

**Village of Walden
Board of Trustees Meeting
December 11th, 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 Jean Norman
		Roy Wynkoop
		Richard Hurd
		Jose DeJesus
		Edmond Leonard

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk

Absent:	Kevin Dowd, Village Attorney, later present
---------	---

Approval of Minutes

Trustee DeJesus moved to adopt the minutes of November 27th, 2007. Seconded by Trustee Wynkoop. All ayes. Minutes adopted.

Public Comment

There were no comments from the public.

Payment of Audited Bills

Trustee Norman moved to pay the audited bills of December 11, 2007. Seconded by Trustee DeJesus. All ayes. Motion carried.

Mayor Pearson indicated that she approved only the bills that she signed.

Special Meeting Request

Manager Politi stated that the representatives from Beazer Homes is available to come to a meeting on Tuesday, December 18th. The manager also indicated that he will have a better number on the waste water treatment plant rehab and they can move forward on that. Also, the Wooster Grove Welcome Center bids are in.

Deputy Mayor Matisse asked if they could meet prior to the 18th because she will not be able to attend.

Mayor Pearson asked if the board will be seeing a cost benefit of new verses old for the wastewater treatment plant rehab.

Manager Politi stated that there will be enough information in front of the board to make a sound decision.

Manager Politi stated that he will contact the representatives from Beazer and see if they will be available on December 17th.

Deputy Mayor Matisse moved to hold a special meeting on December 17, 2007 with an alternate date of December 18, 2007 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

Small Cities Application Request for Approval

Manager Politi stated that there is a home on Walnut Street that put in an application for a Small Cities loan for rehab. It is owner occupied and is a legal three family. They do meet the HUD definition of low income. It is a \$49,000 project.

Deputy Mayor Matisse asked if this would be a loan with a repayment schedule.

Manager Politi stated yes.

Trustee DeJesus stated, a low interest loan with no payments until the house is sold.

Manager Politi stated that we do get it back. We can do it as a lien or on payments. He will give the board a report on Small Cities repayments. If you were to review this rehab loan it's for exterior work, boiler and new panel. The outside needs most of the work. He further stated that the owner and tenants are low income.

Mayor Pearson stated that there are two bids one with new windows and one without.

Manager Politi stated that he feels they should put the windows in.

Mayor Pearson stated that with other loans the board was given more information so they could make a decision and they don't have that with this one.

Trustee Leonard asked for an update at the December 18th meeting.

Trustee Norman moved to approve the Small Cities Loan for 56 Walnut Street for \$49,000 with no payments until the house is sold at 0% interest. Seconded by Trustee DeJesus.

Trustee DeJesus stated that he is a little confused here. The board came up with a policy recently that up to \$25,000 it didn't need board approval. We have an application and the person meets the guidelines. What would be the hold up.

All ayes. Motion carried.

Water Bill Review-39 Sherman Avenue

Mayor Pearson asked how this bill got to this amount without really figuring what was happening.

Manager Politi explained that the owner of this property typically gets a \$300 to \$350 bill for the three or four unit building. He now ends up with a \$3500. bill. Our first response to him was that the bills are accurate, these are the new meters. He said he was going to get a plumber and they checked the building. He now gets another bill for the same amount of money. When our forces went they almost immediately realized through history that there was a barn in the back of the house and it had a water line to it. Somewhere along the way that line broke and it was running. Now you have two bills.

Mayor Pearson asked when did the whole thing start.

Manager Politi stated that he doesn't have the dates, but it was for two quarters.

Mayor Pearson asked if he had a new meter put in.

Manager Politi stated that the new meter is in.

Mayor Pearson stated that it has to be longer than eight months.

Trustee Leonard stated that it has to be a minimum of six months.

Mr. Dowd suggested you give him time to pay.

Deputy Mayor Matise stated that he should produce his plumber's bill to verify that he did have his house checked and take it from there.

Trustee Hurd suggested he make payments.

It was the consensus of the board to have the manager explore payments with the owner.

Mayor Pearson stated that she would like to see the plumber's bill and then looking at deducting a little something.

Trustee Hurd asked if the water leak at Arma Textile's, did they do payments.

Mr. Dowd stated that someone paid that bill.

Mayor Pearson stated that she had a \$1300. water bill that she paid.

Trustee DeJesus stated that he doesn't live there so he wouldn't know what's going on. He thinks we need to look into what other options we have.

Mayor Pearson asked for information on time frames, his bill.

Manager Politi stated that he needs to check the bill to make sure that is water and sewer.

Audit Review

Gary Theodore, Nugent and Haeussler explained the audit report for the year ending May 31, 2007. He stated that the best opinion you can get is an unqualified opinion and that is what the village has. He is also happy to report that the village is in good financial condition.

Trustee Hurd asked about the statement on page 8 of the report which states that at this time the village does not record the liability for post-employment benefits in regard to health care premiums until guidance is issued by the Governmental Accounting Standards Board. He asked if at some point they will get that information.

Mr. Theodore stated, not this year or next, but the following year is the year they are being forced as governmental organizations to calculate health insurance premiums for people who are retired, what the liability is. That is GASB 45.

Mayor Pearson asked why Departmental Income on Page 9 went from 0.00 to 162,001.00.

Manager Politi stated that he will find out why.

Mayor Pearson asked what private purpose trust meant on Page 23.

Mr. Theodore stated that it is money that has been set aside for the McKinley Monument. He further stated that some changes are happening in the world of accounting affecting all the audits and the change comes from SAS 112 which is a new way they have to look at internal control and if there is a problem its called a significant deficiency and if there is a big problem its called a material weakness. The village has no material weaknesses, but the significant deficiencies are listed on Page 45. Most of their

governmental audits are school districts and towns and villages have these comments in them. The first has to do with segregation of duties. You don't have an office staff big enough to segregate the duties, how they want them for internal control. The second comment deals with management oversight as far as documenting the review of all the procedures. The third comment deals with preparing financial statements. The theory is that they would come in to their audits and these financial statements that they hold in their hand prepared records and they come in and audit them and that's not really how the real world works.

Mayor Pearson stated that Mr. Theodore mentioned school districts; she asked if he put this in here because it doesn't mean anything. This means something to us because its something that should be being done or it doesn't mean anything because it's just a procedure he has to follow.

Mr. Theodore stated that everyone is in the same boat as far as dealing with these new ways. These should be addressed if it's possible to address them.

Trustee Hurd stated that these recommendations are almost identical to what they looked at last year. Are there procedures the auditor can recommend that the village could use in a small working environment.

Mr. Theodore stated that he could make recommendations. The answer would be to hire more people which would put a strain on the budget.

Trustee DeJesus stated that the last time this came up they talked about looking internally to see how they were going to use the staff that they have. He's surprised this came up again, it should be addressed. There is also a problem with the bail accounts; nothing has been done there as well. We have to address this too. There were specific recommendations for the bail money. The board is at fault with not auditing the bills.

Mayor Pearson also felt that the recommendations should be looked at.

Garbage & Dumpster Program Update

Manager Politi stated that he did meet with Keith and Mickey Millspaugh and he did speak to Mr. Lustig and saw his dumpster on site. Mr. Lustig's dumpster, there's really not much you can do with that. There is the ability to enclose Millspaugh's dumpster, but there are questions that they are going over because he has two types of pickups. One is typical dumpster and the other is for the furniture. He will review that. Some dumpsters can be clarified and he will get letters out to them. The construction in the Orchard Street Parking lot is finishing up. He will talk to those property owners about a barrier along the edge of the parking area.

Mayor Pearson stated that she has a question about the dumpster criteria. She wanted to know what the manager is using for criteria.

Manager Politi stated that he has to go from site to site and he has to respond in writing.

Trustee DeJesus stated that the only exception is if you're not able to enclose it.

Manager Politi stated that in the Millspaugh case there is no reason not to enclose it. There is enough space. The intent is not being able to see them from the street. If it's screening that can be done in the big parking lot, which is fine. Millspaugh's could just require a front piece. The criteria is do you want to see it from the street.

Mayor Pearson requested that the board get copies of the letters the manager sends. She asked if Mr. Schufa's dumpsters were taken care of.

Manager Politi stated that he will find out.

Public Comment on Discussion Items

Mickey Millspaugh asked if that was the first water bill that property owner received after the new meter was installed.

Manager Politi stated that he's not sure and he will let him know.

Correspondence

A letter was received from Time Warner Cable with the program additions and changes.

Mayor Pearson asked if the manager found out about the mutual aid.

Manager Politi stated that the board approved it and he will check on that.

A letter was received from DEC and she will make copies for everyone.

Manager Politi stated that they did supply DEC with information and this is additional information that they are requesting.

Mayor Pearson stated that she received correspondence regarding Orange County Transportation voting members.

Manager Politi stated that he is working on that.

Mayor Pearson stated that in regard to Local Government Cyber Security we might want to look into a policy for computer use. She will put that on the agenda.

Village Manager's Report

Manager Politi stated that he has the department reports and DPW's came in late.

Mayor Pearson asked if there was a reason why the reports are coming in late.

Manager Politi stated no. Last time it was the building inspector because he was on vacation.

Mr. Dowd stated that on November 29th he and the manager met with Mr. Jacobowitz and some of his consultants relative to the annexation proceedings, specifically to the SEQRA process. The Village Clerk has and will pass out to the board copies of the revised full environmental assessment form that was prepared by Mr. Jacobowitz at Mr. Dowd's request. It was supposed to be delivered to the village to be included in the board's packet and it wasn't. What was discussed at that meeting was the outcome of the public hearing, the issues raised at the public hearing and how best to evaluate the environmental impacts as well as address the statements made by the public and the two boards. This will be reviewed by the attorney, Alan Sorensen and the engineer for accuracy and completeness. Once they are satisfied that it is complete then the board will adopt it and they can then make the judgment as to whether a negative declaration should be issued or a positive declaration. This is without question and unlisted action. It's only an annexation of a two acre parcel. So it's not a Type I. It was his intention, if the board had gotten this on time, to have the board declare it an unlisted action and proceed to allow this to be distributed not only to your own boards and to your consultants, but also to the town. First thing that is wrong with the document is on the first page it still says that you are a joint lead agency with the town board and you're not.

Deputy Mayor Matise stated that the petitioner is presenting this board with studies and how do we know the accuracy of those.

Mr. Dowd stated that the consultants will look at it.

Mayor Pearson asked if that was a normal practice for the village to do their own study.

Mr. Dowd indicated that this was normal.

Mayor Pearson asked if the applicant fills this out.

Mr. Dowd stated yes. It is a very common practice of allowing the applicant to spend their money doing the initial work, we review their work and make comments and make them change it to what we want and then we adopt that document.

Mayor Pearson asked if we could do the work and charge the applicant.

Mr. Dowd stated yes. It's a change of boundary line which in and of itself is no impact, but because of the SEQRA process we must look at it from a no build up to a maximum build up in our zoning code which right now is going to be a townhouse

project. That's what we are trying to evaluate and that is what they will evaluate as far as the maximum build out of the property, if they were to use the entire two acres for townhouse, which is not necessarily what they are going to do.

Trustee Hurd stated that it was always the intent of the board that would be the only reason we would have asked for annexation.

Mayor Pearson stated that it's not the intent of the board.

Mr. Dowd stated that if in fact it's annexed and if in fact you put it into the townhouse, not the full two acres are going to be usable to be townhouses. They are trying to do is to say what are the total traffic impacts of all the necessary intersections including the two acre parcel if it was developed as a townhouse project.

Deputy Mayor Matisse stated that at some point the petitioner gave the names of some of the people that were going to be doing some of these impact studies.

Trustee Leonard stated that was at the planning board meeting.

Deputy Mayor Matisse stated that the one that is doing the traffic impact he did the traffic impact on the Cranesville Block project and people did extensive research and found that a lot of his figures weren't very good.

Mr. Dowd stated that that fact that they are preparing their traffic study report does not mean that we are going to accept everything the traffic person said. There is a booklet that all traffic engineers use for how many trips, peak hours and off peak hours, these kinds of projects generate. Our consultants and our engineers will be looking at those reports and matching them to what those bibles say and whether they are accurate or not. If necessary our engineer will hire our own traffic engineer to review the traffic report and then they will have to pay for that as well. The board as lead agency has the obligation to move the project along.

Deputy Mayor Matisse stated that at the joint meeting Mark Hoyt said, "oh we had another request and the town is putting restrictions on it" and that is not a real possibility.

Mr. Dowd stated that he talked to the town attorney about that comment and they both agreed that an annexation that is conditioned upon being held as green space puts us in a liability jeopardy of taking away all use of the property. If it comes down to no use of the property or even a two acre parcel in the town why would anyone annex it to make it useless?

Trustee DeJesus stated that the thing is we allow that to happen and we allow people that don't live in the village to go on about what we should be doing. People that are always complaining at the town board meetings about expansion and he thinks the meeting that they had went beyond the scope of what was intended. It almost turned into a whole referendum of the entire project which was not the intent. He feels that was an

unfair situation that took place. Its our project and if we go ahead with the annexation, if its approved, what we are going to allow there is our decision, not the town's decision.

Mr. Dowd stated that this is an environmental evaluation of what the annexation if allowed would result in, what if any impacts.

Deputy Mayor Matise stated that they are waiting to hear from the Army Corp of Engineers about the isolated wetlands.

Mr. Dowd stated that if it ever gets to the planning board then there will be another SEQRA review which will be more site specific, project specific of the specific plans. That could change it to a Type I.

Deputy Mayor Matise stated that this is a peculiar property and the annexation is pretty peculiar because it really is one parcel and it has two tax numbers. If we get to the point of approving it and annexing it, what is going to happen to it is a foregone conclusion because its one parcel.

Mr. Dowd stated that because of where it is situated the only logical sense would be to zone it townhouse.

Deputy Mayor Matise stated that under 3.C they are still maintaining that it's a separate parcel and that its land locked and its not a separate parcel. So the premise is inaccurate and at the last meeting Mr. Millspaugh came in and dealt with the historical premise that they are putting forth here and their historical premise is really inaccurate because they were saying that from the time of the incorporation of the village this was the village municipal line and it wasn't.

Mr. Dowd stated that he hasn't seen any proof that it wasn't.

Deputy Mayor Matise stated that Mr. Millspaugh has an 1862 map and we have deeds from 1856 that it wasn't.

Mr. Dowd stated that he doesn't think Mr. Millspaugh showed those maps to you at the meeting. The bottom line is it's a parcel that is separated by a town/village line however it got there and the two acre parcel in the town while being part and partial of the part that is in the village cannot be developed as a townhouse unless its annexed. If it's annexed as a separate two acre parcel in the town it has to go to a separate planning board, ultimately there is no access through existing access on a town road or village road. It would have to come through the townhouse parcel to get out.

Deputy Mayor Matise stated that its one parcel, one deed.

Mr. Dowd stated that you can't get building permits on private roads without going through a variance procedure. We don't know if there will be village streets, maybe one village street. They should have said a separate tax parcel.

Mayor Pearson asked the attorney to talk to her about negotiations.

Mr. Dowd stated that he's not going to talk publicly about negotiations. That would be improper for many reasons.

Deputy Mayor Matisse stated that's not what PACE says.

Mr. Dowd stated that they are not going to negotiate anything in public.

Deputy Mayor Matisse stated that they were encouraging it.

Trustee Leonard stated that they didn't encourage negotiations they encouraged public awareness of information on the project. That would be an issue for the planning board.

Mr. Dowd stated that what the mayor is talking about is negotiating in the annexation process. He had a private email from the mayor and a phone call.

Trustee DeJesus stated that it shouldn't be a private email from the mayor because the whole thing is over and done with. He wants to know why its private.

Mr. Dowd stated that he would be glad to talk to the board in attorney/client.

Trustee DeJesus stated that you're telling me you're getting a private email from the mayor and the mayor has been one for open government and now we're sending private emails, he has a problem with that.

Mayor Pearson stated that it was a question.

Mr. Dowd stated that he had a conversation with the applicant when he told him the EAF was being delivered late and the mayor had a conversation with him as well in which some issue that the mayor is saying may have come up.

Mayor Pearson stated that it was a conversation that he brought up.

Mr. Dowd stated that if you want to talk about it he would like an executive session.

Trustee DeJesus stated that he doesn't want to go into an executive session to discuss a private question. It was made clear at a meeting that it was inappropriate request to ask an applicant to do something for the village in return for doing something else.

Mr. Dowd stated it was his intention to give legal advice to the board. You should be aware of what the question was and it shouldn't be done in public.

Mayor Pearson moved to go into executive session.

Mr. Dowd stated that it would be attorney/client.

Mayor Pearson changed her motion to go into attorney/client. She asked if the board would be willing to go into attorney/client.

Trustee Norman stated no, because she doesn't feel it's necessary.

Trustee Wynkoop stated that he would like to look the document over first.

Mr. Dowd suggested the mayor share her conversation with the board members individually so they are aware of what the conversation was and at the next meeting we can discuss the legalities of it.

There was no second to the motion.

Board Comments

Trustee Leonard stated that he'd like to see the code enforcement officer concentrate on the clearing of ice and snow from sidewalks. He also asked that the bills be out on the weekends when the members pick up their agendas.

Mayor Pearson advised him that the bills are ready on Friday and they are available on the weekends.

Trustee DeJesus asked if a letter was sent to the owner on Oakland Avenue regarding the issue he had with the trees.

Manager Politi stated that he will send that letter out.

Trustee DeJesus stated that there was an article in the newspaper regarding workers comp.

Manager Politi stated that he has been meeting with Keith Hunter and they have some potential ways they can go. He will have more information for the next agenda.

Deputy Mayor Matise asked if that would involve the village buying out our claims from the county.

Manager Politi stated yes. There are a couple companies bringing and carrying all those to the new companies that will take that on.

Trustee DeJesus asked if this was all part of the budget process.

Manager Politi stated yes.

Trustee DeJesus stated that we may have to think if we have any vacant positions that are not being filled that are not critical, we may have to have a hiring freeze because money is getting tight.

Trustee Leonard stated that he has a group of people that want to attend the special meeting and he will have to tell them when the meeting is.

Manager Politi stated that right now everything is set for Tuesday, but he will contact the developer to see if they are available Monday.

Deputy Mayor Matisse gave the manager the Hudson Fulton Champlain Celebration so if there are some projects such as the Soap Box Derby he may want to put that under that.

Deputy Mayor Matisse asked about the Town of Montgomery Ambulance Corp. if anything was happening with that.

Mr. Dowd stated that he had a conversation with the town attorney and he said he was going to take care of it.

Deputy Mayor Matisse stated that at the last transition meeting there was talk about it. They still don't have their contract. She also asked the attorney for the Bradley Lane stuff in January.

Deputy Mayor Matisse also stated that the new state code goes into affect January 1st and we adopted it as part of our code, she would like that on the web site. There are sections on the web site that need to be worked on.

Deputy Mayor Matisse asked the mayor if she spoke to the town about the tax exemption for the well.

Mayor Pearson stated that she spoke to Mr. Dowd who spoke to Ms. Mitchell and the town claimed that they never received the information.

The Village Clerk indicated she sent everything over. She sent it twice.

Deputy Mayor Matisse asked that the no parking sign be put back in front of the Walden Savings Bank.

Deputy Mayor Matisse stated that she has been asking for a report on streets. The manager was supposed to send letters to the businesses asking if they wanted fire lanes and handicapped parking enforcement and letters to the residents on Albany Avenue. She asked if something was being done with the T intersections.

Manager Politi stated that he will give her a report on it.

Deputy Mayor Matise asked what was happening with the magnet.

Manager Politi stated that they are being produced right now. He further explained that there are magnets that are being sent to every household in the village which will have all the emergency numbers and web site on it.

Trustee DeJesus asked how much are the magnets.

Manager Politi stated that they are \$.48 a piece plus postage. It will be around \$2,000.

Deputy Mayor Matise asked if the manager contacted the post master about the obstruction of site.

Manager Politi stated no.

Trustee Norman stated that she was happy to see the holiday decorations on the west side of the village. Maybe next year they can put wreaths up. Also, the tree was taken down on Walker Street, thank you.

Mayor Pearson asked if the manager was going to check on the McKinley pump station.

Manager Politi stated yes.

Mayor Pearson asked about the Girl Scout Cabin.

Manager Politi stated that they are working on it.

Mayor Pearson asked if the manager has heard from the county about switching the grant money.

Manager Politi stated that he hasn't heard.

Mayor Pearson asked if the library sign has been put up.

Manager Politi stated yes.

Mayor Pearson asked about the emergency plan.

Manager Politi stated that they are waiting for the county.

Mayor Pearson suggested that the recreation fees for out of village residents be raised. She asked the manager to speak to Mr. Howland to find out how many out of village people are in our programs. She also suggested lengthening the summer program.

Also, she knows there were seniors that couldn't go on the trip to New York City. She feels if they needed a second bus and it would be pretty much full they should have gotten it.

Deputy Mayor Matise stated that Mr. Howland might not have been able to get more tickets.

Manager Politi stated that the seniors are limited on what they can pay, so if you add another bus it will cost the village more.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk