

Motions and Resolutions
May 27th, 2008

Annexation-Coldenham Road

Trustee Hurd moved to hold the public hearing for the zoning of the parcel on Coldenham Road on June 24th, 2008 at 6:30pm. Seconded by Trustee Norman.

Trustee Hurd moved to amend his motion to hold the public hearing on June 24th, 2008 to zone the annexed parcel as Town House. Seconded by Trustee Norman. All ayes. Motion carried.

Hearing-Unsafe Building Conditions @82-96 West Main Street

Trustee Rumbold moved to give Mr. Mann 7 days to start and 30 days to complaint the violations at 82-86 W. Main Street. Seconded by Trustee Millspaugh. All ayes. Motion carried.

Public Comment for CDBG Funding Request for 2008

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

Mayor Pearson moved to adopt Resolution No. 24-07-08, CDBG. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Adoption of Minutes

Trustee Rumbold moved to adopt the minutes of May 13, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Audited Bills

Trustee Hurd moved to pay the audited bills of May 27, 2008. Seconded by Trustee Norman. All ayes. Motion carried.

Introductory Local Law I-1 of 2008, Albany Avenue “No Parking Zones”

Deputy Mayor Matise moved to hold a public hearing on Introductory Local Law I-1 of 2008, Albany Avenue “No Parking Zones” on June 10, 2008 at 6:30pm and that the residents of Albany Avenue and the Fire Department be notified. Seconded by Trustee Rumbold. All ayes. Motion carried.

Resolution No. 24-07-08, Surplusing Vehicles

Deputy Mayor Matisse moved to adopt Resolution No. 23-07-08, Surplusing Vehicles. Seconded by Trustee Hurd. All ayes. Resolution adopted.

Introductory Local Law I-2 of 2008, “Landlord”

Deputy Mayor Matisse moved to hold a public hearing on Introductory Local Law I-2 of 2008, “Landlord Registry” on June 10, 2008 at 6:30pm. Seconded by Trustee Norman. All ayes. Motion carried.

Resolution No. 22-07-08, Budget Amendment

Trustee Hurd moved to adopt Resolution No. 22-07-08, Budget Amendment-Water Fund. Seconded by Trustee Norman. All ayes. Resolution adopted.

Resolution No. 23-07-08, Budget Amendment

Trustee Hurd moved to adopt Resolution No. 23-07-08, Budget Amendment. Seconded by Trustee Norman. All ayes. Resolution adopted.

Grant-Watershed Protection

Deputy Mayor Matisse moved to write to the Town of Montgomery to inquire if they would like to work together on the grant for watershed protection. Seconded by Trustee Rumbold. All ayes. Motion carried.

H.R. 218/Retired Officers & Firearms

Trustee Rumbold moved to direct the Village Manager to institute an award program for the retired officers from the Police Department. Seconded by Trustee Millspaugh. All ayes. Motion carried.

Adjournment

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

**Village of Walden
Board of Trustees Meeting
May 27th, 2008**

Mayor Becky Pearson called the regular 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 Matisse
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Susan Rumbold
		Marcus Millspaugh Jr.

Also Present:	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney
	Dean Stickle, Building Inspector

Absent:	James Politi, Village Manager, later present
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Public Comment

Mr. Jacobowitz stated that he would like the board to consider is taking the next step in connection with the annexation on Coldenham Road. The Town of Montgomery has approved the annexation and the Village should have received a copy of the resolution they adopted at their May 15th meeting. The next step under the procedures of the annexation law is that the Board adopts a local law formally annexing the property and that is the local law that gets filed with the Secretary of State. No public hearing is needed. The next thing that has to happen is to zone the property and for that you do need a public hearing. It also has to be referred to the Planning Board and the Orange County Planning Department. In order to give adequate time for all those things the suggestion is to call a hearing for the second meeting in June. The Board needs to adopt a motion calling that as a public hearing and designate the proposed zoning for the

property. You'll get reports back from the Planning Board and Orange County Planning Department and after that you can act. The reports may or may not be in by the 24th but you can still have the hearing. The County has 30 days from the time the Village sends it to them to respond. The suggestion for the zoning is that it be zoned TH, Townhouse, which would be consistent with what the adjoining property is. Also, its consistent with what the town had in their minds as to what they thought they would want to see happen to the property, which is they want affordable housing.

Mayor Pearson stated that the Town wanted some stipulations.

Mr. Dowd stated that the Town was imposing a 10 year reverter clause that if this project is not complete and does not have 20% affordable housing that it would revert back to the town. That can't take place until 10 years has expired since the time the annexation is complete.

Mayor Pearson asked if the Village had to also vote that in.

Mr. Dowd stated that we both voted for the annexation of the parcel, we didn't put conditions on it. It doesn't appear anywhere other than their resolution.

Deputy Mayor Matise asked if that's binding on us or on the property owner.

Mr. Dowd stated that both boards voted for the annexation of the parcel. We didn't put conditions on it, the Town did. Their conditions are part of their resolution and it's the condition they put on the annexation. It doesn't appear anywhere other than in their resolution.

Deputy Mayor Matise asked if that is binding on the Village or the property owner.

Mr. Dowd stated that it's the condition at which they authorized it to go forward so it is binding because without their approval it wouldn't be annexed.

Deputy Mayor Matise asked if this would be part of the Planning Board approval when they look at the project.

Mr. Dowd stated that the Planning Board will be aware of the conditions that were put on the annexation; it's not part of the planning process itself.

Mayor Pearson asked where those conditions go.

Mr. Dowd stated that they are filed in the appropriate place.

Mayor Pearson asked who is going to follow them

Mr. Dowd indicated that it would be tracked by the Village and Town officials.

Mr. Jacobowitz suggested the Planning Board imposed that as a condition which would be a note on the map and it would be part of the conditions that would have to be complied with in order to satisfy the approval of the Planning Board. That way it's on the map and it would be part of the approval and the building department enforces the approvals and it would be on their list.

Mr. Dowd stated that he doesn't see that as something that the Village would impose as a Planning Board during the planning process. If this project lays dormant for 10 years it will revert back

Deputy Mayor Matisse stated that they're saying if it's not complete.

Mr. Dowd stated that it doesn't say complete the project, it says construct the project. They will run into another issue of vested rights too. If you're 85% complete of the project and the clock strikes 10 years and it's not done yet he doesn't believe you can take away vested rights from that project and revert back. It doesn't say complete, it says constructed.

Mayor Pearson asked if that meant to have a plan.

Mr. Dowd stated that if no major work is done on this project within 10 years from the annexation date then it would revert back.

Mayor Pearson asked if that condition has to be put into what we do now.

Mr. Dowd stated no, it wasn't our condition. It's not part of the annexation local law. Mr. Jacobowitz is offering to have it part of the site plan and subdivision process and it can be put on the subdivision map so it's not lost.

Trustee Rumbold asked if that was the only condition.

Mr. Dowd stated that they were concerned about the overall size of the parcel, the exact description of the parcel and the town/village line.

Mr. Jacobowitz stated that Statute 717 provides that after the annexation is completed there shall be an actual survey, monumentation in the field, then you will have a certified map filed with the Town, Village, County and Secretary of State of the State of New York. That is a statutory requirement. The map is what gets filed and that is the definitive description of the property. The Village Board can send a letter to the Planning Board bringing to their attention some of these things so the Planning Board has it as part of their record and they make those as conditions that are written into the plan. As part of their application they will explain to the Planning Board that is what was indicated that they want.

Deputy Mayor Matisse asked Mr. Jacobowitz why he wasn't on the agenda.

Mr. Jacobowitz stated that he didn't know.

Deputy Mayor Matise stated that this is an important decision, it's an important process and Mr. Jacobowitz has to stand there during public comment.

Mr. Jacobowitz stated that it's not his fault, he doesn't run the meetings. He's here because he has to bring it before the Board and they will decide.

Trustee Wynkoop asked if there was any problem with this.

Trustee Norman asked the attorney if they could move forward.

Mr. Dowd stated that the question he has is the law verses the survey. He understands what the annexation law says, but if we do the local law without the final survey and the final survey comes back contradictory of what the local law says, then we have to do a local law changing the description.

Mr. Jacobowitz stated that it's the map that gets filed.

Mr. Dowd stated that the local law is what finally annexes the property from the Town to the Village and if that description is not correct in the local law, what that does.

Mr. Jacobowitz stated that if someone did a search of the Secretary of State's office you would get back the survey map and the boundaries of the Village as altered by the annexation. You would get a copy of the local law but the definitive boundary of the Village is as reflected in the map and in the boundaries of the Village. When they do the survey they will have to plug this into the parameter survey of the Village historically and add to it this by changing that line and that would be the metes and bounds description of the Village of Walden that would be obtained when you go to the Secretary of State's office and ask for a certified description.

Deputy Mayor Matise asked if there was a current survey of that parcel.

Mr. Jacobowitz stated that there was a survey done by Crosby J. Wilkin and since then there has been survey work. In order to come up with a completely new description of the boundaries of the Village of Walden they have to do what the statute says, you have to do a field survey, monument and then the description they provide will be the new parameter description of the Village and the only place it will get changed is on the eastern boundary.

Mayor Pearson asked if that could get done before they go further.

Mr. Dowd stated that it could be, but what Mr. Jacobowitz is saying is that the law doesn't require it; it's actually in the reverse order.

Deputy Mayor Matisse stated that it could be more or it could be less.

Mr. Jacobowitz stated that it won't be more or less, it will just be that the courses may be different. As far as getting on the agenda, he did call on Thursday, but whatever happened he doesn't know.

Trustee Rumbold asked if the Town's goal for affordable housing is the same as the Village's.

Mr. Jacobowitz stated that the Village's law defines it.

Trustee Hurd moved to hold the public hearing for the zoning of the parcel on Coldenham Road on June 24th, 2008 at 6:30pm. Seconded by Trustee Norman.

Mr. Dowd stated that there is two laws, one to annex it and the other is what are you going to zone the property once you annex it. The law has to say what the Board's intent is.

Deputy Mayor Matisse stated that they might intend to zone it as a park. She suggested they discuss the zoning at the next meeting. Maybe the people on Coldenham Road have an idea for the zoning. They should be noticed of the public hearing.

Mr. Jacobowitz stated that he noticed everyone in that entire area and invited them to sit down. They met with 10 families. They did get some good ideas that they will put in the plan.

Trustee Hurd moved to amend his motion to hold the public hearing on June 24th, 2008 to zone the annexed parcel as Town House. Seconded by Trustee Norman. All ayes. Motion carried.

Anita Vandermark, 76 Highland Avenue thanked everyone who participated in the Memorial Day ceremonies. The ceremony began at the Walden Veterans Bridge. Shortly after the new bridge was completed and dedicated to Walden Veterans a project was initiated to further honor our veterans and that with the placement of banners on the bridge. Banners for Walden residents who served or who is currently serving take advantage of the banner program. A banner honoring her husband Douglas Vandermark, who was a very special man, who was raised in Walden, born in Walden and served in WWII, was very proud of our village. She elected to put a banner on the bridge for him. At the time she purchased the banner she was informed that the project was for Walden Veterans only. She certainly hopes this will not change.

Dennis Pantano, LaFayette Street addressed the board regarding property code violations in his neighborhood. He provided the board with a list to be distributed to the appropriate parties.

Diane Sandbothe, 90 Liberty Street stated that there are unlicensed cars in her neighborhood and every time the garbage truck goes by her husband has to go out and sweep. Also, there is a light out on the bridge. She asked where the lights on S. Montgomery Street went.

Mayor Pearson stated that they were temporary while they were fixing the bridge.

Mrs. Sandbothe asked when they were going back up.

Mayor Pearson indicated that she will find out.

Mrs. Sandbothe stated at the last meeting Mr. Dowd passed out a letter about trustees getting health insurance. She asked to read it and was told she couldn't because it was attorney/client privileges. She made a F.O.I.L. request and it was denied. She called the NYS Department of State, the Committee on Open Government and she was advised that the legal opinion was denied because of attorney/client privilege, but the basic data and the rest of the letter should be open to the public. She asked if everything that was denied was all attorney/client privilege.

Mr. Dowd stated that he's not answering the questions, as to whether or not the letter he wrote to the Board, as their attorney, is privileged, unprivileged, or partly privileged. We gave her what was discussed.

Mayor Pearson asked Mrs. Sandbothe if she got part of the letter.

Mrs. Sandbothe stated that she hasn't had the chance to get the letter.

Mr. Dowd stated that she was given the portion that was discussed, specifically read in the record by one of the members.

Mrs. Sandbothe stated that what she is asking is if the portion that wasn't discussed is that all attorney/client privilege.

Mayor Pearson stated that she doesn't know what was given so she can't answer the question.

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

Mayor Pearson indicated that at the last meeting the Village Code Law was not put in the information, so we are now up to date with the State and the Village Codes.

Gary Mann, owner of 82-86 W. Main Street stated that when he bought the property they didn't expect it to be in the condition it is in. There were a lot of bills. When he first bought it he came to the Village for a building permit because he did want to fix the façade up. Since then costs have gone up. He has spent \$20,000 just to keep the building functional. He has hired some people to start the repairs and correct all the

violations. They have a large water leak in the front of the building. The porch on the second floor will be taken off. All the violations will be taken care of within 30 days.

Deputy Mayor Matise asked if there were architectural guidelines for that section of Main Street.

Mr. Stickles stated yes, if he wants to construct something. The only guidelines would be if he was painting the front of his building.

Mayor Pearson asked Mr. Mann how long he's owned the property.

Mr. Mann indicated 2 years.

Mayor Pearson asked if he wanted to rent the property.

Mr. Mann stated that he would like to.

Deputy Mayor Matise stated that the Business Association is starting up; maybe they can help Mr. Mann.

Trustee Rumbold asked Mr. Mann how many letters he received from the Village.

Mr. Mann stated two or three.

Trustee Rumbold asked Mr. Mann how often he visits the building.

Mr. Mann indicated, once a year.

Trustee Rumbold stated that her problem is, when she sees someone come before the Board who has had numerous requests to take care of the property that they own and he's ignored them, because he didn't think a broken window or a foundation that leans outward or paint or spindles or whatever else is on the list, to be important at all. He doesn't have to look at them, we do. Her fear is that now he's here and he knew the Board would order things to be done and he would be billed for them. That is the only reason he's here. He'll do exactly what it takes and not one step more and he's still going to be an absentee landlord who won't visit the building to make sure that it's being maintained. That really concerns her.

Mr. Mann stated that when he bought the building it was never his intention to be before the Board.

Trustee Rumbold moved to give Mr. Mann 7 days to start and 30 days to complaint the violations at 82-86 W. Main Street. Seconded by Trustee Millspaugh.

Mr. Dowd asked if the Board wanted Mr. Mann to appear before them on the 24th of June to see what kind of progress he is making.

Mayor Pearson stated that he doesn't have to come back on the 24th unless there is a problem.

Mr. Stickles also indicated that Mr. Mann doesn't have to come back on the 24th.

All ayes. Motion carried.

Public Comment for CDBG Funding Request for 2008

Mayor Pearson explained what the CDBG funding can be used for.

Chris Dwyer spoke to the Board about kids out late on the streets of Walden.

Mayor Pearson explained that the Village has a youth center.

Ms. Dwyer stated that the youth center needs more funding and a more hands on program.

Eileen Brickner stated that you can't walk on the sidewalks on Oak Street because they are horrendous. Also, on Capron Street DPW dug up the sidewalk and it hasn't been repaired yet.

Mr. Revella asked what the maximum funding was.

Mr. Barnes stated \$125,000 and you can apply for multi year projects for a total of \$375,000.

Mr. Revella stated that he wants to make sure the Village applies for the maximum since there are so many worthy projects.

Deputy Mayor Matise stated that they can apply for lights for Bradley Park.

Mrs. Brickner suggested for lighting the soccer field too.

Fran Pantana stated that Ulster Avenue from Route 208 to Richardson Street the sidewalks are broken up.

Mayor Pearson explained that is a project through the State and Village.

Mr. Barnes stated that one project suggested is the painting of the water tank on Gladstone Avenue.

Manager Politi stated that the administration has suggested the Gladstone Avenue storage tank. There is pitting on the bottom of the tank and the health department has suggested the Village attend to that and it's a viable project. Also, another suggestion is

the surveillance cameras at Olley Park and other street locations. Also, any other sidewalk projects. The order would be the tank, cameras and then sidewalks.

Deputy Mayor Matise asked if there are other grants for cameras.

Manager Politi stated that you get the approval for this grant which makes it easier to get the other grants that are out there because this becomes a match.

Deputy Mayor Matise asked who's asking for the cameras, police or parks.

Manager Politi stated both.

Deputy Mayor Matise asked if the cameras take the place of patrolling.

Manager Politi stated no, it adds to that. The park is a good one because Olley Park is vandalized a lot.

Mayor Pearson stated that they've also talked about putting a fence around the tank.

Manager Politi stated that we have to do that either way. We will be doing all the fencing whether the Village gets the grant or not.

Mayor Pearson asked if the \$30,000 or \$40,000 was for the painting and the fence.

Manager Politi stated no.

Mayor Pearson suggested they do the fencing too.

Trustee Millspaugh asked if the Village knows why it's pitting.

Manager Politi stated no.

Trustee Norman stated that she agrees that the tank is a priority but she disagrees with Deputy Mayor Matise about the cameras at Olley Park. We're investing in putting in a new playground with houses and she feels a camera would be valuable at this time. She feels the other things are more important.

Trustee Wynkoop stated that they are all good projects.

Mayor Pearson stated that she has been talking about Maple Street sidewalks for three years. Those sidewalks get used a lot and it's a safety issue. She doesn't know what's been happening at Wooster Grove with the cameras.

Manager Politi stated that the camera is by the building. Another location is the children's park. This is for two cameras, \$9,000 to get it in place and on line. We have to see if we have enough light.

Deputy Mayor Matise stated that she is glad to see the Gladstone tank is going to be repaired. Ridge Avenue and Hidden View they've talked about taking one side of the sidewalks off and fixing the other.

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

Trustee Hurd suggested that apply for funding for a leaf sucker.

Manager Politi suggested \$50,000 for the tank.

Mayor Pearson stated that she would like to do as many tanks with fencing as they could do. She also asked how many lights they are talking about at Olley Park and what would it be aiming towards.

Manager Politi stated that lets say there is a pole inside of the fence that encloses the beach, right next to the parking lot. If you had a pole that you could set it on with a light you could pretty much see everything. They vandalize the barn. He would like to add a light.

Deputy Mayor Matise suggested to apply for the park master plan.

Manager Politi stated that the Board already allocated for that.

Trustee Norman indicated that she would like to see sidewalks, tank and cameras at Olley Park.

Trustee Rumbold stated she would like to see tank, sidewalks and cameras.

Trustees Millspaugh, Hurd and Deputy Mayor Matise agreed with Trustee Rumbold.

It was the consensus of the Board to do the tank, sidewalks and cameras.

Mayor Pearson stated that the Board has to designate sidewalks.

Manager Politi suggested the Board Members go out and look at sidewalks and at the next meeting tell him which ones they would like fixed.

Deputy Mayor Matise suggested the Village do Oak Street with our money and put the others on the CDBG list.

Manager Politi stated that there are other ones ahead of them, Elm Street.

Trustee Rumbold asked Deputy Mayor Matisse what sidewalks are on her list.

Deputy Mayor Matisse stated Ridge Avenue is deteriorated, Hidden View Drive people can't shovel their sidewalks because they are gravel, Oak Street, Maple Street, John Street and Hepper Street there is no sidewalk.

Trustee Norman stated that there are at least three or four on the west side.

Mr. Barnes stated that the sidewalks serving a residential neighborhood may have to be in an area that meets the low income threshold.

Mayor Pearson stated that she would like to go over the figures.

Manager Politi suggested \$60,000 for the water tank, \$40,000 sidewalks and \$18,000 for cameras.

Mr. Barnes stated that it's better if you come under the limit. They don't pay for engineering.

Mayor Pearson moved to adopt Resolution No. 24-07-08, CDBG. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Adoption of Minutes

Trustee Rumbold moved to adopt the minutes of May 13, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Audited Bills

Trustee Hurd moved to pay the audited bills of May 27, 2008. Seconded by Trustee Norman.

Deputy Mayor Matisse asked about Whispering Pines bills.

Manager Politi stated that they are asking to be paid for what they have done. If you can find the value of the light fixtures and hold that, but pay him for what he has completed.

Trustee Rumbold asked who's accepting that job as being completed and satisfactory.

Manager Politi stated that the engineers oversaw that project.

Trustee Rumbold asked about the repaving.

Manager Politi stated that's not what he's asking, because he has to come and do that.

Trustee Rumbold stated that she doesn't mind paying for what is completed and fine and someone is signing off on that.

Manager Politi stated that we will all stand by what they feel has been completed.

Mayor Pearson stated that the lighting was in that completion.

Manager Politi stated the lighting heads can go back. If you have a light fixture that you spec on Main Street and in the square and took a number out of a book from the same manufacturer, the title was the same and it said hunter green, that has nothing to do with the installer and nothing to do with the engineer. Those are cut sheets. If they show up a lighter green it's the manufacturer we have to talk to.

Mayor Pearson stated that the base is sticking up. When she spoke to Lanny he said they are working on it and it is still the same way. The engineer's bills are still in there.

Manager Politi stated that they came before the Board for questions from the Board and he doesn't know if the Board resolved those questions, but they would like to be paid.

Trustee Rumbold asked if they understood where the questions were coming from

Manager Politi stated that they did.

Trustee Rumbold stated that if they completed work we need to pay them. What she doesn't like is they know the price of a project and they are supposed to figure 20% of that project and sometimes she gets the feeling that they are making very certain that they will collect the amount within 20% of that project.

Manager Politi presented the Board with the EPA Grant figures, broken apart by contract, construction costs, engineering costs to show the percentages that were expended to date.

Trustee Rumbold asked the manager if he keeps track of the engineering bills that come in during projects.

Manager Politi stated that he talks to the engineers constantly.

Deputy Mayor Matise asked about fuel comparison.

Manager Politi gave the Board a report on fuel comparison

All ayes. Motion carried.

Introductory Local Law I-1 of 2008, Albany Avenue “No Parking Zones”

Manager Politi explained that the radius the fire department needs coming out of Bergen and Pleasant Avenues for the largest truck is 65 feet each way on the opposite side of the street. You will be knocking out at least six to seven parking spaces on each side.

Mayor Pearson stated that there will be no parking left on Albany Avenue. She understands the fire trucks coming out of the street. Valley Avenue has the same issue.

Deputy Mayor Matise stated that it's a priority that you would be able to protect people in an emergency.

Trustee Rumbold stated that safety would be first.

Trustee Norman stated that it's a tragedy waiting to happen. She has said that for seven years.

Trustee Millspaugh stated that you can't ignore the recommendation of the fire department. He thinks the street in front of the Scout Cabin could be widened.

Mayor Pearson stated that there won't be parking in front of the Scout Cabin.

Trustee Millspaugh stated that you could move that sidewalk over and it won't be in that radius.

Deputy Mayor Matise stated that all but one have off street parking on Albany Avenue.

Trustee Millspaugh stated that the Village could provide off street parking on the paper street by the Scout Cabin.

Deputy Mayor introduced Introductory Local law I-1 of 2008, Albany Avenue “No Parking Zones”

Mayor Pearson asked if the families on the street were going to be noticed.

Manager Politi stated yes.

Deputy Mayor Matise moved to hold a public hearing on Introductory Local Law I-1 of 2008, Albany Avenue “No Parking Zones” on June 10, 2008 at 6:30pm and that the residents of Albany Avenue and the Fire Department be notified. Seconded by Trustee Rumbold. All ayes. Motion carried.

Resolution No. 24-07-08, Surplusing Vehicles

Deputy Mayor Matise moved to adopt Resolution No. 23-07-08, Surplusing Vehicles. Seconded by Trustee Hurd. All ayes. Resolution adopted.

Introductory Local Law I-2 of 2008, “Landlord

Trustee Rumbold introduced Introductory Local Law I-2 of 2008, “Landlord Registry”.

Trustee Millspaugh stated that we have to zero in a little bit on the problem properties.

Trustee Rumbold stated that there was a case before the Zoning Board where a women purchased a home that was listed as a four family and the Village sent the title search back stating it was a three unit. She was paying for three units for garbage pick up.

Mayor Pearson stated that they can change the fee.

Mr. Dowd stated that there are a lot of absentee landlords that we can't get in contact with and the law will make them give us a local contact person and keep it up to date from year to year. Also, there are illegal units out there.

Trustee Millspaugh stated that he'd like a list of where the problems are.

Trustee Rumbold stated that she feels the Village needs this local law.

Trustee Hurd stated that he would like to see a data base maintained in some sort of way, computerized format.

Deputy Mayor Matise suggested the section, block and lot be put on the form.

Mayor Pearson stated that she spoke to Mr. Dowd about the definition of dwelling. She would like that incorporated in the law.

Deputy Mayor Matise asked if this includes notification of who the tenants are.

Mr. Dowd stated no, just the number of units that are being rented out.

Deputy Mayor Matise stated that she heard complaints about multiple families living in certain apartments.

Mr. Dowd stated that is a matter of privacy when you say who you're renting it to. Maybrook's law does not ask for the names of people who are renting.

Mr. Dowd further stated that when you hold the public hearing and the landlords come out and they complain about the \$50.00 fee, then you can lower it or raise it or categorize it by the number of units in a building.

Trustee Millspaugh stated that he finds the definition of a building kind of strange. He would add, where a roof is supported by columns and/or enclosed by walls.

Mr. Dowd stated that the reason he put it that way is because you might have a shed that is not a dwelling unit.

Deputy Mayor Matise stated the building inspector should follow up on how a property is advertised. That would play into this also.

Mayor Pearson stated that Mr. Dowd's idea of listening to what the public has to say is a good idea to look at the fees again.

Mr. Dowd asked if the Board wanted him to define dwelling in the law.

Mayor Pearson stated yes.

Mr. Dowd also asked about the definition of building.

Mayor Pearson stated that the present definition covers it.

Deputy Mayor Matise moved to hold a public hearing on Introductory Local Law I-2 of 2008, "Landlord Registry" on June 10, 2008 at 6:30pm. Seconded by Trustee Norman. All ayes. Motion carried.

Resolution No. 22-07-08, Budget Amendment

Trustee Hurd moved to adopt Resolution No. 22-07-08, Budget Amendment-Water Fund. Seconded by Trustee Norman. All ayes. Resolution adopted.

Resolution No. 23-07-08, Budget Amendment

Trustee Hurd moved to adopt Resolution No. 23-07-08, Budget Amendment. Seconded by Trustee Norman.

Mayor Pearson stated that she looks at the legal fees and we know every year we are having those fees.

Manager Politi stated no you didn't, those are for arbitration.

Mayor Pearson stated that we knew the contract was not settled last year. She questions why at budget time they aren't budgeting more money for that section.

Manager Politi stated that arbitration should have been done in a day and the bulk of the cost would have been done this year.

All ayes. Resolution adopted.

MX Zone Discussion

Manager Politi stated that he needs to know where the Board wants him to go with the MX Zone. He's hearing all kinds of stuff. Do we still want to pursue the train? It will take the Board and more to do that. There will be meetings and he needs members to come with him. Does the Board want to reevaluate the MX Zone? Someone had him buying the Package Lighting building. We're not buying the building.

Trustee Hurd stated that the only real issue is the acquisition of the center park area.

Manager Politi stated that he needs to know if the Board as a whole wants him to continue with the train concept.

Mayor Pearson asked if it's the train concept, building concept or the whole concept.

Manager Politi stated that you can split it into a million pieces. He asked is he still going after commuter rail.

Deputy Mayor Matisse asked how much of the managers time and village time and money has to go into chasing down \$700,000 worth of grants.

Manager Politi stated that he'll take all the time he needs to do that because it is important to the Village. His rate is his rate, he's not a consultant.

Deputy Mayor Matisse stated that as a planner they could spend 100% of our time on this, but as an administrator and board we have a lot of other things to do too. So we have to decide how we're going to allocate our time. She feels the Board should have a special meeting dealing with the concept. In 2005 they adopted the zoning and she hasn't seen anything change down there, except for Ray buying the Nelco building.

Manager Politi stated that if it's a \$15,000 grant or a million dollar grant that's what we do and that is what we chase. It's his job to do this.

Trustee Hurd stated that even though it doesn't happen right of way he feels the direction is the appropriate one. The Board spent 18 months on the Master Plan.

Deputy Mayor Matisse stated that what happens down there isn't just based on the decision that Metro North makes, it's based on the day to day decisions of the property

owners. It's so long range that there are day to day things that could be focused on or happening. She doesn't see them happening right now.

Trustee Hurd stated that he feels the whole concept is right.

Deputy Mayor Matise asked if they were marketing concept.

Manager Politi stated that they went through the exercise with a large corporation and they didn't see it as big enough to undertake. Then it became independents.

Trustee Rumbold stated that she thinks just because the train was such a big piece of this study and the fact that newspapers carried the story about Stewart, which was the question she asked the consultant and he had no clue. She thinks it's important to find out where the local politicians sit in this. She doesn't think it would be a bad thing to sit down with the local people to find out what they think about the possibility of a shuttle. She would hate to see the Village do a study and duplicate what they are doing. She'd like to know what they envision. Is Walden a piece of it. Is Senator Schumer even aware of our study? Let's find out even if we're a dot on the map.

Manager Politi stated that he's trying to get that meeting together. Senator Schumer knows it's out there. He will need Board Members to go with him.

Trustee Hurd stated that he'd like to be a part of it.

Deputy Mayor Matise stated that all of us should be involved.

Mayor Pearson stated that she would like to talk about the building.

Manager Politi stated that he has not entertained it or even talked about it. The realtor came in and Mr. Sorensen was here and they asked what's going on with the building. He asked them if the Village wanted it and he told him we have no interest in it.

Mayor Pearson asked why Mr. Sorensen was involved.

Manager Politi stated because throughout the whole program he's been the Village's planner and he was in the area.

Trustee Millspaugh stated that the market prices are going to be the determining factor. His wish is to try and market that. He feels the train should be put on the back burner. Too many problems and too much competition. If there was a need there would be a bus going from here to Campbell Hall now.

Manager Politi stated that he was trying to use market growth concepts. They are trying to expand that. They are trying to get out in front of that because you have the ability to do that. The Village of Montgomery would also benefit.

Deputy Mayor Matisse stated that becoming a bedroom community is not an economic benefit for any community at all. We went through a whole exercise and we're paying a planner to prove it.

Manager Politi stated that he will continue to move in the same direction.

The Board agreed.

Deputy Mayor Matisse suggested that the manager invite someone from the Village of Montgomery to go along and share some of the buck and do some of the work. She asked how much of this bill does the Village of Walden taxpayer have to foot.

Manager Politi stated that they spend \$2,000 on the planner.

Deputy Mayor Matisse stated that the manager's time is taxpayer's money. She's not giving him her consensus. She votes no.

Mayor Pearson stated that the consensus is to move forward and let the Board know.

The Home Depot Framing Hope Product Donation Program

Tabled.

Mr. Dowd advised the Board not to do this.

Gasoline Petition

Mayor Pearson stated that she received this gasoline petition from Assemblyperson Nancy Calhoun to repeal the gas tax for the summer months. She needs help circulating the petitions.

Trustee Hurd stated that the tax on gasoline is used for our roads and our bridges.

Deputy Mayor Matisse stated that she is more concerned with home heating oil.

Mayor Pearson stated that she would like to see it year round.

It was the consensus of the Board not to circulate the petitions.

Orange County Planning Grant

Mayor Pearson stated that this has to be done by June 27th. Last year the Village applied with the Town of Montgomery. She recommended that they apply to protect the Village's wells. She would like to do some planning on this to see what they would say.

She spoke to the Town Supervisor to see if they wanted to go along and he indicated he has a few wells too.

Trustee Hurd stated that he thought this was already a part of a study.

Mayor Pearson stated she wants to know how we can protect our wells. Deputy Mayor Matisse talked about the Park Master Plan.

Manager Politi stated that he feels it's a good idea.

Deputy Mayor Matisse moved to write to the Town of Montgomery to inquire if they would like to work together on the grant for watershed protection. Seconded by Trustee Rumbold. All ayes. Motion carried.

H.R. 218/Retired Officers & Firearms

Mayor Pearson stated that they discussed retirees and badges. There are two separate things here, H.R. 218 which is being able to carry their firearms in other states. The other part is retired officers getting a badge and being recognized as a retired officer from the Village of Walden. Also give the retired officers a letter of good standing.

Mr. Dowd asked why a letter of good standing.

Deputy Mayor Matisse stated, so they can get their pistol permit.

Manager Politi stated that he doesn't think they should do the letter of good standing. He suggested they separate the issues.

Mayor Pearson stated that she would like to get the retired officers their badges and shadow boxes.

Mayor Pearson stated that there is a crossing guard who has spent a lot of his life crossing our children and he should be recognized too. She means all the departments.

Trustee Rumbold moved to direct the Village Manager to institute an award program for the retired officers from the Police Department. Seconded by Trustee Millsbaugh. All ayes. Motion carried.

Trustee Health Care

Mr. Dowd stated that he delivered a letter to the Village Manager and he asked the Board not to read publicly from the letter. He doesn't want any further issues as to what is or is not confidential. Most of the information he put in the letter is basis for his legal opinion as well as that of his discussion with general council and the State Comptroller.

Mayor Pearson asked Mr. Dowd if he was going to discuss this.

Mr. Dowd stated that to preserve the confidentiality of the letter and his advise it should be done privately. The larger issues are still public issues. There is a fine line we have to draw and he doesn't want to get into his legal advise to the Board publicly otherwise what's the purpose of writing a letter confidentially. There are matters of public concern here involving the health care insurance that need to be discussed publicly.

Mayor Pearson stated that she needs to read and digest the letter.

It was the consensus of the Board to table this until the next meeting.

Deputy Mayor Matise stated that this affects Judge Ozman and she'd like this letter shared with him.

Mr. Dowd stated that it will affect him. He's not his client, but he is part of the class they are covering. If the Board wants him to share the letter he will.

Mayor Pearson stated that the Board doesn't even know what the intent was of the enacting legislation at the time. Maybe they said Board of Trustees and Mayor. Maybe they didn't say elected officials. We don't even know how it's worded.

Mr. Dowd stated that is part of the problem. The judge is in the plan. NYSHIP says you've created a class of elected officials. You can't discriminate under NYSHIP's rules between elected officials.

Trustee Hurd stated that there are two components, one being what you can do verses what you can't do and the other is what should you do or not do.

Single Family Home Zoning

Deputy Mayor Matise stated that this goes back to the initial presentation from Tim Dexter from Beacon. We didn't take his advice. We changed some zoning on West Main Street. Maybe we should revisit it again.

Parking Concerns in Apartment Complexes

Deputy Mayor Matise stated that people rent their apartments and they rent them on the basis of providing parking and then they don't allow the tenants to park there. The code only pertains to new apartments.

Mr. Dowd stated that if they are new apartments they have to comply with the existing zoning law we make them provide two per unit off street parking spaces. If he doesn't provide them then he would be in violation of his approval. If it's something that predates zoning he doesn't know if you can require the owner to provide parking. You

would have to look at the property to find out how long it's been three units. If it predates zoning then there's nothing you can do.

Deputy Mayor Matise asked if they can change the code to deal with this.

Mr. Dowd stated that he will look into this.

Deputy Mayor Matise stated that she will dig out her notes regarding single family home zoning.

Mayor Pearson stated that in Beacon people were living in the store fronts. They rezoned the whole city single family. They restructured their downtown.

Public Comment on Discussion Items

John Revella stated that he's glad to hear the Village is going forward with the feasibility of the train. He's glad we're going after grant money and honoring police officers.

Correspondence

Mayor Pearson stated that the Village received a grant for benches and she and the manager went to look at benches the other day. They are not cheap. Its \$5,000 for three sections. The grant was for \$2500. She wants to put it by the bandstand. We applied for a grant that had lighting and benches so we might have the extra \$2500.

Trustee Rumbold suggested the money go toward the volunteer bench at Olley Park.

Mayor Pearson asked where they're getting the bench.

Trustee Norman stated that Home Depot and Lowes have nice benches and they go from \$200 to \$500.

Trustee Rumbold stated that she wasn't aware of the grant for benches. If we can't afford the \$5000 teak one why can't we put some of that money towards the bench at volunteer park.

Manager Politi stated that the grant money for the benches was for Wooster Grove.

Mayor Pearson indicated she has other catalogs with benches.

Trustee Rumbold stated that she's concerned with vandalism. Unless you can protect your investment she doesn't know if they should be spending \$5,000 on something that can be burned, scraped, painted and hacked.

Village Manager's Report

Manager Politi stated that the Empire State Development has advised the Village that the IDA has sunsetted.

Manager Politi stated that Renewal of State Pollution the SPEDES permit that's your storm source.

Manager Politi stated that Central Hudson will have a public hearing at Valley Central Middle School cafeteria on May 29.

Manager Politi presented the board with the attorney's retainer agreement and also the department reports. He advised the Board that National Night Out will be happening. Officers Conklin and Warner will be heading it.

The manager stated that Mr. Stickles, Building Inspector walked all of West Main Street hitting all the buildings and they have been cited.

Manager Politi stated that the letters went out to the Ulster Avenue residents and dates have been set to meet with them.

The manager stated that the letter for blocking the dumpsters on Orchard Street has gone out.

The manager went out to Goshen today to see JoAnn Fazino who indicated that the grant is in a pile somewhere for approval. We've done our work. They have to approve it because it's CD money.

Manager Politi indicated that he went to the tourism office and a meeting is being set up with regards to the welcome center.

Board Comments

Deputy Mayor Matise stated that the rebar is sticking out of the curb by the Post Office at the end of Church Street.

Trustee Hurd stated that the State is cutting out the DARE Program. It's not as successful as they thought it would be. Also, on West Main Street the trees need to be trimmed.

Trustee Millspaugh stated that he'd like to talk to the manager sometime when they get a more complete report from DPW.

Trustee Rumbold stated that she fell in a hole on Andrew Court. Also, Memorial Day was lovely. She was glad to see everyone come together.

Trustee Norman stated that she felt it was excellent. She was very disappointed that a resident of this Village needs to use his computer to email everyone about the Village Trustees.

Mayor Pearson stated that she emailed him back and advised him that it had nothing to do with the trustees, if it had to do with anybody it was her. There was no reason to be angry with anyone.

Deputy Mayor Matisse corrected the minutes, NYSERDA. Has Mr. Barnes done anything, or is he even aware of it.

Manager Politi stated that he will find out.

Deputy Mayor Matisse stated that this building needs an energy audit of this building. Also, has DOT been contracted about staggering the light at the intersection of Routes 208 and 52.

Manager Politi stated that he continually said that they will be out to fix the line where we did dig and that is when they will be doing the timing.

Deputy Mayor Matisse asked about the retaining wall on Ulster Avenue. She gets a lot of questions about it.

Manager Politi stated that he never gets the questions and asked Deputy Mayor Matisse to have them call the office, so we can answer the questions.

Deputy Mayor Matisse asked if the retaining walls are the States responsibility. She also asked about the donation Little League wanted to give the Village.

Manager Politi stated that he hasn't heard anything.

Deputy Mayor asked about Mr. Herzog's building on Ulster Avenue.

Manager Politi stated that he gave the information to the building inspector.

Deputy Mayor Matisse stated that Bank Street has a lot of pot holes. Also, the manager was going to tell the Board how he was going to conduct personnel reviews.

Manager Politi stated that he is working on the appropriate format. If he has the appropriate format he will have them at the next meeting.

Mayor Pearson stated that the church didn't get a response regarding permission for using Village streets for their walk.

Mayor Pearson asked about the Jewish Community sign.

Manager Politi stated that they could have a sign similar to the Episcopal Church entrance to the Village signs. Our law doesn't allow directional signs on top of street signs. We can revisit the sign law and put them back up.

Mayor Pearson stated that the Village should respond to them.

Manager Politi asked if the Board wanted to revisit the local law or have an independent sign.

It was the consensus of the Board to have an independent sign.

Mayor Pearson advised the Manager of Mr. Pantano's report during public comments regarding code violations in his neighborhood.

Trustee Rumbold stated that she understands there is a lot of business to do and she doesn't mind being here. She feels they should prioritize the agendas. Ms. Mitchell comes to work very early in the morning, she knows its part of her job, you should try to work with the agendas so that they are not so cumbersome.

Trustee Norman stated that you're losing your audience.

Mayor Pearson suggested more meetings.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk