

**Village of Walden  
Board of Trustees Meeting  
November 27<sup>th</sup>, 2007**

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

On roll call the following were:

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

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney
	Jeff Holmes, Police Chief
	Eric Metzger, Police Sergeant

**Public Hearing-Introductory Local Law I-8 of 2007-“Stormwater, Soil Erosion & Sediment Control”**

Mayor Pearson presented the Affidavit of Publication, Affidavit of Posting Notice and Notice of Hearing which was read by the Mayor.

There were no comments from the public.

Trustee Hurd moved to close the public hearing. Seconded by Trustee Leonard. All ayes. Public hearing closed.

Trustee DeJesus moved to declare the Board of Trustees lead agency and to declare a negative declaration with regards to SEQRA. Seconded by Deputy Mayor Matise. All Ayes. Motion carried.

Deputy Mayor Matise moved to adopt Introductory Local Law I-8, “Stormwater, Soil Erosion & Sediment Control” as Local Law No. 8 of 2007. Seconded by Trustee Hurd. All ayes. Motion carried.

**Approval of Minutes**

Trustee Leonard moved to adopt the minutes of November 13, 2007 with the following correction: Page 18, 2<sup>nd</sup> paragraph add to the Mayors statement, when she thinks of exclusive she thinks of exclusive use that if its village business and its exclusive he has exclusive to use that car throughout the village and use it whenever he needs it, somebody else can't use that car. That is her term of exclusive use. Seconded by Trustee Hurd. All ayes. Minutes adopted.

### **Public Comment**

John Muehlin, 23 Orchard Street stated that the sports bar on Walnut Street has changed hands and they still have the same problems. Their patrons are getting sick in the alley and there is a barbeque within five feet of the dumpster. Mrs. Wolf's tenants throw there garbage from the second floor into the dumpster which doesn't make it into the dumpster most of the time.

John Kovalsky, 16 Hidden View Drive stated that he's here tonight to ask the board for help with problems related to Beazer Homes. Beazer Homes did some alterations two years ago to his footing drains which are like a spring that drains at the end of his property. They had to alter it in order to accommodate the new addition. He got cracks in his basement floor and foundation and just recently he had a flood in his house. Whatever they did to the pipe caused it to back up. He thought that any work that is being done on site was being looked over and inspected by an engineer the village hires. He wrote a letter with a list of things that need to be done around his property. He asked for help with the drainage. He ran into the engineer who said that he doesn't understand with after two years Mr. Kovalsky is getting water in his house. Mr. Kovalsky told the engineer that the pipe in the ground was all busted up and that is the way they buried it. No one was there for them. He and his wife had to take care of the water damage. They also planted a tree right over the pipe that drains under the road. He's tried to get them to remove the tree. The area that was a leech field they dug that up and it was ungraded and they put a couple inches of top soil and some gravel. The area is unlandscaped. He has a basketball court where his curb used to be. He calls it a monument to Beazer Homes. It's unusable and it's ridiculous that it stands there and nothing can be done about it. They've replaced trees in the buffer zone. They've left holes in the buffer zone from trees that have been removed. There are equipment tracks and there are drainage issues. He's been in contact with the Village Manager and Building Inspector who have come out. He feels there is something wrong with the way the village handles contractors, because no one can make them do anything. When he was draining water out of his house the words, "we have their bonds" was useless. He asked the village to get these people motivated to get things done down there. Don't give them their bond and don't dedicate the streets. Two weeks ago they came out and paved a village street; there was no engineer on site to watch these people work. They covered water sewer caps. His neighbor has a ramp that goes from his curb line to the street.

Manager Politi explained that the paving was done on Veterans Day. They didn't call the village to let us know they were doing it. The village has Mr. Kovalsky's list and the other list of things that have to be done.

Mr. Kovalsky stated that the contractor showed up to his house one day and he knows what their schedules are, his son was home alone, he's fifteen years old, they convinced his son to open the door and he wants to put the trees on the buffer zone. Mr. Kovalsky tells him that he wasn't home and every time the contractor comes out there is damage. The contractor stated that he understood, it's no problem, we're not going to run anything across your lawn. Mr. Kovalsky comes home and there were trees planted in the buffer and they crushed the end of his driveway and there are oil marks all over it.

Trustee DeJesus stated that he thought this situation was under control.

Manager Politi stated that much of the list has been taken care of. The list Mr. Kovalsky gave the village is the villages to chase.

Trustee DeJesus asked if the paving was up to code.

Manager Politi stated that they will have to find everything they covered.

Mayor Pearson asked why the contractor doesn't have to come before someone here when they are going to be doing something major.

Manager Politi stated that they did not call.

Trustee Wynkoop asked about the bond.

Mr. Dowd stated that they need to talk to the engineer and the building inspector as to what has to be done and by when.

Deputy Mayor Matise stated that they've already had the discussion of Saturdays, Sundays and holidays, specifically about this project.

Trustee Leonard stated that maybe they hired a contractor and he decided to come in on a holiday. They worked until dark.

Trustee Wynkoop asked if the board can order Beazer to come before the board.

Mayor Pearson stated that she also has a concern with broken pipes that aren't being looked at.

Manager Politi stated that there are other items.

Mayor Pearson indicated that there should be an engineer on site. She would like to know if the pipes were inspected. How do you find that out? Where do you go to look at that?

It was the consensus of the board to have the contractor and engineer at the next meeting.

Trustee Leonard stated that he heard that they owe their subs money and it appears the subs were doing a sloppy job towards the end.

Mayor Pearson stated that is why we have inspections.

Mr. Kovalsky stated that there is a retention pond which is suppose to drain water and its holding water. He was also told by NYSEG that the lines should be buried in sand and they back hoed them with shale.

Mayor Pearson stated that there are two other concerns, the light at the bottom of Hidden View Drive, its not there any longer and the kids are hanging out and have Beazer repave Hidden View Drive. The construction vehicles are still using Hidden View Drive.

Mayor Pearson stated that she would like to see paperwork on dates and what they have done.

Mr. Kovalsky asked the board not to give Beazer anything.

Marcus Millspaugh, 10 Jessup Street stated that one tool you do have is the bond. He also commented on the joint annexation meeting. They referred to the description of village line of 1896 and he got thinking, how do you know that is correct. Are there any monuments or are you just going from the line of the tax map. The tax map has a disclaimer in the corner stating this is not to be used for title work. He got a copy of the description and he tried to work it out and it wouldn't close for him. What if the printer goofed up on something and it wouldn't close because of an error in that description. He thinks the village should take that over to Mr. Weeden and see if he can get it to close and take the results of that and install some monuments in places that can be referred to so you're not in this never, never land of we want to annex something, but maybe its not out of the village now. It's impossible to know. The original description was the line of the village was someplace in the neighborhood of the railroad tracks.

### **Audited Bills**

Trustee Hurd moved to pay the audited bills of November 27<sup>th</sup>, 2007. Seconded by Trustee DeJesus. All ayes. Motion carried.

### **Walden Seniors Request**

A letter was received from Mildred McKaig, President of the Walden Seniors requesting that the \$1,000 in the Village budget set aside for their rent be used for their 40<sup>th</sup> anniversary celebration.

Deputy Mayor Matise moved to do a fund transfer regarding the Walden Seniors request to take the \$1000 from their rent and transferring it to their 40<sup>th</sup> anniversary celebration. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Shared Municipal Services Initiative Grant Discussion**

Chief Holmes stated that the board received a letter from the Town of Montgomery regarding a grant that is available for shared municipal services of some sort. Last September 1<sup>st</sup>, during the summer of 2006 he received a letter from the town requesting the village interest in consolidation of police services. At the meeting of September 1<sup>st</sup>, 2006, himself, the Mayor and Village Manager talked about consolidation. For the Village of Walden consolidation is not even in the next 10 or 20 years. What was brought up that the village would be interested in is consolidation of communications. The Village of Walden has 24/7 police services as well as 24/7 dispatch services. So 24/7, 365 days a year we have a dispatcher sitting down there and they dispatch strictly for the Walden Police Department. At that time the town was not interested. At the Sept. 26, 2006 meeting this board agreed this would be a good way to start. He feels we are entering a new era to work with the town. There is grant available for up to \$200,000 to take a look at consolidation of communications. Right now the town uses 911. When the renovations were done in the police department the concept was to create a dispatcher area that could someday have two people. The other console is set up for it and there is a radio communication system that is set up for it. When he was talking to Deputy Chief Amthor they discussed that it might be a good way. Deputy Chief Amthor sent a letter to Supervisor Cockburn asking if there would be an interest to apply for this grant from the Village of Maybrook and the Village of Montgomery. The Village of Maybrook is interested and last week they went to the Village of Montgomery. They had other issues between the town and them regarding police issues. They are talking about piggy backing with communications. The communications will be downstairs with two dispatchers, dispatching for the town. There would be no change for the village residents. The article in the paper was a lot of misinformation. We are not moving our dispatcher center. It will stay in the Village of Walden. There will be two dispatchers taking all the calls. The grant deadline is Dec. 14, 2007.

Mayor Pearson asked what the grant was for.

Chief Holmes stated that the grant is for the infrastructure.

Manager Politi asked if there was a match.

Chief Holmes indicated that the match is 10% which is total for the grant.

Trustee Hurd asked how they were going to apply for a grant for equipment if they don't know if it's even going to happen.

Chief Holmes stated that infrastructure wise; they are not in bad shape. The Village of Walden has a lot in place already. About 10 years ago when the village did the

change over the village began to lease everything. All our radio communications now are leased through New York Communications. New York Communications also has the lease for the Town of Montgomery, Village of Montgomery and Village of Maybrook. So what you're looking at is a leasing structure that would be designed for the grant. They all have the high band radio system. They would be looking at consolidating and changing the frequency. A lot of the infrastructure is in place now. Sergeant Metzger has been looking at the basic issues with the computers. They are talking about infrastructure wise, specifically for the grant, is it feasible for the village to do this. Right now it is feasible. This is just a concept that they are looking at. What needs to be done by the village would be a resolution for them to look into the grant.

Mayor Pearson stated that she is not clear as to what the \$200,000 would be used for.

Chief Holmes stated that it would be used to buy the equipment and enhancing the equipment they already have downstairs, and consolidating all the communications.

Mayor Pearson asked if the grant will cover what needs to get done.

Chief Holmes stated yes.

Deputy Chief Amthor explained that after this grant is used to transition the equipment over there will be additional expenses in the Village of Walden. They are seeking to piggy back the operation. The town itself is at a turning point with the department. Policing costs went up for the town. The town is gifting services right now to the Villages of Maybrook and Montgomery free of charge. The Village of Walden is self sufficient. The fact that the town does this currently requires the town under New York State General Municipal Law to assess a charge on the villages due to the fact they do not have four full time officers in their departments. The Town of Montgomery is obligated to assess a charge to those villages. This is a routine supplemental basis, whereby the villages of Maybrook and Montgomery do not provide village police coverage, those calls are being rolled over to the town and the town residents outside the villages are currently paying for that service. Putting another terminal in Walden is a cost that will not be encumbered by Walden. It doesn't make sense to invest a couple hundred thousand dollar dispatch system in on Bracken Road when the Village of Walden is right here and you have the existing facility and all you have to do is put one more computer.

Chief Holmes stated that the basic question is why the village would be interested in this at all, what do we have to gain. This grant will take care of the additional items in that Walden needs. They will be able to distribute some of the costs they have now among all of them. The town and the other villages will have an additional lease after the first year with NYCOMCO. It will cost them more. It won't cost Walden anymore. The electric and all that has to be looked at.

Mayor Pearson stated electric and air conditioning.

Deputy Mayor Matise asked if there will be one or more dispatch numbers.

Chief Holmes stated that the telephone numbers will stay the same.

Deputy Chief Amthor stated that the present numbers would ring in the departments and if someone is in the station they will answer it, but if no one was in the station it would ring in Walden and they would dispatch the unit.

Trustee Hurd stated that the grant is due by December 14<sup>th</sup>, but in applying for this grant if the board chooses it's more or less suggesting that the board has made a decision that this is the direction they want to go and they haven't had that discussion yet. He doesn't know if they want to be backed into a decision.

Deputy Chief Amthor stated that if the board passes a resolution tonight saying that they are willing to proceed with this and down the road you see that it won't work you just don't accept the money. You're not bound. If he gets the same resolution here that he got in Montgomery that is allowing him to attach those resolutions to the grant and submitting it to the state. If its something they don't want to do you just hand the money back.

Trustee DeJesus asked if when they are dispatching is it a village officer or town officer that will answer the call.

Chief Homes stated that it would be a town officer. We will now know where our backup is.

Mayor Pearson asked if they needed an agreement for the town to come into the village.

Chief Holmes stated that is a mutual aid issue. This will be brought up in the future. He further stated that the records management system is still being worked on, the Village of Walden approved it, Villages of Warwick, Montgomery and the Town of Montgomery has to approve it.

Mayor Pearson stated that we are going to have to reapprove that.

Chief Holmes stated that a lot of that system will be able to be picked up downstairs. Consolidating the dispatching will help with the records management.

Mayor Pearson stated that the chief said that normally we have one person on dispatch, but sometimes we have two. When do we have two dispatchers on?

Chief Holmes stated that when we have a parade we have two dispatchers.

Mayor Pearson asked if there will be a third then in that position.

Chief Holmes stated that there will only be two.

Deputy Chief Amthor indicated that his plan is that from 7am until 10pm he plans on having the Bracken Road facility staffed. So the calls will be picked up by that person in that facility. He further stated that the town had two dispatchers budgeted for 2007, but didn't hire them because they had no operation.

Deputy Mayor Matise stated that the police are budgeted under part B of the town's budget. Is any of this or that be covered by Part A.?

Mayor Pearson stated that it will have to for certain villages.

Mr. Dowd stated that it will be an issue.

Deputy Mayor Matise stated for Maybrook and Montgomery. There should be some kind of remuneration to the Village of Walden.

Mr. Dowd stated that it can be done by contract.

Chief Holmes stated that there are a lot of rumors out there.

Trustee DeJesus stated that the article in the newspaper was premature.

Chief Holmes stated that this is a concept. His marching orders from his village board were, yes, we are interested in the shared possibility. We talked about communications and said that is a good idea and that is why they reached this point.

Trustee DeJesus asked what the chances of getting the grant was.

Deputy Chief Amthor stated that they are very good. There are many millions of dollars available.

Chief Holmes stated that they meet all the standards for the grant.

Trustee DeJesus asked, if this board was to decide to support this he thinks working together there needs to be a protocol developed. He doesn't want to be in the position of if the grant is awarded being told we have to do this because we're going to loss the money. He wants to make sure that all along the way this is being developed and the board will be kept informed.

Chief Holmes stated that right now they are talking about the concept and the board passes a resolution then they start applying for the grant and then they get down to the real meat and potatoes of what they are looking at. What he's talking about is who is going to run the dispatch center, we have unions to talk about, and logistics of paying the salaries. The board will be kept informed all the way.



Deputy Mayor Matisse asked what happens if the new supervisor and board members come in to the town and vote no.

Deputy Chief Amthor stated that he's had conversations and it's his understanding that anything that was in the works that the incoming supervisor wants it to proceed.

Chief Holmes stated that if this is going to really make him stress out the board when he comes here for money he's not going to do it.

Mayor Pearson asked if the time frame for the villages of Maybrook and Montgomery was very soon.

Deputy Chief Amthor stated that this will be brought up on Thursday night. As the incoming chief he is obligated to bring this to the attention of the Town Board.

Mayor Pearson asked if the villages of Maybrook and Montgomery have agreed to do the grant.

Deputy Chief Amthor stated that the Village of Montgomery has agreed to support his idea.

Mayor Pearson asked if there would be two people dispatching all the time or only after hours.

Deputy Chief Amthor indicated all the time. That expense will be encumbered by the town.

Deputy Mayor Matisse stated that if the expense goes into Part A of the town budget then the village gets dragged into it too.

Mr. Dowd stated that they would probably have to put it into the B Fund with a contract between the two villages showing it as revenue to offset some of the expenditures.

Mayor Pearson asked how many dispatchers was going to be budgeted in the 2008 town budget.

Deputy Chief Amthor stated that the line item did not transfer over from last year. Through the reallocation of the NYCOMCO expenses you would be able to fund at least one.

Mayor Pearson asked if the dispatcher would be hired by the town or the village.

Trustee DeJesus started that is part of the whole issue.

Trustee Wynkoop stated that discussion has to come down the road, but right now they're looking for a resolution to apply for the grant.

Trustee DeJesus asked why this wouldn't be a project for the State Police given the fact that they are moving to Montgomery.

Deputy Chief Amthor stated that the State Police do not have dispatchers.

Mayor Pearson asked where the 10% match comes from.

Deputy Chief Amthor stated that it would come from the town.

Deputy Mayor Matisse asked if it was co-applicant or supportive.

Deputy Chief Amthor stated co-applicant.

Mayor Pearson asked if there was more than one grant out there.

Deputy Chief Amthor stated that he was told \$200,000 per municipality. He will find out.

Mayor Pearson asked if they had to purchase equipment before you get reimbursed or do you get the grant money right up front.

Deputy Chief Amthor stated that would depend on how this grant works.

Mayor Pearson asked if there was a time frame you have to use it by.

Deputy Chief Amthor stated that it's usually 12 months. You can file for extensions.

Trustee Hurd moved the Village of Walden be the co-applicant for the \$200,000 shared services grant for communications.

Trustee DeJesus asked to add with the understanding that this is just in support of that and there are lots of details to be worked out.

Seconded by Trustee DeJesus. All ayes. Motion carried.

### **Sewer Plant Rehab Funding**

Village Manager Politi stated that he is trying to get to a final number. It may require a special meeting.

Mayor Pearson asked if the manager could explain more, she wanted to know if the manager has found anything, are they thinking of fixing the old one instead of buying new. Does he have any numbers?

Manager Politi stated that he just said he doesn't have the numbers. There was a meeting today. When they talked about the tank being covered with earth to hold the heat that you need for that process to work you may not have the ability to have that independent tank without the earthwork, so it could end up being quite a bit more.

Deputy Mayor Matisse asked if the manager could arrange for the board members to go to the sewer plant. It's not possible to follow this unless you see it.

Trustee DeJesus stated that they need the engineering report and we need to act on this quickly. He asked when the board would have the numbers.

Manager Politi stated hopefully before the end of the week and then the board can do an early morning meeting.

Trustee Leonard asked if the tank has to be completely drained to do a full evaluation of repairs.

Manager Politi stated yes. From what the board has before them you are in the \$400,000 range. They want to make sure they have all the numbers right. The original estimate was to pump down the tank, make visual inspections, make the repairs, get out and get it back on line.

Deputy Mayor Matisse asked if the manager was saying they don't have a location to put a new primary tank in.

Manager Politi stated that they do have a location, but it may not work because you need to keep it warm. That is what they are investigating.

Mayor Pearson stated that it would be insulated and you can take the methane gas and heat it. She asked if the person that did the structural engineering part of that do they work for Stantec.

Manager Politi stated that they work for Stantec.

Trustee DeJesus stated that the special meeting cannot be a morning meeting because it's not something that could be voted on right a way, so it will have to be an evening meeting.

Mayor Pearson stated that the letter from DEC indicates that by November 30<sup>th</sup> the village has to have a management plan in place.

Manager Politi stated that they will have it on Friday. He will hand deliver it.

Mayor Pearson asked if there would be more than one scenario.

Manager Politi stated that it could be one or multiple.

Trustee DeJesus stated that we have to come up with one that will be quick and inexpensive.

Manager Politi stated that he would like to make something clear. You're saying why didn't we see this, we did. Before the DEC was here, if you look at the paperwork the manager gave the board, the dates that everything occurred, we were already looking at this. In the interim DEC showed up and now you're forcing the clock a little bit.

Mayor Pearson asked if with regular maintenance would this have happened.

Manager Politi stated that when you did sewer work and sewer projects they're typically had a 40 year life. This tank was built in the late 60's. We saw those problems coming.

Mr. Millspaugh asked if the manager has talked to the district person or someone from the central office to find out what their thoughts and objectives are. He believes the tank was built in the late 1950's. He worked for the health department in the 60's and he made an inspection here for another problem. He was in the plant and found out they weren't using the gas furnace to heat the tanks because somebody installed the check valve in the wrong direction. He would like to hear the report that DEC wrote the village and what the village is responding to. You have to look at the economic justification for whatever the village does. He's sure DEC will go along with whatever the obvious thing is to do. He had to rehab a digester at an institution he worked at and once they dewatered the thing they had to sand blast and gummite the inside and everything they did brought something else to light. They had the tank down all summer.

Trustee DeJesus asked Mr. Millspaugh if he's saying repairs might not be possible.

Mr. Millspaugh stated that if it's leaking methane gas he doesn't know if it's in one spot or general deterioration, but that means the water vapor is going through there and hydrogen sulfite which can turn into hydrochloric acid whatever that is doing to the reinforcing bars. You might want to get a second opinion.

Mayor Pearson asked the board how they felt about a second opinion.

Trustee Leonard stated that he's happy with that, but let's make sure we've ---- for a second opinion, because the tank needs to be drained or dewatered.

Deputy Mayor Maise stated that you can call Chazen or CDM. There are a couple people that specialize in sewer systems.

Trustee Hurd stated that the village manager will make that determination. He's sure they know what they are doing.

Manager Politi asked what's wrong with Stantec.

Mayor Pearson stated that nothing is wrong with Stantec.

Mr. Millspaugh stated that you're going to recapture the gas, you're going to use it for heating, you're going to take the excess gas.

Manager Politi stated that is a secondary process, a secondary grant, secondary everything to what we have to do now.

Mr. Millspaugh suggested they counsel with DEC.

Manager Politi stated that they did counsel with us when they came in. Those are the ones we are working with and giving the village the ideas and the direction to go.

Mr. Millspaugh stated that they should present that to the board.

Trustee Hurd stated that we have a village manager and engineer, they determine the right to get a second opinion.

Manager Politi stated that if the board wants a second opinion he needs that direction, otherwise he's sticking with the information he has now and the DEC is working with our engineers to find a solution.

Mr. Millspaugh asked if he's talked to the regional director.

Manager Politi stated that he has, in White Plains. He will get the board the information they need to make a sound decision.

Deputy Mayor Matisse stated that if we have billed since September on this project and we just found out about it at the last meeting it is kind of a rush decision.

Manager Politi stated that he thinks the deputy mayor is putting a different spin on what is happening. He's trying to respond to a major issue they have and he is bringing it to the board. DEC is who is putting a rush on it. You don't want to get fined. That is their process.

Mayor Pearson asked, if DEC knows that you are looking at something, are they still going to fine the village.

Manager Politi stated that is why they are not fining us because we are doing the work already. They will start putting time lines out.

Mayor Pearson stated that are they willing to let the village look at a couple different options.

Manager Politi stated that is what the 30<sup>th</sup> is all about. We're going to give that information to them. If they flag us that is different. He asked, what's the problem.

Mayor Pearson stated that the problem is when you go talk to DEC on November 30<sup>th</sup>, what are you giving them.

Manager Politi, stated your sludge handling plan, your entire sludge process.

Mayor Pearson asked if they are looking at how we are going to repair this or alternatives to repair it. She is looking for more than one process.

Manager Politi stated that asked for the sludge processing plan and that is what we are giving them. If they see something wrong we have to rethink it. We are taking their lead.

Deputy Mayor Matise stated, lets say you have an old car, I say well maybe I want to fix the old car and then they start looking at it and I say lets scrap that and get a new car, why would I want DEC to force me into saying I have to fix the old car. Jim feels he's under a time constraint.

Manager Politi stated no, they asked for a sludge handling plan. His plan is we are going to fix what we have. It's a concrete vessel with piping in it, it's not terribly complex. It's not the plant, it's not the clarifiers. It needs a structural engineer to get inside. That is what they have to see. They are repairing a concrete vessel.

Mayor Pearson stated that maybe the repair will be more costly than buying new, but we don't have that number and you will not be giving those to DEC, because you're not giving them another option.

Manager Politi stated that if there are multiple options we will give them to them. Right now we are going to fix the vessel we presently have. He will give other alternatives to DEC.

Deputy Mayor Matise stated that meanwhile the engineer still doesn't have anything ready for tonight knowing we're having a meeting. She also asked what the funding aspect was.

Manager Politi stated that you're going to fund the rehab.

## **Garbage & Dumpsters**

Mayor Pearson stated that you have dumpsters, garbage and homes that are closed up and Dr. Bojsiuk's situation.

Manager Politi stated that he has the ability to waive a dumpster enclosure if it is not feasible. Behind the Walker Building and the Chinese Restaurant, if you were to screen that area and allow the dumpsters to be against that screen it would screen them from the street. We'll pay for the screening. Lillo doesn't have the ability to screen his dumpster because of the space. It's a private road and you can't see it from the road. He would choose to waive his.

Mayor Pearson stated that she feels that should be a written request.

Trustee DeJesus stated that it has to be.

Manager Politi asked if they were opposed to the screening.

Mayor Pearson stated that she is opposed to the village paying for it.

Manager Politi stated that they would pay for the screening. The dumpsters don't have to be enclosed; they have to be blocked from view.

Mayor Pearson suggested potted trees.

Manager Politi stated that he will let the board know how he is going to proceed.

Mayor Pearson stated that she would like a copy of the letter when the manager waives a dumpster enclosure.

Deputy Mayor Matise suggested they ask the hauler which dumpsters they have problems with and which they don't.

Manager Politi stated that this is screening them from view. It's their business to get to them.

Mayor Pearson stated that the next discussion is waiving the garbage bill for vacant homes.

Trustee Wynkoop stated that it could be a problem because if you're going to shut the water off in the house for the winter that means you're not going to have any heat which means you have to put antifreeze in the pipes. It would be cheaper to leave the water on.

Mayor Pearson stated that Mrs. June came before the board and she had not been billed for her garbage before.

Manager Politi stated that he has no authority to do it.

Mayor Pearson stated that there is a minimum water fee when people are not using their home. She talked to the treasurer and building inspector who thought with the amount of people doing that it would be acceptable to do.

Trustee Hurd stated that the municipal agreement says if it's ruled that the place is completely closed that we can remove it month to month from the garbage bill. It has to meet the criteria that the power is turned off.

Manager Politi stated that only if the water goes down to minimum use you still should be billed for the garbage.

Trustee Hurd asked if it was in the current contract or current law.

Manager Politi stated that the contract is a per unit cost, so it doesn't matter how many you have.

Mayor Pearson asked if they have to amend the law to do something like that.

Mr. Dowd stated that right now it says that you shall set the fees for residential properties and you designate it by resolution fees that should be billed and collected in a manner and time designated by the board by resolution. You could adopt a resolution that sets the parameters for stopping of service for a short period of time. We're paying the contractor and passing the cost on all the users based on this. You would have to set up a minimum garbage cost for the administration of the village stopping garbage with the contractor and resuming it when they come back.

Trustee DeJesus stated that you close your house in the winter and pipes freeze. Are we liable? Do we need an agreement from them saying that they agreed to have the water shut off so that their pipes don't freeze and they have damage to their house? It becomes a more technical situation.

Mr. Dowd stated that shutting the water off at the curb stop, doesn't mean that the furnaces not working. Most hot water systems are self contained.

Trustee Leonard stated that some systems you have to add water to them. They lose water. He's not in favor of turning the water off at the curb.

Mr. Dowd stated that just because someone leaves for a period of time and says they're not using the garbage collection does not mean the house is vacant.



Mayor Pearson stated that they would use water, so you would know by the water bill.

Mr. Dowd stated by the time you figure that out three months have gone by.

Trustee Hurd stated that this would open the door to other scenarios.

Trustee DeJesus stated that the village can do away with garbage collection and go back to residents getting their own carters and see how the village looks. You keep making exceptions soon you won't have any garbage laws. We can't make a law based upon one person's wishes.

Mayor Pearson stated that she thinks they will find out that it is more than one person.

Deputy Mayor Matise suggested they give the manager the ability to make the decision. You would have to amend the law to do that.

Trustee Hurd stated that the fact of the matter is that every village resident is required to participate in the garbage program and if you start having the manager make the decision even on a case by case basis it gives the appearance of favoritism and you can't afford that under the law.

Deputy Mayor Matise stated that they should remove the waiver for the dumpster enclosure.

Manager Politi stated that he's not waiving a fee or tax.

Trustee Hurd stated that he'd like to talk about senior discount when the contract comes up again.

Manager Politi suggested a dumpster for the seniors that gets picked up every other week.

Deputy Mayor Matise asked who will be working on the renewal of the contract during the coming year.

Manager Politi stated that it's the building inspector, treasurer and himself.

Deputy Mayor Matise asked if they will be doing this during the first quarter of the year so they can discuss it and see what possibilities there are. There was no time for changes with the current contract.

Manager Politi asked the board when they wanted it.

Deputy Mayor Matisse asked that bulk pick up be looked at. Maybrook residents can put two bulk items out per week.

It was the consensus of the board to have proposals for the new garbage contract by June.

Trustee Leonard stated that you have to discuss garbage collection for the mx use zone.

Trustee DeJesus stated that if the answer for the doctor, until we get a new contract. We should send him a letter.

Mayor Pearson asked about the woman who goes to Florida who came for the garbage who hasn't paid.

Manager Politi stated that she will be put back on.

It was the consensus of the board to talk about garbage collection for the people who go to Florida for the winter in June.

### **Vehicle Use**

Mayor Pearson stated that she gave everyone information regarding vehicle use, benefits for personal use. The attorney looked at this. Any fringe benefits the village provides is taxable and must be included in the recipients pay unless the law specifically excludes it. She is just reading what the law says and she believes that is how she is reading it. She doesn't think there is any other explanation. It's not something other than the law what they are doing. The board has to decide how they want to charge that, \$3.00 per day or you can have miles calculated.

Trustee Hurd asked if the board should go into executive session since this deals with just one individual.

Mayor Pearson stated no.

Trustee DeJesus moved to set a rate of \$3.00 per day. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Mayor Pearson stated her other concern is personal use of miles. Personal use is a fringe benefit.

Trustee Hurd stated now you're getting into the contract.

Mayor Pearson stated that she isn't.

Mr. Dowd stated that you've established a policy as far as the \$3.00 per day. You are getting close.

Mayor Pearson stated that its village tax dollars at work. Tax dollars that we are responsible for.

Mr. Dowd stated that the issue you are raising is about a specific contract of an employee and what that says and means. You need to discuss that in order to discuss the issue they are trying to discuss in public.

Deputy Mayor Matisse stated that the police department logs their miles on their car, every morning and every night and the board gets a report. If we had a fleet supervisor they would go out and check and make sure someone didn't take the vehicle to Kingston for a ball game and they will know it. Something like that is also part of what the IRS is talking about and what the auditor talked about. There is no log for DPW and Parks. Can we talk about that?

Mr. Dowd stated yes.

Trustee DeJesus stated that the issue is there is a contract that is related to the Village Manager and the issue is his car.

Mayor Pearson stated that it extends beyond the manager's car. It's all the cars.

Trustee Hurd stated that the manager is the only person who has a contract regarding the use of a personal vehicle.

Mr. Dowd stated that the point that was made about DPW and the other cars is different from the contract situation and contract language. He agrees with the logs.

Deputy Mayor Matisse stated that there is also a code of ethics that says employees cannot use vehicles for personal use. How else do you know a car wasn't used unless you keep a log.

Trustee DeJesus stated that the log will not indicate that they stopped at the West Side Deli to get a sandwich.

Mayor Pearson stated that is up to the manager to determine if someone is doing their job properly. It's in the village limits and its still working in the village.

Trustee DeJesus asked what it is we're trying to measure.

Deputy Mayor Matisse stated after hours use.

Mayor Pearson asked about the recreation department employees who go home for lunch with village vehicles.

Trustee DeJesus stated that he can't use a county car to go to lunch. You can't do that. The after hours issue has to be looked at.

Mayor Pearson asked if the DPW Superintendent takes his truck home.

Manager Politi stated yes.

Mr. Dowd stated that the policy you just created about the use of a vehicle, the fringe benefit, you're going to have to consider that for the DPW when they take a vehicle home when they are on call. He is not exempt from the fringe benefit.

Deputy Mayor Matisse asked if the village has to report it.

Mr. Dowd stated yes.

Trustee Hurd stated that it seems to him that it would be incumbent upon the employer to compensate the employee.

Mr. Dowd stated that becomes taxable.

Mr. Dowd asked the reason for keeping logs on the police car mileage, is it to keep track of where they are going or to account for the mileage so you're balancing the miles on each car so you don't wear them out.

Chief Holmes stated that he keeps track of the mileage so he knows which cars need down time. They also have to log the miles when they are coming from an arrest and transporting a prisoner.

Trustee Norman asked if the police officers use their cars to go to lunch.

Chief Holmes stated yes because they are on duty all the time. If they are at lunch and they get a call they have to leave their lunch and leave.

Trustee Norman stated that Anthony is on call.

Mayor Pearson stated that it's still a fringe benefit. You're still spending tax payer's money on gas, miles and cars.

Trustee DeJesus stated that he agrees with the Mayor, but the problem is that the IRS penalizes him for taking the car home that we are requiring him to take home.

Mayor Pearson asked if there is a log in for personal miles.

Trustee Hurd stated that if they are talking about the manager's contract they have to go into executive session.

Mayor Pearson stated that it's not the contract it's about the miles put on the manager's car. How is he responsible for personal miles?

Trustee Hurd stated that if they are going to continue this he's going to ask to go into executive session.

### **Executive Session**

Trustee Hurd moved to hold an Executive Session pursuant to 105-(f), Personnel of the Public Officers Law. Seconded by Trustee Leonard.

Trustee DeJesus stated that he believes the issue of the car and the village manager is a contractual issue that they have to discuss. If they are looking to alter the contract that is a different ballgame.

Manager Pearson stated that she is looking to talk about the miles that should be logged for his car.

Trustee Hurd asked who is she to say they should be logged; she is one vote on this board. We will go into executive session and settle this.

Trustee DeJesus stated that he is not in favor of going into executive session, there is no reason to go into executive session. You have the issue of the logging of the DPW vehicle. We voted on a motion for \$3.00 limit.

Mr. Dowd stated that they set the \$3.00 per day as the taxable fringe benefit. The mayor is bringing up mileage.

Deputy Mayor Matisse stated that she feels they should discuss the other vehicles first. We have the Jeep Liberty and the vehicles DPW, water department uses and the parks department uses.

Trustee DeJesus stated that he would like to talk about that too.

On roll call Trustees Wynkoop, Norman, Hurd and Leonard voted ayes. Trustee DeJesus, Deputy Mayor Matisse and Mayor Pearson voted no. Motion carried.

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

### **Public Comment on Discussion Items**

Mr. Millspaugh asked if he heard them say that there would be an estimate for complete replacement of the digester.

Manager Politi stated yes, that is being explored.

Mr. Millspaugh asked if an economic justification study be done for the repair or to replace. \$400,000 will turn into a half a million which can buy a lot of plumbing.

Manager Politi stated that you have to see if the tank is worth saving.

Mr. Millspaugh asked if they can make the assumption that it's not worth saving on the basis of the cost for a new tank.

Manager Politi stated that you have to have the cost for a new tank, but you have to go into the digester to find out if it's working.

Mr. Millspaugh stated that he did a survey and he's assuming that all the new homes have garbage disposals and if you're getting a high level of organic context into your sewer treatment plant you have the opportunity to produce methane for your benefit. You owe it to the taxpayers to make sure the logical thing is being done.

Mr. Lustig stated that when he got the first notice about his dumpster he thought it was obvious that he was going to comply with this or could comply with it, so he sat back and forgot about it. Then he got the second notice. Forty years about when he had tenants in his building he put out three or four thirty gallon garbage cans. He was forever a janitor picking up in his back yard. Then he got a dumpster and his problem was solved. When he went out of the retail business and having two offices now in his building the two yard dumpster proved inadequate. He then got a three yard dumpster. He didn't realize how much bigger it was. Millspaugh have allowed him to put the dumpster on the corner of their property. The three yard dumpster took up a lot of room. If the refuse company didn't put it back right it was too heavy for him to move. They suggested going back to the 2 yard and they would pick up twice a week. If he has to put the dumpster on his property which he will if he has to comply with the code he'll lose two of his four parking spaces. Parking on Main Street is a major problem. He has seven tenants and he told them they cannot park in that parking lot 9-5 on week days and weekends and evenings are a different problem. The four spaces are for his tenants and they do the best they can with them. His son and he use the garage so he can't put the dumpster in front of the garage. It isn't a problem now, but if he has to conform to the law it will be a major problem. The dumpster is 60 feet from the public sidewalk and he has 45 feet of hedges not high enough to hide the dumpster but it does beautify the street. That's the best compromise he can make.

Trustee Wynkoop asked the manager to go over and take a look at it to see if he can help.

Manager Politi stated that some of these are going to be impossible to screen. He will go over to see this.

Mayor Pearson indicated that the manager has that ability.

Keith Millspaugh stated that he had a similar problem but he could enclose his. He is well over 100 feet from the street and he talked to the waste disposal company and they asked them not to enclose it because it makes their job easier. The intent of the law was to beautify the village, but if you go around and look at those that are enclosed, half of them are a mess. How do we control those? The carter suggested they paint it to blend in. He asked the manager to look at his too.

It was the consensus of the board to have the manager look at Mr. Millspaugh's and Mr. Lustig's dumpster.

### **Correspondence**

Mayor Pearson asked Manager Politi if he got the Orange County Transportation voting member letter.

Manager Politi stated that he was there and he is still a voting member. He voted today on the draft proposal.

A thank you note was received from the Eckert family for the flowers and the board's thoughts and prayers.

A letter was received from Time Warner stating the Nickelodeon Games and Sports will no longer be carried effective December 31, 2007. The Mayor asked the attorney what the village can do.

Mr. Dowd stated that the village has no control and they never had. The Federal Communication is looking to even further give away municipalities franchising powers of what they can and cannot control. The franchise allows you to use the right of way and paying you fees for the right of way. You cannot control pricing or programming.

Mayor Pearson asked if they can fight it somewhere.

Mr. Dowd stated that it's already being fought at the federal level by local communities of the National Association of Cities. They are trying to fight it at state levels. Washington are doing more rulemaking to get more of the power away from franchise users.

Mayor Pearson stated that SEQRA training will be in White Plains. She also gave the manager the community development grant for the Day Care Center which has been approved.

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

Manager Politi stated that he gave the board copies of the letter sent to JoAnne Fazino to switch money from the code to Walden Day Care and she was receptive to that.

Manager Politi stated that the hold harmless agreement for Mr. Conti has been done and Mr. Conti is reviewing it now.

Manager Politi stated that he has the chief's report and he will have DPW's and the building inspectors.

Deputy Mayor Maise stated that in the chief's report under the emergency management plan, this ties into what happened at the school, will we develop a protocol for notification of officials. She suggested one contact person and then have a phone tree. She doesn't know what he means by a non program forum.

Manager Politi stated that there are protocol issues within the police department.

Deputy Mayor Maise stated that she understands that but she doesn't know how he will accomplish what he's trying to accomplish here.

Mr. Dowd indicated that they could have a special meeting and go into Executive Session.

Deputy Mayor Maise stated that she doesn't think that is it. When you talk about police officers being on duty at all time, they were coming to pick up their pay checks and everyone of them jumped right in and took part and helped. It was incredible that it all just fell into place.

Mr. Dowd stated that he reviewed the document for the state property by the bridge and it is a typical contract of DOT. They want you to provide them with a certificate of insurance for two million dollars and name them as additional insured and a hold harmless agreement. They are waiving the \$1.00 a year rental.

Mayor Pearson asked if this has to be done every year.

Mr. Dowd stated no.

Mayor Pearson stated that the Community Council would like to keep that area clean and make it look nice.

Trustee Hurd stated that there is a sample layout for that park.

Manager Politi stated that he will talk to them.

Trustee Leonard moved to enter into an agreement with the State for the property at the northwest corner of the new bridge. Seconded by Trustee DeJesus. All ayes. Motion carried.



Mayor Pearson asked for a motion to give the Community Council permission to clean the are by the bridge.

Trustee DeJesus stated that they should come before the board.

### **Board Comments**

Trustee Norman stated that the tree on Walker Street needs to come down. Also, the west side of the village needs holiday decorations.

There were no comments recorded, so if the board would like to give me their comments I will gladly add them to the minutes.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk