

**Village of Walden  
Board of Trustees Meeting  
March 27, 2007**

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 Matisse
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Edmond Leonard

Absent:	Trustee	Jose DeJesus
---------	---------	--------------

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

**Approval of Minutes**

Deputy Mayor Mary Ellen Matisse moved to adopt the minutes of March 13<sup>th</sup>, 2007. Seconded by Trustee Leonard. All ayes. Minutes adopted.

**Presentation-Keith Hunter, Hunter Insurance**

Keith Hunter, Hunter Insurance advised the board that when the board allowed him to service the account for the village it came with promises from him to improve the overall risk management procedures of the village. They started that process by having the loss control engineer from Selective Insurance Company visit the village and the village manager and himself took him on a tour of the village's facilities. They also visited the skate park. Mr. Hunter received an email from the loss control engineer a month later saying that he had no recommendations to improve any of the sites that he visited. They are in an on going mission to tighten insurance requirements from the contractors that the village hires. It's important to know that the contractors the village hires that their employees are covered by workers compensation. They are looking to improve the hold harmless wording and the insurance requirements to protect the village and to make sure we are not hiring someone that could make a claim on our workers compensation policy. They have also been working towards the skate park compliance. The insurance carrier has a set of rules that they want the village to comply with in order for them to be cooperative in settling claims. One of the other problems was to provide accurate policy management. They have come up with a less cumbersome billing system with the clerk and treasurer. He has also conducted a defensive driving class. The

insurance carrier has agreed, based on the things they are doing, to renew the village's policy with a minimum of a 5% reduction over last years rates. The village's loss ratio is on the decline which will result in further insurance reductions in the future. There were four claims this year which were automobile claims. The loss ratio this year is around 8%.

Mr. Hunter also advised the board that the Walden Rotary Club is looking to put together a program that would give the defensive driving class to all Valley Central High School students that hold a valid drivers license. They are also interested in doing a community service project by having a skate park safety awareness day. He will also be looking to hold a dedication concert show for the Rail Trail Theatre at Wooster Grove. The dates are still tentative.

Mayor Pearson asked Mr. Hunter what the time frame was for the contractors.

Mr. Hunter indicated that he doesn't have one, but he would like to do it as soon as possible.

Deputy Mayor Matise stated that she has a concern about the issue with if there is a vehicle accident and one of our employees gets injured and comp won't cover, what can we offer them.

Manager Politi stated that there hasn't been an issue to date.

Mr. Hunter stated that if the accident is between 8am and 5pm he doesn't think there could be any contest against the workers comp claim. In 20 years he hasn't seen a workers comp claim denied.

Deputy Mayor Matise asked what if they take the vehicle home.

Mr. Hunter stated that if a person is not acting as an employee and they are occupying a village owned vehicle they would have recourse to sue the village.

Deputy Mayor Matise stated that she thought you couldn't sue your employer that is the purpose of workers comp.

Mr. Hunter stated that one point about automobile insurance in the State of New York is that as long as the vehicle is used with permission, anyone can drive one of the village's vehicles. If you were to let a 10 year old child drive a dump truck and he plowed into a building our insurance would pay for it. You don't need a valid license to trigger liability, no fault or any other coverage's. The only exception would be if you were intoxicated.

Deputy Mayor Matise asked Mr. Hunter if he had a copy of the vehicle use policy that the board adopted.

Mr. Hunter stated that he doesn't and he really doesn't need a copy.

### **Public Comment**

Luke Muehlin stated that he has complied with the garbage ordinance and he has paid his garbage bill with penalty, he asked if anyone else was going to comply. He doesn't know what is going on, he didn't ask for special treatment he just asked for equal treatment. He wrote a certain person a letter and he totally ignored it. It's being looked into and now it's an emergency.

John Muehlin, 22 Alfred Place stated that two weeks ago he was here and the next day he filed a FOIL request and today he came to the office to pick it up and he was told that Jim doesn't have it ready yet. He asked what the village manager has to do with information that is supposed to be public.

Mayor Pearson asked Mr. Muehlin what date he put the request in.

Mr. Muehlin stated that it was the day after the last board meeting.

Mayor Pearson asked the manager for a reason why.

Manager Politi stated that he is still looking for it.

Mayor Pearson asked if it's the same information they have been looking for.

Manager Politi stated yes.

Mayor Pearson asked if the village would notify someone that we are looking for it.

Manager Politi stated that when he finds it he will let him know we found it. Mr. Muehlin stops in the office often, so there is contact.

Mayor Pearson stated that he shouldn't have to. It's the courtesy of getting back to someone if you haven't found it.

### **Audited Bills**

Trustee Leonard moved to pay the audited bills of March 27, 2007. Seconded by Trustee Hurd.

Mayor Pearson asked about the bill for a soap box derby car kit for \$7389.00.

Manager Politi stated that people purchase the kits through the village, it's a pass through.

Deputy Mayor Matisse asked how many kits.

Manager Politi stated 13.

Mayor Pearson asked about the bill for evaluation consultants, Delong Lane and Walors Auto Repair.

Manager Politi stated that Delong is the work on the well property and Walors is for the Mx zone property we were interested in.

Mayor Pearson stated that she didn't know about that.

Manager Politi stated that he explained it to her two or three times.

Mayor Pearson asked about the bill from Stantec for the Edmunds Lane project.

Manager Politi stated that there was a question that had to be researched regarding the properties coming back to the planning board.

All ayes. Motion carried.

### **Easter Services**

There was a request from Reverend VanHouten to hold sun rise services on April 8<sup>th</sup> from 7am to 7:30am in the Municipal Square.

Trustee Norman moved to permit sun rise service. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

### **Proposed Townhouse Law**

Mayor Pearson stated that she put this back on the agenda because the person that was suppose to get back to the board with a site plan hasn't been back in over a month so she felt its time to move forward. There was an issue of the style of townhouse building that they were talking about. She doesn't know if the board really needs to worry about the design of it. She thinks the design is going to be coming and that is what the end of their discussion was. At the end of the last meeting when they discussed this was that it was like a site plan approval which they don't even know if that person will be building on that piece of property or if he's going to sell it or if he's going to build at all. She feels what is already in the law suffices for what would be build there.

Trustee Hurd stated that he thinks there is just one exception. He asked if the manager had some information on that, only because regulations as written now would preclude it because it would require front and rear lawn, it would preclude back to back design. He was hoping the principal would get back to the board because they were

going to do some elevations and preliminary site to give the board an idea of what they were talking about in terms of increasing affordability.

Deputy Mayor Matise stated that's a planning board issue.

Mayor Pearson stated that the back to back does not have a back yard, so you're giving up the back yard. You would have to change the whole law to say you don't care if you have a back yard or not.

Trustee Hurd stated that if the board wishes to entertain that idea then this law would have to be modified.

Mr. Dowd stated that Mr. Sorensen talked to Mr. Jacobowitz and he believes the plan was taking shape to show the units they are talking about. There is also a letter from Mr. Jacobowitz showing some inconsistencies in the law, which will be clarified. They were talking about the affordability issue, whether they should raise that from 125% above median to 140% of median income. Mr. Sorensen stated that he needs some guidance from the board as to what they want to do with the affordability issue, leave it where it was or increase it.

Trustee Hurd asked if Mr. Dowd knew when the board would receive the information.

Mr. Dowd stated that the plan is almost ready for presentation to this board by the owner. He doesn't know what is holding this up. There were issues he was going to discuss with Mr. Sorensen who will discuss them with the board.

Mayor Pearson stated that she is looking at a big square of eight units sitting on top of a hill. She is trying to get a visual concept of what the back to backs will look like.

Trustee Hurd stated that the original concept was that in the lower portion of the site, where it was level, they were looking at.

Mayor Pearson asked, who says that is going to happen. You can't designate in the law that only in the lower portion of the property can you put these units.

Trustee Hurd stated that maybe the board will decide that they don't want any back to backs.

Mayor Pearson stated that she is still in favor of front yard and back yard. That would eliminate your back to backs.

Trustee Hurd stated that he is saying that the only advantage he saw for the back to backs was that it might give increased affordability. If they can be built for less they can be sold for less. He likes the front and back yards also. It would be in the board's best interest to hear a proposal.

Trustee Wynkoop indicated that he agrees with Trustee Hurd. He would like to see the concept.

Mayor Pearson stated that he may never use that plan. It's not even a concept.

Deputy Mayor Matise asked if Mr. Jacobowitz ever described how the land ownership would be assigned in back to back.

Mr. Dowd stated that everyone would own the unit and the land underneath it and they would all have front yards.

Deputy Mayor Matise asked if they would own the front yard.

Mr. Dowd stated yes.

Deputy Mayor Matise asked how that would be defined.

Mayor Pearson stated that is what you would have to change in the law.

Mr. Dowd indicated that you would have no rear yard and you would have no side yard.

Deputy Mayor Matise asked what the front yard would consist of.

Trustee Hurd stated that it would be dimensional.

Mr. Dowd stated that it would be thirty feet from the face of the building out, from unit to unit.

Mayor Pearson stated that the affordability comes in because you are owning less property.

Trustee Wynkoop stated no, it's cheaper to build.

Trustee Leonard stated that he wanted to raise another tier, we said 101 median family to 120 and he wanted to go 121 to 140. You get into a lot of money when you get into 121 to 140.

Trustee Hurd stated that going higher for us is bad for what we're looking for.

Deputy Mayor Matise stated if he's going to go higher why doesn't he do regular front and back yard townhouses.

Trustee Hurd stated because that is not what we want, we want 20% of those units for first time homeowners who want to get a start.

Deputy Mayor Matise stated that they went through that whole thing with Mr. Sorensen about how many units would be back to back, what number of the units.

Trustee Hurd stated that the board can decide that.

Deputy Mayor Matise stated that the board said at that time that they didn't want all the affordable units to be back to back units.

Trustee Hurd stated that the way he understood it was a back to back cost less per unit, therefore if 20% of the back to back units were affordable they could be less money. The board may decide that aesthetically that they would like all of them to be front and back. He would feel better about the back to back if they were closer to the village so people could walk to town, but out on Coldenham Road it means they will have to drive which means the cars are not going to be in the driveways, because there won't be driveways.

Mayor Pearson stated that there will be additional parking spaces because they don't have parking in their units; you have to create more parking spaces which means more asphalt and less green.

Trustee Leonard stated that Mr. Jacobowitz referred to a complex in Middletown which was high end units and he also referred to high ceilings. He feels Mr. Jacobowitz is looking for high end units to sell as high end units. He would like to keep the low end affordable.

Deputy Mayor Matise asked if anyone went to look at the other place on Lakes Road.

Trustee Norman stated that she wants affordability.

Trustee Wynkoop stated that he would like to see a site plan.

Mr. Dowd informed the board that they can put in the law that a percentage of the project can be back to back and he doesn't think Mr. Jacobowitz is arguing that. He is also looking to have sidewalks on one side of the street. There are two main issues, one is the back to back concept and two do you want him to stretch the affordability ratios up to 135 or 140 of median income.

Mayor Pearson stated that she knows what direction she wants to go in.

Mr. Dowd stated that if the board would like him to contact Mr. Jacobowitz he will contact him tomorrow and invite him to the next meeting and have him bring whatever site plan or sketch he has. This board wants to make sure that the law they pass that the planning board is going to administer gives them enough guidance and

parameters as to what could be built on that hill on that property. As far as the particular locations of every building or every street, no that is not what the board wants to get into.

Trustee Hurd stated that Mr. Jacobowitz needs to get a certain number of units in order to make the project viable. The more units enhance the profit and return on investment. Even if the board says they don't like the back to backs and they want to keep the traditional style townhouse, but we also have other criteria such as horizontal separation and if he has certain setups he might be able to say if in four instances instead of having 35 feet I can have 30 feet I can get an additional five units, for example. That might be something the board might want to look at. It would keep our fundamental design and ideas in terms of separation and space and allow the builder to make a reasonable profit.

Trustee Leonard stated that Mr. Jacobowitz is going to sell this property, so what we do has to be rock solid legally for whoever buys it. We should get more input from Mr. Jacobowitz because he's the single stakeholder. He's in favor of bringing him back.

Mayor Pearson stated that it's been a year and a half, we need to move forward.

Trustee Hurd stated that he'd like Mr. Jacobowitz back.

Trustees Wynkoop and Norman stated that she also would like him back.

Deputy Mayor Matisse shrugged her shoulders.

### **Proposed Café Seating Law**

Trustee Norman stated that she is for it.

Mayor Pearson stated she is too. She also stated that the hours were changed.

Mr. Dowd stated that he kept the law we have on the books as is, but then had to change the definition to allow them on public sidewalks and to change those sections of the law the board has before them to accommodate sidewalk cafes such as the fee and other requirements.

Mayor Pearson stated that under Section 4, 148-d, annual fee for processing an application will be \$100.00, but it doesn't say when.

Mr. Dowd stated that it will correspond with the date their application is filed.

Deputy Mayor Matisse suggested it be spelled out on the fee schedule. She asked if it would have to be in the law.

Mr. Dowd indicated that no matter when they apply for it's good until December 31.



Trustee Hurd asked about alcoholic beverages being served.

Mr. Dowd stated that if they are caught selling alcoholic beverages the appropriate thing to do is to pull the application.

Trustee Hurd asked if there has to be a hearing.

Mr. Dowd stated that you have to give the person a chance to appear and explain.

Manager Politi asked if they could suspend it.

Mr. Dowd stated yes.

Trustee Hurd stated that he would like to have the village manager or police chief to be able to pull the application instantly.

Mr. Dowd stated that if an officer, building inspector or code enforcement officer sees someone having an alcoholic beverage on the sidewalk they can issue an immediate violation on the property and bring that before this board.

Deputy Mayor Matise asked about someone bringing their own container.

Mr. Dowd stated that they will be ticketed for open container. If the waiter or owner sees someone bringing their own container and doesn't ask them to remove it then he is in violation of allowing this person to bring his own bottle to the table.

Deputy Mayor Matise stated that the bagel café doesn't serve alcohol at all and so he would apply for his permit and it would be issued because it's not an issue, but then if Dominick's come and applies.

Mr. Dowd stated that if he has the room and meets the other criteria he can get a permit but he has to comply with no alcohol being served.

Trustee Leonard asked how this interacts with the alcoholic beverage control.

Mr. Dowd stated that it's his understanding that if you want to serve alcohol outside you need a special modification of your alcohol permit. The immediate enforcement would be a violation of the open container code.

Deputy Mayor Matise asked if this applies to people who have a café on their own property.

Mr. Dowd stated yes. He also advised the board that this local law has to go to the county for their review which is a thirty day waiting period. The board can have the hearing and if there is no response from the county they can leave the hearing open.

Deputy Mayor Matise introduced Introductory Local Law I-2 of 2007, "Zoning". Seconded by Trustee Hurd. All ayes. Motion carried.

Deputy Mayor Matise moved to hold a public hearing on Introductory Local Law I-2 of 2007, "Zoning" on April 10<sup>th</sup> at 6:30PM. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Review Chapter 85, Waste Collection**

Mayor Pearson stated that one of the issues with waste collection is dumpsters in residential.

The Village Manager stated that he asked the mayor if he could put this on the agenda so that he could ask the board to let him sit with the treasurer, building inspector and attorney to review this law in light of those questions and other questions that were brought up with some of the citizens, so we can see if there is a way for modifications and questions that we can make this work better for the village functionally. He needs time to speak to his group internally.

Mayor Pearson stated that she believes the manager has that ability anyway.

Village Manager Politi stated that the board instructed him two weeks ago to enforce this as is and he's coming back to the board to let him sit with staff and try and find out if they can modify this.

Trustee Hurd asked if the manager is asking for discretionary power.

Manager Politi stated yes.

Mayor Pearson stated that she put this on the agenda so they could get moving forward with it and take the manager in a direction that they want him to go in.

Manager Politi asked the board if there is any concern before he meets with staff.

It was the consensus of the board that the manager look at senior citizens concerns. Another concern was dumpsters.

Trustee Hurd stated that it has to be an agreement that is fair and enforced. His concern is that if there are clear and concise reasons why you need to make an exception then it's okay. What happens a lot of times with exceptions is you start making exceptions and all of a sudden the law doesn't have any meaning.

Trustee Wynkoop stated that this law was made because people didn't have a garbage hauler and were dumping garbage in their front yard.

Mayor Pearson stated that no where in this law does it state that I have to be in your garbage program. The law states commercial properties and we don't collect them garbage at all. So why do I have to take it if commercial properties don't have to take it.

The village manager stated that in Section 85.9 it states that no person shall deposit any garbage, trash, yard waste or other solid waste upon his premises or upon the premises of any other person or in any street, road, alley or public place in the Village of Walden unless the same is placed there for the purpose of removal and disposal by the village or village approved garbage collection system. So that is saying you have to be in the program.

Mayor Pearson asked what if she doesn't put a garbage can out and she takes her garbage somewhere and gets rid of it.

Trustee Wynkoop advised her that she would still pay the quarterly amount.

Mayor Pearson asked where it states that she has to pay that. In the resolution it says the monthly rate of garbage and refuse collection shall be \$17.80 per housing and commercial unit, but we are not charging commercial units, so she is not sure what this is saying. It's no saying that she needs to take the garbage program.

Manager Politi stated that is the whole point of why he wants to review the law with his staff. It was the original intent of the law to have all residents in the program.

Mr. Dowd stated that if you read the legislative intent you'll know why the law was passed. The law says we are going to set rules and regulations for the picking up of garbage. The intent is to have weekly garbage pick up and bulk pick up for the betterment of the village. They then turned around and said no person can put any kind of debris out unless it will be picked up by the village or the villages authorized agency. You then signed a contract and proceeded to enact regulations for residential garbage. The intent was to eventually get to commercial, but we never got there. You can still get into the commercial garbage business.

Trustee Wynkoop stated that he remembers that the company didn't have the necessary dumpsters for commercial properties.

Mayor Pearson stated that she doesn't have a copy of that resolution.

Manager Politi stated that he will try to clarify that more.

Mr. Dowd read the last sentence of the law which states that the Board of Trustees determines that rules and regulations are necessary to provide for the clean, orderly and sanitary means of placing garbage curbside for collection as well as for the safe, efficient and sanitary means of collecting and disposing of same.

Mayor Pearson stated that the wording still isn't clear enough for her to say that is what she should be doing.

Trustee Hurd stated that he believes that if someone took the village to court for this he believes the village would win.

Deputy Mayor Matise stated that the village could establish rules for garbage pick up even if it was private haulers people were contracting with. She suggested that the law state you must use the garbage program.

Mr. Dowd stated that the subsequent resolution to this board setting up the garbage collection system for single family and two family homes was the rules and regulation established policy.

Deputy Mayor Matise asked for a copy of that. She was talking to the manager about garbage collection and when she left the office she saw a huge garbage can overflowing on Walnut Street on Monday and garbage gets picked up on Thursday. In the code it states that you have to have your trash out by 11pm, but there are no guidelines saying that you can't have it out on Monday for Thursday pick up. That has to be in there too.

Trustee Wynkoop suggested the board authorize the manager to look into the garbage collection program.

Mayor Pearson asked what are we looking into, are you even considering residential areas with dumpsters.

Trustee Wynkoop stated yes, we can look at it all.

Manager Politi stated that was a concern that was raised and he would like to explore that. That is one piece of it. Deputy Mayor Matise also brought up concerns. Administratively there is a lot.

Trustee Hurd stated that when he was out talking to people there were complaints about residents leaving their garbage cans on the curb permanently and they don't like looking at that.

Deputy Mayor Matise stated that there are educational issues too, hazmat collections. The garbage company is not going to take computer parts or televisions. They have to be taken to the hazmat center that the county sets up.

Trustee Leonard stated that they also won't take tires.

Mayor Pearson asked that information be put on the calendar.

Manager Politi stated that there is a complaint report from Interstate Waste which is minimal.

Mayor Pearson stated that the deputy mayor talked to the manager about cost saving issues.

Manager Politi stated that she did and he will follow up on them.

Trustee Wynkoop stated that he thinks they should look into giving the seniors a break.

Manager Politi stated that bulk pick up drives the cost up.

Trustee Hurd stated that the problem last time when they discussed giving the seniors a break was that the contract the village negotiated was for a fixed amount and the only way to give them a break was to transfer that cost to non senior residents.

Mayor Pearson suggested the village renegotiate a contract.

Trustee Leonard stated that the board has to be very careful negotiating a new contract because the village did very well in the third year of the contract and we are in the second year right now.

Trustee Hurd asked that the attorney if any of the communities that he works with give seniors a discount.

Mr. Dowd stated not that he is aware of.

Deputy Mayor Matise asked if the board could see this in two weeks.

Manager Politi asked that he be able to speak to the administration to look at the entire law.

Trustee Leonard stated that you have to remember that the tipping fee stays the same.

Deputy Mayor Matise stated that if we change the parameters would be change it from being a fee to being in the taxes.

Trustee Wynkoop stated that it can't be in the taxes because it would we have to go by your evaluation.

Mr. Dowd stated that if they put it in the tax bill then the system has to be open to everybody, commercial and residential and the board didn't want to get into that.

Trustee Hurd stated that also there were a number of properties that were off the tax rolls and it would increase the cost for our residents so the board felt the system they came up with was the fairest and the best.

Mr. Dowd stated that there is probably a way to have the not for profits pay a garbage charge.

Deputy Mayor Matise asked if one board can bind another board.

Mr. Dowd stated that this particular case the property owner appears to think that he has some sort of a waiver and the law does not provide for a waiver. There is a way to rescind it but there is a way to go about rescinding things like that.

Deputy Mayor Matise asked if it's binding on the present board.

Mr. Dowd stated that he doesn't think it is at all, not even authorized by law, what the former manager did. That is something that would come back to this board and say we are going to take away whatever exemption was given to him. The board would make that decision, not the manager.

Deputy Mayor Matise stated that would part of the review.

Mayor Pearson asked what the time frame would be.

Manager Politi stated that he will do it as quickly as he can and he will try to have it by the next meeting.

### **Bradley Assembly Room Dais Construction**

Trustee Leonard stated that he invited Mr. Katonah here to speak to the board regarding the sound problem in the meeting room. The police chief mentioned that if they could put a permanent screen in the room they could use the building for more instruction classes. He presented that board with two pictures of the Town of Newburgh's assembly hall.

Mr. Katonah indicated that his services are gratis to the village. He stated that the solution to this room is to reduce the amount of reflectivity and increase the amount of absorption. One of his suggestions was to reduce the surface area by half and to coat the entire room with acoustical material. This room contains about 1200 square feet of pertinent space about half way up, using the more expensive material you're looking at about \$7,000 to \$8,000 to do that. He has seen where they've put carpet on the wall and it's worked very well. The last solution would be to reduce reflectivity to the ceiling. The arched ceilings contribute to that echo. To do that you would have to install panels.

Trustee Hurd asked about hanging curtains to fit into the décor.

Mr. Katonah stated that you could do that.

Mayor Pearson stated that she likes the idea of curtains, but if it becomes too much they can move the meetings down to the second floor. She also suggested a stronger sound system.

Mr. Katonah stated that distortion is annoying.

Trustee Hurd stated that it is distortion not the volume.

Mr. Katonah stated that if the board used more effort in using an amplified system, microphones to their face, better microphones, and you used an amplified system that you relied on totally, not just with your natural voices and a speaker system that is arranged so it was angled down towards the audience would help.

Trustee Leonard stated that Mr. Katonah suggested they do it in steps and see how much improvement there is with each step, based on how much you want to spend.

Deputy Mayor Matisse suggested they start with the sound system. She can't see padding the walls.

Mr. Katonah suggested covering the walls six feet up and if they are the right color, they fit nicely and they are neat.

Deputy Mayor Matisse asked for pictures.

Mr. Katonah also gave his suggestions on a projection screen and a fixed system. He can put together a sound system package which will be inexpensive and high quality.

Deputy Mayor Matisse requested the sound system be wireless.

Mayor Pearson asked if the screen would connect to the ceiling or hook to the wall.

Mr. Katonah stated that it would be a drop down screen.

Trustee Leonard stated that as far as the dais, what the Town of Newburgh has is very nice. He feels the dais should be two steps, which is fifteen inches.

Manager Politi asked if the board wanted a dais that is fixed.

Trustee Leonard stated that he is for fixed.

Trustee Hurd stated that he would like it to be portable.

Mayor Pearson stated that she is not in favor of putting boards on the walls. It would ruin the character of this room. She asked if they really want to stay in this room for a meeting if sound will be an issue. They could use this room if there was a large crowd. She asked what the cost would be for a wireless sound system.

Mr. Katonah stated that wireless is three times more.

Manager Politi stated that the judge wants to know if the board prefers a fixed or moveable dais.

Deputy Mayor Matise stated that if the dais doesn't come out too far into the room she doesn't mind it being fixed, because where are you going to store it and who is going to move it.

Manager Politi stated that if you had moveable pieces you would have a permanent stage for events.

Mayor Pearson stated that she is not opposed to using the second floor, and then the sound system is there for the planning and zoning board.

Trustee Wynkoop stated that he would like to see a portable dais.

Trustee Hurd and Mayor Pearson were for portable.

Trustee Norman stated that it's okay the way it is.

Mayor Pearson suggested a platform to raise the judge and use the present tables on top of the platform.

Deputy Mayor Matise stated that she would like it in keeping with the nature of the room and the décor of the room. She suggested the village go to the town and ask for some panels from the Beaver Dam Farm.

Mayor Pearson asked the board members to give this some thought and she will have it on the agenda for the next meeting.

Trustee Hurd stated that if the board sat around the table the acoustics would be excellent. The public could still observe their village board in action and hear everything that is going on. He's not sure they need this type of theatre setting for the board's purposes. He's saying a larger table.

### **Public Comments on Discussion Items**

Brenda Adams, Valley Avenue asked if there was a point where the number of units in a home changes it from residential to commercial. Is there a certain number of units that takes it from residential to commercial, in terms of garbage?



Mayor Pearson stated no, it's the zone of the area.

Mr. Dowd explained that you either single family, two family or multi family and you can have a multi family in a business district and that still makes it a multi family without commercial operation. There are also mixtures, commercial on the first floor and residential on second floor. How do you handle those, someone has to collect the garbage for upstairs and your putting commercial garbage in the same cans.

Marcus Millspaugh, Jessup Street asked if there was a catalog for a prefab dais. This is the Bradley Assembly room and the dais should not be permanent.

Chester Tenhagen stated on the outside tables that the village is going to have and they mentioned the code enforcement officer can cite them for different things. Why doesn't the code enforcement officer cite the village, are they exempt. Does the village cite themselves for code violations?

Mayor Pearson stated that she doesn't believe they do.

Manager Politi stated that if we have a code violation it's brought to our attention.

Mr. Tenhagen stated during the election there was an exit blocked. If he gives the village a list of code violations and they had the code enforcement officer look at them will they cite themselves?

Deputy Mayor Matise stated no, we can correct it. That would come under self inspection.

Mayor Pearson asked Mr. Tenhagen to make a list for her.

Mr. Tenhagen indicated that he doesn't have enough paper.

Mr. Tenhagen stated that he doesn't know when the garbage contract comes due, but the village should look into the bulk pick up expense. He's seen people from the outside bringing stuff into the village. Is there a law against it?

Mr. Dowd stated that you're not supposed to bring non village garbage into the village, but you have to catch them and prove it's not village garbage.

Mayor Pearson stated that the village will be looking into that.

Mr. Tenhagen stated that there was a comment tonight, "are you a lawyer", well, I'm not a lawyer and before he sends his reports out to the state he checks the law to make sure its right, so you don't have to be a lawyer to do your job.

Fred Smit, 108 Orchard Street stated that with the proposed townhouse law it appears the board is trying to tailor this particular law for one particular project and that is troublesome. What happens when another developer wants to develop a smaller project? Regarding waste collection, he understands dumpsters have to be screened in residential areas, what about commercial areas that don't use our residential garbage pickup.

Mayor Pearson indicated that they also have to be screened.

Mr. Smit stated that riding around you see dumpsters that are not screened.

Manager Politi stated that the code enforcement officer has ridden through the village and has cited properties that have dumpsters that aren't screened.

Mr. Smit stated that he feels the dais should be permanent. All court rooms and meeting rooms have permanent dais's and it can be done tastefully. He suggested coming out ten feet from the wall. He also suggested quilting decorations be put up to help with the sound problem.

John Steinberg, Schoonmaker Homes addressed the board regarding the tree ordinance in relation to his three lot subdivision on Harvard Drive. He would like to see how he can do this and not affect the price of the homes. His understanding is that he has to prepare a plan and the plan has to show every tree that is eight inches or greater, four feet off the ground, three clumps of clusters, but he doesn't have to show a one inch, half inch or two and a half inch tree.

Mayor Pearson stated that she believes it's supposed to be a formal plan by a tree person.

Mr. Dowd indicated that it has to be a landscaping tree plan.

Mr. Steinberg stated that he is starting out with the identification of the trees that are there. He will number them and identify the species and locate them on a survey. He will start from there and make a plan.

Mr. Dowd indicated that Mr. Steinberg was before the planning board and went through this in a much greater detail as to what the new tree law says and what his requirements are.

Mayor Pearson asked why Mr. Steinberg was here this evening, was there a question at the planning board?

Mr. Dowd stated no.

Mr. Steinberg stated that he just wanted to make sure he was identifying big trees, not every tree.

Mr. Dowd stated that they discussed this at the planning board meeting for at least a half an hour regarding what Mr. Steinberg has to do and what the law requires him to do. He thought he went away knowing what he had to do and it sounds like he knows what he has to do. This is a planning board issue.

Mayor Pearson asked Mr. Steinberg to take this back to the planning board if he has any questions.

### **Correspondence**

No correspondence.

Mayor Pearson stated that the board talked about flowers on the west side and Mr. Edwards looked at the telephone poles on the west side. There is two ways to do this. There are 11 poles from George Street to Oak Street. There are 17 poles from the bridge to Liberty Street on one side of the road. There are 10 poles from the end of West Main Street to the bridge. She spoke to the person doing the flowers and we need 17 hooks at a little less than \$10.00 for \$170 and if we chose 17 more baskets at \$25.00 per basket. The total would be \$595.00 for the additional baskets on the west side for 17 poles. We have to contact the utility company to make sure we can put the flowers on the poles.

Manager Politi stated that he will contact the utility company.

Trustee Norman moved to have 17 flower baskets on the west side of the village. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

### **Village Manager's Report**

Manager Politi indicated that he has the department head reports and the most significant in there is regarding Officer Montanaro's response to the medical emergency in the lobby of the municipal building.

Mayor Pearson suggested something be done for Officer Montanaro and all the people involved.

Mayor Pearson stated that the board talked about the building inspectors memos before requesting more detail on the complaints.

Mayor Pearson stated that in the recreation report, received Solutions for Teen Violence application to the youth bureau, she knows that last year they did not spend all the money given to the village and she has a problem with that. Someone from the youth bureau stated to her that they don't understand why the village is not spending all the money. The year is up in December and the money has not been spent. This is money that is given to the village to spend on our youth. There was \$1800 left over.

Manager Politi stated that he sat through that process of trying to come up with a program to spend it on and every time he gave it to them they said no, you can't use it for that. It was used for the skate park for the bulk of that time. There was a balance left at the end that we couldn't spend in time.

Mayor Pearson stated that she spoke to Carol who said the village could have used it for dances. The mayor asked her if the village could have used it for helmets and pads and she said yes.

Manager Politi stated that they asked her those questions. The pads the board already knows the answer to that.

Mayor Pearson stated that she is concerned that the next time the village asks for money they won't get it.

Manager Politi stated that one of the problems was it took awhile to build the park which shortened the season and you had this money left over. Every time they asked her she said no.

Mayor Pearson stated that the village asked for a big tv and she doesn't feel they should be paying for a tv.

Manager Politi stated that it was a last ditch effort.

### **Board's Comments**

Trustee Norman stated that the west side by the bridge in the alley there is garbage piled sky high for the last month. She also spoke to the manager about the skate board park and since the kids will be home from school she would like it opened. She also reminded the board about the in door yard sale at Wooster Grove from 9am to 5pm. If they have anything to donate they will come and pick it up. She would also appreciate help from the board.

Trustee Wynkoop stated that on the west side there is a house with wagon wheels and the area from the sidewalk into the road is broken up.

Trustee Leonard stated that Thursday at 10am is the ground breaking for the Buddhist temple. He also stated that at the top of Wait Street the pavement is busted up.

Trustee Hurd stated that where the new homes are going in at Streamside and where they've done the road cuts the road is sinking a lot.

Deputy Mayor Matise stated that there is a clogged storm drain on Gladstone Avenue. There is also a broken clay pipe, so someone might have a problem with their lateral. On April 6<sup>th</sup> there will be a grave side ceremony for Col. Bradley at the Wallkill Valley Cemetery at noon.

Mayor Pearson stated that there is a sidewalk problem at Northgate.

Manager Politi stated that he went and talked to the property owner and the only way is through the budget.

### **Executive Session**

Deputy Mayor Matisse moved to hold an Executive Session pursuant to 105-(e), police negotiations, of the General Municipal Law and attorney client. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk