

**Village of Walden
Board of Trustees Special Meeting
December 18, 2007**

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

On roll call the following were:

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

Also Present:	James C. Politi, Village Manager
	Victoria Kurtz, Deputy Village Clerk

Absent:	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Wastewater Treatment Plant Digester Rehab Status

Jim Fitzsimmons, Village Engineer stated that the treatment plant operator has been having problems with the digester. The digester mixers and heat exchanger system are in need of repairs. There are also cracks in the concrete that need to be sealed. There are a lot of maintenance items that they are trying to catch up on with the digester. The slug pumps are old and they need to be refurbished or replaced. They provided an estimate of \$600,000 to rehab the digester. The alternative would be to haul sludge instead of digesting it and that tends to be more costly. A new digester would cost double that amount to repair it, about 1.2 million.

Manager Politi stated that one of the items that was added to this beyond the big vessel itself that we are working on is going into the building and replacing the pumps that are quite old. If we are doing this system wide we may as well clean it up all at once. They work but they are old and when they break parts are hard to find. Once you complete the project other than maintenance and little things along the way you're sewer plant will be up to speed.

Mr. Fitzsimmons stated that there will be a sealant that will go on.

Mayor Pearson stated that she did some research and she found out about T lock PVC which would go inside the pipes. They do this for digesters and it lasts 50 years and longer.

She asked what they were going to do once they get in and see the cracks.

Mr. Fitzsimmons stated that you would use a product to seal the cracks. If you get in there and it looks like you want to line the tank or you might want to line the tank which is a urethane type coating which is an eighth of an inch thick. The cost to coat the tank would be approximately \$85,000, which would be the urethane spray on.

Trustee Leonard expressed his concerns with the weather and applying the coating to the concrete.

Manager Politi stated that the tank is meant to hold heat so he's sure there is a heating process that you can use inside the tank.

Deputy Mayor Matise asked if it is a replacement of the lid and what material would that be.

Manager Politi stated that you are not replacing the lid. Those are the hatches.

Deputy Mayor Matise asked how much it would be to replace the lid.

Manager Politi stated that they are not exploring that because the lid is in good shape. They do have cracks that are typical of concrete and they need to be sealed.

Mayor Pearson stated that the report says, to seal cracks and provide protective coating on the concrete to increase the life of the structure. With doing that what is our life expectancy.

Mr. Fitzsimmons stated that they will have to look into the tank to see what it looks like.

Mayor Pearson asked if the \$600,000 was on the low side.

Manager Politi stated that this is a conservative number. This is a high number. The next step would be replacement if it's that bad.

Deputy Mayor Matise stated that what we don't know is the condition of the tank itself. If they get in there and the assessment is that it's not worth repairing or can't be repaired, then we've already gone out to bond on this. Then what do we do?

Manager Politi stated that what you can see now indicates that you can repair this.

Mayor Pearson stated that if we're going to fix this for ten years and we are spending \$600,000, we could buy a new unit for one million dollars.

Manager Politi stated that this is similar to insituform that you use when you repair the trenches. You're putting a urethane coating on this.

Mayor Pearson asked what the life expectancy was.

Manager Politi that its 50 years.

Mayor Pearson stated that this is a liner; there is no plastic pipe, no coatings, no chemical treatments and it fights erosion of sewer gases. It's used for pipes, digesters, heating wells, man holes and it's used for many, many things.

Manager Politi stated that's what insitu products are based on.

Mayor Pearson asked about the life expectancy with the insitu products.

Mr. Fitzsimmons stated 15 to 20 years.

Trustee Leonard indicated that the product will have a spec sheet which will give you the life expectancy. Urethane is very durable and it will handle acid with no problem and the coating has a long life.

Mayor Pearson stated that this product has been there for 50 years. She doesn't know if the same product that the manager is looking at, where they got their cost from, that is why she asked that question whether its 5, 10 or 15 years. If we can look at something that lasts 50 years that might be more cost effective.

Deputy Mayor Matise asked if this was including capturing the gas to convert to electric.

Mr. Fitzsimmons stated that would be separate.

Manager Politi stated that it is a separate application to NYSERTA and its an add on to what you're doing now.

Deputy Mayor Matise asked if it would be something done in the future.

Mr. Fitzsimmons stated that it could be done through a NYSERTA grant.

Mayor Pearson asked what a supernatant is.

Mr. Fitzsimmons stated that it's the liquids that separate and rise to the top of the sludge layer.

Trustee Leonard asked what was the material for the hatch cover.

Mr. Fitzsimmons stated that it was stainless steel.

Trustee Hurd asked if the board authorizes this how long before they start.

Manager Politi stated that because of the size of the bond we will have to go through the estoppel period.

Mr. Fitzsimmons stated that it would take a couple months to put the bid documents together and get approval to put them out to bid. Probably another six months after that to wrap it up.

Manager Politi stated that there might be DEC review process.

Trustee Leonard stated that in six months we might have to pump that tank again.

Manager Politi stated that since the belt filter press has been on line we have been able to maintain that three or four feet of keeping it down. There will be a point in the winter where you can't run the belt filter press and you have to draw some down to stay safe. It won't be the entire tank.

Trustee Leonard stated that when you draw down the tank you have to be prepared to coat that.

Mayor Pearson asked how long are we bonding for.

Manager Politi stated more than ten years.

Mayor Pearson asked if this work is performed by a company, who does the work.

Deputy Mayor Matisse asked who would be on site here.

Manager Politi stated that the operator of the plant does not leave that plant. The collection system is separate. So, you have your own employees on site all the time. In a process like this which is going to be highly structured schedule wise the engineers will be on site. A company will be doing the work.

Mayor Pearson asked if this fee is for the engineers on site inspections.

Mr. Fitzsimmons stated that it's for design, inspections, and shop drawing reviews.

Mayor Pearson asked about inspections and she would like to have a schedule of inspections, who will be doing that and how is that being done and why it hasn't been done already. The report says that the tank hasn't been inspected anytime recently and that internal inspections should be done periodically.

Manager Politi stated that he doesn't know what the time frame is. Assuming we haven't done it we don't know what the typical time frame is for sludge to be inspected.

Mr. Fitzsimmons stated that it's recommended the tanks be drawn down once a year to get a look at what's inside. It's something that the operator can do. He would say every year or every other year.

Manager Politi stated that the other settling tanks we're in there all the time.

Trustee DeJesus questioned Section 3 of the bond resolution, period of probable usefulness, 30 years.

Manager Politi stated that it will be more than 10 years. He can't give the outside number.

Trustee Leonard asked if there was any way to expedite the bidding process.

Manager Politi stated that he will speak to the attorney about that.

Mayor Pearson asked about the engineering cost, is it hourly or is it a set amount at \$80,000 or if they go over can we set an amount with them as an engineering firm.

Mr. Fitzsimmons stated that this is just an estimate.

Manager Politi stated that you have to understand that the numbers were set high. They built in a 25% contingency.

Trustee Leonard moved to adopt the bond resolution, Authorizing the Issuance of \$600,000 Bonds of the Village of Walden, Orange County, New York, To Pay the Cost of the Partial Rehabilitation of the Village Sewage Treatment Plant, in and for said Village. Seconded by Trustee DeJesus. All ayes. Resolution adopted.

Deputy Mayor Matise moved to declare a Type 2 action with regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Beazer Homes-Status of Project

Mayor Pearson stated that representatives from Beazer Homes are here tonight to address the concerns of the residents.

John Kovalsky 16, Hidden View Drive stated that he'd like to address the drainage that was altered by his property, was it inspected two years ago when it was done and is that the way it should be done. He had water damage to his home, cracks in his foundation and basement floor. He would like to know who supervised this when it was done. A tree was planted over the pipe that drains into the sewer. Was that inspected? Where it drains into the sewer connection there is no screen cover, so any kind of animal can crawl in there and plug it up. That would become an issue. He wanted to know if that can be done. When his home flooded there was no one there for them. The landscaping is still unfinished.

Mr. Fitzsimmons stated that the work was supervised two years ago. It worked for two years through very severe rain storms. When they dug it up they found the pipe was crushed. He doesn't know why.

Mr. Kovalsky stated that there was a tooth mark in the pipe from a backhoe. No one has worked on the site since the alteration was made.

Mr. Fitzsimmons stated that the footing discharge into where the road was being built made the area too wet for them to do any work. So you build a road with the French drain to get the water out of there. The village has had major storm water problems and he didn't have any problems during any of those. The sidewalk and landscaping were all happening much more recently. He feels the damage to the pipe was done during one of those two activities.

Mr. Kovalsky asked if the engineer was saying that someone dug it up.

Mr. Fitzsimmons stated that he's saying they were doing excavating work in the area with landscaping and sidewalks.

Trustee DeJesus asked if it was crushed now.

Mr. Kovalsky stated that it's been fixed. It seems to be draining now. He thought it was draining two years ago. It hasn't been working right for two years. There were cracks that formed in his foundation and slab of his house. The way the pipe was buried, you could see it was sheared in half and covered over. He's not sure who was on site. He asked if Mr. Fitzsimmons was out there while they were working.

Mr. Fitzsimmons stated that a representative from his office was out there.

Mr. Kovalsky stated that he spoke to Lanny after all this had happened and he said the same thing. That it worked for two years.

Mr. Kovalsky asked him if he saw to where the pipe was.

Lanny said yes.

Mr. Kovalsky stated that is where he dug it up. That's exactly what it looked like and it was two feet down. You could tell it hadn't been disturbed. He told Lanny that is the way the pipe was and he said oh, so they buried it like that. That led to the impression that he hadn't seen it.

Mayor Pearson asked if the engineers are on site every day.

Mr. Fitzsimmons stated that almost every day they are there. It depends on what is going on.

Mr. Kovalsky stated that when the alterations were made to the pipe that was found was there someone on site to watch the job.

Mr. Stickles stated yes there was and there is also a clean out so you can clean out the pipe both ways.

Mr. Kovalsky asked if that is connected to the bigger 12 inch pipe that has a tree directly above it.

Mr. Stickles stated that there is no tree above this pipe.

Mr. Kovalsky asked, in the general area. Well, the pipe that was installed.

Mr. Stickles stated that the pipe that was installed and the clean out that was installed wasn't done with trees in site.

Mr. Kovalsky asked if that feeds into a bigger pipe.

Mr. Stickles stated that feeds into the basin.

Mr. Kovalsky stated that there is a tree directly above the bigger pipe.

Mr. Stickles stated, not that he is aware of.

Mr. Kovalsky stated that there is. It's a foot away from the basin. When they dug it up they buried everything in gravel so you could see where they put the augur through and when they installed the tree he told them about it and they cringed, like why did they put that tree there. They actually came out and put more trees in and straitened that tree that is inside the pipe.

Mr. Stickles stated that isn't a fair statement because every time somebody has had an issue, complaint or something before this board, either himself or Lanny has been there to see what they could do about it.

Mr. Kovalsky stated that the statement was not to attack anybody. He appreciates you guys helping them. The statement was to the builder and their subcontractors. Two years is plenty of time to get issues resolved. A lot of the stuff around his property is unprofessional. He has neighbors that can't be here tonight and they have issues too. He asked if the tree will be looked at and will the pipe be checked to see if it was put through and will the stream be installed there. That general area the landscaping has never been finished. There is a basketball court still sitting there that was on the curb line. Is the removal of the basketball court part of the project? There is erosion on the buffer zone between his house and adjoining properties. Beazer installed trees in the buffer zone. Four out of the five trees were replaced. Trees need to be trimmed along the sidewalk. When the contractor came to do the trees he said he doesn't want the equipment on his

property and when he came home he had trees in his yard, oil stains on his driveway and the driveway was crushed. He feels that if any work is to be done on his property he needs to be notified so he can be there to supervise it or at least protect his interest. They were insured Hidden View was not going to become a way for the heavy trucks to go in and out and nobody was there to stop them. The road has been damaged.

John Herzog, Production Manager for Beazer Homes stated that he's not the builder on site but he does oversee production and land development. In regard to the drain, two years ago the drain was installed and there was an issue. Lanny went out and addressed it and made a field change to tie in the drain to the catch basin. At that point it was done and there were no issues. There was no water going into his house at that time, there was no notification to them that there were issues with the basement, cracks or flooding. He was notified a couple months ago from the village engineer stating that there is an issue. They met with the site foreman and he was there, they replaced the pipe, dug it up and found it was crushed. Does he believe that pipe was crushed for two years, no. They put in the sidewalk, replaced his driveway and there were street trees going into that area so there is the possibility one of their vehicles crushed it. They went in, dug it up, it was inspected by the village and it was backhoed. There is a cleanout there in case there is a blockage.

Mayor Pearson asked if they would have done that to begin with.

Mr. Herzog stated that you don't need a cleanout for a footing drain, it's not a standard practice, and it's not like a sewer drain. It was something they did above and beyond.

Mayor Pearson asked when Mr. Kovalsky had the water in his basement.

Mr. Kovalsky stated October 26th, 2007.

Mr. Herzog stated that they worked with the village on moving the sidewalk which originally the plan for the sidewalk was to _____ the gentleman's tree and they didn't want to do that. They wanted to work with him and save the tree and the village worked with them to move the sidewalk closer to the curb line. They moved the curb so they could save that tree. That is an existing tree, not a Beazer tree. It would not be their responsibility to prune that tree. At the time it would have been easier for them to remove the tree and put the sidewalk in, but they didn't. They worked with the village to save the tree. It was not their obligation to repave his whole driveway. They were cutting through his driveway so their obligation was to patch it and they agreed to repave his entire driveway as well as trees along the buffer line. Regarding the stain in his driveway he looked at it with Lanny and he doesn't know if it's from them. It's a small stain that looks like it's from a vehicle. There are no tracks or bobcat marks on his driveway. The stain is as big as a quarter.

Mr. Kovalsky stated that where the blacktop was crushed by the sidewalk, it looks like a bobcat mark

Mr. Herzog stated that when he was out there he doesn't remember it. He is willing to set something up with Mr. Kovalsky to walk out there.

Mr. Kovalsky stated that the tree is in the line of the sidewalk and there were improvements made there so basically they're saying they are not responsible to trim that tree.

Mr. Herzog stated that tree is an existing tree; there was an agreement between Beazer Homes and the village to relocate the sidewalk to save that tree.

Mr. Kovalsky stated that Clifford Bell who was on site stated that the tree trimming would all be done.

Mr. Herzog stated that if it's okay with the village he will trim the tree. The question is how far back you take it and what if the tree dies.

Mr. Kovalsky stated that its if he'd like the tree trimmed or not, it is an issue that it's along public sidewalk.

Mr. Herzog stated that it was never brought to his attention from the village engineer.

Trustee DeJesus asked that the manager to look at the tree and see what can be done. In the past we had a lot of complaints. We had issues of the workers going into homeowners yards when they were not there and a lot of the people work in the city and outside the village. They went into their property when they were asked not to. In some cases the police couldn't enforce it because we didn't see it. He doesn't know how much more work they have to do but he expects it will be done according to specs and that people's property will be respected.

Mr. Herzog stated that he thinks the village engineer can agree that they've don't everything to specs.

Mayor Pearson stated that we wouldn't have all these people here if things were done properly.

Mr. Kovalsky stated that the issue of the pipe being damaged at a later date. He doesn't understand that's where there was no excavation done in that area how a pipe that is a foot and a half, two feet under ground can be damaged by activity related to a sidewalk or driveway when everything was at least seventy to eighty feet away from that area and it was not excavated since the time it was originally repaired.

Mr. Herzog stated that they disagree with that because they believe that they used that area to construct that sidewalk.

Mr. Kovalsky asked if Mr. Herzog is saying they dug it up.

Mr. Herzog stated that they never said they dug it up. You could have had heavy equipment, you could have dug a tree and put it in the wrong spot, we don't know. When we went out there to dig it up after it was told to them by the village that it was damaged, we realized that it was crushed. We don't know how that happened. You dug it up the first time, a little hole in the ground; we came back out to fix the repair. We needed to see what we needed to do to fix the repair, so they went out and dug it up.

Mr. Kovalsky asked if Mr. Herzog said they ran heavy equipment across it and that crushed it.

Mr. Herzog stated that he doesn't know. They were trying to be good neighbors and they were assuming that there was something that they could have caused. He doesn't know if they caused it or not.

Deputy Mayor Matise asked how deep it should be.

Mr. Stickles stated that he doesn't believe it was more than a foot in the ground.

Mr. Kovalsky stated that when he dug it up he found the broken pieces.

Mr. Herzog stated that when they dug it up he doesn't know if the pieces were there or not.

Mr. Kovalsky asked if the basketball court was going to be addressed.

Mr. Herzog stated that it's not on their punch list, it's not their obligation.

Mayor Pearson asked where the basketball court came from.

Mr. Kovalsky stated that the road used to be a u turn, it was short and there was a basketball court on the curb line. It was his basketball court. There was ten feet of property that was originally his and they took it for the right of way.

Mayor Pearson asked if it would take a lot to take this down.

Mr. Herzog stated that it's not their obligation.

Mr. Stickles stated that it's in the village code that the basketball courts aren't allowed in a right of way and they would have to get permission from this board to install one.

Mr. Kovalsky asked if it would be grand fathered if it was there for sixteen/seventeen years.

Mayor Pearson stated that that it was against code to begin with.

Mr. Kovalsky asked about the landscaped area that has never been finished and the topsoil that is a problem.

Mr. Herzog stated that he will look at that.

Mayor Pearson stated that Mr. Herzog will come out and meet with Mr. Kovalsky, the engineer and Mr. Stickles.

Mr. Herzog stated that he did look at it with the engineer and it was never brought up to add additional topsoil to that area.

Mr. Stickles stated that item is on the punch list of October 10th, 2007 that the regrading and seeding of the properties at 16 and 22 Hidden View Drive. He believes it was done, but because of the snow he can't verify that.

Mayor Pearson stated that there can be another meeting in the spring.

Mr. Stickles stated that Beazer was notified of the items from Mr. Fitzsimmons comment letter that had to be done. If they haven't been done they won't come off the comment letter.

Chris Rucker, 20 Galloway Lane commented on the contractor entering their properties. He has an issue with the patching of his driveway. There is a slight depression in his driveway. He wants to know when this will be repaired.

Mr. Herzog stated that Cliff Bell did look at it. It has been documented and they have a one year warrantee. As long as it's documented and if it's a weather related issue it will be resolved in the spring. They will schedule that.

Mr. Perkins, 8 Galloway Lane stated that he is very satisfied with Beazer homes and their products. He also stated that he would like to see a change of policies that if there is snow they can get in and out of their homes without difficulties. Beazer usually shows up 48 to 72 hours after a storm with bull dozers and snow equipment to remove snow. He also stated that he'd like some topsoil.

Mr. Herzog stated that they are giving their contractor one more opportunity to step up and plow and salt correctly. If he doesn't he will be replaced.

Trustee Leonard stated that he drove up Thursday afternoon early and Galloway was the only street that was plowed, so the vender was working Thursday.

Mr. Herzog stated that he thinks he got confused with the ice. He didn't come back and salt after the freeze. Monday morning was an issue. He has looked at the yards and they do not screen their top soil. They put whatever was scraped off the lots back on

the lots. They do rake them. They provide seed and straw and at that point it's the home buyer's responsibility to water, fertilize and rake. The rocks can work their way back up to the surface. If the rocks are large they will be put on the work order and be removed. If they are small, 3", they refer that to the homeowner. He asked Mr. Perkins if he's contacted anyone.

Mr. Perkins stated no.

Mr. Herzog stated that their procedure is they want it documented, because if it isn't documented they have a hard time tracking it. If it's open for 30 days they have to provide some sort of answer as to why it's open for 30 days. He will produce a letter and keep it in the sales office and Mr. Perkins can come by for a copy which goes through the procedures of the warrantee. Right now there is no one on site, that job doesn't support a full time builder on site. If sales pick up they will shift Mike back over to the community full time. Mike will still follow up on the warrantee and so will Jack Harden. He will have the letter available by the end of next week. The key is email, document everything. They are given this information at closing.

Frank Sollazzo, 18 Galloway Lane stated that the new sign for Galloway Lane was placed on the corner of Hidden View and the house on the corner is 18 Hidden View and they have put the sign for Galloway on the opposite side of his house so now there are two houses at 18 Galloway Lane. He did speak to Cliff Bell, the building inspector and they stopped at the post office to see what can be done.

Mr. Stickles stated that he will change 18 Hidden View Drive.

Deputy Mayor Matisse stated then they will have to change all their documentation.

Mr. Stickles stated that it has to be taken care of the way 911 requires.

Chris Perrello, 15 Hidden View Drive stated that he warned the village about Beazer Homes because they were being investigated by HUD and the FBI. Now they are going belly up. He inquired a month ago about the light that was taken away across the street. He never got the lighting survey.

Mr. Stickles stated that they have not gotten a lighting layout from NYSEG. The layout he spoke to Mr. Perrello was the layout that was only there for the pump station.

Mr. Perrello stated that there's a problem with vandalism.

Mayor Pearson asked the building inspector if he was going to get anything.

Mr. Stickles stated that there were lights proposed for that area but not in the same location that lamp was. The engineer did a layout and NYSEG review it and approve it. If there is a problem with lights they may have to install another lamp in that area.

Mayor Pearson asked if he was talking about the street lights from the bottom of Hidden View and around.

Mr. Stickles stated he doesn't think they are there yet but there will be.

Mr. Perkins stated that it looks like construction has stopped completely. He also brought it up that there is an electric line that runs across his driveway. Two poles were put up temporarily for the construction trailers and its still there. He wanted to know why the utilities around the construction trailer are still there. Why are the construction trailers still there? If there is nothing going on can they take the trailer away?

Mr. Herzog stated that regarding construction, they are getting ready to close on one of the houses they've been working on. They have a lot of spec homes. Because of the softening of the market the homes are not moving. They have eight completed homes and there are a total of 12. They did get the green light to build two more which will be started after the holidays. If sales pick up they will be back down there. They want to get out of there just as bad as Mr. Perkins wants them out of there. They would like the trailer left there. Regarding the overhead lines, the transformer in front of the trailer he would love to pull off of. He's currently pulling off of Mr. Perkins neighbor's house and paying for the power. That transformer doesn't allow a leg to it. The phone line is still connected. That was something NYSEG came up with, they decided where the temporary lines went.

Mr. Perkins stated that he bought his house because of the underground utilities and now he's living with this for two years.

Mr. Herzog stated that Mr. Perkins bought his property on a cul de sac where it couldn't get developed, so he did know that some day that property could get developed and he would have to deal with construction.

Mr. Perkins stated that it's been two years. What if sales don't go up and they stay five years or Beazer goes under, then what are we stuck with.

Mr. Herzog stated that there is a bond.

Mr. Perkins stated that is what they're here for, they are going to hold the bond until Beazer gets everything done.

Mayor Pearson stated that this meeting is about seeing what problems are left so they board knows what direction to go in.

Mr. Herzog stated that there are two approvals here, Phase I and Phase II. They started Phase I first and Phase II is not part of Mr. Perkins section on the approved plans. The Village Engineer asked if they could extend their paving from manhole G down to the end cul de sac.

Mayor Pearson asked if Beazer could take their power out of the new development since they have power.

Mr. Herzog stated that they are currently taking power out of that development, but the phone lines do not run to the transformer. They are not looking for dedication of this phase.

Mayor Pearson asked what has to be done on this phase besides the punch list.

Mr. Herzog stated that there are two separate phases. This gentleman is in a different phase which is still under construction.

Deputy Mayor Matise stated that Mr. Perkins already had a house, he lived there and he is suffering the ramifications of Beazer dealing with houses that they are building. Why should they be inconveniencing Mr. Perkins when now two years later you do have power there and they would have to do the same thing to these other people? She suggested they call NYSEG back, take the poles away from Mr. Perkins house and draw their power from Phase I.

Mr. Herzog stated that everyone is affected by this construction. At the cul de sac there is land that was approved and they built it and they are developing it and they like it out there. There are going to be inconveniences.

Deputy Mayor Matise stated that Mr. Perkins is not benefiting from those inconveniences at all. He doesn't have a new home.

Cory West 19 Galloway Lane stated that he's worked construction and worked for a phone company and the simple solution is that Beazer pulls up the utility and says we are moving our construction trailer putting it on the last lot to be built, gives us temporary power here.

Someone asked if they had cell phones.

Mr. Herzog stated that they have computers.

Mayor Pearson stated that is a great solution and she asked Mr. Herzog what he thought.

Mr. Herzog stated that they will remove the trailer.

Trustee Leonard suggested they put motion lights on the trailer.

Mr. Herzog stated that they will remove it completely.

Mr. Perkins stated that he would like to bring up taxes.

Mayor Pearson indicated that is the next meeting.

Deputy Mayor Matise suggested he call the assessor and speak to them about their assessment. Grievance day is the end of May.

Hector Phillips, 11 Evergreen Lane asked who maintains the pond and the runoff pipe?

Mr. Herzog stated that there is a homeowners association that maintains the area around the pond, the docks, and the mowing. Seventy percent of the home buyers that move in will have meetings. Beazer will have meetings and they will elect a president and secretary and then it will be up to them what they will maintain. If they have erosion issues he suggested they reach out to Sandy Keller and have them documented. They really need to document things and get them to the builder.

Mr. Phillips indicated that there is construction debris in the pond.

Mr. Herzog stated that there should be.

Mayor Pearson asked Mr. Herzog if she also needs to write a letter to get the pipe fixed that goes underneath that road that is still draining the way it shouldn't be draining.

Mr. Herzog stated that when they go for dedication that will be one of the items on the punch list.

Mr. Perkins stated if the sidewalk that goes around the pond is that public or private.

Trustee Leonard stated that is public, just the sidewalk.

Mayor Pearson stated that she thought there was to be a pretty fence around that pond.

Mr. Herzog stated that was the one that was approved.

Mayor Pearson stated that she remembers that being mentioned at the meeting regarding the street.

Mr. Herzog stated that he was at that meeting and that was not said.

Mr. Phillips stated that people walk there dogs around the pond and don't pick up after them.

Mayor Pearson stated that there is village code stating that they have to pick up after the dogs. She also stated that soon the village code will be on line.

Trustee Leonard explained that won't be village property until the streets are dedicated to the village.

Mr. Herzog stated that there are two sidewalks, the one Mr. Phillips is talking about is his sidewalk, not the villages. The one on the road side is the villages.

Deputy Mayor Matisse asked if the village was taking all the streets or just the main street through there.

Mr. Herzog stated that they are only looking to dedicate Phase II and that stops at manhole G.

Deputy Mayor Matisse asked about Phase I, is it proposed that the village is just taking the continuation of Hidden View or all the other streets.

Mr. Herzog stated that they are hoping to top that road is the spring so by next fall they hope to dedicate everything.

Village Manager Politi asked about the two cul de sacs.

Mr. Herzog stated that it is village.

Village Manager Politi asked about the common driveway.

Mr. Stickle stated no.

Mayor Pearson stated that she has a concern with the pump station, where we are with this.

Mr. Herzog stated that the pump station is up and operational. They seed around it, put some stone in there and paved that area. The other pump station has been removed.

Mayor Pearson asked if the pump station was working.

Mr. Fitzsimmons stated that everything is working well and before they dedicate there will be a final punch list, inspections and check for spare parts.

Mayor Pearson asked if they've heard about anyone having problems with their sewer.

Mr. Perkins stated that there is a difference. He notices when there are water breaks. He also has problems with the sidewalks and the blacktop curbing was left high and someone could trip. There are also names written in the sidewalk that could make someone trip.

Mr. Herzog stated that they did go over the sidewalk.

Russell Post, 22 Hidden View Drive stated that he has two issues, the sidewalk in front of his house and the water shut off to the house is raised and it's a trip hazard. When they paved Hidden View Drive to Evergreen he showed them that his house and driveway are lower than the street, he explained that they will have to take care of that and they said they would. There was no supervision to the job and it's the same height. At 15 and 24 Hidden View the road is higher than the curb. Now more water is running down his driveway.

Mayor Pearson asked if that falls with the village.

Manager Politi stated that it falls on Beazer.

Mr. Herzog stated that there was an issue there and the village engineer brought it to their attention. They cut out three driveways, not Mr. Post's, because they didn't know about that problem. Originally they only paved to manhole G because they wanted to get their bond back and then they wanted to pave the other section with Phase I and they were asked to come back and do that section. They were willing to do that and they had to use their houseline paver and it's a different paver than a road paver and the village engineer was aware of that and approved that.

Mayor Pearson stated that to correct that would be nice.

Mrs. Yusuff, 6 Evergreen Lane stated that she has an issue with garbage pick up. No one picks it up on Monday.

Mr. Stickles stated that he has gone to Evergreen Lane every Thursday for the past two months to see what is being put out and a lot of times the wrong recyclables are being put out. They don't pick up garbage on Monday. He's gone up there on Thursdays and some homes don't have their garbage out.

Mrs. Yusuff stated that she also has a couch that they won't pick up.

Mr. Stickles stated that people call the office when their garbage is not picked up and he calls the garbage company and they do come back to pick up. Garbage is on Thursday's only. Recyclables and yard waste is Mondays.

Manager Politi stated that large items they have to contact the garbage company.

Mrs. Yusuff also complained about the snow plowing.

Mayor Pearson explained that Beazer is doing the plowing and they had a problem with them, so they are giving him one more chance. Because their street is not dedicated to the village the village is not responsible for the snow plowing.

Mr. Herzog advised Mrs. Yusuff to go to the sales office next time if she is not satisfied with the plowing.

Cory West, 19 Galloway Lane stated that he's been there for one year. His understanding is that DEC inspects the retention pond and right now there is 12 inches of water accumulating in the center of the pond and not dissipate. A while back they did some renovation work to that pond and prior to that renovation the pond would empty out and there would be no stagnant water. Since the medication because the water is there they've notice a couple of undesirable results, in the summer months there was more mosquito activity. He asked if someone could check to see if this pond is the way it is supposed to be. Should there be standing water after weeks of no precipitation.

Mr. Fitzsimmons stated that he's not sure what state of completion that pond is in.

Mr. Herzog stated that they are 100% complete as per design.

Mr. West stated that prior to the modification the pond was all right. It would drain and you wouldn't have standing water. He was able to mow the area and get a weed whacker in there now with 12" of water he can't do that. He asked if the pond is the way it is supposed to be.

Mayor Pearson asked if the reason they went back two months ago was because the work wasn't completed.

Mr. Herzog stated that is correct.

Mayor Pearson asked what they did two months ago.

Mr. Herzog stated that they had to dig out the silt and get the exact grades that were needed and put sand filters in. The village engineer was there watching them perform the work. He doesn't know if that pond was ever dry.

Mr. West stated that he knows it was because he was able to mow.

Trustee DeJesus stated that it's supposed to be like that.

Mr. Herzog stated that they topped the road so there is more water going into the catch basin.

Trustee DeJesus stated that Mr. West's question is how it is supposed to work.

Mr. Fitzsimmons indicated that they will look at it.

Mayor Pearson asked what the difference is between a retention basin and a detention basin.

Mr. Fitzsimmons explained that this is a water quality treatment basin, it's a sand filter. All the small storms should run through that, they go through the sand filter and get discharged after being cleaned up the larger flows through a diverter manhole that goes into the big pond. So it's not a detention or retention pond.

Trustee Wynkoop asked if the sand filter block up.

Mr. Fitzsimmons stated that it could over time. You have to do some maintenance.

Mayor Pearson asked if the basins are part of the homeowners association or are they a part of the village's responsibility once things are dedicated.

There were a lot of people talking at once, could not hear the answer.

Mr. West stated that regarding maintaining the retention area, right now the fence around it is a concern, the current fence that's there there's no way to get equipment in there, the gate is too small. He also stated that the main pond has an eight to nine foot drop off and there isn't a fence there. Fifty feet beyond the pond is the river and there is no fence there. The water fall is a short distance down. The fence around the pond isn't that high and there is a gate that's not locked. The fence is an eye sore and does not serve any purpose. He asked if they can do anything to dress up the fence.

Trustee Leonard stated that the planning board went to the previous Board of Trustees and asked them what they wanted to do and it was their decision to put the fence on. The reason the fence is open is so that people riding by can see in there and to protect small children from going in there.

Mayor Pearson asked if there was anything on that.

Mr. Fitzsimmons stated that its any village owned.

Mr. Stickles stated that we fence all our retention ponds.

Mayor Pearson asked if you go down Evergreen where the pipe is under the ground that she says has the leak in it where they planted the trees, what is that considered.

Mr. Fitzsimmons stated that is a construction wetland.

Mayor Pearson asked about the next one, where Mr. West stated that the water is running out of that next to his house.

Mr. Fitzsimmons stated that's storm water ponds.

Mayor Pearson asked if that would have a fence around it too.

Mr. Fitzsimmons stated yes.

Mr. Stickles stated that Phase II was discussed extensively by the Village Board and the Planning Board regarding the fence.

Mr. West stated that doesn't seem right, you have half a community with a fence and half without.

Trustee Wynkoop stated that he thought the law indicated that all the ponds needed to be fenced.

Village Manager Politi stated that it's our regulation.

Mr. West stated that realistically every one of those little water ways in this subdivision will have to have fencing around it, depending on the verbiage. You have the big lake with a nice big retaining wall that goes around it, is that going to have to have the same 3 ½ foot chain link fence go around it.

Trustee Leonard stated that is the homeowner's property. The retention ponds are the village's property.

Mr. West stated that back on the other side of the street where you have the two different storm water ponds do they require fencing around them.

Mayor Pearson stated that the engineer is saying yes.

Mr. Fitzsimmons stated that the village code requires fencing around them.

Mayor Pearson stated that they will look at that.

Mr. West asked if there is verbiage specifying what the fence is supposed to be.

Trustee DeJesus stated that its in the code and advised Mr. West to call the village for a copy.

Mr. Stickles stated that it was approved as a four foot chain link fence.

Manager Politi stated that they have to do the green or black coating to try and hide it.

Someone stated that both phases in the wetland areas accept for _____ have wood post fences, aesthetically it's in code compared to the rest of the development. There are wood post fences around ponds and wetlands on Galloway and Evergreen. It's wood post with mesh. It blends in with the environment.

Trustee DeJesus stated that once the homeowners association takes over they take everything. He suggested that put it in writing if he wants it changed.

Mayor Pearson stated that a wider gate is also needed.

Mr. Herzog stated that they were following the approvals. If it said chain link, it was their obligation and that is what they provided.

The Mayor asked that they look at it again.

Mr. West stated that the fence they are describing is already in place in Phase I which is a wood post fence with a little mesh in the bottom section. In regard to the retention pond, he has mentioned this before; the final grade around the pond is very poor. There is no final grade. Beazer did a warrantee repair to his property in the summer. All his neighbors on Galloway Lane got to watch the water run down and he got to watch it run over his basement window into his basement. Beazer did rectify the water problem and they put an additional drain in the back yard, repitched it and his beef is the property was not returned to the condition it was in prior to them doing their warrantee work. He is a very busy man and he should not have to regrade his lawn or pull rocks, Beazer should have done that. In regard the retention pond the trees and shrubs were replaced the second time because it wasn't done correctly the first time. Plants were planted a couple months back and that is dying. The landscaper guaranteed that it will be fine in the spring. His concern is who will get stuck after everything is dedicated. Out of the six or seven trees on his property at least three look like they are dead.

Deputy Mayor Matise stated that the plantings should have a guarantee.

Mr. Herzog stated that all the trees and plants have a one year warrantee.

Mr. West stated that a landscaper told him that he was concerned that the trees were too close to the sidewalk and he felt the sidewalks will suffer damage within two or three years.

Trustee DeJesus asked if Mr. Herzog got a copy of this list that Mr. West is reading from. He feels they should get a copy.

Mr. Herzog stated that personally he doesn't want a copy, he would like it to go to Cindy Keller so it is documented.

Mr. West stated that there is white 4" PVC pipe that sticks up out of the front yards of these houses. The majority of them have not been flushed. They stick out three, four or five inches off the front yard. It's a trip hazard. His was taken care of as a punch list item.

Mr. Herzog stated that typically they do not flush it for the reason you can run your lawnmower over it, you can cut the top off of it and it will fall down and clog the

sewer. They leave it six inches off grade so you can see it and mow around it. If you do it flush eventually it will get covered up.

Mr. West stated that he's lived many places and typically the cleanouts are close to the house and hidden by landscaping.

Mr. Herzog stated that there is a cleanout close to Mr. West's house and there is one by the road. Not all communities do they locate a cleanout close to the road. They did for an extra precaution in case there is a clog by the road.

Mr. West stated that he is happy to see the lights up on Galloway Lane. The lights were not connected or not properly adjusted or they are on 24 hours a day.

Manager Politi stated that it's the developer's responsibility.

Mr. Kovalsky stated that the back of that light is so intense that it lights up his kitchen. Can a shade be put on it.

Manager Politi stated that he doesn't think they shade the back of street lights.

Mr. West also commented on water runoff issues and there were a couple contributing factors to his water issues. One that he doesn't believe is a common practice is that the sump pump discharge is stuck out the back wall and that it's allowing the water to come out and run down the back wall.

Mr. Herzog stated that there is an exterior footing drain that is day lighted or tied into the catch basin. They also put in an interior footing drain for a precaution measure, into a pit and they put a pump in.

Mr. West stated that all the homes have been sold off on Galloway Lane except for the vacant lot and one of the things that is an eyesore is the flags at the top of the street. There is a problem with snow removal. They are missing the curbs by eight feet. The developer drove a bobcat all over the driveway and it was stained up so bad that they had to seal the driveway. There were oil marks and ruts. They did not return the property to the original condition.

Mr. Herzog stated that they closed the work order so he has to put the complaint back in.

Mr. West also commented on the steep part of the hill between the two properties and the erosion. This is affecting the buffer zone.

Mr. Herzog stated that will be corrected in the spring. He further stated that everything should be in writing.

Mr. Kovalsky asked if that was a DEC controlled area.

Mr. Herzog stated that was a buffer zone because of construction of those homes.

Deputy Mayor Matise asked if it will become a village issue.

Mayor Pearson stated no.

Mr. West stated that he's concerned about community stuff in that he's heard Beazer is attempting to reduce their bond or get it completely back. He asked if they are trying to get every item completed satisfactorily before they get their money. He doesn't want to see anything happen that will increase his taxes. He asked how they are going to know they will get resolution to their concerns.

Mayor Pearson stated that some of the concerns are between the homeowners and Beazer. The community part of it we will have the engineer look at. There is a punch list for this road to be dedicated and we have to go through the punch list. She wants to know everything is completed before there is dedication.

Mr. West asked if there will be another meeting before dedication.

Mayor Pearson stated yes.

Workers Compensation – Proposal Review

Keith Hunter stated that he is here tonight to offer solutions to the collapse of the workers compensation program that the village is currently involved with the county. The county is urging the municipalities to get out of their plan. There were four options available, first was to stay with the county for an annual premium of \$263,395, second go to the State Insurance Fund \$157,033 or go to Comp Alliance \$114,724. The Village of Walden has sixteen outstanding claims, which is manageable. The only communities that are staying with the county are those that can't get out within reason.

Trustee DeJesus stated that he doesn't see PERMA and what their cost would be for the year.

Village Manager Politi stated that didn't make it into the packet. Mr. Hunter will address it.

Trustee DeJesus stated that he feels the others should have had the opportunity to be here tonight.

Mr. Hunter stated that there are four options.

Village Manager Politi stated that prior to this hitting the paper; this is something we already began.

Trustee DeJesus asked if the village has to join by the 2nd of January

Mr. Hunter stated January 1st. The county has allowed for an exit of February 1st. It would be in the village's best interest to do this by January 1st. He further stated that State Insurance Fund is also a dividend plan which means that if that group performs well at the end of the year they give a return of premium to the members of the plan. The dividend is not guaranteed but their track record is excellent. Our projected dividend would be \$41,000. That dividend takes a year and a half to get. The dividend is based on the performance of the group.

Mr. Pratt stated that the dividend will be off set by the increase of the additional premiums. The audit could be greater than that dividend so then you don't get anything back.

Mr. Hunter stated that with State Insurance Fund you have to take the county buy out which is 1.1 million dollars. To use State Fund you're looking at \$162,000 plus the \$157,000. This money that the county wants is to settle and finalize the 16 open claims. Now the State Insurance Fund recognizing that Comp Alliance and PERMA have a mechanism for us to take our claims with us and mitigate them on our own with their professional assistance. State Fund would be using Triad as the claims administrator and they are the administrator that the county is currently using, so if you want to use the guys that drove the plan into the situation it is now, you go with PERMA. He can't say the State Fund is notorious for bad service. He will say the other players are well known for their excellent service. PERMA and Comp Alliance are very similar. They both brought their offers to the table without seeing the other ones numbers. Comp Alliance is the cheapest. They do not audit at the end of the policy term and they are sponsored and indorsed by a state association. The claims administrator is Right Risk Management who is also the claims administrator who does all the work for NYMIR. The other plans are subject to audit.

Deputy Mayor Matise asked if there was a down side to not being audited.

Mr. Hunter stated that if you lost half of your work force and your payroll was lower than anticipated you would get a return of premium.

Deputy Mayor Matise stated that her concern is that we wouldn't be contributing enough to cover claims, and could that become an issue.

Mr. Hunter advised, not with Comp Alliance.

Mr. Pratt stated that his company currently has 143 municipalities for a fifteen million dollar annual premium.

Trustee DeJesus asked what the PERMA premium was.

Mr. Hunter stated that its \$121,000. He has spoken to his agent friends to see what other municipalities are doing. A lot are going with Comp Alliance. Towns are also switching. If you have a guaranteed insurance program when you leave your claims stay with them. If you wanted absolute guarantees buy the insurance from the State Insurance Fund and take the buy out from the county and write \$350,000 worth of checks. It's guaranteed insanity. The village had a great claims year in 2007.

Mayor Pearson asked if the great year in 2007 would get the village a better rate.

Mr. Pratt stated that there is always a three year rolling claims experience. The most current year doesn't go in there because you don't know if the medical evidence is there yet. You go back four years.

Mr. Hunter stated that the premium for Comp Alliance is a guaranteed number.

Trustee DeJesus asked if there was another cost besides the \$114,724.

Mr. Hunter stated that there is an annual administration fee for the handling of these claims.

Mayor Pearson stated that its \$7200.00.

Mr. Hunter stated that is their fee to manage these fees professionally for the 16 claims.

Trustee DeJesus asked if PERMA had a management fee for the 16 claims.

Mr. Hunter stated that they charge \$250.00 per claim.

Mr. Pratt stated that there are two decisions, one is the cost of the insurance and the seconded part is what the cost for taking the claims with them is really. He explained the buy out formula with the board.

Deputy Mayor Matise stated that maybe the county wasn't approaching people to settle their claims.

Mr. Pratt stated that they didn't have the money to do that.

Mayor Pearson asked who the village deals with.

Mr. Pratt advised her that it would be Mr. Hunter and himself.

Deputy Mayor Matise asked about loss control.

Mr. Pratt stated that they have a dedicated loss control staff that will come out. When we join you will get a safety manual and they will help implement regulations. They will also do a survey of conditions.

Mr. Hunter stated that if Comp Alliance performs badly and the village decides to leave them next year, they own the claims.

Trustee DeJesus moved that the village leave the Orange County self insurance plan and join Comp Alliance. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Mr. Pratt asked the board if it was okay to take the claims as of February 1, 2008

Mr. Hunter stated that the insurance will go into affect as of January 1, 2008.

Public Comment

There were no comments from the public.

Mayor Pearson stated that she wants to start setting budget work sessions.

Manager Politi stated that he will be able to set something up after January 1st.

Mayor Pearson asked about the fireworks.

Manager Politi stated that it will cost \$7500. He has two quotes.

Mayor Pearson asked if the cost was above what was budgeted.

Manager Politi stated yes.

Adjournment

Trustee DeJesus moved to adjourn. Seconded by Trustee Leonard. All ayes. Motion carried.

Respectfully submitted,

Nancy Mitchell
Village Clerk

