

**RESOLUTION AND MOTIONS  
MAY 13, 2008**

**Hearing-Unsafe Building Conditions @ 82-86 West Main Street**

Deputy Mayor Matise moved to close the hearing. Seconded by Trustee Millspaugh. All ayes. Motion carried.

Deputy Mayor Matise moved to hold a hearing on 82-86 W. Main Street on May 27, 2008 at 6:30pm on local code violations. Seconded by Trustee Rumbold. All ayes. Motion carried.

**Approval of Minutes**

Trustee Rumbold moved to adopt the minutes of April 22, 2008 with the following correction, Page 23, second paragraph change here to hear. Seconded by Trustee Millspaugh. All ayes. Minutes adopted.

Trustee Millspaugh moved to adopt the minutes of April 24, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Trustee Rumbold moved to adopt the minutes of May 6, 2008 with the following correction; add, Chief Holmes was present. Seconded by Trustee Millspaugh. All ayes. Minutes adopted.

**Audited Bills**

Trustee Hurd moved to pay the audited bills of May 13, 2008. Seconded by Trustee Norman. All ayes. Motion carried.

**Set Public Hearing for FY 2008 CDBG Funding**

Deputy Mayor Matise moved to hold a public hearing for FY 2008 CDBG Funding. Seconded by Trustee Norman. All ayes. Motion carried.

**Request for Approval to submit TEP Grant Application for Rail Trail Bridge**

Trustee Hurd moved to submit the TEP Grant Application for the Rail Trail Bridge. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

**Resolution No. 21-07-08, Levying Village Taxes for Fiscal Year 2008-2009**

Trustee Hurd moved to adopt Resolution No. 21-07-08, Levying Village Taxes for Fiscal Year 2008-2009. Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

## **Resolution No. 22-07-08, Workers Compensation Self Insurance**

Trustee Hurd moved to adopt Resolution No. 22-07-08, Workers Compensation Self Insurance. Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

## **Whispering Pines**

Deputy Mayor Matisse moved to hold Whispering Pines payment of \$25,610.85 until after the May 21<sup>st</sup> until they come and correct the paving job and the check can be released after the engineer has inspected the job and finds it satisfactorily completed. Seconded by Trustee Rumbold. All ayes. Motion carried.

## **Most Precious Blood Church**

Trustee Norman moved to permit Most Precious Blood Church to have a precession on May 25<sup>th</sup>. Seconded by Trustee Millspaugh. All ayes. Motion carried.

## **NYSERTA**

Deputy Mayor Matisse moved to have Kerron Barnes research NYSERTA funding sources for the water and sewer department. Seconded by Trustee Wynkoop. All ayes. Motion carried.

## **Consolidation**

Mayor Pearson moved to meet with Chief Holmes, Chief Amthor and Town Supervisor regarding police consolidation. Seconded by Deputy Mayor Matisse. On roll call Trustees Rumbold, Millspaugh, Matisse and Mayor Pearson voted yes. Trustees Wynkoop, Norman and Hurd voted no.

## **Adjournment**

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

**Village of Walden  
Board of Trustees  
May 13, 2008**

Mayor Becky Pearson called the meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matise
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Susan Rumbold
		Marcus Millspaugh Jr.

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

**Public Comment**

Diane Sandbothe 90 Liberty Street stated that she has had a problem in the back of her house with erosion and the swale. A few weeks ago we had a big rain storm, her back yard is eroding and the rocks are down.

Mayor Pearson asked if the rocks came from the retaining wall.

Mrs. Sandbothe stated not the wall. She further stated that the swale is filling up with mud and the water is coming out of the ground and under her shed. She needs that fixed. There are also two trees on the swales property that doesn't belong to them. They wrote a letter to the homeowners on top of the hill. They refused the certified letter so they mailed a letter by regular mail. She doesn't know who the trees belong to. These two dead trees are going to fall right on her house.

Manager Politi stated that the village maintains the swale to make sure it operates correctly. He will look at the trees and swale.

Mrs. Sandbothe also stated that she went to the Alfred Place Park and it was terrible. There is dog feces in the park and across the street are all dead trees and brush. They heard animals going through there. She also asked if village employees pay toward their health insurance.

Manager Politi stated yes, depending on when they were hired. The newer contracts say they have to pay a portion.

Mrs. Sandbothe stated that whatever portion the village employees are paying towards their health insurance the trustees should be doing the same. She also stated that there was an article in the newspaper about Metro North coming to Stewart Airport, what does that do with the village's efforts with the railroad coming to Walden.

Mayor Pearson stated that the board has to discuss what direction they are going in and if they are going further.

Deputy Mayor Matisse stated that she called Senator Schumer's office, she doesn't know if it really impacts the village in terms of moving forward with the proposed rail link here in the village. The one thing she was told is that Metro North was looking for additional information about the possibility of this rail link. They are looking for additional riders, not riders who would currently be using another station, like Campbell Hall or Beacon.

Manager Politi stated that the other piece of the conversation is the relief from those other spots.

Mrs. Sandbothe asked about the other feasibility study.

Manager Politi stated that is to be determined on how we lobby for that.

Deputy Mayor Matisse asked if the feasibility study would be something that the Orange County Transportation Council now would take up and do.

Manager Politi stated that they will be a big part of that process.

John Revella, 16 Church Street stated that Habitat for Humanity is looking for a place of interest.

Eileen Brickner, 25 Bank Street stated that the village employees contribute to the health insurance depending on date of hire shouldn't it be the same for trustees. It seems to her that they are being penalized. As people come on the board if you want them to contribute that is okay.

Mr. Muehlin thanked the village for fixing his problem on Sunset Drive. He gave the board a picture of a dumpster and stated that has been going on for almost a year. If we have a garbage program why isn't this finished? There is also a new dumpster in the Orchard Street parking lot. Where is the wall that is supposed to be built? We have two illegal apartments in Walden that are before the zoning board right now. Two years, why hasn't this person been fined for having the illegal apartment? We have laws that are not enforced.

## **Hearing-Unsafe Building Conditions @ 82-86 West Main Street**

Mayor Pearson read the notice of hearing.

Mr. Gary Mann and Ms. Carla Layton, owners of record were not present.

Mr. Stickles stated that the notice was sent to the owners on May 6, 2008 and he's heard nothing from them. He didn't get anything back, not even proof of delivery. The notice was posted on the building.

Mr. Dowd stated that what he would like Mr. Stickles to do is to serve notices of violation on the owners under the villages' code, the property maintenance code and unsafe buildings code. If you look at what was attached it's only under the state maintenance code. State Maintenance Code provides for remedies. The village code provides for the remedy that they are trying to do tonight which is citing the violations, order it repaired and charge it back. We have not noticed him under the local code yet we're trying to use a local procedure. If we do the work and you lay out the taxpayers funds you want to make sure you can assess against the taxes at a later date and it won't get challenged. He wants to make sure that we're using a village remedy under a village code, even though they're almost mirror images of the state code. He suggested they do not make a decision to order the work done and assess the property until Mr. Stickles serves him with the corresponding local code provisions. If Mr. Stickles wants in the interim also bring the state code to the local justice court he can do that.

Deputy Mayor Matise moved to close the hearing. Seconded by Trustee Millspaugh. All ayes. Motion carried.

Deputy Mayor Matise moved to hold a hearing on 82-86 W. Main Street on May 27, 2008 at 6:30pm on local code violations. Seconded by Trustee Rumbold. All ayes. Motion carried.

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## **Audited Bills**

Trustee Hurd moved to pay the audited bills of May 13, 2008. Seconded by Trustee Norman.

Mayor Pearson asked for a mileage form for Rick Penney.

All ayes. Motion carried.

### **Set Public Hearing for FY 2008 CDBG Funding**

Deputy Mayor Matise moved to hold a public hearing for FY 2008 CDBG Funding. Seconded by Trustee Norman. All ayes. Motion carried.

Manager Politi asked the board members to get any suggestions to him.

### **Announcement of Access and Review of Annual MS4 Draft Report**

Manager Politi stated that part of the compliance is to post the draft report of the municipal compliance certification form which is on the web site. Comments can be emailed to him.

Deputy Mayor Matise stated that somebody told her that people who are following the pooper scooper law are using the storm drains as depositories. That is a no no in MS4.

### **Request for Approval to submit TEP Grant Application for Rail Trail Bridge**

Manager Politi stated that the original concept of the rail trail begins from Wooster Grove to the Hamlet of Walkill. This would continue the rail trail back over Route 52 to bring pedestrian traffic off the rail trail into the new MX Zone.

Trustee Hurd moved to submit the TEP Grant Application for the Rail Trail Bridge. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

### **Resolution No. 21-07-08, Levying Village Taxes for Fiscal Year 2008-2009**

Trustee Hurd moved to adopt Resolution No. 21-07-08, Levying Village Taxes for Fiscal Year 2008-2009. Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

### **Resolution No. 22-07-08, Workers Compensation Self Insurance**

Manager Politi explained that when the village left Orange County Risk everything from January 1<sup>st</sup> on is now administered by Wright Risk Management. Those 16 claims that were brought with us we had to take and self insure. We have to let them know that we are now the ones to handle them and that has to be done by resolution.

Trustee Hurd moved to adopt Resolution No. 22-07-08, Workers Compensation Self Insurance. Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

### **Stantec Engineering**

Ron Gainer, Stantec Engineering presented the attached status report.

Deputy Mayor Matise asked about the Bank Street project, if the contractor was going to correct the flow of water that runs over the sidewalk by the bank.

Mr. Gainer stated that will be corrected.

Deputy Mayor Matise asked if they will be submitting another bill.

Mr. Gainer stated that there is a bill to be processed.

Deputy Mayor Matise asked why we are paying a bill for work they did incorrectly.

Mr. Gainer stated that the village is still holding significant money.

Mayor Pearson stated that she has a problem with the light posts. They don't have the right color tops on them.

Mr. Gainer stated that the contractor should correct that.

Trustee Rumbold asked why isn't the contractor responsible to pay for the engineer's time when a project is done wrong.

Mr. Gainer stated that is a policy decision of the board.

Mayor Pearson stated that we're paying twice for the same service. She also asked if there is someone on site during the work that is being done.

Mr. Gainer stated that normally the work gets done. Someone stops by during the work.

Trustee Rumbold asked how many completed projects are there that still have problems.

Mr. Gainer stated this is the only one.

Mayor Pearson stated that Beazer still has problems.

Mr. Gainer stated that they have an obligation to satisfy the approval from the planning board. That rests on the building department with C.O.'s and building permits.

Mayor Pearson stated that there has been a problem with a pipe for two years.

Mr. Gainer stated that they have specific contracts with their contractors and Beazer has the responsibility to do the work. That's the only control. The village is holding bonds and that's the only control the village has.

Mayor Pearson stated she was over there a month ago and there were big hills with no silt fence. The next day there was silt fence after she spoke to Mr. Stickles. The storm drains were clogged with hay. That is what the village pays engineering firms for and that's why we pay the building inspector to do. She doesn't understand why that has to keep happening. If you know that's an issue don't you think we could make it happen more frequently that those things are in place so that we're protected?

Mr. Gainer stated that when they are on site they look at the major infrastructure.

Mayor Pearson stated that when she spoke to the building inspector about that he told her that it was the engineering department, because he does c.o's and the building part of it. He doesn't do the roads or the water runoff.

Manager Politi stated that he will question that response. When the mayor goes by time to time it may not be when the building inspector goes by time to time.

Trustee Rumbold asked who the clerk of the works on projects is.

Mr. Gainer stated that Beazer contracted his own design engineer.

Mayor Pearson asked whose protecting our interest in that as a village, is it our engineering firm or building inspector or clerk of the works.

Mr. Gainer stated that site construction is typically the building inspector and if he's on site he will react to other issues within the project.

Ms. Rumbold stated that can it be specified in a contract that they will pay the engineers fee to come out and draw up the punch list. What is the impetus for them to do a job and do it correctly. She is reading a punch list and looking at things like install correct finial on all luminaries. She's not an electrician but she would assume that when the man is putting these things on he might notice it is the wrong one. Check the plum of all poles, wouldn't you check that when you put the pole in.

Mr. Gainer stated that those are all basic things that still need attention.

Trustee Hurd stated that it's a possibility that at the initial installation they were plum and that the check list is simply saying go back and check to make sure they still remain plum. He's never seen a project without a check list.



Mayor Pearson stated that the light post is off the cement by four inches. Are we leaving it that way.

Mr. Gainer stated that the contractor said he is coming back.

Deputy Mayor Matise stated that on the punch list Jim is indicating that on the 21<sup>st</sup> they are supposed to come and do a lot of the major work, why aren't we holding payment until they do that on the 21<sup>st</sup> and then pay them the additional \$25,000.

Mr. Gainer stated that it's the board's decision. They feel there is sufficient money being held.

Manager Politi stated that most of the projects go very well. Right now you have a problem on Bank Street, but that's not with all the projects that are out there.

Deputy Mayor Matise stated that you're talking about them coming on the 21<sup>st</sup> which is eight days from now, they are already scheduled, there isn't any reason to cut them a check tomorrow when they need to come and correct this work.

Mr. Gainer continued his status report.

Trustee Millspaugh asked if the Girl Scout Cabin was still plagued with a wet basement.

Manager Politi stated that he wasn't sure.

Trustee Millspaugh stated that doing the tennis court project would be an opportunity to put a drain into their foot drains.

Manager Politi stated that would be an add on to the tennis court project.

Trustee Millspaugh asked if there was a plan for gas utilization from the digester.

Mr. Gainer stated they did look at that and there is a problem with gas storage. The present structure is a fixed structure and you don't have that capability.

Trustee Millspaugh stated that with the price of cheap money that is available today he was wondering whether they should be going for a more complete upgrade of the system.

Mr. Gainer stated that they are looking at the small digester to see if there is any ability there.

Trustee Millspaugh stated that he's been concerned if the concrete roof has suffered damage.

Mr. Gainer stated that one of his engineers did look at that.

Mayor Pearson stated that when they pump out the sludge they will be able to tell more of what is happening inside the digester. Is the bid package being put together without knowing that or are we pumping it out first.

Mr. Gainer stated that the first part of the physical construction will be to pump out the facility.

Mayor Pearson asked if once they pump that shouldn't they be ready to go.

Mr. Gainer stated that he's not sure if this will be single bids or multiple bids. As soon as the pump out is completed they will have people ready to do the work.

Mayor Pearson stated that once you get in and something is terribly wrong inside of that and you have your bids ready to go, we have to get out of those bids some how.

Mr. Gainer stated that they haven't worked out those details yet.

Deputy Mayor Matise asked how often the digester needs to be pumped out.

Mr. Gainer stated every five, six or eight years. It's not routine, because it's very costly.

Manager Politi stated that it costs approximately \$80,000 to \$90,000 to pump that out. You shouldn't break \$100,000.

Deputy Mayor Matise stated that when this goes out to bid do they bring their own safety personnel to deal with confined spaces.

Mr. Gainer stated absolutely.

Trustee Rumbold asked if the engineer estimates how much of their time it will take to complete the tasks of a project. Does he have a blank check. How do we budget?

Manager Politi stated that it's a percentage of the cost of the project.

Trustee Rumbold asked if the engineer ever came in lower than the percentage.

Manager Politi stated that it's all over.

Trustee Rumbold stated that if they have an estimated cost then they know what the percentage is.

Mayor Pearson asked if they were going to find out what was spent already.

Manager Politi stated yes.

Mayor Pearson stated that the report states that the client should anticipate yearly increases in rates.

Mr. Gainer stated no, the rates should hold.

Mayor Pearson questioned the rates between planning board and regular board.

Mr. Gainer stated that the planning board rate is a higher rate.

Mayor Pearson questioned the bills that came in dated August.

Mr. Gainer stated that it's from following up on receivables or a bill was lost somewhere.

Trustee Rumbold asked if the engineer was on retainer or by the job.

Mr. Gainer stated that they are hired as the village engineer on an annual basis.

Deputy Mayor Matise moved to hold Whispering Pines payment of \$25,610.85 until after the May 21<sup>st</sup> until they come and correct the paving job and the check can be released after the engineer has inspected the job and finds it satisfactorily completed. Seconded by Trustee Rumbold. All ayes. Motion carried.

### **Albany Avenue Parking Concerns**

Manager Politi stated that the board asked for a traffic count by the Thruway entrance driveway. There were full day counts on Friday, Saturday and Sunday at Albany and Pleasant. On Saturday, Sunday and Monday 73% to 89% of the traffic flow was being counted at the Thruway entrance.

Mayor Pearson stated that the signs got back up.

Manager Politi stated that the stop bar is in.

Trustee Rumbold asked if they ever heard from the person who was going to see about staggering the light off of Route 208 to allow traffic to flow.

Manager Politi stated that he will see if he's been on site.

Deputy Mayor Matise stated that the next step is to have the fire department go there.

Manager Politi stated that they are trying to get someone from the fire department, we can take two parking spaces or assume 30 feet when it T's into the road. They wanted to make sure there is no parking on the opposite side of Albany Avenue.

It was the consensus of the board to leave Albany Avenue the way it was and to do the fire department study.

Mayor Pearson suggested a stop sign at the bottom of the Thruway's private road.

Manager Politi stated that the village would not enforce stop signs on private property.

### **The Home Depot Framing hope Product Donation Program**

Manager Politi stated that the village is not a non profit so this will be passed on to the Community Council.

### **Trustee Health Insurance Review**

Mayor Pearson indicated that the board received a letter from Mr. Dowd. She asked if the judge takes benefits and does he take single plan.

Trustee Rumbold stated that East Fishkill settled the issue because their entire board unanimously agreed that the right thing to do was to contribute to health insurance. It also says that the question has never been answered by the state comptroller or attorney general or anyone else. She asked Mr. Dowd if he was going to ask them to answer it for the first time.

Mr. Dowd stated right. He cannot find any public opinion nor can the attorney from East Fishkill.

Trustee Rumbold stated then if this board agrees that they are going to contribute to health insurance, unanimously, you won't have to wait for that answer to come from the attorney general or comptroller.

Mr. Dowd stated that you have the judge involved as well.

Mr. Dowd indicated that what East Fishkill did was, because you're creating a class within the NYSHIP system you have to have all in the same class being exactly the same. East Fishkill checked with the clerk and receiver of taxes to make sure they were not going to be opposed to this issue. There was no issues with any of the elected officials in the town so the town board went ahead and averted the issue because they all agreed unanimously.

Mayor Pearson asked if Fishkill had insurance before.

Mr. Dowd stated that they had insurance, but they didn't have to contribute.

Mayor Pearson asked Mr. Dowd to explain the legality of not finding a resolution or something in the minutes stating that they would be giving health insurance to trustees.

Mr. Dowd stated that obviously there has been a past practice established by the village to pay elected officials, plus the judge as well as employees. He doesn't know where it originated. He suggested going back in the payroll records to see when the first time there premiums were paid to elected officials.

The clerk stated that from researching the minutes it looks like it was done during budget time.

Mayor Pearson stated that the attorney has said that no board binds another board, is this the same case.

Mr. Dowd stated that he tried to make it clear in his letter, he is not saying the board can't do this, all he's saying is he's here to offer his guidance, legal advise, there is an issue that he raises in his letter that he has been trying to get an answer to by research as well as talk to the general council of the state comptrollers office, that would allow the board to do what they want to do if in fact he gives the opinion that Mr. Dowd is off base and go ahead. The other way of resolving this would be if the board unanimously agrees to do this and the judge has no problem doing it, obviously you can go ahead and do it. The other alternative is to go prospectively, to start a policy that requires the board members after a certain date, once they are elected, so when their terms of office are basically over and they are reelected or someone new comes in you establish that all elected officials, after that date, must pay whatever percentage. That is perfectly legal. He's asking the state comptroller, whether or not these health insurance benefits that are offered to elected officials is the equivalent of a salary or portion of a salary or compensation while in term of office, because if it is, it doesn't mean you can't do what you want to do, but the method in which you have to do it is different, you can't just pass a resolution, you would have to do a local law, subject to the vote of the public.

Mayor Pearson asked how you can do that now if you can't find out where it came from in the first place.

Mr. Dowd stated that it exist. People who were elected in office are sitting on this board knowing that when they were elected they would be paid whatever the stipend is plus they would get the insurance benefits for single or family coverage.

Deputy Mayor Matise stated that if fringe benefits were in effect salary wouldn't they be taxable.

Mr. Dowd stated that is what he is trying to find out too. The word is salary in the law, but the salary you can also look at overall compensation. Clearly when you talk about buy outs, those are cash payments and they are taxable, the benefit is not. He's not

saying that is not correct judgment all he's saying is there is nothing that specifically says that, that would allow you to take action the way they want to take action, by resolution. If you take the action and its wrong, in fact its part of the compensation, which you cannot diminish then their decision can easily be overturned in a court of law or otherwise. You can then go back and act a local law subject to a mandatory referendum and have a village wide election to diminish people's compensation package for elected officials.

Deputy Mayor Matise stated that there's no local law. She asked if there was a local law establishing the payment they get, \$3600.

Mr. Dowd stated that there's not. He suggested to the board, at the time, that was not prudent, that the buy outs should not be offered to elected officials or if it is it should be capped at a number that is much more in line with what ever every one else is doing as opposed to tying it to a number that floats every year, because as the premium increases o does the buy out. The percentage is constantly going up, so you're never capping the benefit or buy out.

Deputy Mayor Matise stated that the premium goes up every year and you're not capping that, because you can't, because of NYSHIP.

Mr. Dowd stated that the issue is if you're calling it a benefit, it's offered to anyone who needs it.

Deputy Mayor Matise stated, to anyone who qualifies, not to anyone who needs it.

Mr. Dowd stated that when he says need he means if you are single and you don't have medical insurance. In the past there was no buy out. It was only until recently that there was a buy out option. He's confused as to what the board wants to do and what they are trying to do. If you're trying to lower the amount of money that the taxpayer pays for the health care insurance, then you should equally want to lower or cap or exclude totally the buy out. He's not sure what the board wants to accomplish and yet he knows there's the issue of equality of compensation between board members. If one hand you say it's a benefit then now you're talking about equality of compensation that is not a benefit. His letter is there, he's done everything that he was asked to do. He's called the comptroller's office five to six times and he returned his call once, but Mr. Dowd was at a meeting. He hasn't been able to get him since. He called him right up until this afternoon and when he didn't get the answer he proceeded to produce this letter, because when he read the minutes he was unsettled by some implications that weren't justified. He doesn't understand what the rush is, but he's trying to prevent future problems.

Trustee Hurd asked if Mr. Dowd talked to the attorney from East Fishkill and did he ever explain why he would tell our board members one thing and you another.

Trustee Rumbold stated that he did not speak to any board that she is aware of.

Mr. Dowd stated that when he asked him if he spoke to anyone from the Village of Walden he said absolutely not.

Trustee Hurd stated that he doesn't understand because at the meeting of April 24<sup>th</sup> some of the statements made was that the attorney from East Fishkill had no problem finding this information.

Trustee Rumbold stated that came from the comptroller, that her attorney had no problem finding out the resolution to the issue. She didn't tell her at the time because their board had agreed in total that it was the right thing to do, to begin to pay into their health insurance. She didn't speak to the attorney and she doesn't know anybody on this board that did speak to the attorney. In fact, the comptroller told her that the attorney probably wouldn't speak to a board member and to have our council get a hold of him.

Trustee Hurd stated that it was mentioned twice at the special meeting, that the attorney from East Fishkill had no problem finding this information.

Mayor Pearson stated that it doesn't mean she spoke to the attorney.

Trustee Hurd stated that a reasonable person would make the connection that maybe she had.

Trustee Rumbold stated that the newspaper also stated that.

Trustee Hurd stated that he understood that someone had talked to an attorney from East Fishkill and you were attempting to pass a resolution based on that information. Which turns out to be totally wrong.

Mayor Pearson stated that it doesn't say Trustee Rumbold spoke to the attorney, it says she was told what the attorney said.

Trustee Wynkoop asked if they put this off for a month will our attorney find out something.

Trustee Hurd stated that he assumed that someone had verified that the attorney from East Fishkill had no problem finding the information that he was looking for. He was surprised they didn't ask the attorney where it was.

Trustee Rumbold stated that she should have been asked if she spoke to the attorney, because she would have said she didn't.

Mr. Dowd stated that under state law you cannot diminish an elected officials salary during the course of there term of office.

Deputy Mayor Matisse suggested that mayor speak to the judge to see how he feels about it and also Mr. Dowd will provide the section of the law and an interpretation.

Mayor Pearson stated that she still has a problem with how everything came about.

Trustee Norman suggested the village clerk go further back in the minutes.

Mr. Raymondo stated that it was discussed at budget time.

Trustee Hurd stated that he thinks this board got off to a rocky start since the last election. For whatever discourse he's caused he wants to apologize to each and every one of the board members. He believes everybody on this board has the best interest and he absolutely welcomes a vigorous and thorough debate. He thinks the public has the right to hear all of their thought processes and many times they will disagree. Some things happened that he is upset about and he hopes they can establish some procedure so it doesn't happen again. At the meeting of March 22<sup>nd</sup> they almost passed the budget but there were issues regarding the rate for water and sewer and the board asked Jim and Jan to crunch numbers and see if they could lower the increase in water and sewer. So they called a special meeting for April 24<sup>th</sup>, 8am which was for Resolution 19-07-08, Adopting the Budget. When they got to the meeting they went through the information that Jan and Jim prepared and they passed the budget. But then another resolution was introduced, No. 20-07-08 and this was introduced at that moment and he did not know about it and he doesn't believe Trustees Norman or Wynkoop knew about it. They were very upset about that, they had no time to see it or digest it or prepare for it. One of the things that upset him was, because a resolution is a legal document it was prepared without the benefit of our legal council and that's never been done before, that he's known of. No member of the general public was there. The three members objected to this and he also objected because of the legal issues surrounding introducing of that as elected officials during the current term of office. At this time some of the trustees said the East Fishkill attorney had no problem finding this information. Despite those objections the motion to pass was made and seconded by Trustee Rumbold and Matisse. However, the resolution failed in part because Trustee Millspaugh decided to wait until this meeting. So the motion failed. The results of this action, in his opinion, were that the residents were denied full representation from the board and that the three most experienced members of this board were denied any advanced notice in which to prepare and have the time to consider the full impact of the proposal. In addition by bringing this proposal forward at a special meeting scheduled for another purpose at 8am there was little chance a resident would be likely to attend. There was no chance for them to hear a full discussion from all the board members. The worst damage is that this has alienated the three of them and will break down the cohesiveness of this board if they continue to do this kind of thing.

Deputy Mayor Matisse stated that at the very last meeting of the last board they sat there and had a forced vote on the annexation of the two acres. These people coming on this board had no opportunity to deal with that. They were presented with two resolutions that they had not seen and told to vote on them. They didn't object. They



went with it because they are doing the work of the village. You can have your high and mighty little letter here, Richard and it's full of accusations. She has nothing further to say, Trustee Hurd can make whatever attacks he wants whether they are based on assumptions or innuendoes and they are. They can work on village business when they are ready to work on it.

Trustee Hurd stated that he believes he spoke fact.

Deputy Mayor Matise stated that it wasn't fact and there is precedent for it many times where they've sat here and had resolutions popped in their face. A resolution is a written motion. Nothing more or nothing less. Trustee Hurd made a comment in the minutes that there will be consequences. Tell the public now what the consequences will be.

Trustee Hurd stated that when he referred to consequences he referred the fact that consequences making a decision may have consequences outside of the savings of tax dollars.

Deputy Mayor Matise asked what the consequences would be outside the savings of tax dollars, because that is the pure motivation for doing this is to save tax dollars. Ten percent of the people in our community are over the age of 65, they pay close to \$4,000 a year for their health insurance for Medicare premiums, medigap premiums and to the Rx premiums that have been imposed on them by the federal government and he will get his chance when he turns 65, but right now these people should be given the courtesy of what we're trying to do for them.

Trustee Hurd stated that he's outlined what he believes the consequences to the village are. He's hoping they not do this again.

Trustee Rumbold stated she did sit in the audience as a new board member when the resolution for the annexation was hot off the press and nobody had a chance to read it and she believes Trustee Hurd was one of the ones who wanted to on this now. All of a sudden that isn't correct protocol.

Trustee Hurd stated that's not a correct analogy, because the annexation process was going on for months.

Trustee Rumbold stated that it's just a little disingenuous for them to get a lecture that was something that was done when previously the same thing was done.

Trustee Hurd stated that he rejects her characterization of that being a lecture.

Mayor Pearson stated that Trustee Hurd has always been one to say also that I wish we had time to look at things, don't be springing anything on us and he was the first person to say that.

Trustee Norman stated that you're going back and forth on this resolution. She asked Deputy Mayor Matisse why she informed three of the board members but not the rest of them.

Deputy Mayor Matisse stated that she didn't inform anyone.

Trustee Norman stated that Mr. Millspaugh said she called him.

Deputy Mayor Matisse stated that she called him to remind him of the meeting.

Trustee Norman stated that a week prior to this Trustee Rumbold called her on the situation that Trustee Hurd had information that the rest of the board didn't. She appears at a board meeting a week later with information that Deputy Mayor Matisse had given her and she never called her on that. We are in a vicious circle here. She wanted to know why three board members got it and three didn't.

Deputy Mayor Matisse stated that everyone got it at the same time.

Trustee Millspaugh stated the Deputy Mayor Matisse called him and said don't forget the meeting I have a resolution.

Deputy Mayor Matisse stated that he didn't see it.

Trustee Norman stated that he still was informed and nobody else was.

It was the consensus of the board to table this until Mr. Dowd gets an answer from the comptroller.

### **Police Shields and Retirement**

Mayor Pearson stated that one issue is officers who are retiring to get a shield and have a letter of good standing and the other issue is HR2-18.

Trustee Hurd stated that he thought they could purchase a weapon and carry it if they had a shield.

Deputy Mayor Matisse stated that they still need a pistol permit if they want to carry concealed.

This was tabled until the next meeting.

### **Public Comment on Discussion Items**

Lucille Raymondo, 200 Orange Avenue stated that they need police presence out where she lives because of the speeders. She also stated that at the intersection of Walnut and Grandview there is a repair patch that needs to be fixed and Walnut Street needs to

be repaved. The sewer needs to be repaired in the vicinity their house. They can smell raw sewage from their driveway.

Diane Sandbothe asked if she could file a F.O.I.L. report for the letter from the attorney regarding the insurance.

Mr. Dowd stated that he advises the board not to disclose anything regarding the letter.

Mayor Pearson stated that she can F.O.I.L. for it and see what she gets.

Greg Raymondo also spoke about speeders and the smell of sewage.

John Muehlen stated \$3600. and the perks, give people a raise and cut out the insurance. It's only a part time job.

Brenda Adams, Valley Avenue complimented the board for looking at ways to reduce the budget. She further stated that she doesn't know what the trustees in Fishkill are earning, but that should be taken into consideration. According to the newspaper Walden's board members are the least paid so perhaps the health insurance is the only thing that compensates them fully.

John Revella 16 Church Street asked why the village is paying for the retaining wall on Ulster Avenue.

Manager Politi stated that it's based on the state right of way.

Deputy Mayor Matisse stated that if the retaining walls are in the state's right of way why aren't they taking care of them.

Manager Politi stated that he will find out.

John Revella stated to make sure as elected officials they are trusted with the title of trustee that they address each other as such.

Nancy Lamancuso, 232 East Main Street asked if when the village does the sidewalks on East Main Street that they give her a curb cut for her sidewalk.

Diane Sandbothe stated that \$3600 for trustee salary is one thing, but \$18,000 or more for the family plan, \$21,000 payroll.

Manager Politi stated that its \$15,000.

Mrs. Sandbothe stated that is still a lot of money and this day and age there are no free bees. If you want to give a trustee their free health insurance that is one thing, but as

far as family plan, that should be the trustee's obligation to pay that portion. The board should reconsider.

### **Correspondence**

Mayor Pearson stated that Most Precious Blood Church would like permission to have a precession on Sunday, May 25<sup>th</sup> which is the Feast of Corpus Christi, they will exit the church at 1:45pm turn right on Walnut Street go up to Prospect Place and make a right down Riverview Street to Rifton Place and back to the parish.

Trustee Norman moved to permit Most Precious Blood Church to have a precession on May 25<sup>th</sup>. Seconded by Trustee Millspaugh. All ayes. Motion carried.

A letter was received stating Taylor Energy's presentation is June 3<sup>rd</sup> at Valley Central High School.

Mayor Pearson copied the board on the DEC letter.

Mayor Pearson asked if the manager heard anything from Little League.

Manager Politi stated no.

Mayor Pearson stated that Time Warner has gotten rid of some channels.

Mayor Pearson stated that St. Andrews Church has been chosen for the New York State Historic Preservation and it will be on the National Register.

Trustee Rumbold asked if the board had any questions on her report regarding the zoning board meeting.

There were no questions.

Mayor Pearson asked Mr. Dowd if he received a letter from Central Hudson and if there is a new meeting.

Mr. Dowd indicated that he did receive a letter and they haven't scheduled a meeting, they are waiting for the town.

### **Village Manager's Report**

Manager Politi asked if there were any questions on the department head reports.

Mayor Pearson asked about the building inspector's report, draft of registries. Is that the landlord registry?

Manager Politi stated that is his proposed landlord registry.

Mayor Pearson stated that he only has the owner and she would like two contacts.

Deputy Mayor Matise asked about the excavation on Clinton Street.

Manager Politi stated that there are a lot of shared sewer lines. He will get the board more information.

Manager Politi stated that a letter will be going out about the sidewalks on East Main Street. A letter will also go out to the company who spilt hydraulic fluid on Main Street. This years CHIPS allocation is \$61,982. There is a letter from Norman Hecht about upgrading the Alfred Place Park.

Manager Politi also stated that the Jewish Community Center asked for their directional sign back. They were taken away in the new sign law.

Deputy Mayor Matise suggested a regular road sign.

Manager Politi will advise them that the signs are not permitted.

### **Board Comments**

Trustee Norman stated that there is a house on Elm Street that is disgusting.

Trustee Norman stated that the dedication of the skate board park is Sunday at 1:00pm.

Trustee Wynkoop stated that there is a big pot hole on Route 52 by Nubs Graphics.

Deputy Mayor Matise stated that she would like to have Kerron Barnes look into NYSERTA to see if there is funding for the water and sewer department.

Deputy Mayor Matise moved to have Kerron Barnes research NYSERTA funding sources for the water and sewer department. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Deputy Mayor Matise stated that she would like to know how much fuel is being used for vehicles. They asked for a log and have never gotten it. She would like a comparison. Lets see where we can start saving.

Trustee Millspaugh stated that he got a call from the Town Supervisor about his comments on the annexation. His comments were not on the annexation, they were to the village to make sure the description of the village limits fits the actual village.

Mr. Dowd stated that if both parties agree to the annexation that does not end the process. A survey has to be done, mapping done, monumentation done of the new town/village line. A local law has to be passed by this board annexing that specific property as well as zoning the property. If the town says no it doesn't happen.

Mayor Pearson asked if the town wants to know how many acres it is before they make that decision.

Mr. Dowd stated that he read the minutes and he's not sure of what the thinking of the town board was.

Trustee Millspaugh stated that he got the editors comments on the revision of the code and there was a comment regarding sewer rates. It mentioned a public hearing for raising sewer rates, should we have had a public hearing.

Mr. Dowd stated that he does not know of any requirement. General Municipal Law doesn't even cite that.

Trustee Millspaugh stated that he feels the manager should personally contact the people on Ulster Avenue. Personal contact would be better. Also, the village should mow there own grass on Bradley Lane. He also stated that on Ulster Avenue Mr. Herzogs building real estate sign says fully approved, that was put in there for him and requires a yearly permit and its for owner occupied. So it's not fully approved and the realtor should be put on notice.

Manager Politi stated that he will speak to Mr. Stickles.

Trustee Millspaugh asked if something should be put in the subdivision rules about rain events and inspections.

Manager Politi stated that he will find out.

Trustee Millspaugh stated that he noticed a lot of water/sewer and garbage arrears which seems like a significant number. He feels they should review the garbage starting right now.

Mayor Pearson reminded the board about the Citizens Foundation tour on Saturday from 9-11am. Also, Saturday is the M Hill Marshall truck presentation.

Mayor Pearson asked if anything else was found regarding the IDA.

Manager Politi stated that he's not received anything.

Mayor Pearson stated that Bank Street has pot holes.

Mayor Pearson asked about personnel reviews, she would like that started.

Manager Politi stated that he will get the mayor the review format.

Mayor Pearson stated that she wants to make sure National Night Out will be happening.

Manager Politi stated that he will get her the information.

Mayor Pearson advised the board that she met with the chief and spoke to him about consolidation with the town. It's her role to check out the avenues of where they may have to go in the future. The chief would like a board response as to whether he should move forward. She would like to go with the chief and meet with the town supervisor.

Trustee Hurd suggested that these things come before the board ahead of time. He would like the chief to come before the board first.

Manager Politi indicated that the chief is asking to go to the town.

Mayor Pearson stated that Chief Holmes just wants the board to know he is going and talk to these people. They will be talking about the Town of Montgomery and Village of Walden.

Trustee Hurd stated that he would be more comfortable if the chief came before the board first and outline what he is thinking about.

Mayor Pearson moved to meet with Chief Holmes, Chief Amthor and Town Supervisor regarding police consolidation. Seconded by Deputy Mayor Matisse.

Trustees Norman and Wynkoop stated she would like to hear from the chief too.

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

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk

