

MOTIONS AND RESOLUTIONS
APRIL 22, 2008

Annexation

Trustee Hurd moved that if the town approves the annexation that they make a motion that Mr. Jacobowitz can go before the Planning Board. Seconded by Trustee Norman. There was no vote.

Approval of Minutes – April 7, 2008

Trustee Rumbold moved to adopt the minutes of April 8, 2008 with the following corrections: Page 8, last paragraph change catch men area to catchment area and Page 20, sixth paragraph change October 23 to October 3, Page 30, first paragraph change grievance to egregious. Seconded by Trustee Hurd.

All ayes. Minutes adopted.

Audited Bills

Trustee Hurd moved to pay the audited bills of April 22, 2008. Seconded by Deputy Mayor Matisse.

Mayor Pearson moved to hold the engineering bills for the well, Bank Street and Wooster Grove until the next meeting.

On roll call to pay the audited bills of April 22, 2008 Trustees Wynkoop, Norman and Hurd moved yes. Trustees Rumbold, Millspaugh, Deputy Mayor Matisse and Mayor Pearson voted no. Motion defeated.

Mayor Pearson moved to pay the bills with the exception of the Stantec bills for the well, Wooster Grove and Bank Street. Seconded by Trustee Rumbold.

On roll call Trustees Rumbold, Millspaugh, Deputy Mayor Matisse and Mayor Pearson voted yes. Trustees Wynkoop, Norman and Hurd voted no. Motion approved

Resolution No. 19-07-08 Village Budget for Fiscal Year 2008-2009

Deputy Mayor Matisse moved to hold a special meeting on next Monday or Tuesday night, they need another work session, it states \$1,466.56 per thousand. Trustee Rumbold seconded the motion.

Trustee Hurd stated that he is in favor of passing the resolution as is.

Trustee Millspaugh indicated he would like to table the resolution.

Trustee Rumbold also wanted to table the resolution.

Deputy Mayor Matise, table too.

Trustees Norman and Wynkoop indicated they wanted to pass the resolution.

Mayor Pearson stated that she would like to table the resolution because she had a couple questions on salaries that they did not finish. She would like to go into executive session and set one more meeting on the budget or they can come out of executive session and talk about the budget some more and finalize it. It may stay the same, she doesn't know.

Trustee Hurd suggested they go into executive session now so the public doesn't have to wait a long time.

Mayor Pearson stated that they can table it until the end of the meeting. There are a few items left on the agenda that the public may be interested in

Firemens' Fair

Trustee Norman moved to grant Enterprise Steamer sole exclusive use of Bradley Park for their annual Firemen's fair from June 22 to June 28. Seconded by Trustee Hurd. All ayes. Motion carried.

82-86 W. Main Street

Trustee Norman moved to set a hearing for the owners of 82-86 W. Main Street on May 13th, 6:30pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Executive Session

Deputy Mayor Matise moved to hold an executive session pursuant to 105-(f), personnel. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Seconded by Deputy Mayor Matise. All ayes. Meeting reconvened.

Adjournment

Trustee Millspaugh moved to adjourn. Seconded by Mayor Pearson. All ayes. Meeting adjourned.

**Village of Walden
Board of Trustees Meeting
April 22, 2008**

Mayor Becky Pearson called the Village of Walden Board of Trustees meeting 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
		Susan Rumbold

Absent: Marcus Millspaugh Jr., later present

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

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

Public Comment

Mr. Jacobowitz stated that the annexation proceeding is standing at the town. It's supposed to be on the agenda May 1st. In wanting to keep the process going Mr. Jacobowitz requested the village board refer to the planning board which will be meeting after the town board meeting. The question is what the zoning will be for the property if it is annexed. He asked that the board pass a motion asking the planning board to review the question of zoning and make a recommendation to the village board. He prepared a chronology of the possible time table, which is subject to the village's consultants advising the board on the propriety of this time table and whether it's satisfactory for the village's purposes. This depends on what the town does. If they did act favorably then on May 1st and May 13th the village board would be eligible to take the next step that they must take as the municipality to which the property is being annexed. The village will have to adopt a local law to do that. It is not subject to a public hearing. So they could do it on the night of the 13th without published notice and then the issue is what the zoning should be and hopefully you have a report from the village planning board by the May 13th meeting and then the village board can decide whether they want to proceed with their recommendation or do you want to do something different about the zoning. In any event there has to be a public hearing to do the zoning and then running parallel with that is doing the things that need finalized annexation which means they have to file with

the New York State Secretary of State, the local law, and just for making things simple the suggestion is that the annexation would be affective June 1 which is the beginning of the village's year. You would issue a tax bill for the year June 1 – May 31 and the property would be subject to tax for that year in the village. He asked that the village board authorize the planning board to consider the question of zoning the property if it were annexed, which that would be able to do on May 5 if the town board acts.

Deputy Mayor Matise asked about the referral to the Orange County Planning Department. They have a 30 day time frame.

Mr. Jacobowitz stated that is correct. If they take the full 30 days you couldn't act on it before the 30 days because it does affect properties within 500 feet of the municipal boundary by definition. That is just the zoning, not the annexation. He has discussed this with Mr. Dowd and he will advise the village board.

Deputy Mayor Matise asked why the village board would do that before the town board takes action.

Mr. Jacobowitz stated because of the planning board meeting.

Deputy Mayor Matise stated that the planning board could call a special meeting.

Mayor Pearson asked why they would do that.

Deputy Mayor Matise stated that it won't go to the planning board if the town board says no.

Mr. Jacobowitz stated that they understand that.

Manager Politi stated that they did review the calendar of events with the attorney between the two parties. Kevin is in agreement with the tentative schedule.

Mayor Pearson asked why this isn't in their booklet if they've already reviewed it.

Manager Politi stated they just went over it.

Mayor Pearson asked Mr. Jacobowitz why he couldn't go to the second planning board meeting rather than the first one.

Mr. Jacobowitz stated that they could, but it moves everything forward. The idea was could it be done before you start your new year and yes it could be if everyone wants it to happen.

Mayor Pearson stated the question is whether it should go to the town board before it goes to the village's planning board.

Mr. Jacobowitz stated that it will be at the town board before it's at your planning board. The town board is May 1st and the planning board is May 5th.

Trustee Norman stated that she agrees, we're lead agency on it.

Trustee Wynkoop stated that he sees no problem. If the town board denies it it will come to a halt, but at least we have a jump start.

Deputy Mayor Matise stated that the town board has the right to do what they want to do with this and then we deal with it.

Trustee Rumbold stated that she wonders if the board would be setting a precedent, with all due respect. To pass a motion like that it's almost like we're anticipating what the town board is going to do. Is it presumptuous of us?

Trustee Hurd stated that the town board will have it before the planning board.

Deputy Mayor Matise stated then we will put it on the planning board agenda after they vote on it.

Trustee Rumbold stated that she doesn't want to set a precedent. She didn't want it to appear that we're assuming that the town board is going to act in any way. She understands that we are lead agency. She wondered what the haste was.

Trustee Hurd stated that they are not going to act; we're just referring it to them. If the town board says no, they don't get it.

Deputy Mayor Matise stated that Mr. Jacobowitz said that Mr. Dowd really hasn't seen this whole agenda. Mr. Dowd is our attorney and she would be more comfortable having him pass on this.

Trustee Millspaugh had no comment.

Trustee Hurd stated that he feels they should do it, refer it to the planning board. The town board has the opportunity to say yes or no.

Mayor Pearson stated that she understands what Trustee Rumbold is trying to say. It could be misconstrued by the town board to say that we are already ready and moving forward, which we approved the annexation to begin with, but we haven't approved the zoning. She sees it both ways.

Trustee Hurd stated that we're not approving anything.

Mayor Pearson stated that we are approving for Mr. Jacobowitz to go before the planning board.

Mr. Jacobowitz stated that he doesn't want the board to be at odds about this. He asked if it would be okay this way, if the town board approves it on May 1st, is there any objection if he goes to the planning board on May 5th. The board does not need to do anything.

Deputy Mayor Matise stated that this board does not set the planning board agenda.

Mr. Jacobowitz stated that the zoning law says that any change to zoning has to be referred to the planning board.

Trustee Hurd moved that if the town approves the annexation that they make a motion that Mr. Jacobowitz can go before the Planning Board. Seconded by Trustee Norman.

Mr. Jacobowitz stated that he doesn't want to put the board at odds. He's going to the planning board on May 5th if the town board does what they do on May 1st.

Trustee Rumbold stated that she appreciates Mr. Jacobowitz sensitivity towards two governments trying to work within one town and she appreciates that Mr. Jacobowitz understood the point she was trying to make.

Dennis Wagemann stated that he feels his local government is letting him down. He's here as a trash chump. He was named trash chump back when the village adopted the mandatory pick up. The trash program is a complete failure from the way it's paid for. The people in four family houses don't care what they put out, because the trash chumps are subsidized. He has a water leak in his basement. He had a new meter in the basement. When the trash pickup was conceived it appeared there was no value. We paid for what we generated and the result is things are not being recycled at all.

Mayor Pearson stated that the village has discussed that at length. The beginning of this year they instructed the manager, in December our garbage contract is up, so they are looking at alternatives, different ways to bill people and have them pay into the services. They will be starting that process in June of this year so there is an outcome in December.

Mr. Wagemann stated that at Martha's Vineyard they pay \$1800 a year for everything on a million dollar house. Everything comes in and out by ferry and everything goes out by ferry. Recyclables you don't pay to get rid of them. You have a one trash can that you can pack as full as you want as long as it has a sticker on it. If the sticker isn't there the trash isn't taken. It's as simple as that to solve the trash problem in Walden.

Michael Malnic, 16 Oakland Avenue stated that there are two large oak trees in front of his residence which are village owned and have done a considerable amount of damage over the past six years, one being the acorns which have totaled vehicles that

they own. These are new vehicles. It has caused them a lot of money to get the dents out so they could trade them in for newer vehicles. The roots are very deep in the ground and have torn up their driveway. They would like to replace the driveway but can't. The acid from the trees have destroyed his lawn. He has also been hit in the head by the acorns. They have a newborn and they would like their children to be able to roam freely around their property safely. He asked the board to have a professional come and cut these large trees at his expense. He would gladly pay for replacement trees. It was suggested that he install a car port, but the layout of the land would not permit that. He hates to see the trees cut, but the amount of damage over a six year span far exceeds what it would cost him out of pocket to have these trees removed. He begged for permission to have these trees to be removed.

Trustee Rumbold asked if Mr. Malnic has informed the village that this is an issue.

Mr. Malnic stated that he has notified the village way back to Mayor Pellegrino.

Trustee Rumbold asked if there is any liability to the village for damage done to a taxpayer's property from one of our trees.

Manager Politi stated yes. We had our arborist, James Pursutti go in and bore each of those trees to determine how healthy they are and most of them were quite healthy. We did do some trimming because of the dead limbs. The trees in front of Mr. Malnic's home were healthy. We did some trimming, but otherwise those trees are healthy. We did receive correspondence from Mr. Malnic and he did get back to him letting him know we were leaving the trees as they were. That was the only complaint the Village has had about acorns. The Village hasn't received anything else from people on that street about that. Based on the health of the trees and what they could see that there was no danger to the neighborhood they left those trees.

Trustee Rumbold asked if the village pays for damage done to his property.

Manager Politi stated that he doesn't believe he's submitted a claim.

Mr. Malnic stated that he has not submitted a claim, because he wasn't aware of his rights.

Manager Politi stated that if a branch fell on a car and dented it or someone hits the curb and pops a tire they would come in and put a claim into the village. We would then send our insurance inspector to go out take a look and make a determination whether there was a value there, whether the damage was due to us or negligence in some way. To date we have not had a claim. From our side, we've had those trees looked at and trimmed over the years and they are healthy trees and this is the only complaint we have and no claim. There is no reason to go in and take anything down.

Mayor Pearson stated that the village has addressed all the letters Mr. Malnic has sent and she has gone to his house, he wasn't home so she left notes. They had talked about netting.

Deputy Mayor Matise stated that her concern is the dents in his cars. Their driveway is limited, and their lot is limited. Mr. Pursutti could look at them again to see if they could be trimmed over the driveway.

Manager Politi stated that Mr. Pursutti's opinion was that he hasn't had that happen before. He's never heard of the acorns causing damage.

Mr. Malnic stated that he has a brand new car and as soon as these acorns germinate his vehicle is going to be totaled and there is nothing he can do about it.

Deputy Mayor Matise suggested Mr. Pursutti go and see how they could trim back part of the area over his driveway. He has to do it so it doesn't imbalance the tree.

Manager Politi stated that he can have him look, but they have already explored that and they are removing a lot of the tree.

Trustee Hurd asked what is the board going to do when someone comes in and says village trees are leaving leaves all over their lawn. He has eight huge oak trees on his property and he has managed to survive for 24 years.

Manager Politi stated that he will have Mr. Pursutti look again to see if there is a way to trim the tree back. You have legislation that is quite strong concerning tree removal. Let's see if we can trim it rather than taking it out.

Trustee Rumbold asked if a property owner wants to do his driveway is he allowed cutting the root of the tree and get rid of the roots that are impeding on his property.

Manager Politi stated that it is the village's tree so that would certainly damage the tree so we would have questions about that. Understand that once you cut the root you'll kill the tree.

Mayor Pearson stated that the village will have the arborist look at the trees again.

Mr. Malnic stated he understands that every time his vehicles are totaled from the acorns to file a claim. Will that be worth keeping the trees there?

Manager Politi stated that part of the village's role is to look at the street trees, which they did, and they will make the determination as they go along.

Anita Vandermark, 76 Highland Avenue stated that the Walden Historical Society has property at 12 Wait Street and there is a vacant lot next to it that the children in the

area have acquired as a playground. We have had many incidents, broken windows and now she understands broken shutters. It has been reported to the police. They have no trespassing signs. They are looking for direction as what to do.

Mayor Pearson stated that she doesn't know the legalities.

Manager Politi stated that he will speak to the police chief.

Ms. Vandermark commended Mayor Pearson for having a group together for Memorial Day celebration. This is one day set aside to pay tribute to our veterans and initially not much was going to be done and Mayor Pearson brought everyone together to have this celebration.

Mr. Wageman suggested they take the crime cam that is shining right in someone's bedroom windows on Valley Avenue and put it in front of 12 Wait Street.

Approval of Minutes – April 7, 2008

Trustee Rumbold moved to adopt the minutes of April 8, 2008 with the following corrections: Page 8, last paragraph change catch men area to catchment area and Page 20, sixth paragraph change October 23 to October 3, Page 30, first paragraph change grievance to egregious. Seconded by Trustee Hurd.

All ayes. Minutes adopted.

Audited Bills

Trustee Hurd moved to pay the audited bills of April 22, 2008. Seconded by Deputy Mayor Matise.

Deputy Mayor Matise asked why the village is renting coolers when we could buy coolers and just buy the water from them. It's a lot of money to pay for rent on coolers.

Manager Politi stated that he will look into that.

Deputy Mayor Matise stated that there is a Stantec bill for Bank Street. What's happening with that?

Manager Politi stated that he received a report, punch list for Bank Street today and he will give the Board a copy.

Trustee Rumbold stated that she is again questioning why we pay the engineers to do a job in the beginning, pay a contractor and there are issues, does that bill reflect that we're paying the engineers to go back to that site and meet with the contractor to discuss the issues.

Manager Politi stated that he will relate her concern to them and ask if they will be charging the village for that. In every contract there is always a punch list.

Deputy Mayor Matise stated that they already received a bill for a punch list.

Manager Politi stated that it can happen two or three times during a contract. He asked Trustee Rumbold if she was saying that the village is not to charge for the punch list.

Trustee Rumbold stated that her concern is when she looks at the bill it says Bank Street. It doesn't say what issue they are speaking about. So how would she know if they were charging us to check on the issue on Bank Street.

Manager Politi stated that when they go to see what is still out there they can't charge for that time to say you need to put the finials up. If the engineers blew it somehow that is a valid argument.

Trustee Rumbold stated when they ordered the light the person knew there was supposed to be a finial on top of it, so you're telling her that we need to pay someone to tell that person that the finial was put up.

Manager Politi stated lets say they purchase the light and they give the village a cut sheet and it has a finial on top, I'm done with the lights and the finial isn't on there, so any point further that they didn't produce a light with a finial they can't charge them for.

Trustee Rumbold stated that if it's the contractor's fault who installs the light that didn't do it properly, she knows whose fault it isn't; it isn't the fault of the taxpayers of this village. So, if the contractor didn't do what he was contracted to do and the engineer needs now to take his hand and say put the finial on top of the light, the engineer should be getting that money from the contractor who is the person who didn't do his job properly. Taxpayers in this village shouldn't be paying for that.

Trustee Hurd stated that the engineer is our engineer and we're paying the engineer and we were told on certain projects there is a performance bond.

Manager Politi stated that they asked Stantec to come in tonight for those questions. We've pulled them away so we could put a good overview of what is happening in the Village so we can get caught up, beyond what he puts out. He suggested they leave the bills out and ask those questions of the engineer when he comes in.

Deputy Mayor Matise stated that in there was a second bill to make a punch list for Bank Street. Bank Street was done before the asphalt plant closed. So she is assuming his punch list had to do with paving.

Trustee Rumbold asked that the bills be pulled.

Manager Politi indicated that the bills will be pulled and then the board can ask the engineer the questions that they are asking him.

Deputy Mayor Matise asked what the status of the Scout Cabin was.

Manager Politi stated that he has a call into Tom Lane and he will give the board the information.

Manager Politi asked if the board wanted just the Bank Street bills pulled.

Deputy Mayor Matise stated that it would also be for Wooster Grove, because we had to separate the bid and put it back out to bid.

Manager Politi asked the board to tell him the projects they don't want paid right now.

Mayor Pearson stated that she'd have to go back and look. There were two bills from August of last year. Why are we paying two bills from last year for this company?

Manager Politi stated that he will check those bills.

Mayor Pearson stated that one of the bills was the well, August 3, 2007

Manager Politi stated that for whatever reason they weren't put in. It's part of the well redevelopment.

Mayor Pearson stated that one is now and one for August for the well.

Manager Politi stated that they are both August 3rd.

Mayor Pearson stated that would like those two bills held too.

Trustee Millspaugh asked if there is a detailed invoice

Manager Politi indicated that it's on the back.

Trustee Millspaugh stated that he feels its light on detail.

Deputy Mayor Matise asked about the West Publishing bill.

Manager Politi stated that's for updates of your law books.

Mayor Pearson stated that the engineering bills for the well, Bank Street and Wooster Grove should be taken out.

Mayor Pearson moved to hold the engineering bills for the well, Bank Street and Wooster Grove until the next meeting.

Manager Politi stated that the Board asked for more detail and they've been submitting their bills in that detail until right now. He asked if there was a format change they were going to ask for.

Mayor Pearson and Deputy Mayor Matise stated that they didn't know.

Manager Politi stated that they did do their work.

Trustee Rumbold stated that you can ask them to change their format.

Trustee Hurd asked what more can they give a lay person that would understand it.

Trustee Rumbold stated that they should submit their bills so that a taxpayer or board member can pick it up and understand what they are billing for and why. We're not engineers. They might write something down that is perfectly clear to them and when she looks at it she can't make heads or tails of it.

Trustee Norman stated that if you don't understand something you should talk to the village manager.

Manager Politi stated that he will let the engineers defend themselves.

Trustee Norman stated that she is against holding the bills, because every time a bill comes up and the board questions it you have a contractor and that contractor has to pay his bills also. She doesn't care if it's the engineer or the local guy that does sidewalks, every time a bill comes up its questioned and we wait to pay the person. Let the engineer come in, give them the benefit of the doubt, but pay them.

On roll call to pay the audited bills of April 22, 2008 Trustees Wynkoop, Norman and Hurd moved yes. Trustees Rumbold, Millspaugh, Deputy Mayor Matise and Mayor Pearson voted no. Motion defeated.

Mayor Pearson moved to pay the bills with the exception of the Stantec bills for the well, Wooster Grove and Bank Street. Seconded by Trustee Rumbold.

Trustee Hurd stated that since this firm has been the villages' engineering firm for a long time and the bills are reviewed by the village manager and he feels they should pay the bills.

On roll call Trustees Rumbold, Millspaugh, Deputy Mayor Matise and Mayor Pearson voted yes. Trustees Wynkoop, Norman and Hurd voted no. Motion approved.

Resolution No. 19-07-08 Village Budget for Fiscal Year 2008-2009

Deputy Mayor Matisse moved to hold a special meeting on next Monday or Tuesday night, they need another work session, there are \$1,466.56 per thousand. Do you want to pay that?

Manager Politi stated that the decimal point is in the wrong place, you can change that.

Deputy Mayor Matisse stated that there are other issues.

Trustee Rumbold seconded the motion.

Deputy Mayor Matisse stated that there are other issues the board needs to discuss. There is a very large water bill increase that they never discussed or approved as a board.

Manager Politi stated that the board did discuss the water bill increase.

Deputy Mayor Matisse stated that she wants to table this and have a work session and then a special meeting.

Trustee Norman indicated that she will not be available next Tuesday.

Trustee Wynkoop stated that he isn't either.

Trustee Norman asked why they didn't discuss this last week when they had the budget.

Deputy Mayor Matisse stated that they did and there are other items that never got discussed in the work session. They are still waiting for the CSEA contract with the job descriptions and the wage scale.

Manager Politi stated that has nothing to do with this. It's already done. The board voted on that.

Deputy Mayor Matisse stated that they were told that one of the wages was dependent on a wage scale that the manager said Mike Hekle was reviewing.

Manager Politi stated that the board changed it, it went to scale.

Deputy Mayor Matisse stated that it still wasn't changed on the paper copy that they were given at the last budget session.

Manager Politi stated that it is in print, the board already voted on it. He doesn't approve the contract.

Deputy Mayor Matisse stated that she hasn't received a current copy of it.

Manager Politi asked if that would hold the budget up.

Deputy Mayor Matisse stated if there is a wage change in there.

Manager Politi stated that they already changed that.

Deputy Mayor Matisse stated that is not what they were told at the budget work session.

Manager Politi stated that he did what he was told to do at the budget work session.

Deputy Mayor Matisse asked what she is voting on blind here. She hasn't seen it.

Manager Politi stated that he did what he was asked to do, he took it out.

Deputy Mayor Matisse stated that there were several other issues too.

Trustee Rumbold stated trustee benefits.

Manager Politi stated that is your decision.

Deputy Mayor Matisse stated that affects the budget. There was the attorney's salary.

Manager Politi stated that those are the board's concerns.

Deputy Mayor Matisse stated then we need another budget session.

Trustee Rumbold asked how we are supposed to adopt a document that may have changes.

Manager Politi asked why they are waiting until tonight.

Trustee Rumbold stated that Mr. Dowd was to get the board more information on the trustee benefit issue.

Trustee Hurd stated that this is an action item, not a discussion item.

Trustee Rumbold asked if they should adopt the budget and then discuss it.

Trustee Hurd stated that they do this all the time where they have a CSEA contract or PBA contract pending and they make their best guesses of what they are going to come out to.

Trustee Rumbold stated that trustee's benefits are not a contract issue. They don't have a contract.

Trustee Hurd stated that a request by her to put it on the agenda does not necessarily mean action will be taken. We have a budget to pass.

Deputy Mayor Matise stated that this budget also has a big rate increase in water. You mentioned that there was going to be a change in the water rate and they did not get any figures.

Manager Politi stated that he did and it was less than what it was. He suggested they schedule another meeting.

Trustee Rumbold stated that they got a graph that compared our numbers to other municipalities. She was at that meeting and she didn't remember anyone saying okay what the number is going to be for Walden. Nobody said that until she picked up the document and there it is.

Manager Politi stated that other than the sewer and water rate the rest of the issues are the boards, their benefits and the attorney's salary. He will prepare an explanation for the water and sewer rates for the next meeting.

Deputy Mayor Matise stated that the manager should ask the board members what amount they are in favor of. She's not in favor of a \$1.20 increase.

Manager Politi stated that they will not be able to pay the bills.

Deputy Mayor Matise stated that they will be able to pay the bills.

Manager Politi asked how she knows we will be able to pay the bills.

Deputy Mayor Matise stated that they will find a way.

Manager Politi stated that its own fund, it has to be able to pay itself.

Mayor Pearson asked how the manager came up with those numbers.

Manager Politi stated that it is based on the current numbers that they are in, what they saw as overruns and the bonding.

Trustee Rumbold asked about the new figure at \$3.20 per 100.

Deputy Mayor Matise stated that is sewer.

Manager Politi stated that what you assumed you heard somewhere else that we have this big slush fund, we don't.

Deputy Mayor Matise stated that she did not say that.

Manager Politi stated that the rates are terribly low; we can't keep up with the number. There is nothing there.

Trustee Rumbold stated that this is going to \$3.20 per 100 cubic feet. Are we going to have to raise that again once we have to bond out the digester or will this take care of the increases in the water and sewer to pay for the \$600,000 digester?

Manager Politi stated that the \$600,000 digester will be in the following budget so there may be an increase the following year.

Trustee Rumbold stated that now we are raising it to \$3.20 just to pay our bills.

Manager Politi stated that you're really walking the line with that. You are low in the rates in the area.

Mayor Pearson stated that she remembers a discussion of raising it now and raising it again. Is this one for this year until next year?

Manager Politi stated that we don't have the money in our budget to pay fully for our services; you're going to start to hurt next year. The digester will not be in next year's budget, because that is deferred for a year. You won't have a payment on your bond until the following year. We held our rates as long as we could.

Deputy Mayor Matise stated that they discussed maybe doing a small increase now and in six months doing a second increase. This will hit people at the time of year that they are filling their pools, watering their gardens and washing their cars. It's going to fill the water and sewer fund in a big boom, but it's also going to hit people at a bad time.

Manager Politi stated that in the sewer department there is the possibility of a fourth employee. How would you absorb that? We're working at a short staff now.

Deputy Mayor Matise stated that they get paid out of the general fund.

Manager Politi stated that they get paid out of the sewer fund. They are sewer employees.

Deputy Mayor Matise stated that you can supplement the sewer fund with general fund money. You can't go the other way.

Manager Politi stated that it goes the other way to pay the manager.

Deputy Mayor Matise stated that you can't take of the sewer fund to put into the general fund.

Manager Politi stated that you absolutely can. You do it and it has been explained to them. There is a minimal payment back to the administrative for all the billing and postage.

Deputy Mayor Matise stated that her concern is the last time they did the rate change it was done mid year, she feels the information should be given to the public first.

Manager Politi stated that he did. The only rate that went out was the tax rate.

Deputy Mayor Matise stated that the people who are using our water services would have no idea that this was coming.

Trustee Rumbold asked what the manager anticipates this rising to when they have to address the digester.

Manager Politi stated that it could go up another \$.25 to \$.50. It's just a guess.

Mayor Pearson stated that the manager said there will be another stage to this, halfway through the year.

Manager Politi stated that it wouldn't be this year, it would be next year.

Trustee Rumbold asked what other issues, if we had an executive session tonight do you think we'd be able to come to an agreement.

Mayor Pearson and Deputy Mayor Matise stated perhaps.

Mayor Pearson stated that it still has to be put down; you have to redo the whole page.

Deputy Mayor Matise stated that she wants to see it in writing.

Trustee Hurd stated that he is in favor of passing the resolution as is.

Trustee Millspaugh indicated he would like to table the resolution.

Trustee Rumbold also wanted to table the resolution.

Deputy Mayor Matise, table too.

Trustees Norman and Wynkoop indicated they wanted to pass the resolution.

Mayor Pearson stated that she would like to table the resolution because she had a couple questions on salaries that they did not finish. She would like to go into executive session and set one more meeting on the budget or they can come out of executive session and talk about the budget some more and finalize it. It may stay the same, she doesn't know.

Trustee Hurd suggested they go into executive session now so the public doesn't have to wait a long time.

Mayor Pearson stated that they can table it until the end of the meeting. There are a few items left on the agenda that the public may be interested in.

Mrs. Sandbothe asked if there is a change will the public know about it.

Mayor Pearson stated yes if they stay.

Mr. Leonard asked what they are going into executive session for.

Mayor Pearson stated they are going in for personnel/wages.

Stantec Engineering

Tabled until the next meeting so the engineering firm will be here and they will have more information.

Albany Avenue Parking Concerns

Manager Politi stated that there is a memo from him reviewing several items. One was the Department of Public Works did put up the children at play signs which was requested by the neighborhood. Attorney Dowd has researched the background of the site plan for the Thruway and any reference to that driveway and he wrote that in a letter. From that it's a planned entry/exit based on the discussions during those plan developments. At the time they felt the flow on Oak Street was significant with the changes and the upgrades of the building you would have an exaggerated flow on Oak Street and that would provide some access and relief. He did speak to the Concors brothers and they agreed to reestablish the no thru traffic sign and 15 mph sign which they put up initially. The traffic counter is out there now. The information the board has was taken from the Scout Cabin to Ulster Avenue. They will now go back from the stop sign to the lower stop sign. That will give the traffic count. The Concor brothers are open for further discussion.

Deputy Mayor Matise stated that she would like to see the village manager and someone from the Walden Fire Department work with them on the parking lot so it still has emergency vehicle access, but that somehow it cuts it down as a cut through. The board also asked that Kevin prepare the no parking areas and they are not in the packet.

Manager Politi stated that it's something they could do.

Deputy Mayor Matise indicated that the board could have voted on that if it was sent to them.

Manager Politi stated that he's on vacation and didn't have them prepared.

Deputy Mayor Matise asked if he'd have them for the next meeting.

Manager Politi stated yes.

Deputy Mayor Matise stated that she gave the board information about chokers and traffic calming devices and she sees here that Mr. Dowd is saying two way accesses, but maybe some of these devices could be used to funnel some of the traffic so that it becomes inconvenient for people to be using it as a thoroughfare. Our responsibility is to have it remain open for emergency vehicles.

Trustee Rumbold asked if they were going to contact the state about changing the light.

Manager Politi stated that they talked to Dave Costello and he will come back and look at the lights and get a better scenario.

Mayor Pearson asked for a time frame.

Manager Politi indicated that he is doing that now. They have tried several scenarios. He further explained the traffic count report and stated that on Page 7 there is a total of 11,041 vehicles is for seven days.

Deputy Mayor Matise asked if the first study was seven days.

Manager Politi stated that it was six days.

Mayor Pearson asked if the village has done counts on any other popular streets to compare that street to another street that may have a lot of traffic.

Manager Politi stated that they haven't done that.

Mayor Pearson suggested other cut through streets.

Manager Politi stated that the next street would be Walnut Street. He further explained that the chief will be putting out patrol details; stop signs, and give some statistics. Two numbers you should keep in your head is that the average speed is in the 15-24 mph area. So speeds are not an issue. He asked what the board's next step would be. It came back to does the board want parking on the street.

Deputy Mayor Matisse stated that the two no parking signs would be the next step. She also thought that if you're determining most of the traffic is using the parking lot as a through street.

Manager Politi stated that is hard to prove.

Deputy Mayor Matisse stated that you would have to monitor it. Someone said the major traffic is after 6:00pm and after the store closes, so that tells you that they are not going to the store. She still thinks they should work with the Concors to reconfigure the parking lot so it's still safe, still have access for emergency vehicles, but it won't be a cut through.

Manager Politi stated that he doesn't know if they can make an argument until they do that other count by the stop sign. He will have the count for the next meeting.

Mayor Pearson stated that they also talked about having a stop sign on their property by the dip in the Thruway Market. Also, stripping by the park stop sign.

Trustee Rumbold asked when does the manager plan on having all the information the board needs so they can make a definitive decision.

Manager Politi stated that the only item they need is the tube count at the stop sign into the Thruway. He would suggest that the village let them know that they are doing the T intersections on that street because you will be taking at least 3 parking spaces out.

Trustee Rumbold stated from reading the minutes it was an issue of getting an emergency vehicle down that street.

Deputy Mayor Matisse asked if by the next meeting the attorney will have the T intersections written up.

IDA Discussion

Manager Politi stated that he had called to get a definitive answer from the state and he has not received that.

Tabled until a response is received from Bob Meyer.

Elected Officials Benefits

Manager Politi stated that there are three pieces of data. New York State Government Employees Health Insurance Program allows the elected officials to be offered or take part in benefits. Civil Service makes no determination how they do that that it is a local issue. He called every village in Orange County, 19 Villages, Woodbury he didn't get a response back, top seven all offer benefits to the elected officials. Of that

seven there are buy outs. The village of South Blooming Grove is a brand new village; the employees don't have insurance, so you may not want to use them in your comparison. Otisville and Unionville have part time hours, 500 people, he doesn't know if they should use them. It looks like it's pretty much split throughout the county. In 2004 Monroe did away with theirs and the Village of Florida just started.

Trustee Rumbold asked out of the seven how many require a contribution.

Manager Politi stated that there was only one. He asked to let him know if that was wrong.

Deputy Mayor Matisse stated that Greenwood Lake and Warwick requires a contribution.

Manager Politi stated that they do afford benefits. He asked Deputy Mayor Matisse to let him know if she had more information.

Deputy Mayor Matisse stated that this information the manager gave them was very good, it gives an over view of what is going on in the county.

Manager Politi stated that on the second page he took the mayors salaries and out of nineteen villages Walden is sixteen. The range goes from zero to \$29,000. On salaries for trustees out of nineteen, Walden is fourteen or fifteen.

Deputy Mayor Matisse stated that some who gets paid \$29,000 that is a full time mayor and doing the work.

Trustee Rumbold asked how many have a manager form of government.

Manager Politi stated that Kiryas Joel has an administrator. The City of Newburgh has a city manager. He asked the Deputy Mayor if she had information that contradicts this to please let him know.

Public Comment on Discussion Items

Eileen Brickner, 25 Bank Street stated on the Albany Avenue discussion they were talking about the Thruway entrance.

Mayor Pearson stated yes.

Ms. Brickner asked why the village has anything to do with it that is private property.

Mayor Pearson stated that we don't, but some of the issues that have come about on Albany Avenue is that many cars use that road as a cut through to the other side of town.

Ms. Brickner stated that she thought the Thruway owners were complaining.

Mayor Pearson stated no, it's the residents.

Diane Sandbothe asked about the benefits, what they are going to do, is the board going to ask for contributions.

Mayor Pearson stated that it was part of the discussion for this budget time frame.

Ms. Sandbothe asked when the board will have a decision.

Mayor Pearson stated that is up to the board.

Ms. Sandbothe asked if there will be a public forum to discuss whether it's approved or not.

Mayor Pearson indicated that it's not for public discussion it's a board decision.

Trustee Rumbold asked Ms. Sandbothe if she wanted to make a comment on the issue.

Ms. Sandbothe stated that every civil service person she speaks with pays something towards their health insurance and to give away health insurance for free should be looked at.

Dave Sperry asked what the Police Chief had to say about Albany Avenue.

Manager Politi stated that his stance has been there should be no parking.

Mr. Sperry stated that in the past minutes of this board if the Police Chief recommended no parking there was no parking. If you go up the hill from the Thruway parking was taken away when they did the bridge, because there was going to be more traffic. Today there is no parking on both sides of the road. It was never put back where there was parking. The Police Chief can make that recommendation and it's a done deal. The village has had studies done on Route 52 by the Walden Federal Bank when there was a turning lane years ago. The property was taken for that turning lane which lasted about 6 months and then they got rid of the turning lane and the parking in front of Sohns and those businesses there. All the studies this village has ever done as far as parking in his opinion is useless unless you start doing something. The paper talked about speeding. The street is only 21 feet wide and it's a two lane road. You can't have a two lane road with parking at 21 feet. All developments roads are 31 feet wide.

Ed Leonard, 130 S. Montgomery Street stated that if you want to discourage traffic on Ulster Avenue and down to the Thruway what they need to do is talk to the Concors and have them install a couple speed bumps.

Deputy Mayor Matisse stated that the manager has been talking to the Concors and they want him to continue that dialogue.

Lucille Raymondo, 200 Orange Avenue stated that when the board was discussing the elected officials benefits did she her them mention buy out.

Mayor Pearson stated that there is a buy out.

Mrs. Raymondo stated that if you don't need the insurance why does the village pay you for it. At her job if she opts out her employer does not pay her because she didn't take the insurance.

Mayor Pearson stated that there are a lot of employers that do that. That has been a past practice of this village to do that.

Trustee Rumbold stated that she has found that most civil service do that because they are trying to create equity between employees. What Ms. Raymondo is looking at is total compensation that comes from taxpayers dollars trying to make equitable so one union employee doesn't get more than the other union employee. Her opinion is the buy outs were created so that if employee A took medical insurance and it cost over \$15,000 a year for a married couple, they would get half of that for not taking that benefit, saving the taxpayer \$7500.

Ms. Raymondo stated that its her understanding that if you work for the government, civil service, Federal Government, you have to contribute to that insurance.

Trustee Rumbold stated that it depends if there is a contract. If you're a non contract person it becomes a local law. The board decides how those benefits are going to be given and if there are going to be contributions. There are some guidelines about how high the contributions can go. There are guidelines to guide you with that, but if it's a contract then you're bound by that contract. Non contractual becomes a board issue about how they are going to be given.

Ms. Raymondo asked if they were paying income tax on that buy out.

Deputy Mayor Matisse stated yes.

Ms. Raymondo asked if they were paying income tax on the insurance.

Deputy Mayor Matisse no, you don't tax benefits.

Correspondence

Mayor Pearson stated that she received a letter from Bill Pullar regarding the issue of Bradley Park maintenance. The letter stated that they cannot pay anyone to

maintain their field and still be covered by Little League insurance. They want to improve the park and pay for it. They want to donate money to the village recreation department.

Manager Politi stated that they should make the donation to the village and the village will handle the employee. It would help the park.

Deputy Mayor Matisse moved to do this.

Manager Politi stated that other organizations make donations to the village. Mr. Dowd is fine with this.

Trustee Rumbold stated that when they give a donation they have certain level of expectations of what that person is going to be doing.

Manager Politi stated that he understands and it is our role to make sure that happens.

Trustee Rumbold stated that she would like some clarity between the two entities of what their expectation is and what our ability to give is, so they meet in the middle.

Manager Politi stated that he still has to advertise.

Mayor Pearson stated that maybe they will be able to water the flowers too.

Manager Politi stated that he doesn't want to share it because the confusion that Trustee Rumbold is bringing up will occur. He will have more information for the next meeting.

Mayor Pearson stated not if they agree to it.

It was the consensus of the board to go forward with this.

Mayor Pearson stated that she also received a phone call from the Kids Wish Network for a teenager that has less than two years to live and he would like his truck and car restored, which is being done in Walden. Nub Graphics is donating his time to paint the truck and detailing it. There are other donations coming in to do the seats and windows. The day they want to do the ceremony and give the boy back the truck is May 17th which is the same day the Citizens Foundation is coming. She would like to close the square and have the truck there. She also has a call into Joe Daily. She's hoping it will work out for that day.

Trustee Norman suggested the Mayor have a meeting. You have the Friends of the Walden Youth too.

Mayor Pearson stated that there was a committee formed of Deputy Mayor Matisse, Jose DeJesus, Pat Eisley and Nancy Phelps for marking our history for Orange County.

Mayor Pearson stated that there was a request to hold a wedding at Wooster Grove.

Mayor Pearson stated that the village has to get working on the Time Warner franchise renewal.

Manager Politi stated that Computel is also reviewing the contract.

Mayor Pearson stated that she also received information regarding the Village of Walden being a voting member of the Orange County Transportation Council. We also received a fax from CBDG grant which the board has to think about.

Manager Politi stated that is the kickoff meeting that he and Mr. Barnes will be attending.

Mayor Pearson suggested Maple Street.

Manager Politi suggested painting the water tanks.

Mayor Pearson stated that a letter was received from Time Warner about channel changes and additions. NYCOM is having their annual meeting in Saratoga from June 8-11. Board members are welcome to go.

Manager's Report

Manager Politi stated that Enterprise Steamer is requesting sole exclusive use of Bradley Park for the annual Firemen's fair from June 22 to June 28. They do provide insurance documents.

Trustee Norman moved to grant Enterprise Steamer sole exclusive use of Bradley Park for their annual Firemen's fair from June 22 to June 28. Seconded by Trustee Hurd.

Mayor Pearson stated that the fireworks that they have usually aren't in a spot that is conducive to the people that live on Bradley Lane. She asked that they are in a spot that works well for everybody.

All ayes. Motion carried.

Manager Politi stated that in the building inspector's report, item ten, he is not getting a response and would like to bring them in front of the village board.

Trustee Norman moved to set a hearing for the owners of 82-86 W. Main Street on May 13th, 6:30pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Manager Politi stated that Habitat for Humanity has come in and asked if there were any buildings that would be appropriate. They look for buildings that are abandoned or empty. There is a couple in the village and they will take a look. This is their first attempt outside of Newburgh. He will keep the board informed. They would also like to do a presentation to the board.

The village manager also informed the board that on Thursday he will be attending the New York Main Street conference in Hyde Park. Since the Walden Business Association has started he's asked a couple members to join him, Donna Hall and Keith Hunter. Also, Fred Perna successfully passed his water treatment plant operators course. The DPW report explains the repair and rebuilding of catch basins.

Deputy Mayor Matise asked about the letter from Ron Rader regarding the Rail Trail Welcome Center.

Manager Politi stated that there were a couple things he had to add to the welcome center. They always make sure the NWDE is always listed and it can go out to bid. It's their grant so they review them before they go out.

Deputy Mayor Matise asked if there was any progress with the sidewalk.

Manager Politi stated yes. He didn't get to follow up, but they are very close.

Deputy Mayor Matise asked if the building inspector has had any success with the violation letters he sent out.

Manager Politi stated yes. He will be bringing suggestions to the board.

Board Comments

Trustee Norman suggested a park bench in memory of Ethel Eckert be put in Olley Park. She was a volunteer that went beyond the call of duty.

Trustee Norman suggested that the mayor get a hard hat for when she goes on DPW jobs.

Mayor Pearson stated that they weren't working on Pleasant Avenue when she went there. Nobody was there. She has a hard hat and she will wear it. She will make sure the workers have theirs on too.

Trustee Rumbold asked about the email she got from a board member in reference to a meeting. It was very confusing. She asked for clarification and hasn't received anything back.

Mayor Pearson and Deputy Mayor Matise stated that they received the email.

Trustee Rumbold asked if any of the board members remember requesting to go to that meeting.

Trustee Norman indicated that she doesn't know what meeting Trustee Rumbold is talking about and she didn't receive the email.

Manager Politi suggested they go into executive session to further discuss the email. Its police negotiations.

Trustee Rumbold stated that the statement was made that several board members had indicated they wanted to go to this meeting. She wasn't aware of when the meeting was and who was attending. She was wondering where Mr.Hurd got this information. This was all news to her.

Manager Politi stated that the mayor received a letter regarding the meeting with the PBA.

Mayor Pearson stated that she gave everyone a copy of that letter.

Trustee Rumbold stated that she never got an email and no one informed her of when the meeting was, and who was attending. She is a board member and it seems people on the street have more information then the rest of them do.

Trustee Hurd stated that he'd rather not discuss this.

Trustee Rumbold stated that the email stated that, some of you have indicated you wish to attend the meeting; I'm asking board members here which board members indicated that they wanted to attend.

Trustee Hurd stated that he was suggesting, base on past experiences, that it would be very easy for any board member to get drawn in, an individual board member has no standing legally at one of those meetings by themselves.

Trustee Rumbold stated that he said, some of you have indicated that you wish to attend the meetings.

Trustee Hurd stated that he shouldn't have said they indicated to him, it was his understanding that some were going to.

Deputy Mayor Matisse asked by whom.

Trustee Rumbold stated that she doesn't need anyone to put words in her mouth or innuendoes, sending me an email making a suggestion about her potential conduct under a certain situation, she asked to please make sure it is factual and not conjectured a fairy tale or whatever.

Trustee Hurd stated that it wasn't conjectured or a fairy tale. If you read it says it was his suggestion.

Trustee Rumbold stated it said some of you have indicated you wish to attend this meeting, even though you have been advised against it. What board members was he referring to?

Trustee Hurd stated something, which wasn't clear.

Trustee Rumbold stated nonsense. She asked that in the future if Trustee Hurd has a question to call her or email her. He knows where she works meet her on the street. She didn't appreciate getting a lecture based on innuendoes, the man on the street, Joe the barber or whoever he got the information from.

Trustee Hurd stated that he will discuss anything he wants with anyone he wants.

Trustee Rumbold stated, deal in facts, if you're going to make a statement

Trustee Hurd stated, "Don't tell me not to do it again."

Trustee Rumbold asked that he not make a statement that's not fact.

Trustee Millspaugh stated that the stretch on the river bank on Pine Street has brush piled. He got mail from the mayors association congratulating him for being on the board. He read through it and it stated that there should be some rules in running the meeting, parliamentary procedure or some variation. Maybe the attorney could make some recommendations. In riding around the village he noticed the trailer was gone across the kill but the yard is full of debris. It's disturbing riding around the village seeing the piles of trash on the sidewalks. He suggested they schedule the west side of the village one week and the other side the next week.

Trustee Hurd stated that the board did discuss at great length using Roberts Rules and they thought that because we are a small community that free flow is better. The mayor has the gavel and she can use it.

Mayor Pearson stated that it can go on the agenda.

Mayor Pearson asked about the insurance quotes.

Manager Politi stated that he is still waiting for one.

Mayor Pearson asked about Lafayette Street and backfilling, it needs to be done.

Manager Politi stated that it would be done

Deputy Mayor Matise indicated that there are a lot of areas that need backfilling.

Mayor Pearson stated that Volunteer Fair is May 1st. Arbor Day is April 29th at Olley Park and the fourth graders will be there. The rain date for May 6. Memorial Day is on May 26th with a ceremony in the square at 10am.

Mayor Pearson asked about General Code review.

Manager Politi indicated that Mr. Stickles and Mr. Dowd are finishing up and the chief and he will have to go through it.

Mayor Pearson stated that she is still getting calls about Ayre Court. There is still a basketball court in the road. She has spoken to the chief.

Manager Politi stated that he will speak to the chief too. He thinks he's pulling the mediation group in again.

Mayor Pearson asked about the Emergency Management Plan.

Manager Politi stated that they will receive it soon.

Mayor Pearson stated that they need more garbage cans on Main Street and in the parks and Memorial Park next to the bridge.

Manager Politi stated that he will get them.

Mayor Pearson stated that May 18th is the dedication of the skate board park.

Executive Session

Deputy Mayor Matise moved to hold an executive session pursuant to 105-(f), personnel. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Seconded by Deputy Mayor Matise. All ayes. Meeting reconvened.

Adjournment

Trustee Millspaugh moved to adjourn. Seconded by Mayor Pearson. All ayes. Meeting adjourned.

Respectively submitted,

Nancy Mitchell
Village Clerk

