

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

Mayer Becky Pearson called the regular meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matisse
	Trustees	Mary Jean Norman
		Richard Hurd
		Lauren Keator
		Jose DeJesus

Absent:	Trustee	Roy Wynkoop
	Attorney	Kevin Dowd, later present

Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Jeff Holmes, Police Chief
	Dean Stickle, Building Inspector
	Thomas McCoskery, Police Sergeant
	Alan Sorensen, Planning Consultant

Approval of Minutes

Trustee Keator moved to adopt the minutes of June 28, 2005. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Public Hearing – Comprehensive Plan

Diane Sandbothe, 90 Liberty Street asked if the comprehensive plan was for new construction or for pre-existing homes and businesses.

Mr. Sorensen stated that what the comprehensive plan will cover is new development that occurs in the Village from this point in time forward and it could involve existing buildings. He further stated that the comprehensive plan is the broad policy document and there are some recommendations for some rezoning, so that would affect existing buildings.

There were no comments from the Board.

Trustee Norman moved to close the Comprehensive Plan public hearing. Seconded by Trustee Keator. All ayes. Public hearing closed.

Public Hearing – Comprehensive Plan Draft Generic Environmental Impact Statement

There were no comments from the public or the Board.

Trustee DeJesus moved to close the Comprehensive Plan Draft Generic Environmental Impact Statement public hearing. Seconded by Trustee Norman. All ayes. Public hearing closed.

Public Comment

There were no comments from the public.

Audited Bills

Mayor Pearson questioned the following bills; \$350. to clean the bar screen in the pump station, porta potties at Olley Park, why do we have them when the bathrooms are open; the bill for \$100. to have a pump cleaned at the park, the mechanic, why doesn't he work on the police cars, Mr. Sweed's bill with extra hours worked Mr. Dowd's bill and the cost of police uniforms.

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

Property Maintenance Code, 154 West Main Street

Mr. Stickles stated that he is asking the Board to set a hearing for July 26, 2005 to have the owner of 154 West Main Street come before the Board to explain why he cannot clean up the property and if he doesn't the Village will clean it up and charge it back to the property owner.

Trustee Keator moved to schedule a hearing on July 26, 2005 for the property owner of 154 W. Main Street for property maintenance. Seconded by Hurd. All ayes. Motion carried.

Multi-Family Dwelling Inspections

Manager Politi stated that Section 8, which is through the county, has its own inspection process which is done on a yearly basis. He is trying to get the number of Section 8 apartments in Walden.

Mr. Stickles explained State Code Part 1203 to the Board which indicates that multi family residences have to be inspected every three years and public assembly is once a year. The Village does do these inspections.

Mayor Pearson asked the manager to get the numbers on multi family housing and where they are.

After much discussion it was the consensus of the Board to see more enforcement with multi family residences.

Comprehensive Plan

Mr. Sorensen explained that after tonight's public hearing the comment period on the Comprehensive Plan and the draft generic environmental impact statement will continue for another 10 days. If anyone has comments they can submit them in writing. The comment period will close on July 22, 2005.

Curfew Law Review

Mr. Dowd stated that the most important document the Board has in their packet is the May 17, 2005 opinion from the Attorney Generals Office that summarizes the state of the law regarding curfews and parental responsibility. The opinion of the Attorney General is that curfew laws can be enacted, legally, by a municipality, but criminal responsibility on the part of the parent cannot be allocated. That is keeping with the case law coming down. Parental responsibility and criminal responsibility on the part of the parents for the child's acts has been around for years and years and years. The Village's parental responsibility which was enacted in 1990 was borderline as far as constitutionality and legality. As far as curfew you are seeing these enacted throughout the State of New York and the country as a means of trying to address activities of people under the age of 18. If you read the Attorney General's opinion, before you enact one the Board has to identify a specific problem and show there is an on going systematic problem that can't be addressed other then by the means of a curfew. Once you do that the curfew law that the Village enacts has to be tailored very narrowly to when it is used and to what circumstances its used because even though they are minors they are still American citizens and they have all their constitutional rights of an American citizen that are protected by both the Federal and State constitutions and the courts have recognized all these. You must proceed with caution.

Chief Holmes briefed the Board on police activity on Valley Avenue.

After a discussion it was the consensus of the Board to sit down with the Chief to discuss alternatives at the work session of July 26, 2005 and to invite Mr. Kantonah to the meeting.

Parental Responsibility Law Review

After a brief discussion it was the consensus of the Board to also discuss this at the meeting of July 26, 2005.

Mayor Pearson asked that Judge Ozman be contacted to see if he would like to be part of the discussion.

Deputy Mayor Matise suggested someone from the youth bureau be invited.

Public Comments on Discussion Items

Maureen Rosenthal, 91 Valley Avenue and Tony Margalusso, 32 Valley addressed the Board regarding the problems with youths on Valley Avenue.

Informational & Village Manager's Report

The Village Manager stated that Rick Penny, Walden Fire Department gave him information on the ten percent tax break being given to members of volunteer fire companies or voluntary ambulance services in counties having a population of more than three hundred thousand inhabitants but less than three hundred fifty thousand inhabitants.

It was the consensus of the Board to have the tax break issue on the next work session agenda.

Manager Politi indicated that there is a letter from Mrs. Adams regarding the follow up to the June 28th Board Meeting and the Valley Avenue situation.

Manager Politi also indicated that the building cleaning schedule is in their packets. Also in the Board packet is the write up for 34 Capron Street and the Department head reports.

Trustee DeJesus questions the Police Department's gas usage.

Mayor Pearson asked if the Village is hiring a parks beautification person.

Manager Politi stated that Mr. Howland is soliciting for that position.

Mayor Pearson also asked about the DPW MEO position.

Manager Politi stated that he is interviewing ten of the applicants on Thursday and Friday.

Mayor Pearson asked the manager how the flowers are being watered.

Manager Politi stated that they get watered from the street sweeper.

Deputy Mayor Matise asked when the trees that fell are going to be picked up.

Manager Politi indicated that DPW is scheduling that.

Trustee DeJesus asked about the permits for chemicals at Olley Park.

Manager Politi stated that a layer of reviews is the reason the permits were held up.

Deputy Mayor Matise stated that people have commented to her that on the weekends from 3pm on there is no on swimming at the park and yet the lifeguards are still on duty.

Manager Politi stated that he will review the hours, but the Village does have scheduled hours of operation.

Trustee DeJesus stated that there was a write up in the paper about Mr. Lustig and the award he received. He would like the Board to send a letter of congratulations.

Trustee Keator stated that the Valley Avenue issue has to be an ongoing process. She also asked about the parking enforcement officers.

Chief Holmes stated that the dead line for applicants was yesterday and we received two. Everything should be in place the last week in August.

Trustee Norman stated that there is a tree by the children's playground at Wooster Grove which needs to be taken down.

Manager Politi stated that he spoke to Mr. Roebuck of All Tree and he is scheduling that.

Trustee Norman asked if DPW could put an announcement sign at the entrance to Wooster Grove for the concerts.

Deputy Mayor Matise stated that there was a letter in the Board's mail boxes regarding the wastewater treatment plan flow management plan requesting someone from the Village to go to the meeting on July 13th.

Manager Politi indicated that he and Jim Fitzsimmons will be going to Tarrytown tomorrow to talk about the Village's flow management plan. There is a document where you have to research you flows and how we are complying.

Deputy Mayor Matise stated that Mr. Fitzsimmons never gave her a copy of the MS4.

Deputy Mayor Matise asked if some Board members would be willing to meet with some parents. She has contacted someone in New York from the Boys Club/Girls Club.

Trustee DeJesus indicated that he would like to participate.

Deputy Mayor Matise passed out information on the Town Board meeting. She indicated that the county is looking at changing the senior nutrition program and they are looking at centralizing where they make the food and shipping it to dining sites. Mrs. Gardner made the report to the Town Board and Supervisor Cockburn said that she contacted the Office of the Aging about getting financial assistance to fix the ramp at the Walden Methodist Church but they decline to extend money because the church is under renovations and with this new idea of centralizing food and distribution they are looking at different types of facilities for the Village of Walden because this is where this program has been for awhile. If anyone has any information on new sites please let Ruth Gardner know.

Mayor Pearson stated that Suzanne Isaksen, Town and Village Historian gave a presentation about certified local government to the Town Board which would open up more grant money for historic preservation. She would like to come and talk before the Board.

Mayor Pearson stated that she hasn't asked for the Board reports on Zoning and Planning Boards and there are a lot of important things happening and knowing what is going on is important.

Mayor Pearson asked about the band shell.

Manager Politi indicated that the architect and engineer are putting the bid spec together and then it will be going out to bid. You can't split the project it has to go out as one formal bid.

Mayor Pearson asked the Manager to explain Grant Street to the Board.

Manager Politi stated that the Building Inspector looked through the Zoning Board minutes and what he could find concerning the Sheeley section, he can't find anything that specifically lays out no parking in that area. They will go back in and put parking spaces in that area of Grant Street. The exit for the car wash will be left open.

Mayor Pearson stated that in the first letter from Mrs. Adams she talked about the signs on Valley Avenue being in the wrong direction.

Manager Politi stated that the call has gone in to underground and it has been approved and DPW will switch them.

Mayor Pearson asked about if the Seeley Street sign has been ordered for the intersection at Wait Street.

Manager Politi stated yes.

Mayor Pearson stated that the process of the Building Inspector when someone starts to build, going to the Building Inspector first so they know when the process is going to start was brought up at the last meeting. She feels it's an important process that is not on the books and she would like to discuss this at a work session.

Mayor Pearson indicated that you can't get down to the river on Maple Street, it is over grown. She also asked about the grant for that area.

Manager Politi indicated that he will take care of that. He also indicated that the grant is still in project development.

Mayor Pearson stated that the special meeting for the audit review she learned a lot but she doesn't know why it had to be done during the day. It was basically a sales pitch and she took off from work to be there. Trustee DeJesus also took off from work. It should have been a meeting where all the Board members could have heard it. It was excellent information given and it should have been done at a public meeting.

Trustee DeJesus asked about East Avenue if it will be paved this fiscal year.

Manager Politi stated yes. We are trying to determine how much sewer is needed.

Manager Politi stated that he received a petition from the residents of West Main Street, from Pine Street to the bridge and they are requesting that the Village do not put a time limit on parking in that area. There is only one business and the rest is residential.

Trustee Keator stated that she is concerned with the last two parking spaces on north side of W. Main Street just before the bridge. Getting through there is tight.

Manager Politi stated that he's going to remove one space and see how that is.

Presentation

Mayor Pearson presented Anthony Marengo for his service to the Village of Walden IDA/Community Development Board and the Planning Board.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

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