

Board of Trustees of the Village of Walden
Work Session Meeting
Tuesday, March 28th, 2006 6:30 p.m.

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

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matise
	Trustees	Mary Jean Norman
		Richard Hurd
		Roy Wynkoop
		Lauren Keator

Absent:	Trustee	Jose DeJesus
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Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Approval of Minutes

Trustee Norman moved to adopt the minutes of Mary 14th, 2006 with the following correction; Page 5, 12th paragraph, change he to she and paragraph 14, change Person to Pearson. Seconded by Trustee Keator. All ayes. Minutes adopted.

Presentation

Mayor Pearson present Trustee Keator with a plaque for her years of dedication to the Village of Walden.

Public Comment

Jim Hiller, 195 S. Montgomery Street gave the board a copy of the Section 148-37 of the Village Code which deals with Real Estate or Construction Signs, Part B which says temporary directional signs indicating the location of a real estate subdivision shall be permitted as special exception uses under the provisions of 148-50 for periods of one year during the active selling of subdivision properties. Additional periods of one year shall be the subject of an application to the Planning Board. He further stated that there is a large number of real estate signs around the Village and why does the village grant special exception use permitting these signs. He also stated that local businesses are not afforded any exemption for directional signs. He passed out photos of real estate signs.

Mr. Dowd stated that there has never been any permission given to a subdivider to put signs on private property. It's up to the utility companies to take the signs off of utility poles.

Mayor Pearson stated that the code doesn't specify where these signs can be. Do they have to go through anything to say they will be putting signs up for a year, where can I put them

Mr. Dowd stated that they are confined just like anyone else would be confined of not putting signs on private property. If they do its up to the owner to remove the signs. The village never sanctions people putting signs on someone else's property. They would be allowed to put a sign in the public right of way and private property when permitted. If they put them on a state highway or county highway and the state or county doesn't want them there, they can take them down.

Mr. Hiller asked why the code exists.

Mr. Dowd explained that it would exist to encourage people and help people find subdivisions that are trying to sell there lots or houses.

Deputy Mayor Matise stated that the board had discussed not allowing signs around the McKinley monument and it's never been incorporated into our code.

Mr. Dowd indicated that the village could police the county and state rights of ways with their permission.

Mayor Pearson asked the manager if he's spoken to the building inspector or anyone about these signs.

Manager Politi stated no.

It was the consensus of the board to have the manager look into signs in state and county right of ways.

It was also the consensus of the board to put real estate signs on the agenda for a work session.

Dave Sperry, 2 Overlook Terrace stated that there are four or five real estate signs at the bottom of Wait Street and it's a hazard for sight vision. He would like the board to take action to have these signs should be removed. There is also a sign by the firehouse, which is village property, so obviously the village is allowing signs on their property. He also asked when yard waste was going to start being picked up.

The Village Clerk indicated Monday, April 3rd.

Mr. Sperry stated that in November the board discussed scheduling a meeting about roadway throughout the village with parking on the streets. Little League has started and on Albany Avenue the kids are walking back and forth. There is no way that street is wide enough for two lanes of traffic with the parking on the street. Emergency vehicles won't be able to respond with the way parking is allowed. The meeting on that was postponed and still hasn't happened.

Mayor Pearson stated that the board will bring it up again.

Mr. Sperry also stated that it's getting warmer out and the kids will start hanging out throughout the village. Have programs been started before problems start.

Trustee Wynkoop stated that the Youth Officer is working with the people in neighborhoods setting up neighborhood watches. When the kids are out of school he will start working nights.

Brenda Adams, 3 Valley Avenue thanked the mayor, board, village manager and the police chief for going with a youth officer. She is very encouraged.

Anita Vandermark, 76 Highland Avenue expressed her concerns with a street being named Jacob T. Walden Drive. She picks up the mail for the Historic Society and there was mail in their mail box addressed to someone at for Jacob T. Walden Drive.

Mayor Pearson stated that she did speak to the manager about this and there is a memo in the board's packet from the building inspector regarding this. This was brought up a few weeks ago and the board felt there wasn't a problem and now we are seeing a problem with it.

Mr. Dowd stated that he read the building inspector's memo, but there is no one that lives on Jacob T. Walden Drive right now. He doesn't know who would be addressing mail to someone that who doesn't live there.

Ms. Vandermark stated that there was a name on the envelope. She returned the mail to the post office.

Mayor Pearson stated that it could have been for Beezer.

Mr. Dowd stated that Beezer's address is S. Montgomery Street.

Trustee Wynkoop stated that the building inspector will be meeting with the postmaster next week. When the board gets some feedback they will let her know.

Ms. Vandermark requested a garbage can be placed by the new bagel shop.

The manager indicated that a garbage can will be placed there.

Payment of Audited Bills

Trustee Hurd moved to pay the audited bills of March 28, 2006. Seconded by Trustee Keator. All ayes. Motion carried.

Street Light Authorization – Capron Street

Deputy Mayor Matisse moved to authorize a street light on Capron Street. Seconded by Trustee Norman. All ayes. Motion carried.

Village Square Easter Service Request

Trustee Norman moved to approve the Easter service in the Village Square on April 16th from 6:30-7:00 am. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Introductory Local Law I-2 of 2006 – Parking Fine Changes

Manager Politi stated that he asked for similar structures with parking fines. He called New Paltz and Warwick who have the graduated, aggressive style. In the interim another concept was brought forward by Judge Ozman. He has asked Mr. Dowd to talk to the judge about that.

Mr. Dowd stated that he wanted to see how New Paltz phrases there law and he found that the law is for parking meter zones. They also have a traffic violation bureau that collects the tickets and fines. There is nothing in their statute that says what happens when a meter is broken and you've put your money in and you get a ticket. It doesn't state your rights for a graduated fine, because by the time you judicate that it will be well past the 10 days that is in the statute. He feels there are some due process issues here. He is waiting for a call back from Judge Ozman.

He will report back on April 11th.

Trustee Hurd asked if the judge had the ability to tract everything.

Manager Politi stated that the judge felt that he could do it based on repeat offenders.

Deputy Mayor Matisse stated that it would be important to find out if it's based on a year or a lifetime.

Firemen's Fair Date Change

Manager Politi stated that the fair runs from July 19th to July 22nd and they need additional time to tear down and clean up.

Deputy Mayor Matisse moved to amend the fire departments request to use Bradley Field from July 18th to July 23rd. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Tin Brook Associates Request

Mike Moriello, Attorney for TinBrook stated that they've completed the eight lot subdivision at Walden Estates Townhouse Parcel B. They entered into a restrictive land use agreement with the village that said they would forego 59 units of multi family housing that was approved in 1974 and subsequently approved in 1989 and subsequently approved for a different project in 1999 to change to eight units on this parcel and 32 units on parcel A. What has come up is that an old map from 1974 for the townhouse parcel B shows water and sewer easements that are not on the property, they were never built. However, the continuing offer is there on record at the clerk's office. The title company has raised an objection. The final map shows the existing infrastructure.

Mr. Dowd stated that what is happening now is there is a snag in the chain of titles that the title insurance company for the buyer wants to take care of. Otherwise every time a lot is sold this will continue to show up and raise title issues. Back in the 70's when this was supposed to be a townhouse development there was offers of dedication to the village for easements for water and sewer services. Because that project never got built there were never any water or sewer lines put in and there was never any acceptance of the easements or water and sewer lines by the village. We are now down to eight lots on Watkins Drive and it was agreed by this board to have the one parcel with 32 apartments off of the boulevard and in return these would stay eight lots so the neighborhood is not offset by multiple family dwelling amidst single family homes. Now they are trying to sell the lots and what pops up is the 1974 offers of dedication for the water and sewer easements that are not needed and have never been needed. He has reviewed the documents and he is satisfied that this will not affect anything that the village needs to have and does have under the current eight lot subdivision.

Mayor Pearson asked about the water and sewer lines and has the properties on Oakland Avenue been taken care of. Does he have to let people know that they are building?

Mr. Moriello stated that everything has been taken care of. The grass creek has gone in in the Oakland Avenue area.

Mayor Pearson asked why would they have had easements with multi family and not with single family

Mr. Dowd stated that it was because of the arrangement of the project in 1974 when you had the multi family apartment building. The lines would run through the property and around the buildings, connecting from one side to the other. Right now you just do a normal service line

tap from Watkins Drive to the individual houses.

Mayor Pearson also asked about the emergency easement.

Mr. Dowd stated that during the public hearing process and subdivision review process by the Planning Board there is a emergency access easement that runs through one or more of the lots and it was to connect Watkins Drive to Oakland Avenue to make sure that was preserved from the old map to get emergency vehicles to Watkins Drive from Oakland Avenue. That easement is on record and one the new map.

Mayor Pearson asked if this is normal to find out about this now.

Mr. Dowd stated that the only reason you found out was because it wasn't picked up by the engineer who did the mapping and it picked up by the title company when they changed titles. This isn't unusual.

Trustee Hurd moved to authorize the Mayor to sign the agreement, once it fully revised, to accept the offers of dedication. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Ethics Law Review

Mayor Pearson stated that the board has been faced with some issues on 18-3K, Political Activity in our Ethics Law.

Mr. Dowd stated that he tried to keep as much of the verbiage that exists in the law, but try to address the particular problem that has arisen over the years. So in the very first sentence he changed the line that says no municipal officer which includes elected officials, he made it no appointed officer or official. That would take this board out from the problem that comes with running for office. In addition because he realized that sometimes someone who is an appointed official in a planning board who would run for office would be subject to the same restrictions on campaigning as an elected official was. He would not be able to endorse himself. He added a provision that says that this shall not prevent a municipal officer or employee from being involved in the political affairs of the village as a private citizen, including running and campaigning for elective office either alone or with others. So then if you were an employee or a planning or zoning board member you can campaign as a private citizen and you would not run a fowl of the political activities of the persons.

Trustee Hurd stated that he feels that any person that has served on any board should be able to say that they have served on the planning board for 16 years.

Mayor Pearson stated that they now can.

Deputy Mayor Matisse asked if Mr. Dowd has asked any other attorney's how they would interpret it.

Mr. Dowd stated that he will do that.

Deputy Mayor Matisse stated that she would also like to hear what the public thinks of this.

Mr. Dowd stated that there will be a public hearing.

Mayor Pearson asked that this be put on the next agenda.

Soap Box Derby Report

Manager Politi reported to the board that the Soap Box Derby will be held on May 21, 2006 at 10:00 am and practices will be April 20, 26 and May 4 on Oakland Avenue. There are 12 new cars, 28 total. Last year we had sixteen.

Security Policy Pursuant to the Information Securitybreach and Notification Act of 2005

Mr. Dowd handed out a sample resolution to the board and stated that about two weeks ago while going through a NYCOM monthly bulletin he saw a new state law that was adopted the end of December and gives municipalities 120 days which is April 6th, to adopt an information security breach and notification policy. The state has adopted a law that is applicable to all state governments as well as local governments to adopt a policy. It is to protect information in cyberspace, information in your files that you see every day that may be of personal nature and it's a policy that requires the village to notify individuals if somehow or another there was a breach of the security in your office or in your computer system. What NYCOM and the Association of Towns is recommending it to adopt the state policy as a model. He went to the state web site and downloaded the policy which is 40 pages long.

The Mayor asked that this be put on the agenda for the organizational meeting on April 3rd and that copies of the policy be made for the board.

Public Comment-Discussion Items

Diane Sandbothe, 90 Liberty Street asked about the distance campaigning signs have to be from the polling place and where is that measured from.

The Village Clerk stated 100 feet from the actual polling place, the building.

Mrs. Sandbothe stated that there was a campaign sign by the library, is that within that 100 feet.

The clerk indicated no.

Greg Raymondo passed out correspondence stating, please remember that before any laws are changed or added the citizens are the author of the law. Therefore it's owners and regardless of who actually drafts the provisions, that the law derives it's authority from the consent of the citizens of our village, expressed through the democratic process. You cannot change any laws without the citizen's consent. He asked that the board take this seriously.

Informational Items-Village Manager's Report

Manager Politi stated that the open space grant for the parcel off of Edmunds Lane, the second round of the next round is up again. The parties that came before have asked that the village resubmit the application. There is quite a bit more money and a better opportunity. There would be no cost to the village.

It was the consensus of the board that this is a good idea and the manager should resubmit this grant application.

The manager also stated that there is another grant which is a New York State estuary grant which will add money to the Maple and Pine Street application. There is a match of \$7,000 and we could do it with in kind work. The date is March 30th.

Deputy Mayor Matise stated that Kevin Sumner, Orange County Soil and Water is working on this. He wants to know if the village in on board.

It was the consensus of the board to pursue this grant.

Manager Politi stated that he received correspondence from Tilcon who will be repaving Route 52 from near the monument to St. Andrews Road.

Mayor Pearson asked about the wall at the intersection of Routes 52 and 208, can we contact someone to get that fixed.

Manager Politi stated that he will try.

Deputy Mayor Matisse stated that she doesn't think there are storm drains on the boulevard side of Route 52.

Manager Politi indicated that there is.

Deputy Mayor Matisse asked if they were going to deal with the drainage. She also asked about the open drainage ditch.

Manager Politi stated that this letter deals with the paving. It doesn't mention drainage.

Mayor Pearson asked the manager to contact the state.

Mayor Pearson read a letter from Marcus Millspaugh regarding changing the name of Jacob T. Walden Drive. She doesn't know if the board wants to reconsider what was voted on the last time or are they still comfortable. She voted differently.

Trustee Wynkoop stated that he feels the board should wait until they hear from the building inspector after he meets with the postmaster.

Trustee Keator stated that one of the reasons she went for the name is because it is the first street in the village coming from the Montgomery area. She still is in favor of it.

Deputy Mayor Matisse stated that the assessor was having a problem using it in her computer system, because of the length.

Trustee Hurd asked that it be put on for a work session to be reconsidered again. The board acted the way they did in good faith. Ms. Vandermark did bring up how important the name Jacob T. Walden is to our village. It wouldn't hurt to look at it.

Manager Politi stated that the mayor received a NYCOM application for local government achievement award and he would like to submit the comprehensive plan. It does meet all the criteria.

The board was in favor of submitting the application.

Manager Politi stated that the department head reports are included in the packets. He pointed out that there is a breakdown of the parking tickets issued.

Mayor Pearson indicated that the amount of tickets is going down.

Trustee Keator stated that she likes the way Ms. Penney did her report.

Mayor Pearson stated that someone made a comment about the Orchard Street parking lot stating that sometimes even before three hours are up tickets are being given.

Manager Politi stated that three hours has to be three hours.

Mayor Pearson stated that there was also a comment on the loading zone.

Manager Politi stated that the loading zone was problematic and hopefully it has been cleared up.

Trustee Hurd asked if a loading zone was for any type of vehicle.

Manager Politi stated that there was a sign in front of the Methodist Church what had a sign for handicapped parking and a sign for commercial loading. They took the top sign off so they know it's a loading zone reserved for the bus. They will also have a handicapped space.

Mr. Dowd stated that a loading zone is for commercial vehicles or buses.

Mayor Pearson asked about the building inspectors report regarding getting pricing for fencing around two retention ponds at Overlook Terrace, how close are we to that.

Manager Politi stated that he would have to ask him.

Mayor Pearson stated that new fencing should be installed around the girl's softball field in the coming week. Its amazing we can get a softball fence before we can get a fence at Overlook Terrace.

Manager Politi stated that the softball fence is a repair.

Correspondence

Mayor Pearson stated that there was a thank you note from Jan and Mike Weiner for the board for the lovely plant. She also received a letter from the Orange County Water Authority regarding mapping. There would be no charge to the municipality, but it does have to go through a licensing agreement. She gave the agreement to the attorney for his review.

Mayor Pearson asked about the MS4 requirements and if the manager was on top of that.

Manager Politi stated that Walden and Cornwall are well ahead of the game.

Mayor Pearson indicated that she would like to set up a conservation committee to look at things and step forward. MS4 is one thing to look at. It would be a great addition to the Village of Walden.

Mr. Dowd stated that she may want to define the scope of that committee and what she means by conservation. Is it just saving natural resources, is it going to be going to board meetings, and what is it going to be.

Deputy Mayor Matisse stated that the comprehensive plan addresses a lot of immediate and short term recommendations regarding conservation issues and that would be a focus.

Mr. Dowd stated that if you want to make it an ad hock committee or a statutory committee where you would create a committee and establish a membership.

Mayor Pearson stated that she is bringing this up and starting to think in that direction.

Deputy Mayor Matisse asked if the attorney has some models to look at.

Mr. Dowd stated that he deals with a conservation commission is Monroe who has a clearly defined scope of duties.

Mayor Pearson asked if anything has been set up with Rick Penney for training.

Manager Politi that he is working with him.

Mayor Pearson asked about the Pine Street time frame.

Mayor Pearson asked about the zone change from RM2 to R6.

Board Comments

Trustee Keator asked about the budget meetings and Wait Street.

Deputy Mayor Matisse suggested a thirty minute drop off parking space be made in front of the elementary school, She also asked for a loan status report from Mr. Barnes and if the board can get quarterly reports from Mr. Barnes and Mr. Sorensen.

Trustee Hurd thanked Trustee Keator for her dedication to the village.

Trustee Norman stated that she attended the tea that the Historic Society had on Sunday and it was excellent.

Mayor Pearson asked about the skateboard park.

Trustee Norman stated that she is not up to date. They will be meeting next Wednesday and they will be talking about the donations.

Trustee Wynkoop stated that the fence by Mike Lynches is in ruff shape.

Manager Politi stated that its been taken down.

Trustee Wynkoop stated that the swale at Jacobs Ridge is wide open. He also thanked Trustee Keator for her time and effort.

Mayor Pearson stated that the meeting with the Youth Officer is April 6th at 6:30pm.

Mayor Pearson stated that she has one other thing, talking about attorney and has he gets compensated. She's not necessarily talking about our attorney we will say a village attorney. She is bringing this up as part of the budget. She would like to talk about how the village pays a village attorney on a retainer and she still doesn't understand how we pay an attorney without knowing and getting a bill of what hours he works for the Village of Walden. She is assuming he works part time, but she doesn't know because she doesn't know the hours he works.

Mr. Dowd indicated that this should be discussed in executive session. They are talking about his agreement with the village.

Miscellaneous Comments from the Board of Trustees

Executive Session(s)

Trustee Norman moved to hold an Executive Session pursuant to 105-(f), Personnel,

Village Attorney, of the Public Officers Law. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Norman moved to reconvene the regular meeting. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk