

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
FEBRUARY 14, 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 Matisse
	Trustees	Mary Jean Norman
		Roy Wynkoop
		Richard Hurd
		Jose DeJesus
		Lauren Keator

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

Approval of Minutes

Trustee Keator moved to adopt the minutes of February 14, 2006. Seconded by Trustee DeJesus.

Mayor Pearson advised the board that Mr. Barnes will be bringing information to the next board meeting.

Mayor Pearson also stated that the board talked about the schedule of the recreation department when it's a snow day and schools are closed, does the recreation department follow the school schedule?

Manager Politi stated that they do follow the school schedule.

Mayor Pearson indicated that she would like to address that at some time.

All ayes. Minutes adopted.

Public Comment

Diane Sandbothe, 90 Liberty Street stated that the lights on the right side of the high bridge are out.

Manager Politi advised her that there is corrosion in the base and he is contacting the state about it.

Mrs. Sandbothe also stated that the house that is next to the retention pond at Jacob's Ridge is there concrete footings under the retaining wall that is nearest the pond that is the part of the wall that did not fall down.

Manager Politi stated that he will look into that.

Mr. Dowd stated that he's not sure what the engineering decision was on that.

Mrs. Sandbothe asked if the retaining wall will be extended to cover the entire back of the white house, the gray house nearest to the retention pond and when are fences going to be erected around both ponds.

Manager Politi stated that he would have to look at the plans.

Mayor Pearson stated that from what she has heard she thinks they are doing behind the two existing houses and after the other houses are built they will be doing that.

Mrs. Sandbothe asked if they were going to plant grass or any other cover on the hillside. Also, once Schoonmaker completes the back yard will they be required to erect some kind of chain link fence on the hillside. Right now there is a ten or twelve foot drop and the kids going through her property to get to Overlook Drive.

Manager Politi said he would look at the plans.

Mr. Dowd stated that he is pretty sure the building code would require it.

Mrs. Sandbothe stated that she was informed that her property has a black cemetery on it and this summer she is having Professor Brian Macadoo to come and look at the property. If Mr. Macadoo finds any remains she wants to know what the village will do with that portion of their property.

Suzanne Isaksen stated that the Village of Walden has received a \$250 grant from the Orange County Historian's office for the families of Walden project. They will be setting up files by families.

Conrad Flickenschild, 6 Linden Drive read the attached letter. He further asked that if the Village of Walden would reconsider and possibly aid the American Legion in giving the additional money to the ambulance corp. The village currently gives \$300 per year which only comes to the American Legion if they give receipts for American flags that they purchase throughout the year.

Mayor Pearson asked if the American Legion has been in contact with the Ambulance Corp.

Mr. Flickenschild indicated that they felt they should go to the village and town first.

Mayor Pearson asked how much do they spend on flags.

Mr. Flickenschild stated \$800/\$900. He also stated that they would be pleased if the town and village got together and paid the \$500. He isn't asking for anything more than what the ambulance corp. is requesting from them.

Trustee DeJesus asked the attorney if this board can say they will make a contribution of \$500.

Mr. Dowd suggested the village increase the expenditure for the flags to off set the difference.

Mr. Flickenschild stated that the ambulance corp. gives the bills for their operating expenses to the town and the town pays the bills. They don't reimburse the ambulance corp. He's been told that the ambulance corp. has never received the full amount of money from the town that they have been offered.

Mr. Dowd explained that normally there would be a contract between the town and the ambulance corp. to provide ambulance service to the entire town and they pay them for that. If the contract is for \$100,000 then the town pays the ambulance corp. \$100,000.

Mr. Flickenschild explained that the contract they gave the Mayor states that the American Legion turned the property over to the Village of Walden and then the Village of Walden turned the property over to the ambulance corp. to be used as an ambulance corp. structure until such time as the ambulance corp. no longer needs it and then it reverts back to the village.

Mr. Dowd asked if there was anything in the agreement for the American Legion to use the building.

Mr. Flickenschild stated yes.

Trustee DeJesus stated that he doesn't have a problem with the fact that they need more money to cover expenses.

Mr. Dowd stated that they need to address the village and the town.

Trustee DeJesus stated that he thinks this is a disgrace. He would like the village to do something to help them.

Mayor Pearson stated that first they should contact the town to see why they haven't paid the full amount. She will give a copy of the agreement to the attorney.

Marcus Millspaugh, Jessup Street advised the board that the legion property was given to the American Legion in the early 1930's by his great aunt. She did it in memory of her parents. At that particular time the legion was looking at their own demise. They figured when they became old men the organization would fold. At that time in the deed of transfer there was paper work for the village to accept the property in the future. This is what puts the village in the center of this. When the ambulance needed facilities and the legion was under utilizing their facility the legion suggested this scenario. It was given to the village with a condition that the village would in turn give it to the ambulance corp. with the reserve that if the ambulance corp. went out of business it would revert back to the village and used as a memorial.

Mr. Millspaugh read the attached statement regarding naming new streets in the village.

Mayor Pearson asked what the policy was for naming streets.

Manager Politi stated that it is done during subdivision review.

Mr. Dowd stated that it runs back through to the Village Clerk and Building Inspector to make sure there is no conflict.

Trustee DeJesus stated that usually it's the developer that comes up with the name. You would want those streets to have some meaning.

Manager Politi suggested they tie it in with the historian.

Mayor Pearson asked the board if they wanted to work on a policy for future development. She also asked if there was a problem with renaming Jacob T. Walden Street.

Mr. Dowd stated that there are no homes in there so he doesn't see why you can't change it. Nothing has been sold yet so no one will be inconvenienced.

It was the consensus of the board to change the name of the street and to come up with a policy.

Mayor Pearson asked that naming street be put on the next agenda.

Audited Bills

Trustee Pearson moved to pay the audited bills of February 14, 2006. Seconded by Trustee Hurd.

Mayor Pearson questioned the bill for Alan Sorensen regarding his meeting with an owner of property who will possibly be developing. It was about the comprehensive plan and about what the board has discussed and the changes the village is making. This

property owner should have come to the manager for information or come to the meetings. The bill was for two hours at \$115.00 per hour plus travel time.

Manager Politi stated that was one of the roles the village asked Mr. Sorensen to play for us.

Trustee DeJesus stated that we have to walk a fine line. He would like to know the circumstances.

All ayes. Motion carried.

Introductory Local Law I-1 of 2006, “Zoning”

Mr. Dowd indicated that the County of Orange has approved the local law.

Trustee DeJesus moved to declare a negative declaration under SEQRA. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-1 of 2006, “Zoning” as Local Law No. 2 of 2006. Seconded by Trustee DeJesus.

Deputy Mayor Matise stated that in the counties recommendation they are saying the Village should show due diligence in their analysis that the proposed code amendments, seeking to advance neighborhood redevelopment, insures that viable, existing land uses can continue when complementary to your vision for redevelopment.

Trustee DeJesus stated that the board has been very diligent in making sure those uses are protected and he knows there’s a lot of information out there regarding the actual, whether you will be able to use the property you have or whether or not they will be able to sell it. He prides himself that there were public hearing as required, that information was out there and the Village Manager and Planner went around to the local businesses.

All ayes. Local law adopted.

Introductory Local Law I-2 of 2006, “Tree Protection”

Trustee Hurd indicated that overall this local law was pretty well thought out.

Mayor Pearson stated that on Page 2, Subdivision and Site Plan Process, the developer will also preserve all stands and grouping of trees of any diameter which do not have to be removed for utility lines, streets, or structures. No where in this law doe it talk about a buffer zone.

Mr. Dowd stated that the reason why he didn’t do that is he didn’t want to take the discretion away from the planning board. Normally you ask for buffers between

inconsistent properties. He didn't want to impose that every project, every subdivision or every site plan must have a buffer.

Trustee Hurd stated that it should state that the developer will mark every one of these trees and then go before the planning board and if necessary the village board.

Trustee DeJesus stated that we have a law.

Mr. Dowd stated that this law makes them come up with a tree plan.

Trustee Hurd stated that he feels it should be more specific on the size and type.

Mr. Dowd stated that the law does say you must detail the number and type of replacement of trees to be added to the property. It's a one to one basis acceptable to the planning board. There are provisions for size.

Mayor Pearson questioned Page 3, Section B, it doesn't describe who will be doing this tree plan research. She has talked about an engineer or landscape architect which would come up with the tree plan.

Trustee Hurd asked how you would enforce that.

Mayor Pearson stated that it has to go to the planning board.

Mr. Dowd stated that we have an existing law that only allows you to cut four trees a year over a certain size. That is what they rely upon for the individual property owner. What he is trying to cover is the actual subdivision/site plan process. They can't clear cut before he goes through the process.

Deputy Mayor Matise stated that it's not in here the way they would go about removing trees because there are methodology for leaving buffers around a root ball.

Mayor Pearson stated that there are also types of fencing.

Mr. Dowd referred the Mayor to Section 148-74, B-5; Detail the stops to be taken during the period of construction to protect existing trees and stands of trees.

Mayor Pearson stated if the planning board has no guidelines they're going to say okay.

Mr. Dowd stated that they have their consultants. The first owness is on the developer to give the planning board a total tree plan. The planning board can hire other experts to say that's not sufficient Mr. Developer.

Mayor Pearson asked if the village board can say they want it done a specific way.

Mr. Dowd stated that you can depending on site specific issues you then can find the board potentially to a procedure that may not be necessary. It may be overkill or very inappropriate for the particular lot in question.

Deputy Mayor Matise asked if the planning board could develop a tree plan to be followed.

Mr. Dowd stated yes and he suggested to keep the discretion in the hands of the planning board and they control site by site an altered criteria that they have to meet the minimum of.

Mayor Pearson questioned 148-74, 6 detail numbers and type of replacement trees to be added to the property to replace those taken down. It doesn't state size or what type of tree. Who makes that determination?

Mr. Dowd referred the Mayor to 148-75, B Planting of trees, but you won't be able to replace a 150 year old oak tree.

Mayor Pearson asked why can't we say it.

Mr. Dowd stated that it might be smack in the middle of a house. You can't change the location of the house, you would be violating zoning laws because you won't have setback.

Mayor Pearson stated that they might have to have one less house. She also stated that if they cannot put new trees on their property for some odd reason they also talk about paying money into a tree fund.

Mr. Dowd stated that if you're relieving a developer of some burden of planting trees because its physically impossible he thinks you could barter with him to plant somewhere else or a monetary fund that would go into trees.

Deputy Mayor Matise stated that this could tie into a notice of work beginning.

Mayor Pearson stated that it is in the law.

Trustee Hurd stated that the trees should be specifically marked in white so they are easily identified.

Mayor Pearson stated that someone should be on site when they start to cut.

Mr. Dowd indicated that would be part of the plan.

Trustee DeJesus stated that there has to be a way that the developer come to the building inspector and say he's ready to cut.

Deputy Mayor Matise suggested no tree cutting on Saturday or Sunday.

Mayor Pearson stated that she has information that says a builder is responsible for watering the trees for up to three years.

Mr. Dowd stated that there is basically a nursery guarantee of one year.

Trustee Keator suggested the building inspector take pictures of the trees that are marked.

Deputy Mayor Matise asked about 148-74, B, are you going to put a minimum size.

Mr. Dowd stated that you could but he doesn't see how you can justify the penalty per tree depending on the size of the tree. This is for clear cutting.

Deputy Mayor Matise stated that there are a lot of tree bandits cutting certain types of trees for the wood that is valuable. Will that be part of the law?

Mr. Dowd stated that would be trespassing. You can't hold the developer responsible. He also stated that the board wants to have some control over the initial cutting of trees after approval something that says the notification that before they cut a tree the village engineer has to be notified and on site.

The board agreed.

Mayor Pearson asked about no cutting on Saturday and Sunday. You're not going to pay your on site person overtime.

Mr. Dowd stated that if you're requiring them to notify and have someone on site while cutting if they cut on Saturday and Sunday when the person is not there they are in violation. Most people work on Saturday.

Trustee DeJesus stated that the planning board can engage them in a discussion as to what the appropriate time would be for the cutting of the trees.

Mr. Dowd stated that the work schedule can be part of the tree plan. He doesn't know how you can justify not allowing developers to cut trees on Saturday when you let an individual homeowner to.

Trustee DeJesus stated that he doesn't want to go to that extreme not allowing a developer to cut trees on Saturday and Sunday. The manager and inspector would have to be aware of what's going on. When they planning board negotiates they can say these are the conditions.

Trustee Hurd stated that he feels the fees should be substantial.

Ed Leonard asked if the planning board was going to be given a copy of the law for their review.

Mayor Pearson asked that the planning board get their comments back by February 24th.

It was the consensus of the board that this local law is a good start and there should be higher fines.

The Mayor added not cutting on Saturday or Sunday.

Enterprise Steamer Co.-Request to use Bradley Field for Annual Fair

Trustee Norman moved to permit the Enterprise Steamer Co. to use Bradley Field July 2,3,4,5,6,7,8, and 9 for their annual fair.

Trustee Wynkoop asked if there would be a conflict with Little League.

Dave Green indicated that he won't schedule games to that period.

Walden Little League-Request for Permission for Annual Parade and Use of Bradley Field

Trustee Keator moved to permit the Walden Little League to use Bradley Field from the first week in March until the first week in November and to also approve their annual parade on April 8, 2006. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Tree City Application

Mayor Pearson indicated that to become a tree city we have to have a proclamation declaring Arbor Day which will be on April 28th.

Manager Politi stated that you also have to have laws, which we have and its based on community population of 6800. We meet all the criteria.

Trustee DeJesus indicated that the board hasn't taken action on the Tree Committee.

Mayor Pearson read the attached proclamation.

Deputy Mayor Matise moved to designate the Board of Trustees as the Tree Committee. Seconded by Trustee DeJesus. All ayes. Motion carried.

Suzanne Isaksen, Village Historian explained the different ways to celebrate Arbor Day. She suggested for the first ceremony to plant a tree.

Trustee DeJesus suggested they plant a tree on Oakland Avenue as a start.

It was the consensus of the board to have Suzanne Isaksen do the research on Arbor Day and let the board know what is happening and touch base with the Village Manager.

LRMS Contract with the County

Mayor Pearson asked how many villages or towns have signed up.

Manager Politi stated that he doesn't have the actual numbers.

Mayor Pearson stated that she has a question on what the municipality will provide. What are the MS fees and is there a cost analysis.

Trustee DeJesus stated that they are talking \$9,000 for start up fee. There is a list of 15 items on Page 11 which have costs associated with the. He would like to know the costs before he makes a decision.

Deputy Mayor Matise stated that none of the surrounding counties are going to be doing this.

It was the consensus of the board to get more information on costs.

Trustee DeJesus congratulated the police department on their quick apprehension of the individuals that held up the Hess Gas Station and the breaking of car windows.

Resolution No. 11-05-06, General Village Election

Trustee DeJesus moved to adopt Resolution No. 11-05-06, General Village Election, (attached). Seconded by Trustee Keator. All ayes. Resolution adopted.

Resolution No. 12-05-06, Grant Feasibility Study

Deputy Mayor Matise stated that when they asked the manager about his he said the MTA was looking for the grants.

Manager Politi stated that what they said was then they met with MTA the village approached them and they asked us if we would like to see this happen.

Mayor Pearson asked if we were spending any money.

Manager Politi stated that once we find the funding the MTA internal system will do the rest.

Deputy Mayor Matise asked for copies of the other municipalities' resolutions.

Trustee DeJesus moved to authorize the Village Manager to apply for grants to be used to conduct a feasibility study to extend passenger rail service to the Village Of Walden from New York City and to the North Fork Southern Railroad existing branch freight line. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee DeJesus asked if the resolution was to support our membership in the Orange County Transportation Council.

Manager Politi stated that this is the first time the village will become voting members of that board.

Trustee DeJesus moved to designate the Village Manager be the villages representative on the Orange County Transportation Council when its approved. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Statement by Trustee Keator

Trustee Keator read the attached statement.

Trustee Hurd stated that he agrees with Trustee Keator's statement. The role of trustee or any member of the board is limited and it falls within the scope of their office. We have a village manager form of government and this board is legislative not administrative. If you look at the village law it specifically outlines what the village board does and what the manager does. Almost all the administrative power rests with the village manager. He is the board's employee. We cannot direct any village employee to do anything. That is the manager's job. When you make phone calls you undercut the village and you under cut the authority of the village manager. Two months ago the board empowered the village manager to go out for bid to install water meters.

Mayor Pearson asked if there was proof that the water meter bid was faulted out by Mary Ellen.

Manager Politi stated no.

Mayor Pearson stated that you cannot be saying things like that.

Trustee Hurd further stated that interfering in the administration of this village is wrong; it's not within our scope. The main thing is the village elected them as a board to oversee the making laws and to accept the budget. When you put a survey out in the name of the village without any discussion with the rest or the board or any action by the board you violate our form of government. It is unethical and never should have happened.

Trustee Wynkoop stated that we all have to work together. There are seven of us and a majority of four decides things. No one person can go out and do anything on their own without crossing the line. If you want something done it should be brought up at the board meeting and discussed by the seven of us and it should carry a majority of four to do anything about it. There is no way we can tolerate crossing that line and deciding that we have that right to decide something ourselves. We have to all be aware of the fact that we are all in this together and we have to talk it over as a group and decide what we all think is proper and follow it through. We just can't be bouncing off the walls and getting into things that come across falsely to the people in the village.

Deputy Mayor Matisse asked if she is hearing that a trustee has no right to respond to the concerns of the people in the village unless we all do it as a group. We have no right to find out what their concerns are individually. We have no right to find out if an action that may be taken is a wise action to take. We have no right to work individually with the manager, because that is what she does many times. She doesn't circumvent the manager. She works with Jim and speaks to him many times. She gives him lots of information and she has the right to do that.

Trustee Wynkoop stated that he didn't say she didn't have the right to talk to the people's concerns in the village it's the way she acts upon some of them.

Trustee Hurd stated that she can do any survey she wants as long as it says Mary Ellen Matisse survey, send your responses to Mary Ellen Matisse or she can put out campaign literature or letters. The survey said The Village of Walden Survey, 2006 and said send your responses by to Mary Ellen Matisse C/O the Village of Walden.

Trustee Wynkoop stated that we are all here to react to what the people want because they are the ones that put them in office.

Trustee Norman stated that when someone does something like that and another trustee goes out into the village and they are approached about the survey, she is a trustee and she had no idea what this taxpayer is saying. It's embarrassing.

Deputy Mayor Matisse apologized for that.

Trustee DeJesus stated that his only concern with the survey was in terms of the questions regarding streets and that serves as a notice. We have to find a way to work together and to get some resolution. He asked the attorney by identifying sidewalks, curbs that are broken and that survey comes back to the village, what legal impact does that have.

Mayor Pearson asked what happens you sit here at a meeting and you say there is a hole on Bank Street, its in the record.

Trustee Hurd stated that what is important is no trustee can act on their own and speak for the village or put out literature that appears to come from the village without the approval of the village.

Mr. Dowd stated that the law requires that as a preliminary stage for suing a municipality for a defect in a sidewalk, curb or roadway or street that there must be prior written notice of the defect. Therefore if there is no prior written notice of defect that is a defense that the village could assert in any slip and fall or accident involving a broken curb or sidewalk. Then the question becomes whether they can come up with a constructive notice to hold the village liable that is a matter of law and the question of law as to what constitutes constructive notice. However, when you have a survey in which someone is saying the sidewalk in front of my house is broken, chipped and one piece is higher than the other and then submits in writing to the village and received by the village. He believes even a court of law will find that as prior written notice and therefore you are taking away one of the essential defenses that municipalities have against those kinds of claims. Not only do you have constructive but now you have prior written notice. Those kinds of responses could shatter that defense.

Deputy Mayor Matise asked about someone coming up to the podium and saying there is a pothole.

Mr. Dowd stated that it's not prior written notice. The question is whether the court would consider that announcement of a defect out there as a constructive notice, they may very well. The best is prior written notice. It takes it out of legal defenses when you have a document being returned to you telling you what the defects are and where they are. That's why a law protects a municipality from those kinds of things because it's almost impossible to maintain every inch of sidewalk, curb and roadway continuously to perfection and the taxpayers from being constantly sued and losing that's why the prior written notice statute has been put into the law.

Deputy Mayor Matise stated that it's a protection to the taxpayer.

Mr. Dowd stated that it's an exposure to the taxpayer. The critical point is you're removing a defense to the village and exposing it to liability because of its prior written notice.

Mayor Pearson stated that in regard to the water meters, it's funny that she sat in a meeting with Mr. Politi on one day and the next day she heard the same exact words come out of Roy's mouth. That is amazing. He may have concerns, but there is not proof whatsoever that those water meters were rejected because of Mary Ellen Matise. The other thing is there is no proof if that happened.

Trustee Hurd and Wynkoop stated, but she did make the phone calls.

Trustee Wynkoop asked why.

Deputy Mayor Matise stated that In-line Services didn't take our bid, but they took the City of Beacon's bid. Maybe they overextended themselves.

Trustee Hurd stated that we have a village manager whose job this is. This board authorized the village manager to go out to bid and he went out for bid, got the bid back and it was accepted, then he gets a phone call from Port Jervis saying that someone is calling us and checking up on this contractor.

Manager Politi stated that he's getting the phone call, what she was questioning. They went through the entire process. Whether it had anything to do with them pulling the bid he can't say. Why didn't she come to him and ask the question.

Trustee Hurd stated that to put out a survey in the name of the village crosses that line entirely.

Trustee DeJesus stated that we need to meet to find a way to move forward and find out how we are going to work together to get the business of this village done. We spend a lot of time on the bickering department and not enough on the legislative end of this and this is what we were elected to do. When a majority of the board makes a decision we need to uphold that as a majority of the board. His concern with the survey was how does it open it us to a liability beyond what we're daily exposed to. We need to make a decision as to how we are going to work together, how are we going to come up with the legislature that we need to strengthen this village, how we're going to move forward with the grants we need to apply for to lessen the burden on the local taxpayer and how do we move forward with the mixed use of Railroad Place. There is a difference between open government and government out of control and we have been out of control for a long time.

Mayor Pearson stated that she doesn't think they have. This is all part of government.

Trustee DeJesus stated that the board is here until midnight discussing issues that could have been done in a lesser time. The fact is we have to concentrate and focus on what is it that we want. We cannot continue down this road, it's not healthy and breeds bad feelings. We have to make an effort and say what is the best course of action for this village and taxpayers. We cannot continue down this road. It's not a good thing.

Trustee Hurd stated that it's more than whether we accomplish something or we don't. It's more than if we get along or don't get along. He thinks it's the question of the rule of law and the form of village government that we have. We have to follow the laws. Its very concise on what the role of trustee and mayor is and the role of the village manager. Jim Politi is the village manager and he has all the administrative power in the village. We don't have anything directly with our village employees at all.

Trustee DeJesus stated that he stand by the fact that they haven't been able to move forward. We need to be aware of the fact that the village manager is the administrative head of government. We as the legislatures have set the policy.

Mayor Pearson asked what policy do you want to set that we haven't done yet.

Trustee DeJesus stated that it has taken much longer to, we have the downtown that we need to address.

Deputy Mayor Matisse stated that it's still incomplete.

Manager Politi stated that you know why its still incomplete, because we stopped. That whole process stopped because we're getting scattered. We have one section left and that's economic development.

Trustee Keator asked the village attorney if the board should authorize the manager to put a notice in the paper that the village is not behind the survey that went out.

Mr. Dowd stated that the reporter is here and maybe he can put something in his article.

Trustee Hurd stated that they should put a formal notice that this was not an authorized survey and has not legal barring on the village what so ever.

Mr. Dowd stated that he doesn't think it hurts to but let the people know that it was not authorized by the board.

Trustee Hurd moved to publish a formal notice. Seconded by Trustee Keator.

DeJesus asked how many surveys went out.

Deputy Mayor Matisse stated about six and they are all problems that we already knew about. The manager is already aware of these problems, so that's how liability there is.

Trustee DeJesus stated that if we're getting more surveys back and we're going to put a notice out we're just going to heighten the awareness of the survey.

Trustee Keator stated how are we sure there are only six surveys out there.

Trustee Hurd asked if it would enhance our protection.

Mr. Dowd stated that it educates the public, the survey that was put out was not an authorized board decision.

Trustee Hurd indicated his motion stands.

Trustee DeJesus stated that this will heighten the awareness of the survey.

Trustee Hurd stated that it's not the survey it was that it wasn't authorized by the Village of Walden.

Mr. Dowd stated that if you notify the public that its an unauthorized survey and basically maybe they won't fill it out and just throw it away, because they will realize its not going to be seen by the board.

Trustee DeJesus stated that if they public a simple announcement saying this survey that is being done is not an official survey of the village, he doesn't have a problem with that.

On roll call Trustees Wynkoop, Hurd, Norman, DeJesus, Keator and Mayor Pearson voted yes. Trustee Matise abstained.

Main Street Parking Regulations Review

Manager Politi stated that the board wanted to keep the enforcement of the parking on Main Street and to see if we wanted to see Main Street business staff to park in the Orchard Street parking lot. A letter was mailed out to the businesses and 70% responded. There are 44 parking spaces in the Orchard Street parking lot and four handicapped parking spaces. When the requests came back there was a request for 88 parking spaces for staff. The parking enforcement officers noted that from 9:15am until 1pm there is an average of 18 cars parked there daily. After 1pm the number increases to 23 until 5:30pm.

Trustee DeJesus asked about the garbage dumpsters.

Manager Politi stated that they are all out there and not in enclosures. Some are in the parking lot along the edges of Dr. Mitchell's building.

Trustee DeJesus asked why they are taking up parking spaces.

Manager Politi stated that they are for the businesses and over time they have migrated here and there to make them work.

Mayor Pearson stated that she met with the manager in the parking lot just to look over everything. There is a fire lane that people are parking in. She suggested the businesses do a shared dumpster. They are supposed to be enclosed. They talked about ways to mark it and take out the grassy unit. They would have to have a study done to see if that would get more spaces. She did some research on line on downtown parking and problems and everyone in older villages have this same problem. She was trying to find something that worked for everybody and you get the same result there is really nothing that works for everybody.

Trustee DeJesus stated that Stacy Hillman's letter speaks of Spanos property and if he has space there why isn't he working with the other businesses to rent that space.

Manager Politi stated that he did and they turned him down.

Trustee DeJesus stated that he can see the doctor getting a space in the Orchard Street parking lot for a charge. The fact is everyone isn't going to be able to park right by their front door. If you have live in an apartment building in the village you can park in front, but you still have to walk to your apartment.

Trustee Hurd asked if anyone thought about allocation with the spaces in the Orchard Street parking lot.

Manager Politi stated that 46 businesses were canvassed. You have to back out 7 who said they have off street, so that is 39. Even if you went to 30 that needs space that is one per, but a lot of these are multiple and that is 60.

Trustee Hurd asked if you allocated 20 how would you go about doing it.

Mayor Pearson stated that her thought would be you would send everybody the same letter on the same day and the first people to show up would get it.

Trustee DeJesus stated also in Ms. Hillman's letter mentions putting up a fence they have permission from the landlord to do this. They would need permission from the building inspector.

Trustee Hurd stated that other solution is to stick with our original plan.

Trustee Wynkoop asked if there was anything the village can do to the Oak Street parking lot to make people feel safer so they use it.

Manager Politi stated you can light it.

Mayor Pearson stated that Ms. Hillman's letter also states make sure the meeting notices are handed to the business owner.

Manager Politi stated that the go to who ever is in the office.

Mayor Pearson stated that she spoke to some business owners who may want to start a business association. The Walden Community Council is talking about doing more business things too. They will be having a seminar on sales. This parking issue all stemmed from the businesses to begin with because they weren't happy with the parking so we enforced the parking and now they are not happy with the enforcement.

Manager Politi stated that they do want the enforcement.

Trustee DeJesus stated that everyone wants to park in front of their business and it's not going to happen. We have to make a decision. The doctor should definitely get a parking space, charge him for it. It's not going to be free it has to be a permit. He also suggested giving the businesses one or two spaces and they decide how to divvy it up.

Manager Politi stated that with the bagel shop opening up you are 100% occupied in the square. He would like to do a business group.

Trustee DeJesus stated that is not going to solve the parking problem. We have to address this parking problem.

Manager Politi stated that the Walden Savings Bank has a parking lot and you have a parking lot behind Chris Spanos, there are other spaces out there that you can increase that are private spaces. Maybe we could try to foster that.

Deputy Mayor Matise suggested changing the time in the Orchard Street parking lot maybe it shouldn't be until 11pm. Maybe instead of three hours it could be four hours. She also taking the time limit off altogether and see what happens.

Mayor Pearson suggested a permit, one per business and they figure out how to do it.

Manager Politi stated there are 30 store fronts that would need space.

Mayor Pearson also suggested that if they don't use the one for business space within three months you revoke it.

Trustee Hurd stated that if you do thirty spaces you end up with ten spaces left. It will become an employee parking lot and not a public parking lot.

Trustee Keator suggested meter everything.

Trustee Norman felt it's a no win situation.

Trustee Wynkoop stated that he doesn't see how they can open the parking lot up to that number of permits. They only thing we can do is to better the parking lots we have and try and get the businesses to use it.

Mayor Pearson indicated that the only success story she read was it the villages metered their parking.

Trustee Hurd suggested give this three more months and maybe that nice big free lot might look more and more attractive.

Deputy Mayor Matise suggested the manager meet with the business people.

Mayor Pearson stated that her other concern was where the handicapped parking spaces are located in the Orchard Street parking lot. There isn't any handicapped parking space to the right toward the doctor's office. She also suggested talking to the business owners about the dumpsters.

It was the consensus of the board to have the manager revisit this issue.

Walden Little League-Lighting for Ball fields

Dave Green, President of the Walden Little League requested a consensus from the board as to if they would permit lighting on the ball fields at Bradley Field. They can't promote this project without preliminary permission from the board that this project can go through. Installed it would cost from \$64,000 to \$80,000. It would be 50% less in energy cost.

Mayor Pearson asked for further information on the energy cost.

Mr. Green stated that cost can be negotiated. Mr. Sheeley spends \$35.00 a night and it's the old system. The new system is 50% less.

Deputy Mayor Matise what the seasonal time frame would be.

Mr. Green indicated that it would be the same as it is now from March 1st to the first week in November.

Trustee Keator asked if it would be six nights a week.

Mr. Green stated that it varies.

Mayor Pearson asked how many lights per field.

Mr. Green stated that the company sends an engineer down to do a survey.

It was the consensus of the board for Mr. Green to get together with the manager.

Garbage Complaint List Review

Manager Politi stated that the board asked to see what kind of garbage complaints come in. The list shows approximately 15 complaints per month that make it to the company itself. We probably get 10 per month. There are 2087 residential units in the village that get there regular garbage picked up 4 times a month, that's 18,000 residential pick ups between garbage and recycling and you're getting 20 to 25 complaints per month. We are not getting the early start complaints.

Deputy Mayor Matise asked that the complain list be received monthly.

Downzoning Concepts and Townhouse Zoning

Mayor Pearson stated that she wanted this on the agenda because she knows the mixed use zone was somewhat finalized and how does the board the next step would be going into. She asked the manager for project priorities. She feels downzoning and townhouse zoning would be the next step. She would like this on for a worksession.

Trustee Keator stated that she feels this is a good idea. She also stated that the village is either going to have to get another full time inspector or a full time/part time inspector.

Trustee Hurd indicated that specific area for the townhouse zoning has already been identified in the master plan. If he was to set a priority he would set the downzoning because that area hasn't been identified yet.

Mayor Pearson stated that there are many items they should be addressed. She suggested doing a couple at a time.

Trustee DeJesus stated that there may be homes that have been converted to an extra apartment and he's not so sure he wants to say no to those, we might want to register those.

Trustee Hurd stated that when it comes to downtown the existing multi family structures, even if we change the zoning, they are grandfathered. It would take decades for that particular process to work its way through. More importantly is as the village continues to expand and redevelop and if we get the railroad service here there will be tremendous pressure from developers to be tempted to buy out large single family homes and convert them to multi family if its not denied by zoning. This would stop this process.

Mayor Pearson stated that the townhouses are really designated already it's setting the guidelines as to what we want them to be. She asked if the attorney has access to sample legislation for townhouse zoning. She asked him to bring something to the board.

Mr. Dowd stated yes.

Mayor Pearson stated that the developer approach her to see if anyone would like to be on a committee to facilitate how things should be and ideas.

Trustee Hurd stated that he would like to be on the committee.

Trustee DeJesus asked if Kerron Barnes could do an inventory of what we have in legal multi family homes.

It was the consensus of the board to have the village attorney get sample legislation.

Trustee DeJesus asked if someone from the planning board can be the committee.

Mr. Dowd stated that he wouldn't want the board members to compromise their independence and/or their impartiality to a plan that may come before them for zoning purposes.

Deputy Mayor Matisse stated that she attended the PACE class and the whole intent of doing negotiations. Talking to state holders and streamlining their project before you present it to the board.

Mr. Dowd stated that he would like to know more about the process and what they expect you to do because he doesn't want anyone to compromise their independence or your partiality for something that may come before you as a village board member perhaps doing zoning revisions.

Mayor Pearson asked Ms. Isaksen if the plan was successful in the Town of Shawangunk.

Ms. Isaksen stated that the Town of Shawangunk town board was approached about holding these public meetings and they decide it wasn't their responsibility and put it back in the hands of the applicant. The applicant then started holding the public meetings. That went on for a year and then they came back with their proposal. They weren't part of a committee. It did raise awareness of the project.

Trustee Hurd stated that someone approached him stating that they are concerned about the fact that our adult children are priced out of the community. He hopes that somehow we can work out something, maybe town homes can be designed so they are affordable.

Mayor Pearson stated that we have to think about our infrastructure.

Public Comments on Discussion Items

Ed Leonard asked if the village could negotiate with Chris Spanos to have a gate from the Maple Street parking lot and walk through Mr. Spanos's property.

Manager Politi stated that he approached him and he said no.

Mr. Leonard stated that there should be money in parklands for the Little League.

Mr. Dowd stated that it would be a capital improvement.

Manager Politi stated that the bulk of that money that is in there is for the skateboard park.

Mr. Leonard stated that his thoughts about the affordable housing, townhouse project, first rezone it for townhouse. There are some issues you should not be negotiating with the developer. The developer's concept of prices for affordable housing and communities prices can be way different. Incentive zoning has not been widely used, mandated works better. He will get the board more information.

Mickey Millspaugh asked the attorney about if someone gets a building permit is that a contract.

Mr. Dowd stated that it's not a contract, just permission to build.

Mr. Millspaugh asked what obligation is there with a building permit.

Mr. Dowd stated that when you're building a building there are certain periods of times for the inspector to inspect and you can't continue until he does that inspection.

Mr. Millspaugh asked if it can be expanded that the site work has to be acceptable before he starts.

Mr. Dowd stated that the site work is not covered under the building permit. Site work is the duties of the inspecting engineer.

Mr. Millspaugh stated as far as garbage collection the hearing they had in this room Tony Garcia made the observation about the guys will leave garbage cans all over the street and the manager said don't worry about that these people are working for us. The garbage are all over the street.

Althea Mullarkey asked if Trustee Keator's statement was an admonishment or an accusation. People sitting behind her tonight has never seen the survey, you've just made the survey the most looked at documents in the Village of Walden. If you put it in the paper she feels it will backfire. She also asked, if something is read into the minutes and Nancy writes it in the minutes is that considered prior written notice.

Mr. Dowd stated that legally it's not because its not been written by someone making the complaint, it's written by the clerk as recording comment at a public meeting. The lawyers will argue whether that's prior notice. It certainly is constructive notice.

Mrs. Mullarkey stated that was the statement Trustee Keator made to admonish Deputy Mayor Matise or was it to set guidelines for trustees on how they are allowed to educate themselves.

Trustee Hurd stated that there isn't anything to be establish, its already established by law.

Ms. Mullarkey stated that her role is not to educate herself on what the role of trustee is suppose to do.

Trustee Wynkoop stated that she acted on her own, it has to be a board decision when something goes out like that.

Ms. Mullarkey asked what was wrong. Are you now going to reestablish guidelines to say not to do that.

Trustee Wynkoop stated that he didn't like what the Mayor said to him before insinuating that he and the manager said the same exact words. If he didn't know, he didn't know.

Trustee Hurd stated that all political power comes from the residents. Any action this board takes has to taken by the majority. The objection was if anyone of us wants to put out campaign literature or do a report to the board from Dick Hurd your trustee about all the wonderful things that are happening and if you don't like anything call me. There's nothing wrong with that. I've identified myself and said everything I wanted to say any comments give me a call at my house. I didn't represent myself as a village. This survey that went out said "Village of Walden Survey 2006".

Trustee Wynkoop stated that as a trustee she can do anything that way. It's just that she can't represent it as a board decision.

Ms. Mullarkey asked if she can't represent herself as a village trustee.

Trustee Hurd stated that he doesn't see anything wrong with that. In regard to the water meters it's not our role to interfere in the administrative function of our village manager.

Trustee DeJesus stated that as a trustee you do have the right to call. A couple of issues are at stake, one being the survey said "The Village of Walden" it was presented as a survey for the Village of Walden and there was no action by this board. It also opens up the village for more liability. The other issue with the water meter is that we empower a manager to prepare a bid and we go under the educated assumption that the village manager, village attorney and village engineer they do their diligence in making phone calls, the inquire and they do checks on the individuals who are bidding for the contract. Once this board makes a decision to accept a bid, which was a \$600,000 bid, it's under the authority of the majority of the board. When an individual trustee decides to go around that process, it's not good. He doesn't have a problem with gathering information.

Deputy Mayor Matise stated that until the bid is awarded she would think you would want as much information as possible. So there was nothing wrong with calling Port Jervis before they awarded the bid to find out what this company was like. She asked if the board wanted to know what happened in Port Jervis. She spoke to Mr. Lopez

who is the engineer in Port Jervis who indicated that they installed 3300 meters which was the Orion system. They had claims of \$20,000 because Inline Services put in 300 units without expansion tanks. It blew the hot water heaters. They spent \$50,000 in equipment alone to correct what In Line Services did.

Manager Politi asked if the expansion tanks were part of the bid.

Deputy Mayor Matisse stated that she didn't know.

Manager Politi stated that if you hand someone a bid with a specification the specification is going to do what the specification tells them. What that man is telling you is they screwed it up before they got there. The spec was off, not In Line. That was one of the resources Mr. Fitzsimmons had to call.

Deputy Mayor Matisse stated that since then In Line took a bid with Beacon to do 4,400 meters which was on the internet and the Poughkeepsie Journal.

Manager Politi asked why wouldn't he take our bid.

Mayor Pearson stated what do you do when someone backs out of a bid. Is there a fine in place for that. She further stated that someone said it was Mary Ellen Matisse's fault that the bid was withdrawn.

Manager Politi stated that he did not say that.

Trustee DeJesus asked that the board revisited this issue already and we need to move forward and have a better understanding what the expectations and obligations of the board are and try to move forward from there. He suggested training for incoming trustees.

Suzanne Isaksen stated that she thinks what the board is talking about is accountability and Trustee Hurd made the point that you are all accountable with the exception of the village manager and village attorney to the taxpayer. The taxpayers depend on the trustees to monitor everything that is going on in the village. Handling these things from a professional level is one area where accountability comes into play. She is concerned with the level of acrimony she see here.

Howard Edwards, 76 Orchard Street stated that when he and his wife go to vote they vote competent people to run the board and those competent people are being trusted to make the right decisions. He doesn't think the trustees should be doing it. That's what they pay Jim \$20,000 a year to do.

Informational & Village Manager's Report

Manager Politi indicated that the village has received authorization from the EPA to do the water meter system through force account.

Manager Politi stated that the Parks and Recreation Committee Chairman Bill Pullar sent a letter to the board stating that the committee met on the 1st of February and they discussed the skateboard park located at Bradley Field. They hope the Village DPW will be able to provide assistance with site development.

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

Mayor Pearson asked about the Capron house that the building inspector sent a violation notice to. Does it have to come before the board.

Manager Politi stated no. They get time to clean up.

Mayor Pearson stated that it doesn't give a time frame.

Mr. Dowd stated that it is in the order to remedy.

Board Comments

Trustee Norman stated that the Parks and Recreation Committee will be hold an inside yard sale on March 5, 2006. They are scheduling karaoke night and a cake walk.

Trustee Hurd stated that the Snow Flake Ball will be February 18, 2006.

Trustee Hurd stated that sometimes acrimonious is a good thing.

Deputy Mayor Matise asked about the elementary school parking lot.

Manager Politi stated that they are waiting on the lighting.

Deputy Mayor Matise stated that the dumpster at Olley Park is overflowing and it looks like household garbage. If someone could open a bag and get an address we can give a fine.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

