

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
JANUARY 10, 2006**

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
		Mary Ellen Matisé
		Richard Hurd
		Lauren Keator
Absent:	Trustee	Richard Hurd, later present

Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk, excused
	Kevin Dowd, Village Attorney
	Alan Sorensen, Planner

Approval of Minutes

Trustee DeJesus moved to adopt the minutes of December 13, 2005. Seconded by Trustee Norman.

Deputy Mayor Matisé indicated that she discussed a correction with the clerk, Page 11, third paragraph, change to all ayes.

All ayes. Minutes adopted.

Introduction of New Full – Time Police Officers

Chief Holmes introduced the new full time officers, Shawn Barry, Michael Taback and Andrew Morris to the Board.

Public Hearing Introductory Local Law I-6 of 2005, “Zoning”

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

Alan Sorensen stated that at the last meeting he went over the changes that were to be incorporated into the revised law. Design guidelines were also incorporated, not only at Railroad Place but also for the downtown.

Deputy Mayor Matise asked about Section 14, parking, she thought at the last meeting they discussed two off street spaces counting as off street parking and shared parking. She thought there would be changes to that.

Mr. Sorensen stated that there was concern with respect to downtown. In the original downtown design guidelines there was reference to that and that was taken out. This note refers to the mixed use district. The way shared parking is worded is where the applicant can demonstrate the intended mix of the proposed mixed use building and involve different uses utilizing parking at different times of the day. The required parking may be reduced by up to 20%. It's not automatic, it gives the Planning Board some discretion. When the Planning Board makes an approval of an application they can do that with conditions. The intent is for some flexibility.

Mayor Pearson stated that she thought they discussed the Planning and Zoning boards not being able to waive parking.

Mr. Dowd stated that his recollection is that they may have discussed it but there was no clear indication that they wanted to take that power away from the Zoning and Planning Board. You would really take it away from the Planning Board the Zoning Board would be granting variances based upon the demonstration of some sort of hardship. There was no instruction to take that out of the code. Any changes the Board asked for were made in this version. The provision the Mayor is talking about is in a different section of the zoning law. We would have to have brought that up and made a conscious attempt to take that out. That was never discussed.

Trustee DeJesus stated that they also talked about this making accommodations for parking to be constructed as a private enterprise. They also talked about if a parking garage was constructed it had to be architecturally pleasing.

Mr. Dowd stated that they did discuss the on street parking in front of the building as counting towards the over all parking requirements. His notes do not reflect that they were saying take it out.

Mayor Pearson stated that 148-50, (f), Section 17 which talks about retaining existing buildings with historical and architectural features, when do we address new buildings verses old buildings. Do we need to add something to this. It's in the guidelines, should it also be in here.

Manager Politi pointed out that it is in Section A.

Trustee DeJesus asked if they should address 148-50, (k), Supplemental Plan, the drawings.

Mr. Dowd stated that it is covered in k-2.

Trustee DeJesus asked about apartment sizes.

Mr. Sorensen stated that it is 900 square feet.

Trustee DeJesus stated in reference to 148-50, (c), the idea really is to encourage the store front component.

Manager Politi stated that should be taken out.

Mr. Sorensen stated that the requirement is for mixed use for every building.

Mr. Dowd stated that is for proposed development. If there is an existing home there they are allowed to continue.

Deputy Mayor Matise asked about artist lofts, it states that employees and walk in trade are not permitted. How would they show their work.

Mayor Pearson stated that it's the living space.

Deputy Mayor Matise asked if they can work there why can't they sell there.

Mr. Dowd indicated that this is not a studio, it's a living/work space.

Mayor Pearson indicated that 148-50, (h) which talks about off street loading and garbage storage areas. It also talked about alley ways. Is there guidelines for that?

Mr. Sorensen stated that the intent is to have that covered as part of the site plan review process. It will depend on the lease in terms of how much trash is generated.

Mayor Pearson asked if the Village was going to worry about the garbage and what kind of cans and dumpsters.

Mr. Dowd stated that he would think you would leave that to the Planning Board, depending on the kind of use, how much garbage is going to be generated, whether they need a dumpster or individual garbage cans.

Mr. Dowd informed the Board that the Village has not received a response from the county, so the Board cannot take action tonight.

Anthony Fidanza, 30 Elm Street asked what the Village's intent was for the properties in that area.

Mr. Sorensen explained that Mr. Fidanza will be in the mixed use zone. Across the street will remain R-4.

Mr. Fidanza asked if there was going to be any changes in the area as far as the layout of the property.

Mr. Dowd stated no.

Mr. Fidanza asked about the traffic for the train.

Mr. Sorensen stated that the proposal for the rail feasibility is on a parallel track with the mixed use zone. There is a lot of work that still has to be done to achieve that part of the goal. One thing the Village is working on is getting a member on the Orange County Transportation Council to participate in the process. If the rail feasibility moves forward, as part of that process there will be a whole separate environmental review process that will be required. As part of the process they would have to show they are able to mitigate potential impacts as it relates to parking and traffic.

Mr. Fidanza also asked about parking for the train station.

Mr. Sorensen stated that with the rail feasibility they will have to explore different opportunities for parking, which may also include the feasibility of a parking structure to maximize the use.

Regina Paris 20 Elm St. and Nelson Escoto, 36 John Street asked what there zoning will be.

Mr. Sorensen stated that they are in an R-4, Residential and it will stay R-4.

Ms. Paris asked if they will have the opportunity to be in the mixed use zone.

Mr. Sorensen stated that as property owners they could petition to the Village Board to make the zone change.

Ms. Paris asked if any homes will be eliminated for parking.

Mayor Pearson stated no.

Deputy Mayor Matise asked what the procedure would be if the Village wanted to buy their property.

Mr. Dowd stated that if a private developer wanted to buy the property they would be approached by that developer or the attorney making an offer and negotiations would take place privately. If the Village wanted to buy it the Village can approach the homeowner and ask them if they would like to sell the property and if they didn't want to

then the Village can proceed with the imminent domain proceedings of the State law. There is an entire process to go through under State law.

Joe Masciello, 19 John Street addressed the Board regarding parking problems on John Street especially from the mini mall. He is all for what the Village is doing.

Mayor Pearson asked if there was anything that could be done to make sure parking does not get waived.

Mr. Dowd indicated that is a power that was given to the Planning Board many years ago. The Board did not decide to address it in this local law by taking it away. This gentleman is raising an issue about existing conditions and perhaps when the Board does their vehicle and traffic review they might want to look at this. As you change the mx zoning and you get more business the problem will be exacerbated unless you address it in some way.

Trustee Hurd stated that the Village has looked at that.

Mr. Masciello stated that they pick up the garbage at the diner at 3:00am.

Manager Politi indicated that is a private hauler.

Trustee Keator moved to delete Section 17, Subparagraph C. Seconded by Trustee DeJesus. All ayes. Motion carried.

Trustee DeJesus asked that before this goes to the county to please look it over very carefully.

Trustee Keator introduced Introductory Local Law I-1 of 2006, "Zoning".

Trustee Hurd moved to hold a public hearing on Introductory Local Law I-1 of 2006, "Zoning" on January 24, 2006 at 6:30pm. Seconded by Trustee Norman. All ayes. Motion carried.

Public Hearing Introductory Local Law I-5 of 2006, "Taxation"

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

Mr. Fidanza asked about the percentage coming off the taxes.

Trustee Hurd explained that it comes off the assessment.

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

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

Deputy Mayor Matise moved to adopt Introductory Local Law No. I-5 of 2006 which will become Local Law 1 of 2006, "Zoning". Seconded by Trustee Hurd. All ayes. Motion carried.

Public Comment

Pat Glass, Sunset Drive stated that there is a retention basin next to her house and she doesn't feel its working properly because the water is in her back yard. This past summer any time it rained mud came down onto her patio. She had DPW up there twice. Last week a tree fell on her house. Anytime something happens she has to pay someone to come in, because her husband is disabled. She asked who will be responsible for the retention basin once the project is complete.

Mayor Pearson stated the Village maintains it.

Manager Politi stated that he will have the engineer and building inspector go up and see what is going on.

Mayor Pearson asked if the Village started maintenance on the retention basins.

Manager Politi stated yes.

Mayor Pearson asked what the process was for getting money back from builders for engineering fees.

Mr. Dowd explained that when the builder gets his approval there is an estimate for the public improvements, a percentage of that is posted in cash with the Village for inspection fees. So, when ever the engineer goes up to see them put the sewer line in or to see when they put the roads in or when they are called because of a problem he bills the Village and that is taken from the inspection fee account. If that account gets low we ask the developer to replenish it or if its in the red we immediately bill the developer for the balance due.

Carolyn Wesenberg, 27 Orchard Street stated that a group of women have started a walkers club and the snow and cold has been getting in their way and they are looking for a dry place they could go to exercise. They prefer something in the mornings, two or three days a week.

Mayor Pearson stated that she spoke to the manager and they felt they could use Wooster Grove gym.

Manager Politi invited Ms. Wesenberg to stop in and talk to him and Mr. Howland.

Marcus Millspaugh, Jessup Street stated that they were using two words before, detention and retention. He hopes the basins that are being put in are designed for detention which would allow the water to completely drain in an orderly basis. He went by the one on Jacobs Ridge and he noticed there was standing water in the bottom. No detention basin should have water in it.

Trustee Hurd stated that there are several new projects on Route 300 in the Town of Newburgh where there are detention ponds like that and they deliberately place the drain at approximately a foot and a half or two feet above the lowest area.

Mr. Millspaugh stated that free standing water should be avoided at the expense of silt growing.

Dave Sperry, 12 Overlook Terrace asked if Jacobs Ridge roads been dedicated to the Village yet.

Manager Politi stated yes.

Mr. Sperry stated that two years ago he asked about a maintenance schedule for that and he was told until that road is dedicated there is no maintenance schedule. To say you are still trying to get one together now is poor planning on the Villages part because two years ago he asked and was told as soon as those roads were dedicated they would have it and now you're trying to put one together now. Mr. Millspaugh is right, both those ponds hold water. He has brought that to the Village's attention, the condition of those ponds. He asked about fences around the retention ponds. He also stated that the swale behind his house would be completed before the road dedication. The swale has not been fixed and the stone has not been put back in it. He asked when that will be taken care of.

Manager Politi stated that the problem is not with the developer, it's with the land owner who created a problem with the swale. It will be taken care of.

Trustee DeJesus stated that he went there and looked at it and it does need to be addressed.

Mr. Sperry asked about the retaining wall on Overlook Terrace, it was approved by the Planning Board to be put back similar to the way it was with engineering designs where it shouldn't fall down again. This is a twelve foot wall that is 200 feet long. When the engineer did the study on this housing complex for those four houses stated in his November 4th that they can provide this area with an adequate slope without reaching the very end of the lot. There weren't suppose to be any retaining walls so what map did the engineer look at, what study was he given to look at that he concluded that there would not be a need for a retaining wall.

Mr. Dowd explained that when this project went before the Planning Board the lots that were formed from the parent parcel there was in fact no plan to have retaining walls. When Schoonmaker Homes bought the four lots with the steep slopes on them from the original developer they applied for a building permit for two of them and the building inspector asked for the assistance of the village engineer to review the foundations that were going in because they were large and he wanted to make sure they were going to get into very good soil so that whatever was built was built correctly. The village engineer suggested to the developer that it would make for better construction to move the house up ten feet towards the street, get the foundation into virgin soil and make for a more appropriate building with a smaller foundation wall. In order to do that they had to go for a variance, received a variance and represented that he was not intending to build a wall but if he did build a wall in order to make some sort of a flat area so when you walk out of the basement into the back yard you wouldn't roll down the hill, because it was rather steep. What he constructed and what he proposed to construct originally was not what was contemplated by the Zoning Board at the time and it was made by the builder himself because he was looking for a more marketable piece of property for a back yard. The village engineer did not look at an original subdivision, there was no proposal before them for a retaining wall. It wasn't until the wall was being constructed and collapsed that the village engineer got back involved with this retaining wall, which has now been approved after various engineering studies on how to build a wall that won't collapse.

Mr. Sperry stated that they went for a variance to move the houses to a 25 foot setback and at that meeting the Village said they wanted a ten to twenty foot level area coming out. At that time he asked what size retaining wall is going to need to be built to have that setback. Andy Barone stated that nothing was needed and if one was needed the builder said you could build it out of natural stone. He asked if the builder presented plans to the engineer to look at or did the engineer say go ahead and build it I don't think you will need it. There are two other lots so the wall will expand 400 feet. He was asked to put ivy on this wall to cover up what is going to be a 12 foot by 400 foot wall that everyone down below can look up and see. His question once again is what map did the village engineer look at that he stated he wouldn't need any type of retaining wall.

Mr. Dowd stated that he thinks the engineer is making that statement based upon the fact of the slope as shown on the topography of the real subdivision map. The developer was the one that decided to try to build a retaining wall.

Mr. Sperry stated that he understands everything about the back yard. Even with the backyard being level ten feet out, according to the engineer there would not be a need for a retaining wall.

Mr. Dowd stated that not his recollection of exactly what happened. He's not the engineer.

Mr. Sperry stated that with all these developments that are going up we are having problems where it comes back to the engineer. Trees were cut down because of the engineer.

Mr. Dowd stated that's not a correct statement. That's not a fair statement

Mr. Sperry stated that for retention ponds to backup into Sunset Drive, that's a problem.

Manager Politi stated that you have to know what the problem is.

Mr. Sperry asked if anyone in this Village tap into drain lines on a street or retention ponds.

Manager Politi stated that you can't have down spouts or anything connected into our system.

Mr. Sperry stated that on Jacobs Ridge where the retention pond is there is new pipe that goes into the catch basin.

Manager Politi stated that there was suppose to be yard drains and that's what that could be.

Mr. Sperry stated that they are not on the original map.

Manager Politi stated that he believes they are.

Mr. Sperry stated that the Board talked about parking on Village streets in the beginning of November, which was to be continued the second meeting in November and he saw it was carried over to the first meeting in December. It still hasn't been talked about.

Manager Politi stated that there were some personnel that weren't available for those meetings and they wanted to save it for a work session rather than a regular meeting. It will be on for the next work session.

Mayor Pearson asked that attorney about the retaining wall, when they are built and they're done, who owns them.

Mr. Dowd stated that they are private property.

Mayor Pearson asked if there is a problem with the wall and it has to be fixes and someone doesn't let them come through their backyard to fix it, what happens.

Manager Politi stated that they would have to gain access on their own with their neighbors.

Mr. Dowd stated that the Village is going to suggest to the developer that they put in the deeds that there is some sort of mutual repair agreement.

Mrs. Sandbothe, 90 Liberty Street stated that she is at the end of Liberty Street and all the water and mud from Jacob Ridge is going into her back yard. When the wall collapsed Mr. Steinberg was here and he pressured the Village into finally agreeing to let him put up a wall and at that time someone said that half of the wall was approved and half wasn't. The wall they put up now doesn't look any different then the wall they put up before. She wants to make sure it doesn't collapse again and is the engineer going up there to review it.

Mayor Pearson stated that she went to the Planning Board meeting when the wall as approved.

Ed Leonard stated that all the Planning Board was asked to do was approve the architectural design.

Manager Politi stated that there was a whole new design with a drainage system behind the wall that you don't see. That was developed by their engineer and reviewed by the village engineer.

Trustee DeJesus stated that it's not uncommon for the Planning Board to refer to the engineer if there's discussion on an item. It's not that it wasn't reviewed by the Planning Board, it was reviewed by the engineers and they made sure it was structurally sound.

Mayor Pears asked if a retaining wall is not like a fence, it doesn't have to go before the planning board.

Manager Politi stated that it went through the architectural review board.

Mrs. Sandbothe stated that right in front of the retaining wall is a big six foot deep hole. She thinks it's a retention pond. It's filling up with water and the kids are crossing her property and they don't know that hole is there.

Manager Politi asked if that was part of the wash out that occurred.

Mrs. Sandbothe stated yes. Also, when the plow plows her street they plow the snow onto here property and the salt kills here grass. It's also covering up the swale and the headwall.

Manager Politi stated that he was there when they were plowing and they were plowing some of the snow back down the street and they are not pushing it into the headwall.

Mrs. Sandbothe stated that she also asked about the erosion control and no one has done anything.

Mayor Pearson stated that all builders have to have erosion control. That is NYS law.

Mrs. Sandbothe asked who maintains the swale behind her house.

Manager Politi stated that the Village does.

Trustee DeJesus asked what the outcome of the Sandbothe lawsuit was.

Manager Politi stated the he will have to get the actual amount.

Mrs. Glass stated that the fireworks were fantastic.

Trustee DeJesus stated that there was a lengthy letter in the newspaper criticizing this board for spending \$9,000 on fireworks and that they disturbed the natural habitat. He finds it disheartening.

Audited Bills

Trustee Keator moved to pay the audited bills of January 10, 2006. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Resolution No. 9-05-06, Designating Place and Time of Annual Election

Trustee DeJesus moved to adopt Resolution No. 9-05-06, Designating Place and Time of Annual Election, (attached). Seconded by Trustee Wynkoop.

Trustee DeJesus asked if when someone carries a petition does a candidates name have to be on the petition.

Mr. Dowd stated yes, it has to have who you are and what you're running for.

All ayes. Resolution adopted.

Resolution No. 10-05-06, Resolution by the Village of Walden Supporting the Town of Montgomery's Application for a Grant Through the New York State Department of State's Shared Municipal Services Incentive Grant Program

Trustee DeJesus asked how much more money does the Village need to complete this.

Manager Politi stated that when you're done with this grant there is still a gap of \$150,000. There is another source they will be going after to fill that gap.

Trustee DeJesus moved to adopt Resolution No. 10-05-06, Resolution by the Village of Walden Supporting the Town of Montgomery's Application for a Grant Through the New York State Department of State's Shared Municipal Services Incentive Grant Program, (attached). Seconded by Trustee Hurd. All ayes. Resolution adopted.

Trustee DeJesus asked that the record reflect that the Village is going into a inter municipal agreement.

Orange County Records Management System 911

Chief Holmes stated that this evening there are two representatives from the Orange County Government, Walt Koury, Commissioner in charge of emergency services for the County, Leslie Marvin, Records Management System. What we are looking at is from the law enforcement standpoint with all communities sharing information. They want all police agencies on a records management system where they all can share in a timely manner, information.

Walt Koury explained the Orange County Records Manager System 911. He also stated that there are over 30 police departments in the county and County Executive Diana and the County Legislature has appropriated approximately four and a half million dollars to get this project up and running. Once the project is up and running they propose a cost sharing agreement between the county and the municipalities. It would be a sixty forty split with the county paying the 60%. They will ask the municipalities to also share by picking up the cost of the maintenance fees for the software.

Mayor Pearson asked if there would be additional manpower.

Chief Holmes stated that there would be additional man hours. When the system is up and running the cost will be \$9,000 per year. Broken down will be an annual cost for the system which is \$5100. After the system is up and running and they've completed their one year warrantee there will be a cost of \$3900.

Mayor Pearson asked what the time frame was.

Ms. Marvin stated one year.

Mayor Pearson asked, after the five year trial period and ten municipalities back out because they don't find it useful and Walden stays in, will the cost increase.

Ms. Marvin stated that the only thing that would increase will be network charges.

Mr. Koury stated that twenty out of thirty have signed on.

Mayor Pearson asked how many officers.

Ms. Marvin indicated close to 500.

Trustee Hurd asked the Chief if this is something he would want and need.

Chief Holmes stated that he was waiting to see who around us signed on. The cities of Newburgh and Middletown signed on. Everyone around us is also on now. He is in favor of it.

Ms. Marvin stated that she will send the most recent contract to Mr. Dowd for his review.

It was the consensus of the Board to have Mr. Dowd review the contract and vote on this at the next meeting.

Tree Protection Policy

Mayor Pearson gave the Board a lot of information on trees. She asked if the Board got a chance to read it. She feels the village needs a tree ordinance.

Trustee Hurd indicated that he is not in favor of a tree ordinance.

Trustee DeJesus stated that there are two issues, one being trees on public places and the other private places and we have to strike a balance. There is also an issue of development and clear cutting and preserving. We have to identify trees that need to be preserved.

Trustee Wynkoop stated that if someone wants to cut down a tree on their property that is their right and he will not interfere with it.

Deputy Mayor Matise stated that there is a current stipulation in the code.

Trustee Hurd stated that in terms of all the trees in the right of ways that we own there is a tremendous amount that we can do. We have a lot of damaged and diseased trees that some can be saved and some can be replaced. There is an area that we can try to do our utmost to preserve and to replace our street trees. Maybe we can start a more vigorous program to replant more desirable trees. There is a lot that can be done without trampling on homeowners rights.

Jim Pursutti, Hudson Valley Horticultural Services stated that there's different ways to go about a tree ordinance and there is ways of preserving historic trees. He is the Village arborist for the Village of Tuxedo Park and you cannot go near a tree without a permit. He thinks that is a lot tight. It depends on what your aspirations are for your green space or your green canopy over top of your village and how much you want there. Most of the villages and towns in the County of Orange have some sort of ordinance. Walden is one of the few that doesn't. It doesn't mean it has to be a tight ordinance. All it means is you're telling the people we want to keep as much of our green space that we

can. If a developer is required to present to the Village a tree protection plan, the trees will be protected. As far as going onto someone's private property that is a sticky thing. You need to find a common ground and sometimes that takes a tree commission to do. If you start a tree commission then you can create a tree city and money becomes available.

The Mayor asked the attorney to read what is on the books now.

Mr. Dowd read the clearing, filling and grading statute.

Mayor Pearson stated that since there is a law on the books for homeowners we can work on developments and street trees.

Mr. Dowd stated that you don't need a law for street trees, you can get a policy and put the money in the budget.

Mr. Pursutti suggested the Village start working towards Tree City USA. He also suggested restructuring the ordinance with the Planning Board.

Mayor Pearson asked what the process to do a tree survey would be.

Mr. Pursutti stated that he would go around from tree to tree and take a gps location of that tree and give it a health rating.

It was the consensus of the Board to start a Tree City USA, trees in developments, redevelopment and a tree commission.

Trustee DeJesus asked if this Board can be the tree commission.

Mayor Pearson asked what Mr. Pursutti's fee is.

Mr. Pursutti indicated \$65.00 an hour.

There was also discussion about creating a tree farm.

It was also the consensus to start work on an ordinance for developers and work with Mr. Pursutti on Tree City application.

Mayor Comments

Mayor Pearson stated that she went through the NYCOM book for county municipality population budget as to what they pay a manager and what they pay an attorney. It is all public information. This has nothing to do with Jim being a person itself, its what we have in the contract as a manager.

Manager Politi stated that he takes offense to this, bringing it out onto this table.

Trustee Hurd indicated that the Mayor is going into personnel issues here.

Mayor Pearson stated that she is not talking about Jim as a person she is talking about monies as a whole.

Trustee Hurd stated that she is talking about packages for managers and the public would feel she is referring to ours.

Trustee DeJesus stated that you could look at this that we are underpaying him by \$20,000.

Manager Politi stated that this is being brought up because he brought it up.

Mayor Pearson stated absolutely not. This is about a manager's position. It has nothing to do with Jim.

Trustee DeJesus stated that this can be looked at in many different ways. If he wanted to convince the public that we don't need a village manager he would show this to enhance the prospect of having a mayor. If you look at the salaries of a mayor you're talking about \$6,000 in one community and \$5,000 in another. This does not show that they are part time positions of the mayor. It could be a manager type of mayor but the mayor would have a fiscal person and clerks, etc. If he wanted to use this to show that we pay a manager \$80,000 and a mayor in village B with the same population and same budget earns \$12,000, it's a good thing, but it doesn't show the whole picture.

Trustee Keator asked why the Mayor didn't do this six months ago. She is doing it tonight because there is a personnel issue.

Mayor Pearson stated that she just received that information.

Mayor Pearson asked Trustees Keator, Wynkoop and DeJesus if they were running.

Trustee DeJesus asked to put a couple things on the table right now. He doesn't think that the issue of who is running has any barring on this. It shouldn't concern anyone here. He finds it offensive when people who are running for office they show up now because they are running for office and ask questions to create a campaign issue. If we're talking about campaign issues lets do that. You come before this board now because you want to create a platform for yourself, about water running down the hill and it goes into your house, but you failed to mention that you had lawsuit against this village and you cannot decide to run for office because you are a one issue candidate and because you felt you were aggrieved by the Village of Walden. Whenever he ran for office he didn't come to the meetings about anything, he went out there and did what he had to do. He has thought long and hard as to whether he wants to continue sitting on this board, not because he doesn't enjoy it, because he does and he has a lot to contribute, his education, experience, etc. Every time you turn around there is a dig, gossip, and

nonsense out there. People's opinions don't always have to be negative. You see the same people coming to the board meeting night after night complaining about the same things. Yes, we are having a personnel issue tonight. The mayor is entitled to bring information to this board, but he doesn't think it matters who is running. The issue is how we are going to move forward because we are sitting here and not moving anywhere.

Mayor Pearson disagreed.

Trustee DeJesus stated that we are stagnant. We are working on a comprehensive plan for a month where people went to meetings and they were part of the meeting. He was the chair of that committee and one disagreement he has with Mr. Politi was one night he was annoyed because he was letting everybody speak. His philosophy was that everyone gets a chance to speak. He understands there are forces out there that want to stop the implementation of the comprehensive plan. You see people out there going door to door giving misinformation to the residents in the area generating people to come to the meeting with misinformation. Once a majority of this board makes a decision you should have the courtesy to support it, otherwise we don't need to be here. We sit here until midnight, many meetings, and what do we accomplish, not much.

Mayor Pearson stated she disagrees, because part of the process is making sure the public knows that you are doing the right thing.

Trustee DeJesus stated that the impression that the mayor and Mary Ellen has put out there before was that this was a closed government, which he doesn't know what that means, because God knows if anybody talks about open government it's him. Open government doesn't mean that one person spends a half hour on the same subject repeating it over and over. That is not open government.

Mayor Pearson stated yes it is and open government is discussing a contract for a manager, it doesn't matter what manager it is.

Trustee DeJesus stated that open government is being honest with each other, and being able to discuss something and if a majority of the board makes a decision and we sell it, we don't have to agree with anybody. This is not New England style government where people come in and everybody votes for an issue. That's why people get elected to represent those individuals. They have the right to speak, but they do not have the right to go on without any kind of restraint. We don't have to be here until midnight. He got a look from the candidates because he questions certain things. He has the right to question things and we don't need to make this an issue of who is running for what. The gossip that is circulating has to stop because it is malicious and unfair and it doesn't lead to anything but bad feelings on the board.

Trustee Wynkoop stated that he sees something like this and he does know they went on a witch hunt immediately by trying to get rid of the attorney and manager.

Mayor Pearson asked who went on a witch hunt.

Trustee Wynkoop stated that she did. She wanted to return to a mayoral form of government.

Mayor Pearson stated that she did not. She never said that.

Trustee Wynkoop indicated that she certainly gave that implication to him.

Mayor Pearson stated she is only showing a comparison. What the board gets out of it is what they're going to get out of it.

Trustee DeJesus stated that he could take this same report, he could go tomorrow and get this information and put all the village manager salaries and then he could go and get all the mayors and not only the mayors that are under \$10,000. He's not here to defend Mr. Politi but he is here because this is meant to bring about a response from the community and brought about at the time of election to stir up feelings.

Mayor Pearson stated that the board is going into an executive session this evening.

Trustee DeJesus stated that the confidentiality is out the window. We go into executive session to discuss confidential matters, isn't that protected by executive session.

Mr. Dowd stated that the motion would be to go into executive session to discuss the village manager and personnel and it obviously from the discussion that one of the discussions would be Mr. Politi's salary.

Manager Politi stated that this common knowledge has been here for year's and you could have pulled it up on the web from last year and added 3%.

Mayor Pearson stated a contract for a manager that is where she is at.

Sally Spencer stated that these two men have been picked on since she has been coming to the meetings. She feels it's a shame.

Mayor Pearson stated that as a board we decide what benefits a manager gets. Take Jim out of the picture, it's not about you.

Manager Politi stated that he is the sitting manager and you're discussing the contract of your manager.

Trustee DeJesus stated that we cannot take him out of the picture because we have to be honest from the start and the guns were aimed at the attorney and manager.

Mayor Pearson stated that is not true.

Trustee DeJesus stated it is true. Mary Ellen went around with the village manager form of government information. The people out there need to know that the agenda is to elect people for a single fact, village manager and attorney and to change the form of government from village manager to mayor. That's where we are going and it needs to be out there.

Mayor Pearson stated that's not true.

Manager Politi stated that someone heard her say he has to go.

Brian Sebring stated that he's never heard this board talk about salaries of anybody unless it was behind closed doors. During the budget it was discussed.

Mayor Pearson stated that's because it wasn't done in open government.

Trustee Norman stated that this is sad for a group of people that has worked as hard as we've worked as trustees, attorney and manager to sit here at a meeting and have this kind of talk back and forth.

Trustee DeJesus stated that some of the speakers that have been here and singled out the village manager, it was done at the last meeting and the board has allowed that to happen. We have to find ways to work together. There is an undercurrent out there. At the next board meeting the mayor will have a bunch of the regular people come here and speak on the same subject and this subject.

Mayor Pearson stated that she doesn't tell anyone to come here and speak and she takes offense to that. She asked if it was legal to discuss a contract. It's the responsibility of the board.

Mr. Dowd stated that it's the responsibility of the board to hire and retain the village manager and negotiate the terms of the contract with the village manager. That contract that is in effect is a matter of public records. Anyone can ask for a copy of Jim's contract and they are entitled to see it.

Mayor Pearson stated that talking about it in public as not Jim's contract, but a contract for any manager cannot be done in public.

Mr. Dowd stated that the problem is that you have an incumbent manager who is presently under contract and the executive session tonight is intended to discuss that contract and this manager's performance under that contract and/or an extension of that contract. To try to talk in generics he thinks she's hearing from the board members that without animosity there's an incumbent in there. It's very difficult to discuss contractual terms publicly when you have an incumbent already under contract trying to negotiate a new contract and separate it out and not appear you're not discussing his personal performance and what his personal contract should be negotiated with. You don't negotiate contracts in public.

Mayor Pearson stated that she is not negotiating a contract.

Mr. Dowd stated that when you start laying down terms of a contract, when you have an incumbent you are in essence posturing for the terms of a new contract. You are drawing a very fine line as to where you cross it and where it becomes something that is most appropriate in executive session. You wouldn't do this with union negotiations.

Manager Politi stated that they've been in contract negotiations with PBA and she asks him on a regular basis how it's going. Why didn't she bring any of this stuff up.

Trustee DeJesus stated that the timing of this is suspect.

Public Comment on Discussion Items

Adam Bosch stated that the town is still up in the air about the records management system 911.

Marcus Millspaugh suggested the recreation department plant a tree at Bradley Field on Arbor Day.

Mr. Sebring asked if the village is setting aside a piece of property to plant trees. They should also set a piece aside for people that want to grow flowers.

Deputy Mayor Matise stated that it's the public's right to know.

Trustee DeJesus stated that she is going around stirring it up.

Deputy Mayor Matise excused herself. She stated she is not doing anything.

Trustee DeJesus stated that it's stirring it up.

Deputy Mayor Matise asked Trustee DeJesus to stop before she gets an attorney.

Trustee DeJesus stated that he would like it in the minutes that Mary Ellen Matise threatened him with an attorney because he is pointing out the fact that she was part of the comprehensive plan from the beginning and after the board came up with a plan she went against it.

Deputy Mayor Matise stated that she is not doing that. She ran two campaigns this year and they were both clean campaigns. She resents what Trustee DeJesus is doing.

Informational and Village Manager's Report

Manager Politi stated that he received a letter from Rose Latini Turia stating that the town is getting better and better, keep up the good works.

The manager had a block of granite that he couldn't get up here. He wanted to show the board what it would look like when it's shaved. It will cost approximately \$7,000. that would be from Bank Street to the bridge.

Manager Politi showed the board the plans Beazer Homes were working from which shows a minimal tree line, which was kept. The developer did follow the plan.

Mayor Pearson stated they could have tried to save some of those trees.

Board Comments

Trustee Norman stated that the snow carnival was a success. John's staff went beyond what they should have done. There will be a dance Saturday night. There will also be a special meeting next week to discuss buying the skateboard park. She thanked the manager for doing the fireworks. She would like to see it become a tradition.

Trustee DeJesus stated that there are two blue bird houses that were donated from the Buddhist for Olley Park. They also have boxes to be used for recycling fishing line.

Trustee DeJesus apologized for his action earlier but he still believes that the way the board is moving is not in the right direction. There is a lot of misinformation out there.

Mayor Pearson stated that he can't assume she or Mary Ellen are saying it. They are very upset about it.

Trustee Keator asked the manager to look into the Weeden building on Main Street.

Mayor Pearson stated that Mr. Weeden told her that he is going to put raised paneling on the bottom.

Trustee Keator stated that he's been doing this project for a number of years.

Trustee Keator stated that there is still an abandoned car in the driveway at Mrs. Theils house. She also stated that NYSEG has a right of way by the Hecht property and her husband is concerned that someone from the development may cross that right of way and sell river rights. She further stated that the fireworks were fantastic.

Mayor Pearson stated that a woman from TOMCA would like to come before the board a couple months from now. TOMCA will be holding a belated birthday party for the Village on Saturday at the library.

Mayor Pearson asked about parking in the municipal lots during snow emergencies. They don't have to be removed until after 24 hours. It then says after the snow ends DPW will decide when lots will be cleared. She knows two people that got tickets before the 24 hours was up.

Manager Politi stated that they saturate the lots with signs. He further stated that is a policy, not a law.

Mayor Pearson stated that the joint board meeting is January 17th and Mr. Barnes is on for the next meeting. Also, apartments being 900 square feet will also be on the next agenda.

Mayor Pearson asked if there was any information on the easement for Walden Printing.

Manager Politi stated that we found the easement.

Mayor Pearson asked if they owe us money.

Manager Politi stated that they are looking into that.

Mayor Pearson asked the manager to invite the businesses in for the next meeting to discuss parking.

Executive Session

Trustee Keator moved to hold an executive session pursuant to 105-(f), personnel, of the Public Officers Law. Seconded by Trustee Hurd. All ayes. Motion carried.

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

Trustee Hurd moved to renegotiate the Village Manager's contract for a three year period from February 1, 2006 to January 31, 2009. Seconded by Trustee Keator.

Mayor Pearson and Trustee DeJesus was concerned with establishing a new start date.

All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk