

**Resolutions and Motions**  
**June 24, 2008**

**Public Hearing-Introductory Local Law I-4-Townhouse Zoning**

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

Trustee Hurd moved to close the public hearing. Seconded by Trustee Norman. All ayes. Public hearing closed.

Trustee Hurd moved to declare the Village of Walden Board of Trustees lead agency and to declare a negative declaration with regards to SEQRA. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-4 of 2008, "Zoning" as Local Law No.2 of 2008. Seconded by Trustee Norman. All ayes. Motion carried.

**Resolution No. 02-08-09-A Resolution Authorizing the Issuance of \$500,000 Bonds of the Village of Walden, Orange County, New York, to Pay the Cost of Various Capital Purposes, in and for said Village**

Mayor Pearson moved to declare the Board of Trustees lead agency and to declare a negative declaration under SEQRA with regards to Resolution No. 02-08-09. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Deputy Mayor Matise moved to adopt Resolution No. 02-08-09, A Resolution Authorizing the Issuance of \$500,000 Bonds of the Village of Walden, Orange County, New York, to Pay the Cost of Various Capital Purposes, in and for said Village, (attached). Seconded by Trustee Hurd. All ayes. Resolution adopted.

**Orange County Records Management**

Trustee Millspaugh moved that the village manager prepare a report in conjunction with Mr. Dowd on his observations and recommendations so they can come up with a consensus at the next meeting. Seconded by Deputy Mayor Matise. On roll call Trustees Rumbold, Millspaugh, Deputy Mayor Matise and Mayor Pearson voted yes. Trustees Wynkoop, Norman and Hurd voted no. Motion carried.

**Emergency Management Program**

Deputy Mayor Matise moved to adopt the Emergency Management Plan. Seconded Trustee Rumbold. All ayes with the exception of Trustee Millspaugh abstaining. All ayes with the exception of Trustee Millspaugh abstaining.

Deputy Mayor Matisse moved to have NIMS training for elected officials. Seconded by Mayor Pearson. All ayes. Motion carried.

### **PBA Retiree Badges & Shields**

Trustee Norman moved to present a retiring officer who is retiring after 20 years of employment with the Village of Walden and is in good standing, a shadow box with a shield and the original shield and ID and a service award for an officer who retires after 10 years of service. Seconded by Trustee Wynkoop. All ayes. Motion carried.

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

Trustee Hurd moved to hold a public hearing on Introductory Local Law I-2 of 2008, “Landlord Registry” on July 8, 2008 at 6:30pm. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

### **Approval of Minutes**

Trustee Hurd moved to adopt the minutes of June 10, 2008. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

### **Audited Bills**

Mayor Pearson moved to pay the audited bills of June 24, 2008 pending four Board member signatures. Seconded by Trustee Rumbold. On roll call Trustee Wynkoop, Rumbold, Millspaugh, Deputy Mayor Matisse and Mayor Pearson voted yes. Trustees Norman and Hurd abstained. Motion carried.

### **Executive Session**

Mayor Pearson moved to hold an Executive Session pursuant to 105-(f), Personnel, of the Public Officers Law. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Trustee Norman moved to reconvene. Seconded by Trustee Hurd. All ayes. Meeting reconvened.

### **Adjournment**

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

**Village of Walden  
Board of Trustees Meeting  
June 24, 2008**

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

On roll call the following were:

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

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

**Public Hearing-Introductory Local Law I-4-Townhouse Zoning**

Mayor Pearson presented the Affidavit of Publication, Affidavit of Posting Notice and the Notice of Hearing which she read. The Village also received a letter from Orange County Planning Department and Village of Walden Planning Board recommending approval.

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

Mr. Jacobowitz stated that this is the property that has been the subject of matters before the Board, Planning Board and the Town of Montgomery since August 2007 and what is before the Board tonight is the decision on how to zone this property which is presently unzoned. He brought to the Board's attention is what was presented to the Board originally in the petition for annexation, paragraph 4 in the supplement says the future use of the property will be determined by the Board of Trustees and the exercise of its policy and legislative power. The village adjoining parcel has been the subject of a hard look in the State Environmental and Quality Review Act and compliance as alluded to the adoption of the Villages new Comprehensive Plan and various zoning law and district amendments. The parcel that is to be annexed is totally compatible with the village policies and plans. The property adjoining is zoned TH which is the new zone

that allows for townhouses on individual lots, not condominiums, with a 20% affordable housing component. So if the Board zones it townhouse it must be used in the exact same way as the Board already legislated through the new townhouse law.

Tim Mendel, Fox Hill Community asked that if the property is zoned for townhouse use their concern, since they enjoy the views and open space, due consideration is made for a screen of trees and shrubs. They will submit some ideas in writing.

Deputy Mayor Matise stated that the consensus of the Town Board and Village Board is to annex the property and the property will have to be zoned. She is interested in what Mr. Mendel has to say, because they are an operating farm and she thinks that having 180 units that are going to be established there is a concern for an operating farm and perhaps when it goes to the Zoning Board buffer zones will be considered, not just screens. Maybe part of those two acres will become part of that buffer area.

Trustee Millspaugh stated that he's not opposed to the townhouse zoning, but he did some research. He went to the tax map people and came up with a 1966 map when the Wanderling farm was annexed. There were some inconsistencies in that part of the Village. He also got a 1982 map showing the lands annexed into the Village of Walden. He asked if the approved can be made pending the receipt of clarification of the lines and receipt of such a map.

Mr. Dowd indicated that the applicant already agreed that if there is a change or any significant difference in the legal description of the annexed parcel it would have to go back and be corrected.

Trustee Millspaugh stated that there is a significant difference; Mr. Jacobowitz has a document filed with the Secretary of State that took bearings with the work that was done by the village engineer, Eustance and Horowitz.

Mr. Dowd stated that will be resolved as part of the final mapping for the annexation.

Trustee Millspaugh stated that the Village will have to do some work since there is inconsistency between the Secretary of States description and the description that the County Tax Map will use. He also took the description the Board had and did the math on it and it's about exactly three acres and we've been talking two acres.

Mr. Dowd stated that will be resolved by mapping. They have to file the maps with the Village Clerk, Town Clerk, County Clerk and the State. The maps will be here and if there is a discrepancy Mr. Jacobowitz will tell them what it is.

Mr. Jacobowitz stated that they will agree that the Planning Board's final approval will not be granted until the map showing the new survey is completed, submitted to the Village and is acceptable. That will give the Board a sanction that they

will do what the law says. They will submit a copy of the minutes to the Planning Board so that they know that the prime approval will come after they've addressed whatever the map requirements are. In the course their surveyor is doing the work they will straighten out the issue that is there between the 1981 map and the 1925 map, which has nothing to do with them.

Mayor Pearson asked if they could get some assurance that there will be some buffer zones and trees for the properties around that.

Mr. Jacobowitz stated that the zoning law makes a provision for that. The Planning Board has the authority to require a landscaping plan. He would like their suggestions so they can bring it to the Planning Board. It's not a problem.

Trustee Hurd moved to close the public hearing. Seconded by Trustee Norman. All ayes. Public hearing closed.

Trustee Hurd moved to declare the Village of Walden Board of Trustees lead agency and to declare a negative declaration with regards to SEQRA. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-4 of 2008, "Zoning" as Local Law No.2 of 2008. Seconded by Trustee Norman. All ayes. Motion carried.

### **Public Comment**

Mary Huber, 55 Main Street stated that there should be more senior housing in Walden and also affordable housing for large families. She also feels veterans should get four points on the townhouse application. She also complained about sidewalks that need to be repaired and people making right hand turns on red and she's almost gotten hit.

Herman Clemens complained about the occupants at 10 Richardson Street. There are people in and out of that house from 1am to 4pm. The police come down occasionally. If the police department would like he has a vacant apartment across the street to see what is going on.

Mike Ciardullo, 83 Walnut Street stated that he sees curfew on the agenda. He remembers the meeting three and a half years ago about curfew. What came out of that meeting is that curfew is almost impossible to enforce, it's a violation of civil rights. The other issue they had if they pull a juvenile off the street the officer has to sit inside the station with that juvenile until the parent picks him or her up. If you want a curfew from 10pm until 6am there's only two officers on duty, how are you going to accomplish anything? He further stated that the staff on the 4 to 12 shift in the police department has done a tremendous job on Main Street. The support they need will take this further than looking into a curfew. The neighborhood watches are working very well too. A smarter thing to do is talk to the officers on the 4 to 12 shift and see what they've done.

Greg Raymondo stated that the 4 to 12 shift seems to work He doubts the curfew will work.

**Resolution No. 02-08-09-A Resolution Authorizing the Issuance of \$500,000 Bonds of the Village of Walden, Orange County, New York, to Pay the Cost of Various Capital Purposes, in and for said Village**

Manager Politi stated that this is for the purchase of a full size dump truck and for road improvements.

Deputy Mayor Matisse asked which streets these are.

Manager Politi stated that they are looking at this Albany Avenue, Bergen Avenue, Capron Street and Pleasant Avenue and also the rest of Bank Street and High Street.

Mayor Pearson asked about the engineering cost for this.

Manager Politi stated that there would be some.

Trustee Millspaugh asked if they could get another curb machine that would make smaller curbs.

Manager Politi stated that he will take a look at it, but that mass helps keep the curbs in place.

Mayor Pearson moved to declare the Board of Trustees lead agency and to declare a negative declaration under SEQRA with regards to Resolution No. 02-08-09. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Deputy Mayor Matisse moved to adopt Resolution No. 02-08-09, A Resolution Authorizing the Issuance of \$500,000 Bonds of the Village of Walden, Orange County, New York, to Pay the Cost of Various Capital Purposes, in and for said Village, (attached). Seconded by Trustee Hurd. All ayes. Resolution adopted.

**Orange County Records Management**

Chief Holmes introduced Craig Cherry, Deputy Commissioner, Orange County Department of Emergency Services.

Mr. Cherry stated that in 2004 Orange County Executive Edward Diana called for a countywide law enforcement records management system for the purpose of permitting all law enforcement agencies in the county to share data. The County has committed to capital funding to the project. This project is part of a 1.5 million capital project. The project is two fold, Phase I provides for the County to purchase software licenses of non-impact law records. The installation will include enhancements of interfaces to NYSPIN,

TRACS, and County 911 CAD to IMPACT VCAD BY Admit Computer Services. This allows for a transmission period with no obligation of cost to the municipality. The first twelve months of the project will be inclusive of maintenance charges. The County of Orange will pick up all data sharing associated costs, \$33,250.00 data sharing piece and \$72,000 annually which the County will be picking up. From October 1, 2008 the Village will have no financial obligation. Charges will be twelve months after that.

Mayor Pearson asked how many municipalities have said yes.

Mr. Cherry stated 20 out of 32.

Chief Holmes advised the Board that the Village of Montgomery and Town of Montgomery has approved the records management system.

Mayor Pearson asked if Phase II had additional costs.

Mr. Cherry stated no.

Trustee Rumbold asked if the existing equipment was compatible.

Chief Holmes states yes. We are well beyond what they need us to have.

Deputy Mayor Matise asked what the cost was to the Village.

Chief Holmes advised her that it was \$6900.00 each year.

Mayor Pearson asked if that money was in the budget already.

Chief Holmes stated that there is \$4,000 right now.

Mayor Pearson asked if the Village would be charge per officer.

Chief Holmes stated yes, depending on full time and part time officers.

Mayor Pearson asked what the maintenance was for. Does the County have to pay \$33,000.00 every year they are in it for us?

Mr. Cherry stated that the County is paying collectively. It's costing the County \$43,375.

Mayor Pearson asked if the only fee the Village has to pay is their maintenance.

Mr. Cherry stated yes.

Mayor Pearson asked how often do they update their software and who pays for that.

Mr. Cherry stated that it's part of the whole maintenance.

Deputy Mayor Matise stated that the contract is for three years, what happens if the Village merges with the Town Police Department.

Sergeant Metzger stated that if it came to that everything would be renegotiated.

Mayor Pearson stated that the contract says that the Village would still be responsible.

Mr. Dowd stated that the contract says that if you don't commit to the three years you have to repay all or part of the money.

Chief Holmes stated that the Village will also have to sign a contract with IMPACT or ADMIT.

Mayor Pearson asked if the Village will have to purchase more hardware.

Chief Holmes stated they would have to purchase just standard preventive maintenance that they do now.

Mayor Pearson stated that the County can pull out at any time, what does that do to the Village.

Mr. Cherry stated that is to do with their contract and the data sharing.

Mayor Pearson stated that we are still committed to this firm.

Deputy Mayor Matise stated that basis of this question is because we just came through this whole thing about Workers Compensation with the County and now we have a \$100,000 bill every year because the County pulled out.

Mayor Pearson stated that the contract talks about liabilities and expenses and damages. Is that liabilities to people who are arrested, what is that?

Mr. Dowd indicated that it's basically that the Village is agreeing to indemnifying and holding the County harmless for any claims that may be made against the County in which the Village is at fault. An example would be if we misuse the system and supply the wrong information or if there is a violation of the contract through our fault. The County is also giving us their own indemnification.

Mayor Pearson asked if the \$6930 was staying that for the three years.

Mr. Cherry stated that it will stay that for the three years.

Mayor Pearson asked how many officers do they have in Orange County signed up.

Chief Holmes indicated 800.

Mr. Dowd stated that a provision can be put in the agreement that in the event of consolidation of the police forces that the contract would be recalculated.

Mayor Pearson stated that she would like to see that put in.

Deputy Mayor Matisse stated that she would like to hear the legal aspects before approving this contract.

Mr. Dowd stated that the only real legal issue he sees is the commitment that the Board is making and their obligations to go forward with ADMIT and what the yearly obligations are for maintenance and what happens if they cancel and do not live up to their obligation in three years.

Deputy Mayor Matisse stated that she wants to hear what ADMIT has to say and whether they can have a clause that doesn't bind the Village to that in the event we consolidate.

Mr. Cherry stated that they've had some Board having a cheviot, pending approval.

Mr. Dowd stated that he would encourage that.

Trustee Millspaugh moved that the village manager prepare a report in conjunction with Mr. Dowd on his observations and recommendations so they can come up with a consensus at the next meeting.

Mayor Pearson asked what happens after the three years. What's the step the County is thinking about?

Mr. Cherry stated that the Village will own the software. He asked that the Board approve this pending the Village Manager's report.

Seconded by Deputy Mayor Matisse.

Chief Holmes stated that he sat with the Mayor and they put it on the agenda to have this brought up. They did not drag their feet at all.

Mr. Dowd stated that he will call the County Attorney's Office to see if they have a model contract with ADMIT and talk to them about the concern of consolidation. He can get some quick language and insert it in the contract.

Mayor Pearson asked the Chief if he had the extra money?

Chief Holmes stated no, but they just got a win fall of \$4,000 in this budget year. It will be budgeted in the 2009-2010 budget. If it's approved tonight it will be installed in October and it's a year from that.

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

### **Emergency Management Program Review**

Trustee Millspaugh asked if they could get a flow chart because there were terms in there that he didn't understand where they fit in the picture.

Mayor Pearson stated that she has concerns about when it talks about the manager, some of the points in there they don't let the Board of Trustees or Mayor know what is happening. It talks about the Manager, but then the Board of Trustees and the Mayor are left out of conversations. The Mayor should know what the situations are. She feels that any Mayor that's sitting here should be notified of what is happening in the Village and a lot of the times she doesn't see that in there.

Manager Politi stated that if the incident command system is followed you will be notified.

Deputy Mayor Matisse stated that sometimes they are notified and sometimes they're not. When the incident happened at Wooster Grove they were notified and when the incident happened at the school they weren't.

Manager Politi stated that if the Board wants to direct him to put something in there he will.

Deputy Mayor Matisse stated that on Page 8, naming a successor, there was a lengthy discussions on this.

Manager Politi stated that the last thing he remembers in that discussion was, he's out of the Village and can't get back into the Village, the manager is not here, whoever can make it to this building from the Board within a reasonable amount of time takes that successor.

Mayor Pearson asked what the purpose of a Mayor is.

Manager Politi stated that you as a group set policy.

Trustee Wynkoop stated that he feels the right people are in charge in case of an emergency.

Mayor Pearson stated that she's not talking about in charge, she's talking about being notified and up to date.

Manager Politi stated that in an emergency event there is going to be financing and he will need the Mayor.

Deputy Mayor Matise stated that will depend on the incident and who the commander will be under NIMS.

Trustee Rumbold stated that she finds the words absent from the Village so ambiguous. What does that mean?

Manager Politi stated that it means he's not physically present. He's not in the Village and not able to get into the Village and there's not communications.

Deputy Mayor Matise stated that there are new Board Members that need NIMS training.

Trustee Millspaugh asked how much input has the fire department had with the Emergency Management Program.

Manager Politi stated the Fire Department, Ambulance Corp., Police Department the County have been part of this process. They all approved this.

Trustee Millspaugh stated that he's still not clear on the Mayor's part in here as the elected official of the Village.

Manager Politi stated that it's the entire board if you need legislation to move forward. Whatever the Board wants him to put in there.

Mayor Pearson stated that you don't have to if the Mayor makes that decision. She can go to an incident where the Mayor was at and people were not showing up to and it was very frustrating and this is part of that.

Manager Politi stated that she's looked at that issue from only one spot in the Village, when the wells were threatened and the whole series of items in this Village were threatened that he had to be around the Village. The Superintendent of Public Works was there.

Mayor Pearson asked, I'm going to wake up four trustees and say get down here and the Manager is going to come down and we will decide what is going to happen.

Trustee Norman stated yes, that's what she's supposed to do.

Mayor Pearson asked, why would you need to do that if there is a Mayor in charge?

Trustee Hurd stated that the Mayor doesn't have any supervisory authority in this Village; it's a manager form of government.

Mr. Dowd stated that she's not the Chief Executive Officer.

Trustee Millspaugh stated, perhaps that should be changed.

Trustee Wynkoop stated that you have all your department heads involved, they're the ones that know what's going on.

Trustee Millspaugh stated that the Mayor has responsibilities too.

Mr. Dowd stated that she doesn't enjoy the powers under a mayoral form of government because you have a manager form of government.

Mayor Pearson asked that he doesn't say she, the Mayor of the Village of Walden.

Mr. Dowd indicated that when the Village formed a Village Manager form of government most of the executive powers of the Village were vested in the Village Manager.

Mayor Pearson asked what happened with 440, does that change it at all.

Manager Politi stated that you're under 15A. When 440 came out the Village had an option to adopt it and they didn't. They stayed with 15A.

Mayor Pearson stated that she knows that.

Deputy Mayor Matise stated that on Page 48 when there is an incident. Maybe this will clear up lingering issues that have gone on. We don't seem to have had a post incident analysis. That might be something the Manager or someone who was the incident manager needs to report back to the Board.

Chief Holmes stated that the Fire Department and Police Department do that.

Deputy Mayor Matise stated that if the Board was involved in the incident then they should also be involved in the post incident analysis.

Chief Holmes stated that it would depend on the incident that occurs.

Mayor Pearson stated that she would like notification if there is an emergency and also the Board.

Manager Politi stated that in the NIMS training that is part of the process, unless you want it clarified.

Mayor Pearson stated that she would like it clarified in there.

Deputy Mayor Matise stated that she would like it put in there that the Board is notified as soon as practical.

Manager Politi stated that having notification of the Trustees, other than that is there any other change to this.

The Board indicated no with Trustee Rumbold indicating that the Manager is not always going to be a male, so change him to him/her.

Deputy Mayor Matise moved to adopt the Emergency Management Plan. Seconded Trustee Rumbold. All ayes with the exception of Trustee Millspaugh abstaining. All ayes with the exception of Trustee Millspaugh abstaining.

Deputy Mayor Matise moved to have NIMS training for elected officials. Seconded by Mayor Pearson. All ayes. Motion carried.

### **PBA Retiree Badges & Shields**

Village Manager Politi stated that he needs clarity from the Board and it was his understanding when they left the discussion and his directive was to buy a shadow box, and the Board would present the original shield to the retiring officer. The PBA would take care of the shield that is carried. We do not want to deal with the 218 at all which would include an ID card.

Chief Holmes stated that shield means nothing, the ID is the most important part of anyone identifying themselves as either an active police officer or a retired police officer. There is no question as to what 218 means for an active police officer. For a retired officer there are two sections, one says you give that officer a normal government ID and they would have to prove if they cross state lines that he has been in the last year qualified to use the weapon that he is crossing the state lines with. There is a second ID that was questioned. On the back of the ID there would be a design that the person would have every year he qualified. His suggestion was to make sure the ID has the Mayor and Chief's signature on it. If he lost his ID he would be able to go to the Clerk and get a new one. That would prove that person got their ID. You don't want to get involved with 218 because of the liability, so you can get out of that by issuing a simple ID.

Deputy Mayor Matise stated that anyone can apply for a pistol permit and that under 218 the Village would have to provide the annual qualifying for the retirees.

Mayor Pearson stated that she didn't know they could have two different ID's. So, there is an ID that you can carry around without worrying about 218.

Chief Holmes stated yes. He further stated that it would be his recommendation to just issue an ID which would come from the Board and the Mayor and Chief sign it.

Trustee Rumbold questioned why the Mayor would sign the ID. You're taking on a responsibility of signing an ID, we just talked about our emergency, our Chief Executive Officer, Mayor has no power, its basically a figure head, she runs meetings, he runs meetings, who ever it may be. If I was the Mayor I wouldn't sign an ID.

Manager Politi stated that the Board would be approving the ID, so someone from the Board would have to sign the card.

Mayor Pearson stated that they can make a motion that the manager signs the ID.

Deputy Mayor Matisse stated that it would be better if it's a resolution.

Manager Politi stated that his recommendation is to stick with the two badges, no ID, because of what it's tied to.

Trustee Norman stated that she would go with the Chief's recommendation.

Trustee Hurd stated that he's in favor of the two badges.

Trustee Wynkoop stated that he goes along with the Chief.

Trustee Hurd asked the attorney if there would be any liability to the Village.

Mr. Dowd stated that he doesn't believe so.

Chief Holmes stated that one of the qualifications is that they were with the Village as an officer for 20+ years.

Manager Politi stated that the PBA keeps trying to push the 20 years down, but everything with the Village is based on 20 years.

Trustee Rumbold stated that they should be consistent.

Mayor Pearson asked if someone was with the Village for 10 years and has 10 years with another municipality and you were able to retire after 20 years, because you have 20 years of service in New York State, you would not get a shield or ID because your ten years of service was nothing.

Manager Politi stated that she shouldn't say that, she's eschewing.

Trustee Rumbold stated that it states if they leave for any reason.

Chief Holmes stated that will be the Board's decision.

Mayor Pearson stated that the letter is what the PBA was talking about. The Board can set their own policy.

Trustee Norman moved to present a retiring officer who is retiring after 20 years of employment with the Village of Walden and is in good standing, a shadow box with a shield and the original shield and ID and a service award for an officer who retires after 10 years of service. Seconded by Trustee Wynkoop. All ayes. Motion carried.

## **Curfew**

Trustee Wynkoop stated that he still says that it's a first amendment right to our Constitution, Freedom of Speech and the Right to Assemble in a public place. You're breaking the law.

Mayor Pearson stated that there is new legislation.

Mr. Dowd stated that in New York State you have an opinion of the Attorney General which he agrees with that under your police powers you can enact, legally, a curfew. The Attorney General recognizes the case law that has come out from the Federal District Courts all over the country as to the danger of those if they are not drawn correctly or enforced correctly, because of violation of juveniles First Amendment rights. If you decide to do a curfew law you must identify the reasons for your intrusion upon that First Amendment Right. You recite what the problem is you're trying to correct and demonstrate that it is a problem and that this is the least restrictive way of solving the problem. That is what the Attorney General says and that is what case law says and that is where you start running into some problems. There have been so many juvenile curfew laws that have been struck down and when they are struck down the municipality that tries to enforce them is usually going to be held for civil liability violations.

Mayor Pearson asked how many have been upheld.

Mr. Dowd stated that there have been a number upheld. This opinion talks about parental responsibility and that has always been discussed about holding parents responsible for their children being on the street. It's clear that the State of New York has preempted to hold parents responsible for the acts of their juvenile children. You can make them accountable under the Family Court Act. You can do a curfew legally, and you can use your police powers to enact upon, but you must tread very cautiously. The question is what is the problem you're trying to address and how pervasive is it to act a curfew law. If it's not a huge problem with the Village he would advise the Board not to do so.

Trustee Norman stated that she's changed her mind, she doesn't like the curfew, but she does like the idea of the neighborhood watch.

Trustee Wynkoop stated that he doesn't believe in curfews.

Deputy Mayor Matise stated that she's waiting to see what happens in Newburgh. There have been some reports of vandalism on Wait Street. If there are issues that need to be dealt with then the Village should deal with them. If its certain locals then deal with them, but if its not pervasive then use the tools we have.

Trustee Hurd stated that he's not aware of any outbreak that is severe and the police department needs a curfew law.

Trustee Millspaugh stated that he would consider a curfew if the police felt it was a tool that they could use.

Trustee Rumbold stated that the Board has heard from people who are disturbed because kids are congregating on their lawns. It's a bigger issue than punishing everyone and saying you have to stay off the streets because there are some kids that can't control themselves or are out of control. She hates the thought of punishing everyone for a few.

Deputy Mayor Matise asked about starting some other neighborhood watches.

Chief Holmes stated that he's had inquiries on how to start a neighborhood watch.

### **Board of Trustees Health Care**

Trustee Norman stated that she's had the insurance and Mrs. Sandbothe has stood up at the podium and pointed her finger about the insurance. This is her opinion and she is going to say it, after reading the article in the Wallkill Valley Times her phone never stopped ringing. She feels that New York State offered that insurance to her. They do it to the CSEA members, they do it to elected officials, and she took it. She didn't take a buy out, everything seems to turn to the insurance, insurance and nobody has spoken about the buy outs. The Board wants her to pay and she doesn't have a problem with that. Some people want it to be taken away. What about the buy outs? There are people on the Board right now that took the buy out and the two new trustees stated that they would take the buy out. Trustees Millspaugh and Rumbold said that in some way they would do something to give it back. Why is it fair that Trustees Wynkoop, Hurd and she are constantly in conversation that they took the insurance? From the paper she was given \$80,000 was paid out in buy outs. She asked who forced Mr. Raymondo to take a buy out. She asked the people in the Village Office. She is tired of being ridiculed because she did it legally, she picked the insurance.

Mayor Pearson stated that people came in on the Board thinking it is legal when it's not legal and is not fair to the people who are sitting here today. The Board did not do the job they were supposed to be doing when they talked about buy outs. There was no research done and now it's illegal.

Trustee Norman stated that they need to settle this now.

Mayor Pearson stated that three members that are still sitting here were on that board when that was discussed. Not to be able to put that in legally what does that do to the people that are here that were thinking that when you're coming in that everything is done above board and done right.

Trustee Norman stated that she can sit here as a ten year member of this Board that she's never heard of a buy out until someone told her they took a buy out.

Mayor Pearson stated that she is angry too.

Trustee Wynkoop stated that he came on the Board in 1996 and the insurance was offered to him and he took it. He never applied for a buy out and he doesn't know how it came into effect. There are no minutes.

Mayor Pearson stated that someone has to know how this came about.

Trustee Hurd reiterated what he stated at the last meeting. He offered the suggestion of raising the salaries in lieu of the insurance to have equality and to use that salary to purchase insurance.

Mayor Pearson indicated that she did not run for the money.

Deputy Mayor Matise stated that you can not ask an employee to pay more than 35% of a premium, so a municipality will always pay 65% for a family policy and 50% for a single policy. Those are NYSHIP regulations. The only way you would be able to change that is if we asked the Manager to go to Keith Hunter and find another policy just for the Board.

Trustee Hurd also stated that whatever they do he recommended they do it effective April 1, 2009.

Trustee Millspaugh stated that he wasn't looking for the buy out and he was not aware of it.

Trustee Wynkoop stated that he is willing to do whatever is fair.

Trustee Rumbold stated that she didn't want this to be something that is punitive. She felt the money the taxpayers were paying on it was excessive. The simple answer was let's cover the Trustee and if someone wanted family coverage they can pay the difference. NYSHIP doesn't allow you to do that. The next thing was pay a percentage. The buy out, having been on the school board she is a great believer in buy outs. The last thing you want is for someone to take the insurance. She is so tired of talking about this. The Board needs to make a decision. Let's get a consensus as to whether they should offer insurance to Board Members. If we say yes then we have to figure out how we are going to do this to save the taxpayer money and get on with it. She asked if the Board wants to offer medical insurance to elected officials in this village.

Trustee Norman stated that what about the present Board Members insurance. If their insurance stops right now, has the members gotten their buy outs for the year. Trustee Rumbold had suggested that with the new elected officials coming on it would be a good idea to have them pay so much towards their insurance to take some of the taxpayer's expense off. That's the way she would go. She said it from the beginning that, when she first became a trustee, she remembers her and Trustee Wynkoop standing in the Treasurer's office and she said that she didn't care about her pay check, you can pay for her insurance with it. Unfortunately she wasn't able to do that. She feels the new officials that are coming on; let them pay a percentage of what the insurance is. If the buy out is to continue let them take the lowest of the buy out.

Trustee Wynkoop stated that he doesn't care. If they want to do away with the insurance give him a month or so to pick up insurance.

Deputy Mayor Matise stated that this has become such a complicated issue; she is at the point that we need to uncomplicated our role in it and move on. Get rid of the insurance.

Trustee Hurd stated that he feels insurance is an important part of the entire compensation. The buy outs are allowable; they are just illegal because the Board didn't pass a local law first. He feels doing away with the health insurance would be a mistake. He feels whatever is done should go into affect after the Village Election.

Mayor Pearson disagreed with that.

Trustee Millspaugh stated that he would like to hear more about using a different insurance carrier.

Mr. Dowd stated that he doesn't want the Board to lose track that the Judge is also involved in this conversation. It seems like you can acquire some sort of compromise here if you look at what other communities do and what they have done and one is East Fishkill, who asked the officials to make a contribution toward the premium and that may be your interim solution.

Deputy Mayor Matise stated that is what the resolution was.

Mr. Dowd stated that the resolution started at 20% and 35% which was extremely high. You can start at 10% and graduate it to 25% or 35%.

Mayor Pearson asked the Manager to get together with Trustee Hurd and Mr. Dowd and put numbers together.

Trustee Rumbold stated that this whole thing started to be fair to taxpayers. It makes her crazy to think how this got into the budget. Somewhere, somehow somebody directed someone to put this into to this budget and no one can remember who it was.

What upsets her is she elects the Board of Trustees to take care of her tax dollars and they can't remember putting something like this into the budget. She will look at this on the agenda one more time. She doesn't want the buy out; she wants her name taken off the buyout. She is sick of this. This could have been settled if the Board decided to do the right thing in the beginning and say yes, they will pay into their insurance. She has felt from the beginning if a person who is doing the job needs health insurance it should be there for them. It makes her sick to know that now they are talking about taking it away. She would like to see an alternate policy that would be less expensive. She feels its two faced to say let the next board deal with this. She's sorry it has come to this and she is sorry she ever opened her mouth about this issue. If we deal with business like we've dealt with this issue we're never going to get anything done.

Trustee Wynkoop stated that a lot of things have been done in this Village over the past 10 or 12 years that hasn't been matched.

Mayor Pearson stated that there is the issue on the buyouts. She asked if Mr. Dowd had any research on this.

Mr. Dowd stated that he doesn't.

Deputy Mayor Matisse asked if its negotiated in the CSEA contract that they get a buyout based on what they qualify for.

Manager Politi stated yes.

Deputy Mayor Matisse asked if they can negotiate a contract where the individual employee would only qualify for a single buyout.

Manager Politi stated that you can negotiate that. He will work with Trustee Hurd and put some numbers together.

## **Landlord Registry**

Mayor Pearson asked about the legality of having to collect on the fine.

Mr. Dowd stated that if they fail to register they are in violation of the law and you would issue them an appearance ticket and take them to court.

It was the consensus of the Board to take out the fee and put a dollar value on those who don't respond rather than those that do respond.

Trustee Millspaugh stated that it seems they are putting too much on the Building Inspectors plate.

Village Manager Politi stated that getting this on the web would also help.

Mayor Pearson suggested having the phone number and the email address underneath that. She also asked about the definition of dwelling.

Mr. Dowd stated that it's on the final draft. The changes are; take the registry fee out and reintroduce that in that form.

Trustee Hurd moved to hold a public hearing on Introductory Local Law I-2 of 2008, "Landlord Registry" on July 8, 2008 at 6:30pm. Seconded by Deputy Mayor Maise. All ayes. Motion carried.

### **Meeting Format**

Manager Politi stated that he did call around to different municipalities and most of them have defined work sessions and regular meetings and some are a blend. It's really up to this Board to find a format. There is more of a slight edge with work sessions and regular meetings.

Mayor Pearson asked if the Board liked the new format.

Trustee Hurd stated yes. He just wishes they had more time to look at information. He likes the idea of committees and having the information in advance.

Mayor Pearson suggested more meetings.

It was the consensus of the Board to stay with this format.

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

John Revella spoke about the health insurance. ( I could not hear what he was saying). He also stated that he's glad the Board is doing NIMS training. He also looks forward to the landlord registry.

Mr. James presented the Board with a petition to allow him to keep his planter boxes in the Village right of way.

Manager Politi indicated that is a right of way and the planters weren't allowed to be there. He will check the roadway to see where the right of way is.

Mayor Pearson stated that she knows the Village will be doing work on that road this season, she asked if the boxes could stay until the work gets done.

Manager Politi stated that the Board has instructed him to move the planters to Olley Park. He needs direction from the Board.

Mayor Pearson stated that she suggested that when the work on that street gets done to take those trees and plant them in the grassy strip and take the planters out. She

asked Mr. James if he was okay with that. Also, take the planters to the park and do something with them.

Manager Politi suggested that they take the planters with the trees to the park.

Mayor Pearson stated that she is in favor of leaving the planters there until the street gets done.

Mr. Dowd indicated that it's a liability if it's in the right of way.

Manager Politi stated that all he's trying to do is follow the law.

Mr. James asked that they be allowed to stay until the road is done.

Manager Politi stated that the only reason the planters haven't been moved yet is because the backhoe is down right now.

It was the consensus of the Board to allow for the planters to remain until the backhoe is fixed.

### **Approval of Minutes**

Trustee Hurd moved to adopt the minutes of June 10, 2008. Seconded by Deputy Mayor Matise.

Mayor Pearson asked if the manager has found out anything about the inspection of the pipe on Church Street.

Manager Politi stated that the Building Inspector went to look at it and spoke to the contractor so the final pieces were not in our right of way and they did not remove any slate. The stone was over spill. They have two clean outs and they are only required to have one. When they cameraed the line our main is in good shape.

Trustee Millspaugh stated that he read in the code book that the sewer treatment plant operator is the sewer administrator of the Village of Walden.

Mayor Pearson asked if he would be doing the inspections.

Manager Politi stated that the sewer mains are what the sewer crew take care of, and anything that is a building is the building inspector's job.

Deputy Mayor Matise asked if the laterals are controlled by the State Building Code and is that what Mr. Stickles is trained to implement.

Manager Politi stated yes.

All ayes. Minutes adopted.

### **Audited Bills**

Manager Politi stated that there are not four signatures on the bills. If the board votes to pay the audited bills he will pay them, but he is letting the Board know that from an audit prospective the Board will get and he will get in trouble for not having four signatures on those bills.

Manager Politi stated that the Board stopped the payment of bills for several months. There are three bills that the Board didn't authorize the manager to pay them and they've been questioning bills on everything.

Trustee Rumbold asked why the Trustees aren't signing the bills, that is part of their job.

Mayor Pearson moved to pay the audited bills of June 24, 2008 pending four Board member signatures. Seconded by Trustee Rumbold. On roll call Trustee Wynkoop, Rumbold, Millspaugh, Deputy Mayor Matisse and Mayor Pearson voted yes. Trustees Norman and Hurd abstained. Motion carried.

Deputy Mayor Matisse stated that the treasurer did set up a new line for Soap Box Derby, she will also let the Board know about the donations in and the expenses out balance.

Manager Politi asked if the Board wanted that for all the events.

Deputy Mayor Matisse stated they should do that with National Night Out and Soap Box Derby.

Manager Politi asked if the Board would like to see all the donations in on anything.

The Board agreed.

### **Correspondence**

A letter was received from the Town of Montgomery regarding the letter of support for the Benedict Farm Park.

Deputy Mayor Matisse stated that the Town didn't give us support because they got the information late.

Manager Politi stated that the Village is putting in an application for the foot bridge. It's the same pool of money. We turned to the Town of Shawangunk and Town of Montgomery and asked for support. Shawangunk supported it, but the Town is also

going for a grant for the Benedict Farm from the same pool, so their board will not support this because you will have two significant projects in the same town which could be problematic. He asked if he should write a letter of support to the Town.

It was the consensus of the Board not to send a letter of support.

Correspondence was received from Dawn Campbell on Orchard Street about signs and one way traffic.

A letter was received from Mr. Melnic regarding the oak trees.

Mayor Pearson suggested a letter go out from the attorney that we are doing everything possible with the exception of cutting down the trees.

Mr. Dowd stated that he will draft a letter.

A letter was also received from Pleasant Avenue.

Trustee Hurd stated that you have accusations without anyone's signature.

Mayor Pearson stated that she received a phone call on one of the same issues about two months ago and she did speak to the Building Inspector about it.

Manager Politi stated that the Building Inspector has an appointment with the owner on Friday. The Police Department is aware of the problem in the area.

Deputy Mayor Matise stated that the same owner has been cited for his property on Elm Street.

Mayor Pearson stated that the Building Inspector can look at that one too. She also received an email from a homeowner in that same area.

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

Manager Politi asked how the Board wants to react to the letter from Related Management.

Deputy Mayor Matise suggested a letter be drafted stating that the Board has concerns and they are exploring those concerns and for them not to act on this until they hear from us.

Mr. Dowd stated that he is looking into the HUD regulations.

Deputy Mayor Matise stated that maybe it should be researched through their site plan approvals.

Trustee Norman suggested that Mr. Dowd contact the manager at 211 Cliff Street before he writes the letter.

Manager Politi stated that the attorney is looking for a meeting regarding Times Warner's franchise.

Manager Politi stated that the Farmers' Market opens this Thursday. Also, a letter was received from Stantic regarding the Tinbrook pump station.

Manager Politi stated that he has the department head reports.

Mayor Pearson asked about Mrs. Sandbothe's property.

Manager Politi stated that Mr. Sandbothe said that he hasn't heard back from the property owners. We will keep trying to warn them that they have the dead trees.

Mayor Pearson asked if the water at Olley Park was ready for swimming.

Manager Politi stated yes.

### **Board Comments**

Trustee Millspaugh stated something about the insurance buy outs (which I couldn't hear), he wants to make sure the sewer rate increase that the public hearing for the budget covered that, it was reflected in the minutes. There is over growth on Orange Avenue at the intersection of Church Street and Orange Avenue and also by the garage.

Mayor Pearson stated there is tall grass and weeds on Ulster Avenue.

Trustee Hurd stated that the Soap Box Derby went very well even with the heat.

Deputy Mayor Matise asked if NYSERDA ever called the manager.

Manager Politi stated not that he's aware of.

Deputy Mayor Matise asked if the no parking sign was ordered for Bank Street.

Manager Politi stated yes.

Deputy Mayor Matise asked if the manager has heard from Mr. Hunter about the kids using their own vehicles.

Manager Politi indicated that he has and we will be getting a written response.

Deputy Mayor Matise asked if they can alleviate that situation somehow.

Manager Politi stated yes.

Deputy Mayor Matise asked about the Town of Montgomery Ambulance Corp. and the issue of our seniors being billed with the Mobile Life and Town Ambulance being mixed. Its time to send the Town and Ambulance Corp a letter.

Mr. Dowd stated that he can write them a letter encouraging them to bring this to a conclusion.

Mayor Pearson stated that the seniors have no clue that if they're in the Town ambulance and Mobile Life shows up and someone from Mobile Life gets in the Town Ambulance that they will be charged \$800.00 and Medicare won't pay.

Trustee Norman stated that she and the manager will be going to Winding Hills Park to look at park benches.

Mayor Pearson stated that people on Pleasant Avenue told her about kids going into the park late at night and hanging out. She also asked the manager if he had a Zoning Board appointment.

The Mayor also stated that Thursday night is the meeting on Albany Avenue.

Mayor Pearson asked if the police have an ID maker.

The Village Clerk stated no.

Mayor Pearson stated that she needs to know who to call when the manager is out of the area.

Manager Politi stated that every time they have an emergency call the Police Department and they will call the appropriate department head.

Mayor Pearson asked if the manager puts a slip in for vacation.

Manager Politi stated that it goes to the Treasurer and he advises all the department heads. He also advises the Board who is in charge.

Mayor Pearson asked what's going on at LaFayette Street.

Manager Politi stated that they're almost done.

Mayor Pearson asked where the responsibility to make that right the first time comes from.

Manager Politi stated DPW.

Mayor Pearson asked why they ripped that out.

Manager Politi stated because there were complaints it was too narrow.

### **Executive Session**

Mayor Pearson moved to hold an Executive Session pursuant to 105-(f), Personnel, of the Public Officers Law. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Trustee Norman moved to reconvene. Seconded by Trustee Hurd. All ayes. Meeting reconvened.

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk