

**Village of Walden
Board of Trustees Meeting
November 28, 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
		Jose DeJesus
		Edmund Leonard

Also Present:	James Politi, Village Manager
	Kevin Dowd, Village Attorney
	Nancy Mitchell, Village Clerk
	Dean Stickles, Building Inspector

Hearing – 154 West Main Street – Abandoned Vehicle

Jim Sharp, 154 W. Main Street stated that he was advised that he could have one unregistered vehicle on the property.

Mr. Stickles asked when Mr. Sharp was notified of this.

Mr. Sharp stated about four days ago.

Mr. Stickles stated that the landlord was notified in August, September, October and November. He asked Mr. Sharp if the automobile could pass New York State inspection, which is part of the abandoned vehicle law.

Mr. Dowd read the law as it relates to abandoned vehicles.

Mr. Sharp stated that it has a cracked windshield. He also advised the Board that he will be removing the vehicle this weekend.

Approval of Minutes

Trustee DeJesus moved to adopt the minutes of November 14th, 2006 with the following corrections: Page 1, Trustee DeJesus was present, 1st paragraph, change counter mand to countermand, Page 4, last paragraph change hear to here, Page 5, 1st paragraph, change Village to Village's, 7th paragraph, change to Deputy Mayor Matise

asked if the auditors were going to do random fraud interviews, Page 12, 14th paragraph, change go to got, last paragraph change you to Deputy Mayor Matise, Page 14, 5th paragraph, change Anything to one, Page 19, 6th paragraph, change build able to build able, Page 20, 12th paragraph, change regard to regarding, Page 21, 9th paragraph, change well to will, Page 23, 6th paragraph, change their house to her house. Seconded by Trustee Leonard. All ayes. Minutes adopted.

Public Comment

Fred Smit, 108 Orchard Street thanked the Village Manager for taking care of his issue with his water meter, his water bill tripled

Anita Vandermark invited the Board to the Historic Societies Annual Christmas Tea on December 10th from 2 to 4 PM.

Audited Bills

Trustee Norman moved to pay the audited bills of November 28, 2006. Seconded by Trustee Hurd.

Mayor Pearson questioned Alan Sorensen's voucher.

Manager Politi stated that Mr. Sorensen is paid by retainer. He just showed that he attended. It doesn't matter if he does two hours or eight hundred hours, he's on retainer.

Mayor Pearson stated that there is twelve hours of time that he could have done something else.

Manager Politi stated that he could have been home doing his own business, but he spent the time with the manager making contact with developers.

Mayor Pearson stated that she is having a problem with paying a consultant for his education. He's supposed to be doing work for that.

Manager Politi started that at the last meeting the board requested the manager to go to this meeting and he and Trustee Leonard requested Mr. Sorensen to come along with them. We're discussing affordable housing and these were key people from New York City and Westchester County. This was a wonderful experience to go through to see that it is a successful program.

Deputy Mayor Matise stated that he is running a business and you could say that it's profiting him in his business, not as just a service to the Village.

Mayor Pearson stated that it's not against Mr. Sorensen; it's against what we are paying him to do. Its twelve hours of schooling that he is getting from the Village of Walden. It's not twelve hours of work; it's twelve hours of schooling at \$1380.00.

Manager Politi stated that we can get into a debate of what the schooling provided them. They received a lot of information about the questions they had.

Mayor Pearson asked the Board if she is the only one feeling this way.

Trustee Hurd stated that Mr. Sorensen is on retainer.

Trustee DeJesus stated that maybe it was a bad form that he put it in and he shouldn't have done that.

Mayor Pearson stated that it stated in the last minutes that he was not getting paid to go there. She spoke to the manager after that and he agreed that he shouldn't be getting paid.

Manager Politi stated that he shouldn't have listed it the way he listed it. Mr. Sorensen told him that everywhere he is working and the issues he's working on have nothing to do with affordable housing. So the benefit is coming back directly to the village.

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

Introductory Local Law I-8 of 2006, NYS Uniform Fire Prevention & Building Code

Trustee Leonard asked if this new law would be tougher than what is on the books right now.

Mr. Dowd stated that it authorizes the Building Inspector to under take the new codes, which he's been doing for the past three or four years. This is a formal authorization to enforce the energy code and building codes. There are parts that are new. It specifically authorizes the issuance of temporary certificates of occupancy which has always been a cloudy issue as to whether you can or cannot. This comes from the state. It points out what you need building permits for and certificates of occupancy and certificates of compliance for. It's more detailed than what we've had in the past. It makes the law clearer. This has to be passed by January 1st.

Deputy Mayor Matise asked if Section 14, a, b and c were new items.

Manager Politi stated yes.

Mr. Dowd stated that this section is regarding more detailed records being kept by the office of the Building Inspector.

Deputy Mayor Matise questioned 13, b, what is the minimum period required for retention of records.

Mr. Dowd stated that it depends on the record.

Deputy Mayor Matise asked about Section 5, b, Elements of work to be inspected, work site prior to the issuance of a Building Permit, the Board talked about having photos taken of the Village right of ways, sidewalk, and curb before construction equipment is brought in to a site. She asked if they can make provision in the Village law that will become a procedure we can follow.

Mr. Dowd stated what this is about is you come to the existing site before its disturbed, it also references that the erosion control is to be put up, that there is trees to be protected, that silt fencing is to be up, so that whatever has to be prepped is prepped before they start digging. If the Board wants to do that by photographic evidence that's great.

Deputy Mayor Matise stated that would then go on the property record cards. She asked if it could be reincorporated in the law.

Trustee Hurd stated that it could be a procedure rather than writing it into the law.

Mr. Dowd stated that the law requires that it be inspected, the question is how then does the building inspector, and not only inspect it, but does he memorialize it with photographic evidence. He asked if the Board wants the Building Inspector to do that at every site before its disturbed.

It was the consensus of the Board to have a policy to have photographic evidence prior to the site being disturbed.

Trustee DeJesus stated that if the Board is setting a policy it has to be applied all the time. It has to be consistent.

Trustee Leonard stated that he feels it should be discretionary. There is a lot of building permits issued and a lot of them are for a small roof or shed. Do you really want pictures if someone is putting up a shed?

Deputy Mayor Matise stated that it depends if they are bringing in heavy equipment.

Trustee Leonard stated that it should be up to the Building Inspector as to whether it's a small building permit and he doesn't have to take pictures.

Trustee Leonard stated that when he sees exceptions to building permits he doesn't see roofs. That would be only if you had deck repair.

Mr. Dowd stated that there were some local options that were put in the law which the Building Inspector wanted to keep a strong control over some of the building permit issues. The Building Inspector is opting to do building permits.

Trustee Wynkoop stated that he had to have a permit for his roof.

Manager Politi stated that policy would be easier to change.

Mayor Pearson asked if the Building Inspector goes to every site when there is a building permit issued.

Manager Politi stated that he has to.

Mayor Pearson stated then it wouldn't be out of his way.

Deputy Mayor Matisse stated that if there is an existing sidewalk and curb a photograph would be useful.

Trustee DeJesus stated that on Section 4, b, awnings, how that plays with our downtown awnings.

Mr. Dowd stated that this is not for businesses; it's for one and two family homes.

Trustee DeJesus stated that some of the stores have apartments on top. How would that interact with the architectural review?

Deputy Mayor Matisse asked if the architectural guidelines would take precedent.

Trustee Leonard suggested they change the resident

Mayor Pearson stated that the law talks about how many people can occupy certain buildings, assembly and large buildings that have to be inspected every year. She asked if that would be businesses too.

Mr. Dowd stated places of assembly, churches, businesses, and meeting halls.

Mr. Dowd further explained that the law was designed to exempt awnings that are one and two or multiple dwelling houses. He doesn't know if a mixed use building would be exempt. He would say it wouldn't be.

Deputy Mayor Matisse asked if there was a reason why he says supported by an exterior wall, what if it's supported by the window frame.

Mr. Dowd stated then he wouldn't be exempt.

Trustee DeJesus asked about Section 4, b, 3, construction of temporary motion picture, television and theater stage sets and scenery, wouldn't we want to have control over that. How long is temporary?

Mayor Pearson suggested a temporary certificate.

Trustee Leonard stated that he has a problem with Section 4, d, 5, "at least two sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State a registered architect or licensed professional engineer." That is required of a large project, but when a homeowner wants to build a shed this will add a lot of cost to the work.

Mr. Dowd stated that sometimes sheds come with plans and they're signed off on. The reason why it's not exempt is because a shed requires construction and you don't want it to fall down and you want to have it inspected and get a certificate.

Trustee Hurd stated that he doesn't think he needs an engineer to tell him how to construct a shed.

Mr. Dowd stated that according to the State you do. The law they are asking you to adopt says you shall submit this with your application.

Mayor Pearson asked if that can be waived.

Mr. Dowd stated no. The State is cracking down on a lot of things, one being all building inspectors have to be certified. This is what they are saying is needed to do the job correctly. The local municipalities have to adopt a law that allows the municipalities to enforce the building code.

Trustee Hurd asked if it was all or nothing.

Mr. Dowd stated that it's all. There are only so many options they gave in the draft law that we've chosen. Some we chose not to do and some we chose to do and this is not an option.

Trustee Hurd asked if the Board doesn't adopt this what happens.

Mr. Dowd stated that anytime the Building Inspector tries to enforce anything it could be defeated in the court of law because you have not authorized him to enforce the codes correctly.

Deputy Mayor Matise stated that the law states, "Where so required by the education law". What does that mean, maybe it's not required for everything.

Mr. Dowd stated that refers back to the certification of the engineer.

Mayor Pearson stated that the way she reads the law that would be exempt if you don't want it in there.

Deputy Mayor Matise stated that if you look it up on the internet the State had a lot more exemptions then we have in Section 4.a.

Mr. Dowd explained that what the Mayor has is an original notice from the State Building Codes Division saying, here are the changes that have to be done and then what happened he got a form of the law from the Building Inspector that puts into local law form. He used the local law from and spoke to the Building Inspector and there are some exemptions. You can exempt sheds out if they are less than twelve by twelve. The Building inspector said they did not want to do that because he wants to make sure they are put up safely. The State is really cracking down on making sure the codes are enforced and carried out the way that will guarantee sturdy structures and fire safety structures. As part of this there is a new property maintenance code in the State that the Building Inspector is now enforcing which goes beyond what they have in their local code.

Deputy Mayor Matise asked, if the Board wants the Building Inspector to exempt sheds can we do that.

Mr. Dowd stated that it would be at the Building Inspectors discretion.

Trustee DeJesus stated that if we don't adopt this we will be liable.

Mayor Pearson stated that the Board could exempt sheds if they want to, the Building Inspector chooses not to, but if the Board chooses they want to exempt sheds they could.

Trustee Hurd stated that there are a whole series of things we should be able to rely on the Building Inspector to do that a normal homeowner and a competent Building Inspector can do in the past and can't do in the future. He suggested that the Building Inspector should come up with a list that we could not build traps for our residence.

Mayor Pearson stated that on Section No. 6, Stop Work Orders, that the Building Inspector is the only person to issue a stop work order.

Mr. Dowd stated, and/or a deputy building inspector.

Mayor Pearson asked if the manager should be put in that position. She thinks that should be put in there, that there is someone else.

Manager Politi stated that the engineer is a building inspector and an engineer, so he is the first call.

Mayor Pearson stated that Section 7, d, Temporary Certificate, it says, a temporary certificate shall be effective for a period of time not to exceed one three month period and shall be determined by the Building Inspector. Her question is, as a two family home you have someone who is living on the top floor and the bottom floor is empty, are we still going to issue a certificate of occupancy or do you want the whole thing done.

Mr. Dowd explained that this authorizes the issuance of a temporary certificate of occupancy, it does not mandate it. It would be at the discretion of the Building Inspector to say yes or no. To his knowledge the Building Inspector has never issued a temporary certificate of occupancy.

Mayor Pearson asked about operating permits if it would pertain to stores and is there a fee.

Mr. Dowd stated that it would include stores and there would be a fee.

Mayor Pearson asked the attorney to explain the saving clause.

Mr. Dowd explained that there is a twenty page document and lets suppose someone challenges the local law and the court decides that paragraph 13 is unconstitutional and unenforceable, what this says is that only 13 is out and the rest of the law is good.

Deputy Mayor Matise asked about Section 9 which has to do with the Village Code Chapter 63 unsafe buildings, is that staying the same. The new State property maintenance code is that Chapter 63.

Mr. Dowd stated that the Villages Chapter 63 is unsafe buildings, this will not disturb that.

Deputy Mayor Matise asked if they can use any of this to strengthen Chapter 63.

Mr. Dowd stated no, Chapter 63 can be change at the Board's discretion.

Deputy Mayor Matise asked about the new property maintenance code.

Mr. Dowd stated that is not covered by the specific thing. It's an international code they adopted about two or three years ago.

Trustee Hurd stated that he doesn't want to exempt sheds from having a building permit, he just doesn't want to compel people to pay for an engineer or architect.

Mr. Dowd stated that the State does not give you that option.

Mr. Millspaugh stated that he thinks they will find with the new code that a design professional is responsible for certifying the as built structure.

Mr. Dowd explained to the Board that the Building Inspector wants people to get building permits because he checks for zoning issues.

The introduction of this local law was tabled until the Building Inspector reviews this further.

Dumpster Law Review

Manager Politi informed Mr. Phelps that he would like to meet with him, the owner of the Cedars and the owner of Lillo's.

Audited Bills

Mayor Pearson asked about Mr. Sorensen's statement again.

Manager Politi explained that it's in Mr. Sorensen's retainer to do those things. He gets paid a set amount no matter what he does.

R.J. Smith Realty – Review of Zone Changes on Coldenham Road

Mr. Smith stated that he is here tonight in regard to the Tamanini property on Coldenham Road. The Master Plan suggested that the frontage of this property be zoned residential and the rear portion be zoned O-LI. They are requesting the property be either zoned townhouse or single family.

Trustee DeJesus stated that the question is whether the Board wants to make this parcel residential.

Deputy Mayor Matisse stated that she would say R3 because the properties fronting on Coldenham Road are R3 and the parcel that was just sold by Meiers is R3. So why would you burden those properties with a massive development behind them.

Trustee Hurd stated that one of the reasons they took this to townhouse zoning was to promote additional affordable housing in the community. Single family homes, by their nature, are much more expensive.

Mayor Pearson stated that the townhouse zone would allow enough affordable housing and less taxing on the sewer and water in the Village of Walden.

Trustee Hurd stated that he's saying five acres would probably allow several more townhouses which at 20% affordability would give more affordable units.

Mr. Smith stated that they would prefer a townhouse zone, they would accept the R3 zone.

Trustee DeJesus asked how many single family homes they could have.

Mr. Dowd stated that there is five acres and they would be 12,000 square foot lots, so roughly three houses per acre.

Trustee Leonard stated that the connecting road may be conceptual, but in terms of engineering it's very important because of the water loop and sewer. Is there any way we could legislate that had to be touching this five acre property.

Trustee Hurd stated that if this was going to R3 they would not need any other access road they would only come off of Coldenham Road. He would prefer this be townhouses. It would give us 30 more townhouses.

Deputy Mayor Matise stated that would be 90 more cars. A traffic study hasn't been done for that road in terms of a townhouse zone.

Authorization to Sign-Orange County Project Agreement/Railroad Feasibility Study

Trustee Hurd moved to authorize the manager to sign the Orange County Project Agreement. Seconded by Trustee DeJesus.

Mayor Pearson asked if the county approved the contract that the Board approved at the last meeting.

Manager Politi stated that once this agreement is signed the county will be reviewing both contracts.

Mayor Pearson asked about the match.

Manager Politi stated that some of the funding sources are not federal, so that is the match.

Deputy Mayor Matise asked what happens if the bills exceed that amount.

Manager Politi stated that it would be up to the Village.

Deputy Mayor Matise asked about the terminology in the feasibility study, who is the client?

Manager Politi stated that the Village is the client.

Deputy Mayor Matisse stated that there are a lot of ifs in the feasibility study. Is Metro North going to say to them we won't do such and such and you have to do such and such and then they do the study or is it going to be answered after the study.

Manager Politi stated that there were two groups that they looked at and both work on a regular basis with transit. There is a lot of boiler plate when they give you the data collection so you have the ability to switch around. Nelson Nigar is the data collection on rider ship so as they do their research those questions, of what you are looking to do, will be flushed out. Parsons, Brinker are the road bed reconstruction.

Deputy Mayor Matisse asked, as they start working on this is Metro North going to throw a whole bunch of requirements on them.

Manager Politi stated that they will pretty much stay on the tracks, because that is what these firms do.

Deputy Mayor Matisse stated that there is a big difference if Metro North says yes its going to be a through train and that train will be 655 feet long and does it fit on Hepper Street and does it block intersections or is it just going to be a shuttle.

Manager Politi stated that it has to be flushed out with the rider ship data.

Deputy Mayor Matisse stated that we might have to have a storage track for over night.

Trustee Leonard stated that you already have a side yard.

Manager Politi stated that you have space by Package Lighting.

Deputy Mayor Matisse asked why they are not going to pursue the idea of a quiet zone. It's incumbent on us to say you might not think the quiet zone is a good idea, but our residents do. She also asked if some type of assessment will be done about parking facilities.

Manager Politi stated that they have to do a parking study.

Deputy Mayor Matisse asked if the Village would be shown the PDF.

Manager Politi stated that it would come to the Village.

Deputy Mayor Matisse asked if they would get to comment on it.

Manager Politi stated yes.

Authorization to sign – Metro North Agreement/ Railroad Feasibility Study

Manager Politi stated that this is another piece of the funding through Metro North.

Trustee DeJesus moved to authorize the signing of the Metro North Agreement/Railroad Feasibility Study. Seconded by Trustee Leonard.

Deputy Mayor Matise asked about the scope of work and where is that.

Manager Politi stated that what would be attached as Exhibit A would be the proposal that the Board received last week.

Deputy Mayor Matise asked if the Village could use the results unless Metro North says we can.

Manager Politi stated that we are both owners of it.

Deputy Mayor Matise stated that only Metro North has the right to approve the study.

Manager Politi stated that is just like if anybody would because they are paying for it. It's an approval process. Ultimately they will be the ones that are running the liens, not us. We became the client because its multiple contracts.

Deputy Mayor Matise asked what does, Metro North's reviews and approvals shall be in place prior to the Village's external dissemination of said materials, mean.

Mr. Dowd stated that he reads it as you can't distribute the study before the study is finalized with the approval of Metro North.

Deputy Mayor Matise asked who determines, conferring a meeting is often as necessary to discuss significant issues. That could run up the tab and we could run out of money.

Mr. Dowd stated that there is an authorized representative from each party and if one of the parties does not confer then you don't confer.

Deputy Mayor Matise asked who will be representing the Village.

Manager Politi stated it will be him working with them.

All ayes. Motion carried.

Motor Vehicle Use Policy

Trustee DeJesus stated that he sent some recommendations to the manager today.

Manager Politi stated that he just incorporated them and he reviewed the changes with the Board.

Trustee DeJesus stated that if someone is driving a village vehicle and they get a ticket they should be responsible and pay for that ticket. He also asked about the use of cell phones.

Manager Politi stated that the Board will be putting in a cell phone policy and he didn't know if that crosses over.

Trustee DeJesus stated that it is a State law.

Deputy Mayor Matise asked about the insurance safety course, she doesn't see that in the policy. Mr. Hunter is suggesting that whoever drives a village vehicle should take the safety course.

Manager Politi stated that he will be doing that as part of risk management. If its part of the policy then there should be a time frame.

Mayor Pearson asked if the driver's safety course has to be during working hours.

Manager Politi suggested it be done during the day.

Trustee DeJesus stated that this is a special requirement that is being made so you have to allow the time for your employees to do it during regular working hours.

Mayor Pearson stated that this is the six hour driver's safety class that you get a break on your insurance. The employee is getting a personal benefit by their insurance going down and the Village is paying for it.

Deputy Mayor Matise stated that it may even lower the Village's insurance.

It was the consensus of the Board to add no use of cell phones to the policy.

Mayor Pearson asked who will monitor that and what will the consequences be.

Manager Politi stated that whoever finds them show him, take a picture of them, prove it and there will be disciplinary action.

Trustee DeJesus stated that the consequences should be to remove the cell phone. He further advised the Manager that he did a great job on the vehicle policy.

Deputy Mayor Matise stated that on Page 2, the second and third bullet needs to be rephrased. The last bullet on Page 2, do we have a travel policy.

Manager Politi stated that he will get a travel policy together.

Deputy Mayor Matise asked what constitutes de minimize personal errands.

Manager Politi stated that it means picking up something along the way home.

Mayor Pearson stated this is not personal and its not short term. She further stated that on the bottom of Page 3, the three last bullets there are no consequences.

Village Manager Politi stated that on Page 4, No. 3. "Responsibility" it states it shall be the responsibility of each Village employee assigned a Village vehicle to comply with these regulations. Failure to comply with all provisions of this policy shall result in disciplinary action as well as suspension and termination of vehicle privileges and you're signing off on it.

Trustee DeJesus stated that in the contracts there are provisions that you follow when it comes to discipline and that is by contractual agreement. One important key here is we are not going to make this a negotiating item for PBA or CSEA. This stands alone and this is not to be included. They have no say as to this policy except as it relates to the discipline that may be taken as per what the contract says. There are civil service laws that apply as to what you can or cannot do. That is what the catch all phrase is.

Deputy Mayor Matise stated that she feels all village vehicles should be identified with the Village logo.

Trustee Norman stated that the DPW Superintendents truck's logo should be on the door.

Mayor Pearson stated that it makes it more professional to have the logos on the vehicles.

Trustee Norman stated that the vehicles need to be inspected to make sure they are being kept in good condition and what the inside looks like.

Manager Politi stated that it is in the policy.

Mayor Pearson stated that some people have to keep logs of mileage in cars that they use; she feels they should log their mileage. She also stated that family members was also talked about. She understands people may have children riding in these cars, but she is worried about liability.

Manager Politi stated that Mr. Hunter has told the Board before that whoever is in that car is covered by insurance.

Trustee DeJesus stated that when there is a business purpose he has no problem, when there is no business purpose that is a problem. You shouldn't be using the Village vehicle to transport other people. If they are referring to the manager and his use of the

car he has by contract that is a whole different issue the Board has to deal with. When his contract comes up and the Board wants to make changes then you can at that time. He has to adhere by these rules too. He feels they should explore further the issue of family members riding in the cars.

Manager Politi stated that the list on Page 2 has to be reviewed. He doesn't know if that should be in there.

Mayor Pearson asked if the Board decided on children.

Deputy Mayor Matise stated that the attorney had something to say about this. She asked what he based that on.

Mr. Dowd indicated the Code of Ethics, because you are not allowed to use public property for private purposes. The Board has a specific understanding with the manager and you have specific understanding with the Chief of Police. The general policy should be that you can not use a Village vehicle or piece of equipment for personal use or personal benefit because no other person in the Village has that same privilege. So in a sense of using a Village vehicle to run children back and forth to school or to go on specific errands, you can't. Unless this Board specifically authorizes the use of a vehicle for that use.

Trustee DeJesus stated that you would reference that in there and refer it to the ethics board.

Manager Politi stated that he will put something in there.

Trustee Hurd asked if the Board is guilty of violating this policy because when they march in parades a police officer might see them walking up Wait Street and offer them a ride.

Mr. Dowd stated that you are marching in the parade as a trustee. You are an official being escorted to a specific Village function.

Manager Politi stated that many of the conferences try to attract families to attend. Many times they go in their personal vehicles.

Mayor Pearson asked if the family goes do they take a Village vehicle.

Manager Politi stated many don't.

Trustee DeJesus requested the manager make the changes to the policy and bring it back to the next meeting so the Board can take action.

Cellular Telephone Usage Policy

Manager Politi indicated that this is a suggestion from the audit.

Trustee DeJesus stated that on Page 2, 90 days is way too long to pay back. It should be 30 days.

Mayor Pearson asked about Page 1, 3rd paragraph, who checks that and who will be checking that and how minimal it would be.

Manager Politi stated that it would be the department heads.

Trustee DeJesus stated that there has to be a lot more trust and as an individual there has to be a lot more integrity.

Mayor Pearson stated that the policy states that personal use of cell phones is only permitted if such a use is infrequent, unavoidable and fully reimbursed to the Village. She doesn't feel personal use, unless it's an emergency, should be used. There are phones all over. You only have so many minutes on the cell phones and when she sees the bills now it seems they are using the minutes up more. So, are they personal phone calls or are they work phone calls.

Manager Politi stated that this policy will address this.

Mayor Pearson stated that she feels there shouldn't be any personal use at all, unless it's an emergency.

Trustee DeJesus stated that as a department head I would want to see how many hours someone is spending on the phone for personal use. That could be considered abuse. His policy is one personal call a day not to exceed so many minutes.

Mayor Pearson stated that there is also abusive regular phone use.

Trustee DeJesus stated that it's more expensive with cell phones.

Mayor Pearson stated she feels it shouldn't be limited to cell phone use.

Deputy Mayor Matise asked how many cell phones we have.

Manager Politi stated fifteen.

Trustee Hurd stated that he prefers Manager Politi's approach because we are a legislative body so we put words on paper, but it still comes down to a policy that can be observed and enforced. What is being suggested would give the manager the leeway he needs and he would be able to spot abuse over time. As a practical matter that is the best we're going to get. He doesn't think he would go to the extreme because he doesn't think the reality is if it would ever be enforced because you have no real way of knowing.

Deputy Mayor Matisse stated that you don't have to be standing there you get a list of all the numbers at the end of the month.

Trustee Hurd asked how many hundred thousand man hours is that going to take.

Deputy Mayor Matisse that she checks the bills.

Trustee Hurd asked if Deputy Mayor Matisse reviews every phone number.

Deputy Mayor Matisse stated no, it's not her job. That is the department heads job.

Trustee Leonard stated that you have to trust your employees and these departments are pretty small so you will find out who you can trust and who you can't and the ones you can't trust are the ones you are going to monitor. If you're going to micro manage you're not going to be able to manage the whole department. So you have to draw the line.

Mayor Pearson stated that would be part of his responsibility.

Manager Politi asked if there was something in the policy that the Mayor doesn't like.

Mayor Pearson stated no.

Manager Politi suggested the Board implement this policy, it was a format given to the Village from the auditors. He asked if the only change was 90 days to 30 days.

Trustee Leonard moved to adopt the cell phone use policy with the change of 90 days to 30 days. Seconded by Trustee DeJesus. All ayes. Motion carried.

Fraud Policy

Trustee DeJesus stated that this policy is extensive and there is more to be discussed here. There are a lot of changes that need to be made. How would the Village Manager investigate the Trustees because they are his boss. Also, how would the Village Manager be investigated if he or she is the one committing the fraud, so that is a separate section that has to be included, because in that case he or she is not going to be investigating himself or herself. A mechanism has to be put in place as to whom would do that, whether it's the attorney and the mayor and a trustee or two.

Deputy Mayor Matisse suggested an outside party.

Trustee DeJesus stated that would cost money.

Deputy Mayor Matisse stated that the State Comptroller has someone.

Trustee DeJesus stated that's bringing it to a level that you don't have to go to. It should be an internal mechanism that will be applied. He asked the Manager to email him the policy and he will incorporate his changes.

Trustee Leonard suggested this be put off until the next meeting so the Board members can get their changes to the Manager.

Mayor Pearson stated that there are a couple discrepancies.

Trustee DeJesus stated that personnel actions you have to look at differently because you also have CSEA employees that are governed by contract and procedure and it has to be spelled out.

Mayor Pearson stated that she likes the whistle blower part of it. She feels people will speak up.

Trustee DeJesus stated that he looked at that and the consequences of someone who is just blowing smoke because they want to get even, there should be consequences because that is falsely reporting an incident which is a penal law violation. That doesn't reference that in there and it needs to be.

Mayor Pearson stated that under General Policy, 1-7, didn't flow.

Manager Politi stated that he needs to review that.

Mayor Pearson stated that if someone committed a fraud and they are a police officer and they are under a contract, they work for us, but we do not want them to work for us because what they did was fraudulent and part of that shouldn't be happening in his work place. Are we still responsible to follow through with his contract and pay him or can we put that in here?

Mr. Dowd stated that you have to distinguish between being charged with being fraudulent and being convicted of it and then you have to decide how you are going to discipline someone. If you have someone and you have evidence of fraud you would turn it over to the authorities and they would arrest him and charge him and you can concurrently start the process to dismiss him from his employment. You do have to go through contract procedures for dismissing him. You can suspend him without pay. So you don't pay him while you proceed with the disciplinary action and if you are upheld through his conviction or he pleads guilty and gives up his position, that's the way these things usually develop.

Mayor Pearson asked if the Village would have to pay him for his time and everything else.

Mr. Dowd stated that he's not entitled to collect anything. He is entitled to his pension.

Trustee DeJesus stated that usually the first suspension is 30 or 60 days and there has to be pay.

Deputy Mayor Matisse asked about civil service employees.

Mr. Dowd advised that you would follow civil service guidelines. In some cases you may have someone on suspension with pay pending the prosecution. It's not comfortable but at least he's not working, he's being prosecuted and you don't want to jeopardize the prosecution.

Mayor Pearson stated that she would like to know what is happening in less time than a year.

Manager Politi stated that the Board will know sooner than a year. He asked the Board to email him any changes or suggestions.

Deputy Mayor Matisse stated that she did contact NYCOM and if they have anything they will send that too.

Katonah Request

Mayor Pearson stated that a letter was received from John Katonah indicating that he has agreed to release Beazer from the construction of the fence along the property lines. He feels the fence would not be aesthetically pleasing. Instead he has decided to install a berm and plant trees, on his property, along the common line. Beazer has agreed to provide him with the fill and material and he will transport it and plant the trees at his expense. He is fully responsible for the deposit of material on his lands. He asked that the Village release Beazer from the obligation to construct the fence.

Trustee Wynkoop stated that he feels this should go back to the Planning Board.

Trustee DeJesus stated that his concern is by creating this berm will it create flooding.

Trustee Wynkoop stated yes, he has wetlands there.

Trustee DeJesus stated that there should be a line in the letter that says he also relieves the Village from any damages caused by flooding.

Mr. Dowd stated that the Planning Board will not approve the berm, its town property. The only reason he feels they should go back to the Planning Board is because the plans show a fence and that was a condition of the plan that was approved and the Planning Board would have to relieve him of building the fence, not approve the berm.

Mayor Pearson suggested the Village notify the Town.

Trustee DeJesus stated that he should go back to the Planning Board too.

Manager Politi indicated that he will contact the Town.

Mayor Pearson stated that she would like it on record that she did not have anything to do with this. She was in conversation with Beazer about the fence, but she did not okay any of that.

Public Comment-Discussion Items

Marcus Millspaugh, Jessup Street commented on taking pictures of properties. When he was on the Zoning Board they found out that some properties were going back to the same problems several times so they suggested that Village start a file using tax map designations. He asked if that was started. He also stated that he had plans done by a design professional and then they got tagged by the Village for \$1,000 for the Village to review the same plans. That was redundant. He also asked if the Army Corp of Engineers gets involved with the Katonah property.

Mr. Dowd stated that if he's within Federal Wetlands it will be a lot more than take it out.

Correspondence

Mayor Pearson stated that they had the program for Nancy Phelps the other night and Senator Clinton sent a letter. Also Theodore Sly, Orange County Historian also sent a letter regarding the program.

Informational-Village Manager's Report

Manager Politi indicated that the department head reports are in the packets. He also mentioned that he also met with a representative from Selective Insurance Risk Management.

Deputy Mayor Matise stated that there was a hold harmless plan.

Manager Politi stated that the skate board park is closed right now so they will be putting that together.

Board Comments

Deputy Mayor Matise stated that on South Montgomery Street there are two depressions in the pavement where cuts were made to go into the Beazer Developments. They should be patched. Also, she has two sight distance issues, corner of Route 208 and Route 52 by the McKinley Monument, the bushes are blocking your sight and at the

intersection of Church Street and the post office parking lot, a lower car should park in the last space.

Trustee Norman stated that the tree lighting is December 7th in the square. She would also like the parking problem on Albany Avenue on the work session agenda. She would also like kennels on the next agenda.

Mayor Pearson stated that she would like demolition on the agenda too.

Trustee DeJesus asked why the ladies application was referred to Orange County, not our local program. He would like an answer by the next meeting.

Trustee Leonard asked for an update of 34 Capron Street.

Manager Politi stated that is a list of items that needs to be done. The owner is trying to correct and it will not be occupied until Mr. Stickles and Mr. Barone are satisfied with the work.

Trustee Leonard asked Mr. Dowd is he's spoken to Mr. Sorensen about what they learned about the townhouse perpetuity.

Mr. Dowd stated that he saw Mr. Sorensen but he didn't discuss anything with him.

Trustee Leonard stated that they learned that the City of New York has been doing this for years and there are examples of this. He has a contact person that will give him examples of various laws.

Manager Politi stated that everywhere they talked about they were able to use it successfully.

Trustee Leonard reminded the Board about the dinner on Sunday, December 4, 2006 at Lakeview House.

Mayor Pearson stated that she asked the manager to compile the numbers on how much the Village has spent on the water meters.

Mayor Pearson asked if the money from the County for the well is safe.

Manager Politi stated that he's been talking to Tom Lane, Director of Community Development. What they were waiting on which gives us time was that we have the approvals, which we have now. There is a meeting tomorrow or Thursday night and they will be able to give the Village an extension.

Deputy Mayor Maise asked if the Village had to get an extension on the EPA grant.

Manager Politi stated that they did extend that out.

Mayor Pearson asked about the clean up on Lafayette Street.

Manager Politi stated that he will find that out.

Mayor Pearson stated that the Village always seems to use the same person to cutgrass, how we pick who does what.

Manager Politi stated that you pick your contractor and then it goes by availability.

Mayor Pearson stated that the cleaning of the bar screen price has gone up. Is that the only company that cleans that.

Manager Politi stated that they respond on a regular basis in a confined space. After the work on the Tinbrook pump station that will change.

Mayor Pearson asked about the aerobics class.

Manager Politi stated that there is a very good turnout.

Mayor Pearson asked about the fire hydrant markers.

Manager Politi stated that they've been putting them out and when there is more money in the budget they will put more out.

Mayor Pearson stated that someone told her that the Oak Street parking lot nothing has been done.

Anthony Lamendola, DPW Supervisor stated that they did that parking lot today.

Mayor Pearson asked about putting more lights in the Oak Street parking lot.

Manager Politi stated when the time is right to rebuild it they will put more lights in.

154 West Main Street

Trustee Leonard moved to give Mr. until December 4th, 2006 to remove the vehicle at 154 Main Street. Seconded by Trustee DeJesus. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk