

**Village of Walden
Board of Trustees Meeting
April 24, 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, later present
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Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Jan Weiner, Village Treasurer
	Kevin Dowd, Attorney

Approval of Minutes

Mayor Pearson stated that her comments on the minutes of April 10th is that she doesn't feel the minutes are finished because after the executive session the meeting was reconvened and the board discussed the labor department issue with no prevailing wages, which needs to be added to the minutes.

Trustee Hurd indicated that he feels the minutes can be approved with the mayor's recommendation which can be approved at the next meeting.

Mayor Pearson stated that she would like to read the minutes before she approves them.

Trustee Hurd moved to adopt the minutes of April 10th as drafted except for the following addition; The New York State Department of Labor issued a subpoena for information received concerning public work vendors. They subpoenaed records for public work vendors the village uses. All records with the invoices and purchase orders attached. They advised the manager of the procedure and that the village needs to inform public work vendors that any work has to be prevailing wage rate and certified payroll has to be supplied. Seconded by Trustee Wynkoop.

Trustee Leonard asked the clerk if she had enough information to write that addition.

The clerk indicated that the village manager will supply her that information.

All ayes with the exception of the mayor and deputy mayor voting no. Minutes adopted.

Deputy Mayor Matisse moved to amend the minutes with the following corrections:

Page 15, ninth paragraph, change being to bring.

Page 19, seventh paragraph, change WICK to WIC

Page 23, eighth paragraph, change Galloti to Galeti

Page 26, fifth paragraph, change multi model to multi modal.

Mayor Pearson stated that at the last meeting Trustee Wynkoop made a comment to a person that was unprofessional and she feels it should be in the minutes.

Seconded by Trustee Leonard. All ayes. Minutes adopted.

Public Hearing – 2007-2008 Proposed Budget

Mayor Pearson indicated that the public hearing was left open from the last meeting regarding the budget.

Manager Politi stated that he has not received any written comments. The changes that were brought forth at the board's last meeting were incorporated.

Mayor Pearson stated that she didn't know if the board finalized on two full time police officers. She thought they were looking to see what the part time numbers were.

Manager Politi stated that the board agreed on two full time officers.

Trustees Wynkoop and Norman agreed.

Manager Politi stated that the operating budget has its normal increases of contractual and health care. Two of the bigger components of the budget that did change is that they are adding two full time police officers. He explained that the village has a part time and full time police force, a mix. They are pulling out some part time and putting in some full time officers. He also stated that the capital improvement program change was shifting money away from the air conditioning at Wooster Grove to 33 Scofield Street to get additional office space. The overall capital improvement program will include the Ulster Avenue sidewalks and curbs, Bank and Main Street improvements to the streets and sidewalks, village hall generator, water telemeter system, village hall door replacements, General Code update, new police cruiser, sidewalk improvements or replacements, comprehensive park plan, tennis court rehab, and Olley Park playground equipment upgrade.

Deputy Mayor Matisse asked the manager if he took \$20,000 out of sidewalks.

It was \$60,000.

Manager Politi stated that it never made it to \$60,000, so it's at \$40,000. The overall budget increase to the operations is, not the library, is a 2.5% increase over last year. If you add the library its approximately 3.4% increase.

Deputy Mayor Matisse asked what changed, because this was the last form they did and they said it was 1.8% increase.

Manager Politi stated that they increased electricity, gas and a second movie night at \$5700.

Deputy Mayor Matisse stated that they didn't ask for a second movie night, they just wanted to know how much it cost.

Mayor Pearson stated that they are just receiving this tonight.

Manager Politi stated that there is nothing in there that they didn't tell him.

Mayor Pearson stated that she was not clear on the two police officers verses one.

Trustee Wynkoop indicated that he was clear on it.

Deputy Mayor Matisse stated that she heard one.

Mayor Pearson stated that they were also going to get the comparison between full time and part time.

Trustee Hurd stated that they even projected it out seven to ten years.

Deputy Mayor Matisse stated that was for a full timer, not a part timer.

Trustee Hurd stated that part timers are forty hours times the hourly rate.

Deputy Mayor Matisse stated that a full time is the salary plus your benefits. It didn't give a comparison of part timers.

Trustee Hurd indicated that all you have to do is take the cost of a full time officer and compare it to forty hours of part time officers at the current rate. They even built in a 2 ½ or 3%.

Deputy Mayor Matisse stated that you wouldn't be paying medical benefits, dental, vision, life insurance, unemployment insurance on a part timer.

Manager Politi stated that they did the comparison initially when they started the whole process.

Deputy Mayor Matise asked what the amount was.

Manager Politi stated that off the top of his head he can't remember what the number is. It ends up being more with a part timer.

Deputy Mayor Matise stated that she would like to see it in print.

Trustee Leonard stated that they did go over it and found they were way ahead by hiring a full time police officer.

Keith Millspaugh, Millspaugh Furniture, Main Street stated that he still has the first comments he made at the last meeting that the notice that the mayor read at the last meeting to open the public hearing was that they were supposed to see a tentative budget which in his opinion they have not been able to see. He was at the work session last Monday night and the issues they are talking about were not cleared up on the table. He heard the questions being asked to have the manager put the information together and get back to the board with it. He was surprised a follow up meeting wasn't called because the tentative meeting was already set up for Thursday, but no one talked about a follow up meeting. He doesn't know how they can continue with a public hearing without having a tentative budget for anybody from the public that would be interested in reviewing it. He is interested in reviewing it. When the mayor read the notice was that the income for all trustees and the mayor and it's supposed to be from all sources and yet what was read was the salary only. To him all sources includes health benefits. Looking at last years budget and this years budget he also noticed a 4% increase in the trustees and mayors salary which he thinks is important to disclose in that memo. That should be made public. Also, the health benefits from last year to this year have increased in dollar value also. He doesn't know if the public realizes the salaries increased 4% for trustees from \$33,326. to \$34,059. and health benefits range from \$3,390 to \$14,377 which is significant and that should be in the public notice and doesn't understand why it's not when a total for a trustee can be as high as \$18000. The mayor's salary goes from \$4673 to \$4860 and the health benefits are the same too. Those are two significant things that should be declared in the public notice. He asked if the board was going to extend the public hearing to another night or should he go over the other questions he has.

Mr. Dowd stated that the notice was correct. There is no obligation to put in anything but salaries of elected officials. That is the law.

Mr. Millspaugh asked what law is that.

Mr. Dowd stated Village Law, Town Law and County Law.

Mr. Millspaugh asked if that was 4-400 Village Law or 16A Village Law.

Mr. Dowd stated that it is the State Law. He doesn't have the exact section. It's under the budget and what has to be published and benefits are never published for any elected official. It's not required. It's just salary.

Mr. Millspaugh stated that he looked on the internet under 4-400 and it did say the salaries did need to be disclosed.

Mr. Dowd stated that salaries need to be disclosed.

Mr. Millspaugh stated, from all sources,

Mr. Dowd stated no, that is not what the law means.

Mr. Millspaugh asked what all sources mean.

Mr. Dowd indicated that it means from sources from which you are paid a salary not benefits.

Mr. Millspaugh asked what if those benefits became a cash payment.

Mr. Dowd stated that it's not a salary, it's a benefit.

Mr. Millspaugh asked if they are taxed on the lump sum.

Mr. Dowd stated yes.

Mr. Millspaugh stated then he would say that is a salary.

Mr. Dowd stated that you can say that Mr. Millspaugh but it's not the law of New York State. There is no reason why the board can't proceed with the public hearing tonight and close the public hearing and adopt the budget if they all agree on the numbers.

Mr. Millspaugh asked for a definition of a tentative budget.

Mr. Dowd stated that it's the budget put forth by the village manager in this particular village at the time it was presented to this board and presented by the village clerk. That is the tentative budget.

Mr. Millspaugh asked how significantly changes that from what might have been available two weeks ago.

Mr. Dowd stated that it was explained to him basically what was in two weeks ago budget and what is in the budget this year.

Manager Politi stated that it's the board's budget at this time. The tentative budget was handed to the board. Once the discussion among the board occurs it's the board's budget.

Mr. Millspaugh stated that the manager just talked about a 2 ½% increase in the budget, is that in the increase for spending or the increase in the tax rate.

Manager Politi stated tax rate.

Mr. Millspaugh asked what the increase in spending was and the percentage there.

Mayor Pearson stated that the operating expenditures increased 9.7%, employee health benefits costs increased \$24,941., and contributions to the Josephine-Louise Public Library remain the same and continued commitment to the capital improvement program.

Mr. Millspaugh asked if operating expenses are all spending. Is it 9.7%. It sounds significantly different from the 2.5% increase. That should be made clear that it is a tax rate, not an increase spending. 9.7% increase in spending is very significant. He did attend the meeting on last Monday and that was after he had made some comments at the public hearing for the budget two week ago and one of the questions he had was were the interfund transfers from the water and sewer funds which showed as revenues under the general fund and his impression when he left the public hearing was that it was law that if they were appropriated at the beginning of the year that they do need to be transferred by the end of the year. Is that still accurate.

Ms. Weiner stated if we have the cash, yes, but we've had a cash flow problem that is why we're doing the water meter replacement.

Mr. Millspaugh stated that in the year ending 2006, the fiscal year ending 2006, there was actually a surplus in the water and sewer funds, so he doesn't understand. Cash is in the law that you don't have to make a transfer even if you over expend all of your line items. When do you become fiscally responsible for every line item, verses making a transfer?

Trustee Wynkoop stated that the village went through an audit, which was to the dime.

Trustee Hurd stated that this is public comment, not discussion.

Mr. Millspaugh stated that it is a public hearing he's suppose to be able to ask questions.

Trustee Hurd stated that he is right and the board will listen to every word he says. The board is trying to give Mr. Millspaugh the answers, but they don't have them instantly. The public hearing has been open for a number of sessions and everybody has

had the opportunity to give the board written comments and give them time to prepare answers if that was his purpose.

Mr. Millspaugh stated that he believes that the written comment is after the public hearing is closed.

Trustee Hurd stated no.

Mr. Millspaugh stated that it's not closed yet as far as he is aware.

Trustee Hurd stated, not for public comment.

Mr. Millspaugh asked if you have so many days after the public comment is over to do written comments.

Manager Politi stated yes.

Mr. Millspaugh stated that at the work session last Monday Trustee DeJesus said that he wanted to see realistic numbers of all the line items and he got the impression that everyone on the board agreed with him and he thought that meant that they would go back to the table and get those numbers adjusted. He will put something in writing and turn it into the clerk to be added to the minutes.

Mr. Dowd stated, no that is not what this board approved. Written comments were to be prior to this evening, so they can have public comments tonight and close everything down and take action. He does not recommend the board allow written comments because they did it for the last two weeks.

Mr. Millspaugh stated that there still isn't a budget out there that he can look at that tells him anything.

Mr. Dowd stated that Mr. Millspaugh might not like that, but the budget meets the law of the State of New York. If he's not happy with it he doesn't know what to tell him.

Mr. Millspaugh stated that on the first page of the budget the letter from the manager says that this is a document poignant to the running of the village. He doesn't understand how it can be poignant when the numbers are inaccurate.

Manager Politi stated that the village clerk has all the records.

Mr. Millspaugh stated lets talk about revenues. The sales tax revenues for last year are projected to be the same as this year or this current year's numbers are to be projected to be the same as next years. Everyone knows there is a slow down in the economy and the last budget numbers that he looked at were the end of February showed that the sales tax collections, which should have been around 75% were more like 67%

collected. So he doesn't believe the village will get the \$925,000 they projected for this year in revenues. Also, in the mortgage tax that number is significantly down.

Ms. Weiner stated that the village will be getting a second check in May for the mortgage.

Mr. Millspaugh asked if the village has received the first check.

Ms. Weiner stated yes in November.

Mr. Millspaugh stated that he would assume they are not seeing the same amounts of refinancing which brings in the mortgage taxes so he is going to guess that if anything happens with the water and sewer funds that are suppose to bring revenues to the general fund and the sales tax and mortgage tax might not be there to support this budget. Historically, the last two years the villages spending dollars have been significantly higher than what was originally budgeted and the village has been able to get by with additional revenues through the years, which he thinks are drying up. So rather than getting into a budget that is going to cause problems he is just trying to point out that it might be smart to look more closely. This next comment does have to do with budget, but it won't start out that way, a couple of years ago he did present the code of ethics that the trustees are under which says that they are all suppose to have open minds and he doesn't believe we are working for the benefit of the village they way we should be. You're talking about giving yourself raises, you're talking about benefits and he doesn't see the effort. He thinks its poor business practice for the last minute trying to figure out what's in the budget and what's not in the budget and he would like to see a lot of changes. Hopefully the community that is here tonight will also support that idea and see who is doing the work and who is not doing the work.

John Revella, 16 Church Street stated that he'd like to share some of Mr. Millspaugh's concerns. Comments from Mayor Pearson and Deputy Mayor Matise show there are significant changes in the budget that are in the works. He feels the public hearing should be kept open until the budget is more in its final form.

Mr. Dowd stated that the budget has to be adopted by May 1st and it is now the 24th, so the board is limited to 6 days in which to adopt this budget.

Mayor Pearson stated that they have six days.

Manager Politi stated that they've gone over issues that have already been discussed. There is not much that has changed from the last meeting.

Deputy Mayor Matise stated that she doesn't feel the board has made a final decision.

Manager Politi stated that he thinks the board did.

Mr. Dowd stated that he wasn't present but tonight four board members indicated that they approved two full time cops.

Trustee Hurd stated that at the end of public comments tonight they can make a motion and then they will see who agrees with what.

Mr. Revella stated that it's his understanding that the final version has to be to the board seven days before approval. That's 239 of General Municipal Law. That's the law of the State of New York.

Mayor Pearson asked Mr. Revella to say that again.

Mr. Revella stated that it's General Municipal Law which requires the final version of the budget to be on the desk of the trustees at least 7 days prior.

Mr. Dowd stated, that's not the budget that is about local laws zoning changes and planning, not budgets.

Trustee Hurd asked Mr. Revella if he was an attorney.

Mr. Revella stated that he does have a law degree.

Mr. Revella asked what the time frame they need to have it on their desk for final approval.

Mr. Dowd stated that it was submitted to the board back in the beginning of April.

Mayor Pearson stated the tentative budget.

Mr. Dowd stated that the tentative budget was submitted to the board April 1st and they've been working on it since then. That tentative budget is a fluid document that changes as they decide the priorities of where they want it to go. Therefore, there is no requirement in the law that it has to be finalized before its adopted seven days prior. They can make changes tonight and adopt it tonight.

Mayor Pearson asked Trustee DeJesus what his understanding was of the police from the last meeting. Did he understand they were hiring two full time police officers, definitely?

Trustee DeJesus stated that it was his understanding that there is a vacancy they were going to fill and hire one police officer.

Mayor Pearson stated not two plus the vacancy.

Trustee DeJesus stated no.

Trustee Wynkoop stated one plus the vacancy, that's two.

Mayor Pearson stated that we already have a vacancy which is already being paid for. The vacancy is already in the budget.

Trustee Wynkoop stated yes, and we're getting one more full time.

Mayor Pearson stated you're talking two extra police officers plus the vacancy is what he is talking about, that is what this budget is showing. It's not showing filling the vacancy and it's not showing one extra one, its two extra plus the vacancy. That's not how she understood it from the last meeting they had.

Deputy Mayor Matise asked if Trustee DeJesus understood that the board was asking for a comparison between a part timer and a full timer.

Trustee DeJesus stated that they were asking what he asked and they went over this at a meeting that they had last week regarding the cost of the part timers verses the full timers and spread out in terms of five years. When you look at it long term the full timer is cheaper than the part timer. The final decision they came to was the filling of the one vacancy.

Mayor Pearson stated which is already in the budget.

Trustee DeJesus stated and one new police officer, not two.

Mayor Pearson asked Trustee Leonard what his understanding was.

Trustee Leonard stated that was his understanding, one vacancy and one full time officer.

Mayor Pearson asked what it would be to take that one full timer out.

Manager Politi stated that it will be more, but he'll take it out.

Trustee Hurd stated that they have to put the forty hours back in, it's more money.

Deputy Mayor Matise stated that she feels they never got figures for the part time officer. You're saying its \$20 and change an hour, but there are other factors in the full time and this just shows the same information twice. She still hasn't seen a visual comparison in terms of cost.

Manager Politi explained how they arrived at the two plus one. They know they have to fill one position, that's in the budget, that's already there. The chief had requested a new position. When that came in they reviewed those numbers. The numbers in the first few years are actually lower than keeping it part time, because of the start rate of a full timer as opposed to the rate the village pays its part timers. Even though there

are benefits associated and everything else that you would add in that whole line. During those discussions it became apparent, talking with the chief, as we are growing as a community, you have growth in the usefulness of actually having more full timers. More dependable time so that the gaps aren't there. There were a series of things the chief brought forward, so the concept came up why don't we see if we can put one more in. What would it be with two new full time officers. That was the final conclusion he had coming to this meeting.

Trustee DeJesus stated that having two full time officers should then reduce the part time budget.

Manager Politi stated, yes it does.

Trustee Hurd stated that it was just a trade off.

Trustee DeJesus stated that coming out of the session it was his understanding they were filling one vacancy and adding one full time.

Mayor Pearson and Deputy Mayor Matise stated that is what they remember.

Mayor Pearson asked Trustee Norman what she remembers.

Trustee Norman stated that they went with the two and got rid of the part timer. The manager and chief gave a report on the money part of it.

Mayor Pearson asked, two meaning the vacancy or not the vacancy.

Trustee Norman stated the vacancy plus two.

Deputy Mayor Matise stated that she got the vacancy plus one.

Mayor Pearson stated me too.

Manager Politi stated that if they want him to back that out he can back that out. You can make those changes.

Deputy Mayor Matise stated that even if you do the vacancy plus one you're still taking out forty part time hours and that is what they talked about, forty part time hours, not eighty part time hours which would be two plus the vacancy. That's all they ever talked about was forty part time hours.

Trustee Hurd stated that was for the second officer.

Deputy Mayor Matise stated that was at the last meeting.

Trustee Hurd stated yes.

Deputy Mayor Matise stated so that is a vacancy plus one.

Manager Politi stated a vacancy plus two. That is how he received. It is the board's decision ultimately.

Mayor Pearson stated that she has a comment on the budget about the maintenance in the parks verses the people we already have. Do we have a finalization of that, whether we're going to?

Manager Politi stated that they are going to anyway. You reduced it and found that number would work.

Mayor Pearson stated that we are going to privatize that instead of being in house.

Manager Politi stated that is an option.

Deputy Mayor Matise stated that on the second movie night they just asked what it would cost.

Manager Politi indicated that they can pull that out. It's \$5700.

Mayor Pearson stated that the manager told them that there may be a discount and then he came back and said it wasn't so they agreed that one was plenty.

Deputy Mayor Matise stated that if they take out one full time officer and they take out the movie night are we back to the 1.8.

Manager Politi stated that if you take that full timer out you still have to replace it with part time hours.

Deputy Mayor Matise stated that you're taking out forty part time hours to put in the one extra full timer.

Chief Holmes stated that if you look at the original numbers for the part time line, last years budget was 150 hours for a part time officer. That is based upon immediately using a four and two schedule, forty hours with the number of officers he has, we're already in the hole. We start off with forty hours and the way he comes up with the rest of the figures is 150 hours which is last year's budget, 150 part time hours, which is based upon foot patrol, which is a six to twelve. We don't run it January, February every night, just Fridays and Saturdays. Over the years he averages out the number of sick hours that officers have, contractually if he puts in all the hours officers have sick time. What he originally did, sitting at those meetings, when they said they would give another full time officer, take forty hours out that is what he did. So when you take forty hours out from 150 you're down to 110. Then he was told they wanted to give him another officer so he took an additional 32 hours out and they got down to the 80. That is how

they got down to 80. The budget the board is looking at with 80 hours, this last budget they put the numbers together 80 hours of part time, and they got to that number by taking 40 from one full time officer and 40 from having a second full time officer. So they have taken 80 hours out already. That is taking part time out and hiring two full time officers.

Mayor Pearson asked if originally the chief asking for a part time officer.

Chief Holmes stated no.

Mayor Pearson stated, that didn't affect the part timers at all at that time.

Chief Holmes stated that it did.

Mayor Pearson stated that she doesn't remember that conversation.

Chief Holmes indicated that was the very first night.

Mayor Pearson stated that if he's given a full time officer why would you be taking a part time officer out. You already have a part time officer in the budget.

Chief Holmes stated that he just explained how they got to 150 hours. In the four and two wheel you have a hole already of 40 hours. So that is where the part time starts off. How he gets to the other number of hours is based upon special events, sick time and foot patrol. That is how they get to those other hours. They have been that for the past thirteen years. When he asks for a full time officer 40 hours comes off 150. When they said they were giving him the other officer he took the other 32 away from the 4 to 2 schedule.

Trustee Wynkoop asked if the chief was told he was getting three officers.

Chief Holmes stated two additional besides the hole that he has.

Trustee Wynkoop stated that is why they went with it, because it's cheaper than a part timer.

Chief Holmes stated that is how they are getting to the dollar amounts. If they say they are going to give him just one additional full time officer then you have to add into that the additional 32 to bring you back up.

Deputy Mayor Matise asked what the dollar amount difference is.

Trustee Hurd stated that they did get that.

Deputy Mayor Matise stated that she didn't. She asked the manager what the difference was.

Manager Politi stated that was right up front the very first stuff.

Deputy Mayor Matise stated that it's impossible to make a decision if they don't have the dollar difference.

Chief Holmes stated that after the first night he was told he was getting an additional officer, so all the figures he and the manager worked out were based upon filling the vacancy and two full time officers.

Trustee Leonard stated that if they are ahead with two full time officers he's all for it.

Deputy Mayor Matise stated that they have no figures for it.

Manager Politi stated that there was a comparison the first night they met.

Deputy Mayor Matise asked if the village contributes to their pension.

The treasurer stated yes.

Deputy Mayor Matise asked if the village contributes to unemployment insurance for them.

The treasurer indicated that it's in a group and we budget for that.

Deputy Mayor Matise stated that we pay workers compensation for them.

The treasurer stated that it's under workers compensation. It's not part of their salary.

Deputy Mayor Matise stated that on the full time line the cost is laid out all the way across. What they are asking is what the cost for the part time line is.

Chief Holmes stated that there were two budget spread sheets that had the deduction and the addition of part time as well as full time.

Trustee Hurd stated that they projected it out and they used 2 or 3% and it went out six or seven years without increasing the part time hourly rate, so it looked like a good deal for almost ten years or longer.

Mayor Pearson stated that we are also looking at a police department that hasn't come to an agreement with a new contract. She hasn't heard anything more about the numbers that have been settled.

Manager Politi stated that she has heard everything that he has heard and he is very confident.

Mayor Pearson stated what happens if that falls through and we go to something else.

Chief Holmes stated that if we do go to arbitration the economics we are already good for. When you go to arbitration because both sides have already agreed on the economics that dollar amount is going to stay in. We are only talking hundreds of dollars. From the economics side, they have gotten over the hump. The dollars will never change. The economics has been settled, and now we are talking wording.

Mayor Pearson polled the board regarding the budget.

Trustee Norman indicated that she is happy with the budget.

Trustee Wynkoop indicated that he was fine with the budget.

Deputy Mayor Matise stated that she has two different sheets regarding the police officer. It says under full time officers with two vacancies \$821,038.68 and then under part time down to 110 hours it says \$135,462.54. This also says two vacancies and it says \$857,000, so it's more.

Manager Politi stated that what he would rather show the board is to actually plug the number back in, put it back into the computer.

Deputy Mayor Matise indicated that she can't vote until she sees that.

Trustee Leonard stated that he is in favor.

Trustee Hurd stated that he would like to hear what the rest of the public has to say and then they can say whether to keep the public hearing open or not. He believes that items two on action items is a resolution to adopt the budget, so he thinks it would be more appropriate to vote at that point.

Trustee DeJesus stated that the one issue that he has is the one vacancy verses the two vacancies. He asked if he's to understand that we're really against additional full time officers.

Mayor Pearson stated no, not at all.

Trustee Hurd moved to close the public hearing on the budget. Seconded by Trustee Wynkoop. All ayes. Public hearing closed.

Executive Session

Trustee Hurd moved to hold an Executive Session pursuant to 105-(f), personnel, Village Manager, of the Public Officers Law. Seconded by Trustee Wynkoop. All ayes. Motion carried.

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

Public Portion

John Pluchino, 14 Harrison Street stated that he and his wife Betty live in a ranch single story on Harrison Street and they had a terrible experience on Sunday which happened late in the day. About 3:30 in the afternoon he heard a trickling noise coming from the washer/dryer room and after asking his wife what it was she said she was doing the wash. It continued for a while and he wasn't comfortable so he got up and walked down the hall and as he passed the bathroom he saw sewage gush out of the toilet bowl. It was black sludge like lava. He yelled for his wife and said we have to get out quick. They grab the animals and went out the back door. After putting the animals in the car his wife went back and opened the front door. By that time a large volume of sewage gathered in the house and came gushing out the front door. It continued for about 20 hours. They couldn't do anything to stop it. They called the village to let them know about it. He is very concerned because they don't have a place to live. His in-laws have given them a guest room in their house. It's kind of cramped and they are not in great shape right now, but right now it's a place to sleep. They need the villages help to find out how this happened. They need to determine if the town is responsible for any of this. They also need recommendations as to what can be done to protect there property from this ever happening again. He was able to get involved with the review process. A gentleman from Selective Insurance who insures the village came to his house on Tuesday. Tim Robinson is an adjuster for Selective Insurance and he came to his house on Tuesday. Keith Hunter was also there with the village manager. He spent time explaining to Mr. Robinson what happened and he explained that he was going to inspect Mr. Pluchino's house and he would go inspect the other houses. He pointed out to him that when he goes to the other houses that Bob Osterhoudt's residence had a great deal of sewage coming out from under the staircase that is located on the front left corner of his lot. He asked Mr. Robinson to take a careful look at that to see if he can determine whether or not that particular flow of sewage is the result of a sewage pipe that is open. He said he would look at that. When he was preparing to leave and Mr. Pluchino asked the adjuster if he'd taken a look at this item he asked him to look at and he said no he didn't. So he asked him to take a moment and come down to Bob's house and take a look at it. After a while he agreed and went down to look at it. Mr. Pluchino asked him to take pictures of it. He took his camera out and he didn't take any pictures. He said if he takes pictures he's going to go home and delete them from the camera. Mr. Pluchino felt that was an important piece of information that should be documented and it wasn't. He would like to see action taken as soon as possible. They will have to work together as a team to be able to communicate effectively.

Betty Plucino, maiden name Force who grew up on East Avenue, her family has been in the village forever. She passed around a photo album of pictures of what happened in their house. She contacted the sewer department right a way and the phone number was on for the police department, so she called the police department and said you have to call the fire department. The police department said she would have to call the fire department. She said you don't understand, she was still in her church cloths and up to her ankles in raw sewage running around the house. There was stuff lost that can never be replaced among other things. Her husband called the police department and was told your wife already called and there is nothing that they can do. They waited another hour and called 911. They said we're sorry you're 50th on the list. They waited at the house until 8:30/9:00pm and finally they had to leave. They couldn't shut the front door because the sewage was still running out of the house. All night long they were told by the police department that they couldn't secure the property. The only person that came to check on them on Sunday was the mayor and deputy mayor. Mayor Pearson has been there every day trying to find homes for the people on her street and she checked on them to make sure they were okay. One thing she is disappointed in is the manager because they never heard from him until the next morning at 9am and she knows for a fact that he knew about it on Sunday. She got a call from the Times Herald Record and she knows they called the manager asking if there was any problems in Walden and his reply was minor flooding on Harrison Street. To her losing her house and having it fill up with sewage is not minor. Her insurance does not cover this. Mr. Conroy called Mr. Larkin's office who contacted emergency services who contacted her. You cannot get out of your car without smelling raw sewage on Harrison Street. She had raw sewage in her living room. She called 911 again on Monday morning who asked if she called the fire department. She told them that she needed help and that no one came from the fire department. He called the fire department finally the fire department came who said there was nothing they could do so they called someone else and Mr. Edwards came up. They tried to blame it on the coy pond in her back yard. That is pure water that is self contained so there is no way it could have affected the sewer. After that she called her own plumber who came over and there was a cap, a clean out that the plumber popped and about twelve inches of sewer popped out and then it started coming out there instead of in her house. To her the village has done nothing. She thinks it's a sin that all this sewer and water went onto the lawns and into the brook and that brook for twenty hours emptied into the Tinbrook which totally covered the playground area. She went to the police department and told them that there were people in there. She works in the health field and she knows there is ecoli and hepatitis and many other diseases that is in that water which is covering the play area. She asked the police to close the park and have it cleaned and they said there is nothing they could do and they let it go. She went by on Saturday and Sunday and the playground was crowded. You don't know how hard it was for her not to stop and scream this playground is contaminated. She put it in the hands of the police department. She is very disappointed with this village. The village is supposed to supply the residents with a safe water system, and a safe sewer system. Now it's overcrowded and cracked. She has heard many stories about how the village has known about these problems for years and years and no one has done anything about them. She also heard the remark made that it is only one house. You know what, its mine.

Bob Osterhoudt, 4 Harrison Street stated that about 1:30 he looked out the window and there was sewage gushing out his front yard, going to the back of his house into his garage and laundry room. He dug a trench across his lawn and new driveway. He has spent a lot of money on his driveway and lawn. It ran for three days. He would like something done. He has had sewer back ups for five years now. The village put a pump in his yard and he doesn't have problems inside his house. He thinks the pipe wasn't capped right and that is where he's getting his sewage from. Now that his is fixed he thinks its going up the street. They were down there Sunday night pumping out the manhole and he heard on the scanner we're not pumping anymore we don't want to waste anymore money on Harrison Street.

Gina Tubbs, 24 Center Street stated that she and Jessica Frampton asked for a meeting with the board to discuss the skate park, the elbow pad issue.

Jessica Frampton stated that they want to have a skate board competition in Joe Savage's name to raise money for the scholarship fund and his family. The skate boards are being sold for \$35.00 and there will be \$5 or \$6 of that is going to the scholarship fund. They want to get the bad name of skateboarders in Walden off of them. No one wants to skate at the park because of having to wear knee pads and elbow pads. If they can get it limited to just helmets the kids will go back there.

Mayor Pearson asked what was wrong with elbow pads, knee pads and wrist guards.

Ms. Frampton stated that it's hard to skate.

Mayor Pearson asked if the pros wears them.

Ms. Frampton stated that most don't.

Ms. Tubbs stated that there is nothing for these kids to do. We have a park and no one is using it.

Ms. Tubbs stated that after Joe passed away and everyone went to the park to do a tribute and the police kicked them out.

Manager Politi stated that he asked our insurance agent to see if there was an insurance company that would relief the village of that requirement. If there is it will be expensive. You also open the village up to a liability for not having elbows and knees protected.

Ms. Frampton suggested the parents sign a waiver.

Manager Politi stated that you couldn't do that.

Deputy Mayor Matisse stated that she has been told that there are different types of pads that would be easier to make the moves with.

Chris Reilly stated that any modern skateboarder these days has no helmets, pads or nothing. He doesn't see the kids riding bikes without helmets getting in trouble. You can get injured with the pads on. At first all as they needed were helmets and now its helmets, knee pads and elbow pads. He doesn't understand that.

Manager Politi stated that it was a clarification with the insurance company and how far the village had to take it. The insurance agent is researching if there is another insurance company out there.

Deputy Mayor Matisse stated that skateboarding on the streets is dangerous, but they are also in the parking lots and then shooting out into the street and that is even more dangerous. She hopes to find some way to work this out.

Mayor Pearson invited them back to the next meeting and hopefully we'll have an answer from the insurance company. She also asked that parents attend the next meeting.

Deputy Mayor Matisse suggested that if they have any questions of the village's insurance agent that would be good for him to research it.

Marie Mentz, 24 Hidden View Drive stated that Beazer Homes are putting new homes next door and their situation is accountability. They fought the battle to get a new road in and now Beazer Homes has torn up the roads. There are holes in the middle of the road. They had a pipe in the front of their house and she couldn't get into her driveway for two weeks. She had to call to have someone come out. There was a hole next to her house and a big open hole with no cover. There is a manhole cover open right now half way.

Mr. Mentz stated that all the workers garbage is flowing down the road. One of the trucks hit his wife's car yesterday.

Ms. Mentz stated that they're not even supposed to use that road. There were eight cars going through the dirt road.

Mr. Mentz stated that their sewage is at the wrong pitch so they want to redo their sewer lines. That is a major concern after listening to the people from Harrison Street. He understands Beazer Homes is being investigated by HUD, FBI and IRS. There is hay down there that is decomposing and the excess water from the pond is not dredge to go out to the Wallkill.

Ms. Mentz stated that when the water runs down the street it goes down the side of her house. Also, they want the cul de sac back.

Liz Bailey, 6 Hidden View Drive stated that she is the original Hidden View Drive person and she has seen changes that she doesn't like. They have sidewalks in front of her house that you cannot walk on without feeling the stones. They were supposed to get granite curbs and they did not get them. They were supposed to get sidewalks replaced and they did not get that. They suppose to get trees lined on the street and they did not get them. Instead they got development. She had to move a fence that they had there for 18 years. That place behind her was vandalized and now everyone has their flood lights on. The show house has two flood lights and it aluminate her entire house. This is being inconsiderate. There are trucks coming up and down her street and they were a dead end. She bought on a dead end to have safety for her kids. They also lost their cable. Taxes are going up and there is nothing to show for it.

Kevin McColl, 12 Harrison Street who was also involved with the incident on Harrison Street wants everyone to consider that your home that you have worked to put together and is a place you live is invaded by sewage and you have to live there. He would like the village to help them. The mayor and manager have been out to see him. His concern is there is liability on the village's part and that is kind of questionable from what he's heard regarding cases in the past. Maybe with the way the village is growing the infrastructure can't keep up with that. He'd like to keep track of any improvements that are being done.

Dawn Sheehy, Hidden View Drive stated that last June someone from Beazer Homes came to her house and said she had to take down her deck it was on their property. She told them that she bought the house four years ago and had a title search and she was assured everything was on her property. He said he had a survey and it was two feet into the buffer zone. She said that's a buffer zone and its not peoples property and she was not touching the deck. They continued to come with more and more men telling her to move her deck. She told them that she had contacted her title company and they assured her that this will take time to research. They then threatened to cut her deck in half and that he had three days to sell the house behind her and they can't sell it without her deck being gone. One of the hire ups came and she told him that she didn't want to remove the deck and that she had a nice fence there. He agreed to take the deck down and rebuild the fence for her. They took down the deck and she never saw the new fence. Months go by and she complained that she wanted the fence. She came home from work one day and they had constructed a fence clear across her back yard on her property line. She showed the board pictures of the fence. She told them to get the fence out of there right now and she was told that the people that bought the house did not want to look at her house so the fence was necessary. This is not the fence that was to be constructed on the side of her property. She threatened with lawyers so they came and took it down and at which point she did get her fence. The title company came through and said she never had to have her deck removed; it would have been the title company's job to argue that with them. They never put a new deck on, just built a fence where the deck used to stand. She did agree with that. After that they showed up saying that her rock wall that surrounds her shed is on their property and needs to be moved. She said absolutely not, call the title company. While she was at work they came onto her property and removed the rock wall and dumped it on the side of the shed. She also showed pictures of that.

Mayor Pearson asked Mr. Dowd what the recourse would be.

Mr. Dowd stated that he doesn't know the issues as to where the property line is, where the deck was and whether the stone wall was or was not on their property. Clearly, this is a dispute between Ms. Sheehy and Beazer Homes. He strongly suggests she gets an attorney or use the title company's attorneys to try and help her. There may have been several things they did wrong. The village can not intervene between private property owners. There is a dispute on her property line. If they were on her property trespassing then that would be a police action. However, the dispute between owners as to where the property line is and what is on it or not is strictly private and the police cannot intervene in that either.

Ms. Sheehy stated that she is concerned about the harassment and the trespassing on her property. She asked how she is supposed to prove that they removed the rocks.

Mr. Dowd advised her to talk to a private attorney. The village can't help her with that.

Trustee DeJesus stated that someone needs to speak to the developer.

Deputy Mayor Matise stated that there are other complaints. She asked Ms. Sheehy if she had anything in writing about the wall. She suggested she contact Alexa James from the Record.

Marcus Millspaugh stated that there are two approved lots in the Village of Walden and there is a discrepancy and the village knows that. How could they approve a lot for Beazer if that lot encroached? It should have shown on the survey.

Mr. Dowd stated that there is a survey that the planning board approved that showed that property line. If it's in dispute with any other persons property that is nothing the village can litigate for.

Deputy Mayor Matise advised Ms. Sheehy to go back to the title company.

Trustee Leonard stated that there is also a ten foot conservation easement on their property which is not to be touched and it sounds like they are into that easement.

Manager Politi stated that he will look into her concerns.

Ms. Sheehy stated that the workers would park in front of her driveway in the mornings as she was trying to go to work and she would have to threaten to call the police to get out of her driveway. She shouldn't have to deal with this.

Deputy Mayor Matise advised Ms. Sheehy to go on the internet because there are a lot of citizens groups dealing with Beazer.

Theresa Reggero, 23 Fairview Avenue stated that she finds it very unprofessional that Mr. Dowd sits there laughing and snickering and rolling his eyes when people are voicing there concerns.

Mr. Dowd stated that he wasn't laughing or snickering, he was talking to Mr. Politi.

Ms. Reggero stated that it was when the skateboard thing came up. Maybe it's petty to him.

Mr. Dowd stated no it isn't petty, it's really a shame that parents don't care enough about the health of their kids that they don't want them be protected. The village spent a lot of money to put that up there, the insurance company says you have to have pads on to protect these children. You're also protecting every person that owns property in this village.

Ms. Reggero stated that she doesn't care about the skate park, but she does care about the attorney snickering and rolling your eyes and poo, poo someone's concerns.

Ms. Reggero stated that she went through the same experience five or six years ago. She lost her house to the foundation. She had village people coming, oh yes, we did this. Now it is six years later, she's gone to court, and she has nothing to show for it. The insurance company only carries \$5,000 per incident, per person. Your whole house could fall down and it's worth \$300,000 and they'll give you \$5,000. Then she went to court and its lies. She went to every board meeting and she was told they are working with her and she has nothing. All you people are elected and he's not. She thinks the board should get on him and try to help these people because she doesn't want to see what happened to her happen to them and it's happened countless times all over this village. There are parts of this village that have 100 year old sewer systems and we're putting new houses in. Any kind of money that comes in is going to the new houses. Her taxes are \$7100 on a 1/3 of an acre because she is told she has a brand new house. Why does she have a brand new house, because the village flushed the sewer lines and wrecked the old house and it had to be built new? She can't afford a new house. She bought a little tiny \$45,000 home to build an addition on and now her taxes are \$7100. She had to coax her husband into raising a family here because Walden had such a bad name back then. She wants to get out of here just as bad as her husband does, but she probably can't sell her house because there are sewer problems there.

John Muehlen stated that this whole place is packed and there is a sign that says exit, look how that is, two feet wide, you don't care about the public. On April 10th he was here and he was sworn at. You people couldn't even put it in the minutes. He asked for a public apology.

Trustee Wynkoop indicated that he apologized that night.

Mr. Muehlen stated that he accepted.

Trustee Wynkoop stated that with that incident he doesn't remember what transpired, what happened nine years ago. They couldn't find the letter and then they found it and that is the first he remembered he was involved. He probably said something to the village manager to see if there was anything he could do for the homeowner, which he's done for Mr. Muehlen a couple of times when he had problems with his sewer. Again, with Mr. Muehlen's back yard he went to the manager. If a taxpayer comes to him he tries to help them if he can. He apologized for swearing.

Mr. Muehlen stated that Trustee Wynkoop saw the letter before he did and he should have come to him and said, John I made a mistake.

Trustee Wynkoop stated that he went to Mr. Muehlen and told him the letter was at the office for him and that was the same day he found out.

Kevin Walz, Hidden View Drive asked, besides Mary Ellen and Becky who has been at Beazer.

Trustee Wynkoop stated that he's been down there.

Mr. Walz stated that he has a trench from one end of his yard to the other where the gas company came and dug it up and he has a piece of concrete sticking up. The sweeper doesn't come anymore. Becky came down on Sunday and said there is no way they should have to live under these conditions.

Mayor Pearson passed around the pictures she took at Beazer.

Manager Politi stated that when Mr. Walz called and said he had an issue he sent the building inspector to go out and take a look.

Mr. Walz stated that you guys approved all of this, why aren't you out there checking it.

Manager Politi stated that he has been on site numerous times.

Mr. Perrello stated that at 7am Saturday he was sleeping and this flat bed truck pulled up in front of his house with an excavator on it and woke the whole neighborhood up. Then he started banging away at the shale.

Mayor Pearson stated that she heard that same noise and she drove through the neighborhood before she went to work. That is when she saw the stuff. The people called her that afternoon. She contacted the manager and asked why construction is going on at 7am. In the code book its 10am on Saturday's and Sunday's. The manager asked her if she wanted him to stop it. It was 9am then you might as well let it go, but next weekend she's not expected to be woken up at 7am.

Mr. Perrello asked if this happens again who they can call.

Manager Politi advised them to call the police.

Mr. Perrello stated they had a brand new road and now it's trashed. Are these roads designed for 100,000 pound vehicles?

Mayor Pearson stated that they were asked them to use the other location.

Ms. Bailey stated that they were not supposed to access from their road. They come barreling down that road. There have been many complaints filed about that.

Deputy Mayor Matisse asked if they were going to replace that road.

Manager Politi stated that where they did the tie ins they will.

Deputy Mayor Matisse stated that they were told not to use that road. They were to use the road at Ponds II to access Ponds I. They should be responsible for that road.

Mr. Perrello stated that two years ago there was an excavator on his property jack hammering to hook the sewer line to the first development. They dug up the sidewalk and left gravel all over the sidewalk. He had to beg Cliff three times to clean up the gravel and he did a bad job. The machine hit his mail box and he asked to have it replaced and Cliff said a \$30.00 mail box is a little much to ask for. He still hasn't gotten a new mail box.

Ms. Perrello asked that the village help them and to consider leaving their road a cul de sac the way it has been.

Mayor Pearson asked the manager what the procedure is and what does he want them to do.

Manager Politi stated that there is 24/7 police department and have them page Dean.

Mr. Perrello stated that Beazer says they are turning the water off and it's off all day.

Ms. Bailey stated that they said they delivered letters regarding the blasting and she did not receive one.

Deputy Mayor Matisse asked if they should have sent the letters certified.

Trustee Leonard stated that he didn't know the extent of this and he wished they would have relayed it to him.

Mr. Perrello asked why they have to come here and complain to the board when every single one of you should be down there checking up on them.

Mayor Pearson indicated that is what the building inspector/code enforcement officer and engineer is for. She was at the site and met the vice president of Beazer and they went for a walk and she pointed out the violations. She feels they could be fined for that. It's not her responsibility to make sure those holes are closed.

Manager Politi asked who they reached out for.

Mr. Perrello stated that he has called the office and asked for Becky and they indicated that she was at her other job and he was not going to bother her. He called numerous times for Becky.

Ms. Manousk stated that her concern is the pole that used to be on her property and the tree they cut. When she called the person about the pole they indicated that property is the village and she has nothing to say.

Manager Politi stated that he will look into that.

Mayor Pearson asked the residents of Hidden View to call the office and leave the names and number.

Manager Politi asked them to leave their names and numbers tonight.

Deputy Mayor Maise stated that she drove down there after the noreaster and she was surprised to see all the holes. One thing they have to understand is that they can't be everywhere and they rely on people to come and say something to them.

Mayor Pearson stated that the village pays people to do that job and that is what she has a problem with.

Lou Osterhoudt, 8 Harrison Street stated that his damage was in the basement. He has a \$10,000 claim in. It cost him \$7,000 to get back into his home, to clean it and get a new furnace. His concern is it going to happen again. He has a two year old and five year old and you can't let them play out there. He asked if anyone has looked into this.

Manager Politi stated that is what they are doing now.

Ms. Pluchino asked if the department of health was called.

Mr. Edwards stated that he has a DEC spill number for Harrison Street, all four houses.

Mr. Pluchino asked if there wasn't anything the manager could share with them tonight, what actions have been taken.

Manager Politi stated that the insurance company is working on this.

Ms. Pluchino stated that there is more and more building going on, what about their sewage.

Manager Politi stated that it would depend on how that line is traveling.

Ms. Pluchino stated that this has been going on since 1999, when will it be addressed.

Manager Politi stated that as soon as he gets the answers he will give them answers.

Ms. Pluchino asked how the village was going to address the pipes that need to be replaced. They can't get flood insurance because they are on a slab. They have no way of protected themselves.

Mayor Pearson stated that she hopes there will be good communication.

Mr. Perello, 15 Hidden View Drive asked if anyone knows how much longer they will have to live with their roads, sidewalks and curbs ripped up.

Mayor Pearson stated that on Monday morning she spoke to the vice president again and they said as soon as the pump station on McKinley is finished, about two weeks.

Mayor Pearson asked Mr. Stickles if anything was holding that up.

Mr. Stickles stated that the only thing that is holding them up right now is the extension of the gas line and the electric for the McKinley Avenue pump station.

Mr. Perello asked about the cul de sac, making that a fire access.

Mayor Pearson asked the attorney if there was a way to not make that a through road.

Mr. Dowd stated that the planning board approved a through road, the maps have been filed and the lots have been sold. He's not so sure how the planning board could do that. You have approved lots and that is the problem.

Trustee Leonard stated that they made it a through road for safety issues.

Mayor Pearson stated that Hidden View didn't have two entrances. She asked if there is no recourse.

Mr. Dowd stated that he doesn't see how they can get this back. They would have to go through the planning process, file maps and reroute traffic and then you'll have a road that comes out of a cul de sac.

Deputy Mayor Matisse asked about a break away, like they mentioned for the townhouses.

Mr. Dowd stated that they talked about two ways in and two ways out for the townhouses.

Trustee DeJesus stated that there are two types of actions they can take, one is for Mr. Stickles to follow through with those things, but also the village can send a letter to the hierarchy and tell them we have a number of complaints. It's a matter of being a good neighbor.

Manager Politi stated that he would like to meet with Beazer's developer first and then write a letter.

It was the consensus of the board to have the manager meeting with Beazer's developer and then follow up with a letter.

Mr. Muehlin stated that you people all hire this manager and you allow him to move out of Walden and it doesn't matter how high the taxes go or how services are because he is not part of it. At 3:30pm he goes home to the Town of Newburgh to his nice little house and we are the people who suffer here. He won't come over to look at what they are going through. He doesn't know how the board allows him to be out of Walden to have this job.

Mr. Pluchino stated that Jim didn't come on Sunday, but he was there every day last week and he gave him his cell phone number and he asked the manager to wait for him at Harrison and he did wait. He is not going to fix the sewer he is going to manage the process and he hopes to hear soon what that process is. Each of the board members has an idea what their responsibilities are and they need to work together and get to the bottom of this. They need to know if the town is liable and they will find that out this week from Mr. Robinson's report. If the town is liable then Tim will prepare the dollar value of the damages. His statement to him was if the town is not liable he's not going to prepare an estimate of the damages to his house. If the town is liable I will prepare an estimate of the damages to your house. Hopefully the facts present that Tim can actually make that statement, that the town is liable. As far as Jim being out there as the manager, he was there and he answered every one of his phone calls.

Mr. Edwards stated that Jim just doesn't manage he helped them lift a six inch pump on Pine Street. Every time there is an emergency he asks if he needs to come out

and Mr. Edwards tells him not if he can handle that. A lot of times he comes out in the middle of a blizzard or rain storm.

Mr. Pluchino stated that he was stopped on Route 208 waiting for the car in front of him to make the left turn onto Scofield Street and he heard the DPW guy, while he was waiting, drive around the right side of his truck and curse at him. He said make your f – turn. When he was at the deli on Coldenham Road one of the DPW guys said to another DPW guy, don't do that we've already screwed him enough on that street. He doesn't know what the conversation was.

Keith Millspaugh, Millspaugh Furniture stated that the point he was making before about the budget was that one of the things that the board is responsible for is a responsible budget. He feels the budget is irresponsible specifically because it doesn't have anything in it for infrastructure that they are talking about. There is a lot of fluff that can be cut out. The other thing the board is responsible for is setting the code and making sure it gets enforced and it sounds like the other half of the room has all those issues to deal with. He believes we have, as he has been saying for four years, a dysfunctional board.

Audited Bills

Trustee Leonard moved to pay the audited bills of April 24, 2007. Seconded by Trustee Hurd. All ayes. Motion carried.

Resolution No. 16-06-07, Adoption of the 07-08 Budget

Mayor Pearson stated that there are three issues before them, one the police officer issue, village manager's raise and movie night.

Trustee DeJesus moved to take one movie night out of the budget. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Mayor Pearson stated that there was some confusion regarding the one officer that was already there that they would be hiring for and adding a new one or a part time officer.

Trustee Norman stated that she is for the two and not the part timer.

Trustee Wynkoop stated that he was on record saying that before and he sticks with it. Three officers, one to fill the position and two new ones.

Trustee DeJesus asked if there were still part time hours.

Manager Politi stated yes.

Deputy Mayor Matisse stated that it was her understanding that there was a vacancy and one full timer and that is what she wants.

Trustee Leonard stated fill the vacancy and two full timers.

Trustee Hurd stated vacancy and two full timers.

Trustee DeJesus stated that his understanding was vacancy and one full timer, but the majority of the board rules. At the time of discussion his concern was that in hiring one full time police officer we would have a reduction in the part time and Chief Holmes did address that.

Deputy Mayor Matisse stated that her concern is that they still didn't get a cost breakdown.

Mayor Pearson stated that it will be one vacancy and two full timers.

Trustee DeJesus asked if they would be looking at a reduction in part timers.

Manager Politi stated yes.

Mayor Pearson stated that the next issue is the manager's salary.

Trustee Hurd stated that he believes that Jim Politi has done, in his view, an excellent job. He's been on the job here in the village longer than him, he's been here for eight years. It is his opinion and his feeling that he has been instrumental in providing leadership and vision and that he has accomplished almost everything that the board has tasked him to do over the years. He is a man of exceedingly high intelligence and great integrity. He has enjoyed Jim during his time as an elected official. Also over the last few years he's never taken more of an increase than just the standard 3 or 4 percent. Considering everything he has accomplished that he get a slightly larger increase than the 4%. He thought they would do it as a flat increase of \$5,000 over his present salary which would be an increase of 7 ½ % increase rather than 4% for an even \$90,000. That is his recommendation.

Trustee DeJesus stated that he thinks there have been issues that they have addressed in the past and he understands there are concerns about giving him a higher increase, but the salary right now for the police chief is \$85,050 and to buy back \$1995. This would bring him slightly over \$3,000 over one of his subordinates. So he agrees with it.

Trustee Leonard stated that he agrees with the \$5,000. Jim has done a great job and he agrees with the statements by Trustees Hurd and DeJesus.

Trustee Norman agreed with the \$5,000.

Trustee Wynkoop agreed with the \$5,000. He further stated that he's done a good job and taken all the departments under him and made improvements.

Deputy Mayor Matise agreed with the \$5,000 but 7 1/2 % is too much of an increase. They are trying to keep a lean budget and that is part of it. She thinks there are infrastructure problems, but every time we think about an extra \$1,000 it should go to fixing something. Not that the manager is worth it or the board members aren't worth it. She would forego the increase that she is being given because she is doing this because she likes to do it and she wants to do it. A 4% increase isn't putting more pasta on her table.

Trustee DeJesus suggested that they look at taking the flowers out of the budget. Maybe we don't need all these little items. People need to realize its not a cheap proposition. Are people in the village prepared for a serious large tax increase for the purpose of infrastructure.

Deputy Mayor Matise stated that to property owners its worth it to improve the infrastructure because it improves the value of their homes.

Manager Politi reviewed what that village has done in regard to infrastructure and there is a lot more to go.

Trustee DeJesus stated cost out how much a quarter of the village would cost to replace the infrastructure and then put it to a referendum.

Trustee Hurd stated that he knows this, that they our doing things as much by grant as they can and we're trying to be so intelligent. Our inflow infiltration study pointed out the Zone C area that they happen to be in. We know what the problem is.

Trustee DeJesus stated that people that are here tonight are asking what you are doing about it; the fact is we are doing something about it. We are concerned about the problems we have. You have a business person saying we're a dysfunctional board and our budget is full of fluff and based on what he doesn't know what he is referring to, but he comes every year with the same situation. He asked Deputy Mayor Matise not to ask the mayor to cut off the discussion.

Deputy Mayor Matise stated that there are other things to talk about.

Trustee DeJesus stated that she cannot sit there and tell the mayor to cut off the conversation when he is speaking.

Mayor Pearson asked if she said anything to Trustee DeJesus.

Trustee DeJesus stated no, she is asking you to stop the conversation because he is addressing an issue that was brought up tonight.

Mayor Pearson advised Trustee DeJesus that he has every right to speak.

Trustee DeJesus stated that we want to address the problems that we have, we have to stop talking about it and say okay we're going to take one quarter of this village, the most needed area, and this is what we need and put it out to a referendum and let the people decide what they want. Then the \$5,000 he's getting take it off

Deputy Mayor Matisse stated sidewalks.

Trustee DeJesus stated take off the other hanging baskets and other stuff.

Deputy Mayor Matisse stated that we took \$20,000 away from sidewalks when they left here at the last budget meeting the sidewalks were going to be \$60,000.

Manager Politi stated they only put in \$40,000.

Trustee Hurd stated that we spend money on our infrastructure; we spend a significant amount every year to improve the physical plant. He feels the budget that was proposed was strong on one of the most basic functions and its critical to the life style of the village, which is police protection. He thinks it's amazing that they've come in with a budget that is within the typical rate of inflation.

Trustee Hurd moved to insert in the budget a \$5,000 raise for the manager's salary next year. Seconded by Trustee Leonard. All ayes with the exception of the Mayor and Deputy Mayor voting no. Motion carried.

Deputy Mayor Matisse asked if the flowers should come out of the budget.

Trustee DeJesus stated that they have a budget plan; they voted on a budget or are about to.

Trustee Hurd stated that flowers enhance the quality of life and he feels it's worth the money.

Mayor Pearson stated that she agrees.

Trustee Wynkoop stated take his salary.

Trustee DeJesus asked when they took the \$20,000 away from the sidewalks.

Manager Politi stated that it wasn't inputted when they were doing that. They had \$40,000 in there. He suggested the \$5700 taken out for movie night can go to sidewalks.

Mayor Pearson asked how much can they get out of the park comprehensive plan.

Manager Politi stated that they will start working on it in house and at some point they will have to have some contact with a private consultant.

Deputy Mayor Matise stated that planning money is easy to get and maybe they could use the money as a match for a bigger plan. She wouldn't take it out.

Trustee Hurd stated that he feels a park plan is important.

Mayor Pearson asked what the plans were for the \$5,000.

Manager Politi stated that it's going back through the justification. At some point they will have to work with consultants.

Trustee Norman suggested they add more money for sidewalks.

Trustee Wynkoop stated go for the \$60,000.

Trustee DeJesus stated that they should do what they intended to do \$60,000.

Trustee Leonard stated that he's agreeable to add money to it.

Deputy Mayor Matise moved to take \$5,700 for the movie night and \$1,000 from Wesley Hall and apply \$6700. to sidewalks. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd moved to adopt Resolution No. 16-06-07 Adoption of the 2007-2008 Budget Seconded by Trustee DeJesus. All ayes with the exception of Mayor Pearson voting no. Resolution adopted.

Deputy Mayor Matise voted yes, but she feels she wasn't given sufficient time with tonight's information.

Mayor Pearson voted no because she is not happy with some of the things in the budget such as salaries. She feels they should have had more meetings.

Deputy Mayor Matise requested the manager get the department head requests before Christmas. She also stated that the process has to be pushed back. She felt that last year the budget process was a lot smoother.

Enterprise Steamer Co. #2-Park Use Request

Manager Politi stated that Enterprise Steamer Co. is requesting to add Fourth of July weekend to their request to use Bradley Park.

Deputy Mayor Matise moved to add the Fourth of July weekend to the Enterprise Steamer Co. request. Seconded by Trustee Norman. All ayes. Motion carried.

Introductory Local Law I-2 of 2007 – Café Seating

Mr. Dowd indicated that this should be adjourned until May 8th because we haven't heard back from the county.

Deputy Mayor Matisse moved to table the adoption of Introductory Local Law I-2 of 2007, Café Seating until May 8th. Seconded by Trustee Leonard. All ayes. Motion carried.

Stantec Engineering – Appointment of Village Engineer

Mayor Pearson stated that she is looking at the engineers new rate schedule and the last rate schedule showed principal, senior manager and listed it as opposed to level 1, 2, 3, 4, 5, she doesn't know where those levels stop and end.

Mr. Gainer stated that the way Stantec sets up and reschedules they have explained that to the manager. His rate has gone down by \$50.00 an hour. He is table 3, \$161.00 an hour. He is the senior associate.

Mayor Pearson asked Mr. Gainer what his mileage rate was.

Mr. Gainer indicated that it was the federal rate \$.48 ½ per hour.

Mayor Pearson asked how much he does for the village board verses the other two boards, on an average.

Mr. Gainer stated that the village work that they do, the general technical support, capital projects which are funded from grant money. It depends on how many capital projects they do throughout the year. The general technical support is 50% of what they might do overall when they add in the planning and zoning board.

Trustee DeJesus stated that they should have a good idea of how the contract is broke down. If not for this contract for the next one.

Mayor Pearson asked if there was a time frame on this.

Manager Politi stated that it's for this budget year.

Mayor Pearson stated that it will start June 1st, so those numbers they could have before June 1st.

Manager Politi stated yes.

Mayor Pearson stated that she would like to see the breakdown of the numbers.

Mr. Gainer indicated that he will get those figures.

Mr. Dowd stated that the village's official year starts the first Monday in April. The engineer should have been appointed then.

Mayor Pearson indicated that their contract doesn't have an ending date.

Rivers Edge Commons – Lou Donnelly Presentation

Mr. Donnelly was not present.

Garbage Collection Law Review

Manager Politi asked that this be tabled.

Farmers' Market Update

Manager Politi stated that he hasn't received the information therefore he'd like this tabled.

Townhouse Zoning

Mr. Sorensen handed out the minor revisions to the April 18th version of the townhouse zoning. On Page 6, E.2 where it talked about a 3 foot grass median, that should be a 6 foot grass median between the sidewalk and the curb, Page 7, change to 2 ½ caliber at breast height at the time of planting and the drip line diameter 20 to 40 feet at full growth. At the time of planting is consistent with A, B, and C. Page 8, 3D where it says 116 to 125 should be 116 to 120. Page 9, says maximum family income, should be median family income. He also inserted Orange County.

Mayor Pearson stated that on Page 6 on the bottom of the page he crossed out lawns shall be properly graded, seeded, and provided grass. He doesn't put that anywhere. Do we not think we have to put that anywhere.

Mr. Sorensen stated he can add that as a new item, A under 1 on Page 7.

Mr. Hurd asked if this is still the idea of the concept of clustering so it doesn't look like a uniform telephone pole.

Mr. Sorensen stated yes it would.

Mayor Pearson stated that on the bottom of page 6, #2, it states that in addition each lawn shall include shall include at least two trees and a variety of shrubs in the front of the townhouse unit and the landscaping plan talks about front trees but it doesn't say about other landscaping pieces and it doesn't talk about grass lawns and grading and seeding.

Mr. Sorensen stated that the provision that needs to be carried over is the grading and seeding of the lawn. Ultimately it's a planning board issue.

Trustee Hurd asked about resale of affordable housing units. We're changing the 30% Orange County Median for a family of four, if you look at resale of affordable housing unit we're using the old language 28% maximum family income. Should the wording be consistent?

Mr. Sorensen stated that it should read median family income.

Trustee Hurd stated that this is a policy decision for the board to consider, on the affordable, if you think about the resale of the affordable units, will the language here assure the owner of an affordable unit that he or she will have a stake in the value of their property if conditions change. Will they have enough equity built up, even in an affordable unit, that at the time they want to sell it they can expect some sort of reasonable return on their investment?

Mayor Pearson asked how you can assure that anyway.

Trustee Hurd stated that it's not just the median income. We cannot assume over a long period of time that the tax rates will stay at their present increase or that mortgage rates will stay as low as they have been.

Mr. Dowd stated that you can't guarantee that, however if it became a situation where affordable units can't be sold after ten years because of the condition of the economy this board could change the law and remove the affordability.

Deputy Mayor Matise stated that the affordable units will be paying the same homeowner association fees, but we can't control that.

Trustee DeJesus stated that there will be an increase in income.

Trustee Hurd stated that he doesn't want to build a trap for those people who buy those units.

Mayor Pearson stated that on Page 5, #4, each townhouse shall have two side yards not less than 30 feet. Page 6 talks about the road right of way. They talked about distances between the building, 95 feet from building to building. They had talked about the separation between the buildings of 70 feet.

Mr. Sorensen stated then they said 60 feet.

Mayor Pearson stated the 60 feet is not including a road if a road goes in between that.

Mr. Sorensen stated that they are requiring side wall to side wall to be 35 feet, so the closest the two buildings can be is 35.

Mayor Pearson stated if a road goes in that's 35 feet, so you don't have enough room.

Mr. Sorensen stated that if it's a road then there is a minimum right of way for the road and minimal front to front separation. Any building facing the road is going to be a front yard and the separation from front to front is 75 feet including the right of way. If there is a private road between two buildings the road by definition determines that when a building faces the road it's the front yard and that requires 75 feet.

Trustee Hurd stated that they added three feet to the separation.

Mayor Pearson stated no, you take 35 feet away from 75 feet you have 40 feet and divide that by 2.

Trustee Hurd stated that they said it had to be a minimum of 20 feet from the wall to the inside.

Mayor Pearson stated that is not saying that here.

Mr. Jacobowitz stated that the side yard is between the building and the building and the street that definition is in the zoning law under side yard which is the distance between the side of the building on street line. There has to be 30 feet side yard for a building. So nobody is closer than 15 feet to a street. The separation of 35 feet side wall to side wall is between two ends of buildings, not distance to street. They are not inconsistent.

Mayor Pearson stated that she would like it clarified a little bit better.

Mr. Dowd stated that it says two combined side yards shall be 30 feet. It doesn't say 15 and 15. You might want to put a minimum of one side yard and then do a combined side yard of 30 so you have to have at least 10 feet.

Mr. Jacobowitz suggested they add it in, but not less than 10 feet.

Mayor Pearson asked what happened to the 70 feet between buildings, she liked that better.

Mr. Jacobowitz indicated that its 75. Back to back is a minimum of 60, front to front is 75.

Mayor Pearson asked, what about side to side.

Mr. Jacobowitz stated 35.

Mayor Pearson stated that on Page 2, section and block, she wants that clarified again.

Mr. Sorensen stated that it is 315-5-4, 5, 6, and 7. There are some minor adjustments he will do and get them to the board.

Mr. Dowd stated that by May 8th the board can introduce the local law and set a public hearing.

Public Comment

No comments from the public.

Correspondence

Mayor Pearson stated that she received correspondence regarding the Star Program.

Managers Report

Manager Politi indicated that he was presented with a petition with over 800 signatures requesting that the skate park be named the Joe Savage Skate Park.

Board Comments

Trustee Norman stated that she will be meeting with the Savage family on Friday to discuss the skate board park. Also, the yard sale is Sunday.

Deputy Mayor Matisse stated that the village has to spray for weeds on Main Street. She would like a total electric break out so they can talk about an energy audit. She also asked what's happening with the MS4 report and storm water law.

Manager Politi stated that the MS4 report is due in June and he'll give the board an update on the law.

Deputy Mayor Matisse advised Mr. Edwards that the shut off valve on Ridge Avenue needs to be replaced and the sign for Kelmour and Walnut.

Trustee DeJesus asked if the board can tell Mr. Donnelly that there is nothing they can do.

Mr. Dowd stated that he got a couple extra units because of the age restriction and a community room. Maybe he wants to say more than what is in his letter.

Mayor Pearson stated that there is graffiti on the pump station on Pine Street. They had cleanup for Earth Day which was successful. Tomorrow night there's a National Crime Victims vigil at Wooster Grove at 6:30pm and they will be planting a tree. NYCOM is having a conference from June 10-13. She talked to the town regarding having a bus that would make a loop from the west side. They talked about a route on the west side starting from the fire house, going to the ambulance corp to the village square, going to Olley Park, Wooster Grove and Bradley Park. The times would be between 10-11am and 2-3pm. The fee is \$1.00. They need to talk about sites. Arbor Day presentation is on April 30th at Wooster Grove at 11am. She asked if there was an update about the prevailing wages.

Manager Politi stated that he delivered everything and we're about ¾ of the way there. He had a discussion with the investigators and right now it's simply giving them documentation. We made copies of the PRC which gives all the prevailing rates and that is given to the contractors as they come in. Once we do that it's the responsibility of the contractor to follow through. New rate schedules come out in July and we will call for that and then call for updates.

Mayor Pearson asked if the certified payrolls would be attached to the bills.

Mayor Pearson asked about the poles on the west side.

Manager Politi gave her the agreement to sign.

Trustee DeJesus asked about the tree stumps on Oakland.

Deputy Mayor Matisse stated that the village has to get the grinder.

Deputy Mayor Matisse stated that where the village worked on the sewer line on Gladstone it's getting deeper and deeper. She also asked about the sidewalk where the excavator took it out and put gravel in.

Manager Politi stated that the contractor has to fix the sidewalk.

Mayor Pearson read an article regarding in-line skaters and skate boarders being required to wear protection under a bill passed in the Assembly. She asked if anyone has been to Mr. Wheat's on Sunset Drive with all the rain.

Mr. Edwards stated that he spoke to Mr. Wheat and everything is okay.

Mayor Pearson stated that there is a dam built on Pine Street, is that staying there.

Manager Politi stated that was done because the pumps were starting to burn out.

Mayor Pearson stated that there was a report that indicated they checked on high water bill complaints, is that happening a lot.

Manager Politi stated yes, since we installed the new meters.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

