

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

Mayor 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 Matisé
	Trustees	Roy Wynkoop
		Richard Hurd
		Lauren Keator
		Mary Jean Norman
		Jose DeJesus

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

Approval of Minutes

Trustee Keator moved to adopt the minutes of October 25, 2005. Seconded by Trustee Norman. All ayes. Minutes adopted.

Public Hearing Continued-Introductory Local Law I-3, Vehicles and Traffic

There were no comments from the public.

Trustee DeJesus moved to close the public hearing. Seconded by Deputy Mayor Matisé. All ayes. Public hearing closed.

Trustee Hurd moved to declare the Board of Trustees lead agency and to declare a negative declaration under SEQRA. Seconded by Deputy Mayor Matisé. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-3 of 2005 as Local Law No. 3 of 2005, "Vehicles and Traffic". Seconded by Deputy Mayor Matisé. All ayes. Motion carried.

Public Comments

Diane Sandbothe, 90 Liberty Street asked about the Jacob's Ridge wall.

Manager Politi explained that the developer is beginning to take the wall down.

Helen Schoonmaker, 7 Westwood Drive asked about the garbage being picked up very early in the morning and it's much too noisy.

Mayor Pearson asked Mrs. Schoonmaker to get the license plate number of the truck and make sure it's Interstate Waste.

Manager Politi stated that it has to be a formal complaint signed by Mrs. Schoonmaker.

Marcus Millspaugh, 10 Jessup Street presented the Board with a picture of the foot of Maple Street and commented that it's disgraceful that the Village can't take care of their property. Also, the school is working on their parking lot and the Village should coordinate their work with that park. He's not talking about a park but something that would be an asset to the community. Mr. Millspaugh further stated that he's been doing some walking lately and everyone from the Board should walk some of the Village streets. The sidewalks are in dangerous condition.

Althea Mullarkey, 3 Watkins Drive stated that she agrees with Mr. Millspaugh about the dangerous sidewalks. She further stated that she met with a contractor at the Olley Park farm house. She doesn't know what format the Board wanted her to submit as to what needs to be done. He did recommend shutting off the water and have the water run in only one section of the house because the heat would travel up and it would prevent the foundation from cracking during the winter months.

Manager Politi asked Ms. Mullarkey to keep going on the research with IBM but let him know what the contractor found.

John Muehlen, 42 Alfred Place commented on the two hour parking on Walnut Street. He has off street parking for his building at 11 Walnut Street. A lot of the time his tenants can't get in and out of the driveway because of the delivery trucks blocking the driveway.

Manager Politi indicated that he will go see the restaurant owner along with the Police Chief and Mr. Muehlin.

John Steinberg, Schoonmaker Homes updated the Board regarding the failed retaining wall at Jacobs Ridge and what they are doing to correct this. He received a letter from the Building Inspector asking him to stop work.

Manager Politi explained that there are three things that the Village is going to seek from Mr. Steinberg, submittal by Schoonmaker's design professional of all necessary technical information required by the Village Engineer's office to document the continued stability of the wall section behind the above dwellings, the construction of the required storm water drainage facilities in the front yards, submittal of an application

to the Village Planning Board of a formal retaining wall design prepared by their design engineer including typical wall sections and identification of intended materials of construction. They would also have to appear before the Architectural Review Board for not only engineer design but a visual design. At this time they were notified to stop work on the home construction underway on both properties until they satisfactorily resolve the matters.

Mayor Pearson asked if the wall design had to go before the Planning Board before.

Mr. Dowd indicated that originally they were talking about a wall that was to be made out of stone and that was what was before the Zoning Board.

Mr. Steinberg stated that was not a request for the wall it was a request for a variance to move the houses forward and the conversation about the wall is really incidental.

Mayor Pearson asked if Mr. Steinberg should have had Planning Board approval for the wall.

Mr. Dowd stated that at what point does it become a retaining wall that has to go to the Architectural Review Board as opposed to a landscaping feature. There is no question that if its stabilizing the slope in the way that is talked about in Chapter 12 it does apply and should be before the Architectural Review Board for elevation or schematic of that wall.

Trustee DeJesus asked what the original site plan approvals say in regards to the wall.

Mr. Dowd stated that these steep slopes did not show any wall whatsoever. The wall issue came into effect when they went for a variance to move the houses forward and to stabilize and make the foundation work in the slope a better engineering job then if they put it further down the slope.

Trustee DeJesus asked the manager what is it that the Village is going to do.

Manager Politi stated that there is a stop work order until they satisfy the requirements.

Mr. Steinberg stated that they are working very hard to stabilize the slope and repair the condition. His engineer has come up with a new design with a footing underneath the wall. It's November and it's hard to find contractor availability. It is also hard to get the weather to cooperate. They only have 35 feet of wall left and they are testing the soil behind that 35 feet to make sure it will meet the engineering requirements. That still leaves them with 130 feet of wall that they need to get back in place with a footing so they can stabilize the slope.

Trustee DeJesus stated that the Board has a letter that directs Mr. Steinberg to do certain things. He has to go to the Planning Board and follow what that letter says. There is a Planning Board meeting next Wednesday.

Mr. Steinberg indicated that he needs to put the footing in. That is the first step in stabilizing the hill.

Mayor Pearson asked how can they put the footing in if the engineering report hasn't been approved yet.

Mr. Steinberg stated that he met with the Village Engineer today and his engineer. His engineer says he will have his technical report to the Village Engineer tonight or first thing tomorrow. He wants to start forming the footing tomorrow. He is willing to take that risk that what his engineer says is acceptable. The foundation for the retaining wall will be 3 ½ feet wide and it will be a foot thick with steel in it.

Trustee DeJesus stated that the issue here is it still has to go before the Architectural Review Board.

Manager Politi stated that if the engineering can be supported that the footing can go in that is one thing, but the construction of that wall still has to make it to next Wednesday.

Mr. Steinberg stated that if the engineers agree to the footing it is so important that they get it in while they have the chance and they have done the preparation for it. They down on cut, they have it level and if they put the footing in and they pour it then they stabilize that and we are safe.

Mayor Pearson asked what it's being stabilized to. Is it rock or more dirt?

Mr. Steinberg stated that it's cut, meaning its undisturbed soil. It's been there for many, many years. They go down to that level, stabilize it and then they put in not just the block, which are two feet wide, now they spread it. They go to a footing that is 3 ½ feet wide. It is stiffer so it doesn't permit the wall to bulge and it is firmer, because it spreads the load better then the original retaining wall and it is tilted into the hill.

Mayor Pearson asked how much fill was dumped there and was it compacted.

Mr. Steinberg stated that they compacted as they were doing it.

Trustee DeJesus stated that this has to go to the Planning Board. There is an engineering issue that they will look into and then move on from there. You have to follow the letter.

Mr. Steinberg asked if he could do the footings if the engineer agrees.

Mr. Dowd stated that he would have to deal with the building inspector; it's his stop work order.

Mr. Millspaugh asked how deep the spot was that they leveled.

Mr. Steinberg stated that you would have to go up and look at it.

Mr. Millspaugh stated that he would be concerned about frost protection.

Mr. Steinberg stated that when you do a cut you don't have to worry about frost heave unless you get water underneath and you don't expect water underneath a cut because you are in undisturbed soil.

Diane Sandbothe, 90 Liberty Street stated that when she was here two weeks ago the manager said that half of the wall was approved and half wasn't.

Manager Politi stated that he was asked at the last meeting to give explanations and they are here.

Mrs. Sandbothe asked if a wall and a fence are the same thing. A fence you are allowed to build it two feet without a permit and anything above that you would need a permit. Mrs. Sandbothe also asked if you are allowed to build a two to three foot wall without a permit.

Mr. Dowd stated that there are architectural walls that sometimes don't require building permits. You start talking about a retaining wall and it doesn't require so much a permit but it requires engineering.

Mrs. Sandbothe indicated back in November the Zoning Board minutes state that no retaining wall was going to be needed and they would use native blocks. Then all of a sudden this wall started to appear and the building inspector stated that they were using native block and she said no, they are using concrete blocks and it's a retaining wall. Now it has fallen down and Mr. Steinberg stated that they will be putting the same blocks up with footings.

Dave Sperry, 12 Overlook Terrace asked about all the fill they were dumping, at least 20-30 truck loads that was taken off of the First Street development and at no time was there any tamping going on or any compression of that dirt. In between the two houses that were built there is a low spot and there is no silt fence behind any of those. He does have a question about the aesthetic look of that retaining wall. During the Zoning Board meeting of November 4, 2004 Member Ohlmer asked how high the wall was going to be and Mr. Steinberg stated they are not proposing a retaining wall. His question is that they are going to need a retaining wall of some type for the houses they built. They will be putting in two more houses and they will be asking for a variance to move the houses closer to the street. We are looking at a wall that will be 400 feet in

length. The wall that came down was 12 feet high and his question is that there will be a 12 foot high wall that was two or three foot which was proposed to the Zoning Board made of natural boulder and stones to one made of concrete. He hopes there is some type of look that this wall has to look like.

Deputy Mayor Matise asked, if this is a modification in the original approval does it need to be reapproved.

Mr. Dowd stated no because the variance was for the 15 foot front yard setback and at the time they were saying there was going to be no retaining wall or if there was it would be natural material. That wasn't the reason for granting the variance. In the subdivision process it was never considered at all.

Deputy Mayor Matise asked when Mr. Steinberg was given permission to put up the blocks.

Mr. Dowd stated that it was seen as an engineering issue as opposed to aesthetic issue. He thinks it was an oversight in not sending the original proposal to the Architectural Review Board.

Mayor Pearson asked that a letter be written to the Architectural Review Board to have them think about what the wall should really look like for the people who live in that area and whether 12 feet high is something somebody wants to look at and also the concern of the stability of the wall.

Mr. Steinberg stated that the wall is not 12 feet high, its 10 feet.

Mary Huber 55 Main Street reported the following sidewalks in need of repair; from 1 Orange Avenue between John and Grant Street there is no sidewalk, Grant Street on the left to Hepper Street is uneven, Hepper to Elm is bumpy, left side of Grant Street to the railroad track is bad, John Street down to Hepper Street there are no sidewalks on one side and the other side is bad, and Main Street passed the Walden Federal Savings Bank by the Hess Station is uneven. Hess also likes to put their sign on the sidewalk. On East Main Street there is blacktop and not real sidewalk, by 67 Oak Street you have to walk in the yard, in back of the Walden Federal parking lot on Oak Street that sidewalk is all broken up, on the right side of Oak Street going down most of the way down is bad and where Millspaugh put that building its impossible. She also stated that there should be a handicapped parking space in front of the Good Samaritan. She also commented on the garbage cans on Main Street, that there are signs that say no turn on red and everyone still makes the turn on red and also the no left turn everyone is still turning. She also stated that she has called Independent Living on the rules for handicapped accessibility several times and no one calls her back. She wants to know how she can find out what the rules are.

Skateboard Park Development

John Howland reported that the Board received a copy of the letter from Bill Pullar to Jim Politi regarding the recreation meeting. The people want the Village to develop a skateboard park. He checked with the insurance company and there are no exclusions in our policy for skateboard parks. There is \$54,000 in parkland fees. The question of the location of the skateboard park came up. He feels it should be at Bradley Park.

Manager Politi advised the Board that the estimated cost may push this to go out for bid.

It was the consensus of the Board to locate the skateboard park at Bradley Park.

Deputy Mayor Matise stated that she has spoken to young people and she asked the kids on the west side about the Alfred Place Park and one kid told her that the person who lives next to the park took down the second basketball hoop.

Trustee Wynkoop stated that the Village took down the hoop because of the language they were using and there were a lot of complaints.

Deputy Mayor Matise suggested a skateboard park go over on the west side.

Mr. Howland suggested they try one at a time.

Trustee Norman stated that she feels the Alfred Park is too close to the residents.

Trustee Norman stated that there was a nice turnout for the Youth Committee Meeting. They have moved forward on a lot of things. Mr. Howland brought his staff to the meeting and they will be doing maintenance to the teen center. They will be getting computers in there and playstations. The staff is going to bring forth some games. A new stereo system will also be put in the teen center. They are talking about having dances once a month, talent shows, and battle of the bands. The staff that Mr. Howland brought to the meeting was fantastic. They are looking at putting a volley ball court at Wooster Grove.

Mayor Pearson asked about the oil cleanup at Wooster Grove.

Manager Politi stated that on Tuesday, November 15th DEC and Miller will be on site to do a final review.

Mayor Pearson asked about funding.

Manager Politi stated that they applied for both storms.

Trustee Norman stated that the Youth Committee will continue to meet the first Monday of the month at 7pm.

Payment of Audited Bills

Trustee Norman moved to pay the audited bills of November 8, 2005. Seconded by Trustee DeJesus.

Trustee Hurd questioned the PBA attorney's bill, \$454.00 an hour.

Manager Politi stated that he is talking to them.

Mayor Pearson asked if the Board has to authorize that. She also asked if you always need a lawyer to begin labor negotiations. How does the Board know what is being negotiated.

Trustee DeJesus stated that it starts out at the administration level in terms of what both sides think.

Manager Politi stated that he will bring an update to the next meeting during executive session.

All ayes. Motion carried.

Bid Award-Porter Corp-Band Shell Fabrication-Poligon

Trustee Keator moved to award the bid for the band shell fabrication to Porter Corp for \$36,210.00. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Bid Award-Adams Concrete-Foundation for Band Shell

Trustee DeJesus moved to award the band shell foundation to Adams Concrete for \$13,000. Seconded by Trustee Keator. All ayes. Motion carried.

Introductory Local Law I-4- Mx Zone

Mr. Dowd explained that he is in the process of taking Alan Sorensen's draft and putting it in local law form and he knows there were some suggested changes. He will have this ready before the next meeting so the Board can review it and introduce it in December.

Deputy Mayor Matise suggested Mr. Sorensen look into some designs or guidelines for handicapped accessibility. She also talked to Mr. Sorensen about green building technology and he was going to incorporate guidelines. He was going to research it further and bring it back to the Board.

Mr. Dowd stated that guidelines would be for rented townhouses. If it's a single family they would do it, unless there is a need. Unless the Deputy Mayor is talking about having units set aside that would be ADA compliant to attract handicapped individuals.

Deputy Mayor Matisse stated that there is a need for that in the Village.

Mr. Dowd asked if she wanted to give an incentive to a developer if he takes some of those units and makes them ADA compliant and sell them to someone who needs them.

Trustee DeJesus asked if she was proposing to increase the number of units.

Deputy Mayor Matisse stated that isn't the only way for incentive. Mr. Sorensen was going to look up other ideas for incentives.

Oak Street Parking Lot Lighting

Mayor Pearson asked if the Village was going to do anything else with the Oak Street parking lot.

Manager Politi stated that he wants to get the lighting done and they will put some stone down and get signage. There is a problem with the drainage.

Trustee Wynkoop moved to authorize the Village Manager to sign the street light agreement with NYSE&G for the Oak Street parking lot. Seconded by Trustee Keator. All ayes. Motion carried.

Planning & Zoning Board Member Training

Mayor Pearson explained that she would like to see mandatory training for Planning and Zoning Board members. She would also like to see Board members go to classes.

Trustee Keator stated that she feels it's a good idea but not mandatory since the positions are volunteer.

Trustee Wynkoop stated that he doesn't feel it should be mandatory.

Trustee DeJesus stated that at the minimum they should attend an introductory course. When changes are made there is the Village Engineer and Village Attorney that could give an orientation.

Ed Leonard stated that he feels the Board should get some feedback from the Planning and Zoning Board members.

Trustee Hurd suggested making an incentive.

Mr. Leonard also stated that PACE offers on line courses.

Mr. Dowd stated that about a year ago he met with the Zoning Board and went over their duties as far as area variances, use variances and SEQRA. He could do that with the Planning Board and Orange County Planning Federation does some nice course work.

Trustee Norman also stated that she feels it's important but she wouldn't like it to be mandatory.

Trustee Wynkoop stated that the Village should encourage them to go but not make it mandatory.

Trustee Hurd stated that he understands the reasoning. Rather than making it mandatory let this Board go to the trouble of bringing the training to them during a regular meeting.

Trustee DeJesus stated that the boards are supposed to get together four times a year, two of those times could be for training. He suggested a letter go to the members saying there is this training, it's paid for, and it's just your time.

Trustee Keator stated that she would like to see what it would cost to have a speaker come in.

It was the consensus of the Board not to make mandatory training for Planning and Zoning Board Members and have the Village Manager write a letter to the Board's expressing training that is out there and look into having someone come in.

Parking Concerns in various Areas of the Village of Walden

Tabled until the next meeting.

Public Comment on Discussion Items

Althea Mullarkey stated that she has been involved in a lot of volunteer groups and she can't think of one volunteer group where she was not required to do training. She doesn't see where there would be a problem making it mandatory.

Informational & Village Manager's Report

Manager Politi stated that the department head reports are in the Board packets. He further stated that the Village was awarded the County Planning Grant for \$7,000. That will help offset the comprehensive plan costs.

The Village Manager introduced Howard Edwards who was appointed Village Public Works Superintendent. He has been with the department for 18 years.

Political Signs

Mayor Pearson indicated that she has received numerous phone calls regarding the political signs that are on the McKinley Monument.

Trustee DeJesus stated that the problem is that is public space and he takes exception to that particular place.

Mayor Pearson suggested the Board designate places where they do not want signs to be, one being the monument in the square.

Mr. Dowd stated that the Board controls their right of ways and property. If you don't mind them putting the signs on the side of the streets in the right of way that is fine, but you can say not on the monuments.

Deputy Mayor Matise stated that parks, monuments and Village Square should be off limits.

Mr. Dowd indicated that if the Board makes a policy and someone puts a sign where it's not permitted the Village can take it down and call the person to come get it.

Trustee Keator moved to establish a policy of the Village that there will be no political signs and no commercial signs on Village monuments or in the parks. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Correspondence

Mayor Pearson stated that the Board received a thank you note from the Russell Lewis family.

The Mayor also indicated that she received correspondence from Elizabeth Cappello, President Board of Directors Josephine Louise Library employee parking, (attached).

The Mayor also read a letter from Leslie Myers, Library Director regarding employee parking and a telephone conversation with Chief Holmes, (attached).

The Village Clerk indicated that she will research the minutes.

Trustee DeJesus stated that what concerns him is it was mentioned in the Village department letter that the Village is not safe for their employees to park in the Oak Street parking lot. That sends a bad message.

Manager Politi stated that there is parking all around this area.

Board Comments

Trustee DeJesus asked about the trees that were cut down on Oakland Avenue.

Manager Politi stated that he has a report from Jim Persutti with his recommendations on which trees should be cut down.

Trustee DeJesus asked that this has to be looked at to see if we can save some very old trees.

Mayor Pearson stated that all the streets should be looked at and when the Village cuts a tree down a new one should be planted.

Deputy Mayor Matisse stated that she mentioned to Mr. Steinberg that there is a catalpa tree that might be in the buffer zone on First Street. We might want to keep it on the tree list.

Trustee Keator informed the Board that she won't be at the November 22, 2005 meeting. She asked that in regard to the Ronk house that the Board make it serious. She also stated that on Thursday night there were Girl Scouts in the meeting room and they were doing water colors and she was concerned because of the carpet. She came up later to find that they were using glue. She feels the Village should be aware of what people are using in the meeting room. She had two people stop her today and ask about the potholes on Albany Avenue. The first part of Maple Street is sinking. She also indicated that she understands the need for training is important, but she doesn't feel it should be mandatory. Trustee Keator advised the Board that she has a copy of the DVD from the Harvest Ball and it is available for sale.

Trustee Hurd stated that the Village should get a vacuum to pick up leaves.

Deputy Mayor Matisse asked about the new full time officers and if one of them was going to be assigned as a youth officer.

Manager Politi stated that the new officers will be at the next meeting for the Board to meet.

Trustee Wynkoop stated that the Chief is looking for guidance regarding a youth officer.

Mayor Pearson asked if the Board was in agreement that the Village needs a youth officer.

It was the consensus of the Board to have a youth officer.

Deputy Mayor Matisse showed the Board letters that were written by Col. Bradley to the sculptors who made the statue in the cemetery which she got from the New York Historical Society.

Mayor

Mayor Pearson asked about the property by the bridge that was to be purchased from DOT.

Manager Politi stated that it's going through its paces.

Mayor Pearson asked who was going to keep up the cleaning of the floors in the Municipal Building.

Manager Politi stated that they will be coming back periodically to clean them.

Mayor Pearson asked about the snow blowers that were purchased. The Mayor also asked what all the top soil was for.

Manager Politi stated that it was for backing up the curbs.

Mayor Pearson asked if there is extra top soil to put it on Church Street.

Mayor Pearson asked if the hearing for the Ronk house has to be rescheduled.

Manager Politi stated they will be noticed.

Mayor Pearson asked about the money for the Sesquicentennial.

Manager Politi indicated that he will get her the numbers.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk