

**Motion and Resolutions
September 9, 2008**

Tin Brook Pump Station Bid Review & Acceptance

Deputy Mayor Matise moved to award the bid for the Tin Brook Pump Station to Tam Enterprises and to name the pump station the Thomas A. Murray Pump Stations. Seconded by Trustee Rumbold. All ayes. Motion carried.

Walden Rail Trail Connection Bid Review and Funding Request

Trustee Hurd moved to appropriate \$50,000 toward the balance of the Walden Rail Trail Connection which would come from the Capital Fund. Seconded by Trustee Norman. All ayes. Motion carried.

Roderick Schufa Water/Sewer Bill Review & Revision Request

Trustee Millspaugh moved to accept the calculation of Mr. Schufa's water/sewer bill. Seconded by Hurd. All ayes. Motion carried.

Northeast Hub, Inc. Late Tax Penalty Refund Request

Deputy Mayor Matise moved to table the decision on the request from Northeast Hub, Inc. until it is verified that they requested an address change. Seconded by Trustee Hurd. All ayes. Motion carried.

Vehicle and Traffic – Albany Avenue

Deputy Mayor Matise introduced Introductory Local Law I-5 of 2008, "Vehicle and Traffic and to set a public hearing on September 23, 2008 at 6:30pm. Seconded by Trustee Hurd. All ayes. Motion carried.

No Smoking Request for Wooster Grove

Trustee Hurd moved to place a sign saying, "as a courtesy to the children there is no smoking in the park," and place it by the children's playground at Wooster Grove. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Trustee Health Insurance

Deputy Mayor Matise moved to ratify the practice that has been in existence since 2004 that we make this process on going but that we modify it to conform to the fact that it will only relate to single coverage for the trustee, 50% of single coverage. Seconded by Trustee Norman. All ayes with the exception of Trustee Rumbold voting no.

Fire Museum

Deputy Mayor Matisse moved to contribute \$250.00 to the Orange County Firefighters Museum, a one time payment. Seconded by Trustee Norman. All ayes. Motion carried.

Trees

Mayor Pearson moved to match the 10 trees. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Approval of Minutes

Trustee Rumbold moved to adopt the minutes of August 12, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Trustee Hurd moved to adopt the minutes of August 22, 2008. Seconded by Trustee Rumbold. All ayes. Minutes adopted.

Audited Bills

Trustee Norman moved to approve the audited bills of September 9, 2008. Seconded by Trustee Rumbold. All ayes. Motion carried.

Authorize Bids

Deputy Mayor Matisse moved to authorize the manager to go out to bid for the Boulevard sidewalks and the Scout Cabin ramp. Seconded by Mayor Pearson. All ayes. Motion carried.

Third Floor Use Request

Trustee Hurd moved to allow the McKay family to have a memorial service for Helen McKay and the permit food in the meeting room. Seconded by Trustee Rumbold. All ayes. Motion carried.

Executive Session

Trustee Norman moved to hold an Executive Session pursuant to 105-(f), personnel, of the Public Officers Law. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Rumbold moved to reconvene the regular meeting. Seconded by Trustee Millspaugh. All ayes. Meeting reconvened.

Adjournment

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

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
SEPTEMBER 9, 2008**

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

On roll call the following were:

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

Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Public Comment

George Nedwitsky stated that he's been following the police consolidation and in the time of emergencies the Walden Police are always there. Other communities don't have the short response time that Walden has and he wants to keep the Police Department in the Village.

Mayor Pearson indicated that there is a committee that is meeting with the Town of Montgomery. They will be meeting tomorrow night and that group will make a decision at what direction they will be going in. The information will be brought back to the Board and then this Board will make a decision.

Trustee Wynkoop stated that there will be a public hearing.

Mayor Pearson stated that the police force would still be in the Village.

John Muehlen, Orchard Street stated that he complained to the Building Inspector in May about his neighbor putting a fence up and they removed the survey pin. The Building Inspector did nothing. A building permit was issued and he feels there should have been a stop work order after the survey pin was removed and there was a question where the line was. He met the Village Manager there on August 22nd and he told him to get his property pinned. That was done on August 26th. On August 28th he gave the Village Manager copies of his survey. He is still waiting to see what is happening. He was told by his neighbor that the shed was put up in 2002. That shed is on the line. According to the Building Inspector a permit was issued on July 7th and a final was done

on July 9th. If he inspected how is that shed legal when it's on the line. On one side the fence is 6' and on the other its 2' on his property. He'd like to know what the Village is going to do because he is about to seek legal advise and when he does that there will be a law suit. Also, at 32 Maple Street there is an illegal apartment and he did advise the Village and nothing has been done. The survey maps he has the first one shows the pin and the second map shows the pin missing. He wants to put a fence up and he can't until this is handled first.

Mr. Dowd stated that the set back would be 3 feet.

Manager Politi stated that the Building Inspector is preparing a letter that will be sent to the property owner stating that he has to move the fence. The fence was put in by the prior owner.

Trustee Millspaugh asked that the attorney review the letter before it is sent out.

Mr. Dowd stated that regardless of what the Village does or doesn't do Mr. Muehlen has the right as a property owner to assert through properly legal channels his rights as a property owner against his neighbor. If it's documented that this fence is clearly on Mr. Muehlen's property then the fence should be moved and the Village should notify the owner that the fence is not on his property and there should be no certificate of compliance that the fence meets zoning requirements. If the shed is not three feet from the appropriate property line you would have to notice them as well that the shed must be removed or seek a variance.

Anita Vandermark advised the Board that the Historic Society is celebrating their 50th anniversary with a pageant at the New Rose Theatre on Sept. 20th at 7pm. The Historical Society will also be having an open house on Sept. 21st from 2-4 pm with tours, slide show and refreshments.

Tin Brook Pump Station Bid Review & Acceptance

Manager Politi advised the Board that three bids were received for the Tin Brook Pump Station with a low bid coming in at \$210,000 Base Bid and \$213,450 with alternates from Tam Enterprises.

Deputy Mayor Matise moved to award the bid for the Tin Brook Pump Station to Tam Enterprises and to name the pump station the Thomas J. Murray Pump Stations. Seconded by Trustee Rumbold.

Deputy Mayor Matise indicated that she would like to name the Tin Brook Pump Station the Thomas A. Murray Pump Station because he was instrumental in getting the EPA grant for this.

Mayor Pearson asked for more information on Tam Enterprises.

Manager Politi stated that when a bid comes in there is always a reference list and the engineers have gone through the list and found that they have the ability to do the work.

Mayor Pearson asked what the completion date would be.

Manager Politi stated that it would be in the contract and he will get that for the Mayor.

Trustee Hurd asked that there be a separate motion for the naming of the pump station.

Deputy Mayor Matise amended her motion to just award the bid to Tam Enterprises and make a separate motion to name the pump station.

Trustee Millspaugh stated that he is disappointed that there isn't supporting information. He feels the Board should have been made aware of the schedule coming up to this.

Manager Politi stated that the Board authorized the Manager to go out to bid. The bid documents are always in the Clerk's office.

All ayes. Motion carried.

Deputy Mayor Matise moved to name the pump station the Thomas J. Murray pump station. Seconded by Trustee Millspaugh. All ayes. Motion carried.

Walden Rail Trail Connection Bid Review and Funding Request

Manager Politi stated that the Rail Trail bid has come in which ranged from \$881,000 to \$1.5 million. The engineers estimate was around \$850,000. There are two major sources of funding \$601,560 came from the original TEA grant, \$343,980 came from Hinchey's office. The project is around \$1.2 million to complete. Both grants require a match of 20%. There was a donation that was in there that could be used toward that through Taylor Tree, removing the brush. There is a balance out there that needs to be put together through the three municipalities, Town's of Shawangunk, Montgomery and the Village of Walden which is \$75,000. The contributions from Shawangunk and Montgomery are quite high. His request and suggestion to the Board is to cover a portion of the \$75,000. He suggestion close to \$50,000.

Mayor Pearson asked Ms. Ool if she receives a fee for contract administration on this project.

Ms. Ool stated that she receives a stipend for administering the contract on top of her salary.

Mayor Pearson asked if the appraised value of the land was taken off the first grant as a match.

Manager Politi stated yes. They are looking for a cash contribution.

Trustee Hurd moved to appropriate \$50,000 toward the balance of the Walden Rail Trial Connection which would come from the Capital Fund. Seconded by Trustee Norman. All ayes. Motion carried.

Roderick Schufa Water/Sewer Bill Review & Revision Request

Manager Politi stated that Mr. Schufa had a water leak in a pipe in his basement which was after the water meter inside his house. The leak produced a high water/sewer bill for one period. Mr. Perna, our Water Operator witnessed Mr. Schufa pumping the water out of his house. Mr. Schufa is asking for relief from the sewer billing on his statement. He understands that he must pay for the water usage. The relief would be from the sewer usage billing that represents the difference between what would have been the typical usage and the billed usage.

Trustee Millspaugh moved to accept the calculation of Mr. Schufa's water/sewer bill. Seconded by Hurd. All ayes. Motion carried.

Northeast Hub, Inc. Late Tax Penalty Refund Request

Mayor Pearson stated that she received a letter from Northeast Hub, Inc. requesting a refund of the penalty on their tax bill. They stated that they did not receive their tax bill. They claim the bill was miss addressed.

Manager Politi stated that the bill would have gone to the address of record.

Deputy Mayor Matise stated that they have two active post office boxes. This is obviously an internal problem on their part. We never received the bill back.

Mr. Dowd that as he understands it from the Building Inspector that the address that the Village mailed the bill to was at their request.

Mayor Pearson asked if it was a written request.

Mr. Dowd stated that he did not know.

Trustee Rumbold indicated that before she makes a motion to deny this request she wants to make certain that they have record of their request to send it to that address.

Deputy Mayor Matise moved to table the decision on the request from Northeast Hub, Inc. until it is verified that they requested an address change. Seconded by Trustee Hurd. All ayes. Motion carried.

Robert Montanaro Supplemental Pay during Military Service Request

Mayor Pearson stated that she read everything and she is not sure why the Board is getting this request because there is a law on the books that states if someone requests that and they are eligible then that is what they will be getting. This can be taken care of by the Police Chief and the Manager.

Mr. Dowd stated that the law says you have to have the eligibility requirement and as long as Mr. Montanaro meets that it would be applicable to him.

Mayor Pearson stated that the Board should be advised that this is happening, but since the law is there the Chief and Manager can approve this.

Vehicle & Traffic – Albany Avenue

Manager Politi stated that there is only one side of Pleasant Avenue in the law because one side is already in the law. He talked to the Fire Chief who asked that they go back 25 feet. The other question was the allowance for people to park in the park. All they would have to do is give the Police Department a call.

Mr. Dowd stated that if someone is parking in the park over night to give the plate number to the Police Department.

Deputy Mayor Matise introduced Introductory Local Law I-5 of 2008, “Vehicle and Traffic and to set a public hearing on September 23, 2008 at 6:30pm. Seconded by Trustee Hurd.

Mayor Pearson stated that the people were concerned about parking in the park and would like to have a permit to park there.

Deputy Mayor Matise suggested that they come in to the public hearing and see what they say.

All ayes. Motion carried.

Deputy Mayor Matise asked that a copy of the notice go to the residents of Albany Avenue.

Refuse Collection and Contract Review

Trustee Rumbold asked how the add-ons and subtractions of residents are kept track of.

Manager Politi stated that they are informed every month.

Trustee Rumbold asked if the garbage company has ever violated the 5:30am start.

Manager Politi indicated that we did go through that and we did speak to them. There have not been any complaints lately.

Trustee Rumbold asked if they were assessed for that.

Manager Politi stated no.

Trustee Rumbold asked about the inspections of the trucks, has the Village ever inspected them.

Manager Politi stated that they have and there was a problem with one truck and the Village did recover the cost of the clean up. They do visual inspections.

Trustee Rumbold asked if there have ever been designated inspectors ascertaining if they are conforming to the terms of the contract.

Manager Politi stated that we've never had any problems. It's an internal check that they do with the contract.

Mayor Pearson stated that she thought there would be quotes from other companies, not just the agreement and law that we have. They said by June they would be discussing it and we'd be looking at different garbage companies and different ways to bill seniors.

Manager Politi stated that what he's been doing since June is trying to figure how to do this. They can't find a way to do it unless you're going to do it internally. He has contacted three garbage companies. He can't talk price.

Trustee Wynkoop stated that if you give the seniors a discount everyone else will have to pay the difference.

Manager Politi stated that he asked the companies if they do automated pick up and some do and some don't. From that it became a billing question, how are you going to maintain the billing, how do we inspect and if they are billing correctly.

Mayor Pearson suggested the Village buy a garbage truck.

Manager Politi stated that you don't have the fleet.

Mayor Pearson suggested they do something with the Village of Montgomery; she asked if the Manager spoke to the Village of Montgomery.

Manager Politi stated no. He wouldn't go to a smaller municipality.

Mr. Dowd stated that the Village of Montgomery pretty much picks up garbage every day of the week.

Manager Politi indicated that when you do a discount for seniors your simply shifting the cost. You can do it. If you go to container size you have to remember that what ever is outside the container does not get picked up. You also run the risk of it may not just be the senior citizens, now you have to do inspections to make sure you're not supplying the family that may be living with them.

Deputy Mayor Matisse stated that people going away for the winter is more of a concern than a senior discount. Those are the people who feel more put upon in terms of the cost.

Mayor Pearson stated that a resident of the Village gave her an article about pay as you throw and you would have to have a sticker.

Trustee Hurd stated that our present plan is working well with the exception of very few that aren't happy with them because of their circumstances.

Deputy Mayor Matisse asked about going to two bulk items a week and cutting out the big tonnage cost in our contract.

Manager Politi stated that tonnage is tonnage, they know the tonnage.

Trustee Hurd asked if the Manager knew how many seniors would this affect.

Manager Politi stated that he would have to look at the census data.

Trustee Millspaugh asked if they should do a survey to see what the community thinks.

Trustee Hurd asked what kind of a discount you are going to give the seniors, \$5.00 a month.

Deputy Mayor Matisse stated that Maybrook gives the seniors a 5% discount and then it's applied to the rest of the village. She also suggested reevaluating multi family units and having them on our system. There is a multi unit house on Church Street that there is a problem.

Manager Politi stated that is the reason we started this, we don't have adequate pick up privately, we need to keep it under our control. That would be an add-on that we can do.

Trustee Rumbold stated that she agrees with Deputy Mayor Matisse.

Manager Politi stated that you would have to talk to the company about dumpsters.

Mr. Dowd stated that the contract fee will go way up if you do that. The contract will be going up anyway because of fuel costs.

Trustee Rumbold stated that she wishes there was something that could be done for the seniors. She asked if they could isolate the homes owned by seniors. She suggested not to bill them through the regular system and instead put it in their taxes.

Mr. Dowd stated that you can't do that, because that would automatically include every tax payer.

Trustee Rumbold asked if you could flag certain homes and only bill them once a year.

Manager Politi stated that they can do anything they want you just would have to shift the cost.

Mayor Pearson stated that they have to look for a solution for seniors. The seniors get a break on their taxes and who makes up the difference.

Trustee Rumbold suggested that Village get in touch with Interstate and advice them of what the Board is discussing and ask them if they have any suggestions.

Manager Politi stated that he has been talking to them about the Board's concerns. Woodbury started working with the container differences and the billing wasn't working.

Deputy Mayor Matise suggested there be a drop off point for seniors.

Trustee Millspaugh indicated that the Village would be in the solid waste regulations and they can't do that.

Trustee Rumbold suggested the Manager have more dialogue with them and see if they can make a suggestion as to how we can do this.

Manager Politi stated that you also have families in the Village that things are tight and now you're going to shift the cost and hurt them more. He will give it one more try.

No Smoking Request for Wooster Grove

Mayor Pearson stated that she has received phone calls regarding people smoking in Wooster Grove and there are children around.

Deputy Mayor Matise suggested the Village post some signs.

Mr. Dowd stated that it's not illegal right now. You can pass a local law for all the parks.

Trustee Norman stated that there are people at the concerts that don't like the smoke too.

Deputy Mayor Maise stated that it's a health issue because people leave their cigarette butts around and little kids run around and touch everything.

Trustee Hurd suggested they put up a sign saying, as a courtesy to the children no smoking in the park. If that doesn't work then make the law.

Trustee Hurd moved to place a sign saying, "as a courtesy to the children there is no smoking in the park," and place it by the children's playground at Wooster Grove. Seconded by Deputy Mayor Maise. All ayes. Motion carried.

Trustee Health Insurance

Mayor Pearson stated that someone was supposed to come and talk about the health insurance.

Trustee Hurd stated that he will have Mr. Adams at the next meeting.

Mayor Pearson stated that she spoke to someone who said the pre existing conditions didn't matter that they would be able to go to any insurance company as long as you've had insurance for a certain period of time.

Trustee Rumbold stated that as long as you have continuous coverage then that doesn't come into play. If you let it lapse then there is an issue.

Mayor Pearson stated that the Board has to decide whether they want to offer health insurance at all, pick one of the plans, or keep it the way it is now, those are the options.

Trustee Hurd stated that he originally wanted to stay where they were. He still wants to talk to Mr. Adams. Taking Blue Cross rather than the NYSHIP plan would save the Village money. Blue Cross is close to the coverage they presently have.

The Village Manager asked that they understand that the information the Board has is based on the present population of the Board. NYSHIP only offers single or family which family consists of husband, wife and children. The other companies offer single, couples or family.

Trustee Rumbold stated that if the Board says they are only going to cover the Trustee and the Trustee wants family coverage, they pay the difference of the two policies. The only thing the taxpayer would fund is a single plan.

Trustee Norman stated that she agrees with Trustee Rumbold, but she has never had the family plan.

Trustee Wynkoop also agreed.

Deputy Mayor Matise also agreed.

Trustee Hurd stated that he is concerned with how the in network and out of network works. He would like to have Mr. Adams answer these questions.

Mayor Pearson stated that they don't know how this insurance came about, so they don't know if there was a resolution.

Deputy Mayor Matise stated that she feels it should be done by resolution.

Mr. Dowd asked if the Board wanted to establish the policy of just the Trustee's insurance paid for by the Village.

Trustee Wynkoop stated that the Trustee would have to pick up any additional family member.

Mayor Pearson stated they can always change the policy.

Mr. Dowd stated that two weeks from today the Board will have a resolution in their packet to establish a policy.

Mayor Pearson asked the Board to discuss the buy outs.

Mr. Dowd stated that there is a confidential letter from the him asking how the Board would like to proceed and the chooses are listed in the letter.

Mayor Pearson moved to ratify what was done previously for the buy outs, 2004-2008.

Mr. Dowd stated that the chooses are ratifying the prior Board's action from the time it was done to the present time or from the time it was done going forward or you can ratify it and limit the buy outs.

Deputy Mayor Matise stated that the Board should legitimize what has happened. Several members feel there should be a cap. There was a consensus to change the health care to a single policy so then your buy out would be limited to that single policy too. There were other municipalities that did \$2,000, \$2,500 and one was extremely low but their pay was higher.

Trustee Rumbold stated that even the idea of buy outs, this Board was tainted far too many times. Some members have expressed that it is free money. She is incredulous that you could do something and create something to go back and erase something that was illegal, it astounds her and she now doesn't wonder why government, in general, is such a mess. She is sorry, and she knows it affects people on this Board and people that aren't on the Board any more, which took a buy out that were under the impression that it was done in the proper fashion and it was something that was legal. She cannot support and far be it for her to question the State Comptroller or the Attorney General of the State of New York; she can't support something that does that. When government starts to create laws to cover up, erase something that was done illegally and improperly that ultimately caused taxpayers money, she thinks it's just egregious and she can't support it. She apologizes to the Board members it affects. She knows that many of them took the buy out thinking that everything was done properly and in place and they would be hurt by that. She cannot in good conscience support anything like that.

Trustee Millspaugh stated that he agrees with Trustee Rumbold's thinking, however he would like to see the slate wiped clean and go through with legalizing.

Trustee Hurd stated that the intent was what the buy out is to bring some equality with compensation to members who do not elect to take the health insurance.

Deputy Mayor Matisse stated that in terms of how it came about we all understand the motivation and we also understand the miss step of how it came about because no one is really sure how it got into the budget, but it did. She agrees with Trustee Rumbold, but that is why the church has confession, you say you're sorry, we didn't know how it happened and you make amends for it. By not healing this miss step there is the possibility of tearing the Board apart and as long as the State is allowing the Board to do it she feels they need to do it.

Trustee Norman stated that she has a problem with it only to a certain extent that she has been very fortunate to receive the insurance. She agrees with what Deputy Mayor Matisse said. She was upset with the amount some people have received. She feels bad they were put in the position that they were put in over the buy out. They did take it but there were trustees before them that took it. It's not fair to point the finger constantly. She is tired of hearing about it. She agrees with Trustee Hurd, but she also agrees with Trustee Rumbold about the taxpayers, but is it any different with her getting insurance and others to get the buy out. They are the lowest paid trustees in Orange County.

Trustee Wynkoop stated that it was a way to try and equalize. He doesn't know how it took place and he never anticipated that it was against the law. If the Village is going to pay the Trustees insurance there has to be an equitable thing.

Mayor Pearson stated that she agrees with Trustee Rumbold, but it affects her also, a little different then it affects her. She does understand that we hopefully have people in the position to make sure they are doing the right thing. They are new and hopefully

people are guiding them in the right direction. Some times they fumble and sometimes not. She also agrees with the Deputy Mayor that if this doesn't get ratified the way it should she thinks it may be a lot worse than ratifying it. She agrees they should be ratifying it until 2008 and move forward.

Mr. Dowd stated that he hears a consensus for a local law to ratify the past practice; he's not sure going forward where they want to be.

Mayor Pearson asked Trustee Norman if she would want a single buy out for Trustees.

Trustee Rumbold asked if it had to be buy out, can't it be salary.

Mr. Dowd indicated that it's cash in lieu of.

Deputy Mayor Matise stated that she would say \$2500 and that is it.

Trustee Norman agreed.

Mayor Pearson stated that she disagrees because insurance is going up, so how is that going to be fair.

Trustee Norman asked if she wanted the full amount of the insurance, \$9,000.

Mayor Pearson stated no, but if you're getting X amount.

Trustee Hurd stated that his suggestion would be a formula based on a single rate.

Deputy Mayor Matise asked what the choices were.

Trustee Rumbold stated not having a buy out.

Trustee Hurd stated that no one is obligated to take a buy out.

Deputy Mayor Matise stated by her taking the buy out she saved the Village \$3500.

Mayor Pearson stated that she likes the single plan and moving forward and let them pay the difference between the coverages would be very comparable.

Trustee Millspaugh stated that he doesn't need the buy out, however if it is offered he will take it, because he has a number of places he would put that money. He agrees with equalization for work.

It was the consensus of the Board to either cap the buy out or a percentage of the single plan.

Deputy Mayor Matise moved to ratify the practice that has been in existence since 2004 that we make this process on going but that we modify it to conform to the fact that it will only relate to single coverage for the trustee, 50% of single coverage.

Trustee Hurd stated that salary has an attraction and he would like the Board to consider that.

Seconded by Trustee Norman. All ayes with the exception of Trustee Rumbold voting no.

Fire Museum

The Manager stated that the contribution could come out of his education line.

Deputy Mayor Matise moved to contribute \$250.00 to the Orange County Firefighters Museum, a one time payment. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Millspaugh stated that if the Village is going to start giving away stipends to educational organizations we have the Historical Society of Walden.

Mayor Pearson suggested the Historical Society write a letter.

Outdoor Furnaces

Mayor Pearson stated that the Building Inspector put it in his report that the outdoor furnaces should be looked at.

Trustee Hurd stated that the Times Herald Record wrote an editorial on this. Their conclusion was that individual municipalities should steer clear of trying to regulate them and that it should be addressed on a County or State level.

Deputy Mayor Matise stated that the Town Building Inspector said that they are rated as appliances and you can't regulate them at the building. He treats them as a small accessory buildings in terms of setbacks. The biggest problem is that people do not make the chimneys high enough. His caution is if you ban them then you leave yourself open to other methods of wood burning.

Trustee Hurd stated that Teek and Vee of Quickway Diner now sell these furnaces. He said he would be more than happy to come before the Board and talk about this.

Deputy Mayor Matise stated that the other concern was people starting to burn their own garbage.

Trustee Millspaugh stated that he has seen one of these outside of Wallkill and the smoke was pouring out of it. If that was next to him he would want something done about it. He suggested putting regulations on them. He doesn't feel they should be eliminated totally.

Deputy Mayor Matise asked if the Village has any regulations.

Mr. Dowd indicated that a property owner has the right to file a complaint if there is a huge mass of smoke. He will work with the Building Inspector and see what other municipalities are doing.

Trustee Rumbold stated that she lives on top of a hill and if a person has a fire place below the hill she can't have her windows open when they are using the fire place.

Mayor Pearson stated that she received a complaint about the outdoor fire pits.

It was the consensus of the Board to have the Attorney and Building Inspector get together regarding outdoor furnaces and also to have Teek come and speak to the Board.

Trees

Mayor Pearson stated that she knows people who want trees.

Manager Politi stated that Jim DeLong of the Orange County Land Trust, ten trees have been donated to the Village of our choice and they would like to see a match of that of 10 more. The trees are four to five feet and are rapid growing trees. He would like to do Valley Avenue.

Mayor Pearson stated that there is money in the budget for Valley Avenue and they never got bought. There are other people looking for trees.

Mayor Pearson moved to match the 10 trees.

Manager Politi stated that he would suggest the barriers for the trees.

Seconded by Deputy Mayor Matise.

Mayor Pearson suggested the Village make their own barriers.

All ayes. Motion carried.

Decorative Street Signs

Manager Politi showed the Board a decorative street sign. The cost is twice that of a typical sign. They are putting them up on Bergen Avenue, Pleasant Avenue and Capron Street.

Deputy Mayor Matise indicated that the street light posts are green.

Manager Politi stated that they can do another color.

Deputy Mayor Matise suggested they start in the downtown area.

Manager Politi suggested along Ulster Avenue. He also stated that one of the things about the other signs they like, the square signs for stop signs is they break away easily.

Deputy Mayor Matise asked for a map showing where the new street signs would go and to start in the business district and work out.

Trustee Millspaugh stated that Bank Street hasn't had a sign for years.

It was the consensus of the Board to stay to the Route 52, Route 208, and Main Street area.

Trustee Millspaugh asked if new subdivisions would be having the decorative signs.

Manager Politi stated that it would be up to the Board. He will come back to the Board with a plan.

Directional Sign

Manager Politi stated that the Walden Business Association has asked for a directional sign similar to the one on the corner of Oak and Main Streets for the East Main Street Boulevard and to place it in the area of the McKinley Monument. The other thought was to bring them down Grant Street, but that would be a series of signage and they don't know if that would work.

Deputy Mayor Matise stated that she doesn't want the directional sign by William McKinley.

Trustee Millspaugh suggested something that would be low and blend in.

Manager Politi suggested a monument sign stating East Main Street Business District.

Deputy Mayor Matise stated that it would be a sight obstruction.

Mayor Pearson suggested that when they fix the wall to put something in there, it would be part of the wall.

Trustee Rumbold suggested the WBA brain storm and see if they can come up with a suggestion.

It was the consensus to have the WBA come up with something, but not by the McKinley Monument.

Related Management

Mayor Pearson stated that she attended the public hearing for Related Management and there were some concerns about forty years. The school district had a problem with it. One of the questions she asked was the money being loaned out and there is no responsibility that we see from the IDA that they know what is being fixed. They don't have to do a plan, they just get the money and they will say this is what they are fixing. They do have to come for permits. There is nothing in there that says they have to fix the balconies. The Town of Montgomery wrote a letter in support of it because they knew the Village of Walden wanted to keep the senior housing and the subsidized housing where it is. They also put conditions in there about the balconies and to make sure the monies are there for fix up. The IDA said that if they want to put conditions in the letter it doesn't mean that they have to follow it. It will be recourse if things don't get done, two years later we can go back to the IDA. The Building Inspector felt it was a good idea.

Deputy Mayor Matise stated that there are a number of issues that are going on there. One is the idea of control and first she was talking about a forty year pilot and then all of a sudden it got dropped back to a thirty year pilot. There are probably more concessions that can be made. The County IDA was unaware of the fact that she stood here and told us that fifteen years from now we'll refinance the whole project anyway. They didn't expect to hear that.

Trustee Hurd stated that she was clear that they have the option in fifteen years they can change it.

Mayor Pearson stated that the IDA may not have that.

Deputy Mayor Matise stated that they keep saying they can go to market rate whenever they want.

Mayor Pearson asked if they would have to come back and get a new site plan and get a variance for that.

Mr. Dowd stated that the only zoning issue is the seniors in the Main Street building. That is the only zoning issue. Going from subsidized to market rate does not require a site plan change.

Mayor Pearson asked about the parking.

Mr. Dowd stated that going from senior to non senior would trigger a change.

Mayor Pearson stated that the Building Inspector made a list of things and they are concerned with the maintenance of this. How old is the furnace, is it energy efficient. We don't have a clue if they will be fixing them.

Trustee Rumbold asked what happens to the wish list.

Mayor Pearson stated that nothing, but it may fulfill something down the road.

Trustee Rumbold stated that as long as they are paying their loan back what can the IDA do.

Deputy Mayor Matise stated that the Village would have to monitor it.

Trustee Hurd stated that we have our housing codes.

Deputy Mayor Matise indicated that the school is asking for a ten year review process.

Mr. Dowd asked a review of what. We can't get into the management of the business. You can register the issues.

Trustee Rumbold stated that she would like to know why they passed by the Town IDA.

Mr. Dowd stated that we don't tell anyone else that they have to fix their roof every twenty years or they have to have an energy efficient furnace every five years. He doesn't think we can do it here. They have to maintain the housing codes.

Mayor Pearson stated that she feels the Village should write a letter about the things that we know need to be fixed. The attorney will be writing a letter and she would like the Board's concerns in it.

Trustee Rumbold suggested the attorney draft something for the Board to review.

Trustee Wynkoop stated as long as they go along with the code you'll have to leave them alone.

Trustee Millspaugh stated that the Village should write a letter and list their concerns.

It was the consensus of the Board to write the letter including their concerns.

Public Comment on Discussion

John Revella, 16 Church Street congratulated the Board on putting the money forward to finish the Rail Trail. Regarding the garbage issue to include multi family units and the time of day they pick it up. He feels that if you start giving rebates to certain age groups you're running the risk of discrimination. He feels it's a good idea to do it on per can, or per bag. He also stated that he thought the Board was going to change the format of the agenda. He feels it would be more positive if there was more public discussion during discussion items.

Brenda Adams 31 Valley Avenue stated that she knows that there are people on Valley Avenue that want trees.

Dennis Wageman stated that there are a lot of people that are opposed to the way garbage is being done. The stickers on garbage bags work and no one seems to have a problem. One Monday morning out of thirty houses there was one recycling can out. He saw recyclables and refundables in the garbage. You should pay for what you generate. He also stated that he was singled out from being in the block watch. When the signs go up are the crime cameras that are on his house going to come down, is the block watch sign going to come down. He would like everyone to have a crime camera on them.

Manager Politi stated that he agrees that you should be charged for what you generate.

Les Yancewicz, 28 Maple Street stated that it's the fuels that are underground that are causing the problems with the atmosphere, global warming. If you're going to ban wood furnaces he doesn't know how people are going to burn fire places.

Greg Raymondo asked what the revenue was that the Village gets from the garbage contract.

Manager Politi stated that there is an administrative fee for the postage and paper.

Mr. Raymondo stated that he is in favor of giving a break to the seniors.

Mr. Wageman asked what does it cost to remove a ton of garbage.

Manager Politi stated that there is a tipping fee. He doesn't know how they calculate their charge. They have their own costs.

Mr. Muehlen stated they should do away with the health insurance. There is no enforcement with the garbage collection. He complained two months ago about the garbage at Myrna Wolfe's property and nothing has been done.

Rachel Holman stated that the Town of Gardiner is looking into the outdoor furnaces. They will be addressing this the first meeting in October. The EPA website has information about them.

Mrs. Vandermark stated that she is also in favor of being charged for what you generate with regard to garbage. She also advised the Board that the park on East Main Street needs attention.

Mayor Pearson stated that's private property.

Mr. Muehlen asked why doesn't the Village collect their own garbage.

Approval of Minutes

Trustee Rumbold moved to adopt the minutes of August 12, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

Trustee Hurd moved to adopt the minutes of August 22, 2008. Seconded by Trustee Rumbold. All ayes. Minutes adopted.

Audited Bills

Trustee Norman moved to approve the audited bills of September 9, 2008. Seconded by Trustee Rumbold.

Mayor Pearson asked about Mr. Sorensen's bill for the Kidd Farm.

Manager Politi stated that it's the townhouse project and the Planning Board asked Mr. Sorensen to do some review on that.

Mayor Pearson asked why the money is coming out of the community development fund and who is keeping track of that.

Mr. Dowd stated that it will be paid out of community development and then reimburse it when the fees are paid.

Manager Politi stated that the Treasurer will keep track of that.

Trustee Rumbold asked if the Manager got her list of concerns.

Manager Politi indicated that he put a response in her mail box.

Trustee Rumbold asked if there have been any balance transfers yet.

Manager Politi stated he doesn't think so, but he will check with the Treasurer.

All ayes. Motion carried.

Trustee Millspaugh asked if there was a way to simplify all the bills. He suggested separate folders with a spread sheet for the utilities.

Manager Politi stated that he will put one format together and show it to the Board.

Correspondence

Mayor Pearson stated that the Orange County Planning Federation dinner is September 16th at the Harness Racing Museum.

Mayor Pearson stated that she received the New York Main Street Program Grant Agreement from Mr. Barnes.

Mrs. Vandermark stated that she brought a letter in for the Mayor yesterday.

Mayor Pearson stated that she made copies for the Board.

Village Manager's Report

Manager Politi asked if the Board had any questions with regard to the Department Head reports.

Trustee Millspaugh asked how many of the grass notices did the Village do.

Manager Politi stated that the Village crew doesn't do them, we contract it out.

Trustee Millspaugh stated that one citation was for Watkins Drive. He went to look at it and that has to have been growing since last year. Now it's the end of the season and we're asking them to cut it back 10 feet from the road. He feels it should be the whole yard. If ten feet from the road is the requirement he went to Wanderling Park and he noticed East Avenue, Sherman Avenue and Edmunds Lane have overgrown brush. Also, by Packaged Lighting.

Mayor Pearson stated that she spoke to the Building Inspector about the compliance of the Oak Street apartments, number of residence, multi families and getting into for inspections. He told her that he's not getting compliance and he doesn't know where to go from here. She asked the attorney what the next step would be.

Mr. Dowd stated that the next step would be to issue a violation under the State building codes and there are fines. He can also seek a search warrant. This would be a court action.

Deputy Mayor Matise asked about the codification. She doesn't have the editorial analysis.

The Village Clerk stated that she gave the Board a copy of the editorial analysis.

Trustee Millspaugh stated that one of the attorney's recommendations was to delete the section on Taxi Cabs.

Mr. Dowd stated that the code only regulates taxi's that are home based in the Village and there is only one. We have no authority to regulate any taxis that operate in the Village of Walden that are not based here. He spoke to the Chief of Police about how effective could this be if you're only making someone pay who has to have a business in the Village of Walden.

Trustee Millspaugh asked if we can expect that a taxi coming from Newburgh has been inspected.

Mr. Dowd stated that he doesn't think there are too many towns and villages that have taxi inspections in their codes. These are suggestions and if the Board disagrees he will leave it in. He is beginning the process of reviewing the code. He's doing the easy ones first to begin the process and then to the more controversial ones and then the difficult ones.

Manager Politi stated that they need to get the Tin Brook Pump Station happening. Today was significant because it took a long time to get three easement agreements for the Route 208 I & I. We are now ready to go out to bid.

Board Comments

Trustee Norman stated that the Teen Center needs more help on the weekends. She asked if the benches were going to be put in Wooster Grove.

Mayor Pearson stated yes, but she didn't want them there for the teen dance and now that it's so late in the year she would like to put them out in the spring.

Trustee Norman stated that the tree in the box at Volunteer Square needs to be moved to Besdesky Park. Also, the picnic tables at Bradley Park are falling apart. She hopes they do nice decorations at the Wooster Grove entrance, it's nothing but weeds. The park she is concerned about is the one by the upper bridge. A lot of time was spent there and now it's being used as a parking lot. There is a new tree that is bent from the cars parking next to it.

Manager Politi stated that they talked about putting curbs in there.

Trustee Millspaugh suggested granite curbing.

Deputy Mayor Matise asked if the no parking sign was ever going to put on Bank Street by the ATM. She also asked about the status on the Girl Scout Cabin.

Manager Politi stated that everything has been cleared with community development for the Boulevard sidewalks and the ramp for the Scout Cabin. We will be going out to bid.

Deputy Mayor Matise moved to authorize the manager to go out to bid for the Boulevard sidewalks and the Scout Cabin ramp. Seconded by Mayor Pearson. All ayes. Motion carried.

Deputy Mayor Matise asked about NIMS training for new Board members.

Manager Politi stated that when ever they are ready they can do it. You can do some on line.

Deputy Mayor Matise asked if any landlords have registered.

Mr. Dowd stated that they don't have to until January 1st.

Deputy Mayor Matise stated that she spoke to Mike Hayes today about the ambulance corp. contract. She asked Mr. Hayes to check with the Town Attorney to see if there was anything in there about Medicare billing.

Trustee Millspaugh stated that he thought they were going to change the agenda format.

Manager Politi asked what change.

Trustee Millspaugh stated that he would like the manager's report in the beginning part of the meeting, before public comment.

Trustee Hurd stated that they should get consistent with the flow, discussions and then go to actions.

Trustee Rumbold stated that the Economic Advisory training for the Town of Montgomery will be doing a presentation on September 25th. She feels the Zoning and Planning Board's should attend.

Mayor Pearson asked about the tennis courts.

Manager Politi stated that they will be going out to bid. The work will be done before winter.

Trustee Millspaugh asked if they checked the Girl Scout Cabin basement to tie in with that. There used to be flooding.

Manager Politi stated that he will check.

Mayor Pearson asked if the manager got prices for the wall by the McKinley Monument.

Manager Politi stated no.

Mayor Pearson stated that she received calls from the McKay family, Helen McKay is very ill and they are requesting to use the meeting room for a memorial service and they will be having food. It would be for September 13, 2008.

Trustee Hurd moved to allow the McKay family to have a memorial service for Helen McKay and the permit food in the meeting room. Seconded by Trustee Rumbold. All ayes. Motion carried.

Mayor Pearson asked if the Village is still doing classes for drivers ed.

Manager Politi stated yes.

Mayor Pearson asked where they were with the digester.

Manager Politi stated that they are finishing up the plans and specs.

Mayor Pearson asked about the shields and badges. She asked him the other day and he advised her that the chief is not going to deal with that she would have to deal with it.

Manager Politi stated that he did not say that. She asked for them. She said to the Chief if you're not going to do them, give them to me.

Mayor Pearson asked why he isn't doing them

Manager Politi stated that he doesn't know.

Mayor Pearson stated that the motion made was that the manager and the chief would deal with that issue.

Manager Politi stated that if that was the motion he'll go back to them and do it. Some things were not returned so we will have to ask for them.

Mayor Pearson stated that she would like to bring up the SR 218, only with the ID's, because she had a visitor who used to work for the Village, who was here for ten years, retired and talked to the chief about getting an ID and he hasn't seen it yet. She would like to talk about the number of years you have to work to get an ID, because she believes if she is an officer in another department for five or ten years and comes here for ten years, why wouldn't they get an ID and shield from the Village of Walden. She will have it on the agenda for the next meeting.

Trustee Rumbold asked if that was part of the motion.

Mayor Pearson stated that the motion was twenty years.

Trustee Rumbold stated this Board came to a consensus that's what this Board wanted to do and that is what they said they wanted to do. The Board decided 20 years.

Mayor Pearson asked if the Board would be willing to discuss this again and make the time shorter.

Mayor Pearson stated that it was an X Chief that came to see her and he does not have an ID and a badge because he was only here for 10 years. She doesn't know if it makes a difference if you were a Chief.

It was the consensus of the Board not to readdress this again.

The Clerk advised the Board that she will be on vacation from September 22-26.

Mayor Pearson asked Mr. Dowd to update the Board on the townhouse.

Mr. Dowd stated that they are setting up a consultants meeting for early next week. They are going to discuss where they want the plan to start from. It would be with the Village engineers and the applicant's engineer.

Executive Session

Trustee Norman moved to hold an Executive Session pursuant to 105-(f), personnel, of the Public Officers Law. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Rumbold moved to reconvene the regular meeting. Seconded by Trustee Millspaugh. All ayes. Meeting reconvened.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk