

**VILLAGE OF WALDEN**  
**BOARD OF TRUSTEES MEETING**  
**March 25<sup>th</sup>, 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 Matisse
	Trustees	Jose DeJesus
		Edmond Leonard
		Richard Hurd

Absent:	Trustees	Mary Jean Norman
		Roy Wynkoop

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

Mayor Pearson thanked Trustees Leonard and DeJesus for the time they've spent on the board and for their input and knowledge.

Trustee DeJesus indicated that there will be more input coming.

**Public Comment**

Anita Vandermark also thanked Trustees DeJesus and Leonard for all the time and all that they've done serving on the board. She also congratulated Sue Rumbold and Marcus Millspaugh, the new trustees.

**Approval of Minutes**

Trustee Leonard moved to adopt the minutes of March 11, 2008 with the following corrections and clarifications: Page 1, Paragraph 1, change to, Judge Ozman stated that the upside of his budget is that he doesn't need any additional funding for court offices. There will be an incremental increase for the salary of the court clerk which will be a 3% increase. He received funding from a grant that he and Mr. Barnes worked on and that is the Justice Court Assistance Program. In addition to the \$4109 they received in funding from the state they also received a tentative grant for security related items in the amount of \$450.00, \$8200 to spend on facility enhancement to enhance the courtroom, \$1800 for chairs, a records support management grant and tentative funds to purchase video equipment too. Fourth paragraph, change to, and Judge Ozman stated that the question becomes what the board ultimately decides. It was

deferred because he expected some funding and he didn't know how much, so he didn't want to come to the board and ask for funds. It was the consensus of the board to build a raised seating area but the \$8200 grant is a little short. Some of the funds can be utilized for a PA system. Page 12, eighth paragraph, change Mattie to Matise, and Page 12, ninth paragraph change long to law. Seconded by Trustee DeJesus. All ayes. Minutes adopted.

### **Audited Bills**

Trustee Hurd moved to pay the audited bills of March 25<sup>th</sup>, 2008 contingent upon four board members signatures.

Mayor Pearson asked what VGW stood for in Mr. Sorensen's report and what is NYMS.

Manager Politi stated that he'd have to see the bill.

Mayor Pearson asked about the feasibility study, it's the bill, but no report. She would like to see the report.

Manager Politi stated that David Fields wants to come to our next meeting to give the board an update on the report.

Mayor Pearson asked about the \$73,000 bill for the well. Should there be a report from the engineer that everything has been satisfied.

Manager Politi stated that report is attached to the bill.

Mayor Pearson stated that it looked like time cards of people's employees of how much they are getting paid.

Manager Politi stated that a visit by the Department of Labor has now shown up with our contractors and they will use him as the example of how to do it. Certified payrolls have to be attached or we can't release payment. That is the law.

Seconded by Trustee DeJesus. All ayes. Motion carried.

### **Annexation Update**

Mayor Pearson stated that the board just received a letter today from the Town of Montgomery stating that the town board unanimously approved the expanded environmental assessment form with regard to the Coldenham annexation.

Mr. Dowd explained that this is an award resolving that the extended long form is adequate. There are some recommendations and he's not sure he understands them, but for the purpose of the annexation SEQRA process, if the annexation goes through and there is a specific project proposed there will be a much more in-depth environmental

impact including an EIS with expanded traffic impacts and everything else. The main thing you're waiting for the town board to say was whether they want anything different or saw anything defective in the EAF and the answer is no. He heard this letter was coming through from the town attorney so he prepared a couple resolutions for the board to consider tonight. The first resolution is the issuance of a negative declaration and lead agency. This is just for moving the boundary line to incorporate the two acre parcel into the village. He drew the board's attention to item 11 of the resolution which provides the village with the added protection that when a specific project or development part of the project comes fourth before this board it is then that an environmental review will take place again of that specific project. That will give the board the opportunity to do further traffic studies, look at the wetlands and look all the issues involved with the actual construction of the project including this two acres. The second resolution is the approval of the annexation. Then the town board will approve or disapprove the annexation. This first step as the lead agency the board must act first on SEQRA and there is nothing that he has seen, nothing that Mr. Jacobowitz has seen, nothing that the town board has seen that suggests that the mere moving of the boundary lines to incorporate these two acres into the village is going to have any adverse affect.

Mayor Pearson stated that the board has sat through other people who either wanted water from the village or annex and we never set the precedent before to annex anything, because we didn't want to do that. That came also from this direction of the table, so she is questioning.

Manager Politi asked if he could clarify that.

Mayor Pearson indicated that he may.

Manager Politi stated that what we've been asked is to provide water and/or sewer. We haven't been asked to annex any property.

Mayor Pearson asked if the board has done anything while Mr. Dowd's been here. Mr. Dowd has talked about annexation before and not setting a precedent because that opens up others.

Trustee DeJesus stated no, you were here when those requests were made, you were on the board and you were mayor and the request was for the parcel of land by Northern Avenue and there was another one. We're talking about a sliver of land here that is a big difference as to what they wanted to do over the other end, there was another project. The other request was for water and sewer and we said no.

Mayor Pearson asked Mr. Dowd if there has ever been other requests for annexation. She remembers him talking about that.

Mr. Dowd stated that it was about 18 years ago. The Bruderhof was looking for water and/or sewer, not by annexation. Part of the problem with annexation has always been with the town board. The Northern Avenue one wanted the advantage of the

facilities without having to annex. The board rejected that on the basis of water and sewer capacity and also the issue of extending out to the town, just for the purpose of giving them an extra couple of lots somewhere.

Mayor Pearson stated, doesn't that do that same thing; it gives you a few extra lots somewhere.

Mr. Dowd stated that you can distinguish it in the sense that this is one parcel contiguous parcel that is separated by town/village boundary line which historically has made that portion that's in the town undevelopable in the truest sense of the work and that there is no road frontage. And if the only way they can get road frontage is through a proposed project on the village parcel then you're going to get all the impacts but not have the property in the village. He thinks that is what this analysis requires the village to do, and what SEQRA talks about. It's a little bit different then saying lets take this parcel and move it into the village, get the services and get a few extra lots. The other ones are in the town and they don't need to come to the village at all, except they want the extra density and extra units.

Deputy Mayor Matise asked if Mr. Dowd was on the board when Ajayem property was annexed.

Mr. Dowd stated no.

Deputy Mayor Matise stated that they still maintain a parcel in the town. Why haven't they asked for annexation? They utilize that parcel that is in the town.

Mr. Dowd stated that that parcel that is in the village is entitled to water and sewer and the parcel in the town isn't.

Mayor Pearson asked what precedent they are setting for the future.

Mr. Dowd stated that each annexation has no precedential value. Each annexation petition stands on its own.

Deputy Mayor Matise stated that the only thing similar would be American Lumber.

Mr. Dowd stated that they are on Route 208.

Deputy Mayor Matise stated that the town portion is not on Route 208, it doesn't have road frontage.

Mr. Dowd stated that there is a portion on Route 208.

Trustee DeJesus stated that we're not considering their application.

Mr. Dowd stated that the property on Northern Avenue, they're already on a town highway and they have full access to town facilities, town road. They can get building permits and subdivision approval. They have a problem getting the lots they want because they can't get as many septic systems in or wells in.

Mayor Pearson asked if we need to have concern where our boundary is.

Mr. Dowd stated that as part of the annexation process, if the village approves the annexation and if the town approves the annexation a complete survey mapping has to be done by licensed surveyors, maps have to be performed and stakes have to go in the ground, actually concrete monuments. Maps have to be filed with the town and village so the town/village line will be determined by a licensed surveyor.

Deputy Mayor Matisse asked what the time frame was.

Mr. Dowd stated that once the SEQRA process is complete then the town board can take action.

Deputy Mayor Matisse stated that then the vote on the annexation is not on the impact, this is only on the impact. The premise for the vote for the annexation is overall public interest, not impact.

Mr. Dowd stated right.

Deputy Mayor Matisse stated that it's a social impact or a social cultural.

Mr. Dowd stated those are Deputy Mayor Matisse's words not his.

Trustee DeJesus asked what Deputy Mayor Matisse is referring to.

Mr. Dowd stated that the resolutions before the board is strictly for the SEQRA process. What Mary Ellen is saying is that the resolution that you have before you says nothing about the actual annexation itself. The next step, after the negative declaration, you are then free to adopt a resolution annexing or not annexing the two acres into the Village of Walden. He has a resolution prepared if you get to that point and then it's up to the town board.

Trustee DeJesus stated that's not his question, his question relating to what she is saying social cultural, what is she referring to.

Mr. Dowd stated that the state law says that an annexation must be in the public interest and Mary Ellen is classifying it as social cultural.

Deputy Mayor Matisse stated as opposed to environmental.

Mr. Dowd stated that the law says public interest, you decide what's in the public interest and the findings in the resolution would define better what the public interest may be.

Deputy Mayor Maise asked why this wasn't in the packet.

Mr. Dowd stated that he had to wait until Thursday night for the town board to tell us that as far as they are concerned the environmental form was satisfactory. That was Thursday night, Friday was Good Friday and he basically put this together today because he was waiting for the letter to verify that they took action. That is why it's hot off the press.

Trustee Leonard moved to adopt Resolution No. 13-07-08, A Resolution of the Board of Trustees of the Village of Walden Issuing a Negative Declaration Pursuant to the State Environmental Quality Review Act for the Proposed Annexation of Lands (N/F Lands of Oak Street Management) From the Town of Montgomery to the Village of Walden, (attached). Seconded by Trustee Hurd.

Mayor Pearson stated that she has a question on board members being absent and how many people they need to vote.

Mr. Dowd stated that you need four yeses.

Mayor Pearson stated that she had a question on Page 2, No. 5; economic effects of this annexation are not significant. She asked the attorney to talk to her about that.

Mr. Dowd stated that there is a two acre parcel, vacant parcel, no one lives there, it's in the Town of Montgomery, and the assessed value is \$6,000. When you measure that overall impact over the entire assessed value of the town it's insignificant. Moving it into the village is not going to hurt the town in any significant way. Actually it has a positive impact on the village, when it is developed it will become a better ratable for the village as well as the town. The ultimate economics of moving the boundary line has no significant effect.

All ayes. Resolution adopted.

**Resolution No. 14-07-08, Resolution Authorizing the Annexation of Certain Lands From the Town of Montgomery to the Village of Walden**

Mayor Pearson stated that she doesn't know if she's prepared. They haven't read the resolution.

Mr. Dowd indicated that he would have loved to have had this resolution in the board's packet but he didn't know what the town did.

Mayor Pearson asked when does the town vote.

Deputy Mayor Matisse stated that the dates in the resolution should be corrected to November 15<sup>th</sup>, not 14<sup>th</sup>.

Mr. Dowd stated that now that the board has cleared the way for action they have to decide if it's in the public interest to annex this two acre parcel. The town board also must consent to the annexation and they must vote to do so. This resolution is geared with the intention that you may wish to annex.

Trustee Leonard stated that it's still two acres on the side of a hill, with very little impact and some slight benefit to the village. He doesn't have any problems with it. It was property that was somehow cut away from the village line. It's about as low of impact that you're going to get. You're not talking about 10 acres and sewer and water.

Trustee Hurd stated that going back to the eighteen months they spent on planning and changing that parcel to town house zoning, then all the work they did on writing the town house regulations and discovering the two acres were part of the same parcel outside the property line.

Mayor Pearson stated that they knew that from the beginning.

Trustee Hurd stated that it seems to him that the whole point of this going forward, it's just his opinion, and that the whole purpose was that these two acres would be included in the townhouse project; he can't imagine otherwise that the board would have taken the time or the effort to make a request for annexation. The use that he expects this be would be to be included in the townhouse project. He thinks it makes sense.

Mayor Pearson stated that there's no decision on that either.

Trustee Hurd stated that he feels it makes perfect sense to annex this property.

Trustee DeJesus stated that he doesn't see any harm in it. It makes the property whole. He understands the Mayor has been opposed to the development of that land and these two acres is not going to change when a decision is reached and he doesn't see any negative consequences for the village.

Mayor Pearson asked if Trustee DeJesus said she was opposed to something.

Trustee DeJesus stated yes, to the townhouse project.

Mayor Pearson stated that she is not opposed; she sat on the committee for it. She has never been opposed to it. She asked that Trustee DeJesus not put words in her mouth, because she's never been opposed to it. Why would she sit on the committee?

Trustee DeJesus stated that he wondered that too, why she would sit on a committee when she hasn't been a supporter of that.

Deputy Mayor Matisse stated that she had no comment.

Mayor Pearson had a question on payment of things that the village has paid for: such as the engineering fees and things they've paid for to have the applicant pay for. Is that part of that process or not.

Mr. Dowd stated that it's always been his legal opinion that if you determine that something is in the public interest that you cannot charge someone for doing that. However, he knows that the town has a provision on its books where money was put up for one of those charges. The applicant may not disagree to reimburse the village for any out of pocket expenses they have suffered. He doesn't think the village can mandate it.

Mayor Pearson stated that there are board members missing tonight and they might have issues they would like to address.

Mr. Dowd stated that there is a quorum so you can act.

Mayor Pearson moved to table Resolution No. 14-07-08, Resolution Authorizing the Annexation of Certain Lands from the Town of Montgomery to the Village of Walden until there is a full board.

Trustee Hurd stated that next time there is a full board there will be two new members who didn't spend any time on the process itself.

There as no second. Motion died.

Trustee Leonard moved to adopt Resolution No. 14-07-08, Resolution Authorizing the Annexation of Certain Lands from the Town of Montgomery to the Village of Walden. Seconded by Trustee Hurd. On roll call Trustees Hurd, DeJesus and Leonard and Mayor Pearson voted yes. Deputy Mayor Matisse voted no. Resolution adopted.

Mr. Jacobowitz stated that this is just the beginning of the process. Hopefully the town adopts a resolution affirmative and then the annexation will take place and they will be back because the village controls the zoning and there are many other things they have to deal with the village board about as well as the planning board, so this is an on going thing. He looks forward to continuing to work together to make this something we're all going to be proud of. He thanked all for their attention and effort they've put in so far. He will talk to Mr. Dowd about the expenses.

Mr. Dowd explained that the village will send the resolutions to the town board and if they say no it does not happen unless a court decides that it does happen, which would require the village board to sue the town board. If the town board says yes the annexation will be complete and once those resolutions are filed and all the maps are done and filed in the clerks office then they come back here for this board to zone the

property and you will decide whether its town house or something else. Once that is done and assume its townhouse then they can make an application for the actual project which will go to the planning board again and because of the size of this project it may very well be a positive declaration, EIS type of thing that will go through an entire environmental review as proposed.

Deputy Mayor Matise stated that she really doesn't appreciate the way this was presented to the board. She knows the attorney was waiting for the letter, but if he knew they took action maybe an email with some information would have been appropriate.

Mr. Dowd stated that he heard about it for the first time that they took action last night and he didn't verify it until late morning today with the town attorney and then he didn't move forward because he didn't have the letter, he didn't know it was being delivered to the village.

Deputy Mayor Matise stated that an email would have been appropriate.

Mr. Dowd stated that he doesn't know if anyone would read that email on time.

Deputy Mayor Matise stated that she would.

Mr. Dowd stated that she could have voted to table this with the Mayor and you didn't do that.

Trustee Hurd stated that he doesn't see how the attorney could have handled it any differently to be consistent.

Deputy Mayor Matise stated that's your opinion.

Trustee DeJesus stated that there is a request, number five, on the agenda that we don't have any information on.

Mayor Pearson indicated that is a presentation.

Deputy Mayor Matise stated that's just a discussion item, it's a presentation, not an action item.

### **Farmers Market Coupon & Food Stamp Programs**

Manager Politi stated that this is the village seventh year with the Farmers' Market and we will be doing the Wick coupons again. That's at no cost to the village and no impact on the village. The question of the use of food stamps keeps coming up. It's been introduced to the market over the last few years. This is access to good food. We do have to make application for that. In working with food stamps it's a wireless connection that the recipient of the food stamps will have a card and they swipe it and ask

for tokens and then they spend the tokens in the market. There is no change given. It does require the village to open a checking account because they are paid out monthly. The only cost to the village is a phone line cost. There are only so many machines out there so we have to get our application in.

Deputy Mayor Matise moved to approve the food stamp program for the Farmers' Market. Seconded by Trustee Leonard.

Mayor Pearson asked who will hand out the tokens.

Manager Politi stated that there will be a volunteer that will man the station.

All ayes. Motion carried.

### **Budget Hearing – Public Hearing**

Deputy Mayor Matise moved to hold a public hearing on the 2008-2009 Budget on April 8<sup>th</sup> at 6:30pm. Seconded by Trustee DeJesus. All ayes. Motion carried.

### **Building Inspector's Report**

Mr. Stickles, Building Inspector stated that what he gave the board was the amount of letters sent out initially for those four areas, Main Street, Ulster Avenue, Valley Avenue and East Main Street. He sent out 91 letters, 34 second notices and 20 third notices. There was a total of 178 letters and 178 a total of 292 units were inspected. After the write up the Wallkill Valley Times there have been a lot more calls and questions about what we are doing and why are we doing it. He and the mayor had discussed other municipalities' local laws, Maybrook's and Beacon's. Other inspectors in the county are having the same frustrations that he's having. Maybrook's is a good one. He hasn't had a chance to discuss it with the attorney to see if it will work for our village.

Mayor Pearson stated that the board did receive a copy of the local law regarding landlord registry part of it. There was a lot of conversation because they weren't sure whether it was about landlord registry, to help with the inspections or just to register so you would know peoples addresses and phone numbers and there was contact information.

Mr. Stickles stated that a while ago they tried to get a registry started for emergencies and we didn't get very far.

Mayor Pearson stated that the board doesn't know to what extent would help the building inspector the best.

Mr. Stickles stated that it would be the building as a whole and the amount of apartments and an emergency contact. Not so much as to when someone moves in and out of the building.

Mayor Pearson asked if the state mandates him to get in for inspectors every two years.

Mr. Stickles stated every two years for three or more apartments. Historically they've always done two and up.

Mayor Pearson asked the building inspector to direct the board in a way they need to be directed for what will work for him. Maybe he can sit with the attorney and see if there is direction he needs from the board.

Mr. Stickles stated that he would like the mayor to sit in on the meeting with him and the attorney. He would like to incorporate something of Maybrook's into our local law.

Deputy Mayor Matise asked if there was anything regarding occupancy, number of people, square footage.

Mr. Stickles stated that there is something in the state code.

Deputy Mayor Matise asked how you know if that is being violated.

Mayor Pearson asked; say you have a single family home with 900 people in it.

Mr. Stickles stated that if you have a single family home, you don't know who is family, who's not family, who is extended family.

Mayor Pearson stated that if you have a square footage requirement that can be in that home, is there something like that.

Mr. Stickles stated that he will find out and get back to the mayor.

Deputy Mayor Matise asked about rentals and the number of people per square foot. We increased the minimum footage for an apartment. A lot of the old apartments are still probably 900 square feet.

Mr. Stickles stated that some are 350 and some are 500.

Deputy Mayor Matise asked if 7 people could live in 300 square feet.

Mr. Stickles stated possibly not, possibly yes.

Trustee Leonard stated that HUD is taking a very liberal view of families. They understand that the newer residents have a different standard of living. You better be careful before you go treading.

Mr. Stickles stated that his report is a chronological of what has been done at Walden View.

Mayor Pearson asked why this is so complex. Why is it dragging out so long?

Mr. Stickles stated that when you don't have one hand talking to the other hand it drags out. The people who were supposed to be maintaining were telling management that things were done and when he would contact those people they never relayed his message to Marcia. He did send a letter and it never got to that person. That is why he called and set up an appointment. So far his contact is working very well.

Trustee DeJesus asked if there was a time line as to when these things are going to be done by.

Mr. Stickles stated that right now it's an on going project, one building at a time. They have addressed all the major issues in all four buildings.

Trustee DeJesus stated that there were some safety issues with lights and exit lights.

Mr. Stickles stated that they have addressed those. They are now addressing the painting and upkeep of hallways, replacement of light fixtures and colors.

Mayor Pearson asked why don't they have to do it all at once when he gets the list to them. She asked to see the list of what was wrong.

Mr. Stickles stated that he will get her that list and he would like to have her walk through the building so she can see if you let something go so long why it takes so long to get it fixed.

Mayor Pearson stated that is their responsibility. Why should we be waiting a year to fix that up when they are making money off that complex? If her front porch was falling off she would get it fixed or the building inspector would give her a summons letter and she will be brought here. She doesn't feel they are taking the quicker steps to get things done.

Manager Politi stated that there are violations that the building inspector writes and you can see they come to the court and go through the process. It's not his decision or our decision as to when it comes to court.

Mayor Pearson asked if some of the violations he's written on Walden Center have come to court.

Mr. Stickles stated no.

Mayor Pearson asked why not.

Manager Politi stated that is where they are going next. Once they get to court that will extend time too.

Trustee DeJesus asked how did they bring Mr. Ronk in front of the board and not Marcia. What is the difference?

Mr. Stickles stated that Mr. Ronk was in front of the board for one year. He decided to bring Mr. Ronk in front of this board so action would be taken right then and there.

Deputy Mayor Matise asked why Oak Street Apartment hasn't been brought before this board.

Mr. Stickles stated that if the board wants he will be Oak Street Apartments here too.

Trustee DeJesus asked if all the apartments were Section 8?

Mr. Stickles stated that he didn't know.

Trustee DeJesus stated that if it's all subsidized, that the entire building is between low and moderate income, you would have to meet the income eligibility to move in there. He asked if there was income eligibility to move in there.

Mr. Stickles stated that he didn't know.

Trustee DeJesus stated that if the entire building isn't income eligible and they are just vacant apartments, he has a voucher for Section 8 and he goes in there, Section 8 from the county would be responsible for inspecting that apartment and making sure it's up to par, that it meets the Federal HUD guidelines. Annually when they are up for renewal of the voucher there is an inspector that would come in. He is trying to understand if the entire building was subsidized and if it is then it falls within the village to inspect.

Trustee Leonard stated that this thinks 10% of the building is low income.

Deputy Mayor Matise stated that at the Cedars its Section 8 and they come and inspect before the tenant moves in and when they move out.

Trustee DeJesus stated that he understands the process and they know the system. In terms of having a time line in which to do this, I could say, oh yeah I talked to the

manager and they haven't done it and some how it falls on the management which is Marcia to make sure things are done and also to come up with a time line.

Mayor Pearson stated that it would be the village that would come up with a time line.

Mr. Stickles stated that is why he went to Marcia.

Deputy Mayor Matisse asked if all the emergency lights were working in all the buildings or just these two buildings.

Mr. Stickles indicated all the buildings.

Deputy Mayor Matisse asked if the buildings have sprinklers.

Mr. Stickles stated no.

Deputy Mayor Matisse asked if the people on the third floor have to jump out the third floor to the river.

Mr. Stickles stated that building went to the state codes division for a variance.

Mayor Pearson asked if that can be changed if new fire laws come into play or can they can always just be that way.

Mr. Dowd stated that once the state granted the variance that's pretty much it.

Mayor Pearson asked if there were fire codes they have to go by. Wouldn't fire codes be mandatory. Wouldn't you have to give everyone a ladder?

Deputy Mayor Matisse asked what the maximum height was for an exit.

Mr. Stickles stated fourteen feet.

Deputy Mayor Matisse stated that if a window is thirteen feet above the ground you can jump.

Mr. Stickles stated that you can use it for as a single exit.

Mayor Pearson thanked Mr. Stickles for his report and stated that she would like to see a little more compliance.

Deputy Mayor Matisse stated that Mr. Stickles will work with Mr. Dowd and put something together using Maybrook's local law.

## **Albany Avenue Parking**

Manager Policy explained the response to the Albany Avenue Parking Survey. The first question was, there should be no parking on Albany Avenue from Ulster Avenue to the Thruway Market entrance, everyone agreed. There were sixteen letters that went out and nine responses were received. Seven disagreed with getting rid of on street parking. Two agreed it would be a good idea to stop on street parking. From the village's administration, police, public works, and code, they feel it would be better if there was no parking. The fire department felt the same way. Seven agreed with leaving parking and two agreed to do away with it. The question came up with making it one way. Half of the neighborhood disagreed with it and half said go to a one way. The village's reaction to that is you would impact Bergen and Pleasant and once Little League kicks in you have quite a flow through there. There were some good comments.

Deputy Mayor Matisse stated that in May 2006 the chief stated that you cannot enforce a one way street because the Thruway is dependent upon the Wallkill Fire Department have access to their property in case of a mutual aid call.

Trustee DeJesus stated that they can put up a sign saying emergency vehicles only.

Deputy Mayor Matisse stated that you would then have to enforce it.

Trustee DeJesus suggested a gate that swings open when the emergency people go through.

Trustee DeJesus stated that was a sign saying it's a private street.

Manager Politi stated that the sign that is lying on the ground that says no through traffic, when we look on the as builts there is nothing there requiring that sign. Its not a village sign and we can't put one up.

Dave Stoudnour, 23 Albany Avenue asked if that street was ever a dead end.

Mayor Pearson stated that she doesn't know.

Mr. Stoudnour stated that when he moved here that street was a dead end.

Ms. Keator stated that it was never a dead end.

Mr. Stoudnour suggested they post a sign at the bottom and top of the hill that says street closed except for emergency vehicles only, leave it two way, leave it open and enforce the stop signs.

Mayor Pearson stated that part of that road is private, can the village make them put up a sign.

Mr. Dowd stated that road is shown on the site plan for the Thruway Market.

Trustee DeJesus stated that you can put a sign on the side of the village property.

Ed Jones, 42 Albany Avenue thanked the village for sending the letter and Trustee DeJesus for knocking on his door and letting him know there is a meeting. He further stated that if you take away the parking there would be speeding on that street. A sign on the village side saying private road would help a lot. He leaves his vehicle on the street to slow down traffic. He suggested better signage saying that is an entrance to a park.

Mayor Pearson suggested a children at play sign.

Deputy Mayor Matise suggested lowering the speed limit.

Mr. Jones suggested an officer sit there for awhile.

Mayor Pearson suggested big white lines on the street by the stop signs.

Deputy Mayor Matise asked Mr. Jones if people really need the on street parking for their own vehicles.

Mr. Jones stated yes, for the matter of convenience and also if you have guests.

Trustee Leonard stated when the police department did the speed study they found the average speed to be between 19 and 21 miles an hour.

Deputy Mayor Matise stated that the vehicle count was very high, over 10,000 in one week.

Mayor Pearson asked if the Girl Scout Cabin as busy as it used to be.

Mrs. Stoudnour stated yes.

Deputy Mayor Matise stated that there is an issue with them parking near the tennis courts and walking around the court to the cabin.

Manager Politi stated that the scout leaders don't like to use it because its dark and its hidden. They will park there from time to time and walk around.

Mayor Pearson suggested they put parking in the back of the building. Trustee Norman has comments, she couldn't be here tonight.

There were comments on the private road to the Thruway.

Mr. Dowd stated that road is an approved access to Albany Avenue as part of the site plan.

Mayor Pearson stated that there was a comment about the village plowing that street and that needs to be addressed.

Manager Politi stated that he never approved that street to be plowed and he doesn't know if the village does, so he will look into that.

Mayor Pearson stated that this will be on the next agenda.

Deputy Mayor Matise suggested they widen the street.

Mayor Pearson stated that they already discussed this. They had the engineer go out and look at the site and see what it would take to widen the street.

### **Computer Use Policy**

Mr. Dowd stated that as per the discussions from the last meeting as well as the request he had taken two of the most favorable samples they had and consolidated them into one policy. This is a stepping stone for establishing a policy.

Deputy Mayor Matise stated that this is pretty good.

Trustee DeJesus suggested this be tabled so the new trustees have a chance to review the policy.

Deputy Mayor Matise asked how would you know if someone is using the computer improperly.

Trustee DeJesus stated that you would have to catch them. We're not big enough to have someone to monitor.

Mr. Dowd stated that he doesn't feel it's a problem here. It will be by chance.

Trustee DeJesus stated that his main concern is people sending improper emails.

It was the consensus of the board to table this.

### **Main Street Application Support letter**

Manager Politi stated that the application for the grant went in today. In the grant there had to be a note that said the letter was drafted. It didn't need to be in there today.

Deputy Mayor Matise asked if the IDA was disbanded.

Manager Politi stated that the IDA sunsetted, everything has been paid off. There is a balance in that account. They were thinking that this would be a good application for

Main Street, façade or interior work similar to the other grant. There are several vacant lots on Main Street that you can use an enticement to clean up the building. He needs to know if it's okay to shift that money and use it on a revolving loan basis.

Trustee DeJesus asked if the IDA has to have a meeting to disband or is it just automatic.

Mr. Dowd stated that he is talking to Senator Larkin's office to see what papers have to be filed. That money should be used for something that is similar to what the IDA was intended for, job creation or industrial enterprises.

Mayor Pearson asked if they set an interest rate.

Mr. Dowd stated that they can do that at a later date.

Deputy Mayor Matise stated that with the establishment of the Walden Business Association would it make any sense for them to pursue becoming a Business Improvement District and this could be seed money.

Mr. Dowd stated that the village formed a business improvement district years ago.

Deputy Mayor Matise stated that BIDS can pursue grants and this could become seed work. She thinks they should find a way that this \$60,000 multiplies for us. She suggested they say that the village is committed to researching ways that this money can help the business community. She says maybe it's the wording, on the second page; second paragraph change will commit to may commit.

Trustee DeJesus asked if there was a commitment in Judge Ozman's letter, Restore New York.

Deputy Mayor Matise asked if they wanted to put may in each one.

Manager Politi stated no. Just change it in the sixth one.

It was the consensus of the board to change will to may.

### **Suzanne Isaksen – Historic Register Applications for Monuments**

Ms. Isaksen stated that she would like to file an application for the Firemen's Memorial Fountain, McKinley Monuments to nominate them to the State National Registers. Wayne Prattenger, Historic Preservation Specialist for SHPO will be in Montgomery on April 5<sup>th</sup> and this will be an opportunity for him to visit the monuments.

Deputy Mayor Matise stated that both those monuments have considerable artistic merit too. The McKinley monument is made by Kitsen and the Firemen's monument was cast by the Tiffany Studios.

Ms. Isaksen stated that another thing that has to be determined is the actual property that is being nominated. McKinley monument is on a triangular piece of property and in the minutes there are references to that piece of property, so there is historical significance to both the monument and the property. The Firemen's monument was originally located at Ulster and Bank Streets and was moved to the west side and then to its present locations, so that is not historically significant, but you still have to designate the parcel. She can submit that application without a statement from the owner, but she would prefer the owner sign off on it.

Mr. Dowd stated that the statement Ms. Isaksen made concerns him because of the location of the McKinley Monument and the fact that you're not just making the monument on the historic registry but also the property it's located on. He knows problems exist with that intersection that are monumental. If and when the state wants to do something to improve that intersection they will have to work around this little triangle piece of property or relocate McKinley somewhere else.

Ms. Isaksen stated that if there is mitigation involved, basically what would happen if the state was doing the road project it would go to the SHPO official and they would take a look at the project and its impact on the property and then the whole mitigation starts. It might be that the monument might have to be moved, but the state would have to pay for it and the expense wouldn't go to the village.

Mr. Dowd stated that the village would have to find a place to put it. He wonders if this will impact what happens in the future if you are going to realign those roads.

Deputy Mayor Matise stated that it would give us a little more leverage.

Mayor Pearson stated that it protects us a little bit.

Trustee Leonard stated that property was listed quite high on the counties survey of intersections with problems.

Mayor Pearson stated that what Ms. Isaksen is saying seems to protect us a little bit to be able to plan on where it's going to go and how its going to get there.

Mr. Dowd stated suppose the person from SHPO says you can't move it.

Ms. Isaksen stated then that's their decision and then the two departments duke it out.

Mr. Dowd stated that he foresees this as potential complications.

Mayor Pearson stated that she is in favor of this. Four years ago the board approved it.

Trustees DeJesus and Leonard were in favor of it.

Deputy Mayor Matise moved to authorize the Historic Register Application be made for the monuments and authorize the mayor to sign the application. Seconded by Trustee Leonard. All ayes. Motion carried.

Deputy Mayor Matise asked to be advised when Mr. Prattinger comes to see the monument.

### **Summer Program Review-Consideration of All-Day Program**

This was tabled until Trustee Norman can be present.

Trustee Leonard stated that he is in favor of this and he wrote down some concerns which he will give to Trustee Norman. He doesn't agree with the numbers.

### **Dumpster Placement Request**

Lauren Keator explained that she is requesting permission to locate a dumpster in front of her house at 29 Rifton Place in order to clean out their home so they can move. They don't have a time frame, because they haven't started yet. She is hoping to make it as short as possible. The dumpsters will be there one to two weeks at a time because she has to factor in weather. They are discussing an auction too and then it will only be one or two dumpsters.

Deputy Mayor Matise asked if Ms. Keator spoke to her neighbors about this.

Ms. Keator stated no, she is at the end of the block and all the cars that park there are all her family members. She will speak to them.

Mayor Pearson stated that she would appreciate it if the dumpsters get full to get them emptied quickly.

It was the consensus of the board to allow the Keator's to have a dumpster at 29 Rifton Place.

### **Public Comments-Discussion Items**

Sue Rumbold asked Mr. Stickles about his memo to the manager dated March 20, 2008, are these inspections mandatory or voluntary.

Mr. Stickles stated that they are state mandated.

Ms. Rumbold asked what happens when you send the third notice to these 20 people and they ignore this one like they ignored number one and two.

Mr. Stickles stated that is what they are trying to come to grips with what Maybrook has for a local law. They start at one family and up.

Ms. Rumbold stated that the state mandates these inspections, but doesn't give any guidance; they leave that to local law.

Mr. Dowd stated that you are somewhat confined by the state of the law and the fourth amendment issues. If you have no compliance on the part of the property owner and you have reason to believe that there are violations in the apartments, if you have the basis of getting an administrative search warrant then go to the local judge you can get a court order to let you in the premises. Because it is a residence it's protected by the fourth amendment. The hardest part of this is getting access to a dwelling.

Trustee DeJesus stated that when you have these inspections and you have the management accompanying the inspector the tenants might not be as willing to point out the violations.

Ms. Rumbold stated that the other question is in regard to the memo of March 19, 2008, Walden Center, what was the issue where there was so much time lapse between number four and five. If we knew there were items that were incomplete why was there such a time difference between January 10<sup>th</sup>, 2007 and October 3, 2007.

Mr. Stickles stated that he got doing other things and never got back to it. He didn't document every time he went there. He's been trying to keep up with it since then.

Ms. Rumbold asked about the letter to a property owner dated March 20, 2008. Looking at the violations some are quite serious.

Mr. Stickles stated that is one of the properties that you're discussing the property law about and there is a tenant who he has never talked to or met who is claiming that there are problems. The previous owner is the mother of the present owner and she returned the letter and if he doesn't get a response they will be coming before the board.

Trustee DeJesus stated that this is an on going issue. When you look at the porch, it's falling down. It's very unsafe. At what point do we have the authority to say this represents a major hazard for anyone that walks by. What recourse do we have?

Mr. Dowd stated in your code under the unsafe buildings law there are criteria as to what is deemed unsafe.

Ms. Rumbold stated that Violation 5 states that the foundation walls are currently leaning inward and need replacement to provide structural stability to the building. Who makes that determination, Dean?

Mr. Dowd stated that under the unsafe building code it's the board. He brings it to the board saying he deems this unsafe and the board decides if it's unsafe or not.

Ms. Rumbold asked if this was Mr. Stickles interpretation.

Mr. Stickles stated that is the only way he can see it from the outside where it is leaning inward. That was a visual inspection and that is the property maintenance code of the State of New York that references foundations.

Ms. Rumbold asked Mr. Stickles if he would go further then that statement or would he agree with that statement that it needs replacement to provide structural stability to the building. Does he wish that code went farther in the description of how he feels about that or is that accurate?

Mr. Stickles stated that's accurate. If he was to go farther with that statement about structural stability he would have to get a structural engineer in because he is not qualified to do that.

Trustee DeJesus stated that might be the next step.

Mr. Stickles stated that you would have to get inside to look at the inside too.

Trustee DeJesus asked if there is an apartment that goes with the porch on the second floor.

Mr. Stickles stated that has been there since 1972. He would ask to have a hearing set by the board under the unsafe buildings code to address those issues.

Mayor Pearson stated they can do it on April 8<sup>th</sup>.

Ms. Rumbold asked about the walls leaning inward and seeing it from the outside, if you go inside you're also going to see it leaning in.

Mr. Dowd stated that it may not be unsafe to the extent that it's imminent danger of falling down. You may be able to fix it. That is why you get structural engineers involved.

Trustee DeJesus asked, if they say it could be fixed and he refuses, what happens.

Mr. Dowd stated that you can have your crews or hire a contractor go in and stabilize it.

Trustee DeJesus suggested that if that is the case and they get to that point and there is a tenant over there that work with the Red Cross or some agency that could assist

that family. We know the building is in bad shape, he doesn't like to see people displaced.

Mr. Millspaugh asked how high is the foundation.

Mr. Stickles stated about 36 inches.

Mr. Millspaugh asked how far does it lean off the vertical.

Mr. Stickles stated three or four inches. This may also be a false wall but he doesn't know that.

### **Correspondence**

Mayor Pearson stated that she received a letter from Time Warner, notification of channel drops. She gave it to the clerk.

### **Manager's Report**

Manager Politi stated that the lights are working on the bridge.

Manager Politi stated that DPW has sanded and painted the horse heads for the Firemen's park.

Manager Politi stated that the Land Use and Planning Course is April 28<sup>th</sup> – June 2<sup>nd</sup>. You can go to individual courses.

Manager Politi stated that there was an invitation to the Dr. Martin Luther King Jr. Orange County Commission about their day of the perspective Dr. King's dream, City of Newburgh.

Manager Politi stated that Winding Brook Homeowners Association sewer pump station that we are trying to take over and there are changes to the offer of dedication and they keep putting the water system back in and that has nothing to do with the water system. We just want the pump station and the force main.

Manager Politi stated that there are two memos concerning the Hudson Valley Materials Exchange site plan with the concerns they are going through as well as Central Hudson. There is also a letter regarding Beazer Homes. The mayor had a concern with wash out.

Mayor Pearson stated that they had two big mounds and they put silt fencing around the big piles, but where they took the trailers out she had an email from a resident that stated its washing down the hill to where the trailer was.

Mr. Stickles stated that there is no wash out in that area at all.

Mayor Pearson stated there is a whole big gully.

Mr. Stickles stated that's been there from when they put the power line in. There is washout from the old property around behind the houses.

Mayor Pearson stated that all the storm drains are a mess.

Trustee Leonard stated that they were damaged by the plows.

Manager Politi stated that the 2007 Annual Water Quality Report sample schedule, there is a line in here and there are no violations. It's the sampling schedule.

Manager Politi stated that there was a Safety Committee organizational meeting today and they are rescheduling it. He explained that reaction to the PESH inspection we hired a private firm to help the village structure a safety program and that was geared to DPW in answering the violations. Now that is in place we have to expand that and at this point we need to establish a committee. It's made up of village staff. The consultant is here to give guidance.

Mayor Pearson asked how much is the consultant and where is the money coming from.

Manager Politi stated that it will come out of education and it goes in steps a few hundred dollars at a time.

Trustee DeJesus stated that there is a building next to Talk of the Town that needs attention. Also, Spanos's building needs painting.

Manager Politi stated that there is an Eagle Scout ceremony and he made a certificate up. He will be attending.

Mayor Pearson stated that she can't attend and if the manager can't go we need to get the certificate there.

Manager Politi stated that the board has the department head reports.

Trustee DeJesus stated that was a great letter from the dog warden. Now we need to get the letters addressed to certain people.

Mayor Pearson stated that the woman that has been emailing her said that it's been much better.

Manager Politi stated that there is notice regarding the ceremony for Col. Bradley.

Mayor Pearson asked about Mr. Stickles report regarding East Main Street sidewalk replacement.

Manager Politi indicated that is the CDBG grant.

Deputy Mayor Matise stated that Nancy Lamancuso has concerns about the curb cut. She will be sending that to the deputy mayor.

Manager Politi stated that they will replace it in kind.

Deputy Mayor Matise stated that she doesn't know if she wants it there.

Manager Politi asked to let him know.

Manager Politi stated that the teen center is getting more and more kids. Hopefully that is having an impact on Main Street.

Mayor Pearson asked when foot patrol starts.

Manager Politi stated that it will as it gets warmer.

Mayor Pearson asked if all the Beazer complaints have been satisfied. The telephone pole is still there and are we going to put a light by the pump station.

Manager Politi stated that he has asked for the update and when he gets it he will forwarded it to the board.

### **Board Comments**

Trustee Leonard stated that at Wooster Grove the teen center building's gutters need to be put back.

Trustee Hurd stated that some of the storm drains on Oakland Avenue are sinking.

Manager Politi stated that quite a few have been done already and they will continue to fix them or replace them.

Trustee DeJesus stated that there is a situation on Tin Court, the neighbor at 2 Tine Court pulls out of his driveway and instead of going the way he should be going he goes the wrong way and the kids are rushing to get the bus. The parents are complaining about that. They need someone out there at ten to seven before a kid gets run over.

Deputy Mayor Matise stated that the Walden Senior luncheon is April 17<sup>th</sup> at noon at the firehouse.

Deputy Mayor Matise asked how many water meters are being read manually.

Manager Politi stated approximately 100. They are still trying to set appointments up.

Mayor Pearson asked if there is something else the village can do to get in.

Manager Politi stated that the problem isn't with people saying no, it's setting appointments. There will always be some they will have to read. They didn't change out the larger ones.

Mayor Pearson asked about the Wooster Grove project.

Manager Politi stated that they are redeveloping that. In the bid there was a large component for tile and Floors Like Glass wants to donate all the tile work and the tiles. They will pull that out of the bid. They are getting ready to rebid.

Mayor Pearson asked for a time frame.

Manager Politi stated hopefully this week.

Trustee Leonard asked about the rail trail bidding.

Manager Politi stated that they are finalizing the sidewalk project, the two foot right of way. That is a state project.

Mayor Pearson asked about the emergency management plan.

Manager Politi stated that he is meeting with them tomorrow.

Mayor Pearson asked about the Little League and park maintenance.

Manager Politi stated that he is working with Bill Pullar right now.

Mayor Pearson stated that Arbor Day is April 30<sup>th</sup> at Olley Park.

Mayor Pearson stated that there is some concern about the use of the Scout Cabin, that the Girl Scouts have dwindled because of getting in and using that cabin and it's because of the key

Manager Politi stated that the problem is they don't return the key.

Mayor Pearson stated that maybe we can relook at this.

Manager Politi stated that we are not going to start handing out keys to our buildings. We don't do that for any other building.

### **Executive Session**

Trustee Leonard moved to hold an executive session pursuant to 105-(f), personnel, Village Manager, 105-(e) Police Department Union, and 105-(h), real property purchase. Seconded by Trustee Hurd. All ayes. Motion carried.

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

Trustee DeJesus moved to hold a special meeting on April 4, 2008 at 6:45pm. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk