

**Village of Walden
Board of Trustees Meeting
November 14, 2006**

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

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matisse
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Edmund 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

Trustee DeJesus moved to adopt the minutes of October 24th, 2006 with the following corrections: Page 2, Fourth paragraph change emergency to animal, last paragraph, first sentence, omit center, Page 9, Tenth paragraph, change to Trustee DeJesus voted no, Page 11, fourth paragraph, change would to wouldn't, Page 14, fifth paragraph change to Deputy Mayor Matisse stated that the townhouse development will have a homeowners association, can they counter mand with their homeowners association any of the Village stipulations, Page 15, fourth paragraph, change four to for, fifth paragraph, change sour to sore, sixth paragraph, change wouldn't to would have, Page 16, second paragraph, last sentence, change there to their, Page 19, seventh paragraph change here to hear, ninth paragraph change to Deputy Mayor Matisse asked when was the last time the comptroller's office audited the Village and when will be the next time. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Norman thanked Anita Vandermark and everyone that was involved in the Veterans Program on Sunday.

Trustee Leonard stated that was the best veterans' celebration he's ever seen.

Public Comment

Anita Vandermark thanked everyone who helped with the veterans' celebration. She stated that it just goes to show you what can happen when everyone works together.

The Board also thanked Marcus Millspaugh for his help.

Eagle Scout Sign Approval

Manager Politi advised the Board that this is the final design for the entrance sign that Patrick McMorris is doing.

Mayor Pearson asked if they were getting all the service organizations or just the Girl Scouts and Boy Scouts.

Mrs. McMorris stated that her son wrote to the service organizations with the exception of the Girl Scouts and the Greater Federation of Women's Clubs asking for donations.

Trustee Norman stated that if you're going to do service organizations you should do all of them.

Trustee DeJesus stated that with all due respect to Patrick McMorris he has a problem with the whole concept because he was under the understanding that Winum's was going to be working on that project. Mr. Winum had an 1800's concept that would fit the whole theme and now it changed.

Manager Politi stated that the Village doesn't own that property and the requests came in independently to the owner.

Trustee DeJesus stated that Mr. Winum indicated to him that he was ready to do this work and that he received different information from Village Hall.

Manager Politi stated that Jason Trafton came in to see him about something else and he asked what was going on at the little park area. The manager advised him that an Eagle Scout has been working with the owner to do some work there and that is when Mr. Trafton informed the manager that he had something planned for that property.

Trustee DeJesus stated that he thought the purpose of having Mr. McMorris come back tonight was because Mr. Winum and Mr. McMorris would be getting together.

Manager Politi stated that he doesn't know if they did.

Mayor Pearson stated that this is private property and the only thing the Village has to do is to make sure it fits our sign ordinance. She doesn't know if the Village should be getting involved.

Manager Politi stated that they have the letter okaying the project from the property owner. The reason Mr. McMorris is here is to let the Board know what he intends on doing.

Mayor Pearson asked about the insignias on the bottom of the sign, the two that didn't donate will they be taken off.

Mrs. McMorris stated that it was decided that the Girl Scouts will be on because the Boy Scouts are on and they are a service organization, as a gesture of good will. Deputy Mayor Matise called her and asked that the Walden Women's Club on.

Trustee DeJesus stated that he has a problem with the Deputy Mayor dealing on behalf of the Board.

Deputy Mayor Matise stated that it has nothing to do with the Board.

Manager Politi indicated that the sign does meet the code.

Trustee Norman stated that there are other organizations in the Village. If you're going to acknowledge some you have to acknowledge everyone whether they donated or not. She feels Mr. McMorris has done a great job.

Audited Bills

Trustee Hurd moved to pay the audited bills of November 14, 2006. Seconded by Trustee DeJesus.

Mayor Pearson asked about the lawn mowing bill for \$1300. for Wooster Grove. We don't have lawn mowers and we can't fertilize.

Manager Politi stated that part of the project was for grading and seeding and making sure the grass came in.

Mayor Pearson asked if Mr. Sorensen was going to get paid for his time at the seminar.

Manager Politi stated that the Village is paying Mr. Sorensen to go, not for being there.

All ayes. Motion carried.

Nugent & Haeussler Audit Proposal

Manager Politi stated that in the Board's packet is last years audit for their review and also there is a request for the upcoming audit.

Trustee DeJesus stated that this audit is long over due.

Trustee Leonard asked if there was a reduction.

Manager Politi stated that they did give the Village a \$4,000 reduction on last year's audit.

Mayor Pearson asked when the Board will be going over the audit as a group.

Manager Politi stated that he will do that right now. The auditor recommends an additional part time employee to act as an internal claims auditor. The manager stated that the auditors will be in to further explain this. They also remarked on the vouchers being signed appropriately. They also suggested the Village go to a computer generated system regarding purchase orders and requisitions. The fraud policy, cell policy, capitalization inventory, these formats are coming to the Village from the auditor. Blanks checks are being kept in a secure spot. The last four items in their letter have been taken care of.

Mayor Pearson asked about the remarks regarding cash reports.

Manager Politi stated that there are more programs now and they are recommending the receipts be separated out.

Trustee DeJesus asked about the comments regarding responsibilities assigned to business staff as well as duties.

Mayor Pearson stated that is what they talked about, instead of hiring someone shifting people to do different things.

Trustee DeJesus indicated that you have to look at the job descriptions.

Mayor Pearson stated that the vehicle use policy should be in there.

Trustee DeJesus asked about the comment regarding the procurement policy.

Manager Politi stated that he has a question about that since we already have a policy in place.

Trustee DeJesus stated that the Board needs more detail.

Trustee Leonard stated that the fact that they've done our audit for so many years and we finally settled up with the past report he would say stay with them.

Trustee DeJesus stated that he doesn't buy it that they've been doing it for several years. They took their sweet time getting us the report this time and it doesn't matter that the man was busy, he had a responsibility. He came hear and talked about fluff. It's up to the Board whatever the majority of the Board does. We should look in the future for other possibilities. We have to have the report on the date indicated in their proposal.

Mayor Pearson stated that it's partly the Village is responsibility that we didn't go up higher than who we called.

Trustee Hurd stated that he's familiar with their reports over many years. He's willing to grant them an error this one time. If it's repeated again that's a different story.

Trustee Norman stated that she wasn't pleased with what they've done. She's been on the Board with this agency and she feels the Village should stay with them.

Trustee Wykoop stated that they have always been there for the Village and this is the first mess up. See what they do for us this year and then think about going elsewhere next year.

Deputy Mayor Matise stated that the increase in the price still concerns her and part of that is because of GASB 34 and she hopes when they come to see us that we will be able to gain from the GASB analysis what we think we're going to gain. They are extremely reputable and to get a municipal auditor is going to be hard to do. She feels we should go forward.

Trustee DeJesus moved to approve the audit proposal from Nugent and Haeussler for Fiscal Year 05-06 with the stipulation that if it's the same situation that the Village seriously consider looking for other CPA's to do the work and to ask for proposals in the future.

Deputy Mayor Matise asked if the auditors were going to do another random fraud.

Manager Politi stated he would check.

Seconded by Trustee Wynkoop. All ayes. Motion carried.

Small Cities Rehabilitation Guidelines, Adoption of

Mayor Pearson stated that the revisions have been completed.

Deputy Mayor Matise moved to adopt the rehabilitation guidelines with changes. Seconded by Trustee Hurd. All ayes. Motion carried.

Dumpster Law Review

Manager Politi indicated that according to the law the Village Manager can grant a waiver of enclosure.

Deputy Mayor Matise asked if there are any waivers.

Manager Politi stated that he's never granted any.

Deputy Mayor Matisse stated that if this local law was enacted when Mr. Hernandez was manager he might have granted waivers.

Trustee DeJesus stated that unless they have something in writing there is no waiver. The issue is what do you do with the situation like that parking lot that you have all the dumpsters brought in. It's not the best situation. How do you go in there and look at it objectively and say this is what we can do. Can the dumpsters be combined?

Manager Politi stated that we can look at it as a whole.

Mayor Pearson stated that when she and the manager went to look at the parking issue in the parking lot they looked at the dumpster issue and the manager was going to talk to everyone.

Manager Politi stated that the dumpster issue that they talked about was the dumpsters in the parking lot and that was what was in front of them at that time and they took care of that.

Mayor Pearson stated that combined dumpsters were also discussed.

Manager Politi stated that was suggested, but you can't force them to do that.

Mayor Pearson stated that part of the issue the Board is discussing is there was a letter before them from the Masons who are having a problem with a dumpster near them and there has been no response to them.

Manager Politi stated that there is legal action at this time.

Mr. Phelps stated that it's in the village's deed and their deed too that there are to be six unrestricted on site parking spots. It also states in the Village code that dumpsters are to be enclosed, which would cut down access to their building. They want the Village to tell them to enclose the dumpster, because once they try to enclose it they can't, according to their deed, they would then have to move the dumpster, which would be great.

Manager Politi asked if the six parking spots have been resolved.

Mr. Phelps stated no.

Mr. Earl asked why it's taking four years to resolve this issue. According to the code dumpsters aren't to be visible from the street and these are.

Trustee DeJesus stated that the law says the manager can waive the enclosure.

Mr. Dowd stated that when the law was written, new site plans, they had to indicate where they would put a dumpster, if it's enclosed it looks better. They also realized that on certain sites you may not be able to enclose it for some reason. That is why the escape clause was put in there and it was to be the exception rather than the rule so you want it to be the exception rather than the rule. You do not want to grant it freely.

Trustee Hurd stated that the Village Manager can grant the waiver, so what is the problem.

Mr. Phelps stated that they are a service group and they had a complaint against them. Within two days they had a letter from the Building Inspector telling them that they were in violation and they took care of it within a week. This has been going on for four years and they came back three months ago to have something acted upon with a law that the Village has here and nothing has happened. He asked why nothing has happened.

Mr. Earl stated that he doesn't know why there is a law on the books and the Village doesn't enforce it.

Trustee Leonard asked how many dumpsters are in the parking lot that are enclosed.

Deputy Mayor Matise stated that none of them are enclosed.

Trustee Leonard stated that if they do the senior citizen apartments in the Walker Building as part of that they have to enclose the dumpster.

Trustee Hurd asked if the dumpster was moved so they were not interfering with the fire escape and if they were clean so they made a decent appearance.

Mr. Phelps stated that they would still be behind the building.

Manager Politi stated that in order to give an answer he needs to talk to the other party as well and he needs to understand where the lawsuit is and if it involved the dumpster as well as the parking. He will give them the answer within a week.

Mr. Phelps stated that originally the dumpsters were at the far end of the parking lot and then they were moved by their fire escape.

Deputy Mayor Matise asked if there was a distance limit around the fire escape that needs to be kept clear.

Trustee Leonard asked if they could cite that as a safety issue.

Deputy Mayor Matise stated that you need so many parking spots for so many bedrooms, do we have for so many units that you need so much cubic footage available for dumpsters.

Mr. Dowd stated no.

The manager indicated that he will follow up on this as to what the litigation is, how long it's been going on and he wants to talk to the other owner.

Mr. Earl stated that his lawyer advised him that they told someone that their dumpster only has to be three feet from the building.

Health Insurance Review

Mayor Pearson stated that this was something she wanted to talk about. While on vacation she was reading a magazine and it talked about health care and how municipalities and everyone in general are all trying to find a way to make it work and not raise taxes so high. She wanted to talk about this before budget time.

Manager Politi stated that he gave the Board an overview of the Empire Plan and copies of the agreements with CSEA and PBA.

Trustee DeJesus stated that he is willing to look at this for new employees, not existing employees.

Manager Politi stated that you can look for another insurance carrier, but the Board has to understand that it has to be the same coverage and approved by both unions.

Mayor Pearson stated that what's going to happen the Village won't be a village after awhile, it will just be the Town of Montgomery, because we won't be able to afford what has to happen. A part may be better than none. If you look at it that way it may work better for everybody. She doesn't know if the unions are willing to be open.

Manager Politi stated that no one will be able to afford it, town or village.

Trustee DeJesus asked if the Mayor was saying she is willing to dissolve the Village of Walden.

Mayor Pearson stated not at all.

Trustee Leonard stated that this is a nationwide problem.

Trustee Hurd stated that he realizes almost all of this is contractual.

Manager Politi stated that you would probably have to negotiate it, not necessarily with new hires.

Trustee Hurd stated that if you look at the pot that is our health insurance cost and then you look at the effect of putting some sort of limitation on new hires you're looking at a drop of sand on the beach.

Manager Politi stated that it's unfortunate that we have to turn to our employee and say you have to cover more rather than just as a group of municipalities saying you charge us too much.

Trustee Hurd stated that what he is saying is if our overall objective is to contain cost he thinks a more effective total cost reduction would be if we found a comparable carrier at a lower price for everybody.

Trustee DeJesus stated that you have a number of employees who could potentially retire in several years.

Manager Politi stated that you would think the literature would start to show you that there's movement against the Empire Plan, that it's shifting to another carrier and we're not finding that.

Trustee Hurd asked where's the state government in this.

Deputy Mayor Matise stated that there is a new administration coming in maybe something will start changing.

Manager Politi indicated that he can look at comparable prices.

Mayor Pearson stated that when she was at the town meeting they were talking about MVP and the manager was going to speak to the supervisor and see what they find out about MVP.

Mr. Dowd stated that the firm he worked for had MVP and the cost has gone up from year to year.

Manager Politi stated that he will see what it would take to increase new hires contribution as well as comparing other companies and looking to the state.

Trustee Hurd stated that other than PBA which is contractual, how many new hires do we have, two, in the last five years.

Trustee DeJesus stated that contractual is a contract that you negotiate; it's not forever the same.

Deputy Mayor Matise stated that she would like the manager to contact our insurance broker to look into acquiring a long term disability policy that would be a voluntary contribution from our employees.

Manager Politi stated that AFLAC approached the Board at one time and it wasn't accepted.

Trustee Hurd stated that it's very expensive and it's not that they don't pay their claims, they do, but cancer policies or dread disease policies are very bad purchases.

Deputy Mayor Matise stated that she had a policy and it was \$2.00 per week.

Mayor Pearson stated that she has the cancer policy and its \$6.00 per week. When there is a group you get a better rate.

Trustee Hurd stated that a true disability income policy that has a 30 or 90 day waiting period that represented 30% to 40% of the person's income and payment until age 65 would cost \$2,000 to \$3,000 per year.

Local Law No. I-8 of 2006, Administration & Enforcement of Building Codes

This was tabled until the Building Inspector reviews the local law.

Manager's Report

Manager Politi stated that he wants to clear up two specific issues that came up and he feels he needs to speak to the Board. There was a question that was brought to the Board about the right of way and the discussion with the contractor from Beazer Homes and clearing the trees between the Mentz home and the Nash home on Woodruff Street. The manager said from the start that they needed a surveyor on site to show the Village where the lines were. It was agreed upon here and agreed upon to move forward to have that contractor remove the trees. A question was called by Mary Ellen Matise about the width of the road. She also wrote a letter to Supervisor Cockburn and copied Brendon Fitzgerald from Hudson Valley Engineering, who is the lead engineer, and to Doug Cotton which is an important component of everything in DOT. As he said from the start its fifty feet, fifty feet, fifty feet.

Deputy Mayor Matise stated that it's not fifty feet.

Manager Politi stated that it is fifty feet. Every document they have shows fifty feet. There is a forty foot road width that keeps being called into question. On either side of the forty feet are five foot strips, fifty feet. He called the county and looked in our own records and it shows a fifty foot right of way. They looked at the Nash property, fifty foot right of way. In Liber 550 it shows all the roads that are broken up, Woodruff Street being a strip of land parcel of land fifty feet wide. Everything is fifty feet. This was quite bothersome because the letter was sent prior to asking the question of the manager. He wants to make this very clear; Doug Cotton is an extremely important component of anything they do of large scale in DOT. As a result of the letter stating that the design report was wrong there are significant errors, one issue. It's provable and he can show the Board that when they stood here and they asked them the width of the right

of way it's fifty feet, it's fifty feet. Mary Ellen showed a map which is a proposed layout of Woodruff Street from Wileman to Valley. It's the roadway not the right of way. These are complex projects. At this point we have nine significant players. We need to move this project. Mr. Cotton writes a letter in response to Jan Ool stating that the project manager should oversee all activities. We understand that the width is inaccurate prior to cutting any trees or bushes. He goes on and on really cutting at Jan Ool over a misrepresentation. The manager wishes Deputy Mayor Matise came to him first. If she has a question please come to him.

Deputy Mayor Matise stated that she wrote the letter as an individual, a resident of the Village of Walden.

Manager Politi stated that when he called up to see what happened and why the letter was generated, literally ragging out Jan Ool.

Deputy Mayor Matise stated that when the manager was asked about the fifty foot right of way he gave no information at all. All he said was fifty feet.

Manager Politi stated that this was stuff they already went through and all she had to do was ask him. He kept saying the survey will show you that it is correct.

Deputy Mayor Matise stated that at one point the report said sixty five feet wide.

Trustees Wynkoop and Hurd asked Deputy Mayor Matise why she got involved in this at all.

Deputy Mayor Matise stated because she is a resident of the Village. A deed is public information.

Manager Politi stated that he talks to no one now about this project except for the supervisor and Jan Ool.

Deputy Mayor Matise stated that he didn't talk to her about it.

Trustee Wynkoop asked who is she on this project; she is a trustee of the Village of Walden.

The manager asked that Deputy Mayor Matise come to him first.

Deputy Mayor Matise asked what establishes a five foot right of way on each side of the deeded property.

Manager Politi stated that it could have been a utility or sidewalk the way they used to do it. It is still providing fifty feet, but you only need thirty two feet. The point is she pinned in on forty feet wide right a way and it was an inaccuracy and it wasn't.

Deputy Mayor Matise stated because that is our deed.

Manager Politi asked what even brought her to get the deed. She brought the Nashs into a meeting. He felt he did something wrong or Jan did something wrong and they didn't, it was just as they said it would be. He wished she had come to him first before she did something like this. He needs that tie to Doug Cotton and he feels it's been hurt.

Deputy Mayor Matise stated that it hasn't been hurt.

Mayor Pearson asked why the manager doesn't do this in private.

Manager Politi stated that she didn't do it with him, she went to everyone. He further stated that Deputy Mayor Matise went to the Community Council and told them that they are not doing their job.

Deputy Mayor Matise stated that is another issue and that she doesn't think is appropriate for the manager to discuss that. They discussed that in private.

Manager Politi stated that she discussed it in public and made him look foolish that we're not doing our job.

Deputy Mayor Matise stated that they said there are opportunities for other community organizations to do other things if they would like to.

Manager Politi asked if he could give the information to the Board so they know where they are with the strategy so he can explain it to them.

Deputy Mayor Matise asked why the manager just doesn't put it in their mail box.

Manager Politi asked if he could give it to the Board now.

Deputy Mayor Matise stated no. The information he could put in their mailbox, when he said fifty feet and he gave them nothing in paper to back that up.

Trustee Wynkoop asked where does it say he has to back it up.

Deputy Mayor Matise stated because they represent the people who voted for them.

Trustee Hurd asked if the Board directed her to write that letter.

Trustee DeJesus stated that it was said at the meeting that the manager had to look and confirm.

Deputy Mayor Matise stated that they never go a confirmation.

Manager Politi asked if the Board wanted to take a look at the revitalization, that is what we've done and even that isn't accurate because several of these things are things we don't need to do at this time. It was portrayed that we did very little on this.

Trustee DeJesus asked what impact this will have on anything.

Manager Politi stated that the impact of this was that we approached the Community Council you went out and portrayed that the Village is not doing their job.

Deputy Mayor Matisse stated that she did not. He wasn't there and no she didn't. She said to them that this was the revitalization plan and there are still things that can be done and many of these things are things that the Community Council has done. They were confused with the parcel that Patrick is working on and they discussed that and she said there are other things you can do if you would like.

Manager Politi stated that all he asks is to come to him before you go out handing that information out.

Deputy Mayor Matisse stated that this is public information.

Trustee Hurd stated that too many times now Deputy Mayor Matisse has gone outside the scope of her office.

Deputy Mayor Matisse stated that it's not outside of the scope of her office to do things as a private individual.

Trustee Hurd stated that she is interfering in the administrative business.

Trustee DeJesus asked what the impact was from the letter Mary Ellen sent.

Manager Politi stated that when he turned to Doug Cotton to ask him a question he said I am not answering any questions about the rail trail unless I answer to the Supervisor or Jan Ool.

Deputy Mayor Matisse stated that is because the Town is lead agent.

Manager Politi stated that this is a joint effort between three municipalities and two counties. We wrote it and now he has no input.

Deputy Mayor Matisse stated that the manager would have to go to the committee.

Trustee DeJesus asked why would he have to go to the committee when he had direct access before to the person in charge of the project and now he doesn't have that. Didn't the manager, mayor and supervisor meet to put together a package for the state.

Manager Politi stated yes, now are they going to accept our lead.

Deputy Mayor Matise indicated that the Town hasn't given up their lead.

Trustee DeJesus stated that the Village has a big interest in this project and he is not so willing to relinquish anything to the Town.

Deputy Mayor Matise stated that on October 12th we sat here and we asked for clarification of the width of that right of way.

Trustee Wynkoop stated that nobody asked Deputy Mayor Matise to write a letter to anybody.

Trustee Hurd stated that whether the manager gets back to you or not that's not the issue.

Deputy Mayor Matise stated yes it is.

Trustee Hurd stated that you are not the Village Manager.

Deputy Mayor Matise stated that she doesn't have to be the Village Manager to have the correct information. Anything from the public is entitled to the correct information.

Mayor Pearson asked the manager how the rail trail meeting went today.

Village Manager stated that it went very well.

Trustee Hurd stated that we are governed by law and this is a Village Manager form of government. All the administrative power rests with the Village Manager except for those powers granted to the Village Board. We are a legislative body and we have a specific role. You can't freelance and insert yourself into the administrative process because they feel like doing it.

Mayor Pearson stated that she feels every trustee has the right to ask any question that they want to ask.

Trustee Hurd stated that he didn't say you couldn't ask questions. This kind of action has to stop. We have a Board that makes decisions here and we don't freelance.

Mayor Pearson stated that if the Board doesn't have the information that they need they can certainly go and get the information that they need to make the right decision. She did more research on stun guns.

Trustee Hurd stated that is not what he's talking about.

Deputy Mayor Matise stated that you can write a letter as an individual.

Trustee DeJesus stated that you can write a letter as a trustee and you can ask questions, the issue here is larger, we had a discussion and the Village Manager, yes, sometimes he's late with information and he knows that and he was looking into the information and we didn't get it on a timely basis, but the fact is he was looking into it and he said he was getting that information. His concern is larger than that, it's the fact that a letter went out, whether it was a private citizen, which you are, however because you are an elected official it's looked at differently. He hopes this does not endanger any of the other applications that they have before DOT, because how do they look at it now.

Trustee Hurd stated that it undercuts the authority of our Village Manager and makes all of us on this board look foolish.

Deputy Mayor Matise stated that the letter was simply public comment on what appeared to be apparent errors in the engineers report. It has nothing to do with the Village Manager and he personalizes too many things that really have nothing to do with him personally. There was what looked like two apparent errors in the design engineers report and that is all she addressed. All she requested is when it's put out to bid that these things are checked carefully and that they are verified.

Trustee DeJesus stated that it should have been dealt with at this level.

Mayor Pearson stated that she remembers a similar conversation about water meter readers that she went through, she threw that out there because everybody chastised her about water meters and now we're saving a lot of money.

Deputy Mayor Matise stated and we're doing a much better job.

Trustee Wynkoop stated that she didn't save any money on the first bid.

Trustee DeJesus asked, according to what report.

Deputy Mayor Matise stated that according to EJ Prescott who she has spoken to a couple of times at NYCOM meetings and they said we are doing a fantastic job and it's a much better job and the EPA sent us a letter.

Manager Politi stated because we're controlling it and he has complete control over it and its going damn well. It would not have taken up his time if it had gone to a private contractor.

Mayor Pearson asked the manager to report on the rail trail meeting.

Manager Politi stated that today they met with another group who wants to volunteer their time. He walked the trail with Supervisor Valk, two highway superintendents from the Town, the engineer, and Mr. Sorensen to look at how they are

going to package the next step. There will be a great deal of inkind pieces to this that they will be able to offer along with possible payment. The Town of Montgomery is moving forward trying to allocate \$50,000 for the project within their budget. Hopefully that will pass. Now you'll have a combination of both inkind and cash.

Deputy Mayor Matise asked what Shawangunk is offering.

Manager Politi stated access to a great deal of inkind work.

Mayor Pearson asked who is going to make up the difference of the next \$50,000 if we're going to give \$50,000 and the Town will offer \$50,000.

Manager Politi stated that when we are done with what everybody can offer he will bring it back to the Board to let them know how this will be packaged so they can get to the next step. We will still be short and that's what they need to go to the state and ask for the gap money.

Mayor Pearson asked if he has a written agreement yet with Beazer Homes.

Manager Politi stated no, because they are still discussing the trees and the review of the right of way. Now that is clarified they can do it. The last piece of information was given today.

Mayor Pearson asked if they were clear cutting or just cutting the path.

Manager Politi stated that the trees have to be removed, stumps will be removed, the hill will be stabilized, there is an outfall from the catch basin with will receive rip rap. It will be cut because he doesn't think you would be able to get around those trees. If they are going to put a structure in you're still going in the ground, you're still going to hit roots, and you're still going to kill the trees.

Mayor Pearson asked if there will be a monetary basis for the Village that we will have to pay. The trees are going to be cut and ground by Beazer so the rest, the stabilization; the Village will be paying for that?

Manager Politi stated that the wood chips will be used to stabilize.

Mayor Pearson stated, so there will be no cost to the Village of Walden.

Manager Politi stated, we hope, let's see how it all works out.

Trustee Leonard asked about the fill from Beazer.

Manager Politi stated that was part of the walk today. That was one of the reasons the other group came in. Beazer doesn't mind trucking the fill, it's just that it has to be moved once its there and that's what this other group will do.

Townhouse Law Review

Mayor Pearson stated that on Page 2 part of that light industry is still light industry and we would be changing that to townhouse, so it would be a change in the zoning for that. The other thing is the height of buildings, the code states 35 feet, she drove by the property up the hill and she was looking to see what 35 feet would do, is that from the basement up or ground up.

Mr. Dowd stated that it's from the average elevation of the finished grade up.

Mayor Pearson stated then you can actually have three stories on a building.

Mr. Dowd stated that potentially it could look like three stories on one side.

Deputy Mayor Matise asked if they could be built out on stilts.

Mr. Sorensen stated no.

Mayor Pearson asked if the traffic study and sewer study gets done in the plan.

Mr. Dowd indicated that was part of the comprehensive plan. Most of the SEQRA has been done through GIS process. Any specific project would have its own environmental review.

Mayor Pearson asked if it would always include a traffic study.

Trustee DeJesus stated that the Planning Board can require that.

Mr. Dowd stated that you have to look at the traffic whether you have to go to the next step of a complete traffic study or whether they can do a long form EAF with an attachment as a traffic study. The Planning Board would decide that. You are also protected because Coldenham Road is a county road so the county would want a study.

Mayor Pearson stated on Page 5, C, 1, 2, and 3; minimal habitable floor area per townhouse unit with three or more bedrooms shall be 1200 square feet. Should the wording be no less than?

Mr. Dowd stated that it does say minimum.

Trustee Hurd asked if the actual owner/developer seen this plan yet.

Mr. Sorensen stated that it has been forwarded but he hasn't received any feedback.

Mr. Dowd stated that he hasn't either.

Mayor Pearson asked why are we limiting this to one zone. What happens if someone was to annex and put townhouses in?

Mr. Dowd stated that they would come to the Village, not only for the annexation, but also for the amendment of what the zoning will be on that annexed property.

Trustee Leonard asked Mr. Dowd to explain the 30 years.

Mr. Dowd stated that when the Board discussed this last time he had missed the last committee meeting and that is when they went from 30 years to in perpetuity. He felt uncomfortable with that so what he did he got advise from other counselors who knew land use from both sides of the isle just to find out if they had ever come across seeing or heard of a law in which the housing is restricted in perpetuity and if they did do they know of any litigation that came out of it. Everyone he spoke to had never seen in perpetuity, it's always had a 30 or 40 year time line. None of them could say if they've heard of any cases, because they've never seen a perpetuity statute, so they basically said you're on totally virgin ground here. Some said that they believe that in perpetuity is inheritant unreasonable to restrict land for that long.

Trustee DeJesus asked how that is different from land being left wild forever, undeveloped.

Mr. Dowd stated that there are specific laws for conservation easements and restrictive covenants. He's not saying you can't do it, he's saying that no one has never seen it done when it comes to housing law. There is a specific environmental conservation law that says you can create conservation easements that are in perpetuity and that runs forever with the land. There are also other restrictions you can put on as part of your subdivision process about keeping lands open and forested and don't touch the trees unless they are dead.

Trustee DeJesus stated that Mitchell/Lama is one example of those apartment buildings in the city that got a tax rebate, but it's for 30 years and that's coming up now and people are being thrown out. They will no longer be in affordable housing. How do we prevent that?

Mr. Dowd stated that we are on virgin territory as far as New York State is concerned. He doesn't know if you want to delve there, this is the attempt to delve into that. He can't even give an accurate prediction of what would happen if a land developer decides that this isn't reasonable and therefore challenges the in perpetuity.

Deputy Mayor Matise stated that 30 to 40 year could be challenged.

Mr. Dowd stated absolutely, but there was some basis for saying 30 to 40 years is reasonable and there is case law to back it up.

Mayor Pearson asked about rent control.

Mr. Dowd stated that most of the rental stabilization is all city stuff.

Deputy Mayor Matise stated that it's an issue if the person sell it so, if someone is living there for 50 years, it's still affordable for them, but because you've gone past this 30 or 40 year mark they can sell it to someone else.

Mr. Dowd stated that it wouldn't be subject to the guidelines.

Deputy Mayor Matise stated that it doesn't change it in anyway for the occupant who is there at that time.

Mr. Dowd stated that if you buy an affordable unit in this project you can keep that as long as you live. You can even pass it through your will to your children even though they may be above the income level, they can still use it as their residence. Once they went to sell it under the present law, they would have to sell it at an affordable price then in existence determined by this Board based upon the income criteria of the guidelines.

Trustee Hurd stated that it would behoove Mr. Sorensen, Mr. Dowd and the Village Manager to approach the developer regarding this plan.

Mr. Dowd stated that he's more concerned about what the effects are if there is a suit.

Trustee Hurd stated that if what we've done is not economically viable, if its not build able and if it doesn't happen, then we've done nothing.

Trustee DeJesus asked if they need approval by the developer.

Deputy Mayor Matise stated no, because he can come to a public hearing.

Trustee Hurd stated that he is curious as to why there hasn't been a response.

Mr. Sorensen stated that he will reach out to the developer again.

Trustee Leonard asked who would challenge the perpetuity. It probably wouldn't come up as a challenge until maybe the thirty years has passed and one of the heirs inherited the property and wanted to sell it for fair market value.

Mr. Dowd stated that it may be the developer before he starts a project wants to know if he's going to be able to sell those affordable units with that restriction.

Trustee DeJesus suggested Mr. Sorensen call the Mayor's office in Yonkers regarding their affordable housing program.

Trustee Leonard stated that the county is working on some kind of funding for affordable housing for people.

Mr. Sorensen stated that he suspects with the Mitchell/Lama situation two years ago and it's continuing the State may be revisiting the 40 year provision, increasing it.

Mayor Pearson asked Mr. Sorensen if he was comfortable with the way this is worded.

Mr. Sorensen stated that they have to look at the legal ramifications.

Deputy Mayor Matise asked if the homeowners association could put an occupancy limit on a two bedroom unit.

Mr. Sorensen stated that it will be controlled by the building code. You can't sublease; it has to be your primary residents.

Mr. Dowd stated that if the homeowners association, which would have to be passed by the attorney generals office, if they try to say no unit shall be inhabited by more than five residents and the attorney general approves that then you go and buy that unit you sign off on the fact that you are now a member of that association and you must live by that five people unit. So it's up to the homeowners association to make you comply. He doesn't know how they would do that if it's a family with children.

Mr. Sorensen reviewed the zoning boundaries.

Mayor Pearson asked if the Board was comfortable to change the boundaries from office light industry to town house.

The Board agreed.

Mayor Pearson asked how many townhouses that would make.

Deputy Mayor Matise asked why they wouldn't do the same for disabilities that they do for seniors, 2 point for village and 1 point for the town.

Mr. Sorensen stated that it could be.

After a brief discussion regard Lot 4 if was decided to take it out because its not part of the property owners property and its not currently zoned town house.

After the meeting on Thursday at PACE there will be a report back to the board about the perpetuity issue.

Public Comment – Discussion Items Only

There were no comments from the public.

Correspondence

Mayor Pearson stated that a letter was received from a resident on Berwick Avenue talking about how nice the Village is coming and about fire hydrant markers for the winter months. He also spoke about rail protection on South Montgomery Street and the litter on the embankment on South Montgomery Street.

Mr. Edwards stated that the water department has started installing fire hydrant markers. The guard rail issue should be forwarded to the county.

Trustee Wynkoop stated that the hydrants should be marked. He also suggested it should be posted on Channel 6 to have the homeowner shovel out the hydrants.

Mayor Pearson asked the manager to contact the county about the guard rail.

Informational Items/Village Manager's Report

Manager Politi stated that the proposal for the passenger rail feasibility study is in the Board's packet.

Mr. Sorensen stated that the product would be that the rail feasibility study, looking at what's needed in terms of upgrading the existing track as well as symbolization, looking at rider ship and providing service to Walden on the Campbell Hall line. He is included as part of the project team which is a very limited role. This will be going to the Orange County Transportation Council.

Mayor Pearson asked how these people were picked and did we have to go out to bid.

Mr. Sorensen stated that we didn't have to go out to bid and these are some of the firms that were recommended which are the two largest firms in the city working together on this.

Manager Politi stated that they checked with each of the funding sources to make sure its okay. The funding sources are okay with the way they are going about this with this proposal. Each of the four funding sources that are put together for the project we received one contract and two more we be here hopefully this week and the one other source will be the following week. So within the next two to three weeks we will have all the contracts so they can begin.

Deputy Mayor Matise asked where the money is coming from.

Manager Politi advised her that \$30,000 is coming from MTA, \$25,000 from the Orange County Transportation Council, \$5,000 from the Greenway and \$15,000 from the Department of State.

Deputy Mayor Matise asked if the Village would have to put a match with this.

Manager Politi stated that there is a small match but they all match each other.

Deputy Mayor Matise asked if there was anything out of the Villages budget.

Manager Politi stated no.

Manager Politi stated that all the grants have been approved; we are just waiting for the contracts.

Trustee Leonard asked about the timeframe.

Mr. Sorensen stated 4 months.

Mayor Pearson asked how large of a document will the study be.

Mr. Sorensen stated that he didn't know.

Manager Politi stated that in the packet is the garbage report and department head reports.

Trustee DeJesus asked how much it is costing the Village for the part time officers. We have part time officers covering for the officer who were injured.

Manager Politi stated that he will get Trustee DeJesus the information. He further explained that Officer Taback is on light duty to get the work out of him on the desk or he would have been out too.

Mayor Pearson stated that she had a citizen call her very concerned with the parking in the Orchard Street parking lot. She doesn't feel the doctors should have to go out and move their cars.

Manager Politi stated that Mr. Pursutti will begin the tree review and the grant did make it.

Mayor Pearson asked where were the stumps DPW were grinding.

Manager Politi stated that it was throughout the village.

Trustee DeJesus asked about the radar the Police Department had on Route 52.

Manager Politi stated that we will be getting price listing for that. He did also call the state about putting a stop light in that the intersection of East Avenue and Walden Estates.

154 West Main Street

Mr. Dowd stated that two weeks ago the Board passed a resolution on 154 W. Main Street to remove a vehicle and the hearing was to be tonight. The notice did not get served so we need to set a hearing for the next meeting.

Deputy Mayor Matise moved to hold a hearing onr November 28th, 2006 at 6:30pm, abandoned vehicle violation at 154 W. Main Street. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Board Comments

Trustee Leonard asked if there will be a joint meeting on Thursday, November 16th.

Manager Politi stated that the meeting was cancelled and needs to be rescheduled.

Mayor Pearson stated that she would not be able to attend the meeting on the 16th because she will be meeting with the First Reformed Churches consistory in regard to historic preservation.

Trustee DeJesus stated that a resident applied about eight months ago for a rehab loan to do work on their house. The application was shifted to the county for what reason he doesn't know. The lady had to get a reverse mortgage and he resents this. Why is it we have to save this money? It's insane that this lady had to go and get a reverse mortgage to do something that could have been done through our rehab loan program. He's getting fed up with how this is being administered. We have to take charge of this situation.

Trustee Leonard stated that we should look into having the bank administer this program and see what it would cost the Village.

Trustee Norman stated that Halloween turned out nice and Parks and Recreation will be doing a grandparents dance and a senior ball for the seniors.

Trustee Wynkoop stated that he had a complaint from the people who live on McKinley Avenue. The street is under water and they are getting a lot of water in their basement.

Deputy Mayor Matise asked the attorney if he had a chance to look at the information about kennels as home businesses. She would like this on the next agenda as a discussion item.

Deputy Mayor Matisse stated that she gave the manager the information about agreements, blanket performance licenses with Ascap and BMI. It will cost \$792.00 per year for the concerts in the park. It's for copy right infringement.

Deputy Mayor Matisse asked if the manager has contacted General Code Publishers about working on our code.

Manager Politi stated that the last discussion was that it would be a budget item.

Deputy Mayor Matisse stated that she went to a meeting and a police officer was telling people from the public that we have a lot old codes that we can't enforce. That doesn't sit very well does it?

Manager Politi asked who is saying this.

Trustee DeJesus stated that this is not acceptable. The fact is there are laws and as far as the Board is concerned they're responsible. Chief Holmes needs to step in and address the issue.

Deputy Mayor Matisse stated that she will tell the manager confidentially. She further stated that if we are going ahead with code revisions and having our code looked at then that will eliminate that.

Trustee DeJesus stated that if she is using that as an excuse to push this it's not fair. If she is saying that there are police officers going around saying we cannot enforce a law because they are outdated then we have a problem.

Deputy Mayor Matisse requested that Board work towards establishing a resolution for Col. Bradley's birthday and it be on the agenda.

Mayor Pearson stated that on Friday, November 17th at 7:00 PM, Nancy Phelps and her class will be here to be recognized for what they presented to the State about Walden's history.

Mayor Pearson stated that she would like to reschedule the joint board meeting. A date for the joint board meeting will be set at the next meeting.

Mayor Pearson asked about the vehicle use policy and the local law for café seating.

Mr. Dowd stated that he will do the café seating local law in January.

Mayor Pearson asked about Well No. 8.

Manager Politi stated that the Village received approval from DEC and that approval goes to DOH. The county has approved the extension.

Executive Session

Trustee DeJesus moved to hold an Executive Session pursuant to 105-d, Litigation, as per the Public Officers Law. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

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

Trustee Leonard moved to authorize the litigation settlement as per action. Seconded by Trustee DeJesus. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

