

**Village of Walden
Board of Trustees Meeting
April 10th, 2007**

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	Richard Hurd
		Roy Wynkoop
		Mary Jean Norman
		Jose DeJesus
		Edmond Leonard

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney
	Jan Weiner, Treasurer
	Dean Stickles, Building Inspector
	Alan Sorensen, Planning

Moment of Silence

The Board observed a moment of silence for Joe Savage who lost his life this week.

Approval of Minutes

Trustee Leonard moved to adopt the minutes of March 27th, 2007. Seconded by Trustee Hurd.

Mayor Pearson stated that she hasn't received a copy of the garbage resolution that she requested.

All ayes with the exception of Trustee DeJesus abstaining. Minutes adopted.

Trustee Hurd moved to adopt the minutes of April 2nd, 2007. Seconded by Trustee DeJesus.

Deputy Mayor Matisse stated that the minutes reflect that the procurement policy resolution was attached and it wasn't.

All ayes. Minutes adopted.

Public Hearing – 2007-2008 Proposed Budget

Mayor Pearson presented the affidavit of publication and affidavit of posting notice and notice of hearing, which she read.

Mayor Pearson stated that the board is still working on the budget so it hasn't been finalized. They are still waiting for answers.

Manager Politi stated that the information the mayor is requesting would require the board to sit down and review that as a group. The format of the budget they have tried to keep to what they've done in the past in keeping the numbers as tight as possible. The operations of the departments remain the same other than some cost that are yearly increases due to health care and contractual agreements with the unions. The bulk of the discussion what the mayor is referring to is they went into the capital plan and when you watch that process there is a lot of policy issues so the substantial changes that occurred during the budget review process were the capital plan, which leaves some questions unresolved at this point in terms of overall costs. The budget he handed the board was a 4.2% increase which is an initial draft which the board reviews and looks to see if they can trim from that cost which they have. They have met with all department heads.

Deputy Mayor Matise stated that one of the things they asked for was the level of debt service, where they are with that.

Manager Politi indicated that it is in the budget.

Deputy Mayor Matise stated that they asked for more information. They asked for a spread sheet on police department costs.

Manager Politi stated that is not debt service.

Deputy Mayor Matise stated that they asked for information about debt service where it seems that some of the payments are going down so we're into paying off principal at this point.

Manager Politi stated that the opportunity was when they had the treasurer there to talk about debt service and they did not. As far as the police that is being developed right now. One of the questions they had was developing further full time positions. That is something they had to discuss with the chief but because of the timing of the schedule he was out for a few days. They are putting that together.

Deputy Mayor Matise stated that they also asked for a breakdown of total electrical usage and what that costs.

Manager Politi stated that he has it and they should sit down and talk about all these items again.

Mayor Pearson stated that they don't have a conclusion of where the budget is going to be because they don't have those kinds of answers. They are working on it. She reviewed the capital projects.

Marcus Millspaugh, 10 Jessup Street stated that he went to the library at 4pm and they didn't have a copy of the tentative budget.

Manager Politi stated that the final budget is filed in the library. Anyone can come see the clerk to review the tentative budget.

Mr. Millspaugh asked if the public would be able to comment on the final budget.

Manager Pearson stated that they can leave the public hearing open.

Mr. Dowd stated that the board can leave the public hearing open for written comments or for oral comments by the next meeting. They have to adopt the budget by May 1st.

Mr. Millspaugh asked what the proposed tax rate is.

Manager Politi indicated that in the original proposed budget for the general fund its \$13.49 per thousand and you would have to add in the library which is \$.95 per thousand. The percentage increase is 2.9% over last year.

Mayor Pearson stated that they have many scenarios which they have not finalized so they can't give a final tax rate.

Manager Politi stated that in all fairness to the department heads they have all met with the board and the general operating budget is pretty well satisfied. They are reviewing whether to move toward more full timers or stay with part time officers which is significant and as well as the capital plan. For the most part those budget numbers that came is are close and agreed to.

Trustee Hurd stated that the manager indicated that the difference between the full time officers and part time officers initially the full timers is \$20,000 per year less. That is really the only issue.

Mayor Pearson stated that they asked for many different things.

Manager Politi stated that they do need another meeting.

Mayor Pearson stated that they also talked about GASB 45 of monies going in and looking at that and the generator which was taken out. They looked at many different things.

Manager Politi stated that coming into this meeting the board knew that was the case. You sound as if it was an unknown coming into tonight.

Mayor Pearson stated that the public may want to see what they end up having and comment on it. She feels they are in ten different directions. She feels the hearing should be left open so the public has a chance to comment.

Trustee Hurd stated that he doesn't recall anyone else on this board saying that we are in ten different directions. He believes they are pretty much in consensus of what they are doing.

Trustee DeJesus stated that the board met on April 2, 3, 4, and 5th and Brian Sebring was the only person there. He finds a lot of grandstanding when there is public at the meeting. At the meeting she didn't have very many objections. She brought up some issues and suddenly she has an audience and it becomes grandstanding.

Mayor Pearson stated not at all. She has a list of things they discussed.

Deputy Mayor Matisse stated that Trustee DeJesus wasn't even at all the meetings.

Trustee DeJesus stated that he is not speaking to Deputy Mayor Matisse and she has to reframe herself from meddling in something he is not directing at her, he is speaking to the mayor. He missed one meeting and he is not speaking to the deputy mayor. He asked if she runs the meeting or does the mayor run the meeting.

Deputy Mayor Matisse stated that the mayor does.

Trustee DeJesus stated that evidently she keeps telling the mayor what to do.

Mayor Pearson asked Trustee DeJesus to make his point.

Trustee DeJesus stated that when he is speaking the deputy mayor has to reframe from interfering, he is not addressing her. The issue is the mayor has an audience so she is grandstanding now.

Mayor Pearson stated that is not true. Why wouldn't you leave this open for public comment?

Trustee DeJesus stated that the board has four budget meetings and only one person showed up. None of the concerns she is bringing up now were brought up at those sessions which is interesting.

Mayor Pearson indicated that is not true. She stated that it would have been nice if Trustee DeJesus made all the meetings.

Trustee DeJesus stated that he did miss one. What's her point?

Mayor Pearson stated that her point is that he missed one of the biggest part of the meeting anyway. She feels the public has every right to respond to the final numbers.

Trustee Hurd stated that he disagrees. He feels he knows where the numbers are going to take them. They met four nights in a row and they had all the department heads there and this budget follows the same theme and the same general overall numbers that they've had year after year, after year. So it's really a continuation of the capital plan. As the manager pointed out it's the same with the exception of the contractual and health insurance increases. He thinks they will come in where they projected.

Trustee Norman stated that if it takes another session to answer the mayor's questions that's fine. She didn't have any problems with what the board was doing. She gets the impression that the mayor is projecting that there were problems with the budget and she didn't feel that way.

Manager Politi stated that there is no rate change for water and sewer.

Keith Millspaugh, Millspaugh Furniture, 52 Main Street stated that the public hearing notice talks about a tentative budget, what is the definition of a tentative budget.

Manager Politi stated that it's not an adopted budget.

Keith Millspaugh stated that the document the public had to look at they get to see the department head requests and the manager's request. How does the public know which one to look at for the tentative budget?

Trustee Wynkoop informed Mr. Millspaugh to come to the meetings.

Mr. Millspaugh stated that the purpose to a public hearing would be to present the budget and they chose to work on the nights that they chose to work on it. It's not that the public wants to hear all the nitty gritty going into it and attend all those meetings. That is why the public votes the board into position to do that work and then present the budget to the public. He thinks that the tentative budget that is talked about in the notice is what is expected to be the final budget. Since 2001 he has put the budget into his own spread sheet so he can see what changes and what doesn't change. In the years past he's been critical of the fact that many line items stay the same year after year after year and yet the amount that gets spent each year far exceeds the amount of the line item. Yet the following year that budget number doesn't change. A couple years ago he did attend those meetings and he found them pointless because no trustee was talking about the change in those numbers, the fact is they stay the same year after year and yet the spending amount changes every year. A dollar isn't even spent in some of those line items and yet that budget amount stays the same every year. He believes there are better ways to address a budget, but he is not on the board to insist on those things. He would like to see the final document. One glaring thing he sees in the document is he could find it under the salaries but he can't find it under the recreation department, there is a

\$59,000 line item that is not there and that is for the property maintenance. Parks personnel services, last year \$55,900 was proposed to be spent and so far as of the end of February \$21,600 was spent. The year before \$55,900 was in that line item and the year before \$41,331 was spent there and the year before that \$33,000 was proposed to be spent and \$31,000 was actually spent there. Where is that item this year, it's not in the budget that he can find, but if you go to the salaries it is there. He thinks that the tentative budget means that the numbers should all be in place so they can see exactly what is suppose to be there. He takes the budget seriously and looks at that because it matters to taxpayers what they are paying. He likes to feel that he is contributing to the community by standing up for the community and pointing these things out. Every year he feels he's being ignored and he feels he just comes here to make his point and if nobody wants to listen to him he'll sit down and go away. He thinks the board has a problem when it says tentative budget and they are looking at managers proposed and department heads proposed and not a final amount. As far as the other funds, water and sewer which are not changing at all, he doesn't have those numbers with him to go over, but for the past few years the amount of dollars appropriated to be sent back to the general fund from those funds has not happened, that transfer has not happened. What is the law on interfund transfers that are budgeted? Is there a law that says they have to get transferred on an annual basis?

Mr. Dowd stated that if there is a transfer or a loan of money from a general fund to a water and sewer fund, by the end of the fiscal year what ever is borrowed from one fund must be repaid to that fund.

Mr. Millspaugh stated that over the last two years that has not happened. In the current budget, under the manager's request it is there saying that a larger amount was transferred but part of that goes to the capital fund, but it is all shown under the general fund. The water and sewer funds are under valued if you can't afford to transfer the money back to the general fund, which he thinks that would come out of the meetings the board has without the public attending.

Mr. Dowd stated that unfortunately the water and sewer fund are dependent upon the homeowner rate payer paying their taxes and water and sewer bills. So every year there is a deficit in water and sewer because people are not paying their water and sewer bills on time. Therefore, normally what would happen is the general fund would bring those monies up so they can make payments to do what has to be done for the water and sewer system to continue to operate. What happens on an annual basis is when the rates are not paid you relevy on peoples village taxes back in November and it goes to the county and they put it on their county taxes and the village gets that money back from the county so you can make those funds whole, so there are gaps in time from when the borrowing is done and when the money is put back into the account and where it comes from. Unless you want to raise the rates on people who do pay their bills to make up for the short falls of people who don't pay their bills this is a normal occurrence in any municipality that has a water and sewer system that he is aware of.

Trustee Hurd indicated that it's a wash.

Mr. Millspaugh stated that if you look at the numbers you won't find that to be accurate. Maybe you'll see that people aren't paying the bills, but you'll see that your expenditures are greater than the appropriations. That is where your problem exists. He would look at the facts rather than speculate that it is a wash.

Mayor Pearson moved to keep the public hearing open until April 24, 2007 for written and oral comments. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Norman moved to hold budget work sessions on April 16th and 19th at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

Public Hearing – Café Seating Law

Mayor Pearson presented the affidavit of publication, affidavit of posting notice and notice of hearing which she read.

There has been no response from the County of Orange Planning Department.

Keith Millspaugh, 52 Main Street stated that the village has a sign law that they don't enforce. He doesn't want to see the café law ignored.

Trustee DeJesus asked, if the liquor authority issues a license for them to serve liquor outside, do we have to honor that.

Mr. Dowd stated that when the board discussed this the idea was that if it was going to be on a public sidewalk we do not want alcohol served at outdoor cafes. If they are on private property, like Sweeney's, we have nothing to say as long as they have their proper liquor license.

Trustee DeJesus stated that it was in the minutes that you could get a license from the liquor authority to serve alcoholic beverages and he's not in favor of that.

Mr. Dowd stated that the establishment owner would have to get permission to sell it outside, but it doesn't mean that it has to comply with our laws. If the liquor authority is going to amend a license they normally want to know if it will comply with the village's laws.

Trustee Hurd stated that Section 148-13D, (ii) states not serve food or beverages to a patron who is not seated at a table in the outdoor cafe; and (iii) not serve alcoholic beverages to patrons at an outdoor cafe located on Village property. So you could have food and beverages at Sweeney's. They cannot come out on public property.

Mayor Pearson asked about the times of operation. She asked if Mr. Sweeney has to adhere to the law.

Mr. Dowd stated that he has to adhere to the new hours and that would be for all sidewalk cafes.

Mayor Pearson stated that right now he can be open the hours that are on his application.

Mr. Dowd stated yes.

Mayor Pearson asked if anyone knew what the time frame was on Mr. Sweeney's application.

Mr. Stickles stated that it might go by the liquor law, but he doesn't know.

Mayor Pearson asked if they can differentiate between public and private, as far as hours of operation.

Mr. Dowd stated that they could, but there is always an issue as to when it's a good time for people to be indoors and not making noise outdoors.

Deputy Mayor Matise asked if this precludes someone from being served inside and taking it outside.

Mr. Dowd stated no.

Deputy Mayor Matise stated that maybe midnight would be better, but it can be left this way.

Deputy Mayor Matise moved to keep the public hearing open until April 23rd, 2007 for written comments. Seconded by Trustee Hurd. All ayes. Motion carried.

Public Comment

Marcus Millspaugh, 10 Jessup Street stated that he received his water bill and he received a new water meter in December and he got a bill at the end of December, he looked at this bill, which says his meter reading was 150,000 and he went and looked at the new meter and it said 883, how do we explain this. He expects his water bill to reflect what his reading is.

Ms. Weiner stated that Mr. Millspaugh needs to come to the village office and they will take care of it.

Luke Muehlin, 36 Oak Street stated that he has a letter dated October 29, 1999 from Darren Hernandez which clearly states how someone was let out of village garbage collection program by the previous village manager. He wanted to know if it was legal to do this. He tried to do the same thing and was told no. There were violations stated in the letter too. He also requested information on 17 Oak Street, 126 Main Street and 20 Oak

Street, if they got out of the program and why they have dumpsters. He was told he was denied the request. He doesn't understand what that meant.

Mayor Pearson asked if this was the letter the board was waiting for.

Manager Politi stated yes.

Mayor Pearson stated that in the letter it states that this is a follow up letter, do we have another letter.

Manager Politi stated that he hasn't been able to find that letter. They will be discussing garbage collection later on.

John Muehlin, 42 Alfred Place stated that one of the trustees lied to him; they said that this letter never existed.

Trustee Wynkoop indicated that he did not lie.

Audited Bills

Trustee Norman moved to pay the audited bills of April 10th, 2007. Seconded by Trustee Hurd. All ayes. Motion carried.

Rivers Edge Commons-Lou Donnelly Presentation

Mr. Donnelly was not present.

Townhouse Zoning Review

Mr. Jacobowitz indicated that he has brought some plans and pictures for the project off of Coldenham Road. He further stated that he has a plan for the property which is the seventh version and there will be more versions because it is a work in progress. He also presented the board with a landscaping plan. Their landscape architect put together an analysis about planting and what should be considered. He showed the board pictures of projects that are similar to what they want. Each piece is different, it's not a cookie cutter and the plan should adapt to the site. Mr. Jacobowitz reviewed the plans with the board. He explained that there will be no net increase in runoff from the site so as to create any condition off site in the drainage system that the pond is tributary to. There could be some sheet flow off the property, but not off the paved impervious surfaces. The roads are configured to soften the look.

Mayor Pearson asked if there would be any back to backs.

Mr. Jacobowitz stated that this plan eliminates back to backs.

Deputy Mayor Matise asked if there would be 182 units.

Mr. Jacobowitz stated yes. He further stated that the affordable units are intergraded into these units. There won't be certain buildings that will be only affordable. These are six unit buildings for the most part, there are a few fours. From the outside you won't see any difference between the affordable units and the regular units. The widths of the units go from 22 to 28. He showed the board pictures of Brighton Green in Newburgh, which is a similar look to what they are trying to accomplish. He also showed other projects with a similar look. The board asked not to have the garages jumping out at them when you're looking from the street. In Brighton Green there is a lot of jumping in and out so there is not a uniform thing across with garage doors. The garages for the two end units will be from the ends.

Mayor Pearson asked about the piece of that property that is located in the town.

Mr. Jacobowitz stated that there has to be an annexation of that two acres into the village which they will file a petition with the village and the town and then there will be a joint public hearing and then the boards will make their decision.

Mayor Pearson stated that this is a nice plan, but the board still doesn't know where they are heading. They want to be able to finish the law.

Mr. Jacobowitz showed the board the landscaping plan which is in the law. The trees will be put in clumps with a more defined landscaping area.

Deputy Mayor Matise asked about the distance between the buildings and the way they are seeing that is it's a common space. The only space of the unit is directly in front and directly in back for a certain number of feet. They are putting landscaping in and its common landscaping.

Mr. Jacobowitz indicated that's correct, what ever part of that is not part of the end unit will be common land and maintained by the homeowners association and subject to the rules of the homeowners. They have hired a professional landscape architect and they follow his advice. The landscape architect says that the tree sizes should be different depending on where they are being placed. The front yard trees should be smaller in height and caliber and the drip line diameter should be less and there should be more flowering type of trees. Rear and side trees should be medium and a mix of deciduous and evergreens. Use evergreens where you want to have a visual buffer. He is also suggesting a two to five year survival maintenance bond. The exact placement of the trees needs to be done as part of site plans effort, rather than making it uniform by a code provision.

Mr. Jacobowitz further stated that you have front to front, back to back and side to side. They all shouldn't be quite the same. Mr. Sorensen can address that with the board. The other part of that is, it goes to street width and front yard, and do you want more front yard or more back yard. They opt for more back yard.

Deputy Mayor Matisse stated that guest parking and overflow parking isn't shown.

Mr. Jacobowitz stated that they can meet the garage requirement by the garage and driveway. The additional parking there has to be a provision for. We have to first make sure the streets can go where they are showing them. The building locations can be juggled around.

Deputy Mayor Matisse asked if the garages would accommodate an SUV or pick up truck.

Mr. Jacobowitz stated that he didn't know.

Trustee Leonard asked which street would be the through street.

Mr. Jacobowitz indicated that none of the streets have to be offered to the village if they don't want them. The road off of Route 208 will be used during construction and after that there will be an emergency gate.

Mr. Dowd asked if this conceptual plan is based upon what the code says right now, with the separation distances.

Mr. Jacobowitz stated yes, except for the one that is in his letter. It is 60 feet front to front, 50 feet rear to rear, 35 feet side to side is what they are proposing.

Mayor Pearson asked if 50 feet was including the road.

Mr. Jacobowitz stated that it would include the road. The fire department will be given the plan to make sure they can get the apparatus around.

Mr. Jacobowitz explained that on the affordable its 28% of income, for principal, interest, taxes, insurance and common charges. The numbers are closer to 31% or 32% and you don't include the common charges. There are a whole bunch of services that are provided by the homeowners association that are normal charges that people pay that don't go into the issue of housing costs. The suggestion is that you use the principle, interest and taxes as the item, then you will be closer to 31%. Your ordinance says 101% to 120% of Orange County family median income. Their suggestion is that the village has a sliding scale of a certain number of units at the 101% and a certain number at the 115% and a certain number at 130% or 135%.

Deputy Mayor Matisse asked if all 6 units would be the same size or a mix.

Mr. Jacobowitz stated that the affordable units would be smaller. There will be mixed sizes in the same building.

Mayor Pearson asked for Mr. Sorensen's comments.

Mr. Sorensen stated that the concept has come along way from the original concept. He's not asking for the back to backs so the policy decision that they have to make are the separation between the buildings, landscaping and the affordable provision. On the building separation, seeing it in the context of the site plan it makes sense to him.

Trustee Hurd stated that he was concerned with the height of the buildings. He asked Mr. Sorensen if he is saying that because the height is different it changes the appearance.

Mr. Sorensen stated that what they had said is 60 feet around the building on all sides and what Mr. Jacobowitz is suggesting is to allow 35 feet on the side yards and still maintain a 60 foot separation in the front yards and 50 feet in the back and rear yards.

Mayor Pearson asked what the code was for village streets.

Mr. Dowd stated 30 feet of pavement, but if these streets remain private you can get that down to 22 or 24.

Mr. Sorensen stated that on the plans he does meet the setbacks.

Mayor Pearson stated that the tree plan looks fine.

Mr. Sorensen stated that he likes the new language on the landscaping.

Trustee Hurd asked how many affordable units they get out of this.

Mr. Sorensen stated 36.

Trustee Hurd asked if they are going to stagger the requirements and are they going to stagger the size of the units.

Mr. Jacobowitz stated that the higher the percentage of median income the higher the mortgage. The larger units will be higher priced.

Trustee Hurd stated that what he was saying is are the units going to be staggered because of their size or will they be the same size.

Mr. Jacobowitz stated that someone that has 120% median income will be able to buy the larger unit.

Trustee Hurd stated that if the board agrees would they refine this law to specify, if there were 36 units go 12, 12, and 12.

Mr. Sorensen stated that you would do it by percentages. The one oversight is that they said 101% to 120% without specifying, so someone could have come in at 120% and qualify, so they should specify.

Trustee Hurd stated that they would then protect at least 12 of those for the lowest. The other consideration is can they be built and sold at a profit and still comply with the numbers.

Mayor Pearson asked how the board felt about changing the affordability and landscaping.

Mr. Sorensen stated that he very much likes the landscaping and he recommends incorporating that in its entirety. In the local law he would take out the existing one and two and put the landscaping provision in. They should establish separations between buildings for the front, side and rear of the buildings. Separation between buildings from side to side should be 35 feet, from front to front 60 feet and rear to rear 50 feet, which would be minimum.

Mayor Pearson asked, when you're specifying side yard is it yardage or property between the next building.

Mr. Sorensen stated that it's the separation between buildings.

Mayor Pearson stated that you have 35 feet between two buildings and you have a side driveway coming into each of the buildings, so where is the grass.

Mr. Jacobowitz stated that it may not be where it's two interior buildings on those two sides.

Mr. Sorensen stated that there is a minimum open space requirement for this development.

Mayor Pearson asked Mr. Sorensen to address some of the situations, affordability, landscaping, side yards, and roads. She would like this put on the agenda for a work session.

Mr. Sorensen stated that he has a conflict on April 24th, but he could be here by 8:30pm.

Mayor Pearson asked if Mr. Sorensen could get the board something to review before the next meeting.

Mr. Sorensen stated that he will try to get something to the board by next Friday.

Bradley Assembly Room – Dais Construction

Mayor Pearson stated that after the last meeting she asked the board members to come back to this meeting with thoughts as to whether they wanted the dais to be

permanent, not permanent, not in this room and hold the meetings downstairs, but that wouldn't help the judge.

Trustee Wynkoop stated that he doesn't want to see anything done to this room. The board can meet downstairs without any problem and if there is a crowd they can move to the third floor. He is in favor of a new sound system.

Mayor Pearson indicated that if they move the meetings downstairs then they wouldn't need a new sound system and it's not in the budget.

Trustee Wynkoop stated that they should try to give the judge what he is looking for without changing this room that much.

Deputy Mayor Matise stated that she thinks they will get into a weight and size issue if they have a removable platform.

Mayor Pearson stated that you can make the platform the size of one of these tables and put the table on top and the judge would be happy.

Trustee DeJesus stated that it won't take a lot of space and the judge needs a permanent structure.

Mayor Pearson indicated that you could put wheels on the structure to move it.

Deputy Mayor Matise stated that she doesn't think so.

Trustee Hurd stated that he would like something portable. Having the meeting on the second floor is better because you can hear better.

Trustee DeJesus stated that he would like something permanent.

Trustee Leonard stated that he wants something permanent. We still need to improve the acoustics in this room.

Mayor Pearson stated that the sound is better when you have a lot of people in the room.

Trustee Norman stated that she is in favor of the meetings being on the second floor and she wouldn't want something permanent in this room.

Trustee Wynkoop stated that he doesn't care if it's permanent or not as long as it isn't taking up a lot of room in this room. He doesn't want to see curtains put up and ceilings altered. It's whatever the judge can live with.

Deputy Mayor Matise stated that if you're going to move the platform you have to think about safety and where you're going to put it. She thinks it should look classy.

It was the consensus of the board to have something permanent for the judge. They would like to see the plan before its finalized.

Oakland Avenue Block Party Request

Manager Politi stated that he spoke to Rachel and the last time something like this was requested they had a petition that came in from the entire neighborhood, so he has asked her to do that. He would like this tabled.

Deputy Mayor Matise moved to table the Oakland Avenue block party request until the petition comes in. Seconded by Trustee Leonard. All ayes. Motion carried.

Garbage Collection Law Review

Mayor Pearson asked Mr. Muehlen to be respectful to people that are here. She understands his frustration.

Manager Politi stated that he met with the building inspector, treasurer and attorney and came up with some changes. Right now it's a residential pick up and he thinks they should change some items in the structure so it reflects it being residential pick up. He recommended the following changes; 85-7, Legislative Intent, replace "residential and commercial properties" with residential properties". 85-8, Definitions, change "Residence" definition to read "A building or parcel of land having five (5) or less dwelling units". The law currently reads less than three.

Mr. Stickles stated that Walden Center, Squire Village and Tin Brook we do not want them in the program because there are too many units and they are already set up for pick up.

Mr. Dowd stated that you are bringing more in by taking the word commercial out. You're getting rid of some of the mixed use buildings.

Mayor Pearson stated that your losing money.

Mr. Stickles stated no, you only have a few that are commercial now, which are mixed. We want to do away with those. There are only three. We want to being in the four and five dwelling units.

Manager Politi further stated that one way of trying to get some form of alternate containers that will allow them to at least look at the properties to see if it's feasible, is there is another style of container. Right now it's a 30 gallon or less container. The request can be made within the law and they can look at it and see if it's possible. He talked to the people from the garbage company and there isn't a savings. No matter what kind of container you use you will be charged per unit.

Deputy Mayor Matise asked if it would be one hauler.

Manager Politi stated yes.

Mr. Dowd stated that chances are that each one of those buildings will have one to two cans for garbage pick up. So a five unit residence might have ten garbage cans out, so it might make sense to go to a larger container.

Deputy Mayor Matise asked if it would affect their recycling containers.

Manager Politi stated no.

Trustee Hurd stated that he understands the manager is asking for the ability to make exceptions, but he is wondering if they will be creating an administrative problem with the manager, because now it's the question you did it for him and you did it for her and now I want you to do it for me.

Mr. Stickles stated that your property would have to be able to meet the requirements of the property maintenance code for where the dumpster or larger receptacle is placed and how it's fenced and gotten to.

Mayor Pearson asked if they were talking about a landlord with four or five units in different buildings.

Mr. Dowd stated that you're talking about each property or building would have to have the four or five units. Not three or four buildings in a row.

Manager Politi stated that another point was determining the time that garbage and trash can be placed at the curb or public street line. They put in a start time of no earlier than 5:00pm and no later than 11:00pm on the day before collection.

Deputy Mayor Matise stated that bulk pick up is next week and people put stuff out last week. That also needs to be addressed.

Mr. Stickles stated bulk pick up is addressed in the contract.

Trustee DeJesus asked why it says no later than.

Manager Politi stated that the village office gets calls that someone says they put their garbage out and it wasn't picked up so we have to send the truck back. It's very hard to enforce. You're trying to close that window to 24 hours.

Mr. Dowd stated that the reason they came up with the 11:00pm figure is because they didn't want people taking their garbage out at two in the morning banging cans and bottles.

Manager Politi stated that Section 85-13, it's again going back to what they did in the beginning of the law, drop commercial properties and changing within 30 days to 31 days. He will put this on for the next work session and incorporate these changes.

Mayor Pearson stated that there were other things they wanted to look at, pricing, and seniors.

Manager Politi stated that someone said Maybrook gives their seniors a discount and they do not, according to the village clerk. It did say that in the paper, but they do not have a discount.

Deputy Mayor Matise stated that Ms. Johnson told her that they did.

Jan Weiner, Treasurer stated that she spoke to Ms. Johnson and was told they do not.

Deputy Mayor Matise stated that it is in their taxes so it's different from how we do it. She would be in favor of reducing the fees for everybody.

Manager Politi stated that they have been looking around comparing prices and it seems to be fair. We can go back to the contractor and try to reduce that somehow. That is a separate issue.

Trustee Leonard stated that taking the commercial out is a good move.

Mr. Dowd stated that if a resident, whether its one, two or up to five, is in a business zone it is in the garbage program.

Mayor Pearson asked how did they come up with the number five.

Manager Politi stated that they wanted to find the cut off to make sure the larger complexes could function.

Mayor Pearson asked why Walden View isn't in the program.

Mr. Dowd stated that originally the law said less than three so they have well over three units.

Mayor Pearson asked why can't they let apartment buildings with more than five units be in our residential pick up.

Ms. Weiner stated that people are in and out too much, billing would be difficult.

Mayor Pearson suggested they bill the landlord.

Trustee Wynkoop stated that if they have apartments why can't they have a dumpster.

Manager Politi stated that there is individual billing for water so they would ask for individual billing for garbage.

Trustee Hurd stated that the garbage program isn't a money making thing, it's a pass through. It's just a way to get rid of garbage.

Manager Politi stated that the apartment complexes haven't been problematic.

Trustee Leonard stated that typically there is a problem picking up at the apartment complexes because of the tight areas. They have to back down McKinley Avenue. He doesn't feel the village should be involved with apartment complexes.

Manager Politi stated that he will incorporate what he has and bring it back to the work session.

Trustee Wynkoop stated that in 1999 he couldn't begin to tell anyone what he said to Darren. When he makes a request, and he does it a lot for the taxpayers, just like he did for the Muehlin's regarding the loans. He does not lay down a plan saying it has to be a certain way. He's just one vote on this board. He does go to bat for the taxpayers when he's asked. He doesn't keep a record of what he said. He doesn't remember exactly what he said to Darren but it was probably just a request to see if he could do anything with it. If he misled the Muehlin's he is sorry. We can't find a record if Mr. Schufa was ever billed.

Manager Politi stated that they are still looking.

Mayor Pearson stated that she was concerned with the time frame that things took to respond to people. She was reading over the Freedom of Information Law and the process is listed on how to do it. You should let them know you are working on it.

It was the consensus of the board to have the garbage program on the next agenda.

Deputy Mayor Matise stated that people will have to be notified that they will be included in the garbage collection program and they will be billed.

Mayor Pearson stated that she would like to know how many there will be.

Deputy Mayor Matise asked how eliminating those types of buildings from the program how will that affect the mixed use development at Railroad Place.

Manager Politi stated they will have to find private haulers.

Trustee DeJesus stated that the people that aren't going to be in the program have to be notified.

Manager Politi indicated that they will be notified.

T-Mobile Request

Manager Politi requested this be removed from the agenda. He hasn't received the information he requested. He hopes to have it for the work session.

Trustee Leonard stated that the tower in Plattekill on the church gets \$2,000 per month, per antenna and they have two antennas

Farmers' Market Update

Manager Politi stated that the market will be back and opening on June 28th. He showed the board the application.

Mayor Pearson asked the manager if he's gotten anymore information on the food stamps.

Manager Politi stated that what is being requested by the vendors is that we accept food stamps. Right now you accept Farmers' Market coupons and WICK. The food stamps take setting up the program, there is a swipe card and someone has to watch over it. It is cumbersome internally to handle this. He's like to investigate this further. He would like to know if the board wants to see this as an added feature.

Trustee DeJesus asked who would be the vendor. There is an application process, and then there is a machine with a swipe card. Is each of the vendors going to have that. The village has nothing to sell.

Manager Politi stated that he has to find that out.

Trustee DeJesus stated that he doesn't think the village can do that.

Deputy Mayor Matise stated that the farmers' markets in the city are doing food stamps. Ms. Lupinski found out how to do it. One of the vendors was going to oversee it.

Manager Politi stated that has changed.

Deputy Mayor Matise stated that she would like to know how many people in the village would use food stamps.

Trustee Leonard stated that it wouldn't just be people in the village.

Deputy Mayor Matisse suggested the manager contact New York City and see how they do it.

It was the consensus of the board to put this on the agenda for April 24th.

Route 208 Sewer Replacement SEQRA

Manager Politi stated that they are getting ready to put the specifications together for the inflow and infiltration project. Right now the sewer line cuts along Route 208, along the railroad frontage which they will completely reroute this around Guardian Storage and Truffa Seed and back to Coldenham Road.

Mayor Pearson asked why this is being done.

Manager Politi explained that there were large amounts of inflow and infiltration. It's an old line and its grabbing 125,000 gallons of water per day infiltrating the system, which goes to the sewer plant. Hopefully this will remove that and we can maintain our capacity a little better. That was part of a grant.

Mayor Pearson asked how much grant money is there for this.

Manager Politi stated that he doesn't have that information right now. The total grant is \$986,000 and we have to match that. That is all the projects.

Mayor Pearson asked when does the grant money run out.

Manager Politi stated 2010.

Trustee Leonard moved to declare the boards intent to be lead agency under SEQRA. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Public Comment-Discussion Items

Marcus Millspaugh stated that the plan that was shown shows something that was not discussed. Some of the units are on land that is sloping 14 feet across the unit itself. That plan did not have any finished contours on it. Necessary retaining walls might affect the layout, so that has to be changed. The site conditions will impose limitations. You have to delineate your backyard because everyone who moves into these units will stake out their own backyard. With a meandering layout like that you're going to end up with meandering common space. He also stated that in regard to the dais when the Conservatory put on their program they brought in their own stage for one day and took it out the next. He feels permanent doesn't have to be permanent and semi permanent would be better. He suggested that the garbage bills be tagged to the owner. Also, when he was on the Zoning Board they found they were treading on the same territory that others have before and they made a suggestion that a file be kept using the tax map id as the common denominator.

Mike Pearson, 167 Walnut Street asked what the conclusion with Rod Schufa was, is he allowed to do what he is doing or is the board going to do something about it. Is he going to be able to take his nine units and only pay for five and have a freebe on four of them or is the board going to do something. Trustee Wynkoop stated that Darren did things that no one knew what was going on, that is the responsibility of the seven of you to know. Trustee/Trustor, right now I'm not trusting a lot of people. When you read the letter that Mr. Meuhlen brought that is ridiculous and someone that has lived here for 27 years, that is ridiculous. How many other deals are there that they don't know about that are hidden in the files.

Trustee Wynkoop stated that there was no deal.

Trustee Norman stated that is wrong.

Mr. Pearson stated that his nine units turned into five, read the letter. Based on \$320.00 per year times four units, that's \$10,000 the village didn't get, why.

Correspondence

Mayor Pearson stated that the Town of Montgomery Chamber of Commerce is having their annual dinner at Winding Hills Golf Restaurant.

Deputy Mayor Matise stated that she would like to go.

Mayor Pearson stated that the ground breaking for the Buddhist Temple was March 29th and they gave the Village of Walden a certificate of appreciation.

Mayor Pearson indicated that a letter was received from Helen McKay congratulating the village for becoming a tree city and stating that the flagstone sidewalk is in need of repairs.

Informational Items/Village Manager's Report

Manager Politi stated that he has the department reports and the Soap Box Derby practice is next week on Wednesday night. Tuesday night is inspection.

Mayor Pearson asked about kids coming to the skateboard park with helmets but not knee pads.

Manager Politi indicated that they are enforcing helmets, and knee and elbow pads.

Trustee Norman stated that the sign at the skatepark needs to be changed to include knee and elbow pads are required.

Trustee Norman stated that she has had a couple telephone calls requesting that the skateboard park renamed in memory of Joe Savage.

Trustee Norman moved to name the skateboard park the Joe Savage Skateboard Park. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Trustee Norman stated that there are a lot of cars without license plates throughout the village. She would like them taken care of. The garbage is still by the bridge.

Manager Politi stated that the state has been cited.

Trustee Norman asked about the flowers on the west side of the village.

Mayor Pearson stated that she spoke to a representative of NYSEG and someone is emailing her a form to be filled out as to what poles they are asking for and they will send an engineer to look at them.

Mayor Pearson stated that she and the deputy mayor met with the building inspector about the demolition law and they talked about a 15 day waiting period for a permit to be issued so the property can be surveyed and important items noted and if more time is needed it can be requested in writing. They also talked about protecting out buildings and trees. They also talked about the historian being a contact person. She also talked to the president of the historical society and she will bring it up to the board to have more than one person be a contact person if something is being torn down. They also talked about surveying these buildings before hand.

Mayor Pearson stated that the chief's report had ideas for dumpsters in the streets without permission. She spoke to the building inspector too. She feels it's a good idea. We have nothing about dumpsters in roadways. The chief would like a five day limit. She would like that on the agenda.

Mayor Pearson stated that the board should be doing awards for the police department regarding the incident on election day. She asked the village clerk do certificates.

Trustee DeJesus stated that the board needs to talk about coin drops on village streets. He doesn't have a problem with doing it on village streets, not state highways.

Mayor Pearson agreed.

Deputy Mayor Matise asked about the parking spaces on Grant Street.

Manager Politi stated that it is a recurring problem. You can sit in the diner lunch time and watch it happen.

Mayor Pearson suggested no parking there during the day. He will at least have parking at night.

Deputy Mayor Matise stated that she was approached by people in the fire department who are concerned with cars parking in front of Dominick's and Walden Federal, it makes it hard if they need to turn.

Mayor Pearson stated that she spoke to Patricia Heneghen about trees in the parks. She thinks in the fall she will be able to get pine trees. She would like to do a cleanup on Maple Street and Rifton Place for Earth Day.

The board was okay with the cleanup on Earth Day.

Mayor Pearson stated that she spoke to DOT and there is a glitch because there was a wall built underneath part of the bridge which has to be maintained by DOT and if the property was turned over to the village it would be owned by the village. He is also looking at a permit use to use the property. She talked to him about a flag pole and he didn't have a problem with that. DOT is getting the information.

Manager Politi indicated that they need to figure out how to get a parking space down there, because its federal money you need one handicapped parking space.

Mayor Pearson stated that DOT did get the letter about the garbage.

Mayor Pearson stated that she and the manager met with the Town of Montgomery transportation person, Pete Galloti about monies and fundings. The village pay for the seniors services and senior dining site in the taxes. They talked about looking at a bus that would bus from one side of the village to another. She has rescheduled the next meeting for April 26th. We are paying that money anyway so we might as well take advantage of that service.

Mayor Pearson stated that there will be an Arbor Day celebration on April 30th, 12 noon. They will be planting a tree at Woosters Grove. Nancy Phelp's class will be participating. The mayor requested someone to help cross the group from the school.

Mayor Pearson stated that she keeps getting phone calls on the Little League wall. She would like to know the procedure as to how this happens and why the board didn't know this was happening. They did a beautiful job but the wall is a little too much.

Manager Politi stated that it's a barrier for the homes there, so the ball doesn't go into their yard.

Mayor Pearson wanted to know why the board didn't know about this.

Manager Politi stated that they flattened the field so it's a better playing field. That is our maintenance to do. He asked if the mayor wanted to know when the village was painting or changing doors.

Mayor Pearson stated that this was more than changing doors. She wants to know why the board didn't know it was happening.

Manager Politi stated that he did tell the board that it was happening when they were doing it.

Mayor Pearson stated that she wants to know when something is happening, she wants communication.

Manager Politi stated that not a single complaint came into this office. He would like to know who is complaining so he can answer them.

Trustee Hurd suggested this be put on a work session to define what they want the manager to let them know.

Mayor Pearson asked who is inspecting this.

Manager Politi stated that the engineer inspected the retaining wall.

Mayor Pearson stated that we're paying money for the engineer to inspect this.

Manager Politi stated that what if something has to be upgraded at the sewer plant and the engineer had to be called in. That's not much different than this. He needs to know what information she wants to know.

Deputy Mayor Matise stated that part of the issue is it has a visual impact on the neighborhood. It's about communication with the people in the neighborhood and making the village a better neighbor in the neighborhood.

Trustee Hurd indicated that the board should decide what they want the manager to do.

Mayor Pearson stated that she doesn't want to presume that she is not happy this work has been done.

Manager Politi stated that when there is a construction site on the street, doing a street repair, some people will take the moment to go and go on that site, we have set safety rules for work sites and if you want to go on a site please ask for a hard hat and ask someone for permission to go on site.

Deputy Mayor Matise suggested planting some evergreens in front of the wall on the street side so it would mitigate this monstrosity looking thing. The parking lot needs to be perked up.

Mayor Pearson asked if there was a procedure.

Manager Politi stated no we don't have a procedure. There was a process to that field that was brought to the village some time ago. The things that happen there are a long drawn out process and donations were involved. That is maintenance of a field.

Mayor Pearson stated that they missed you at the Little League parade. There were only two board members present. She further stated that Mr. Wheat called her about Sunset Drive, there is still concerns about drainage up there. Also, where are we with the Glass property.

Manager Politi stated that they are putting in pipe for the Glass property, they are waiting for the hole to be drilled in the concrete wall. It is also being graded right now. Now that spring is here they have to look at the back sites of the properties to see if there is some way to swale or catch the water coming off the hill. The developer is doing the work. He doesn't know who will be doing the work for the back sites.

Board Comments

Trustee Leonard stated that he went for a bike ride on the rail trail which was a muddy experience. They have done a lot of work. Today the trucks were running fill from Beazers.

Trustee DeJesus asked what Mr. Donnelly was going to discuss with the board.

Mr. Dowd stated that Mr. Donnelly wants to convert what he has built that was supposed to be senior apartments into condominiums. At one point he asked that it not be aged restricted. Mr. Dowd told him that he got two extra units based upon the existing zoning so he doesn't think there is anyway he can get rid of the age restriction. He would need some kind of a zoning change.

Trustee Hurd stated that in the last several months we have had a small audience which says to him that maybe our residence are not aware of when the board meets or how the board works. He suggested we remind our residents of when the board meets on the calendar and maybe put issues the board has discussed to generate their interest.

Deputy Mayor Matise suggested something go on the web site. The web site should be on the calendar.

Trustee Leonard stated that Myrtle Beach puts a lot of information on the tv regarding their meetings.

Deputy Mayor Matise asked the manager if he's come up with a list of outstanding loans.

Manager Politi stated yes.

Deputy Mayor Matise asked if he's worked on the active duty extension for people on the loans.

Manager Politi stated that he has to work on that.

Deputy Mayor Matise asked about the multi model funds, the letter to Mr. Larkin.

Manager Politi indicated that he is meeting with Mr. Larkin.

Trustee Wynkoop stated that he received a call from John Katonah who has the original plate from the Record regarding the story on Robert Montanaro.

Mayor Pearson asked about her mail, does mail addressed to the mayor and board go to her and she distributes it. The Department of Health sent her a letter and she never received it. When she was reading the report it states a discrepancy in the water produced that wasn't accounted for by 45%.

Manager Politi stated that is why you're doing your meter system and that is why you have leak detection come in every year.

Mayor Pearson stated that he mentioned the Village of Montgomery was losing money at the wells because of the way the pipes were put in and when they fixed that the leak was fixed.

Mr. Dowd stated that they have had several wells redrilled and other things that they had to reconnect.

Mayor Pearson stated that she thought they should talk about this at budget time because they might want to do more leak detection. That is a lot of revenue loss.

Manager Politi stated that the revenue loss is coming from your meters. The way to counter that is what you're producing, what you're registering and see if you have leaks in your system. That is what leak detection does and you're able to balance those numbers in and a great majority of it is the old meter system.

Mayor Pearson asked if he will see a different number this year.

Manager Politi stated yes.

Manager Politi stated that access to the park was one of the driving reasons for that conversation. He is looking at having fixed spots.

Executive Session

Trustee Hurd moved to hold an executive session pursuant to 105-(f), Personnel, Contract Review, of the Public Officers Law. Seconded by Trustee Leonard. All ayes. Motion carried.

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

Trustee Leonard moved to retain Planit Main Street at \$130 per hour plus mileage and \$145 per hour plus mileage for the planning board. Seconded by Trustee DeJesus. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk