

**Village of Walden
Board of Trustees Meeting
January 8, 2008**

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 Matisse
	Trustees	Mary Jean Norman
		Roy Wynkoop
		Richard Hurd
		Edmond Leonard
		Jose DeJesus

Also Present:	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Absent:	James Politi, Village Manager
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Approval of Minutes

Deputy Mayor Matisse moved to adopt the minutes of December 11, 2007 with the following correction: Page 9, 10th paragraph, change part and partial to part and parcel. Seconded by Trustee DeJesus. All ayes. Minutes adopted.

Trustee Norman moved to adopt the minutes of December 18th with the following correction, Page 2, 3rd change to: applying the coatings to the concrete. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Public Comment

Diane Sandbothe, 90 Liberty Street asked about the lights that are out on the bridge and also the lights that are out in the municipal parking lot.

Trustee Wynkoop stated that the lights on the bridge are taken care of by the state.

Mayor Pearson stated that we are looking into doing something. She is not clear as to if it's the state or the village. We are looking into having someone else come in and look at it. She will check into the parking lot.

John Muehlen, 23 Orchard Street stated that it's his understanding that there is a new garbage law. He handed out copies of two separate letters addressed to the Village Manager from his attorney dated September 22 and December 4, 2000. He was being billed for two units and the building was empty. He was asking to be excused from the refuse collection program. The manager advised him that he can't do anything unless the village board approves it. He asked if anyone on the board remembers this. The manager never answered his lawyer. He took Mr. Stickles over behind the Eagle Hotel, the garbage was horrendous. Before he came to the meeting tonight he walked over there, there were at least 30 bags on the ground. He doesn't understand what's going on. He can see this from his property on Walnut Street and he has to tell his tenants to keep the gate closed to hide his dumpster. He doesn't think so. The Baptist Church's dumpster is open. He also asked why Judge Ozman is allowed to have his dumpster in the street. He will use this against the board during the election in March. Two years ago he was going to buy the building at 31 Maple Street, which was five units, but on the tax roll, legally on the tax records its three units. It now has four mail boxes on it. He asked the Mayor to find out how many garbage bills are they paying at that address. He talked to Mr. Stickles last Friday about this. It's not fair, he would have bought that building, but the income wasn't there because he was told he couldn't have five apartments and yes there are four mailboxes there now.

Marcus Millspaugh, 10 Jessup Street stated that he received a letter from Attorney Jacobowitz regarding the comments he made at a previous meeting. He advised him that there was no point in going over old maps and he had suggested to the board that they should have the 1896 description plotted out for the benefit of surveying and then try to conform the results with the physical points. In the corner of the tax map there is a disclaimer, not for use in any title work and that would seem to apply in this case and he brought that point up. He further suggested that after they do that you should monument some significant points with the boundary lines for future reference in locating limits. With today's technology it should be an easy task assuming the north line is the same line as the original village line. He doesn't think the maps are the answer because who knows what they are based on. He would like to see the boundaries checked. The last meeting he was at the statement was made that he hadn't turned over the map for proof. He wasn't trying to prove anything. He couldn't make the thing close and that is why he suggested they get it plotted out. He brought it to the board's attention that was there and it's the original boundaries of the village, not today's boundaries. The corporation is a poor copy. The village has the originals from 1855. He has a copy of the 1862 farm map and it shows the line where the railroad track is now.

David Sperry, Overlook Place stated that this past spring Central Hudson talked about doing away with the high tension wires that ran through the village. He asked if the village have given their approvals.

Mr. Dowd stated that the town board is the lead agency and they have not come back to the village planning board. They are still submitting information to the town before they come to the village. SEQRA is being managed by the town.

Mr. Sperry asked if they have to get approval from the village before they go through village property.

Mr. Dowd stated yes and the actual environmental impact has to be done first before they can approve any project.

Mr. Sperry asked why cars weren't towed during the last snow storm.

Mayor Pearson stated that the manager advised her that someone made the decision not to tow cars because the storm was almost ending.

Mr. Sperry also indicated that there were a lot of sidewalks that weren't cleared of snow and ice.

Trustee Leonard stated that Mr. Stickles sent out violations.

Deputy Mayor Matise stated that the village cleared ten out of the twelve sidewalks that were cited.

Audited Bills

Trustee Hurd moved to pay the audited bills of January 8, 2008. Seconded by Trustee Leonard.

Mayor Pearson stated that the bills were not signed by the manager by the time she got to see them so she didn't sign most of them. She was looking at the abstract voucher which looks like it was done today so some bills must have gotten in there after she looked at them. She would like them done by the weekend. The recommendation from the auditor was that the bills get signed by four trustees.

Deputy Mayor Matise stated in the minutes of December 11th says that when the impact studies are done our attorney and our planner are going to be checking them. Now we are paying a bill for a population study. We're paying for something that an applicant for consideration on a project should be paying for.

Trustee DeJesus asked why we are doing it anyway.

Deputy Mayor Matise stated that it's the population study for the townhouses.

Trustee Wynkoop stated that the board asked for that at the joint hearing.

Deputy Mayor Matise stated that it was an impact that the audience brought up, so why are we doing an impact study.

Mr. Dowd stated that we need to have that addressed anyway. Even though this is an annexation the SEQRA process is still the village's document. The applicant has their

consultants and we have our consultants and it's not necessarily charged back to the applicant for an annexation as opposed to your planning process where you have escrow fees and everything the applicant runs up is charged back to the applicant. He suggested they pay their consultant; they always talk to the applicant to pay that bill.

Deputy Mayor Matise stated that the study indicated .85 children, but that is taking into account an awful lot of seniors and empty nesters.

Trustee Wynkoop stated that it was supposed to be school age children and its not, its .6 something, school age children per unit.

Deputy Mayor Matise stated that the point system for the townhouse unit gave more points for people who were working and so you assume that's a certain age bracket where they are having children.

Mr. Dowd stated that the units themselves aren't that they are sustaining larger families. What the study is telling you is that on projects of this nature in which you have townhouses of two or three bedrooms over a wide range of economic backgrounds the total number of children generated is .85, school age children. We haven't seen the final number yet. He thinks the point is based upon other projects of this kind. The number of children these things generate is actually less than what you would anticipate. They're not going to be all the same kind of demographics in this project.

Mayor Pearson asked why this report is different than the other reports that are being generated. We are paying for this report, but not the other reports.

Mr. Dowd stated that when the planner and engineer look at the reports you will get bills for them. They will verify that what you are being told and what is submitted to you is accurate. He feels the village can approach the applicant for reimbursement. He feels they need to pay the consultant because this is important work. The next part of the study that Mr. Sorensen will be giving the board is the school age children.

All ayes with the exception of Mayor Pearson abstaining because the bills were not signed by the manager. Motion carried.

Wunnerful Properties, LLC., Water Bill Review

Mayor Pearson stated that this is the \$8000.00 water bill the board discussed at the last board meeting. She thought there would be more information in the packet, but it's not in there. The bill included both the water and sewer bill. They didn't find out when the first bill came.

Deputy Mayor Matise stated that the owner indicated that he had a conversation with the manager on December 6th and how does the board know what they talked about.

Trustee DeJesus stated that he would like to know what the conversation was.

Trustee Hurd indicated that he spoke to the manager today and he said that this petitioner and also the next one and in both cases the water went through the meter but because where the water went it didn't go into the sewer line. He seemed to indicate that both these people would be willing to pay for the water side and they are asking for the board to forgive the sewer side since it didn't get processed through the sewer.

Deputy Mayor Matisse stated that the second one already paid the bill.

Mayor Pearson stated that we were looking to see when the first bill came.

Trustee Wynkoop suggested they grant them the sewer bill.

Trustee Leonard agreed.

Trustee Hurd stated that you can look at the sewer bill from the times before the break and deduct that amount from the sewer and that would be the amount they pay

Trustee DeJesus suggested they table this.

Deputy Mayor Matisse asked why they can't have the manager deal with it.

Deputy Mayor Matisse moved to table the Wunnerful Properties, LLC and Vincent Lomonaco's water/sewer bill decision until the manager can provide more information. Seconded by Trustee Leonard. All ayes. Motion carried.

Vincent Lomonaco, Water Bill Review

Tabled.

Resolution No. 9-07-08, Requesting Signatory of Land Lease with NYSDOT

Deputy Mayor Matisse moved to adopt Resolution No. 9-07-08, Requesting Signatory of Land Lease with NYSDOT. Seconded by Trustee Hurd. Resolution adopted.

Temporary Dumpster Request 79-83 W. Main Street

Trustee DeJesus asked how long the dumpster will be there.

Trustee Wynkoop stated that the owner brought everything from the second floor to the first floor and he has to load the dumpster.

Deputy Mayor Matisse asked if he wanted it on the street.

Mayor Pearson suggested two days.

Deputy Mayor Matise stated that is a bad street to put the dumpster on.

Mayor Pearson stated that she would like a time frame before she makes a decision because she doesn't want the dumpster sitting there for weeks. She suggested the dumpster be put there on the weekend when there's not so much traffic.

Deputy Mayor Matise stated that the building inspector should make sure the sidewalk and street is safe for pedestrians.

Trustee DeJesus stated that we need to find out how many dumpsters, for how long and each day do they get moved out and returned.

Mr. Dowd indicated that he will have to provide the village with a certificate of insurance.

Mayor Pearson stated that she isn't happy if it goes on the sidewalk. She doesn't have a problem with it on the street.

Mr. Dowd stated that if the dumpster goes in the proper part of West Main Street, that is State and he would have them go to the State for permission to put the dumpster on the street.

Mr. Muehlen stated that as far as he knows Mr. Agarwal does not have homeowners insurance.

Trustee DeJesus moved to allow a temporary dumpster at 79-83 W. Main Street which should be placed on the street, not on the sidewalk, provided the State approves this, for a 2-3 days and it has to be emptied every day and that he provide the village with a certificate of insurance indemnifying the village. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Donation of Playhouses for Olley Park

Trustee Norman explained to the Board that the Friends of Parks and Recreation are proposing to put four play houses at Olley Park and each house costs \$1800. They have \$4,000.00 towards it and another \$1,000.00 from the Friends of Walden. They will also be having indoor yard sales to raise more money so they can finish this off by summer. They are still discussing the exact location.

Trustee Hurd asked why they picked Olley Park.

Trustee Norman explained that's where everything happens in the summer. You have a play area at Wooster and Bradley Field is mostly Little League.

Trustee Hurd asked if the inside of the buildings were going to be finished so the children don't get hurt.

Brenda Adams stated that they will be finished. They are looking to have theme houses, such as the post office, fire house or school. At some point they want to include information with the houses on the history of Walden.

Trustee Norman stated that they would like to have a train there too.

Mayor Pearson asked if they would have a foundation.

Trustee Norman indicated that they haven't discussed that yet.

Deputy Mayor Matise stated that they should have a foundation so they don't rot.

Trustee Hurd stated that he would like the building inspector to look at these buildings to make sure they are child safe.

Ms. Adams indicated that the building inspector is involved.

Trustee Norman stated that it was so nice to see people at the park this weekend sledding, skiing and cooking on grills.

36 Overlook Terrace Drainage Connection Request

Mayor Pearson stated that the owner of 36 Overlook Terrace was before the board and they told him to go ahead with the drainage out into the yard and let it seep into the ground.

Trustee Wynkoop stated that it was to connect into the drain.

Mr. Dowd stated that's what the agreement said.

Mayor Pearson asked why this is different now.

Mr. Dowd stated that there was an issue with the footing drains and what was submitted was a subdivision map and on the third page in the notes #2, Mr. Conte is pointing to that note and saying that he wants to connect all of his footing drains directly into the storm water basin and that he has the right to because of the note on the subdivision map. The agreement says that he has permission to do so, but he has to maintain it and that he holds the village harmless from any backups that may be caused by his pipes. He still has to sign the agreement and he has to comply with the thirty day agreement.

Mayor Pearson stated that if the planning board has this approval, but in their meeting they say it would be over land instead of directly to the storm drain which is in the minutes, would they say one way or the other or once its on here he can do either or.

Mr. Dowd stated that it would have depended upon the drainage analysis and what the engineer recommended. In this case it didn't make any difference that's why they gave the option.

Mayor Pearson stated that with that approval he can do either or at any time or does what is talked about at the planning board a decision is made that it is going to be this way as opposed to that way, does that take precedent over either or.

Mr. Dowd stated that if they made that decision the note would have been changed. He still needs to sign the agreement.

Trustee DeJesus stated that a letter should go to him stating that without the agreement nothing is approved. Who would send the letter?

Deputy Mayor Matise stated either the building inspector or the manager.

McClintock Properties Water/Sewer Service Request

Mayor Pearson stated that this is the property just outside the village on the right just before Amthors. There is a proposal for retail.

Trustee Wynkoop stated that they are outside the village and he says no village water and no village sewer.

Trustee Hurd moved to deny the request for water/sewer services for the McClintock Properties. Seconded by Trustee DeJesus. All ayes. Motion carried

Mr. Dowd indicated that there is a very, very slight sliver of property in the Village of Walden and he supposes that sliver would be entitled to water and sewer, but the majority of the site is in the town.

Orange County Foot Care Garbage Collection Request

Mayor Pearson stated that she spoke to the doctor the other day and he asked what the board was deciding.

Trustee Wynkoop stated that he will talk to Dr. Bojsiuk.

Trustee DeJesus stated that this has to be addressed.

Deputy Mayor Matise suggested they address this in June when the manager will be giving the board proposals.

Trustee Hurd stated that he would be interested to know what kinds of contracts communities throughout the state have.

Trustee DeJesus stated that they can have the manager contact the Association of Towns to get that information.

Deputy Mayor Matisse stated that the manager could contact NYCOM and they will research it. She also suggested someone from the garbage company come to the meeting in June.

Trustee DeJesus stated that the manager also said he knew of a company that his mom uses and we should get that information.

It was the consensus of the board that there is no way of including Dr. Bojsiuk in the garbage program.

Mayor Pearson stated that the manager should write a letter to Dr. Bojsiuk. We need to let him know the decision because his 30 days is up.

Public Comment on Discussion Items

Mrs. Sandbothe stated that she wants to make sure that any kind of drainage connection on Overlook Terrace will have no affect on anyone on Liberty Street.

Mayor Pearson stated that it's on the opposite side of Overlook Terrace. It will not affect her.

Mr. Sperry asked if that swale was going to stay.

Mayor Pearson stated yes.

Mr. Sperry stated that the swale was never done properly and why was it approved by the engineer.

Trustee DeJesus stated that he thought it was supposed to be fixed by now.

Mr. Sperry stated nothing has been done for two or three years.

Mr. Muehlen asked if Mr. Agarwal had to get approval to have apartments again.

Mr. Dowd stated yes.

Mr. Muehlen stated that there is a huge hole in the foundation of that building and all the rain water runs in there.

Mr. Revella, 15 Church Street asked about the property at 36 Overlook Terrace, he was at that meeting and it was to be connected underground and he doesn't know why the owner isn't doing what he said he would. He also would like the garbage company to do a better job with the recyclables because they haven't been doing a good job. He also asked if the town can still approve the McClintock plans as commercial space.

Mayor Pearson stated that because there is a sliver of that property in the village do they have to come before the planning board in the village.

Mr. Dowd stated that it's such a small piece and it's so close to the line that it's probably a set back anyway, so they can't put anything in that setback. We will get notice of the project because it's within 500 feet of our border and so if we have any comments we can give them to the town.

Mr. Millspaugh asked if the notice on the plans for 36 Overlook was that a note saying the foundation drains would be served by the pipe over the ground as a requirement and does this mean those houses are up there without having either of those.

Mayor Pearson stated that this gentleman had a footing drain that he couldn't find.

Mr. Dowd stated that he was getting water in his basement. He said he tried to find his footing drains and couldn't find them so he wanted to install footing drains and run them directly to the village's existing storm drain. The note on the map says that if footing drains are used discharge will be overland to the storm drainage system or directly to the storm water drains.

Mayor Pearson asked if that meant the pipe runs underground. So he can leave the pipe over his property into that drain or does he have to keep it covered to the drain.

Mr. Dowd stated that a direct connect would be underground or he could have an outlet to the pond.

Mr. Millspaugh asked if the engineer covered that in his report for compliance to the subdivision requirements.

Mr. Dowd stated that this was approved seven years ago, so he doesn't remember.

Mayor Pearson asked who the engineer was.

Mr. Dowd stated that the engineering firm did change.

Dave Sperry asked if all the houses have permission to have their footing drains go into the storm drains on that street.

Mr. Dowd stated yes.

Mr. Sperry stated that depending which side of the street you're on, also, if your going to allow them to put it above ground or come out above ground the water is going to run across the sidewalk and refreeze. If you allow it to go underground you will have to go under the sidewalks.

Mr. Dowd stated that this gentleman has an easement running across his property so he will go right into the easement.

Mr. Sperry stated that a lot of people spent a lot of money and had a lot of damage to their property because it was never done properly in the beginning.

Mr. Sperry asked if everyone has to go before the village board to put a dumpster on the street.

Mayor Pearson stated that in the past it was the police chief and the building inspector who gave permission.

Mr. Sperry stated that there was a dumpster on Wait Street for three weeks. He suggested the village look into how long they should be on the street. Maybe it should be the board who gives permission.

Mr. Dowd stated that he thinks the chief has realized there is a problem.

Mayor Pearson suggested the village look at what the state uses as a permit process to put a dumpster on the street. Time frames are very important and it should be in writing. The chief can still do it. She would like it on the agenda.

Mr. Revella asked who measures the snow for the snow emergencies.

Mayor Pearson stated that it's done in the Firemen's Square and it's done by the police with a calibrated ruler.

Correspondence

Mayor Pearson stated that she received correspondence from Time Warner. She also received notification about hazardous waste collection events which she gave copies to the Village Manager and Village Clerk.

Mayor Pearson asked that the minutes from the joint board meeting be put on the agenda for the next meeting.

Board Comments

Trustee Norman stated that the snow carnival is January 26 at Olley Park and the dance is January 25th at Wooster Grove. She also thanked Deputy Mayor Matisse for the buttons that she made. She really appreciated the one for the fire works. She also got

great comments on the fire works. She would also like to have traffic control back on the work session agenda.

Mayor Pearson stated that she has addressed it three or four times and she's been told they've already decided what is being done. They went to that meeting and all it was was snow removal. It needs to go back on the agenda.

Trustee Norman stated that they are going to have another yard sale.

Deputy Mayor Matise asked about the emergency management plan.

Mayor Pearson stated that the manager advised her that it is still at the county.

Deputy Mayor Matise asked Mr. Dowd about Bradley Lane.

Mr. Dowd stated that he promised her he would get to it the first of the year and he is.

Deputy Mayor Matise stated that she spoke to the town's attorney about the ambulance contract and they still haven't done that yet. She would like to see that dealt with.

Trustee DeJesus asked about the computer policy. We've been talking about it for years and it's time to do it. There was a thank you note from Mr. Fallon regarding the great job DPW did with snow removal. He also feels they did a great job.

Trustee Wynkoop stated that Kyle Williams took the wastewater treatment course and passed it. He has one more course to take and then we will have a backup person at the sewer treatment plant.

Trustee Leonard stated that someone who lives on Plains Rd. commented on how great the fire works were.

Trustee Hurd stated that the Hess Gas Station did not clear their sidewalk during the past two snow falls. They also plowed huge piles of snow on the sidewalk which forced people to walk in the street. He would like the village to have that sidewalk cleared one second after due process and send them the bill. Corporate should also be notified.

Mayor Pearson stated she contacted the manager about that and he said they were being summoned again.

Trustee DeJesus stated that there is the same problem on the corner of Hepper and East Main Street.

Trustee Leonard stated that he spoke to the building inspector about this and he said the village can't give out summons until the village sidewalks are cleared.

Mayor Pearson stated that she knows people are getting tickets for shoveling snow into the street and a village employee did it right in front of the municipal building and people see that. It has to be fair for everybody.

Trustee Wynkoop stated that Mobil's sidewalks weren't cleared right away either.

Mayor Pearson asked about the Miller Environmental bill.

The Village Clerk indicated that it was for the fuel spill at Wooster Grove.

Mayor Pearson stated that the fire works ad that went in the paper had the wrong time on it. She asked if the village did that or did the paper miss print that. She received complaints because they went off before 7:30pm. If the paper made the mistake we shouldn't pay for that.

Mayor Pearson asked the attorney about the annexation.

Mr. Dowd stated that he spoke to Mr. Jacobowitz this morning and he said before the next board meeting the traffic study should be in and the board should have it. You can then have your consultants look at it to see if it's satisfactory. We are still waiting for reports from the applicant and part of part three of the long form EAF. You also have comments from Mr. Sorensen on the EAF.

Deputy Mayor Matise indicated that the board hasn't received that yet. They also never got the list of what impacts they are going to study.

Mayor Pearson stated that they did get that paper.

Mr. Dowd stated that once they have the complete document, the SEQRA, once they are satisfied that the studies are to their liking and the reports are to their liking then they will accept them and pass them on to the town and then they can proceed to evaluate the SEQRA impact and make a decision on SEQRA as well as on the annexation.

Deputy Mayor Matise asked if they were making the correction to the EAF.

Mr. Dowd stated that they were. He also met with the village engineer and village manager to make sure they had copies of the documents so they can begin to look at it as well. Once everyone is satisfied they can distribute it to the town board and proceed to evaluate and make a decision on SEQRA and the annexation.

Mayor Pearson asked if it has to be done in a certain amount of days.

Mr. Dowd stated that they can't take action on the annexation until they do SEQRA. There is no time frame.

Deputy Mayor Matise asked if there would be an advantage in having the county involved.

Mr. Dowd stated that they are not necessarily involved in this process, but they can get them involved.

Mayor Pearson stated that she spoke to Manager Politi about the trailer still down at Beazer Homes.

Mr. Dowd stated that they didn't discuss Beazer.

Mayor Pearson stated that the manager advised her that within the next two weeks it should be gone and the lighting should be changed.

Trustee Leonard stated that his neighbor had a tree that was overhanging his property and Beazer took care of that. He hasn't heard anything else.

Trustee Wynkoop asked if they were doing a better job of plowing.

Trustee Leonard stated that he thinks so. They have another plow company and they are doing a better job.

Deputy Mayor Matise asked if there as a status report regarding the concerns from December 18th meeting.

Mayor Pearson stated no.

Mayor Pearson stated that she has been meeting with the manager and business owners about a business association. They are a small group to begin with and they would like to move forward and get more businesses to join. The board is welcome to attend. She will speak to the community council too.

Deputy Mayor Matise stated that the community council will meet tomorrow night and they are looking for more help with the Harvest Fest.

Mr. Dowd indicated that the Day Care did close.

Mayor Pearson stated that the Day Care Center will be looking for volunteers to help them.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk