

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
FEBRUARY 26TH, 2008**

Mayor Becky Pearson called the regular meeting of the Village of Walden Board of Trustee 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
	Kevin Dowd, Village Attorney

Public Comment

Rich Rubin, President of the Board of Directors, Hudson Valley Materials Exchange, stated that they are a non profit environmental organization and they try to rescue materials from the business waste stream and redistribute them. They were located at Stewart Airport and when Port Authority took over they were displaced. They are now looking for a new home. They supply art supplies to school districts and education to the schools on recycling. They also get construction material. They are looking to relocate and set up a warehouse and retail space. They are presently talking to Ray Ozman about the Nelco building. Their funding is based on grants from the State Department of Environmental Conservation which is a match. This is the third grant they've gotten. If they don't find a home soon they will have to go out of business. The way the village could help them is supporting it and waive the planning or zoning board fees. They anticipate hiring three additional staff people and they anticipate them being village residents.

Trustee DeJesus asked, how soon will they have to move and have they talked to Mr. Ozman and what is he saying.

Mr. Rubin stated that they've just started discussions with Mr. Ozman.

Mayor Pearson stated that she spoke to Mr. Ozman today and he was waiting to hear what the board had to say, if it was positive, and then they would all go and look at it and see if the space fit them. He had concerns with what is allowed in that zone.

Mr. Dowd stated that he received a call from the building inspector and he said they were going to rent 5,000 square feet of the 30,000 square foot building for this use. The question was, since the building has been vacant for a while now, what kind of approvals will it need and how would the owners of those buildings go about getting those approvals. Warehousing requires a special exception use permit.

Deputy Mayor Matisse asked if retail requires a special permit.

Mr. Dowd stated no, but warehousing does.

Mayor Pearson asked if people had access to the warehouse to go look at the goods in the warehouse, that could all be considered retail.

Mr. Rubin stated yes.

Mr. Dowd stated that one of the questions was what would the use require and obviously it would require some kind of planning approval process and then they are taking 5,000 of the 30,000 square feet, then what happens to the other 25,000 square feet and what uses, if any, does the owner have. It turned out that when the building inspector spoke to Mr. Ozman yesterday Mr. Ozman hadn't heard anything from this particular group as to their interest in NELCO. It's very premature to know if the owners have an interest and if so what their interest is.

Mayor Pearson stated that Mr. Ozman was very positive.

Mr. Rubin stated that they would be interested in more than 5,000 square feet.

Mayor Pearson stated that Mr. Ozman was interested in if the reaction of the board was positive or negative, if it was negative it may not move forward, or if it was positive and the board wanted to go in that direction. That's all he was looking for.

Trustee DeJesus stated that he wants to disclose that he knows Mr. Rubin. They both worked for Westchester County at one point.

Trustee DeJesus further stated that Mr. Rubin will be meeting with Mr. Ozman on Friday and based on that conversation and the conversation with the building inspector come back here with some specifics as to how this would work.

Trustee Leonard stated that there is plenty of off street parking there.

Mr. Dowd stated that the parking wouldn't be just for this use, it would be for the whole building. Depending on what the long term plans for the building are by the owners and how this particular use would fit into it is what you have to evaluate and what the planning board would evaluate.

Trustee Leonard stated that currently there is a karate school in there.

Mr. Dowd stated that he's talked to the building inspector about the karate school.

Mayor Pearson advised Mr. Rubin to move forward.

Audited Bills

Trustee Norman moved to pay the audited bills of February 26, 2008. Seconded by Trustee Leonard. All ayes. Motion carried.

Review of Landlord Registry Laws

Trustee Hurd stated that the board has discussed this before, the fees, registry and inspections.

Mayor Pearson asked if the board read the information and how do they feel about it.

Mr. Dowd stated that the board discussed this when Bill Meisel was on the board and he put a draft local law together and there were a number of conversations and then the board was hesitant to go forward with it. They felt it wouldn't be productive as far as achieving what they wanted to achieve. Not so much knowing where properties were, we know where the 2 or 3 or 4 family homes are. The problem was inspections of and the quality of the housing and getting into the housing. The mere registry does not necessarily get you the access what you want.

Trustee Hurd stated that what finally stopped it was the inspection cost and hiring of additional staff.

Deputy Mayor Matise asked if some of these codes were adopted in the new New York State Code.

Mr. Dowd stated that there is an existing multi family law by the state which says that every 24 months all multiple occupancies have to be inspected.

Deputy Mayor Matise stated that's three or more. This is two or more and some are annual.

Mr. Dowd stated some are annual and one says every 24 months. The state law has been in affect for quite a number of years and it hasn't changed, as far as inspections every 24 months.

Deputy Mayor Matise stated that what makes these different is the landlord has to tell you who the tenant is.

Mr. Dowd stated that as he reads these laws the only way you could know whether the tenancy changes is to know who the tenants are. One of the questions is when you have folks who are basically on public assistance that may become a problem as far as privacy as to them revealing the names of the tenants.

Trustee DeJesus stated that they don't have to give the source of income just say who the tenant is.

Mr. Dowd stated that in some cases the names of the tenants in some cases are protected because they are on public assistance.

Deputy Mayor Matise stated that the sample from Kingston says no rental property as defined here and shall be occupied by anyone one, including any tenants without a valid rental permit. This seems like the permit is for a specific tenant.

Trustee DeJesus stated that is bad.

Mr. Dowd stated that when you write it that way part of the problem is that sometimes with these buildings the tenants change frequently. Sometimes they are on public assistance and they move from one place to another. There could be a number of reasons the tenants change. The way some of these laws are written is that every time the tenancy changes, even though you've been in there two months ago, you have to send your building inspector back again to look at that property.

Deputy Mayor Matise stated that the building inspector would only go if something triggered him to go.

Mr. Dowd stated that the way some of these laws are written is that every time the tenancy changes even though you've been in there two months ago, you have to send your building inspector back again to look at the property to make sure it's up to code.

Deputy Mayor Matise stated that the building inspector would only go if something triggered him to go.

Mr. Dowd stated that in some of these laws the tenancy does in fact trigger the registration and renotification and the inspection issues too. You have to be careful of that.

Deputy Mayor Matise asked if there was an occupancy limit.

Mr. Dowd stated that the tenancy occupancy is based on the square footage.

Mayor Pearson asked, even in a single family home.

Mr. Dowd stated that when you start talking about a single family home you have a problem, because you can't regulate the number of children people have.

Deputy Mayor Matise stated that in a rental you can.

Trustee DeJesus asked what is the purpose of the law. Are we looking to identify potential homes in the village that not zoned two family and have three apartments or are we looking to say you have ten people in five hundred square foot of living space?

Mayor Pearson stated that they are looking for both.

Mr. Dowd stated that he thinks they are looking for who are absentee land owners, and who is the property maintenance person.

Trustee Hurd stated that they didn't pursue this before because of the time and the budget, because of the tremendous amount of illegal apartments.

Mayor Pearson stated that you're still going to have to.

Trustee Hurd stated that we were going to charge \$50.00 for the inspection and it wouldn't cover the expense. The enforcement would be very difficult.

Mr. Dowd stated that the building inspector has to inspect properties with three or more apartments now.

Trustee Hurd stated that our problem is illegal two family.

Trustee DeJesus stated that you can always hire temporary inspectors.

Mayor Pearson stated that we can go for another grant too.

Mr. Dowd indicated that they have to be qualified by the state to be temporary inspectors.

Trustee Wynkoop suggested the board get copies of the notes from when the board discussed this before.

Mr. Dowd stated that it comes down to what you're trying to achieve. He had a conversation with a the mayor today about whether you want to know where they are or are you trying to gain entry to all these two, three, four family and up homes for quality of housing. These laws do not necessarily get you in. All they do is require registry of where they are and who owns them and who is in charge of them.

Mayor Pearson stated that if it was her personally she would say, oh my God I have to let them in. There are other people that would say I'm not going to let them in. Hopefully, more people would let you in.

Trustee DeJesus stated that first they have to know who the agents are, who the property owners are and have a registry of that.

Mr. Dowd stated that the sample law from Maybrook has two parts, the second being the actual inspections. He suggested the building inspector contact Maybrook to see what they actually have done with this.

Deputy Mayor Matisse asked if there was anything in the law that wouldn't be enforceable.

Manager Politi stated that their inspections are based upon emergency and we already have that access to the police and fire departments. They call the building inspector for safety and that is based on emergency. Also in there is when requested to do so and that is the tenant requesting access.

Mr. Dowd stated that Maybrook requires it once a year which is more restrictive than the state law. It also says the owner has the obligation to notify the building department of a change in tenancy.

Mayor Pearson stated that is a great idea.

Mr. Dowd stated that it's a great idea if they comply.

Mayor Pearson pointed out that in Section 118-3, b, Registry Fee, says that on and after the effective date every owner or perspective owner of rental property there is a fee of \$25.00 per unit and then it states that maintaining and conducting periodic inspections shall be provided by 114 code and that takes you into the housing safety inspections where they are tying the two together.

Trustee DeJesus stated that say he's the owner of a legal three family, he's already paying taxes, why should he pay \$25.00 per tenant and the purpose of that would be?

Mayor Pearson indicated for your protection of the tenant.

Trustee DeJesus stated that we should look into identifying first, one, do a registry to see who owns what and then you need to identify through postal records. You will need additional staff for this.

Deputy Mayor Matisse stated that she thinks the building inspector has been doing this already.

Trustee DeJesus asked, what if there is a fire and the fire and police departments responds and they determine it's an illegal two family, do we shut down one of the apartments.

Mr. Dowd indicated that the affidavit of the fire chief would be enough to get a warrant to get in and they could shut them down.

Trustee DeJesus asked what if a village official has knowledge of an illegal apartment.

Mr. Dowd stated that if you have personal knowledge of that, not hear say, you would have an obligation to tell the building inspector.

Trustee Leonard stated that he'd like to see how this is working for Maybrook.

Trustee Wynkoop stated that he'd like to see the minutes.

Mr. Dowd stated that he thinks he has the draft law.

Trustee Norman stated that it was the cost that stopped it.

Mayor Pearson indicated that there are two things going on here, the annual inspection which has to happen anyway every two years for three or more apartments. The other is the landlord registry.

Deputy Mayor Matise asked Mr. Dowd to find out from the county if there is a privacy issue.

Mr. Dowd stated that he would look into that.

Trustee DeJesus stated that if you live in a Section 8 HUD apartment or apartment building you have a lease that says so and so you are supposed to live here and no one else, if anyone else moves in it has to be reported. There is no privacy there.

Deputy Mayor Matise stated that's the landlord's responsibility to report that to the county.

Manager Politi stated that Section 8 has its own inspection process.

Trustee Norman stated that it's twice a year and that is in your lease. It's funded by the Federal Government, so it's different from what we have.

Mr. Dowd stated that he will get more information and also look for the draft local law.

The Village Clerk indicated that she may have a copy of the local law.

Review of Cyber Policies

Mayor Pearson asked Mr. Dowd if he's reviewed the cyber policies.

Mr. Dowd stated that he just received it today. He has a question as to whether the board should do this by law or by policy. He suggested doing it by policy. It comes down to do you think there is a problem and how do we have the guidelines for the use of the village's computer systems.

Trustee DeJesus stated that it's usually by executive decision.

Mr. Dowd stated that it's not a bad idea to have a generic policy on how to use your computers in a work place. He will review these laws and tell the board what is appropriate.

Manager Politi stated that we need to get a network set up so we can start to do that. We can put it in place and then when we go to network it will be there.

Mr. Dowd stated that you should have a policy in place that says what you can and what you can't do.

Trustee DeJesus stated that one thing that concerns him is the use of software. There are very stiff penalties for sharing software.

Manager Politi suggested the board bring their comments back to the next meeting.

Mr. Dowd stated that when it comes from non New York State entities depending on what the email is it's something they can F.O.I.L. in New York State. If you're going to delete an email the question is it really deleted or is it out there in the hard drive and can be retrieved. It brings up a whole series of issues of access to public records, what public and what's not public. It's a lot more complicated than you think. He will review these and have suggestions for the next meeting.

Trustee Leonard asked if all users have a password and does the manager have those passwords for emergencies.

Manager Politi indicated that everyone has a password and he has them.

Budget Hearing Schedule

Manager Politi stated that the Police budget is tomorrow night, Thursday is Parks and Recreation and DPW on Friday.

Trustee DeJesus asked if Parks and DPW could be combined on Thursday night.

Trustee DeJesus moved to combined DPW and Parks and Recreation Budget review on Thursday, February 28th. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Mayor Pearson asked if this needs to be published.

Mr. Dowd stated that the clerk should notify the papers.

Review Credit Report Agencies for Small Cities Program Applicants

Mr. Barnes stated that he has been struggling a little bit with getting credit reports for the new applicants for the small cities programs. In some cases homeowners were able to get their own. They have approached a couple local banks to see if the village gets a general release from the applicant if the bank could process the credit report. After having them say they would like to help us, they investigated and they cannot get this information unless it's for a customer of their own. Walden Savings Bank was very helpful in saying why don't you do your own credit reports. They put him in contact with a company bureau, CBC Innovice of Ballston Lake. The price is \$200.00 for membership and each person on the credit report is \$6.00. There is a \$15.00 a month website fee. We could then do the credit reports internally. When he spoke to the contact person he said the major responsibility of the village assumes is that if an adverse decision is made about an applicant based on information in the credit report then we have an obligation to inform that person of the adverse action and they can get a copy of their credit report.

Trustee DeJesus asked, if the village turns someone's loan application down, do we have to report it.

Mr. Barnes stated if we make an adverse decision based on the report we have to inform them and give them the opportunity to receive the report.

Trustee Hurd asked who is qualified to look at that report and determine and what are the guidelines.

Mr. Barnes stated that you may have a score, basically does the person have the ability to pay and a willingness to pay.

Trustee Hurd stated that if the board doesn't establish firm guidelines then you're on shaky ground.

Manager Politi suggested getting bank guidelines.

Mayor Pearson asked Mr. Barnes to contact the bank for their guidelines.

Mr. Barnes stated that the cost of this program can be charged to the program and won't cost the village anything.

Mayor Pearson asked if there were other credit companies out there.

Mr. Barnes stated that there are the three major companies, but he doesn't know what they charge. The bank recommended this one.

Mr. Dowd asked if we could impose it upon the applicant to provide the credit report.

Mr. Barnes stated that you can, but some of them don't have a computer.

Trustee Hurd stated that we can at least ask them to pay the fee.

Mr. Barnes stated that we could ask them to pay the \$12.00 fee. He also stated that he will have the guidelines for the next meeting.

Deputy Mayor Matisse moved to contract with CBC Innovis for credit reports. Seconded by Trustee DeJesus. All ayes. Motion carried.

Public Comment – Discussion Items

There were no comments from the public.

Correspondence

Mayor Pearson presented the following correspondence:

- Letter from the Village of Maybrook which was an invitation to the grand opening of the senior center, Friday, March 7, 7pm
- Chamber of Commerce calendar
- Letter from Hillary Clinton advising the board that our community is one of the 84 communities in New York to receive Tree City recognition
- Letter from the Land Trust

Manager Politi stated that the Land Trust was trying to make the boardwalk work with the remaining money and it's not going to work. They tried to do the platform and the banks of the river are too muddy, they couldn't find anything solid. To do the whole run is much more than what we have. They will give the money to the Center for Independent Living. The storm water was the original project and there is still money from Soil and Water Conservation to do more storm water work.

Deputy Mayor Matisse asked if that affects the boat access.

Manager Politi stated that it doesn't.

Deputy Mayor Matisse stated that there is a lot of erosion and gullyng going on along Maple Street by the teacher's lot into this area.

Manager Politi stated that would be the villages work. That is road work.

Mayor Pearson stated that she put correspondence on the table tonight, it just came in the mail.

Trustee Leonard stated that the Commission on Property Tax Relief which is a blue ribbon commission that was set up by the governor, there are five members. Mr. Reed spoke to them and he got a ear full from the members. This commission is going around the state listening to the problems and they have to report to the governor by October 8th. This is a broad overview of what is wrong and to bring fairness into the property tax law. One of the big issues is all the tax exempt properties and school districts were also brought up.

Trustee Hurd didn't feel the board should get involved.

Mayor Pearson stated that she also received a letter from Darlene Kingston about a sewer problem.

Manager Politi stated that he will respond to the mayor about what the village did administratively.

Manager's Report

Manager Politi stated that the department head reports are in the packets and the budget packets are available in the other room.

Board Comments

Trustee Norman stated that on Walker Street there is a gentleman that works on cars and he dumps oil into the storm sewer.

Manager Politi asked Trustee Norman to come in and log a complaint.

Trustee Norman stated that the yard sale is March 9th at Wooster Grove. At the next meeting she will have the pictures and the contract for the buildings at the park. She also stated that DPW is doing a great job with the snow storms.

Trustee Wynkoop also stated that the DPW is doing a great job, you can tell when you leave the village.

Deputy Mayor Matise asked if the banners were the last ten.

Manager Politi stated yes, and they will start a new list .

Deputy Mayor Matise asked who MJL was in the building inspector's report.

Manager Politi stated that its Oak Street Apartments.

Trustee Hurd asked if there is any feedback on the website.

Manager Politi stated that he has the information and he will get them to the board. We are getting a lot of hits.

Mayor Pearson asked if the village was going to do snow removal on Main Street.

Manager Politi stated that he will have them do the corners and cut the curb back. The snow removal budget has really been hit.

Mayor Pearson asked about the lights on the bridge.

Manager Politi stated that they are investigating that.

Executive Session

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

Trustee Norman moved to reconvene the regular meeting. Seconded by Trustee Wynkoop. All ayes. Meeting reconvened.

Adjournment

Deputy Mayor Matisse moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk