

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
April 11, 2006**

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

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matise
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Edmond Leonard
		Jose DeJesus

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

Approval of Minutes

Trustee Hurd moved to adopt the minutes of March 28, 2006. Seconded by Trustee Norman. All ayes with the exception of Trustees DeJesus and Leonard abstaining.

Public Hearing – Proposed Village Budget for FY 06-07

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

Mayor Pearson also read the budget statement.

Manager Politi explained the Capital Improvement Program. He stated that the water and sewer rates will not be going up. The Board of Trustees, Village Justice and administrative departments are staying relatively close, if not exactly what they've had the last few years. The policy of creating a youth officer who has now become full time the department has requested funding for a new position. After reviewing the budget the increase is 2.1% which 3.9% was proposed by the departments. The 2.1% is the operating budget for the village which does not include the library which was voted on and passed at .88%. It would be a 3% increase overall, between the operating budget for the village and the library. We are carrying all the programs that we had, there are no cuts, there are no position cuts, and no service cuts.

Trustee Hurd stated that he feels this is an excellent budget and the board and the manager worked very hard on it.

Trustee DeJesus stated that they tried to bring some of the money for senior programs into the village. They reduced the capital improvements by \$60,000.

Manager Politi explained that on the capital improvement plan understand that is this years plan, we are still finishing out the larger sewer projects.

Marcus Millspaugh, 10 Jessup Street asked how much is going to be raised against properties.

Manager Politi indicated that \$3,527,559 for village operations and \$262,000 for the library, the total is \$3,790,089.

Mr. Millspaugh asked how much it is over last years.

Manager Politi stated that he would have to calculate that. The operating expenditures increased by approximately 9%.

Mr. Millspaugh stated that what concerns him is that it stays up and for 02-03 it went down \$2,674,000.

Manager Politi stated that there are some significant increases.

Mayor Pearson stated that she gave the board a copy of a letter that was given to her from Freeport about pension funds that have risen since 911. They are looking to try and bring those down by people writing letters to Alan Hevesi.

Mr. Millspaugh stated that he thinks if we are running the village with taking \$2,600,000 in 02/03, use that as a benchmark in the last year's budget.

Deputy Mayor Matise asked what percentage of the budget is debt service.

Manager Politi stated 9.6%.

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

Public Comment

There were no comments from the public.

Audited Bills

Trustee Hurd moved to pay the audited bills of April 11, 2006. Seconded by Trustee Leonard. All ayes. Motion carried.

East Avenue Sewer Main Replacement Project – Bid Approval

Manager Politi advised the board that our engineering firm did the low bidders background check and checked all the numbers and made sure all paperwork was appropriate and the Village Attorney also reviewed the documents and found all to be in order.

Trustee DeJesus moved to award the bid for the East Avenue Sewer Main Replacement Project to C.A. Phillips Corp for \$117,525. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Walden Day Care Request

Jessica Parisher, Walden Day Care Center stated that they have found a place to move in to at 2 South Montgomery Street. They are going through the process of getting a mortgage. They have about \$10,000 in expenses to remodel. There is also the fees of \$1100.00 for Planning Board approval and they are requesting the fees waived based on the fact that they are a not for profit organization. They also have to send out certified mailings which will cost them \$240.

Trustee Norman stated that she was an employee of Walden Day Care for twenty one years and last year when the day care came before the board and said they needed a place to go the village was unable to help them. They've worked very hard and they are in a lot different situation now then when she was there. They have a good director and a nice teacher and she feels the village needs to help them

Trustee DeJesus stated that he has no problem with waiving the \$1100. They came before the board and at one time they were considering places outside the village and he's glad to hear they are staying.

Trustee Leonard stated that he has no problem with this at all.

Trustee Wynkoop stated that he was on their board of directors years ago and it was a great organization then. Their rates are reasonable.

Mayor Pearson stated that she doesn't have a problem with waiving the fees too.

Deputy Mayor Matise moved to waive the \$1100 Planning Board fees for Walden Day Care Corp. Seconded by Trustee Leonard. All ayes. Motion carried.

Resolution No. 17-05-06 – Authorizing the Application of the Village of Walden through the Orange County Open Space Protection Program to Purchase Property Located at Edmunds Lane

Deputy Mayor Matisse moved to adopt Resolution No. 17-05-06, Authorizing the Application of the Village of Walden through the Orange County Open Space Protection Program to Purchase Property Located at Edmunds Lane, (attached). Seconded by Trustee DeJesus. All ayes. Resolution adopted.

Tree Law Development

Mayor Pearson stated that she received a letter from Dean Stickles, Building Inspector regarding the Planning Board review to the proposed local law, Protection of Trees and they are in agreement but would like the fines raised from \$1,000 to \$5,000.

Deputy Mayor Matisse stated that on the memo that Mr. Stickles sent it asked why trees can't be planted between May 15 and September 15.

Mr. Stickles stated that he always thought that planting in the summer was better, but he's been informed differently.

Deputy Mayor Matisse stated that she liked the other suggestion about the bond. If people are going to cut down the trees what's the point of having them staggered.

Mr. Stickles stated that if you have a development with young couples, they have sheds, pools and play yards and they do not want trees in their way.

Mr. Dowd indicated that placement of trees would be part of the landscaping plan that they submit to the planning board.

Deputy Mayor Matisse asked if that would be in the law.

Mr. Dowd stated that the board would have to declare a preference, but as far as site by site, lot by lot, you have to leave that decision up to the planning board.

Trustee DeJesus stated that there has to be something in the law that says you must plant trees.

Trustee Hurd asked if they could gain a little more control of what species is planted.

Mr. Dowd stated that they have ultimate control.

Mayor Pearson asked about 148.73, B, where it talks about the tree plan, submitted to the planning board, is it the planning board that is going to approve it or would it be the engineering firm that would look over the tree plan.

Mr. Dowd stated that the planning board has the power to take the tree plan and hire a consultant to look at it and the applicant has to comply with the plan. He further

stated that certain lots may not be conducive because it might drop off so you have to leave it up to the consultants to provide for the best places and best species and best numbers.

Mayor Pearson stated that her concern is the saving of the trees that you want to save when a developer wants to start to develop. There are no guidelines saying that in order to protect it you're going to put a barrier around it. Are they just leaving that up to the planning board?

Trustee Hurd stated that he thought there would be guidelines saying how the trees would be identified.

Mr. Dowd stated that is what your planning board and consultants are there for, to tell the planning board that this is the accepted way of protecting trees. That's what's on their plan, that's what's approved and they have to put that in place.

Trustee DeJesus stated that 148.75, B has a standard for planting trees. So there would be one section indicating how the trees are to be protected.

Mr. Dowd stated that if you want to come up with standards that is fine, but those standards may not be conducive to every single situation.

Mayor Pearson stated that she is talking about the developer not being able to excavate and kill the trees.

Trustee Leonard stated that the planning board would specify that on the tree plan.

Mayor Pearson stated that she would like to have it in writing that attempt would have to be made.

Trustee Hurd asked if they could have one more planning session and have the arborist back in.

Deputy Mayor Matise stated that the building inspector also commented that certificates of occupancy shouldn't be based on tree plantings.

Mr. Stickles stated that if you're not going to be allowed to plant until September and the house is ready in May how are they going to get the C.O. They would have to bond that.

It was the consensus of the board to change the law to increase the fines, protect the trees that are there and to take out the C.O. requirement and to continue this discussion at the next meeting.

Ethics Law Review

Mayor Pearson stated that Mr. Dowd rewrote Chapter 18, Code of Ethics. She asked if there were any comments from the board.

Trustee DeJesus stated that Section 18-3, K, Political Activity which states that this provision shall not be interpreted or construed as precluding any municipal officer or employee from being involved in the political affairs of the village as a private citizen, that he understands, including running and competing for elective office or an employee can run now.

Mr. Dowd stated that they may not be able to keep their job after they are elected. They have the right now to run for office.

Trustee DeJesus stated that it doesn't say anything about running.

Mr. Dowd stated that there are two reasons why that is there; first, right now a person who is an employee of the village could run for office. A member of the zoning or planning board can run for office. The problem with the section was that when they campaign and they are an officer or employee of the village or their campaigning is part of the good government party they were restricted by the language of 18, K as far as how to campaign and what they can say in their campaign literature as far as endorsing themselves or others. We are trying to remove that and say you can run for office as a private citizen and campaign for yourself and others as a private citizen and if you are an officer you can now hand out literature saying what your background is as far as a current employee or member of the government.

Trustee DeJesus stated that he feels there needs to be a definition of what is a private citizen. There are all sorts of state ethics opinions by the attorney general as to the compatibility of the office that you're holding.

Deputy Mayor Matise asked if they would have to take a leave of absence.

Mr. Dowd stated that may become an issue if in fact someone does do that. He suggests that before an employee undertakes that whole campaign they should make themselves aware of the requirements, whether they should take a leave of absence or resign from the office.

Trustee DeJesus stated that he would like this explored further. Also, he doesn't see how we could prohibit an appointed village official or employee not to hold office in a political party, that's absolutely insane.

Mr. Dowd stated that in village politics government there's no republicans or democrats. What you are trying to accomplish here is that you don't politicize the non political offices by allowing people to hold high office in political parties in the county or town.

Mayor Pearson stated that there are two comments that she wanted the manager to email to the attorney, recommendation number three and four.

Mr. Dowd asked that the Mayor not discuss those publicly, those are recommendations and they have not been discussed by this board as to whether they are going to follow them or not follow them and for reasons of confidentiality those recommendations should be discussed in executive session.

Deputy Mayor Matise stated that once we start endorsing each other it's going to politicize the board because now we're individuals.

Mr. Dowd stated that the reality of the situation is while there are no republicans and democrats there are people who when they run for office they run as a team.

Trustee DeJesus stated that as an elected official and a person seeking office should you have the right to say this is a person that he supports because he's spent so many years on the planning board with him. He knows he would make a good trustee and he thinks he should be able to express that.

Deputy Mayor Matise stated that the way the law reads now unless you are running on the same line you really can't run as a team because then you're endorsing each other which the law prohibits.

Mayor Pearson stated that they can't discuss the two pieces she wants to discuss to be added into here unless they go into executive session, so they will finish this later.

Parking Fines Review

Manager Politi stated that the board had asked that Mr. Dowd get in contact with Mr. Ozman and he hasn't been able to contact him.

It was the consensus of the board to wait until Mr. Dowd can speak to Mr. Ozman.

RM-1 & RM-2 Zoning Review

Trustee Leonard asked that this be tabled until the accessory use law be reviewed by the board.

Mayor Pearson stated that she still likes the square footage.

Mr. Dowd stated that he is waiting to discuss this with Mr. Sorensen to get some ideas and present them to the board.

Trustee DeJesus asked for a side by side comparison.

Trustee Leonard moved to table the zoning review until April 25, 2006. Seconded by Trustee Norman. All ayes. Motion carried.

Real Estate Sign Regulations Review

Trustee DeJesus stated that for the subdivisions it's a different ballgame because when he was on the planning board and the issue of putting a sign to advertise that you have this new development it's a year's provision, which requires approval. He asked how you can control real estate signs. He suggested a letter go out to all the real estate agents that do business locally and say what the code is.

Mayor Pearson asked why do the developers get special treatment for a year.

Trustee DeJesus stated that you can specify the distance between directional signs.

Mr. Dowd indicated that the building inspector is writing to realtors asking them to remove their signs.

After a brief discussion it was the consensus of the board to leave the law as is.

Jacob T. Walden Drive Street Name Review

Mayor Pearson read the letter she received from the historical society regarding their concerns with the decision the board made to name a new street Jacob T. Walden Way. At their meeting of April 4, 2006 they voted unanimously to respectfully request that the village board reconsider this decision and not use this name.

Pat Eisley, Walden Historical Society stated that the trustees have concerns about confusion with the Jacob T. Walden House not being on Jacob T. Walden Way. They also discussed other appropriate names.

Mayor Pearson stated that she was in favor of changing it last time.

Trustee Hurd stated that Jacob T. Walden is our name sake. In talking with the members of the historical society they really wanted to preserve that name for something special or more appropriate. When leading citizens of our community have a concern like that its important for the board to listen. He doesn't see the harm is having that name reserved for something more special. He has no objection to withdrawing that from the list of street names.

Deputy Mayor Matise suggested that name the street Gillespie Street.

Trustee DeJesus stated that the board did adopt a list of names when Mr. Millsbaugh came before the board. There was an issue of mail being sent and coming back undeliverable. Now he understands that there are six residents who are now receiving mail. There was also an issue which turned out not to be so that the Town Clerk

couldn't put the name into her computer and that is not the case either, they can put names longer than that into the computer. The fact that it's Jacob T. Walden is a fitting name. He asked if paper work has been done.

Manager Politi stated that it's been given to 911.

Trustee Wynkoop stated that he felt they were honoring his name on a street. He didn't realize it would cause a problem. He doesn't have a problem naming it something else.

Trustee Norman stated that she liked the idea of the street being named the Jacob T. Walden Drive. She felt it was nice for someone who was moving into the village knowing our heritage. After reading Ms. Eisleys letter and after going to the Historic Society and meeting with some other people she doesn't have a problem with changing it.

Trustee Leonard stated that the developer is using that street name. He doesn't have an opinion either way.

Mayor Pearson stated that she is still in agreeance not to use the name.

Mayor Pearson asked the manager to work with Ms. Eisley and come up with a name.

Trustee Hurd stated that it was never the intent of the board to dishonor Jacob T. Walden.

Trustee Norman moved to change Jacob T. Walden Drive. Seconded by Trustee Hurd. All ayes. Motion carried.

Public Comment – Discussion Items

Gerald Jacobowitz stated that he is a member of the Orange County Planning Board and there are two programs that the village is involved with and are familiar with and have applied for in the past and have been successful. There is a new grant for planning money, \$10,000. The announcement should be coming out. A couple weeks ago the board authorized resubmission for the Orange County Open Space grant. He doesn't know if the application has come through yet.

Manager Politi stated that it has and the board passed a supporting resolution tonight.

Anita Vandermark thanked the board for reconsidering the street name. She also stated that Walden is holding its 5th annual Walden History Day on April 23, 2006 from 2-4pm.

Marcus Millspaugh stated when the board talked about the trees it sounded like they were going to hire a consultant.

Mayor Pearson stated that the village has a person that is going to do a tree survey who is an arborist. It wouldn't be a full time position but if we need him at a planning board meeting he might do that. Its listed within the law giving the power to make decisions, be consistent with whatever your public guidelines are. There might be guidelines that are already published through the state.

Informational Items/Correspondence/Village Manager's Report

Manager Politi stated that the mayor is looking for the board's support giving recommendations to the State Comptroller regarding pensions.

Mayor Pearson asked the manager to get some numbers as to what the cost was one or two years ago.

Manager Politi stated that the board had asked for an overview of the grants which he has given to the board.

Deputy Mayor Matisse stated that it's excellent.

Manager Politi explained that the west side sewer collector and clarifier is completed and the McKinley and Hidden View pump station will be eliminated and a new pump station will be built by the developer. You have three separate phases for the I & I.

Manager Politi stated that the Town of Montgomery Chamber of Commerce 30th anniversary celebration will be April 19th at Spruce Lodge. He further stated that he has a quote and they will start the fencing of the retention ponds at Jacobs Ridge. Also, the department head reports are in the packets.

Board Comments

Trustee Leonard stated that limbs have been broken off of the tree by Dominick's.

Manager Politi stated that the police department has caught the gentleman who did it and hopefully we will get restitution.

Trustee DeJesus asked if the manager sent someone over to Lafayette Street for the curb by Mrs. Livingston's house.

Manager Politi stated that they will be going over there.

Trustee DeJesus asked if the tree at Olley Park with the yellow tape around it is coming down.

Manager Politi stated that was for the Easter egg hunt.

Deputy Mayor Matise asked about the sex offender 1,000 foot distance.

Manager Politi indicated that the letter was sent.

Deputy Mayor Matise asked about the monthly reports from Interstate Waste.

Manager Politi stated that he will contact them.

Deputy Mayor Matise asked about the house on Alfred Place.

The Village Clerk stated that the property has been cleaned up.

Deputy Mayor Matise stated that she noticed in the parking enforcement officers report they gave a lot of tickets by the school and she did bring up the idea of having a fifteen or thirty minute spot. She would like to discuss this further at the next meeting. She also asked about Mr. Barnes status report on outstanding loans.

Manager Politi stated that he has asked for that.

Deputy Mayor Matise also asked about the quarterly report from Mr. Barnes and Mr. Sorensen.

Deputy Mayor Matise asked if the planning and zoning board members got a copy of the master plan.

Manager Politi stated that he just has to get a copy to the new members.

Deputy Mayor Matise asked if the manager gave the business owners a copy of the parking plan.

Manager Politi stated yes.

Deputy Mayor Matise stated that she visited Gettysburg and saw the monument to Col. Ellis and where the 124th fought. She got the schedule and the Orange Blossoms will be there in August.

Trustee Hurd stated that it was fun marching in the Little League Parade and Dave Green did a great job.

Trustee Norman stated that the recreation department has great things planned, American Idol karaoke night, they have had a lot of calls to do another yard sale and they would like to do that in May. They have a wonderful Memorial Day planned. They have

a grandparent's day planned and a senior prom for the seniors. She also asked about the wall on Second Street which is falling down and the small children ride their bikes there.

Mr. Edwards, DPW Superintendent stated that there are specs out to get that fixed.

Mayor Pearson stated that Walden Rotary will be honoring Dr. Kimball on May 5th at Spruce Lodge.

Mayor Pearson stated that she received a letter from the Town Supervisor regarding dog control service and combining with the town. She will put it on the next agenda.

Manager Politi stated that he will discuss this with the Chief of Police.

Trustee Hurd asked to have information in writing before the next meeting.

Mayor Pearson stated that the Little League Senior girls were District 19 champions this year. They were presented with a plaque and a big softball.

Mayor Pearson stated Friday, April 21st is the volunteer of the year ceremony for Mary Ann Landolina. The Community Council has a penny social on April 20th.

Mayor Pearson received a letter from Gerald Jacobowitz regarding scheduling a meeting to discuss the alternate plans for a project that is fully in accordance with the village zoning and master plan.

Deputy Mayor Matise stated that at the Community Council meeting they asked if people wanted to participate in public meetings similar for the meeting they have for the Donner Estate in Shawangunk. The last time the board was advised not to do it. If they go to meetings with them are they considering that a pre-application process.

Mr. Dowd stated that assuming that is what he is talking about we are trying to develop our own townhouse zoning requirements and then make him meet those requirements, not make our law geared to what he wants to do.

Trustee DeJesus stated that at the Pace training that was a tactic he saw which you go and get all the stake holders in the community to be part of the process. It gives the people of the community the opportunity whether it's an elected official just the opportunity to have input in a concept. We have to have the law in place in order for the concept to move forward.

Mr. Dowd indicated that he will contact Mr. Jacobowitz to obtain more information.

Mayor Pearson asked to schedule a date for the next townhouse committee meeting. They will bring information back to the board.

Executive Session

Trustee Hurd moved to hold an executive session pursuant to 105-(f) Personnel and Board of Ethics recommendations, of the Public Officers Law. Seconded by Trustee Leonard. All ayes. Motion carried.

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

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk