We will stay on them. It would be costly to have someone there all the time.

Mayor Pearson stated that it may be costly up front, but how much more costly will it be at the end when you have to redo them all.

Trustee DeJesus stated that it would be the manager's call as to if someone should be there and how often, because it does present a problem having someone with the

contractor at all times. Someone does need to check frequently, unannounced to make sure its being done correctly. Also, people are not going give estimates that are unnecessary.

Deputy Mayor Maise suggested the manager contact Port Jervis to see what their experience has been. The other question she had was whether or not some of the language could be improved in terms of the scope of the work. The manager said he would contact Jim Fitzsimmons about that.

Manager Politi stated that there is some tweaking if you really want to go that far. He feels confident the way it is written.

Trustee DeJesus suggested the manager take the take the language from the description of the scope of the work and put that in the brochure type of form so people understand. He would like feedback two months into the project, not just the problems. We need the staff person to really know what they are doing.

Trustee Wynkoop stated that he feels the Board is micromanaging. The manager has the everyday job of running the village and he is fully capable of doing the job and we should leave it up to him.

Trustee DeJesus stated that he doesn't feel they are micromanaging.

Mayor Pearson stated that it may be his job to get the board the information, but its okay to question and try to understand what he is giving the Board.

Trustee DeJesus stated that he needs to understand this because when people start to have problems the Board will get the calls. He wants to be prepared to be able to say this is the process.

Mayor Pearson asked about the payment of the bond back, that's half of the \$650,000, do we need money this year in the budget.

Manager Politi stated that is what the bond is for.

All ayes. Resolution adopted.

Comprehensive Plan – Set Date for Public Hearing

Alan Sorensen explained that there is a draft comprehensive plan which was recommended by the Comprehensive Plan Steering Committee to the Village Board. The next step would be for the Village Board to have discussion on the draft. Assuming the Village Board is looking to adopt the draft comprehensive plan in its present form, before they can move to adopt it they have to go through the State Environmental Quality Review Act review. What is the best way to proceed with the SEQRA review, what he is about to say from this point forward assumes we've reached a point where the board is

comfortable with the document, now we need to prepare the SEQRA documentation to get through the environment process. What he recommends to the Board is that they move to create a draft generic environmental impact statement and that would encompass the proposed recommendations of the comprehensive plan. What a draft generic environmental impact statement allows you to do is to anticipate the impacts that result from the recommendations of the plan up front. So that as subsequent actions take place each individual action doesn't have to go through the SEQRA process. There are several zoning map and zoning text amendments that are proposed, so rather than going through the SEQRA for every specific recommendation the generic impact statement would cover that. The DGIS would cover the broad policies within the comprehensive plan. The adoption of the comprehensive plan is in of itself a type one action under SEQRA. So if there's something that is anticipated that it could have an impact on the environment it would be something they would need to assess. In terms of alternatives to the adoption of the comprehensive plan the obvious alternative would be no action action, which in and of itself could have an adverse impact. That is something they can speak to. After the draft generic impact statement is accepted by the lead agency, which would be the Village Board, the document would be subject to public review and it would be circulated and the Board would hold a public hearing. Subsequent to the public hearing there will be a comment period of at least 10 days after the close of the public hearing which will end no sooner than 30 days after circulation of a notice of completion of the draft environmental impact statement. They will coordinate the public hearings concurrently on the comprehensive plan and the draft generic environmental impact statement.

Trustee Hurd asked how soon.

Mr. Sorensen stated that he can begin work on the draft environmental impact statement as soon as he gets the go ahead. He has to know if he's preparing the draft environmental impact statement on the draft comprehensive plan as it was now they can begin immediately. He will get back to the Manager and Mayor to give them a time frame for development of the GEIS. It will take several weeks to get it together.

Mayor Pearson asked if there was a reason you wouldn't do it together.

Mr. Sorensen stated that it would make the most sense to do it concurrently. We had a public hearing on the draft in November, January, February and March and its been on the web site.

Mayor Pearson stated that she still has a question on the zoning, which we don't have townhouse zoning in our code, are we going to do townhouse zoning before we do this and come up with a code.

Mr. Sorensen stated that one of the recommendations of the comprehensive plan is to create a townhouse zone. It would replace the existing multi family zone on Coldenham Road. The process would be the adoption of the comprehensive plan concurrent with the generic environmental impact statement. Assuming that the GIS is adopted and the comprehensive plan the next action the board could take is to say we

now want you to go draft the townhouse zone district and we're going to do a zoning map and change this area to a townhouse zone. The first steps would be the adoption of the comprehensive plan and the GIS.

Trustee Hurd indicated that one does not follow the other automatically. This is in addition to our road. You're saying you think you want to change it. Even after the plan is adopted nothing has changed until the board starts taking action.

Mayor Pearson asked, we have a business district right now and you say it's going into residential, but we want to change it to industrial. Can you change it to anything we want to.

Mr. Sorensen stated yes, but you would have to go back and amend part of the comprehensive plan. Every five years you should revisit your comprehensive plan.

Trustee Wynkoop stated that he feels everyone that worked on the comprehensive plan did a good job and it's given the village great guidelines.

Trustee Hurd stated that if we don't act soon we may not get a chance to act at all.

Deputy Mayor Matise stated that she would like a copy of the draft plan.

Trustee DeJesus moved to authorize Alan Sorensen to proceed with the generic environmental impact statement based on the draft comprehensive plan. Seconded by Trustee Keator. All ayes. Motion carried.

Walden River Corridor Project Presentation

Karen Sneller McDonald gave a presentation on the Walden River corridor project.

Mayor Pearson indicated that the Town of Montgomery is under intense development pressure. The Town remaining open space, farmland and in particular Wallkill River corridor is especially vulnerable of impacts of development. This project has been developed to assess the existing conditions of lands within the Wallkill River corridor including the rivers tributaries, identifies impacts in those lands from surrounding use activities and explores specific opportunities for protection and stewardship of the corridors resources.

Marcus Millspaugh asked about technical support available for communities. The Village of Walden is going to be requested to put a parking lot adjacent to the Wallkill River.

Ms. McDonald stated that there is a lot of technical support through the state.

Deputy Mayor Matisse stated that this will be incorporated into the Town's Master Plan. How would this serve us in the comprehensive plan we are going to adopt.

Ms. McDonald stated that if the Village is aware of this study perhaps they can be provided information that might be useful in the Village as well. You share the river and tributaries with the town. What they discover and learn at the township level is available to the Village.

Mr. Millspaugh stated that the Village water supply is dependent on the aquifer of the Tinbrook. They have flooded this well field and immediately up the stream is a trailer park and he doesn't know if the mechanics are monitoring such a thing or is it in the scope of their plan.

Ms. McDonald stated that there is going to be a lot of detail at which she will have to stop for this plan. There are guidelines that would apply to that situation. For instance if you have a well head or water supply there are certain land uses that you may not want to permit within a certain distance of that to protect the quality and supply of that water.

Review Of Housing Rehabilitation Program

Trustee DeJesus stated that he was supplied applications and there is more to it then that.

Manager Politi stated that Mr. Kerron has prepared some information for the Board.

Trustee DeJesus stated that the Board needs to look at these loans in terms of repayment, recording the loans and we need a policy in place.

Trustee DeJesus asked permission from the Board for him to meet with Mr. Barnes as it pertains to guidelines, so they would have information to discuss.

Mayor Pearson asked if Trustee DeJesus was looking to change things that we have now.

Trustee DeJesus stated that he wants to make sure we have guidelines in place is not just an application process that there is contingent in place so we know where the money is going that we don't have to go through situations where homes are sold and we don't get our share back.

The Board agreed to let Trustee DeJesus meet with Mr. Barnes.

Mr. Barnes gave the Board a copy of the funds that are available for rehabilitation, economic development and other purposes and the guidelines for each of those and how they relate to federal requirements. There are extensive guidelines as to who is eligible,

the application process and bidding process. We have a good set of funds and the Board needs to make some decisions as to how they apply those funds. The Village is looking at redeveloping the Railroad Avenue area, you have in various funds, almost \$1 million that can be applied to certain parts of that project and if you want to apply them there, fine.

Mayor Pearson asked Trustee DeJesus if he would be able to talk to Mr. Barnes within the next two weeks.

Trustee DeJesus stated yes.

Mayor Pearson stated that it will be on the next agenda

Review Of “Sales On Streets” Chapter 127-Article III

Mayor Pearson read the Chapter 127-2 & 3 of the Village Code, to the public and Board which deals with “Sales on Streets”.

Mr. Dowd stated that you also have Chapter 120 which deals with sidewalk sales, yard sales and auction which allows a permit process.

Mayor Pearson asked if the law allowed or didn't allow items on sidewalks.

Mr. Dowd stated the answer is no, but if someone wanted a sidewalk sale they would have to come to this board and get a permit to conduct a specified sale on a specified date.

Mayor Pearson asked if it would be for an extended period of time or just for a day.

Mr. Dowd stated that the law states you can apply for permits to be conducted on holidays, Fridays and Saturdays between 7am and a half hour after sunset.

Mayor Pearson stated that she understands what Mrs. Huber is saying and she goes to smaller villages that do have their wares out on the street. It stops people and brings people in. She understands the liability. There is also something in the law that says 30” off the ground.

Mr. Dowd explained that is adjacent to the sidewalk, not on village property, it must be 30” above the ground so it can't be kicked over. It has to be on private property.

Trustee DeJesus stated that you have to look in terms of safety. If you have to walk in the street because someone has merchandize on the sidewalk he has a problem with that.

Mayor Pearson asked what the difference with that is and the state sign in the middle of the sidewalk by Dr. Guneratne's office.

Trustee DeJesus stated that people don't have to walk in the street. No one is taking up the whole sidewalk. It does attract people to come and browse but you have to know where the liability begins and what liability does the Village have if someone trips on someone's merchandise.

Mayor Pearson asked who enforces that.

Manager Politi stated the Building Inspector or Code Enforcement Officer.

Trustee DeJesus stated that you also have people who put out their sandwich boards right on the corner and you can't see making a turn.

Mayor Pearson indicated that it has to be either enforce the law or look at changing something.

Trustee Keator stated that if our sidewalks were deeper it wouldn't be a problem. It's the same as when people have things on their porches, someone might think it's cute and someone might not think it's not cute. Who makes that determination.

Trustee Wynkoop mentioned the motorcycles parked on the sidewalks.

Mr. Dowd stated that would be a violation of another section of the code.

Mayor Pearson stated that what the Board is saying is there's not going to be a change and they want it enforced. She would like the manager to look into the state sign outside of Guneratne's.

Manager Politi stated that it's in the State right of way but he will request it.

Mayor Pearson stated that it was on a pole. She also has a picture that shows it on a pole in the middle of the street by the senior citizen building.

Review of Second Public Comment Section of Agenda

Mayor Pearson indicated that she brought this up only because from sitting in the audience when the Board is in a work session meeting, lots of times the public has good ideas. When they hear discussion amongst the Board members they can't comment on it afterward. She would like to hear those comments. There used to be two public comments.

Trustee Keator asked if that would only be for work sessions.

Mayor Pearson stated that she would have it for both meetings.

Trustee Keator suggested they have public comments after the Board gets through their work items.

Mayor Pearson stated that some people may have a public comment that has nothing to do with this and they would have to stay through the whole evening. It would be a courtesy to the public.

Deputy Mayor Matise asked if the comments at the end of the meeting would only be relevant to the topics being discussed.

Mayor Pearson stated yes.

Trustee Wynkoop stated that he doesn't have a problem with having two public comment sessions.

Trustee DeJesus stated that he doesn't have a problem, but you have to make sure they stick to those items.

Trustee Keator agreed with Trustee DeJesus.

Deputy Mayor Matise asked if the Board wanted the public to comment on each item or at the end of the items.

Mayor Pearson stated that they can wait until the end, but the Board has taken action of work session items and maybe the Board may want to hear from the public before the Board takes action.

Trustee Hurd stated that they can do that during the first comment time.

Mayor Pearson stated that the first meeting of the month there are discussion items that the Board take action on.

Trustee Hurd stated that there are house keeping items that are not controversial where it would need public discussion.

Trustee DeJesus stated that the second public comment should be people speaking on the work session items.

Mayor Pearson stated that the first public comment would be what they want to say in general and the end one would pertain to either discussion or work session items right after work session items.

Trustee DeJesus stated that you have public comment and people bring up their issues plus any comments on the action items. After that, before the work session you would want input and that would be the second comment period prior to the work session.

Mayor Pearson stated it would be after the work session items before the informational items.

The Board agreed.

Liaison of Library Report (Trustee DeJesus)

Trustee DeJesus stated that he met with Elizabeth Cappello, President of the Library Board and he attended their meeting. It was announced that there was a public hearing for the Library budget and he understands it was just a budget report. He asked if there was no need for a notice in the paper.

Manager Politi stated that they don't have to publish a notice because the Library budget is a part of the Village's budget which is a part of our hearing.

Trustee DeJesus stated that there are a number of things discussed one being the use of the Library, Town residents versus the Village residents. The Library was incorporated to serve the residents of the Village of Walden. They do serve people who live outside the unincorporated areas of the Town who have a Walden zip code. One of the concerns is the usage of the Library by Town residents could surpass at some point the usage by the Village. They have been looking at the numbers in terms of the impact that it would have. The Library has been given more money by the Town. It went from \$32,000 to almost \$60,000 in five years. There were concerns about the use of the second floor community room. At one point Leslie wanted exclusive use of the second floor meeting room, which cannot be. There needs to be a discussion as to the use of that room. There was an issue of them being bumped from the room.

Manager Politi stated that when they talked about the use of the second floor community room the Village Board, Court, Planning and Zoning Boards have first dibs at any time. If they got bumped that room was being used. Over a year ago we went to scheduling through the Village Clerk's office. Any building that anyone needed Nancy keeps a master schedule for that.

Trustee DeJesus stated that they got bumped because of a zoning board meeting.

Manager Politi stated that he did discuss that with Leslie and all the departments.

Trustee DeJesus stated that people were under the impression that when the library puts their budget out to the public that it doesn't have an impact on the Village tax and that is not true. The fact is if the voters approve \$300,000 next year, for example, we have to increase the taxes by taking it from other departments. He conveyed that concern to the Library Board. The last time it was not the impression the people had. Two Library Board members' terms have expired so we have to look at that. The manager appoints Library board members whose terms expire. If someone leaves mid term the Library Board appoints someone, but only for the rest of that term.

Mayor Pearson stated that she stayed for the budget portion of the Library meeting. Leslie has given her some information that she has had an opportunity to read all the way through that. She likes having a representative from the Village Board at the meetings.

Trustee DeJesus stated that the library has a surplus of \$26,024.

Chris Mullarky, Library Treasurer stated that it was a pleasure seeing Trustee DeJesus and the Mayor at their meeting. He and Jan Weiner, Village Treasurer work really good together on financial matters. When the public votes Chapter 414 to increase the percentage of money in the Village budget, and that does not have to raise taxes. This year they did not go out for Chapter 414. They have the same budget as a year ago and the taxes went up. The library doesn't necessarily have to affect the raise in taxes.

Trustee DeJesus stated that it would have an impact on other departments. The money has to come from somewhere.

Mayor Pearson stated that it's this Board's job to inform the public when that happens or figure out a way we need to work tighter on what we do on this end.

Manager Politi stated that from an operating standpoint we're going to put together a budget for the Village that operates and then whatever happens with the library is up to the public through a vote, it can have an affect.

Deputy Mayor Matise asked about the library board meetings, they are the third Tuesday of the month and are they always the third Tuesday.

Mr. Mullarkey stated that during the summer they may change one month. The schedule is the third Tuesday.

Deputy Mayor Matise indicated that in March it was on a Saturday.

Mr. Mullarkey stated that it was on Saturday to have a working session like you have here.

Deputy Mayor Matise asked if those meetings are noted in the Wallkill Valley Times.

Mr. Mullarkey stated that he will check on that.

Deputy Mayor Matise stated that they should be.

Trustee Keator asked Mr. Mullarkey if they take minutes.

Mr. Mullarkey stated yes.

Trustee Keator stated that two meetings ago this Board requested copies of their minutes.

Trustee DeJesus gave a copy of the Library minutes to the clerk to make copies for the Board.

Report on the Town

Deputy Mayor Matise stated that one of the most significant of the Town's meeting is Introductory Local Law No. 2 of 2005, Storm water Management and Erosion, and Sediment Control. That document should have significance to the Village because we do have some situations where run off from Town properties and private properties are impacting on village properties. There will be a public hearing on this on May 19th, 2005 and she asked for the manager to get a copy of the proposed law. We might want to base a local law on it.

Deputy Mayor Matise asked the Village Manager to comment on the rail trail committee.

Manager Politi stated that he's not sure what is happening with SEQRA regarding the rail trail.

Deputy Mayor Matise stated that she was told that Rich Hoyt and Brendon Fitzgerald are having words as to how SEQRA should be worded.

Manager Politi stated that the intermunicipal agreement for policing the trail is still going back and forth. The DPW superintendents walked the entire trail with Brendon. Now they know what needs to be cleared to get more space where we can get away from the bike railing, which are expensive pieces. We are trying to find some costs to cross of the overall project. Shanti Mandir is going to allow access for certain activities.

Mayor Pearson suggested they make benches from the trees that are down.

Manager Politi stated that the trail has come in over budget and we are trying to trim that and get a firm cost estimate from the engineers to see if they have to search out some more money.

Deputy Mayor Matise stated that the Town still has to respond to DOT, what will that do to the time frame of the project.

Manager Politi stated that it will push that out. A final design review still has to happen. An initial design has gone through.

Report on Recreation Committee

Trustee Norman stated that Mr. Howland was supposed to be here tonight to report on the skateboard park.

Manager Politi stated that Mr. Howland was having a few problems with the numbers. He would like to bring it to the next meeting. The manager further indicated that the recreation committee is looking into creating a skateboard park on the old basketball court in Bradley Park. Mr. Howland is getting numbers now and some of the components we have from recreation fees that has been collected. There is a contractor that wants to donate his time.

Appointment of Liaison to Town's Affordable Housing Committee

Trustee Keator asked what the comment was about Ed Leonard.

Mayor Pearson stated that Ed Leonard asked to be appointed to the committee for the affordable housing committee, so he will be our liaison and give the Board a report.

Trustee DeJesus moved to appoint Ed Leonard as liaison to the Town of Montgomery's Affordable Housing Committee. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Mr. Leonard indicated that he has a copy of the Town's accessory apartment law which may be useful in the village. He also has the minutes.

Report – Planning Board

Trustee Hurd stated that the owners of the Walker Building were at the Planning Board meeting requiring eight apartments and then they found out about the parking requirements and then they were reminded that they have approval for senior housing already. Also, the vacant lot on N. Montgomery Street they are proposing senior housing, three buildings, with six units, which will be rentals. There will be eighteen units. There is a three lot subdivision on Elm Street. He complimented Mr. Leonard for chairing the Planning Board meeting, he did a great job.

Informational Items-Village Manager's Report

Manager Politi stated that Deputy Mayor Matise stopped by his office to discuss the Cransville Block Application to the Town of Montgomery Planning Board and over time there has been a series of letters that have come from the Village Engineer. At this point it would be a good time to put a letter together backing up the letters from the Board of Trustees. He will draft something up.

Deputy Mayor Matise stated that she would like to request the Town as they are implementing their master plan and making zoning changes to take a hard look at the 11.3 acres that is on Route 52, towards Newburgh by the cemetery. It is zoned industrial.

Why should it be an industrial parcel when the Tinbrook flows right through it and connects to the village's well field. The zoning change hasn't been done and it hasn't been entertained as a question. She would like a letter from the Village be sent asking them to look at this, because David Church told the Village and told the town that they need to help us protect our well field.

Trustee DeJesus asked about the excavating company that is there.

Deputy Mayor Matise stated that isn't connected to the excavating company. That is the only parcel that is zoned industrial.

Trustee Hurd stated that this parcel is private property and the owner has his rights. It may be valuable as industrial.

Trustee Wynkoop stated that he would like to look into what uses are allowed there with industrial.

Trustee Hurd stated that it might be a good use with good jobs. We are making assumptions here.

Trustee DeJesus agreed that they need some more information.

Manager Politi stated that he was approached today about the bridge being condemned and he advised them that it wasn't. He spoke to NYSDOT and asked if there were any cracks in the foundation. He said yes, because it's concrete. The bridge is sound and earthquake proof and over built. It's a pre 911 design so a lot went into it. A quality control inspection was done and everything is fine. Work is continuing.

Mayor Pearson stated that she spoke to the workers and they are trying.

Manager Politi stated that he is keeping the homeowners on Oakland notified regarding the soap box derby.

Manager Politi stated that a memo went out regarding cell phones.

Manager Politi indicated that the department reports are in the board's packets.

Board Comments

Trustee Norman stated that she was at the ceremony on Sunday, which was wonderful. Someone asked her why the flag isn't on the municipal building.

Manager Politi stated that when they did the roof they found that the motion of the flag creates a split in the roof. Since we stopped flying the flag the leak has stopped. That is why we have the flags around the monument.

Trustee Norman stated that the dumpster at Wooster Grove has to be moved. She further asked what happened to the flag pole at Wooster Grove.

Manager Politi stated that it was knocked over by a storm and just hasn't been put back up. He will get on that.

Mayor Pearson stated that the dumpster stopped people from driving in there. Maybe we can put two poles and a chain to make it look better.

Trustee Norman complained about the garbage can in front of Mr. Millspaugh's new building on Oak Street. The wind blows it over and the garbage and can end up in the street.

Mr. Millspaugh stated that they aren't using the building. He will take a look at it.

Trustee Keator stated that a while back there were concerned parents at the meeting regarding the crossing issue at the intersection of Walnut and Maple Streets. There is a white van that parks not only up to the stop sign, but over the white line. It makes it very hard to see. She would like a no parking here to corner sign put up.

Manager Politi stated that the signs are ordered. The posts are up.

Trustee Keator stated that some of the little white lights on Main Street are out.

Manager Politi stated that he will have them checked.

Mayor Pearson indicated that there are no buds on those trees. She doesn't know if they are late bloomers.

Trustee Keator stated that one of the trees has the larger Christmas lights on it and one of the lights has water in the glass.

Manager Politi stated that they will take a look at all of them.

Deputy Mayor Matise stated that she has an invitation from the Orange County Genealogical Society to go to their dinner, Friday night, May 13th to talk about the Sesquicentennial. She asked Mickey Millspaugh if he would like to go.

Mr. Millspaugh indicated that he will be out of town.

Deputy Mayor Matise stated that if there is any information on the 150th that she will take it to the meeting.

Trustee DeJesus stated that something needs to be done with the handicapped parking at Bradley Park. They are parking beyond the driveway. Also, something needs to be done with the fence by Mr. Lynch's property.

Manager Politi stated that the fence is on order.

Trustee DeJesus asked if the village has checked the boundaries.

Manager Politi stated that he will have that done.

Mr. Lynch stated that he spoke to the surveyor who is concerned, because there was a roadway there before the girls softball field that let people through the park. He is allowed now to remove the front of the house parking and move it to the back of his property.

Mayor Pearson stated that the village will look into that for him.

Trustee DeJesus stated that at one time there was a drive thru bank on Bank Street and there is a pile of rubble there, who owns it and why is it there.

Manager Politi stated that it's Mr. Millspaugh's.

Mr. Millspaugh stated that they have a contractor who is supposed to push that back to the back of the property.

Trustee DeJesus stated that it has to be removed; it's been there a long time.

Mr. Millspaugh stated that was the foundation that was dug up three months ago.

Trustee DeJesus stated that there is a house next door and it's unsightly and dangerous. So it has to be addressed.

Trustee DeJesus indicated that the pot hole situation is going good, Bergen and Albany, Albany Avenue and Pleasant, Clinton and Ridge.

Trustee Hurd asked if playground clean up was this Saturday.

Trustee Wynkoop stated yes.

Trustee Hurd indicated that the catch basin by COC Music is collapsing.

Manager Politi stated that they will be fixing it.

Trustee Wynkoop stated that Mr. Ronk has a half full dumpster which has been there for four weeks and there's been no activity.

Trustee Norman stated that there is a house on Ulster Avenue which is in the same condition as Ronk's.

Mayor Pearson stated that Suzanne Isaksen asked that a letter go to the Town supporting a farm land grant for farm land preservation.

Trustee Hurd stated that Al Valk has a tremendous amount of information on that for the program he was pushing.

Mayor Pearson stated that the letter has to be out by May 2nd. This is to preserve history.

Deputy Mayor Matisse stated that once the property is registered with the historic status it gives them access to federal and state grants.

Trustee Hurd asked if it controls land use.

Deputy Mayor Matisse stated not at all.

Mayor Pearson stated that you can still sell the property.

Mayor Pearson asked the manager for a report from the Rotary project, band stand.

Manager Politi stated that he has a design and they will move forward.

Mayor Pearson reminded everyone of the village walk to see the facilities.

Mayor Pearson stated that she had a comment from a resident about a couple more cross walks; one was by Roosa's. She spoke to the manager and they will be looking at the intersections that may be able to use those.

Trustee DeJesus asked about the issue of separating the house from the parkland at Olley Park.

Mayor Pearson stated that she hasn't signed it because she needed more information.

Mr. Dowd explained that the deadline is coming up.

Mayor Pearson asked why it's taking four years.

Mr. Dowd indicated that it was stalled in the assembly.

Mayor Pearson stated that she has to talk to the attorney more on this.

Mr. Dowd stated that the board already adopted the resolution to authorize this go forward.

Deputy Mayor Matise stated that the cellar door on that house is totally deteriorated. The house is not secure at this point.

Mayor Pearson asked if they could put that on the historic register if they take it out of park.

Manager Politi showed the board the design of the bandstand. He will meet with Keith Hunter and send the design off.

Deputy Mayor Matise stated that a band shell has to project sound.

Mayor Pearson asked if the sign for Walden Estates was ever replaced.

Manager Politi stated that there is a sign out on the boulevard. DPW has ordered a sign for inside.

Mayor Pearson stated that there is a grant due May 16th which we can use for the purchase of well property.

Manager Politi stated that Mr. Barnes is working on the grant.

Mayor Pearson asked about the superintendent/deputy manager position. Has the manager gotten anything on that?

Manager Politi stated that he put it out as superintendent of public works. He will be a going back out to advertise, right now the way its set up its working.

Deputy Mayor Matise asked what the closing date on the 3 month extention was for Walt Sweed.

Mayor Pearson stated that it started in March.

Mayor Pearson asked if everyone got the review forms, does the board want it on the agenda.

Adjournment

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

Respectfully submitted,

Nancy Mitchell

Village Clerk