

Motion and Resolutions
August 12th, 2008

Trustee Millspaugh moved that in the absence the Mayor be informed of any situations immediately. There was no second.

Introductory Local Law I-5 of 2008-“Vehicles and Traffic”, Albany Avenue & Orchard Street

Deputy Mayor Matise moved to introduce Introductory Local Law I-5 of 2008, “Vehicles and Traffic.” Seconded by Trustee Norman. Deputy Mayor Matise withdrew her motion.

Resolution No. 3-08-09,”Justice Court Assistance Program Grant Application”

Deputy Mayor Matise moved to adopt Resolution No. 3-08-09, Justice Court Assistance Program Grant Application. Seconded by Trustee Norman. All ayes. Resolution adopted.

Records Management Contract Agreement

Deputy Mayor Matise moved to approve the records management contract agreement subject to the amendments. Seconded by Trustee Norman. All ayes. Motion carried.

Related Management

Trustee Rumbold moved to authorize a letter of support for the project to the County IDA. Seconded by Trustee Wynkoop. On roll Trustees Wynkoop, Hurd, Rumbold, Millspaugh and Mayor Pearson voted yes. Deputy Mayor Matise voted no. Trustee Norman abstained. Motion carried.

Health Care for Trustees

Deputy Mayor Matise moved to table the discussion on health care until they have a presentation from Bob Adams. Seconded by Trustee Norman. All ayes. Motion carried.

Orange County Firefighters Museum-Funding Support Request

Trustee Millspaugh moved to table the Orange County Firefighters Museum funding support request until they get more information from the manager as to where the money will be coming from. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Millspaugh moved to have the Manager include an explanation with agenda items. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Approval of Minutes

Trustee Norman moved to adopt the minutes of July 22, 2008. Seconded by Trustee Hurd. All ayes with the exception of Trustee Rumbold voting no. Minutes adopted.

Audited Bills

Trustee Norman moved to pay the audited bills of August 12, 2008. Seconded by Trustee Millspaugh. On roll call Trustees Wynkoop, Norman, Hurd and Millspaugh voted yes. Trustee Rumbold, Deputy Mayor Matise and Mayor Pearson voting no. Motion carried.

Outdoor Furnaces

Trustee Millspaugh moved that the manager get sample legislation from General Code regarding outdoor furnaces and have something incorporated in the updated code. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

McKinley Monument Wall

Mayor Pearson moved that the Manager get quotes to fix the McKinley Monument wall and move quickly with a truck route. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Adjournment

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

**Village of Walden
Board of Trustees Meeting
August 12th, 2008**

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

On roll call the following were:

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

Also Present:	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Absent:	James Politi, Village Manager
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Deputy Mayor Matisse asked where the manager was.

Mayor Pearson stated that he is on vacation.

Deputy Mayor Matisse asked if the Board authorized his vacation. She doesn't remember it coming to the Board.

Trustee Norman stated that the Board has never authorized anyone's vacation as long as she has been on the board.

Deputy Mayor Matisse stated that at one time they may have.

Deputy Mayor Matisse stated that if they are the supervising Board and that is our employee shouldn't have our employee asked to be dismissed from a meeting. The meetings are the manager's responsibility to be at. Its part of his contract. He usually doesn't take his vacation during a board meeting week.

Trustee Hurd stated that there was a family conflict.

Deputy Mayor Matisse stated that there are a lot of issues on the agenda that he needs to be here for, because there are questions and he's not here to answer them.

Trustee Millspaugh stated that when he had a supervisory position he had to make arrangements for his vacation time. He feels the Manager's vacation should have been discussed at a prior meeting since there was a scheduled Board meeting.

Deputy Mayor Matise stated that maybe there should be a policy which would be in the employee handbook.

Trustee Norman stated that the only time she remembers vacations being discussed is when the Mayor was upset because we were down on police officers because of vacations. If we're going after the Manager what about the rest of the employees.

Deputy Mayor Matise stated that the police officers are the department's responsibility and the Manager's responsibility. The Board's responsibility is the manager.

The Village Clerk asked what about her vacation.

Deputy Mayor Matise stated yes, and Jan too because they are appointed by the Board.

Trustee Norman asked the Clerk if anyone has ever had to do this.

Ms. Mitchell stated no and there's never been a problem.

Deputy Mayor Matise stated that if the Clerk is not coming to a board meeting she provides coverage. She asked if there was anyone covering for the manager.

Mr. Dowd stated that the manager does not have a deputy.

Deputy Mayor Matise asked who the acting manager is.

Trustee Hurd stated that he turns it over to the Chief when he's not here.

Mayor Pearson stated that she spoke to the Chief today and he said he wasn't. It was just in conversation, not related to this issue at all.

Trustee Hurd stated that in an emergency situation you would call the police or fire.

Mr. Dowd stated that in the four managers' that he's been the attorney for there has never, ever, been a time where the Board has asked the manager to clear their vacation time with the Board. If the Board wants to impose such a policy that would be their right.

Deputy Manager Matise asked if the manager's took their vacation at the end of August when there wasn't any Board meeting.

Mr. Dowd stated that he knows they've taken vacations and he knows they missed Board meetings. He's never seen where they've asked permission of the Board to take vacation.

Mayor Pearson stated that this will be on the agenda.

Trustee Norman asked if this should go for the Clerk and Treasurer.

Deputy Mayor Matise stated that the Board should be informed ahead of time.

Ms. Mitchell asked if she wants to take a vacation day and there isn't a board meeting what should she do.

Deputy Mayor Matise stated that a day at a time is not the issue.

Trustee Norman stated that it is still vacation.

Trustee Millspaugh stated that if the Deputy Registrar and Registrar were on vacation at the same time it would be a problem.

Deputy Mayor Matise stated that if there is coverage it wouldn't be a problem.

Trustee Millspaugh moved that in the absence the Mayor be informed of any situations immediately.

Trustee Hurd stated that he assumes the Mayor would be informed.

Mayor Pearson stated that she would like to think that too, but lots of times she doesn't hear something happened until days later.

Trustee Hurd stated that the Village Manager is still the Village Manager, he's on vacation.

Deputy Mayor Matise stated that he's not here at a Board meetings and this is one of his primary responsibilities to be at the Board meeting.

Trustee Hurd indicated that he's on vacation.

Deputy Mayor Matise asked why he is on vacation at this point. She asked Trustee Hurd if that was okay with him.

Trustee Hurd stated yes, absolutely.

Deputy Mayor Matise asked how many weeks of vacation is he entitled to. If he has four weeks of vacation and every week was on a Board meeting.

Trustee Hurd stated that Jim Politi has been the Village Manager for close to ten years and he's been extremely responsible and a successful Village Manager. To his knowledge they've never been presented with a problem.

Mayor Pearson stated that the Board can discuss a policy at the next meeting.

Public Comments

Mary Huber, 55 Main Street stated that she has been coming to the Village Board meetings for 30 years and she never recalls the Village Manager having to get permission or be authorized by the Village Board to take his vacation. She also stated that the Night Out Against Crime was great. There was one minor problem which was people smoking under the tent.

John Muehlen, Alfred Place stated that in the back of his property on Orchard Street, Roy had his property surveyed and pegged, the man behind him put a fence up and he pulled the survey peg up. The man sold the property and it's his understanding that he had to get a building permit before he could close. The man put the fence three feet on his neighbor's property. The neighbor is upset and he is upset because according to Roy's pin the fence is two inches on his property. He wants it off his property.

Mayor Pearson indicated that she spoke to the Building Inspector about that.

Mr. Muehlen stated that the Building Inspector can't do much about it. If the Building Inspector issued a permit to close on that property then he is responsible.

Mayor Pearson stated that you also have to have a permit to put a fence up.

Mr. Muehlen stated that he didn't. He understands that when that property closed there was a permit issued at that time. There was also a permit issued for the shed on the property and that is on the property line. If you look at where the fence is its three feet from the property. He asked why wasn't there a permit issued for the fence and if it was wrong when it was inspected it could have been corrected. He got a building permit for his fence. Also, 32 Maple Street has an illegal apartment. Also, Dean said he was going to take care of the garbage issue on Myrna Wolfe's property. A year ago he got a notice for weeds on his property. Myrna Wolfe has weeds in the alley about a foot high. He'd like that and the garbage taken care of.

John Revella, 16 Church Street stated that now that the Walden Community Council has been awarded \$200,000, Main Street grant he was told there is a second round of grants coming for \$500,000, he hopes the Village intends on applying, but if not the Walden Community Council would make a joint effort.

Mayor Pearson stated that she hasn't received anything regarding this grant.

Mr. Revella stated that Kerron Barnes has it.

Introductory Local Law I-5 of 2008-“Vehicles and Traffic”, Albany Avenue & Orchard Street

Mayor Pearson stated that this local law is for parking on Albany Avenue on the north side because it presents a problem for maneuvering when the fire department is attempting to turn onto Albany Avenue from Bergen and Pleasant Avenue. This law also deals with a limited parking space on the north side of Orchard Street from two hours to twenty minutes.

Deputy Mayor Matisse moved to introduce Introductory Local Law I-5 of 2008, “Vehicles and Traffic.” Seconded by Trustee Norman.

Deputy Mayor Matisse asked about the fire departments concern with the west side of Pleasant Avenue. Under vehicle and traffic they consider fifteen feet in from a corner as a no parking area. Will that corner be signed? There is also a driveway.

Mr. Dowd stated that is under the State Vehicle and Traffic law.

Mayor Pearson asked if permitting cars to park in the park has to be included in this law.

Mr. Dowd stated that may be able to be done administratively with the Chief and Manager.

Mayor Pearson stated that the first house as you’re coming out of Bradley Park and making a right turn they park there cars there close to the park entrance. They are concerned because they do not like to park their car there now, but they do because they have to. They were concerned about losing those spaces in front and the Board hasn’t addressed that.

Mr. Dowd asked if those spaces were part of that sixty five foot swing.

Mayor Pearson stated that it is if you are coming out of Pleasant Avenue and making a left toward the Thruway.

Mr. Dowd stated that if you look in the vehicle and traffic law the Chief has certain discretionary powers to either waive or oppose parking restrictions. If someone were to call and say they are going to have a lot of wedding guests can we use Bradley Field tonight? As long as they clear the amount of cars they will be using and give license plate numbers so when the police are on their routine patrol and they see those cars, they could do it that way. If that doesn’t work we can come up with another scheme.

Mayor Pearson stated that her concern is when they go to public hearing someone will come in and say what are you going to do for my parking spaces they aren't going to be there.

Mr. Dowd stated that those parking spaces are being taken away so that the fire trucks can get out of Pleasant Avenue.

Trustee Rumbold stated that it is her understanding that they were not going to have a problem with restricted parking on Albany Avenue as long as you made some kind of provision so they could use the park parking lot for visitors. That is part of this.

Trustee Wynkoop suggested they get a permit to put in their windshield.

Mr. Dowd stated that he thinks they can do that on a case by case basis for those residents who have a specific influx of cars on a specific occasion.

Deputy Mayor Matise stated that's not what they are asking for. They were really asking for like in the winter when they have to get off the street.

Mr. Dowd stated that you do that now, they can use Orchard Street parking lot.

Trustee Rumbold stated that piece will have to be in place before she votes on this.

Mayor Pearson stated, even before we go to a public hearing.

Mr. Dowd stated that he was never told about that.

Deputy Mayor Matise stated that the parks close at dusk.

Mayor Pearson stated that the permits should be on a yearly basis.

Deputy Mayor Matise stated that they wanted it on a permanent basis.

Introductory Local Law I-5 was withdrawn by the Deputy Mayor Matise.

Trustee Norman stated that the resident she spoke to said he wanted to be able to park in the park and if it needed to be he would call the police station and say I have four cars to park in the park. He asked nothing about a permanent permit. She doesn't think the Board has to go through ten laws to get someone to park their car and it shouldn't be permanent.

Mr. Dowd stated that he will talk to the Chief and the Manager and see what they want.

Trustee Hurd stated that there is a space on Pleasant Avenue that needs to be added.

Mr. Dowd stated that if there is something that needs to be taken away on Pleasant Avenue he needs to know that.

Deputy Mayor Matise stated that someone will have to contact the Fire Chief.

Resolution No. 3-08-09,"Justice Court Assistance Program Grant Application"

Deputy Mayor Matise moved to adopt Resolution No. 3-08-09, Justice Court Assistance Program Grant Application. Seconded by Trustee Norman. All ayes. Resolution adopted.

Trustee Rumbold asked if there was money available for the sound system, right now and where are we with that.

Mayor Pearson indicated that there was money available.

The Village Clerk indicated that she is waiting for a reply from the Judge.

Records Management Contract Agreement

Mr. Dowd indicated that the County Attorney's office has agreed to amend the contract for the Village of Walden that would allow the Village an escape clause that if in fact in the three year period the Village consolidates with the Town of Montgomery police department and no longer have a police department our contract would end and they would not seek any kind of back payment for the \$32,000 capital cost against the Village. They have also agreed to put in a mutual indemnification provision, that if they were negligent they would insure the Village and defend the Village and hold the Village harmless. The actual contract with the software company, is a year to year contract. You pay upgrades on a yearly basis. If you don't pay they don't upgrade.

Deputy Mayor Matise moved to approve the records management contract agreement subject to the amendments. Seconded by Trustee Norman. All ayes. Motion carried.

Related Management-Proposed Bond Issue

Allison Kunis, Vice President, Related Management stated that Walden Housing Associates are the owner of the Cedars Apartments and 55 Main Street which consists of 89 family apartment units. The project was originally financed by the Walden Housing Development Corporation in the form of tax exempt bonds in conjunction with a Housing Assistance Payment Contract through the U.S. Department of Housing and Urban Development. The contract expires at the end of 2010. Many of their buildings are in need of substantial upgrading and preservation. Related seeks to take advantage of a federal preservation program known as the Low Income Housing Tax Credit Program which will allow them to sell the project to a new entity, which will continue to be

controlled and managed by Related, in order to complete a significant rehabilitation anticipated to be in excess of \$1,000,000 or over \$11,000 per unit. The new owner, Walden Housing Preservation, L.P. will utilize tax-exempt bond financing to be issued by the Orange County Industrial Development Agency and low income housing tax credit equity to provide financing for the necessary renovations. They are also seeking tax abatement from the IDA equal to ten percent of new shelter rent. This would be equivalent to approximately \$102,000 with will be split between the Town, Village and School District for the first year, with annual increases is the same percentage as the increase in Section 8 rents. They don't need the Village's consent to get the abatement from the IDA, but they are looking for support from the Village. The summery of their proposal is to extend the affordable housing project for an additional four years and not have the project go to market a year from September.

Mayor Pearson asked how many letters have they received so far.

Ms. Kunis indicated that she just met with the school today, which went well. She couldn't say they were as interested in saving affordable housing as the Village would be. She met with the Town which went positive.

Deputy Mayor Matise stated that she was not aware of the court case and the Village making payments to them. She asked if there were more payments to be made.

Mr. Dowd stated that there were two payments and the Village made them in two different budget years.

Deputy Mayor Matise asked why Related Management felt they were over assessed.

Ms. Kunis stated that it's not that they felt they were over assessed. It was more of a broad corporate consulting report from a company who has done this before for them.

Mr. Dowd stated that they were grieving the taxes in 2002.

Deputy Mayor Matise asked Ms. Kunis to address the letter the Board received in June. The Village has not received a reply. The letter was in regard to HUD subsidy and that subsidy would be removed if they continued to give preference to local residents.

Mr. Dowd stated that at the request of the Mayor he was looking into the back records of this project and in 1976-77 when this project was approved the only condition of the approval was that preference be given on initial rentals to Village of Walden residents, Town of Montgomery residents or past residents of the Village or Town subject to HUD regulations.

Ms. Kunis stated that was only on 27 of the 89 units. That has been in effect for 30 years. She can find out what the status is with that and if they are going to do away with it.

Deputy Mayor Matise stated they don't want to do away with it because the conception in the Village is that is in force and it's always been in force.

Ms. Kunis stated that they also have the Section 8 contract to comply with.

Deputy Mayor Matise stated that the Village has established an affordable housing law in the town house law which would be to establish a point system. Would we have the ability to do anything like that?

Mr. Dowd stated that the difference in the town house project is that it is our zoning law that is creating these preferences and they are not subsidized by federal or state funding. Once the federal and state funding comes in there's all the non discrimination policies and procedures as well as the rules and regulations of HUD.

Trustee Hurd asked about the bond and who was going to oversee the work.

Ms. Kunis stated that it would be the bond market. The IDA will be issuing taxes and bonds that will be publicly marketed. Whoever buys the bonds will send out architects who will be involved in the inspection process. Work cannot be paid for until it's finished.

Deputy Mayor Matise asked how much the bond was for.

Ms. Kunis stated that the bond issue is not to exceed 4.5 million dollars.

Mayor Pearson stated that some of those people who live in those buildings have major problems with what is going on. The units have not been kept up to the standards that it should be kept up with. The balconies and people can't get out their doors.

Ms. Kunis stated that balconies are first on their list.

Mayor Pearson stated that it took 25 years to get to this point so if we're going out forty years is nothing going to be done on those buildings, you're going to rehab them for one million and within forty years you're going to say we don't have to do anything because we have a forty year bond.

Ms. Kunis stated no. This is a much more modern program. The federal program requires that they prefund reserve for placements. This 4.5 million is going for rehab, sale of the project and transaction costs and reserves. Day one there will be \$75,000 of reserve at closing while rehab is going on. At the same time the lender is also making them put in a deposit every month to make there mortgage payments to a reserve replacement tax escrow and insurance escrow. So all these problems are prevented.

Mayor Pearson stated that if they let the building run down and then you go back and fight the community because you want to get a lower assessment because you let the

building run down and now the Village has to pay back thousands and thousands of dollars to them because they let their building run down to the point that now they have to fix it back up again. She has major concerns with that.

Ms. Kunis stated that the property has been maintained the best that it could have. The assessed value savings that they just got back she can assure the Village that it will be put back into the project in addition to the one million dollars. They've had contractors out there already drawing up specs and plans for the balconies.

Trustee Norman stated that every apartment has been inspected within the last month and there is a list for everything that needs to be repaired. The buildings are in dire need of being repaired. There are a lot of things within the last two years that have disappeared down there. They don't have the nice flowers arrangements. She doesn't like the bars across the sliding glass doors, which is a hindrance. She doesn't feel it's legal. Anytime anything has happened she's had someone there to replace it.

Ms. Kunis stated that they will be holding tenant meetings.

Trustee Norman asked why one building was given balconies and others weren't.

Ms. Kunis stated that there was only a certain amount of money. They did the balconies that were the most serious condition first.

Trustee Norman stated that she is also concerned with the rumors that are going around about the rents going up.

Ms. Kunis stated that the subsidy would go up.

Trustee Norman stated that the seniors are concerned about having to move.

Ms. Kunis stated no one will be forced to move. The whole point of this is that this be kept affordable for forty years.

Trustee Norman stated that she feels Related Management should have met with the tenants before this. She asked if this will start immediately.

Ms. Kunis stated yes, they hope to close by the end of the year. They need the bond from the IDA, letters of support, and HUDS consent.

Trustee Norman stated that she will say that when it comes to inspections they are very good at that.

Trustee Rumbold stated that in the letter it states that it's not anticipated at this time that any tenants will be displaced. What does that mean?

Ms. Kunis stated that this was in case someone had to be outside their apartment while work is being done.

Trustee Rumbold asked what happens if the IDA doesn't approve the financing.

Ms. Kunis stated that she thinks they will since they initially approved it. The only way they wouldn't approve it is if all three municipalities were adamantly against the project and won't send letters of support. If they don't get the financing the project could continue for the next umpteen years, they could renew the section eight contract, the rents would probably go up and they wouldn't put any money into it. The other option is to not renew when it comes up and then they can do what they want. Either way they wouldn't do the renovations because there is no money.

Trustee Rumbold asked for an explanation of there is no money.

Ms. Kunis stated that there hasn't been any cash distribution. The money that is there now is for emergencies.

Trustee Rumbold asked if the project has been a money making thing.

Ms. Kunis stated no.

Trustee Rumbold asked if this is considered a business loss.

Ms. Kunis stated not a business, because all these projects are owned by separate partnerships so the limited partnership would take the loss for the year.

Trustee Rumbold stated that the inspections that they talked about is it their personnel that inspect these apartments, does HUD come in and inspect?

Ms. Kunis stated that whenever a project has a Section 8 contract HUD has a certain department within HUD called the Real Estate Assessment Center and every single project that is subsidized by Section 8 contract has a surprised unannounced visit by a REAC officer. It's not every single year, it depends on the score. Related Management inspects their own apartments more than once a year and they have outsiders that come in and inspect.

Trustee Rumbold asked if they were ever cited for the balconies that are such an issue.

Ms. Kunis stated not cited they definitely heard about this from their tenants. It's their first priority and will be done.

Deputy Mayor Matise asked who is the limited partnership that owns this project.

Ms. Kunis stated that they are called Walden Housing Associates.

Deputy Mayor Matise asked who are the principals.

Ms. Kunis stated that the general partner is related and there are outside limited partners.

Deputy Mayor Matise asked if there were any major lots of shareholders.

Ms. Kunis stated no, they are individuals.

Deputy Mayor Matise stated that there's not a single curb cut for a wheel chair and the buildings are hardly handicap accessible.

Trustee Norman stated that they are, every building is handicap accessible.

Ms. Kunis stated that they have ramps. They will be reevaluating this.

Trustee Rumbold stated that the doors are difficult to open if you're in a wheel chair.

Mayor Pearson stated that she read that they are also looking for exemption from all state and local sales tax, is that a common practice.

Ms. Kunis stated yes that comes with the IDA.

Mayor Pearson indicated that the Village will lose out on that money too.

Ms. Kunis stated that comes automatically with tax exempt bonds that they are buying. If they order a roof from somebody they won't be taxed on that roof from the contractor. Savings to them means more rehab.

Mayor Pearson asked if there was a breakdown of what they will be doing and what buildings will be getting what. How much dollar wise is being spent where? Is there a breakdown of the rest of the money?

Ms. Kunis stated that there is a general breakdown.

Mayor Pearson indicated that she would like to see it in writing.

Ms. Kunis stated that she will get that for the Mayor. She further explained that everyone is getting the same thing. The cost will be \$12,000 to \$15,000 per unit. She will send that to the Mayor.

Mayor Pearson asked what the County IDA's percentage is.

Ms. Kunis stated that it's about 1% and they have to pay their attorney fees.

Deputy Mayor Matise stated that one of the functions of the IDA is to promote employment and Ms. Kunis is saying that this will be increasing opportunities in Orange County, how?

Ms. Kunis stated that they will keep all the people that work at the site which is 4 or 5 full and part time employees. They will be using local surveyors, engineers, consultants and everyone they can. They are temporary employment opportunities.

Mayor Pearson stated that Article 11 of the Private Housing Finance Law, she asked the attorney or Ms. Kunis to get her a copy it.

Ms. Kunis stated that she will get the Mayor the website.

Mr. DeJesus asked what the time frame was for the rehab.

Ms. Kunis stated that they hope to close on the financing by the end of the year and as soon as they close they will start right away and the project will take nine months.

Mr. DeJesus asked if most of the tenants on Main Street were senior citizens.

Ms. Kunis stated that the Main Street facility is on of the local preferences. She can't say they are all senior citizens some are handicapped.

Mayor Pearson stated they were approved for seniors.

Ms. Kunis stated that you can't discriminate.

Mr. Dowd stated that when the project was approved by the Village it was for seniors. It was approved for 27 senior citizen units.

Ms. Kunis stated that HUD would yank their funding in 15 seconds if they ever denied a resident who is handicap.

Mr. Dowd stated that was zoning approval that granted 27 senior citizen apartments over commercial.

Deputy Mayor Matise asked why wouldn't they create more handicap units on Cliff Street.

Ms. Kunis stated that they are by request.

Mayor Pearson asked what good is it if we have zoning that we don't stand behind.

Mr. Dowd stated that a majority are seniors. He doesn't know how many are and the question is how did that happen and when did it happen and do you get this corrected.

Trustee Rumbold stated that if the Board doesn't agree with this what will happen at the end of 2010 they will sell the building or tear it down and they will displace the people that are living there now and they will make it profitable. What they are saying is that they don't need the Village's permission, either you write a letter of support of this project or here's what the choices are.

Mayor Pearson stated that she would like to wait until she hears the comments at the public hearing.

Deputy Mayor Matise stated that she agrees that we're between a rock and a hard place and they're both hard. Something's that we can do is that we can say to the IDA that they are going to issue these bonds but one thing we want is more of a reserve, we want to see more rehab done on a continuous basis. We don't want the buildings to wait for fifteen years to have rotted wood replaced. We have no performance record.

Ms. Kunis stated that the project is not a slum. It is well run to the extent that it has money to spend on things. She has no control over those reserves. Getting money into the reserves is a problem.

Deputy Mayor Matise asked why they went to the Orange County IDA not the Town of Montgomery IDA.

Ms. Kunis stated because the county had volume cap for this deal.

Deputy Mayor Matise stated that the fee that goes to the County IDA doesn't help us in the Town level what we are losing in taxes.

Ms. Kunis stated that the Village is not losing anything they are gaining \$3,000.

Mayor Pearson asked if the Village will get that every year for forty years.

Ms. Kunis stated yes.

Deputy Mayor Matise asked if they enter into this commitment with the Federal Government Housing do they have the ability to sell this property at any time and does it still have to be maintained as affordable if they sell it to another company that doesn't do affordable housing.

Ms. Kunis stated yes it does have to be maintained affordable housing. The low income housing credit law stipulates that after the sixteenth year the project can be sold. That falls within the 40 year restriction so they are telling you can sell it but we have a

bond restrictions. There are no prepayments for 30 years. If the bonds are prepaid then the project can be sold. They are in this for the long haul.

Trustee Rumbold stated that she has worked around the building on Main Street for a long time and she has watched the carpet in the community center deteriorate for sixteen years. She also knows that the office on Main Street closed and it was very recently rehabilitated. She wonders about the choice of replacing carpeting in an office where able bodied young workers for Related Management are and the seniors were having difficulty getting over the rug. She went in with duct tape and taped it so they wouldn't fall.

Ms. Kunis stated that carpet will be replaced. If she knew the office was going to be moved they wouldn't have done the renovations.

Mayor Pearson stated that she is not ready to make a decision.

Trustee Wynkoop agreed and Deputy Mayor Matise stated that she would like to hear the comments from the public hearing.

Trustee Hurd stated that he would approve the letter of support, because he would think that they would want senior housing to continue subsidized.

Mayor Pearson stated that she doesn't think one Board member here would say they don't want that to be senior housing, subsidized.

Trustee Rumbold moved to authorize a letter of support for the project to the County IDA. Seconded by Trustee Wynkoop.

Mayor Pearson stated that she has concerns with what the buildings will look like in the next 20 years and how they will be rehabbed in 20 years when the same things start to happen.

Ms. Kunis stated that they are better prepared.

Deputy Mayor Matise stated that their past doesn't give a great track record for the future. They went to every other board first and came to Walden last. The housing is in our community and we're like the tail end. Before she agrees to a letter of support she would like to see how Related is going to interface with the Village more in the future so we don't get to the point in 20 years that the buildings need a major rehab and they have to come to the Village again. She wants to see the properties better maintained.

Mayor Pearson asked Mr. Dowd if in the letter can they put something in the letter that we can request in 20 years.

Mr. Dowd stated that the motion says to send a letter of support on the tax abatement issue to the County IDA. There are no conditions.

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

Mayor Pearson stated that she is voting yes, but she would like the assurance that down the road that she knows the money they are saving and using will go back and fix up those units.

Ms. Kunis stated that it has to because it's regulated by HUD.

Mayor Pearson stated that she doesn't want it to get to another 20 years when it needs another million dollars.

Trustee Rumbold stated that if you don't like the way they are managing their building then you write to HUD.

Ms. Kunis stated that there is a district manager here who would be happy to meet with the Board now and then and hear the concerns. Just ask and they will reach out.

Health Care for Trustees

Mayor Pearson stated that there are figures in front of the Board for insurance other than Village insurance for the Board.

Trustee Hurd stated that there have been some changes in the numbers because he is now single.

Trustee Wynkoop stated that his only concern is preexisting conditions.

Trustee Hurd stated also referral required.

Deputy Mayor Matisse stated that she feels Mr. Hunter should come in and speak to the Board about the other plans.

Mayor Pearson stated that she has a simple solution, get rid of the insurance all together.

Deputy Mayor Matisse moved to table the discussion on health care until they have a presentation from Bob Adams. Seconded by Trustee Norman.

Mayor Pearson asked Mr. Dowd about the buy out.

Mr. Dowd stated that the Attorney General's Office has referred his letter for a formal opinion to the State Comptroller's office. He spoke to the Attorney General and asked her why she did that and she stated that she wanted to make sure that she did not issue any kind of inconsistencies and she spoke to Mitch Morris, General Council for the

Comptroller who felt it was best to be handled by his office. Mr. Dowd called Mr. Morris's office whose secretary advised him that Mr. Morris is on vacation. He is trying to get a hold of him to get a verbal opinion from him.

All ayes. Motion carried.

Orange County Firefighters Museum-Funding Support Request

Mayor Pearson stated that last year the Village gave them \$500 and they are asking for \$1,000 this year. The Village kept their budget tight this year and there are energy costs this year that the Village is going to have to worry about. She wouldn't have a problem with a donation of \$100. to keep the programs running.

Deputy Mayor Matise stated that she would give them \$250.

Trustee Wynkoop stated that they are requesting an annual grant of \$1,000.

Mayor Pearson asked if the back room for training sessions for the children ever got done.

Trustee Norman stated that she believes it was done.

Mr. Dowd stated that if you make a contribution all your citizens are allowed to go into the museum for free.

Trustee Millspaugh stated that this is a case of setting precedent, because we have a Historical Society chartered by the State Education Department right here in Walden. We have to think about that too.

Trustee Millspaugh moved to table the Orange County Firefighters Museum funding support request until they get more information from the manager as to where the money will be coming from. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Millspaugh stated that some of these things show up in the Board's book without an explanation. The Manager should put a memo on these things with his oversight as to how this fits in the Village.

Trustee Millspaugh moved to have the Manager include an explanation with agenda items. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Local Government Efficiency Grant Program

Mayor Pearson asked if any Board members have any ideas for these grants. She also stated that the Village can be intermunicipal with the County. They can readdress this again and get some ideas from the Manager. She also asked if the Board wanted to talk about dispatch again. See if the Town is still interested.

Proposed Street Identification Sign Design

Deputy Mayor Matise asked if this was coming out of the bond.

Trustee Millspaugh stated that the present signs do not meet our standards.

Mayor Pearson stated that Westwood Drive and Walnut Street have these big beautiful signs. This has been brought up because of Bergen Avenue, Pleasant Avenue and the streets that are being done there. She suggested that when they start replacing street signs they get them all uniform.

Trustee Millspaugh stated that he feels there should be nice signs along the main drags. The other street signs should meet the subdivision standards.

Trustee Rumbold asked why haven't the developers been made to meet the sign requirements.

Deputy Mayor Matise stated that the impression she got was that the signs were coming out of the bond and that question needs to be answered.

Mayor Pearson stated that she would like to see more consistency.

Trustee Millspaugh stated that there are still business directional signs on top of street signs.

Mayor Pearson stated that they were to come down. She is happy with the green signs. She also advised the Board that she got the benches on sale.

Deputy Mayor Matise stated that this would tie into getting funding to redo signs for the downtown core. She suggested going out and photo the existing signs to see where the inconsistencies are and get an idea where to start.

Public Comment on Discussion Items

Jose DeJesus 4 Tin Court stated that in regard to the health insurance if you look back at the April 2003 budget hearing there was some discussion on the buy outs. Drew Uszenski was at the meeting and he questioned whether it was true that the Board was going to have buy outs and Mayor Pellegrino said yes. That was part of the budget. Also, he feels it's unfair to ask a present Board Member to pay for health insurance. The issues of pre-existing conditions should be looked at. He understands the Village wants to save money, but we won't give \$500 to the Fire Fighters Museum in Montgomery, but you're looking to spend money at a time of tight budget. He doesn't feel the Village should pay all that money on the signs.

Deputy Mayor Matise stated that the signs were presented to the Board by the Manager and Supervisor of Public Works. Her question was are the signs coming out of the bond or budget. If its coming out of the budget her comment was let's wait until spring and see how the winter goes and if there is money left over then they can think of signs.

John Revella stated that he is concerned with the Land Management. He's sure the Board could have conditioned the letter of support. He finds it odd that they haven't been able to put money aside all these years. He also commented on the tax abatement. He also stated that they are putting 1.2 million into a 1.7 million dollar property. They don't think the ----- is going to be three million, assessed at three million, how much money you're losing then.

Deputy Mayor Matise stated that it's never going to be reassessed. Once they go pilot it won't be reassessed.

Mr. Dowd stated that you can't judge market value with assessed value. They are not equal. They are locked into those lower assessed values for three years. They potentially be reassessed and depending how they are reassessed another Article 7 can commence and they can challenge that assessment. In this case with the forty year plan that whole process is taken off because then you're guaranteed a certain percentage of taxes every year based upon the rents of the property.

Mayor Pearson stated, based on the vacancies. If they have vacancies then you're not getting any of that money.

Mr. Revella stated that he was hoping that the Section 8 they have is for seniors.

Deputy Mayor Matise stated that is just on Main Street.

Mr. Revella stated that Cliff Street needs to be fixed. There are a lot of pot holes.

Mayor Pearson stated that is why she asked for the report on what they were fixing.

Mr. Revella stated that who is on the Walden Housing Associates is public record.

Deputy Mayor Matise asked Mr. Revella if he could access that.

Trustee Rumbold stated that she read the April 2003 minutes and if you read the 2003-2004 the buy outs do not appear, 2004-2005 during the budget hearings there was no record of any discussion of the buy outs but it does appear in the 2004-2005 budget. There are three board members here that were on that Board and they can't remember it being discussed and they can't recall how it was added. It's her assumption that when you're formulating the budget that you should have the consensus of the Board if

something will be added or subtracted. She asked Mr. DeJesus if he recalls how it came to be that it was put into 2004-2005 budget.

Mr. DeJesus stated that he doesn't know how it came into the budget. He knows they had discussions and budget discussions are open to the public, Brian Sebring was the only one to show up from the public. There was discussion as to the value. The reasoning was is that you have a trustee who is earning \$3500 and then you have a trustee that is taking the health insurance for family so that person is getting more money for the same job. The buy out was to equalize that in some way.

Mayor Pearson stated that the attorney remembered the conversation and he's not usually at the budget sessions.

Mr. Dowd stated that there was one meeting in the manager's office and that was the first time someone raised the issue of buy outs. He advised them that it was legal to do it, but he doesn't recommend that elected officials take buy outs. That was the end of the conversation as far as he was concerned.

Approval of Minutes

Trustee Norman moved to adopt the minutes of July 22, 2008. Seconded by Trustee Hurd.

Trustee Rumbold stated that the minutes reflects that she votes no, but not the reason why, she voted no because Trustees Wynkoop and Norman hadn't had an opportunity to look at the bills and as Trustees they are all responsible for expenditures.

All ayes with the exception of Trustee Rumbold voting no. Minutes adopted.

Audited Bills

Trustee Norman moved to pay the audited bills of August 12, 2008. Seconded by Trustee Millspaugh.

Trustee Rumbold stated that she had questions, but the manager isn't here she will vote no.

Mayor Pearson stated that she has a question about Alan Sorensen's bill for going to see Senator Larkin. She doesn't understand why Alan had to go. The bill was for \$1200 for travel and time expenses. Other people that are going could express the same concerns that the consultant has. We have a Village Manager that is in control of that. There was plenty of representation from the Village. She's not comfortable paying the bills. She would take that bill out of there.

Deputy Mayor Matisse stated that there was a question in regard to the bill from W.S. Locating. We were billed for doing camera work on people's laterals. She thought the Village didn't do work on peoples laterals.

Trustee Millspaugh questioned the bill for Coopers.

Deputy Mayor Matisse stated that that's because Scott is out on compensation. Cooper is coming in and taking the sludge because Scott isn't there to make patties.

Trustee Millspaugh stated that we need a public works man. Someone who can anticipate those things.

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

Correspondence

The Mayor had no correspondence.

Informational Items

Department Head reports were in the Board packets.

Mayor Pearson stated that National Night Out was wonderful.

Trustee Norman stated that the report on National Night Out by Officer Werner was great.

Mayor Pearson indicated that she received an email from someone on Bergen Avenue about outdoor burning, fire pits, etc. According to the Village Code open burning is not allowed.

Trustee Hurd stated that outdoor fire places are used in his neighborhood.

Mr. Dowd stated that they aren't considered open fires.

Board Comments

Trustee Rumbold asked if the other Board members saw the bill for Stantec that was in her packet.

Mayor Pearson stated that she did.

Trustee Rumbold stated that the Community Council picnic is this week at 6pm.

Trustee Millspaugh stated that he thought they were going to do a new format for the Board meeting. There is a lot of long grass on Sherman Avenue. The banks of the Wallkill on the west side needs to be mowed. He had questions about the bids on 33 Scofield Street regarding the plan. The manager told him that the Building Inspector had the plan and when he asked Dean for the plans he said he didn't have any plans. He doesn't feel they should go ahead with the work on that house until they have a plan or sketch plan. He was questioning the openings on the lower floor and central air conditioning. He had emailed the Manager about outside furnaces. He would like sample legislation from General Code.

Trustee Millspaugh moved that the manager get sample legislation from General Code regarding outdoor furnaces and have something incorporated in the updated code. Seconded by Deputy Mayor Matise.

Deputy Mayor Matise stated that she thinks there is something in the Town code.

Mr. Dowd stated that there should be something in the Building and Fire Code that would govern how they can be used.

All ayes. Motion carried.

Trustee Hurd congratulated the Community Council on the grant. That was a lot of workmanship and leadership. He also stated that the National Night Out was great.

Deputy Mayor Matise stated that National Night Out was great and a lot of fun. It got her thinking about the role of the Police Department and PBA in relationship to the community in terms of doing things like Night Out. She went on line and saw in communities where they have the Police Athletic League that work with young people in the community. They are sponsored by local PBA's. She was wondering if they could take the example of Night Out and start a project 3-6-5, clean up by the bridge and make it something more, start a basketball league or softball, or some other athletic activities. She gets a lot of reports of kids hanging out and maybe this is one way to deal with it. She would like to start working on developing a plan where they would tie these things into the Recreation Department and Police Department.

Trustee Wynkoop stated that the Ronk property is a mess again.

Trustee Millspaugh stated that the building wall is out past its footings. The Building Inspector should look at that.

Trustee Wynkoop moved to have the Building Inspector go see the Ronk property on Sherman Avenue. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Norman stated that National Night Out was great. She thanked the Community Council for their efforts at Wooster Grove for the concerts. There is a

committee of residents that work with the youth, Friends of the Walden Youth, who have been involved with a lot of the things the youth do.

Mayor Pearson stated that the McKinley wall is the Village's wall.

Mayor Pearson moved that the Manager get quotes to fix the McKinley Monument wall and move quickly with a truck route. Seconded by Deputy Mayor Maise. All ayes. Motion carried.

Mayor Pearson stated that she went to the Library Board meeting and what came of that was that she went to one of the concerts. We used to have the movie nights which were expensive and the Library has the means to play movies, so she attended the Library Board meeting to see if they would be willing to work with the Village to show movies outdoors at Wooster Grove. We could put something in the band stand to show the movies on. We might need a license agreement.

It was the consensus of the Board to proceed with movie night.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

