

**MOTIONS AND RESOLUTIONS
BOARD OF TRUSTEES MEETING
APRIL 24, 2008**

Trustee Rumbold moved to adopt Resolution No. 19-07-08, Health Benefits. Seconded by Deputy Mayor Matisse.

On roll call Deputy Mayor Matisse and Trustee Rumbold voted yes. Trustees Norman, Hurd and Millspaugh voted no. Trustee Wynkoop abstained. Motion defeated.

Trustee Millspaugh moved that this resolution be discussed at the next Village Board meeting. Seconded by Trustee Hurd. All ayes. Motion carried.

Resolution No. 19-07-08, Adopting a Budget for the Fiscal Year Commencing June 1, 2008 and Ending May 31,2009

Trustee Norman moved to adopt Resolution No. 19-07-08, Adopting a Budget for the Fiscal Year Commencing June 1, 2008 and Ending May 31, 2009 as written. Seconded by Trustee Hurd. All ayes. Resolution adopted.

Adjournment

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

**VILLAGE OF WALDEN
BOARD OF TRUSTEES
SPECIAL MEETING
APRIL 24, 2008**

Mayor Becky Pearson called the special meeting of the Village of Walden Board of Trustees to order at 8:00am.

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
		Marcus Millspaugh, Jr.

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Jan Weiner, Village Treasurer

Resolution No. 19-07-08, Health Benefits

Mayor Pearson thanked the board for being diligent in working on this budget, with questioning and extra meetings. She also thanked the Village Manager, Village Treasurer and Village Clerk. She further stated that there is a resolution before the board about health benefits. There has been some research done and nothing has been found in the minutes to state that health care has been given to the trustees. If it was done in executive session there is no vote. She asked the village clerk how far back she researched the minutes.

The village clerk stated that she went back to 1986.

Mayor Pearson stated that in order to give benefits to trustees there has to be a resolution stating that trustees will be getting benefits. The attorney was asked about health and what he found was a piece of paper that talks about eligibility. We're not questioning the eligibility. She is finding that she would take health care away altogether. What the attorney found is basic and she thinks there has been other research done on it. This resolution is talking about health care and this resolution is being put out on the table right now for benefits. We have to start looking at it even for our employees. If it does not start from the top it cannot be substantiated for the employees.

Trustee Hurd stated that this was a discussion item from our last meeting and suddenly we have a draft resolution that is very specific mentioning coverage's,

percentages and there was never any discussion on any of this at their last meeting and yet some how somebody has put together a draft resolution and he would like to know who put this resolution together. He asked again, for the record, who put this together. It certainly wasn't done by the Board of Trustees at a regular meeting.

Mayor Pearson stated that you have people who walk out of meetings that don't want to be

Trustee Wynkoop stated that he's not going to sit here and argue. Right off the bat, nothing is accomplished by arguing. He'll get up and walk out again.

Trustee Norman stated that this is not fair.

Trustee Hurd stated that these particular items were not discussed in public.

Mayor Pearson stated that we are discussing them now in public.

Trustee Hurd stated this is not a discussion item, it's a resolution without discussion put together by someone, not the board.

Mayor Pearson stated discuss it.

Trustee Hurd stated that he's not ready to discuss it now. He wants an opinion from our attorney before he is willing to say anything.

Deputy Mayor Matise stated that our attorney had every opportunity to give the board an opinion and he did not, he left nothing in writing.

Trustee Hurd stated that he is on vacation.

Deputy Mayor Matise stated that he knew they were having a board meeting, he knew it was one the agenda. There were other items he didn't prepare for either. He did not prepare for Albany Avenue and he was asked to.

Trustee Hurd stated that for the record there was no resolution.

Deputy Mayor Matise stated that there doesn't have to be. A resolution is a motion written down. She made a motion to adopt this resolution.

Trustee Hurd stated that this was done in secret without the knowledge of three of us.

Trustee Norman asked the clerk who did this resolution.

The village clerk stated that Deputy Mayor Matise gave it to her.

Trustee Hurd stated that for the record three trustees were unaware of any resolution being drafted. This was done in secret.

Trustee Norman asked, wasn't this the big argument the other night.

Deputy Mayor Matise asked what's the argument.

Trustee Norman stated that she was at the meeting

Deputy Mayor Matise stated that the argument became a personal argument between two people.

Trustee Norman stated that no. She still did something that three trustees did nothing about this. Now tell her that's not underhanded.

Deputy Mayor Matise stated that anybody can make a motion at a meeting.

Trustee Norman asked why she couldn't have done this last Tuesday night. This could have been all solved at a meeting. We're doing exactly what we did Tuesday night.

Trustee Rumbold stated that this issue has been brought up numerous times. She has had trustees, specifically Trustee Hurd tell her and everyone else that until he got an opinion from the village attorney he didn't want to discuss it. You can discuss it without a legal opinion to get your ideas about this type of situation. We had, in our packet, provided by the manager a report showing what other communities do, so it was obvious it was a discussion item, but we chose not to get into the specifics of it, it was decided they wanted to discuss that in executive session, because it dealt with personnel. They didn't want to deal with the numbers.

Trustee Hurd stated, oh, no, no, no.

Trustee Rumbold stated, absolutely.

Trustee Hurd asked what we came into executive session for.

Deputy Mayor Matise stated to deal with wage issues.

Trustee Rumbold stated wages, including your benefits.

Trustee Hurd stated lawyer, specifically about the increase.

Trustee Rumbold stated that is not true.

Trustee Hurd stated that was the agenda item under personnel.

Trustee Rumbold asked if Trustee Hurd considered himself personnel.

Deputy Mayor Matise stated then they should have gone out of it.

Trustee Rumbold stated that every other time they've discussed this it's been in executive session.

Trustee Hurd stated that any data presented gave no percentages whatsoever.

Deputy Mayor Matise stated yes it did. Plus, she stated for the record that Goshen and Warwick charge 20%.

Trustee Hurd stated that obviously they met together in secret and excluded three members of this board from this discussion and because they have four votes you may do anything you like, but those votes have consequences.

Deputy Mayor Matise stated that voting against this would have consequences too, because this is a benefit to the taxpayers.

Trustee Hurd stated that he's voting against something done is secret.

Deputy Mayor Matise stated that it's not secret. It was discussed in public Tuesday night and it was discussed out in the main room and it was discussed in here.

Trustee Hurd stated that when they get the minutes they will see that there were no percentages mentioned.

Deputy Mayor Matise stated that there were plenty of percentages mentioned.

Trustee Rumbold stated that she spoke to Tuxedo showing 25%.

Trustee Hurd stated that Tuxedo is 731.

Trustee Rumbold stated that it doesn't matter.

Deputy Mayor Matise stated that she put in the minutes to Jim, told him two other communities have a 20% pay in.

Trustee Hurd stated that we have a resolution that has been drafted in secret without any knowledge.

Trustee Rumbold stated that if someone drafts a resolution for consideration by a board that's not in secret. Did you want to stand over her when she was typing it on her computer? She's brought to you for your consideration, in a public session that she drafted. Any trustee can draft a resolution or make a motion.

Trustee Hurd stated that he is aware of the rules.

Trustee Rumbold stated, and then it's not secret.

Trustee Hurd stated that there was no reference to them being able to have any information or discussion. We came here to vote on the budget resolution.

Deputy Mayor Matise stated that he has it now.

Trustee Rumbold stated that she didn't see this until this morning.

Deputy Mayor Matise stated that every time she has shown him the New York State manual for participating agencies, which we take part in, he says, I don't want to see that. Everything about our plan is in there, about the eligibility, compensation, and the effective dates are in there. Our attorney has this and he chooses to ignore it.

Trustee Rumbold moved to adopt Resolution No. 19-07-08, Health Benefits. Seconded by Deputy Mayor Matise.

Trustee Norman asked if they were telling her that she has to pay for her insurance.

Trustee Rumbold stated no, we're going to discuss it. She stated that she has a problem with the 35% for family. She thinks if they are going to impose something it should be fair and across the board, she can agree with 20%. She knows the family plan costs taxpayers more, but she just believes that since this is something they are starting with she doesn't think they need to hurt individuals, so 20% for single is a fair amount to ask people to pay for. She doesn't have a problem with taxpayers paying for the trustee, so if anyone takes a buy out it should be single only.

Mayor Pearson asked Trustee Rumbold why she would leave family and single the same.

Trustee Rumbold stated that she thinks the taxpayers would appreciate the fact that trustees are willing to lead by example and they are asking people to dig deeper into their pockets. She doesn't think it should be something that hurts anyone. She understands that family coverage is a lot more expensive. She feels it's fair to make it the same for everyone whether they're single or married. The 20% is going to be different every time you have an increase in insurance. We're never all going to be paid the same. That is not even the issue. She's trying, in her thoughts, to say, let's be fair and equitable to everyone and not penalize somebody because they are married or have children. We're not going to be here forever and hopefully young people will come forward and serve who have families and she doesn't want to make it impossible for them to serve.

Trustee Norman stated that she feels it's your chose, if you want the insurance take it, if not don't. She doesn't think its fair, if the 20% stays the same for a buy out, why should she pay for insurance out of her pocket and someone else is walking away

with a buy out. Some have had bigger buyouts than what she's used on her insurance. If you're concerned about the taxpayers don't have insurance at all. Now you want to go into the employees and have them pay.

Deputy Mayor Matise stated that's another issue. They did build it into the CSEA contract.

Trustee Wynkoop stated that he has to look at options. This was sprung on him today. He would like to check his options before he takes a vote on it.

Trustee Rumbold stated that it wouldn't take affect until June 1st.

Trustee Hurd stated that he feels this was done in secret by the four of them. So much for open and honest government. They had no input into this whatsoever. He will not vote on it.

Deputy Mayor Matise stated that she begs to differ with him, because people stood up Tuesday night and discussed it.

Trustee Hurd stated that they also don't have the benefit of the attorney here.

Trustee Rumbold stated that she doesn't know what good that would do because the attorney from East Fishkill had no problem finding this information.

Deputy Mayor Matise stated talk about secret; the attorney spoke to Trustee Hurd and nobody else.

Trustee Hurd stated that the attorney has not spoken to him.

Deputy Mayor Matise asked where he got his information.

Trustee Hurd stated the last time they had a meeting.

Deputy Mayor Matise stated that he didn't bring it up at the meeting.

Trustee Hurd stated that he asked him when he was here. He doesn't know if he asked for permission or not to speak to him, but he spoke to him about it.

Deputy Mayor Matise stated then you spoke to him about it.

Trustee Hurd stated that it's not in private when everyone is sitting there. If you want to listen that's your business.

Deputy Mayor Matise stated that she wasn't sitting there. She doesn't remember the attorney being asked.

Trustee Rumbold stated maybe they're talking about her statement that she had talked to him on the phone and asked him if he had prepared, because they did ask him, Dick had asked him at the last meeting.

Trustee Hurd stated that the four of them may do as they wish, but he's not had an opinion from the attorney regarding whether the elected benefits that a person has when they are elected to this office follows them until the end of their term. He knows that Deputy Mayor Matisse claims not, he understands and appreciates her position on that; he wants to hear it from an actual attorney.

Deputy Mayor Matisse stated that she's called attorneys at the comptroller and there was no indication from them.

Trustee Millspaugh stated, lets forget about four of us cooking this up, he did know about it because Deputy Mayor Matisse told him about it this morning and said don't forget the meeting, because I have a resolution.

Trustee Hurd stated that nobody called him.

Trustee Millspaugh stated that a half an hour ago he knew about it, don't accuse him of, what are you trying to do, he's not part of some conspiracy. He wrote down he'd be more comfortable if they voted on this in a public meeting and had discussion.

Trustee Hurd stated that he'd like to have discussions on this, not have this presented at a meeting that has been called quickly to pass a budget.

Deputy Mayor Matisse stated that this affects the budget and then they can't approve the budget.

Trustee Hurd stated that they can pass the budget; you can amend the budget at any time. This can be discussed at nauseum for the next couple months. If you have the votes you can do anything you want.

Deputy Mayor Matisse stated, then we'll have you threaten us as you did ten minutes ago, he said, you'll pay for it.

Trustee Hurd stated, let the record show that he never said that word.

Deputy Mayor Matisse stated that he said there would be consequences.

Trustee Rumbold stated that every time this subject has been brought up she's been told I'm not discussing this until we get an opinion from the attorney. We've asked many times for an opinion from the attorney and the only opinion they've gotten from the attorney via Jim is that he can't find any legal opinion, she read the same legal opinion that he did and her only point is that she is wondering how vigorously he tried to find this answer, because an attorney in East Fishkill the town just amended their benefits for

elected officials, she talked to the comptroller and she said I don't know where your attorney's been looking because ours had no difficulty in finding the answer and they just amended their benefits for elected officials. So her feeling is that she doesn't have a problem discussing this and putting it on the agenda for the next meeting and talking about it in public. There was someone who attended the board meeting the other night who was very interested in what they were going to do with trustee benefits. She asked a specific question and they went into executive session to discuss it and two of the trustees retired for the evening and it never got solved. That has happened every time this issue has been brought up.

Trustee Norman stated that she didn't leave the other night because they were going to discuss insurance; she left because of the way the meeting was being conducted.

Mayor Pearson stated that she would like to talk about that because she believes that sometimes you are going to have heated discussions and that will happen and as elected officials your responsibility is to listen to what is being said because you still need to form opinions on what is being said. You can't go through life without having discussions with people.

Trustee Wynkoop stated that he's not going to sit here and argue with people. If we want to discuss something that is fine with him, we have every right to discuss something, but he's not going to sit here in the middle of an argument with people yelling and screaming at one and other. He's not going to put up with it. He will leave again.

Mayor Pearson stated that she's heard him yell at people right at village meetings. Why does she have to put up with that? That is the same thing. Also swearing at people.

Trustee Wynkoop stated that he did it twice and he apologized both times.

Mayor Pearson stated that she understands that and its no different then the discussion that's happening here and may get a little heated.

Trustee Wynkoop stated that it wasn't a little heated it was an out and out argument and nothing is going to get accomplished as long as they sit and argue about it.

Mayor Pearson stated that you don't know that.

Trustee Millspaugh stated that he would prefer to have this discussion in public.

On roll call Deputy Mayor Matisse and Trustee Rumbold voted yes. Trustees Norman, Hurd and Millspaugh voted no. Trustee Wynkoop abstained. Motion defeated.

Trustee Millspaugh moved that this resolution be discussed at the next Village Board meeting. Seconded by Trustee Hurd. All ayes. Motion carried.

Resolution No. 19-07-08, Adopting a Budget for the Fiscal Year Commencing June 1, 2008 and Ending May 31,2009

Manager Politi stated that they had a chance to review the numbers because they were asked to lower the rates.

Mayor Pearson asked if there was a way to put money in from insurance money.

Manager Politi stated that there was \$30,000 reduction in the insurance rate. We left it in the budget. What the question is from the general fund can money from the general fund be placed in water and sewer funds permanently.

The treasurer stated that you can lower the water and sewer portion of the insurance.

Manager Politi stated that when you pay for your insurance policy you pay from the three funds and the library. If you want you can apportion the piece coming from water and sewer to bring the rates down.

Trustee Rumbold asked if you could take money from the general fund and put it in the water and sewer fund.

The treasurer stated that you would have to borrow it and pay it back with interest.

Manager Politi stated that we are were at \$3.75 and \$3.20 and we pulled back the water to \$3.20. No valid reason other than bringing it down because it will sting us in operations. We have some surplus and hopefully that will help.

Trustee Hurd stated that you're just postponing the inevitable and we will be big heroes for 12 months and then the next time we have a major break we will have to go out and bond for it and then the taxpayers catch it.

Manager Politi stated that the discussion was to try and incrementally try and do this. Let's assess ourselves in six months. If we see we're heading for disaster we may come back and ask for an amendment to the rates.

Trustee Rumbold stated that if we do it incrementally we can give the taxpayers more discussion and explain why.

Trustee Wynkoop stated that a notice can go out explaining why we raised it, that we have no cushion in water and it's been low for a long time.

Manager Politi suggested we get started with the \$3.20 and then he will come back and show them where they are going.

Deputy Mayor Matise suggested they notify people.

Manager Politi stated that something will go into the paper. He will show them within six months. If they get questioned just remember this may not be the last step that we are incrementally go through this.

Trustee Millspaugh asked why this is included in the budget, why don't we do a publicity justification. It seems to him that he attended a public hearing on a water rate change.

Manager Politi stated that you can have a public hearing on anything. This is part of your budget. We have to report this to the state.

Trustee Millspaugh suggested that changing the billing units to gallons. People would understand better.

Deputy Mayor Matise suggested they send the calculation to the press.

Trustee Millspaugh asked how much water is a gallon now.

Manager Politi stated that water is \$4.27 per every 1,000 gallons.

Mayor Pearson asked if the library pays anything toward electric, water and sewer.

The treasurer stated that electric is part of the building and we don't get charged for water and sewer.

Mayor Pearson stated that she thinks they should leave it where it is at \$3.20.

Trustee Millspaugh asked how we're doing with lost water.

Manager Politi stated that they are in good shape with lost water.

Trustee Norman moved to adopt Resolution No. 19-07-08, Adopting a Budget for the Fiscal Year Commencing June 1, 2008 and Ending May 31, 2009 as written. Seconded by Trustee Hurd. All ayes. Resolution adopted.

Adjournment

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

Respectfully submitted,

Nancy Mitchell

Village Clerk