

**Village of Walden  
Board of Trustees Meeting  
October 23, 2007**

Mayor Becky Pearson called the joint meeting and regular meeting of the Village of Walden Board of Trustees to order at 7:00pm.

On roll call the following were:

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

Absent:	Trustees	Mary Jean Norman
		Jose DeJesus

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney
	Lauren Keator, Zoning Board Member
	Brenda Adams, Zoning Board Member
	Michael Ciardullo, Planning Board Member

**Joint Meeting – Town of Montgomery Economic Advisory Committee**

Russell Budd explained why the town is engaged in this project and why they want all three villages to join the project. It started off wanting to know how they can benefit from the soon to be MTA's take over of Stewart Airport. The town would like to attract some economic development to the town, new jobs, retaining existing jobs and expanding the existing tax base. He proposed to the town board that a draft of economic development plan as an addendum to it's existing comprehensive plan. The town liked that idea and created some goals.

Mayor Pearson asked when they will hear about the grant.

Mr. Budd stated that it will be in December. There is another grant they can apply for through the Hudson Valley Greenway. They can get \$10,000 if approved.

Michael Allen, Behan Planning Associates stated that they will be working on the economic analysis which is a two fold project. One is to start to inventory what the area has, what the three villages have as far as potential real estate development areas, existing buildings which aren't being utilized and put together an inventory of all these potential places which could be a point for economic development. Part two is start to study and put together a dialogue with local officials about what would the villages like to see come

to this area and then try to target those businesses to come here first. They are expecting a lot of growth pressure especially from the Stewart Airport expansion. They would like to identify some of the specific businesses that the board would like to attract and get them in here first. It's a two part project, first part being lets identify what we have in the areas as far a resources, what are the buildings or vacant land parcels the village wants to target for redevelopment and part two is coupling with that what do we want to identify to bring in that would be a good match for those places. He distributed a draft of the property marketing sheet which will be put together for individual properties. They will be putting together a data base that has all of the information in one place.

Mr. Budd explained that when a company comes to the partnership it will send out notice to the communities and will provide a spec sheet as to what that company is looking for. When that notice goes out to municipalities you have about two or three days to provide a property that would fit those requirements. That is not enough time to prepare a property bio sheet. So what they are looking to do is to inventory the available industrial and commercial land in the village and the town and create the data base so they will be able to respond to the Orange County Partnership when they send out solicitations.

Mr. Allen stated that they will also look at streamlining the towns zoning approval process. Marketing brochures will also be sent out to perspective businesses. He and Mr. Tukul have been walking around the village looking at the inventory.

Mayor Pearson asked what their time frame was for this project. She heard a year. She also asked who holds onto those bios.

Mr. Allen stated that they are planning on the town holding onto the bios.

Mr. Budd stated that the village bios will be available to the village.

Mayor Pearson asked if the village will get copies.

Mr. Allen stated yes.

Manager Politi stated that Railroad Place would be a great place to start.

Mayor Pearson and Deputy Mayor Matise thought West Main Street would be a good place to start.

Mr. Tukul stated that in walking around the village today he noticed a lot of empty store fronts on Main Street. He was curious why that is happening.

Deputy Mayor Matise stated that rents are too high.

Trustee Leonard stated that people bought these buildings at a higher rate then they should have therefore your rents were much higher than the market could bear.

Mr. Tukul asked how they could work with the village to make a building more attractive to businesses. Are there any incentives?

Deputy Mayor Matise indicated that we are looking for ideas. Catskill is Greene County and that is a county seat and they are investing a lot on Main Street in Catskill. You don't have Orange County investing a lot on Main Street anywhere. We are doing what we can do. Mr. Barnes helps us. We try to make loans available to business owners.

Trustee Hurd suggested creating a lawyers row to attract office rentals to people who are now acceptable to market values rather than a small business.

Mayor Pearson indicated that parking has always been an issue.

Deputy Mayor Matise stated that employee parking is more of a problem.

Trustee Hurd stated that maybe if you suddenly have rail service to the city, office space in the village might have a much more economic import. He further stated that he can envision at Railroad someone starting a bicycle shop and rental because we will have the rail trail

Mr. Allen stated that the village has done the ground work on the economic plan which will help as a starting point.

Mr. Tukul asked the Village Manager and the board what their expectations are.

Mayor Pearson stated that they wanted to see what direction they need to go in. They've been battling with downtown businesses and they know the economic climate which isn't the best right now for small businesses to come in. They give two to five years for a business to succeed and if people don't have the backing and the money to fund for that they're not going to start something up. They are looking for ideas from them.

Mr. Tukul stated that is one reason they came here tonight is to get a handle on the village's assets and issues.

Manager Politi stated that one of the pieces in the downtown strategy and also in the comprehensive plan was getting that marketing to get these full, which we've been having a hard time doing. We tried to talk to the business community about a downtown business association. He asked once the data base is created who will be operating it, who has hold of this and who will take it over at the end.

Mr. Allen stated that it will be the town that has to maintain it. The village would have control over their part. He'd rather keep it in one central spot. It is easy to have one person do it.

Deputy Mayor Matisse stated that each municipality has their own building inspectors, so she wonders if a better tie in would be done through the building inspector's office.

Mr. Allen stated that it is time consuming so you would have to have someone who is at least part time.

Manager Politi stated that you would also want to stay in tandem with your county planning concepts, making sure we want to protect our borders as best we can, so that central point may be the best location.

Deputy Mayor Matisse asked where the information would be housed, in the assessor's office or the planning department.

Mr. Allen stated that right now it would be in the town clerk's office. They are testing this out right now.

Deputy Mayor Matisse suggested the information be kept in the assessor's office. Maybe through a computer network they would have a shared data base.

Mr. Tukul stated that they are looking at gathering the zoning information, where the village currently has water and sewer.

Mayor Pearson stated that they said they were working on zoning changes with the town. When they come up with those the village would like to hear them.

Mr. Allen stated that part of what they are hoping to do may coincide the timing is right is if as they go along with the changes of the zoning is to try and also identify anything they could streamline or improve with certain parts of the zoning code it would make getting some of these sites shovel ready.

Deputy Mayor Matisse stated that one of the things that is a concern to the village is when they talked about maintaining the character of the village line and borders. We have existing business zones on the edge of the village. The Slater's property is in the B-4 zone on Route 52 east, to some extent that is problematic to the village, because that could become a commercial property, it could become a strip mall and here we are, we're trying to fill empty stores in the village and right smack on the edge of our line someone might put in six stores. The book store moved out of the village because there is more traffic, and people see them more.

Trustee Hurd stated that we would not like to be like New Windsor and Newburgh. You cannot tell where one starts and the other ends. Walden has a distinct character, you know when you're here and you know when you've left.

Mr. Allen stated that one of the things they noticed walking around the village is that there is a very obvious and well established historic core and branching out and

around that you have residential neighborhoods gentrifying into commercial businesses. He understands the village wants to use those as mixed use neighborhoods. Where they are residential buildings by nature then open the downstairs to small business opportunity. He asked if they wanted to know if the board foresees the mixed use neighborhoods being for local start up businesses.

Mayor Pearson stated that both are as equally important, one has just become a mixed use area, and the rest has always been business. They are both in need of ideas.

Trustee Hurd stated that we are trying to reclaim some of the apartments that have split, to stop that and to prevent the redevelopment of multi family where we want it single family.

Deputy Mayor Matise stated that a lot of the businesses have been spreading over toward the B-4 zone on Route 52 east. What happens is that people don't walk there; they drive there so it is increasing our traffic. She would like to see it be more walk able instead of spreading out.

Mayor Pearson stated that they've just formed a committee that is looking at borders, so they can look at the borders and meet with the town to see what their plans are, so we can see what we need to worry about.

Mr. Tukel stated that they need some level of coordination for business development, so the village's reference is not underlined by the town.

Trustee Leonard stated that during the comprehensive plan process they looked at one of the big issues which is off street parking. That is a constant problem. A larger store or chain store will not come in unless you have active parking. They looked around the village and the mx zone was the least developed and underutilized so they looked at that as a growth area for business because they could develop parking. As a result the train feasibility came out of that.

Mr. Allen stated that the village's biggest competition is the B-4 zone in the town which is historically intended to be highway commercial zone which is for drive thru and car dealerships. There is a draw that could threaten the village, but it's not too late.

Deputy Mayor Matise stated that right now the town is processing applications based on the new comprehensive plan?

Mr. Budd stated that the existing comprehensive plan and existing zoning are in place.

Mayor Pearson asked what would happen if the appeal did not go through.

Mr. Budd stated that he would be surprised if the court overturned the entire comprehensive plan.

Mr. Dowd stated that the town is fighting the up hill battle of overturning the lower court.

Mr. Budd stated that the court is not going to overturn the entire comprehensive plan.

Mr. Dowd stated that the court has already done so.

Mr. Allen stated that decision is maintained. They need something to go on. The attorneys they've spoken to their opinion was that it didn't make sense that the entire comprehensive plan got overturned; parts of it would make sense. The problem was how the zoning was interpreted from that plan. They said keep going on the plan, base it on that until told otherwise.

Mr. Dowd stated that they are acting like part of it will be the comprehensive plan.

Mr. Budd stated that the town is envisioning that the comprehensive plan becomes an addendum.

Mr. Allen stated that it can stand on its own.

Deputy Mayor Matise asked if this zoning deals with the new plan, because they took the B-3 out.

Mr. Budd stated that according to the town clerk this is the existing zoning map.

Mr. Dowd asked, based upon what. The map that they gave out tonight is that the map that shows the zoning as adopted by the board that was tossed out by the court.

Mr. Budd stated that this is under contention.

Trustee Leonard stated that he was very impressed at the first meeting that they took it upon themselves to establish a living wage for the town. They are working on this. It would discourage businesses from coming in that are below the living wage.

### **Approval of Minutes**

Deputy Mayor Matise moved to approve the minutes of October 3, 2007. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Trustee Leonard moved to adopt the minutes of October 8, 2007. Seconded by Deputy Mayor Matise. All ayes. Minutes adopted.

Trustee Hurd moved to adopt the minutes of October 9, 2007. Seconded by Deputy Mayor Matise. All ayes. Minutes adopted.

## **Public Portion**

Frank Conte, 36 Overlook Terrace addressed the board regarding a drainage problem he has on his property and asked for permission to install drainage to stop the water from flooding his basement. Right now there is a 20 foot drainage easement in the back and on the side of his property. There is a 12 inch plastic drain pipe that is open and runs into the catch basin. There is a swale that comes from two houses down and runs along the back of his property and discharges water into the pipe. That ditch is always dry and is higher than his house. Everything comes down the hill and his house acts as the under drain for the water coming down. What he would like to do is install a footing drain, he can't find his footing drain, just the gravel, and come into the 12 inch drainage pipe.

Mayor Pearson asked if his neighbors have found their footing drains. She is asking because this had to be inspected and there should be records.

Mr. Conte stated that his neighbor found his footing drain rolled up and buried in the sidewalk. His neighbor three houses down floods and across the street two of them flood out also. There is also a pipe going across the back and he would like to put a 12 inch plastic pipe in and attach it to this one. On the uphill side of the house put in a 6 inch pipe with holes.

Mayor Pearson stated that if Mr. Conte is saying there is no water running in the back what is the pipe serving.

Mr. Conte explained that the reason why that pipe is going in is he wants to put a six inch perforated pipe on the uphill side of his house and put it as deep as he can get it and back fill the trench with stone and that will take the water out of the ground. In order to outlet that he has to pitch it and connect the pipe to the village pipe and run it into the closed drainage system.

Deputy Mayor Matise asked if he could run it into the swale.

Mr. Conte stated that the swale is six inches deep and he wanted to go six feet.

Manager Politi stated that he has to get into the ground. He will be below the trench line, so what he will do is put a catch basin on top to catch the rest of what is coming down the hill. The pipe will be down so he can get into that, so he has pitch.

Mayor Pearson asked who maintains all of this.

Mr. Conte stated that he also wants to connect his roof drains into that under drain pipe. In both areas he is going to put a 2 x 2 concrete catch basin. He ran this by the village engineer, building inspector and superintendent of public works. Everyone thought it was a good idea.

Deputy Mayor Maise stated that the engineers should have a report from when those houses were built.

Mayor Pearson asked who the engineer was at that time.

Manager Politi stated that he will find out. He further stated that this is a good way to do this. The engineers have looked at it.

Mayor Pearson asked about the maintenance of the easement after it's built.

Manager Politi stated that the easement will always be by the villages. If he dedicates a pipe that we watch go in we will make sure it's according to our specifications.

Mayor Pearson asked what if something gets in the pipe and causes a jam. We will be responsible even further, for what's backing up in his house.

Mr. Conte stated that it would be slim to none for that to happen. He will put a grate.

Mayor Pearson stated that she looked at the property and the drain has a lot in it.

Manager Politi stated that rocks are supposed to be in it.

Mayor Pearson stated that she is concerned about his house flooding.

Mr. Dowd stated that it will be covered by top soil. The original plan was to put a pipe in the swale so you could cover it over and landscape better. The second plan showed all the drains coming into that.

Mr. Conte stated that if the village would let him daylight the under drain into the street and let him break up the sidewalk and break into the pipe he will do that. This plan seems a lot easier.

Mr. Dowd asked why he can't change the direction of his roof drains to the other side of the house.

Mr. Conte stated that he can't because of the pitch of the roof. He's getting water from the top of the hill.

Mr. Dowd asked who is going to maintain the under drain as well as the drain out to the street.

Mr. Conte asked who maintains any footing drains. He will maintain that. He asked Mr. Dowd who maintains his footing drains.



Mr. Dowd stated that he does, but he's not emptying into a village maintained pipe.

Mr. Conte stated that right now with the swale, if you go up to the swale for the ten year storm there is only one cubic foot per second that runs into that swale. So if he's putting that pipe in and it rains for a ten year storm, there is one CFS going into that pipe. He doubts if one CFS is going to flood the village system.

Mr. Dowd stated that he's not saying it will. He's leaving the engineering to the engineers. From the legal point of view, right now and the way he purchased the property is with the drainage ditch and one pipe. He now wants to alter that to take the water away from his house and put it into a pipe that he's putting into the ditch, cover the ditch over and get it out to Overlook Terrace. The question is what happens if that somewhere along the line either leaves or some debris blocks the line and the water backs up. Who's responsible for that cost?

Mr. Conte stated that he will maintain the catch basins. If it rains right now the same water that's going to go into that pipe is going into the swale and its going to go into that system. He's not increasing the water.

Mayor Pearson stated that it's not the same water, because Mr. Conte said the water is coming into his basements.

Deputy Mayor Matise asked if doing this would prevent the water from coming down from the other properties.

Mr. Conte stated no.

Manager Politi stated that they've been on site and it doesn't catch anything from Mr. Sperry's property.

Deputy Mayor Matise asked what happens when the Conte's sell their house.

Mr. Conte stated that the person that buys it is responsible for it.

Deputy Mayor Matise asked who says so.

Mr. Dowd stated that its in the village's easement, it becomes a village pipe.

Mr. Conte stated that if the board is having a problem with this can he at least put the footing drain in so he can drain his foundation.

Mayor Pearson asked if the swale was made a pipe can they give up the easement and make him responsible for that.

Manager Politi stated that if you look at the footing drain and you look at his property you can't get it out to day light. The only place you can get it in is into that pipe.

Mr. Conte asked if he puts the footing drain in and next year he gets five inches of water in his basement.

Trustee Hurd stated that you would be amazed how just channeling surface water and having very active footing drains would solve 90% of his problem.

Mayor Pearson asked how deep the pipe would be.

Mr. Conte stated 490 and the invert is 497.

Mayor Pearson asked about the engineering plans and how this would have gone through an inspection without knowing the footing drain was connected to something.

Manager Politi stated that he will get that information.

Mr. Dowd stated that the board will have to authorize Mr. Conte to enter the village's easement and connect to the pipe. He assumes all costs are his and that it has to be inspected to make sure it's done correctly and then there is the same maintenance question about blockages. He suggested Mr. Conte holds the village harmless from any back up.

Mr. Conte stated that he has no problem with that. He asked if he does that and in the spring the rain comes and it floods his basement who's going to be responsible for cleaning his basement.

Mr. Dowd indicated that he is.

Mr. Conte stated that the village isn't allowing him to do the whole thing.

Mr. Dowd stated that the village doesn't have to, they didn't cause the problem.

Mr. Conte stated that he can't find his footing drain, the builder is gone, everybody is gone and he is left with a house with a flooded basement. Two years ago everyone said find, but because he got attorneys involved, now he's getting screwed.

Mr. Dowd stated that his job is to advise the board that there are legal issues. He's saving his party from a law suit and other maintenance issues that they don't have right now.

Mr. Conte stated that he's going to put the pipe in and he will sue the village when it doesn't work.

Mr. Dowd stated no, you're going to hold us harmless.

Mr. Conte stated right, if he was going to sue the village he wouldn't be standing here right now.

Mayor Pearson stated that Mr. Conte was looking to do all three of these places. She suggested they start with the one and see how that alleviates the problem.

Mr. Conte indicated that will fix most of the problem.

Trustee Hurd asked Mr. Conte what he's worried about.

Mr. Conte stated that the soil is all clay so when it rains the water goes no place but in the ground and in his basement.

Mayor Pearson asked if there was a swale between the houses.

Mr. Conte stated that when the houses were being built he told the developer that there should have been a swale between all the houses.

Deputy Mayor Matise asked what happens when Mr. Conte sells his house.

Mr. Dowd stated that the hold harmless agreement goes with the land.

Mayor Pearson asked if there were back flow valves for those types of pipes.

Mr. Conte stated that he could put a check valve if that would make the board feel better.

Mr. Revella asked if there was going to be for all the other properties there.

Mayor Pearson stated that if anyone else comes before the board they would get the same treatment.

Trustee Leonard moved to allow the Conte's, 36 Overlook Terrace to hookup the footing drain into the existing storm pipe which runs into the Overlook Terrace swale and to have a hold harmless agreement which will be recorded in the County Clerk's office. The owner will responsible for the cost of the work and if there are any costs for inspections the owner will be responsible for them. Seconded by Trustee Hurd. All ayes. Motion carried.

Kathy and Wanda Penney, Walden Fire Department explained that they are on the Operation Dalmatian Committee which raises money to give underprivileged children presents at Christmas time. This year they would like to do a memory tree where they would sell ornaments. They would pay \$5.00 and they would put in memory of on the ornament and place them on the Christmas tree in the square. The night of the lighting of

the tree they would read off the names and then give the family the ornament for their own tree.

Mayor Pearson stated that she doesn't have a problem. The Community Council decorates the tree.

Mr. Dowd stated that there is minimal liability, but others may ask for the same privilege.

Kathy Penny stated that all the money goes to the children in our community.

Mayor Pearson asked Kathy and Wanda to go through the Community Council too.

Manager Politi suggested they give a deadline for purchase so they all go up at the same time.

Ms. Vandermark stated that the Community Council has already started working on the ornaments. She asked that Wanda and Kathy speak to her.

After a brief discussion Kathy decided to give the ornaments back after the holiday.

Trustees Leonard and Hurd stated that they are fine with that.

Deputy Mayor Matise stated that she is also fine with this; she just asks that they work with the Community Council.

Mayor Pearson also felt that this was great.

Kathy Penney stated that Rev. Vanhouten was also to be here tonight to request permission to hold a coin drip at the intersection of Main and Bank Street on November 17<sup>th</sup>, 2007 from 10am until 2pm. All people in the road will have reflective clothing on and a fire truck will be in attendance.

Manager Politi stated that the board has discussed holding coin drops before and they pulled away from it. It's a safety issue. He doesn't believe the state allows it.

Ms. Penney stated that she thinks the state allows it with permits.

Mr. Dowd stated that the chief has discouraged this before because of safety issues.

Trustee Leonard deferred it to the police chief. He'll go with whatever his opinion is.

Trustee Hurd stated that he's not comfortable with the safety issues and liability.

Deputy Mayor Matise stated that she doesn't have an issue with it.

Trustee Wynkoop suggested they run it passed the chief.

Mayor Pearson stated that she doesn't have a problem with it.

Ms. Penney stated that she agrees, she would like to have the chief's permission.

Deputy Mayor Matise suggested they do it at the Thruway Market,

Ms. Penney stated that the Salvation Army is down there and they have been down there long before them.

It was the consensus of the board to get the chief's opinion.

John Revella, 16 Church Street stated that he's glad the village decided to put the covenant on the drainage channel on Mr. Conte's property. He also asked if the village notified the residents that Behan Planning would be taking pictures of their property, if not they should.

#### **Audited Bills**

Trustee Hurd moved to pay the audited bills of October 23, 2007. Seconded by Trustee Leonard. All ayes. Motion carried.

#### **Resolution No. 6-07-08, Establishing a Standard Workday for Elected Officials**

Mayor Pearson stated that this resolution establishes a standard work day for elected officials for the purpose of determining days worked reportable to the New York State and Local Employees Retirement System. The reportable standard work day is six hours a day, five days a week.

Trustee Leonard moved to adopt Resolution No. 6-07-08, Establishing a Standard Workday for Elected Officials. Seconded by Mayor Pearson.

Deputy Mayor Matise explained that according to the comptroller's office you can't make the work day less than six hours, but the six hours is full time, not part time. So, when the treasurer calculates this she would calculate half that amount.

All ayes. Resolution adopted.

#### **Resolution Declaring A Certain Vehicle Located at 14 Northern Avenue in the Village of Walden to be a Dismantled, Junked and Unlicensed Vehicle as Defined in Chapter 47 of the Village Code and Ordering the Removal of Said Vehicle**

## **Approval to Advertise for Welcome Center Improvements**

Mr. Dowd stated that the other car did not qualify under the junk vehicle law.

Trustee Wynkoop moved to adopt a Resolution Declaring A Certain Vehicle Located at 14 Northern Avenue in the Village of Walden to be a Dismantled, Junked and Unlicensed Vehicle as Defined in Chapter 47 of the Village Code and Ordering the Removal. Seconded by Trustee Hurd. All ayes. Motion carried.

## **Approval of Advertise for Welcome Center Improvements at Wooster Grove**

Manager Politi explained the scope of the work.

Deputy Mayor Matisse asked what the hours will be.

Mayor Pearson stated that she's seen welcome centers that are open, but not manned.

Manager Politi stated that they will see how it works out to see what the hours will be.

Trustee Leonard stated that the bids are going out in December for the rail trial.

Mayor Pearson asked about the sidewalk between Wooster Grove and Stewarts.

Manager Politi stated that the plans from Mr. Weeden were produced and they have to get signed by the State. That is the last piece. Hopefully the bid packets will go out during the winter.

Deputy Mayor Matisse moved to approve the advertisement for the welcome center improvements at Wooster Grove with a bid opening of December 3<sup>rd</sup>, 2007 and prebid meeting on November 6, 2007. Seconded by Trustee Leonard. All ayes. Motion carried.

## **Stormwater Laws**

Deputy Mayor Matisse asked if Mr. Dowd received the comments from Jim Fitzsimmons which were sent to him from Jay Beaumont. He said that you have identified all of them.

Mr. Dowd stated that this is required by the state for our MS-4 requirements.

Mayor Pearson asked if the penalties and fines were just a standard number that people are using.

Mr. Dowd indicated that they came out of the recommended document from the State.

Deputy Mayor Matise moved to hold a public hearing on Introductory Local Law I-7 of 2007, "Stormwater, Soil Erosion and Sediment Control" on November 13<sup>th</sup>, 2007 at 6:45PM. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Garbage Collection Law Review**

Mayor Pearson stated that when Mrs. June was in about her garbage she spoke to the Manager, Treasurer and Building Inspector and they spoke about if someone goes away and they shut down their house that Mrs. June had been allowed to not pay her garbage, she doesn't know where the decision came from. She doesn't know if the board knew about this.

Manager Politi stated that they have to physically shut the building down, therefore there are no services.

Mayor Pearson stated that she spoke to someone that has been paying a garbage bill for three to five years and her house has been shut down.

Trustee Hurd asked if there was an exemption in the law.

Mayor Pearson stated that there isn't. That is why she put this back on the agenda.

Mr. Dowd stated that if you stop the billing you have to get the garbage company to deduct it from the villages monthly bill.

Manager Politi stated that they do that.

Mr. Dowd stated that there was a problem with a house that the garbage bills were discontinued and the adult children came to live.

Manager Politi stated that would be tipped off by the water and sewer bill.

Deputy Mayor Matise stated that the only exception they allow for is that the manager can make a determination about the dumpster.

Trustee Hurd asked what are they talking about.

Manager Politi stated that if someone snowbirds and they are going to shut the house down, physically shut the water off, should they have to pay a garbage bill.

Trustee Hurd stated yes.

Manager Politi stated that Mrs. McKay can't live in her home but she has to pay all those bills.

Trustee Hurd stated that the board hasn't allowed any leeway unless they change the law.

Mayor Pearson stated that is why she brought this up. This woman has been allowed that service and no other person has been allowed that service. We just brought this up about Mrs. McKay and we know she is not in the house and she doesn't have anyone there. She wrote the board a letter a month ago about why she has to pay for garbage and the board was told they had to deny her request because that is what is in the law. So, it has been allowed in the village and that her concern and the board didn't know. She asked the board if they wanted to relook at this.

Manager Politi stated that there have been so many things changed in this law from the beginning.

Deputy Mayor Matisse asked if someone would have to be away for a full quarter.

Manager Politi stated that you can put a house off and on at any time.

Trustee Hurd asked if they are asking the board to entertain a change in the law to allow this.

Mayor Pearson stated that is what she is asking because the board did not know this was happening. Her question to the manager is if this woman has been allowed to do this and she wrote a letter and you knew it was happening and the board didn't know about it and Mrs. McKay also wrote a letter and that came before the board, why does one come before the board and the other one doesn't.

Manager Politi stated that the building was shut down so there was no service. Just like if a house burns down, there is no service.

Mayor Pearson asked how they determined that one was allowed and one wasn't. The only letter the board received was from Mrs. McKay. They never received a letter from Mrs. June. She hasn't been paying garbage over the winter for how many years.

Someone stated two.

Mayor Pearson stated that her concern is that letter did not come before the board and she was allowed not to pay the garbage. Helen McKay's letter came to the manager too, how did not the same thing happen.

Manager Politi stated that he's not going to stop it, he's going to ask the board.

Mayor Pearson stated that law was there two years ago.



Manager Politi stated, now we put her back on and that is why Mrs. June came to the board.

Trustee Wynkoop asked if the village has a contract with the garbage company and we pay for so many houses.

Manager Politi stated that we pay a per unit cost. You agree in your contract for a per month cost, per household. The village is in the second year of a three year contract. It is not ending this January. The contract says X dollars per unit, per month. Houses can come on and come off.

Trustee Wynkoop stated that if we're not paying and they notify us in writing then why should they pay.

Trustee Hurd asked how does the village verify no one is in the home.

Manager Politi stated that the village shuts the water off at the curb stop.

Trustee Hurd stated that this won't help the seniors that have one little bag of garbage.

Mayor Pearson stated that we have to address that. She asked if the manager called the garbage company about a different rate for seniors.

Manager Politi stated that if you're going to entertain a different rate you may need a whole different contract.

Trustee Wynkoop stated that in the beginning the board asked about a senior citizen discount and they didn't want to do it. As long as they got the same amount of money in the contract, which means you would have to go to other people and add ten dollars to their fee.

Trustee Hurd asked if they want to put a time limit, three months.

Manager Politi stated no.

Deputy Mayor Matise asked if they would have to amend the law to do that.

Mr. Dowd stated that they could do it by resolution of the board.

Deputy Mayor Matise stated that the other discussion that goes along with this is Dr. Bojisuk.

Manager Politi stated that is a mixed building.

Deputy Mayor Matise stated that they could change the law.

Manager Politi stated that would be more problematic.

Deputy Mayor Matise stated that they will have to amend the law for the mx zone. She asked if someone has a heating system that uses water and they have to leave heat on in the house what happens.

Manager Politi stated that the house would have to be winterized. If you leave the heat on its usable.

Trustee Wynkoop stated that if they have to winterize their furnace it will cost more than garbage.

Trustee Leonard stated that your house can get tremendous damage if you don't leave the heat on.

Manager Politi indicated that he will come back with a policy by the next meeting.

### **Sidewalk Improvements**

Mayor Pearson stated that they put this on the agenda because there is money in the budget for sidewalks and she wondered what sidewalks the board would like to do. She feels Maple Street sidewalks should be done.

Manager Politi stated that you have one set of sidewalks on Lafayette Street which is being funded through Community Development, you have another set that will be approved on East Main Street and that is Community Development, and Bank Street is being done right now. This money is out of our own capital fund. He would like to move forward with at least getting a square footage cost. Then develop a list as to where they want to go. He'd like to know how the board would like to go with spending this money. There is \$46,000 in the budget.

Deputy Mayor Matise suggested Hepper Street from the corner of John Street to East Main Street.

Manager Politi asked the board to develop a list. He suggested they make Maple Street a street project from sidewalk to sidewalk.

### **Gating of Park Entrances**

Tabled until next meeting.

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

Brenda Adams asked if Ulster Avenue was going to get sidewalks.

Manager Politi stated yes.

Ms. Adams stated that in regard to garbage she doesn't know how you would charge by the amount of garbage put out.

Mr. Revella asked about when they take units off the garbage list how does the garbage company know which house not to go to.

Manager Politi stated that they are given a list.

Mr. Revella advised the board that the sidewalk on Elberton Street needs to be done and also to make sure there are proper curb cuts.

### **Correspondence**

Mayor Pearson stated that the Orange County Chamber of Commerce Marketing for Survival Overcoming New Challenges meeting is October 25, 2007.

Mayor Pearson stated that the village's holiday party is December 16, 2007 at the Lakeview House.

Trustee Leonard stated that there is only room for 56 people.

Mayor Pearson stated that she received a letter from Nancy Calhoun regarding that they are looking for support, the Department of Motor Vehicles Commissioner announced that they will no longer require illegal aliens to submit proof of a valid social security card. They need a letter of support sent to the governor.

Trustee Hurd stated that as much as he's in favor of that this board generally does not entertain into legislative matters beyond its borders.

Mayor Pearson stated that it will affect the community. She will put copies in the board's mail boxes.

### **Board Comments**

Mayor Pearson stated that the Masonic dinner is Saturday. She also asked about Central Hudson's 100 foot buffer. There will be pumpkin carving at Wooster Grove on Friday at 10am. They will also be doing decorating. The DPW barn looks good. She asked the manager about the water running out of the building on Grove Street.

Manager Politi stated that there is a little bit of water still running out and they are trying to get that diverted.

Mayor Pearson asked about the slide at Wooster's.

Manager Politi stated that he'll check to see if that is done.

Mayor Pearson stated that the lights on Main Street are still out. She also asked about the last of the water meters that need to be installed.

Manager Politi stated that they are working on it.

Mayor Pearson asked about the sewer smell. She also asked about the skateboard maximum capacity.

Manager Politi stated that he is getting the figures for the skateboard capacity.

Mayor Pearson about the foot patrol, how did that come about.

Manager Politi stated that came about because of 15 E. Main Street, the problems there.

Mayor Pearson asked about the camera for the police department, it's not up and running yet.

Manager Politi stated that there is a transformer they have to upgrade because of the distance.

Mayor Pearson asked about the contract fee.

Manager Politi indicated he will get that information from the chief.

Mayor Pearson asked about the little houses.

Manager Politi stated that is a quick sketch of the play houses at Wooster Grove.

Mayor Pearson stated that each house will cost \$1500. Is that in the budget?

Manager Politi stated that is being donated.

Deputy Mayor Matise asked about Orchard Street parking lot.

Manager Politi stated that they are working on the building and they needed somewhere to put the materials. The building inspector is working with them.

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

Manager Politi showed the board the design for the informational magnet. He also explained that the sewer plant had to use the drying beds which causes the smell. The other clarifier is back on line which showed that there is no clog in the trickling filter.

The other clarifier is completely rebuilt inside. The two trickling filters are fine. The other primaries were rebuilt. Everything in the system, less the sludge component, which still needs some work. The problematic part of the sewer plant right now is the whole sludge processing center. We are now using our drying beds which is causing an odor. The final pieces of the belt filter press are in which will be installed. The plant functions as per the SPEDES permit. We are not breaking any rules, its just that we have to use the drying beds right now.

Mayor Pearson asked about the clarifier and the need to clean it.

Manager Politi stated that it doesn't need to be cleaned. Because you were pushing through the one and it was overloading it. Everything is functioning fine, less the sludge side of the plant.

Mayor Pearson asked about a grant for that.

Manager Politi stated that we are chasing that right now.

Manager Politi handed out a report on the rain fall for July, August, September and October. He had an advisory put out on water usage. We are not at a critical level. It's just that the water levels are coming down because of a dry spell. Just be conservative if you're using water.

Mayor Pearson requested that this go on the web site.

Manager Politi stated that the allocations from the town for the park and library.

Mayor Pearson asked if the village approaches the town for more money.

Manager Politi stated yes.

Mayor Pearson stated that if she is given the numbers she would be happy to go to the town's budget hearings.

Manager Politi stated that the letter from Donald Frum is self explanatory. General Code project will be done by the end of November. He also has the department reports. On the building inspectors report on the dumpsters in the Orchard Street parking lot, they are looking at other ideas and he will bring that back to the board.

Trustee Leonard asked about the joint meeting for the annexation.

Mayor Pearson stated that she would like some numbers on the sewer plant from Mr. Nolan or the engineer before that joint meeting. She wants capacities and the figures when it rains.

## **Executive Session**

Trustee Hurd moved to hold an executive session pursuant to 105-(d), Litigation, of the Public Officers Law. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

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

**Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk