

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
November 22, 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 Matise
	Trustees	Roy Wynkoop
		Richard Hurd
		Mary Jean Norman
		Jose DeJesus

Absent:	Trustee	Lauren Keator
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Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney
	Dean Stickles, Building Inspector
	Alan Sorensen, Planner

Approval of Minutes

Deputy Mayor Matise moved to adopt the minutes of November 8, 2005 with the following corrections; Page 2, 7th paragraph, change to Manager Politi asked Ms. Mullarkey to keep going with the consultation for repairs to the Olley Park farmhouse, but to let him know what the contractor found and Page 1, Trustee Wynkoop was absent and later present. Seconded by Trustee DeJesus. All ayes. Minutes adopted.

Property Maintenance Hearing – 36 Sherman Avenue

The property owners weren't present.

Mr. Stickles indicated that from the notice that was given on September 28th until today most of the items listed in the notice have been cleaned up. There are still some things that need to be done.

Trustee Norman stated that when the owner gets a notice he cleans up and then in a couple months you're back to the same condition. She doesn't feel that is fair to the neighborhood.

Mr. Dowd stated that the Village has the recourse of cleaning up what he didn't clean up. If he cleans up he's not in violation and then if he clutters it up he's in violation and you have to go through the whole process over again.

Mayor Pearson asked the building inspector how many things on the list aren't done.

Mr. Stickles stated that there are some bikes in the back yard and the garage and the house needs to be fixed and painted.

Mr. Dowd indicated that Mr. Stickles mailed out five notices to all the siblings of the homeowner and received four acknowledgements. The next step would be for this board to close the hearing and proceed to adopt a resolution authorizing the manager and building inspector to clean up whatever else is in violation and charge it back to the property.

Mr. Stickles stated that there is oil in the driveway that has run out into the street and there is a sump pump that pumps out into the road and freezes in the winter.

Deputy Mayor Matise asked if the village could act on the sump pump and the oil. Those are significant pollutants.

Mr. Dowd asked how the village stops the sump pump from pumping water into the street.

Mr. Stickles stated that there is a hose coming out of the basement, so you could redirect the hose.

Mr. Dowd stated that the only alternative to try and put an end to this would be to bring an action in Supreme Court or bring a permanent injunction against the property owner to keep him out of violation, if he goes into violation he would be in contempt of court. There are five owners of the property and one lives in New Jersey so they don't know what the every day workings of the property are. They may just let the property go for taxes, but so far they have paid the taxes.

Mayor Pearson stated that in her opinion if the Village has done it before, cleaning up properties and putting it on the bill, she would go that route.

Trustee DeJesus moved to close the hearing and authorize the manager and building inspector to proceed with the cleaning of 36 Sherman Avenue and bill the owner accordingly for any cleaning that needs to be done and charge it back to the property.

Mr. Stickles indicated that he tried to follow up with child protective services and didn't get anywhere.

Seconded by Trustee Wynkoop. On roll call Trustees Norman, DeJesus, Wynkoop, Deputy Mayor Matise and Mayor Pearson voted yes. Trustee Hurd voted no. Motion carried.

Mayor Pearson asked if the attorney can research anything else to get into the house.

Mr. Dowd stated that if they won't let us in the only thing we can do is get a search warrant signed by a judge. To get a search warrant we need reasonable cause to believe that the condition of the house today is a danger. The only thing we have are pictures from three years ago. We don't know the status of the house today.

Public Comment

Larry Kraus, 19 Orange Avenue asked about the zone change and explained that he needs more information as to why they are changing it.

Alan Sorensen explained that the idea for creating the mixed use zone down around Railroad Avenue is to encourage redevelopment in that general area. The mixed use zone would allow for mixed use, commercial and residential. Some of the buildings that would be considered for that would be the Packaged Lighting building which would allow for artist lofts. Retail establishments would still be permitted. Under the proposed table there is a difference between the B-4 service and the mx zone where repair garages are currently a special exception use within a B-4 service district. Under the proposed table for the mx zone as it's presently structured the repair garage would not be a special exception use, it wouldn't be a permitted use. If the zone were to change today what would happen with existing repair garages within the area to be rezoned they would be grandfathered in so the activity could continue. However, if you're a non conforming use and you cease to operate for a year generally in most municipalities the reuse of that building would have to be something that would conform to a permitted use within that zoning district.

Mr. Stickles stated that if Mr. Kraus wanted to expand or the auto laundry wanted to expand he would be forced to get a use variance.

Deputy Mayor Matise stated that Mr. Kraus wouldn't be the only business that would become a non conforming use and these are all thriving businesses. You are introducing an element into their continued liability by changing this suddenly like that.

Mayor Pearson explained that the mx zone is on the agenda and will be discussed further.

Ann Ilkew, 71 Main Street asked about the status of the farmhouse at Olley Park.

Mayor Pearson stated that the pipes won't freeze because the furnace doesn't work and there is no water in the pipes.

Althea Mullarkey stated that the contractor will be redirecting the gutters.

Manager Politi stated that the building is secured.

Mayor Pearson asked Mr. Schoonmaker what time the garbage truck came around.

Mr. Schoonmaker indicated that they came at 6:10am.

Mr. Schoonmaker, Westwood Drive complimented the Village on the holiday tree.

Audited Bills

Trustee Hurd moved to pay the audited bills of November 22, 2005. Seconded by Trustee Norman. All ayes. Motion carried.

Introductory Local Law I-4 of 2005-Zoning Changes

Mayor Pearson stated that she would like to change the line where businesses would have to conform later on.

Trustee Hurd reminded the Board that a lot of time and effort went into this and if you change it now you will have to go back and redraft the whole table of uses.

Deputy Mayor Matisse suggested that all considerations be addressed rather than create a situation where it's going to create problems for a lot of businesses down the road.

Trustee DeJesus stated that it's not a great problem you just have to do something different. It's an issue, but there is a mechanism in place for that to be addressed.

Deputy Mayor Matisse stated that then you are open to the way the Zoning Board wants to interpret the zoning.

Trustee DeJesus stated that you have to look at the larger picture in terms of what it is this board is trying to accomplish. We are not zoning these people out we are just saying this is the zoning that we are proposing and there is a mechanism by which they can address it.

Mr. Dowd stated that it's not just one property you're talking about. If you look at the law there are a number of properties that are being rezoned and its all districts. There is a number of ways you can look at this, one is if there is a specific property such as Mr. Kraus's property that you don't want to change to an mx, you can take it out and leave it in the B-4, or you could add a special permit use of repair garages in the mx zone, but when you do that you have to realize that every other property in that mx zone then can be a repair garage by special permit. If they apply for special permit and meet the

conditions the Planning Board has to give them approval. If you make repair garages a special permit use then any other properties in the mx technically could apply to the Planning Board to become a repair garage, and he doesn't think that was the intent the board wanted in the mx. One, you don't change it and leave it where it is, especially if he is on the peripheral of the mx zone; two, you put him in the mx to make a special permit use; three, you rezone him and if he ever needs to expand his business come to the Zoning Board and four, maybe there is a different zone that would be more compatible with the mx, but not quite a B-4 and sort of a transitional zone. Before you start adding uses to the mx zone you have to remember what vision you have of the mx zone and what you want that to become before you start putting more uses in it that may not be compatible with that plan. You should think hard and fast.

Trustee Hurd introduced Introductory Local Law I-4 of 2005, "Zoning".

Trustee DeJesus moved to hold a public hearing on Introductory Local Law I-4 of 2005, "Zoning" on December 13th, 2005 at 6:30pm. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Road Dedication – Jacobs Ridge

Manager Politi stated that everything for the road dedication at Jacobs Ridge has been satisfied as per engineering. All fees have been paid.

Mr. Dowd indicated that all documents including title are okay. Mr. Gutterman's company is in the process of issuing the maintenance bond for \$68,500. We are holding \$162,000 so the Board can conditionally approve the acceptance of these streets subject to receipt of the maintenance bond and then the deeds and all easements will be recorded and the Village will own the streets and the pump station parcel and the Village will release the performance bonds.

Deputy Mayor Matise indicated that she has requested a maintenance management plan for the detention ponds be in place.

Manager Politi stated that he talked to the engineer about it, but it's not in place. He is researching that.

Mayor Pearson asked if the engineers have signed off on the retention basins.

Deputy Mayor Matise indicated that she would like to make a motion of postponement and that the Village doesn't accept Jacob's Ridge improvements for dedication until the Village has a detention pond maintenance management plan in place so that they know exactly how the ponds are going to be taken care of over the next year. Also, to relieve the Village of the responsibility in terms of other homeowners in that area.

Manager Politi stated that what Deputy Mayor Matisse is saying is that we haven't thought of that and it's going to be his responsibility to maintain those and he will have a plan and the ability to do it.

Trustee Wynkoop stated that the Village is being unfair to Mr. Gutterman, because he's done everything to comply and maintaining is the Village's problem.

Trustee DeJesus stated that he hasn't been a fan of what has gone on at Jacobs Ridge and there have been homeowners whose come to the Board regarding snow removal and this will allow us to remove the snow which is a priority now. The one concern he has is he wants to see money up front. He wants the motion to be contingent upon receiving the maintenance bond. The issue of the detention pond maintenance management plan can be brought up separately from this.

Mayor Pearson stated that she would like to have an engineer certify the calculations of the ponds.

Mr. Dowd stated the plans were designed by an engineer and approved and reviewed by our engineer. Our engineer has certified that those ponds have been built according to the specifications and they have been maintained, developed and finished and that is what the engineer is signing off on this.

Mayor Pearson stated then we do have something that certifies those calculations.

Trustee DeJesus moved to accept the road dedication, booster pump station parcel and numerous easements to maintain the retention ponds and other drainage easements for Jacob's Ridge, contingent upon all financial arrangements being in place. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Walden Day Care Request

Manager Politi indicated that Walden Day Care constructed the bus shelter on Orchard Street and they are asking to come in and paint it.

Trustee Norman moved to permit Walden Day Care to come in and paint the bus shelter on Orchard Street as long as it is painted white. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Joint Board Meeting

Mayor Pearson indicated that she would like to get someone to come to the joint meeting to talk on MS-4 regulations.

Trustee Hurd indicated he would like to see zoning discussed.

Trustee DeJesus stated that he feels everyone should be on the same page in terms of the changes in place with the master plan. We may want Alan Sorensen to speak on that.

Mayor Pearson asked the Board to forward suggestions to her.

Deputy Mayor Matise moved to hold a joint meeting with the Village Board, Planning Board, Zoning Board of Appeals and the IDA/Community Development Board on January 17th, 2006 at 7:00pm. Seconded by Trustee Norman. All ayes. Motion carried.

Set Date for Incident Command System Training

Manager Politi stated that the incident command system training will explain how that functions. We are still putting that together. He will be meeting on November 30th, 2005 with the fire department, police department and ambulance corp. Once the plan is done the board will get a copy. It will take a few weeks to finalize a draft after the November 30th meeting and the board will receive it then for their review.

It was to consensus of the Board to tentatively set the date for the incident command system training on February 8th, 2006.

Cherry Street Easement Request

Manager Politi explained that Roger Gibboni is the owner of Walden Printing at 63 Orange Avenue and in order to make his building more functional he needs to have an easement to develop an exit onto Cherry Street which is Village property.

Mr. Gibboni stated that historically they ran tractor trailers off of Orange Avenue and went out Cherry Street. That entrance has been there long before he was in business. He has someone interested in his building which has been empty for two years and their concern is that the entrance from Cherry Street will be closed. The request to the Village is to have an easement for the use of the driveway. The other option would be to make this a Village street.

Tony Risio, President of American Petroleum Equipment and Construction Company and Jim Dollaway, Vice President introduced themselves to the Board.

Mayor Pearson asked about how many trucks and what size they would be.

Mr. Risio stated not as many as Walden Printing had coming in and out. They do have access to forty foot trailers to come into the property. They would also like to put up a fence for security but still have access so when the trucks back straight in they can pull straight out to Cherry Street.

Mayor Pearson asked how many trucks daily.

Mr. Dollaway indicated three or four trucks per week.

Mr. Gibboni stated that there is a hump in the road and the trucks can bottom out going out onto Route 208.

Mr. Dowd asked how wide of an easement will they need.

Mr. Gibboni stated that whatever that driveway is that is what they need. They are not looking to modify anything.

Manager Politi indicated that he would rather have an easement than a road.

Trustee Hurd asked what the consequences would be if in the future the Village wanted to do something with that property.

Mr. Dowd advised the Board that they are encumbering their property with an easement of whatever width it is and unless they were to let the Village out of the easement they could never block it in anyway.

Trustee Hurd suggested the Village give them a conditional resolution so they can use it without the Village giving up anything.

Mr. Dowd stated that he's not sure it would satisfy the buyer because another Board in the future could say they are not going to do that. They've then made the investment in the property and they can't get their trucks out.

Manager Politi stated that if you build a road it would have to be to spec which is thirty feet and then you've cut down your capability to expand.

Deputy Mayor Matise asked what kind of business they have.

Mr. Dollaway stated that it's a service company and they service and install gas stations. They have a 24/7 business. They start at 7am.

Mayor Pearson asked how large their fleet was.

Mr. Dollaway stated that right now they have a total of between 15 and 16 trucks. They are box trucks, dump trucks, back hoes and smaller construction equipment.

Mayor Pearson asked if they would be going out late at night.

Mr. Dollaway stated that the technicians all have their own trucks and they take them home.

Trustee Hurd asked if they would be willing to use Cherry Street without the Board granting them an easement.

Mr. Dollaway stated that it would be a safety issue about going out.

Mayor Pearson asked what happens with maintenance of the road.

Mr. Dowd stated that if the Village is negotiating an easement you would negotiate issues of maintenance.

Deputy Mayor Matisse asked if it would make sense to do a street.

Manager Politi stated that if you're going to set it up as a street then you're building it as a street and then you will be taking up quite a bit more space, where it can be livable between an easement and buildable space.

Trustee Hurd asked what would happen if the Village needed that because we need to do something with the water building.

Mr. Dowd indicated that the Village would have no options unless the person who has the right to use the easement gives it up. Once you give the easement it's recorded at the County Clerk's Office and it runs with the land and you can't automatically terminate it.

Trustee DeJesus stated that he's not sure he wants to give away a piece of the Village forever that we can never take back.

Mr. Dowd stated that Mr. Sorensen checked out whether the rezoning of this property would affect the gentlemen's business and it will not. You can give an easement that terminates upon this particular owner ceasing to operate. He will check that out as to whether they can legally do that.

Trustee DeJesus stated that there will be an issue of employee parking.

Mr. Dowd stated that it will have to go to the Planning Board.

Trustee DeJesus stated that he's more inclined to go for something that would go for the duration of the business. He feels a road would make more sense.

Mr. Gibboni stated that he can't imagine that the Village would ever want to build across that street, because of the entrance to the water department.

Mr. Dowd stated that he will explore other options and report back to the Board December 13th.

Housing Rehab Funding Discussion

Trustee Wynkoop stated that some board members would like to spend more time reviewing this. He asked for a special meeting.

Trustee DeJesus moved to hold a special meeting on December 1, 2005 at 7:30pm. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Kerron Barnes briefly reviewed the report with the Board.

Municipal Employee Parking

Mayor Pearson indicated that at the last meeting she read the letter from the Library Board concerning employee parking.

Trustee DeJesus stated that after 5pm it's not employee parking.

Manager Politi stated that its employee parking from 7am until 5pm.

Mayor Pearson stated that years ago there were designated parking spaces.

Manager Politi explained that there were signs that said Village Manager, Village Clerk, etc. The lining was too tight, so they pulled the signs, but the municipal employee signs are still there and there are three signs on the building that say Library staff. He read the Village Code Section 141-24.1. Someone allotted to spaces in the back being designated 30 minute parking, but that is the Scofield Street side.

Mayor Pearson stated that this should have been cleared up before getting here. It should have been a management, police, and library issue. It shouldn't have come before the Board. This is a management responsibility. She spoke to the Police Chief about moving some of the police cars that he doesn't use during the day and put them behind the gray building, so they're not far away, but at the same time free up some spaces. She asked how many employees don't have parking spaces.

Manager Politi stated that he parks his car at the gray house and everyone in the office has a parking space. The courtesy is to leave the three spaced against the building open, but there have been a couple times that someone has parked in those spaces.

Trustee DeJesus stated that those spaces against the building should be designated a fire zone.

Trustee Hurd stated that the Village bought the building in the back specifically to expand parking, so it's not a bad idea to put Item 4 and make it one way then you could get four or five parking spaces.

Trustee DeJesus stated that the Village is asking the business community to use the Oak Street parking lot for employee parking, how are we exempt from that.

Deputy Mayor Matise stated that the business community will be in to talk about the parking when the board reviews it.

Trustee DeJesus stated that the business community cannot have it both ways. We can say forget about the two hours parking and let their employees park on the street all day and let the business people complain they have no parking.

Deputy Mayor Matise stated that maybe 5pm creates an issue because the library works a split shift, 4pm until 8pm, so if at 4pm it becomes open parking they could park in those spots.

Mayor Pearson stated that the Village office closes at 3:30pm so the employees are out of here at 3:30pm.

Manager Politi explained that there is open parking up Scofield Street and Walnut Street. There will be more spaces when the schools parking lot is done. He will see if he can get spaces behind the gray house and it will become village employee parking. There still is the possibility that someone will park in the Library space.

Mayor Pearson advised the Board that they will be discussing regular parking in January.

Parking Concerns in the Village of Walden

Trustee Norman stated that she met with Chief Holmes regarding some of the streets she discussed with the Mayor. He asked that this be on the next agenda.

Resolution Allowing Volunteer Firemen & Ambulance Corp. Members Tax Exemption

Trustee DeJesus moved to authorize the manager to draft a local law to provide a ten percent exemption on real property owned by members of volunteer fire departments and volunteer ambulance services. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Public Comment – Discussion Items

Ed Leonard reported on the Affordable Housing Committee and indicated that on October 13th the Town Council approved the assessing unit law.

Informational Items – Village Manager’s Report

Manager Politi reported the following:

- Indoor soccer program is going very well

- The Walden Community Council Beautification Committee did the decorations for the holiday tree
- Work at the sewer plant is going well
- The manager attended the DOT meeting on Monday regarding the rail trail and there was positive feedback
- Robert Montanaro will start January 1st as the youth officer.

Trustee DeJesus stated that he talked to the Police Chief regarding the fact that the youth out there are a mix of black, white and Hispanic and he is looking for someone that would be a youth officer that has diversity training. He's glad they are moving ahead with the officer, but there are other issues that need to be address and the fact that they need diversity in the Police Department.

Mayor Pearson indicated that she agrees with Trustee DeJesus, in all departments.

Board Comments

Trustee Hurd asked when the budget ratables would be in.

Manager Politi stated that he hasn't received anything yet. The budget process will start in December.

Trustee Norman stated that the Youth Committee will be meeting December 5 at 7pm.

Deputy Mayor Matisse stated that First Night will begin at 7pm.

Manager Politi stated that they have to coordinate the fire works which will be at Olley Park. He is getting the numbers in now.

Deputy Mayor Matisse stated that she would like the Board's consensus to have the manager contact the Town Board about the aquifer overlay district and start to put a push on that so the Village has protection for their well fields.

Trustee Hurd indicated that we already have well head protection.

Deputy Mayor Matisse stated that she's talking about protection for the whole recharge area.

Trustee Hurd stated that in his view aquifer overlays essentially are a Trojan horse to control growth by taking private property and making immediate areas undevelopable.

Manager Politi stated that the Village is ahead of the curve because your are sinking a well right now. DEC has to maintain the integrity of that well and future development.

Deputy Mayor Matisse stated that they don't control the zoning around the wells.

Mr. Dowd stated that they control the underground aquifer and who get the water out of the aquifer.

Trustee DeJesus stated that he would like to see what the Town is going to do.

Trustee Wynkoop and Norman also indicated that they would like more information.

Mayor Pearson asked about appointments to the boards, there are openings on the Library Board and Zoning Board.

Manager Politi indicated that the two openings on the Library Board are hold overs and there is an opening still on the Zoning Board.

Mayor Pearson stated that the traffic lights on Main Street aren't working right, traffic gets backed up.

Mayor Pearson also asked about Mr. Berger's application to the Zoning Board. She further stated that the square looks nice. She would like to see more wreaths, especially on the bridge.

Manager Politi stated that wreaths are very expensive so that would have to be a capital item and they would need at least twenty.

Trustee Norman stated that the west side of the village needs decorations.

Mayor Pearson asked if the State has replaced trees on Main Street.

Manager Politi indicated no.

Executive Session

Trustee Hurd moved to hold an Executive Session pursuant to 105-e, Litigation, of the Public Officers Law. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Trustee Wynkoop moved to reconvene the regular meeting. Seconded by Trustee Hurd. All ayes. Meeting reconvened.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk