

**Village of Walden  
Board of Trustees Meeting  
December 12, 2006**

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

On roll call the following were:

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

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

**Approval of Minutes**

Deputy Mayor Matisse moved to adopt the minutes of November 28<sup>th</sup>, 2006 with the following corrections: Page 2, 10<sup>th</sup> paragraph, change Manager Politi started to Manager Politi stated; Page 3, 7<sup>th</sup> paragraph change to, Mr. Sorensen advised the manager that the other municipalities he's working with have nothing to do with affordable housing so the benefit is coming back to the Village; 10 paragraph, 1<sup>st</sup> sentence change under take to undertake; 4<sup>th</sup> sentence change to It specifically authorizes the issuance of temporary certificates of occupancy, this has always been a cloudy issue as to whether you can or cannot issue them, 6<sup>th</sup> sentence, change to, It points out what you need building permits, certificates of occupancy and certificates of compliance for; page 4, 10<sup>th</sup> paragraph, second sentence, change is to are; Page 5, omit 12<sup>th</sup> paragraph, 17<sup>th</sup> paragraph change he to it; Page 7, 3<sup>rd</sup> paragraph, change from to form and safety to safe; 8<sup>th</sup> paragraph, change last sentence to He suggested that the Building inspector should come up with a list so we don't build traps for our residents; Page 8, 10<sup>th</sup> paragraph, change change to changed; Page 11, 2<sup>nd</sup> paragraph, change rider ship to ridership and Brinker to Brinkerhoff; 6<sup>th</sup> paragraph, change rider ship to ridership, 8<sup>th</sup> paragraph, change side yard to rail siding; Page 14, 1<sup>st</sup> paragraph, change minimize to minimus; Page 19, 9<sup>th</sup> paragraph change birm to berm. Seconded by Trustee Leonard. All ayes. Minutes adopted.

**Public Portion**

There were no comments from the public.

## **Audited Bills**

Trustee Hurd moved to pay the audited bills of December 12, 2006. Seconded by Trustee DeJesus.

Deputy Mayor Matise asked about Alan Sorensen's bill for an information packet to be sent to a prospective developer, any idea of what type of business, what type of developer.

Manager Politi stated that is confidential information and he will speak to the Board about it.

Deputy Mayor Matise asked if the Board was going to see a copy of the Maximus report.

Manager Politi stated that he will get a copy to the Board.

Deputy Mayor Matise asked when will the Board be meeting with Nugent and Haeussler and will they see the report first.

Manager Politi indicated that he would like to circulate the report first and then make an appointment with Nugent and Haeussler.

Deputy Mayor Matise asked about the bill for the Bond Anticipation Note, what is it for.

Manager Politi stated that it is for the well.

Deputy Mayor Matise asked what the bill for the insert of the Orange County Chamber of Commerce Newsletter was.

Manager Politi stated that it's for the soap box derby and for joining the chamber.

Deputy Mayor Matise asked if they could do this for the Farmers' Market in the spring.

Manager Politi stated that should be a local mailing.

Deputy Mayor Matise asked what does the Village get for the New York Planning Federation membership.

Manager Politi stated that we get their publication which has a lot of information as well as the networking.

Deputy Mayor Matise asked if this information is directed to the Planning Board.

Manager Politi stated yes.

On roll call Trustees Wynkoop, Norman, Hurd, DeJesus, Leonard and Deputy Mayor Matise voted yes. Mayor Pearson stated that she is in favor of the bills that she signed. Motion carried.

### **Col. Bradley Proclamation**

Manager Politi indicated that Deputy Mayor Matise is going to work on the wording for the proclamation.

### **Orange County Land Trust Resolution Funding the Waterfront Park Boardwalk**

Manager Politi explained that as part of the next phase of the water front park at the end of Pine and Maple Streets one of the concepts within that whole park system was a boardwalk that would extend from Maple Street through to Rifton Place. This is a matching grant, the county will purchase the materials and the Village will install. The match will be in kind services.

Deputy Mayor Matise moved to adopt the Resolution Authorizing the Village Manager to Accept a \$6,000 Matching Grant from the Orange County Land Trustee for the Maple Street Waterfront Park, (attached). Seconded by Trustee DeJesus. All ayes. Resolution carried.

### **Central Hudson Presentation**

Steve Berger, Division Manager at Central Hudson introduced John Surgin, Corporate Communications, Mike Quinn, Transmission Planning and Carl Strobel, Team Leader on this project and Environmental Engineer.

Mr. Burger further stated that they plan to reconstruct an existing 69,000 volt transmission line that they currently have which runs through Walden. This line originates at the East Walden sub station, runs along Lake Osiris Road to the Tinbrook, along Highland Avenue to Wooster Grove. This runs through a pretty heavily and dense residential area. This line was constructed in the 20's and 30's and its wood construction. The intent for rebuilding this line is because of its age. The first phase would be to reconstruct the line from the East Walden sub station 3.3 miles just south of Walden across Route 52. The other piece of this which is still part of Phase I has nothing to do with the Village of Walden. This starts at the Maybrook sub station and terminates at Rock Tavern. They've had a number of meetings with municipal officials and he has spoken to the Village Manager several times.

Carl Strobel explained the background of the program. He also stated that the poles will be Core 10 steel poles which is one option they will be considering.

Mr. Sebring asked if the right of way width was going to be the same.

Mr. Strobel explained that what they have in many instances are pole rights where there is no defined right of way for the existing line. Over the years in order to manage vegetation on this line, which is a hindrance to them and they would have limited rights to be able to manage and maintain and take care of the line. That's one of the other reasons they are looking at an alternate route. What they have been doing over the last six to nine months is studying alternatives because the existing route is not compatible with the community as it exists today. They have a consultant on board helping them out with environmental reviews. Since May of this year they have been looking at alternative routing. The corridor that comes out of East Walden goes south. There are two lines there, a 345 kb line and a 115 kb line. Central Hudson owns a good chunk of the land that those lines are on. It seemed like a logical alternative to start at the east Walden sub station and head straight down and utilize as much of the existing corridor as possible. They looked at following the rail bed.

Deputy Mayor Matise asked if they were going through Olley Park.

Mr. Strobel stated that the actual route would go into Crist Orchard and follow the border between Crist and the cemetery and through the Big Apple Circus property over to Edmunds Lane and come out to Elm Street.

Mayor Pearson asked if they have a list of properties that the line will go through.

Mr. Strobel stated yes, for the existing route and the alternate route.

Mayor Pearson asked for a copy of the list.

Mr. Berger stated that Central Hudson is planning on having an open house to discuss the entire project. They would like to hold one at the Village Hall and one at the Town Hall. They will be publicizing the meetings and sending letters of invitation to all property owners along the line as well as the property owners along the alternate routes. They would like to have the meetings January 17<sup>th</sup> or 18<sup>th</sup>.

Mr. Strobel stated that they have spent the last six months, not just doing the environmental reviews, but meeting with property owners. The line crosses Coldenham Road and behind Truffa. They prefer to cross Elm Street across Coldenham Road and back in behind the south of Truffa Seed and joins, the existing line on the railroad tracks.

Deputy Mayor Matise asked how this plays into the fact that the Village is anticipating a big townhouse development.

Mr. Strobel stated that's further east.

Trustee Leonard asked for Mr. Strobel to explain the other connectors.

Trustee DeJesus stated that connector D goes through the property where the townhouses are going to be built.

Mr. Strobel stated that a transmission line is a little different than a distribution line in that you have to establish a right of way. With the distribution line its 10 feet where with the transmission line its 25 feet. They are very sensitive to running down a roadway if there are houses too close to the side of the road.

Deputy Mayor Matisse asked if Central Hudson has talked to the Big Apple Circus and how they felt about this.

Mr. Strobel stated that they have talked to the Big Apple Circus and they are amenable.

Mr. Strobel further stated that in their evaluation their criteria is that they minimize the impact of the community and minimize the impact of the number of residences, avoid the takings of residential dwellings. One base line option would be to rebuild the line as existing configuration. If they did that it would mean to acquire 100 feet or 50 feet of right of way and require the taking of numerous houses along the route.

Deputy Mayor Matisse asked how intrusive would the line that runs through the Crist property be to the park.

Mr. Strobel stated that it's not. That is why they like that route.

Trustee DeJesus stated that the one concern is connector D because of the townhouses being built.

Mr. Strobel stated these are all routes that have thrown out on the table and evaluated and once everything is thrown in the soup and stirred and say what really makes sense and for one reason or another they've tended to throw out some of these other routes. What they are trying to do is to gather everybody's input as much as possible and in the end come up with a route that is going to make as many people happy or as the most sense for the community at large realizing not everyone is going to be happy.

Mr. Berger stated that the consultant had conversations with Mr. Stickles and Mr. Dowd and it's his understanding that there wouldn't be any requirement for permits or site plan approval.

Trustee Hurd stated that it looks like Option C runs the shortest distance and is tucked in the best and works the best.

Mayor Pearson stated that it's the least obtrusive to any real property. She also asked if they would be paying an easement fee.

Mr. Berger stated that they would be looking to acquire the right of way if people wanted to sell the property. Otherwise they would acquire an easement.

Trustee Hurd stated that if they were forced to take the property they would essentially destroy the value of the properties, because they would be so tight up to the road.

Mr. Berger stated that from an electric standard perspective there are several houses that are close enough to the road that it might require the taking of the house. They are trying to avoid that.

Trustee Leonard asked what's required for the right of way for a 69 kb.

Mr. Strobel stated that what they prefer to have 100 feet. They can get by with 50 feet.

Mr. Strobel also stated that they are trying to bring this line up to current standards in response to the PSC order which requires that a right of way be obtained where it doesn't really exist. As far as trimming that they maintain adequate clearances.

Mayor Pearson asked what would be required for trimming in the right of way.

Mr. Strobel stated 100 feet.

Deputy Mayor Matise indicated that if the line goes along the Crist land bordering on Olley Park and also Big Apple bordering on Olley Park you're dealing with a parkland issue.

Mr. Strobel stated that they wouldn't be on park property.

Trustee Leonard asked about magnetic fields.

Mr. Berger stated that with all the studies nothing has come back conclusively to state that magnetic fields cause any ill health effects. He also indicated that the right of way is not dependent on the strength of the magnetic field.

The public meeting was set for January 18<sup>th</sup>, 2007 from 6-8pm.

### **R.J. Smith Presentation**

Deputy Mayor Matise stated that Mr. Smith could still do multiple unit development on this property as an R3 with a special exception use permit from the Planning Board. The R3 gives him and the Village more flexibility and more control over the property. He said he was perfectly happy to accept that.

Mayor Pearson stated that single family was the way she would go. She keeps hearing that our sewer capacity and water is fine, but you're talking many more units which would be more taxing on our sewer plant.

Trustee Hurd stated that the reason we've done the townhouse rezoning is to get affordable housing.

Deputy Mayor Matisse stated that you're going to have it.

Trustee Hurd stated that we'd get more townhouse units and as a percentage we'd get more affordable ones.

Deputy Mayor Matisse stated that you could do planned unit development and the whole thing could be affordable housing, not just 10%.

Trustee DeJesus stated that a planned unit development is not for single homes.

Deputy Mayor Matisse stated that he could do attached units.

Trustee DeJesus stated yes, that's townhouse looking.

Mr. Dowd stated that you don't have PUD's in the zoning code. He asked if Mr. Sorensen has seen Mr. Smith's proposal.

Manager Politi stated yes.

Trustee DeJesus stated that he would like to hear Mr. Sorensen's comments, but he is leaning toward R3.

Deputy Mayor Matisse stated that if that becomes R3 that would be a buffer for the other houses that are R3 along there.

It was the consensus of the Board to wait until they hear Mr. Sorensen's comments.

### **Townhouse Law**

Mayor Pearson stated that the last time the Board discussed this they were discussing which lots were really part of the townhouse zoning. She would like to see the lots on a map.

Manager Politi suggested Mr. Sorensen be at the next meeting.

Trustee DeJesus stated that if the Board decides at the next meeting that they are going to do townhouse then it should all be included so it doesn't have to be revisited.

Mayor Pearson stated she doesn't want to hold up the townhouse law that has been going on for a year in the process to this one piece of property that we may have many discussions on; it may not be settled as soon as the townhouse law can be settled.

Mr. Dowd stated that he thinks the issue of what is best for this property is somewhat of a planning decision and the Board will make the ultimate decision, but he thinks they would want to hear from their planner.

Mayor Pearson stated that in the old townhouse law it had said, in no case shall off street parking be provided in the front yard and the new version says nothing about that. She wanted to know why it was taken out. She feels it should be left in there.

Mr. Dowd stated that they are talking about the entire area between the building and the road. What happened is because some of these may not have garages you can't say you can't park in the front yard.

Trustee DeJesus stated that they need to have a driveway. The issue is you don't park on the grass.

Mr. Dowd stated that each unit is required to have two off street parking spaces on each townhouse lot or within a common parking area. The only place they could park would be in their front yard.

Deputy Mayor Matise stated that the other issue is if they have a double wide driveway you're not going to have much on street parking available because everything will be driveway. You will need parking for visitors.

Mr. Dowd stated that is what the common parking area is for.

Mayor Pearson asked about fees for recreation.

Mr. Dowd stated that there is a separate law that requires new residential units to provide recreation fees.

Deputy Mayor Matise asked about the point system and if people meeting a certain level or is it just if five people apply then it's the highest to the lowest and that sets the priority.

Mr. Dowd indicated that it's priority.

Trustee Leonard asked if there was consideration for a small business owner. If someone is a resident and small business owner they should get something.

Trustee Hurd stated that you could run into a problem with the small business owner who could say I'm a baseball card trader and have the business in their home.



## Demolition Law Review

Mayor Pearson stated that she wanted to just open this open for discussion. There was a house torn down recently and it was old, possibly historic and some of the people in the historical society were concerned because they could not get in and log it so they know that piece of property was there, for history purposes down the road. The owner did let them in but it was right before they were going to demolish it. She suggested a cooling off period from the time you get a demolition permit to the time they can tear it down, so historic buildings can be looked at and logged and photographed so the history is left with the Village of Walden.

Trustee Hurd asked why the Historical Society wouldn't want to document historic homes now.

Trustee DeJesus stated that if he had a house that was historic in nature wouldn't it be up to him to let them into his house he wouldn't want the Village to legislate anybody to come into his house to take pictures.

Mayor Pearson stated that the home was vacant.

Manager Politi stated that you have seven business days in the code now.

Mayor Pearson stated she's not saying they can't tear it down, its record keeping.

Deputy Mayor Matise stated that if Mr. Millspaugh would like to have gotten some of the glass from the house that was torn down for the Jacob T. Walden house and it didn't give anyone else a chance to go to the owner and make offers on some of the things in there.

Trustee DeJesus asked how that is our role to say we want to make sure you have this stuff to sell to the public. That is not something he wants to see the Village legislate that you stop demolition of your building because there are people interested in buying things.

Deputy Mayor Matise stated that wouldn't be stopping it.

Trustee Hurd suggested the building inspector notify the Historical Society when he gets a permit for demotion. That would be policy.

Ms. Isaksen stated that she feels we owe it to our community to record as much as we can of the historic buildings to have an understanding of what was there and what was part of the industrial development.

Mr. Millspaugh stated that house had many salvageable items but there wasn't the time to do that. The owner should be asked what his designs are. That question should be part of the application.

Trustee Leonard asked if the seven days was sufficient and have the building inspector contact someone, would that be okay.

Mayor Pearson stated that if there is a procedure that if it's anything over 100 years old has to be documented before it's torn down then that is the law. It helps the historic society and helps preserve history of the Village of Walden. That can be a law as opposed to a policy.

Trustee DeJesus stated that they come to this board as a reaction to something; it's never a thought through discussion as to what should be done on a long term basis. We're reacting to the demolition of a house.

Mayor Pearson stated that this all started with the talk about the demolition of the Methodist Church.

Trustee Leonard asked that this be tabled.

Mayor Pearson asked the Board to give this some thought.

Manager Politi asked the Board that if he gets a demolition permit can he notify the Historical Society.

It was the consensus of the Board to allow the manager to notify the Historical Society when he gets demolition permits.

Deputy Mayor Matise stated that the terminology about rotting, corroding or decaying is not in Chapter 63A; she asked if an amendment could be done to incorporate that terminology into Chapter 63A.

Mayor Person stated that it doesn't talk about tree protection in demolition and she would like that added.

Ms. Isaksen asked to be advised when this is on the agenda again.

### **Executive Session**

Deputy Mayor Matise moved to hold an Executive Session pursuant to 105-(e), Police Negotiations, of the Public Officers Law. Seconded by Trustee Leonard. All ayes. Motion carried.

Deputy Mayor Matise moved to reconvene the regular meeting. Seconded by Trustee Leonard. All ayes. Meeting reconvened.

### **Vehicle Use Policy**

Trustee DeJesus moved to adopt the Vehicle Use Policy. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Correspondence**

Mayor Pearson stated that she received a letter from Mr. Steinberg, Schoonmaker Homes. She attended the Planning Board meeting and Mr. Steinberg was there.

Mr. Dowd indicated that he sent Mr. Steinberg a letter stating that he has to give him certain paper work and a letter of credit in order for the Village to take the road. Right now he doesn't have the paper work and he advised Mr. Steinberg to get the paper work to him for the January 9<sup>th</sup> meeting.

Mayor Pearson stated that she received correspondence from Time Warner Cable about the rate changes effective January 1<sup>st</sup>, 2007.

Trustee DeJesus stated that he's going to look into other cable companies.

Mayor Pearson stated that she received a letter from Mr. Jacobowitz regarding the holiday decorations gracing the streets.

Mayor Person also received a letter from Eddie Diana regarding the Port Authorities who is presently discussing the potential acquisition of Stewart International Airport. A draft resolution was included for the Board to consider.

Trustee DeJesus moved to adopt the resolution regarding the potential acquisition of Stewart International Airport. Seconded by Trustee Norman. All ayes. Resolution adopted.

### **Village Manager Reports**

Manager Politi stated that Mr. Sloboda owns property across from the well field on Route 52 and he would like permission to tap into our water system. He will be sending a letter requesting this.

Deputy Mayor Matise stated that it's also the septic. The Village sewer line does not run out there.

Manager Politi stated that another representative of Aflac has approached him and would like permission to approach the Board.

Trustee DeJesus stated that she doesn't need permission to come visit the employees. The manager could permit her to approach the employees. She doesn't need to come before the Board.

Trustee Hurd stated those policies are very limited in their scope; they are mostly indemnity policies that would pay for a number of days in a hospital. It's very expensive.

Mayor Pearson stated that she doesn't mind the representative coming to the Village as long as it doesn't become some part of a union negotiation along the line.

### **Board Comments**

Trustee Leonard stated that Beazer Homes did some blasting the other day and they hired a firm from New Paltz who went around the neighborhood noticing the people.

Trustee DeJesus indicated that he gave a list of concerns to the Village Manager.

Trustee Norman stated that the Fire Chief approached her regarding fire hydrants who told her that he spoke to the DPW Superintendent and they still haven't been done.

Manager Politi indicated that he was given a list of hydrants that need to be replaced and fixed. They will also be putting in adapters. They have also ordered hydrant flags.

Trustee Norman stated that she has received complaints about the garbage company because they are throwing the cans in the road.

Trustee Wynkoop stated that there are a couple of storm sewers on Capron Street and Oak Street that aren't working properly.

Deputy Mayor Matise stated that she mentioned the sight problem with the bushes by the McKinley Monument, but they didn't come up with a consensus of what to do.

Manager Politi stated that he will have them cut back.

Mayor Pearson asked about the wall.

Manager Politi stated that he already discussed this with the Mayor.

Deputy Mayor Matise asked that all the new policies be compiled in a booklet. She also stated that she was in the parking lot and she asked to go in the back door of the doctor's office, it is disgusting in that corner of the parking lot. She asked that the owners be cited.

Manager Politi stated that they've been cited and they clean it up and then it gets disgusting again.

Deputy Mayor Matise stated that she is wondering when will the Board be working with the auditor and whether there will be information to work into GASB. She

asked if the Board will meet with them regarding the last audit before the next audit comes out.

Manager Politi stated they can meet if the Board wants to.

Mayor Pearson asked if the letter went to Mr. Katonah to come back to the Planning Board.

Manager Politi stated that he will find out.

Mayor Pearson asked about the agreement with Beazer about the work on the rail trail.

Manager Politi stated that Beazer is supposed to be lining up the tree work. He does have an agreement.

Mayor Pearson asked for a copy of the agreement before the work starts.

Manager Politi stated that he will be reserving comment on what is being developed between John Valk and the State.

Trustee DeJesus stated this is not moving and we have a lot of money committed to this and in kind contributions which they looked for and yet the State is dragging their feet.

Manager Politi stated that by the time you find the funding and get back into the contract you've lost the ability because this is winter work.

Mayor Pearson stated that on Page 2 of the minutes it talked about someone with a water meter and the bill tripled and he thanked the manager for taking care of the issue. She remembers having a problem with her water bill and she had to come before the Board in order to get any of that addressed. She asked if that is still a policy.

Manager Politi stated that when you have an outside reader and an inside reader there is a conflict sometimes between those two and it's the meter in the house that matters. This one is throwing a large number out and it's not accurate with the inside meter and we are finding this when we go into change them.

Mr. Dowd indicated that when there needs to be a refund on a water bill that has to come before the Board.

Mayor Pearson stated that if it was \$300.00 and it was on that inside meter then why would we have to pay for that because you're using the inside meter anyway. She would like to know which ones were adjusted the inside or outside meters.

## **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk