

**Village of Walden
Board of Trustees Meeting
July 25th, 2006**

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

On roll call the following were:

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

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

Approval of Minutes

Deputy Mayor Matise moved to adopt the minutes of July 11th, 2006 with the following correction, Page 13, 8th paragraph, change not renegeing to now renegeing. Seconded by Trustee Leonard. All ayes. Minutes adopted.

Public Comment

Mr. Sanford Altman, Chairman, Town of Montgomery Seniors Independence explained to the board that the Town of Montgomery is in the process of forming the Seniors Independence Project, which would support seniors in their goal to remain in their homes rather than moving on to nursing homes, assisted living, and other institutional settings by developing a program to coordinate volunteers and reliable vendors to provide services necessary to achieve this goal. The project will service seniors throughout the Town including the Villages of Walden, Maybrook and Montgomery. He also invited the board to their next meeting on Wednesday, August 9th, 2006 at 2pm at the Town Hall.

Amolia Miller, Town Clerk also asked for the Villages support for this project.

Mr. Altman also explained the role of RSVP and Faith in Action which are outside agencies who provide volunteer services to seniors. He also mentioned Pete Gallati's transportation for seniors which would be individual drivers to take seniors to places where buses don't go.

Mayor Pearson requested that the Village Manager attend one of their meetings.

Brenda Adams, 31 Valley Avenue stated that during the heavy rain storm of Saturday her yard was flooded. She remembers when her yard would get flooded regularly and DPW did some work on Ulster Avenue and the problem was solved. She asked if there is a problem to work on it.

Mayor Pearson stated that she received a comment regarding the blocked drains on Ulster Avenue.

Ms. Adams also requested the Village post no parking on her side of the street when the street sweeper is sweeping Valley Avenue. There is only parking on her side of the street so it never gets swept.

Mayor Pearson indicated that there was a schedule for street sweeping and she will look into that.

Marcus Millspaugh, Jessup Street stated that there is a sign on Main Street that is eye level, its in front of the savings and loan. He also noticed that the grass has been cut by the Pine Street pump station emergency generator and nothing has been done with the severe growth along the river. He also asked about the improvements to the Girl Scout Cabin to make it handicapped accessible for voting. It appears nothing has been done and there is less than ninety days before an election.

Manager Politi stated that the Scout Cabin is being reviewed by the Orange County Board of Elections as to whether it is feasible to put the money into it to continue to use it as a polling place. They are requesting the polling place be moved until that is resolved.

Mayor Pearson stated that she thought the Village was going to do that anyway.

Manager Politi stated that once the county got involved it's not just the ramp; it's the bathroom as well. In doing just the ramp that is not enough in their eyes, you have to do the driveway, provide parking, and replacement of sidewalks to get to the ramp. There is some funding from the county aside from the CD. They would like to come and look at the building to see if they will fund it.

Deputy Mayor Matise asked if there was another site in District 5 that would lend itself to a polling place.

Manager Politi indicated that he didn't know.

Mayor Pearson stated that she would like to be notified of that meeting.

Payment of Audited Bills

Mayor Pearson stated that the board has received the abstract of the bills. These bills need to be signed by four board members. This will be the last time these bills will be at this table. They will be in the office, so if the board members want to go to the office anytime from Friday, Saturday, Sunday, Monday or Tuesday afternoon they can.

Trustee Hurd asked who made this decision.

Mayor Pearson stated that she did.

Trustee Hurd stated that he doesn't feel it's her decision to make; it's the board's decision.

Mayor Pearson stated that it's her meeting. It's the Board's responsibility to have the bills signed before the meeting so they know what they are signing for.

Trustee Hurd stated with all respect the Village Trustees will decide what their responsibilities are.

Mayor Pearson stated that the reason she feels the bills should be signed before this night is because the Board should be fiscally responsible to the Village residents of this Village, that they should be looking at the bills before this meeting, so they know what they are signing for, what's in those bills and you make sure they are right. Doing them this evening is not time enough to look at them. They are not the same old bills.

Trustee Hurd stated that the Board has had this discussion before and in some cases many of the Trustees are familiar with the bills. When he signs a phone bill he doesn't know if it's accurate he only knows it is a phone bill and he's assuming the Village Manager and Treasurer and Accounts Clerk has looked at it. He believes the Board wants these bills here so they can sign them before the meeting.

Mayor Pearson stated that they can sign them in the office before the meeting.

Trustee Hurd stated that his position is they should maintain the procedure they have and they should be at the table prior to the meeting.

Mayor Pearson stated that being fiscally responsible to your taxpayers is something they should be doing.

Trustee Hurd stated that he is discharging his obligations. It's not for the Mayor to tell him whether he is discharging his obligations or not.

Trustee Leonard stated that he feels it should remain the way it is.

Trustee DeJesus stated that they had this discussion a year ago and he doesn't understand why that is changing again. It doesn't make anyone less fiscally responsible

if you look at them in the meeting room or the office. He takes exception with the fiscal responsibility that the Mayor is alluding to.

Trustee Norman stated that she is in favor of leaving it the way it is. She is here 45 minutes before the meeting and if she has a question the manager answers it before she signs it.

Trustee Wynkoop stated he prefers leaving it the way it is.

Deputy Mayor Matise stated that its not an issue of responsibility with her, its just not courteous to be signing them once a meeting starts because you should be paying attention to the meeting.

Mayor Pearson stated that the audited bill list will still be in the board's booklets and they will still be ready to sign by Friday.

Manager Politi asked if any bills after Friday are to be excluded from the bill list. Can he bring bills to the Board on Monday or Tuesday?

Trustee Wynkoop stated that if someone brings a bill in on Monday he feels the Village should pay it in a timely manner. He doesn't think they should wait two weeks to get paid.

Manager Politi stated that he is asking this for August and December when there is only one meeting.

Mayor Pearson stated that is different. She would like to mandate Friday afternoon.

Trustee DeJesus stated that it sounds like the Mayor is questioning the Board's integrity.

Mayor Pearson stated that she is not questioning their integrity.

Mayor Pearson raised the following question to the Board, is the cut off date on Friday acceptable to everyone so the manager doesn't have to put a bill in Monday or Tuesday.

Trustee Leonard stated that he doesn't care as long as the bills are paid timely. He wasn't aware that the bills needed four signatures from the Board.

Trustee DeJesus stated that Monday and Tuesday bills can be put in a separate folder.

Manager Politi stated that there was a time when some board members would not sign the bills.

Trustee Hurd stated that he wishes it to stay the way it is. He trusts the Village Manager uses good judgment.

Trustee Norman stated that she feels it should remain the same.

Trustee Wynkoop also felt it should remain the same.

Deputy Mayor Matise stated that if it doesn't affect the way they are paid. It makes sense to have a cut off point.

Trustee DeJesus moved to pay the audited bills of July 25, 2006. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Beazer Homes – Street Specification Request

Chuck Curback, Beazer Homes appeared before the Board to request permission to narrow a small portion of the street from 35 feet to 32 feet. They had a problem with the layout of their retaining wall. When they built the wall there wasn't enough room for the sidewalk and the guardrail. They do have other options but reducing the street is a safer solution.

Trustee Hurd asked if an emergency vehicle had to get through could they drive up on the sidewalk.

Mr. Curback stated yes.

Mayor Pearson asked if the sidewalk was built yet and if not take the extra feet off of that side.

Mr. Curback stated that the wall is up already on both sides of the road. There are only five houses that serve in there; it's a cul de sac.

Trustee DeJesus stated that they had a design to follow and now they want the Board to change the width of the road for a mistake that they made.

Deputy Mayor Matise asked how that was going to affect the snow plowing.

Mr. Curback stated that has no pitch on that road.

Deputy Mayor Matise stated that if the Village has to take this road it has to meet our specifications.

Trustee Wynkoop asked if the engineers have taken a look at this.

Mr. Curback stated that he has a lot of contact with Jim Fitzsimmons.

Mr. Dowd stated that the Planning Board did not have a problem with this modification, but they could not waive the specifications.

Mr. Curback stated that they have other solutions which would be to move the guardrail closer to the wall and grout it. The liability if something did go wrong, you're putting those people closer to that wall that you need to. The other solution is to put a para pad out where they would extend over the wall with the sidewalk three feet. Once he dedicates that over and ten years from now someone is out there and it tips over that isn't the greatest solution.

Mr. Dowd stated that Mr. Curback is assuming the Village would take that dedication.

Trustee DeJesus stated that he'd rather see the sidewalk reduced than the road.

Mr. Curback stated that they have to see what they can do with the guardrail. The two viable options are to reduce the road to 32 feet or reducing the sidewalk to 3 feet and leaving the road at 35 feet. They could make the sidewalk a foot narrower as it goes around the corner of the wall, sneak the guardrail in there and push it back on the other side to make the sidewalk two feet there.

Mayor Pearson suggested they take a little from the road and a little from the sidewalk.

Mr. Curback stated that they can do that.

Trustee Hurd asked if 32 feet presents a hazard to the future residents there.

Mayor Pearson stated that she would be in agreeance of taking a little from each.

Trustee DeJesus asked if the engineer had a recommendation.

Mr. Dowd stated that this was presented to the Planning Board with the engineer present and the Planning Board did not have a problem with this, but they were powerless to do anything.

Deputy Mayor Matise asked if the engineer had any comments.

Trustee Hurd stated that as a safety factor he'd rather have the full four feet of sidewalk.

Manager Politi suggested having the engineer come up with other synarios.

Trustee Leonard moved to have Beazer Homes come up with other synarios and have the Village Engineer review them. Seconded by Trustee DeJesus. All ayes. Motion carried.

Resolution No. 01-06-07, Budget Amendment

Trustee Hurd moved to adopt Resolution No. 01-06-07, Budget Amendment, (attached). Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

Orange County Board of Elections Request for Polling Place

Manager Politi stated that because of the fact that the Village can't do the repairs to the scout cabin quick enough the Orange County Board of Elections would like to use the third floor meeting room for their polling place. The county will put the money into the cabin if they see it as viable and necessary to keep that polling place where it is.

Trustee Wynkoop asked if they don't then the Village will proceed with the repairs.

Manager Politi stated yes.

Deputy Mayor Matise stated that she would put the polling station on the second floor community room.

Trustee Hurd asked why all of a sudden the scout cabin isn't usable.

Manager Politi indicated that it's the ADA.

Deputy Mayor Matise stated that Independent Living did a state survey of polling stations.

Manager Politi stated that CD application is simply to get the ramp into the building and they take it farther that there are some other things that should be modified, which we should carry through with. They have a separate funding source. Its six to seven thousand dollars to do what they need to do initially with the ramp itself and now you're getting into sidewalks, so it's becoming a bigger project.

Deputy Mayor Matise moved to allow the Orange County Board of Elections to use the 2nd Floor Community Room for the polling station. There was no second.

Trustee Hurd suggested they use Wooster Grove.

Mayor Pearson stated that she is in favor of Wooster Grove.

Manager Politi stated that they are requesting use of this building.

Trustee DeJesus moved to allow the Orange County Board of Elections to use the 3rd Floor Meeting Room for the polling station. Seconded by Trustee Leonard.

Deputy Mayor Matisse stated that she is not in favor of using the third floor meeting room because there will be mud all over the place.

All ayes with the exception of Deputy Mayor Matisse voting no. Motion carried.

Mayor Pearson asked to be included in the meeting with the County Board of Elections.

106 Wait Street

Mr. Chateline stated that he would like to build a modular home on his property and stay in his house and once he gets his temporary certificate of occupancy he will start moving in and take his other house down.

Deputy Mayor Matisse asked if Mr. Chateline was going to move his driveway.

Mr. Chateline stated yes.

Trustee Wynkoop asked if it takes six months to put a modular up.

Mr. Chateline stated no, it takes ten weeks to build. He can't order the home until he gets permission from the Village in the way of a permit. Then they will start to build the house.

Trustee Hurd asked, once the house is built how long it will take him to move in.

Mr. Chateline stated that once he gets his C.O. he will start moving the furniture and that will take three weeks to a month. It shouldn't take more than a week to take the other house down, but he is allowing thirty days.

Mayor Pearson asked how high the home is.

Mr. Chateline stated its one story.

Mr. Dowd asked why they couldn't put their belongings in storage and live in an apartment while they are building.

Mr. Chateline stated that it would be too expensive.

Mr. Dowd stated that the concern they have is this is a single family zone and at one point there will be two single family homes on one lot and they will have two C.O.'s and he's seen the time frames get messed up. He's also seen where the person doesn't demolish the home and in fact it becomes a rental property. If the Board is in favor of

this he suggested that an agreement be drawn up and both would have to sign it. There has to be a way the Village can take a self help route, such as a bond or lien. He suggested an agreement and then there is the time frame.

Mr. Chateline stated that he is willing to put \$10,000 in escrow.

It was the consensus of the Board to have the attorney prepare an agreement between Mr. and Mrs. Chateline and the Village of Walden with a \$10,000 security deposit and with a lien on the property if the old house isn't demolished.

Café Seating – Local Law Review

Mayor Pearson stated that the manager gave the board copies of sample local laws for café seating. She asked if the Village could tailor their own law.

Mr. Dowd stated that the issue is how much clear space on the sidewalk is left after you put the outdoor dining. In the Tarrytown law it states that the sidewalk must be ten feet and the minimum of the sidewalk you have to have at least three foot clear distance. That barely gets a wheelchair through. Ossining requires four feet and eight foot width of sidewalk. He feels three feet is on the narrow side.

Manager Politi stated that he has to get the answer as to if they go to Main Street is there a five foot clearance.

Deputy Mayor Matise stated that the grate for the tree in front of the bagel shop is raised, but once you measure out it only leaves a little over three foot clearance.

Manager Politi stated that the grates are ADA approved.

Trustee Leonard suggested the Village approach the applicant and advise him this may require a one million dollar general liability policy. Otherwise, this is a waste of time.

Mr. Dowd stated that if you change the law to allow this on public property how many people would be able to do this.

Trustee Hurd stated that it's not going to fly when you asked them to indemnify the Village for any loss of any nature. If you throw that in there you're done.

Mr. Dowd stated that the other issue is the business is the bagel café and the owner is Stacy Hillman. Some require just the owner and others require the business and the owner.

Deputy Mayor Matise stated that there will be a problem with umbrellas. She also asked why there has to be a barrier.

Mr. Dowd explained that if you're going to police the area you have to have some sort of marking for the tables and chairs and where they have to stay within.

Trustee DeJesus stated that they have to find out if the sidewalk can accommodate this and then go from there.

Deputy Mayor Matise asked if they would want to have alcoholic beverages served.

Trustee Leonard stated that he doesn't feel it's viable financially for the applicant and he doesn't think the owner is going to go for it.

Trustee DeJesus stated that the Village should take inventory and see where we can have these tables. There is also the issue of who is going to make the application.

Trustee Hurd stated that if he was looking for something on his own property it would be easier.

Trustee Norman stated that she is in favor of the sidewalk café.

Trustee Wynkoop stated that he would like to see it but we're opening up a can of worms.

Deputy Mayor Matise stated that she feels they should pursue it.

Mayor Pearson stated that she would like the Board to keep working on this.

It was the consensus of the Board to keep working on this.

Manager Politi stated that he will cost out what it will take to operate an outdoor café.

Minimum Square Footage of Apartments

Mayor Pearson stated that the Building Inspector had mentioned 900 square feet for apartments which would alleviate additions to parking problems especially on Main Street.

Trustee Hurd stated that even though it solves part of the problem most of those properties could still meet the 900 foot requirements, stay within the setbacks, tear down and rebuild a two family.

Mayor Pearson stated that it solves the multi family part of it.

Trustee Hurd stated that there are 31 parcels that are single family and there lies the danger. If you down zoned to single family zone it would stay single family

zoning. Although if he understands they are in a multi family zone, they could currently make those two family. He suggested they forget R-6 and go to one family.

Trustee Leonard stated that senior apartments are 500 square feet, but he is in favor of something larger.

Trustee Wynkoop stated that he is favor of raising the square footage.

Trustees Norman and DeJesus were also in favor.

It was the consensus of the Board to raise the square footage of apartments to 900 square feet for non seniors.

Trustee Hurd stated that he's curious how those 31 single family homeowners feel about their street being zoned one family.

Mayor Pearson asked for comments on down zoning.

Trustee Hurd stated that we will have rail connection at some point and when that happens it's an economic opportunity for developers to come in, subdivide and redevelop could take an area that is relatively now and make it almost unlivable. That is a greater danger to the health and welfare of the people that live in that area then the negatives of making 16 properties none conforming.

Trustee Norman stated that she agrees with Trustee Hurd.

Trustee Wynkoop also agreed.

Trustee Leonard stated that during the comp plan Oscar came in and said this is what is happening in Yonkers and he said the best way to protect that is to put a restriction in that you can only rebuild on the foot print of the existing structure that was torn down.

Trustee Hurd stated that there is only one solution and that would be down zoning to one family. He thinks before the Board acts they should have thoughts from all the 31 single family home members.

Deputy Mayor Matise moved to authorize the Village Attorney to prepare a local law to adopt 900 square foot minimum for non senior citizen apartments. Seconded by Trustee DeJesus. All ayes. Motion carried.

Deputy Mayor Matise moved to authorize the Village Attorney to prepare a local law for single family zoning. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Mr. Dowd asked if the Board wanted these local laws separate laws or the same law.

It was the consensus of the Board to have them separate laws.

Public Comments – Discussion Items

Mr. Millspaugh stated that all the trustees should have a chance to see the audited bills which means that there has to be a deadline. He also commented on Beazer Home and that he thought it strange that the Planning Board has reviewed this and they did under the advice of the engineer and now you're getting another engineer to review it. He also wondered about snow removal on the cul de sac and the piling of snow. Maybe they shouldn't have sidewalks there.

Manager Politi stated that the Village tries to remove the snow.

Mr. Millspaugh suggested a lower speed limit in the area that Beazer was narrowing the road. He also commented on Mr. Chatelaines request stating that is a common request. He also stated that the square feet of apartments, variance have been given out like candy and lot size has been disregarded. The whole board should be together.

Fred Smit, Orchard Street stated that in regard to the Beazer request, any time you amend your street specifications you're on a slippery slope. Also, the modular home he thinks they are on the right avenue, maybe you need a time limit from the day they get the C.O. for the new home.

Correspondence

There was no correspondence.

Informational Items – Village Manager's Report

Manager Politi stated that the water meter replacement will begin on August 2nd, 2006 and they will be starting in the South Montgomery Street area.

Deputy Mayor Matise asked about the letter in the packet regarding the meter replacement program, was this sent to the residents.

Manager Politi indicated that a post card will be going out alerting residents that it's beginning. The post card sends you to the web site where the letter is posted.

Mayor Pearson asked if there was someone supervising the project.

Manager Politi stated that inspections will be done by Dean, Corky and Tom Wild will.

Mayor Pearson asked if every one will be inspected.

Manager Politi explained that there are a number of homes with outside readers and the new box will just be attached. When it comes to internal work that's where they will be going in and inspect as much as they can.

Manager Politi stated that National Night Out is August 1, 2006.

Manager Politi stated that there is \$133,000 deposit which is a grant for the wastewater treatment plant upgrade.

Deputy Mayor Matisse asked if the manager has contacted anyone to get an extension beyond October on the EPA grant.

Manager Politi stated that has been done.

Mayor Pearson asked about the status of the well.

Mr. Dowd stated that we are still waiting for DEC.

Mayor Pearson asked if the bales helped with the beach.

Manager Politi stated that it was the chemicals. The bales had little or no effect.

Deputy Mayor Matisse asked if the aerators were on 24 hours.

Manager Politi stated that he didn't know.

Board Comments

Trustee DeJesus stated that he feels the Village should explore the parkland on the Cinosi property.

Mr. Dowd stated that there are some issues with the property with the sketch plan that doesn't meet code. They have been told to draw a sketch that meets code. They can't meet the cul de sac length; they would not be able to get a lot in the back, so that is where the park would be located.

Manager Politi indicated that the Building Inspector will explore that.

Deputy Mayor Matisse stated that she would like to be advised when they are coming back before the Planning Board.

Trustee DeJesus stated that on the Code Enforcement report can they spell out the code violations.

Trustee Norman stated that on Gladstone Avenue there is a basketball hoop in the street which makes it hard to get around. She also thanked Mr. Dowd for his report and she hopes everyone turns out for the movie on Saturday night, 8:00pm at Olley Park.

Trustee Wynkoop stated on N. Montgomery Street by the trailer park it looks like a used car lot.

Deputy Mayor Matisse asked if the Village could get a .gov address on our web site. The Mayor would have to write a letter to get that.

Mayor Pearson stated that storm drain by Elberton and Route 208 is blocked. She also asked what's happening on Pine Street.

Manager Politi stated that Kevin Sumner found a contractor to do that next phase which is to clean the areas in and around the pump station. Then the next phase would go toward Rifton.

Mayor Pearson asked about speeders on Route 208.

Manager Politi stated that there will be heavier speeding details in August.

Mayor Pearson asked about department heads attending meetings. She suggested once every two months or if there is an issue regarding their department they should attend.

It was the consensus of the board to have department heads attend board meetings periodically.

Trustee Norman asked that the police pay attention to the cars that park on Main Street where there is no parking, just above Millspaugh's.

Mayor Pearson asked where we stand with Bank Street.

Manager Politi stated that the engineer is still working on the design.

Trustee Norman stated that the roads are looking good.

Mayor Pearson asked about General Code.

Manager Politi stated that he has contacted General Code and Mr. Cadman is not available for a couple meetings. He will set something up for September.

Mayor Pearson asked about the gas pumps.

Manager Politi stated that he will get the status.

Mayor Pearson stated that the Village will have a business breakfast in September.

Trustee DeJesus stated that in regard to Beazer Homes, they screw up a lot with their engineering and he doesn't think its up to the Village to solve their problems. If it was up to him he would make them tear it down and do it right.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk