

**Village of Walden  
Board of Trustees Meeting  
November 11, 2008  
Motions and Resolutions**

**Board of Trustees Health Care Termination Date**

Trustee Rumbold moved that on April 6, 2009 health insurance for elected officials is terminated. Seconded by Trustee Hurd. On roll call Trustees Norman, Hurd, Rumbold, Millspaugh and Mayor Pearson voted yes. Trustee Wynkoop and Deputy Mayor Matisse abstained.

**Approval to Advertise for Residential Refuse Collection**

Deputy Mayor Matisse moved to go out to bid for refuse collection with a return date of December 3, 2008 at 10am. Seconded by Trustee Rumbold. All ayes. Motion carried.

**Resolution No. 8-08-09 Application for Funds from the Terrestrial Invasive Species Eradication Grant Program**

Trustee Hurd moved to adopt Resolution No. 8-08-09, Application for Funds from the Terrestrial Invasive Species Eradication Grant Program. Seconded by Trustee Rumbold. All ayes. Resolution adopted.

**Set Hearing-Abandoned Vehicle-45 High Street**

Trustee Hurd moved to set a hearing for the abandoned vehicle at 45 High Street for November 25, 2008 at 7:00pm. Seconded by Trustee Wynkoop. All ayes. Motion carried.

**Approval of Minutes**

Trustee Rumbold moved to adopt the minutes of October 28<sup>th</sup>, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

**Audited Bills**

Trustee Rumbold moved to pay the audited bills of November 11, 2008. Seconded by Trustee Hurd. All ayes. Motion carried.

**Executive Session**

Trustee Rumbold moved to hold an executive session pursuant to 105-(f) Personnel, Village Manager, 105-(e) PBA Contract Negotiations and 105-(d) Litigation of the Public Officers Law. Seconded by Trustee Wynkoop. All ayes. Motion carried.

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

### **Adjournment**

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

**Village of Walden  
Board of Trustees Meeting  
November 11, 2008**

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

On roll call the following were:

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

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

Mayor Pearson had the veterans in attendance lead the pledge and thanked them for all they've done for our country. She also read a prayer.

**Village Manager's Report**

Manager Politi asked the Board members to sign off on the unpaid tax roll.

Manager Politi asked if any Board Members had questions on the Department Head reports.

Mayor Pearson asked what DPW was doing with the wood chips.

Manager Politi stated that they will be using them for the new trail at Olley Park.

Mayor Pearson stated that she noticed that the lights have been fixed except the one on the bridge.

Manager Politi stated that the light did come on. There are two other ones out now and that could be internal.

Mayor Pearson stated that in the minutes they talked about Maple Street being done and paved. The manager stated that he wished people would go and look before they mention it, she went down and the hole in the middle of the street has not been fixed.

Manager Politi stated that they did fill it and it probably popped out. He will give the Board a report from the supervisor to let the Board know the work that has been completed on the driveway cuts.

Mayor Pearson stated that the hole is 5x5 and there is no blacktop there. She also indicated that DPW employees are not wearing seat belts. There is a push on Buckle Up New York.

Manager Politi asked the Mayor to give him a time and a truck.

Trustee Rumbold stated that she had written questions that the manager has answered.

Mayor Pearson asked about the inspection on the Walden View Apartments.

Manager Politi stated that on Friday of last week every apartment was entered by the building inspector and maintenance crew. They went into every unit and they found two smoke detectors needed batteries and they were fixed. There were a couple items in the common areas that they are still working on.

Mr. Stickles stated that if anyone is saying that the apartments are in bad shape, whoever is reporting that is false. He's never seen such nice apartments. The outside might not look the greatest. There is a new property management crew that is working hard to take care of the ongoing problems. They are doing a great job.

Manager Politi stated that the Code Enforcement Officer would like to talk to the Board about a hearing for an abandoned vehicle. He would like to add this to the action items.

### **Presentation-Health Insurance**

Robert Adams, William A. Smith and Son presented the Board with a health insurance plan from Oxford Metro. He prepared quotes for December 15<sup>th</sup>, 2008 and the rates would be locked in for 12 months. If you go to January 1<sup>st</sup> the rates would be higher.

Trustee Hurd pointed out that every hospital in those boundaries is not available. Sloan Kettering is not available.

Mayor Pearson stated that providers come and go all the time.

Mr. Adams stated that there are no participation guidelines, but in order to have a group plan there must be at least two eligibles.

Trustee Rumbold asked about preexisting conditions.

Mr. Adams stated that preexisting conditions in the State of New York says that if you come from carrier A and go to carrier B as long as there has been no break within 63 days of coverage.

### **Manager's Reports Continued**

Manager Politi stated that he met with the owners of the buildings that back up to the Orchard Street parking lot regarding dumpsters. The large dumpster is on the Walker Building's property and it is being emptied and removed. Mr. Sohns has removed all of his dumpsters. There is a right of way to the buildings in the corner.

Mr. Stickles stated that on the site plan for the Walker Building was a proposal for a 4 x12 dumpster enclosure, just to service the Walker Building. The owners of the Walker Building and the owners of Ming Jie's has come to an agreement to build a 4 X 16 enclosure out of brick to house the dumpster to service both of them.

Manager Politi stated that it was a productive meeting and he hopes this is the fix.

Mayor Pearson asked the manager to go over the letter from the owner of 16 Seely Street and the owner of 21 Pleasant Avenue.

Manager Politi stated that the sewer back-up at 21 Pleasant Avenue, our crew went out and our sewer main was functioning.

It was the consensus of the Board not to pay the bill for 21 Pleasant Avenue.

Manager Politi stated that the high water bill at 16 Seely Street, he doesn't know why it came back here because the owner is making payments. We also sent the water department out to check the meter. There was a time when she was out of the building for three weeks and there could have been a leak.

It was the consensus of the Board not to give relief to the owner of 16 Seely Street for the high water bill.

Deputy Mayor Matise asked for information on the recreation trail grant.

Manager Politi stated that this grant would be to create a trail on the passive side of the Olley Park and to install a foot bridge over the spill way.

Deputy Mayor Matise asked that the entrance sign to Wooster Grove be painted.

Manager Politi stated that they are going to do that now.

Mayor Pearson asked about the incident at Wooster Grove this weekend.

Manager Politi stated that there was a group of kids congregated by the custard stand and it was broken up by two officers. Sometime later a group of those within that group got back together and there was a skirmish. There was someone drunk or on drugs, that is why the ambulance was there. The parents picked this individual up.

Deputy Mayor Matise asked what happened on Bank Street.

Manager Politi advised the Board that there were four domestics, all alcohol related. An officer was hurt during one arrest, Officer Conklin.

### **Public Comment**

John Revella, 16 Church Street stated that he supports the walking trail around the park.

Nancy Lamancuso, 232 E. Main Street asked about the status of the East Main Street sidewalks. Will they be started before winter?

Manager Politi stated that he believes so.

Mayor Pearson asked Ms. Lamancuso if her Small Cities project problem was solved.

Ms. Lamancuso stated yes.

### **Board of Trustees Health Care Termination Date**

Manager Politi stated that looking at the numbers it would cost approximately \$4400 per year and our current health care program is \$7100.

Deputy Mayor Matise asked if there could be payroll deduction for the elected officials who want the coverage once the salary increase goes into effect.

Manager Politi stated that they could do that. Sixteen hundred seventy two dollars would be the balance, left from the \$6,000.

Trustee Hurd stated that you have to remember that this is a full salary now and taxes will be taken out.

Mayor Pearson stated that by taking the health care by December 5 will save them a month worth of payments.

Manager Politi stated that he will let the Board know what the mechanics are.

Trustee Hurd stated that there is a permissive referendum for the salary increases so that is another 30 days.

Mayor Pearson stated that they tabled the adoption of the local law so they are closer to the new year. She is fine to vote on a termination date.

Trustee Hurd stated that if the village residents decide to say no they don't want salary increases for the elected officials. So, if you've eliminated the health insurance coverage and you may or may not have the off setting, and you've eliminated the buy outs.

Mayor Pearson asked the Board if they were happy to move on this and terminate that and move forward by December 15<sup>th</sup>. The health insurance will terminate December 31, 2008.

Trustee Millspaugh stated that he feels they should proceed.

Trustee Rumbold stated that she would like to hear what those that this affects have to say.

Trustee Norman stated that for the position she has been in for the past five weeks she would not like to be without insurance. It scares her. If she chooses not to go with Oxford she will have to go to another insurance company. That doesn't mean she will get it immediately to cover the expenses she has now. Trustees Hurd, Wynkoop and herself have been on this board for 14 years and 12 years. She doesn't think it would hurt if this insurance stayed until April.

Trustee Wynkoop stated that he would like to see Trustee Norman covered until April. He can fall back on the Veterans Hospital and he can find something for his wife. Trustee Norman is sick.

Trustee Norman stated that is not why she said that. She said it for all three trustees. They've all worked very hard for this. They've had it ever since they've become trustees and she doesn't feel another few months is going to hurt.

Mayor Pearson stated that she knows what she pays for health insurance and Oxford looks like a nice number, but it's only affective until December 15<sup>th</sup>.

Deputy Mayor Matise stated that she would like some closure to this.

Pat Glass stated that it takes the Board years to do anything, why the big rush on this.

Mayor Pearson stated that it's not a rush, it's been since April and in the meantime they found out things are not done legally on certain things and that takes a different direction.

Ms. Glass stated, so maybe everyone who got the buy out should pay it back and make the taxpayers happy in Walden. She hasn't seen the buy outs mentioned in the newspapers. It makes the people who took the insurance look like they're taking something away from the taxpayers when some people have gotten thousands and thousands of dollars. She doesn't see that in the Record or Wallkill Valley Times.

Mr. DeJesus stated that he was on the Board when the buy outs started and he did take it, but so has other Board members and this is what happens, deceit all the time.

Mayor Pearson stated that the question is how it really came about.

Mr. DeJesus stated that it's deceitful.

Trustee Millspaugh suggested that make the health insurance affective for the next elected year, April.

Trustee Rumbold stated that she understands the frustration; she has been very frustrated with this issue since it was brought up. It started with, gee can't we contribute a little bit to our insurance so it's not all on the taxpayers and here we've ended up. She really hopes the deceitful comment was not directed at her. She wasn't trying to deceive anyone. She was trying to do something that she thought was fair to all the trustees and taxpayers. Unfortunately in trying to do that we did uncover a situation where buy outs were taken illegally. Our attorney advised us that we had several options, one being creating a law that retroactively made the taking of the buy outs legal. She spoke out against that law she thought it was wrong then and she voted against it and she was the only Board member to do so. She still believes that any government that allows you to go back and retroactively create a law to rectify what was unlawful is idiotic, the whole premise of it screams unpatriotic. She's only served with Trustee Norman since April, she respects the time that she's served on this board, in fact she respects the time anyone serves on any kind of board. It's not easy and she feels that Trustee Norman's request should be honored. She has thought about this a lot and she is trying to be fair to everyone who sits on this board, those who take insurance and those who don't take insurance. She felt like monkey in the middle for a long time trying to be fair to everyone. Mary Ellen, Becky and those who didn't take the insurance have now given up the buy outs. The illegal buy outs, legal buy outs whatever they are now. So, they have sacrificed as well. For anyone in the public to say that in getting rid of the buy outs that they didn't sacrifice anything and they didn't give up anything are entirely wrong. They too have made a sacrifice for this village and for the taxpayers. She didn't sacrifice anything. She didn't take a buy out; she wasn't entitled to it at that particular time. So if anyone has sacrificed she is not one of them. She has no problem waiting until April. Trustee Norman made that request, she served this village and she served it well and she deserves that kind of consideration from her colleagues. She apologized to Mayor Pearson and Deputy Mayor Matise because they have given up something. They have given up the buy outs as part of their salary. They thought they were entitled to them. They took them and unfortunately that wasn't the way it was. She thanked them also for their sacrifice for the taxpayers.

Trustee Wynkoop stated that he has no problem with his insurance terminating December 15<sup>th</sup>, but if there is anyway to get Trustee Norman through the illness she had he would like to do something for her.

Trustee Norman stated that she appreciates that, but that is not what she is saying.

Trustee Rumbold stated that the decision should be for everyone. It's not for us it's for the taxpayers of this village.

Trustee Hurd stated that when they first started this discussion it was the recommendation of the Village Attorney that from a logical point of view that it be prospectively.

Mr. Dowd stated that was when the Board was talking about the percentages of the premium.

Trustee Hurd stated that the attorney was saying to make it effective at the next election which would be in April.

Deputy Mayor Matise stated that it is not logical because why would you want to make a decision that's not going to take affect until April that will affect a new board. There is no logic to that.

Trustee Rumbold stated that the Board does have to make a decision because they will be in a budgetary process and it will affect the fiscal year.

Trustee Wynkoop stated that he will be canceling his insurance as of December 15<sup>th</sup>.

Manager Politi stated that he can't do that.

Mr. Dowd stated that they have to treat all elected officials the same. In NYSHIP you can't have one member of the same class dropping out of this thing. You can't raise the salary of the office and then it only applies to one or two people in the office. If they hold off the termination of the insurance until April 6<sup>th</sup> then you may want to consider not adopting the local law because then you can put the increase of salaries in the 2009-2010 budget.

Trustee Rumbold moved that on April 6, 2009 health insurance for elected officials is terminated. Seconded by Trustee Hurd. On roll call Trustees Norman, Hurd, Rumbold, Millspaugh and Mayor Pearson voted yes. Trustee Wynkoop and Deputy Mayor Matise abstained. Motion carried.

## **Introductory Local Law I-7 of 2008 – Board of Trustee Salary Increase**

Removed from the agenda.

### **Approval to Advertise for Residential Refuse Collection**

Manager Politi stated that the notice of bid is based on their conversation at the last meeting.

Mayor Pearson stated that they talked about adding a number ten, not taking out the consequences if they start earlier than 5:30am and what they do with the cans.

Mr. Dowd stated that he did put it in the revised copy.

Mayor Pearson asked if the senior discount was going to be done in house.

Manager Politi stated yes.

Mayor Pearson asked when the pre bid meeting was going to be.

Mr. Dowd stated that they can do that internally.

Manager Politi stated that he will forward all the dates to the Board.

Trustee Wynkoop asked about the senior discount.

Manager Politi stated that they would have to come to the village.

Mayor Pearson asked how the seniors will know there is a discount.

Trustee Wynkoop stated that it can be in the calendar.

Mayor Pearson stated that she is still in favor of volume. She also asked about Masada.

Mr. Dowd stated that he put it back in because he spoke to someone who said that it's not dead yet.

Deputy Mayor Matise moved to go out to bid for refuse collection with a return day of December 3 at 10am. Seconded by Trustee Rumbold. All ayes. Motion carried.

Mayor Pearson stated that she wishes they got into volume. Different sized cans for different people so that it was even more fair for the community.

All ayes. Motion carried.

### **Approval of Village Walden Polling Place Location for Village Elections**

The Village Clerk indicated that she would like to hold the Village Election on the second floor of the Municipal Building.

Mayor Pearson suggested the first floor library. People were upset last year when the election was at the fire house. Some people had a hard time getting there. She also suggested the ambulance corp.

The Village Clerk stated that she will ask the librarian to have the election on the first floor of the library.

### **Code Enforcement**

Mayor Pearson stated that there were some questions about codes so we invited the Building Inspector in to answer questions. Mr. Mann was cited and given 30 days to do what he had to do. She asked if he had to come back before the Board or can he take him to court now.

Mr. Stickles stated that Mr. Mann now has to come back to this Board or the Board can give him the authority tonight to go ahead and take care of things that he did not do. He wanted Mr. Mann to come back to the Board and explain why he can't accomplish what they have asked him to do.

Trustee Rumbold stated that it's not so much what we asked him to do as it is what he told us he was going to do. She asked Mr. Stickles if he would like to have the authority to do what needs to be done.

Mr. Stickles stated that he would like that.

Mayor Pearson asked Mr. Stickles how many times does a notice has to be sent before he can take him to court.

Mr. Stickles indicated that is his discretion. Once he takes a person to court he loses control of them. It is now the courts decision to adjourn it, two, three, four, five times or fine him. Bringing someone before the Village Board he gets better cooperation and better results.

Deputy Mayor Matise asked who he was trying to get the results from.

Mr. Dowd stated that Mr. Stickles is saying is if he takes the case to court then its in the hands of the judge as far as the criminal procedure law is concerned. At the end of the day there is a trial and he's found guilty the only thing that will be done is the person gets levied a fine of \$250. That does not get the violation cleared up. By bringing property maintenance issues to the Board it gets a more stream line process. If they are brought before the Board the Board gives them a hearing as to due process, as to why they can't do something that you want him to do and then you either give him time and if they don't do the work you bring them back and the Board says to the manager and

building inspector we'll clean it up and we will charge them for the clean up and if they don't pay it goes on their taxes. What happens is the violations go away, they get cleaned up. In the court all they get is a fine and those broken windows can still be there.

Trustee Rumbold stated that she thinks the building inspector is looking for support from this Board.

Mr. Stickles stated that whenever he's brought anyone before this Board he feels he has the support of this Board.

Mr. Dowd stated that it's more than support because if they don't do the work and if they don't pay the bill it has to be put on their taxes and the only one that can levy it on the taxes is the Board. So he needs the Board through the process.

Trustee Rumbold stated that at the last meeting what she said was not that the Building Inspector sits and changes dates on letters. She felt that when she saw the same names time and time again it just seems like you change the date on them, you're sending the same. Her question stems from seeing the same people time and again, he's very courteous sending letters to please do whatever and here they are again. She is trying to get an idea of why he would tolerate the same thing over and over. How does he decide what his limit is?

Mr. Stickles stated that he tries to get everyone that has a violation to correct it without taking extreme measures. He doesn't know which people Trustee Rumbold is talking about. If they ignore him he will bring them before the Board.

Trustee Rumbold stated that she would never want anyone to say we're showing favoritism to one person over another one.

Mr. Stickles stated that if anyone would say that he could show them that they all get the same treatment. There is a certain property that will continue to be a problem until it's sold.

Mayor Pearson asked when does the Building Inspector gets to the point to condemn something.

Mr. Stickles stated that he would have to have an engineers report saying that the house is structurally unsound.

Mr. Dowd stated that the last thing this Board wants to do is to spend taxpayer's money to fix a particular property. There is a lag between the time you spend the money and the time you get your taxes back.

Manager Politi stated that Mr. Stickles is here tonight asking the Board for permission to go forward with Mr. Mann.

Mayor Pearson asked if the code should be changed to be able to do something without coming before the Board.

Mr. Dowd stated that it is a matter of magnitude.

Mayor Pearson stated that they could put parameters.

Mr. Dowd stated that if the Board wants him to he will prepare a formal resolution based on their action tonight which will get mailed to Mr. Mann saying the hearing was held he said he was going to do such and such in 30 days and he didn't complete it, the Board finds him in violation of that order and orders it to be cleaned up by the Village and charged back to the owner.

Trustee Millspaugh asked if Mr. Mann got a letter after the hearing saying what was agreed to.

Mr. Stickles stated that he got a letter, which the Board was copied on, listing the items that had not been done.

Mayor Pearson asked who is in charge of the Code Enforcement Officer.

Manager Politi stated that ultimately it is him and as in every department there is a supervisor and that would be Mr. Stickles.

Mayor Pearson stated that she looked at the bills and Mr. Stickles didn't sign off on that.

Manager Politi stated that it's somewhat of an honor system and Mr. Stickles does not feel comfortable signing off on his hours, so he signs off on them.

Mayor Pearson asked if they can wrap up the code review soon.

Mr. Dowd stated that there is still a lot of work to do.

Mayor Pearson asked for more meetings to wrap this up. It has been a year. She also stated that the business association is looking to borrow a code book.

The Village Clerk indicated that there is a code book in the library and that she doesn't have an extra copy to loan out.

Mayor Pearson stated that they have questions about the sign law.

Manager Politi stated that the sign law is attached to the sign application. We can make copies of the sections they are interested in.

Mayor Pearson stated that they are also concerned with blighted buildings.

Mr. Stickles stated that if anyone has a problem with a property he is here from 7am to 3pm. They can also make an appointment to meet with them.

Manager Politi asked the Building Inspector to attend the next business meeting.

Trustee Wynkoop moved to adopt a resolution authorizing the Building Inspector to immediately have repairs done to 82-86 W. Main Street. Seconded by Trustee Norman. All ayes. Motion carried.

### **Oakland Avenue Trees**

Trustee Rumbold stated that she received correspondence from Mr. Malnic regarding the oak trees at 16 Oakland Avenue. So far the total damage to his cars is \$851.56. It is an on going issue. She would like to know where the Board stands on this. She feels it is ridiculous that a homeowner has to incur and bear damage from a tree that is owned by the Village. She inquired about the trees on Highland Avenue that were cut down and the manager advised her that the arborist checked them and they were dead trees. So assuming that all the other trees on Highland Avenue were considered to be live tree, we just had two trees that were considered live have two huge branches fall off. What she is saying is that even if you have a tree considered live you can have considerable damage if there is a storm and that tree breaks. The homeowner has offered if the trees are taken down to replant trees of the Villages choosing in those areas. We need to give this man some relief. She is prepared to see where the Board stands on this in hopes that they allow Mr. Malnic to remove the trees at his expense as he has offered to do and replant trees of our choosing in that area.

Mayor Pearson stated that she understands the acorns because she has a tree in her back yard. The village has sent the arborist out, we've trimmed limbs and we've spent a lot of money trying to rectify the situation. She has also talked to Mr. Malnic and stopped at his home twice to see him. There are neighbors of his that we've never gotten a complaint from. He lives on a street where he could park for the time being instead of right in his driveway where he knows these acorns are coming down denting his cars, if they are denting his cars.

Trustee Hurd stated that he has giant oak trees on his property and they loom over his driveway and he has been struck by acorns many times and has survived. His car has also been hit and he's never had any damage. He would shutter to cut those trees down.

Trustee Norman stated that she agrees with the Mayor and she knows a lot of people with oak trees on their property and they don't have this problem.

Mayor Pearson stated that they have told him that in the spring they would inject the tree.

Manager Politi stated that the repair bill is from the limb falling.

Deputy Mayor Matise suggested they cut the tree back to the sidewalk.

Manager Politi stated that you wouldn't want to do that to the tree. It would be very expensive to take the trees down and they haven't tried the remedy he agreed to.

Trustee Hurd stated that he wouldn't have the Village pay to inject that tree with anything. It is natural for that tree to bear acorns.

It was the consensus of the Board not to cut the trees down and wait until spring to inject the trees

### **Special Prosecutor**

Mayor Pearson stated that she spoke Judge Ozman about this and he wanted the Board to know that because of the State Police coming into the Village of Walden and giving tickets they can't plea bargain down.

Mr. Dowd stated that State Police cannot prosecute their tickets, so there is no plea bargaining with State Troopers anymore.

Mayor Pearson stated that a lot of the communities are hiring a special prosecutor to be able to prosecute and what the Judge is saying is that he could get all the cases that involve the State Police, hire an attorney which would be approximately \$200. an hour to do these cases. He would put all the cases together on a certain day, three times a year and it would be no longer than an hour.

Trustee Wynkoop asked if the Village gets any of the fine money.

Mr. Dowd stated that if it's a speeding ticket and you plead to a speeding violation, then under the state's system the local court gets \$5 or \$10. If it's pled down to some other violation, village code provision, then most of the fee goes to the Village.

Mayor Pearson stated that the Judge indicated that the fee would be recouped.

Deputy Mayor Matise asked what if we don't hire anyone.

Mr. Dowd asked what he is doing now.

Mayor Pearson stated that she didn't ask him that question. He brought it up because it's revenue for the court system.

Trustee Hurd suggested they find out how many cases there are.

Mayor Pearson suggested that the Attorney Dowd, Judge Ozman and she sit down before the next meeting.

Mr. Dowd stated that this has been a year now and they haven't plea bargained, so he doesn't know what he's been doing.

Deputy Mayor Matise asked if the State Troopers come to the court.

Mr. Dowd stated yes.

Deputy Mayor Matise stated that they just don't plea bargain.

Mr. Dowd stated that they plea to the charge or they try the case.

Deputy Mayor Matise asked, what's so wrong with that.

Mayor Pearson stated that if they try the case and they win we don't see any revenue from that. If they plea it down to something in the Village Code we get the revenue.

Deputy Mayor Matise stated that it may be more worth it for a town to do it than a village.

### **Grant-Japanese Knotweed Removal**

Manager Politi indicated that there is a problem with Japanese knotweed at the Pine Street Park. They are very aggressive growers and they are very hard to eradicate. It takes several seasons of spaying to knock them out. There is a grant, Terrestrial Invasive Species Eradication Grant Program which can help pay for this. It is a shared cost. We've spent several thousand dollars to try and do this.

Trustee Hurd moved to adopt Resolution No. 8-08-09, Application for Funds from the Terrestrial Invasive Species Eradication Grant Program. Seconded by Trustee Rumbold. All ayes. Resolution adopted.

### **Abandoned Vehicle Hearing**

Manager Politi stated that Mr. Penney, Code Enforcement Officer would like to bring the Michael and Gloria Stanco, 45 High Street have been notified and they have not removed their abandoned vehicle. It is half way into our right of way.

Trustee Hurd moved to hold a hearing for the abandoned vehicle at 45 High Street on November 25, 2008 at 7pm. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **Public Comments-Discussion Items**

There were no public comments on the discussion items.

## **Approval of Minutes**

Trustee Rumbold moved to adopt the minutes of October 28<sup>th</sup>, 2008. Seconded by Trustee Hurd. All ayes. Minutes adopted.

## **Audited Bills**

Trustee Rumbold moved to pay the audited bills of November 11, 2008. Seconded by Trustee Hurd. All ayes. Motion carried.

## **Correspondence**

Mayor Pearson stated that the Board received a thank you note from Trustee Norman. Correspondence was received from the family of Richard Reynolds acknowledging their appreciation for the expression of sympathy. A letter was also received from the Methodist Church who is looking for a space to hold Sunday School and worship services for the next two to three years.

Trustee Wynkoop stated that he doesn't understand how they can tie up a public building for three years. It's open to all village residents.

Mr. Dowd stated that since the Village has allowed other non profit groups to use this room you could not just say, we're not going to give them the use for this room, but there would be a problem if you gave them the room every Sunday, every year, for two or three years, because you would be precluding other people from using the room.

It was the consensus of the Board not to allow the Methodist Church to use the third floor meeting room on a continuous basis.

Mayor Pearson asked that the attorney draft a letter to be sent to the Methodist Church.

Mr. Dowd suggested that they be allowed, on occasion, to request to use the room, but they should not be planning their calendar based upon an exclusive use of this building for the next two or three years every Sunday.

Mr. Stickles asked if anyone knows who is purchasing the church.

Mayor Pearson stated that she doesn't know.

Mr. Stickles asked why the church couldn't rent from the new owner. He further stated that if the new owner is changing use they will need Planning Board approval.

Deputy Mayor Matise suggested that to include in the letter that it's not just this building, but Village facilities.

Mayor Pearson stated that she also received a letter from the Operation Dalmatian Committee stating that they are gearing up for the 10<sup>th</sup> annual program. They are asking for help.

### **Board Comments**

Trustee Norman stated that it's nice to be back. She further stated that Eileen Brickner did a wonderful job decorating the Village for Halloween and also the haunted house was great. They are looking for help decorating for Christmas.

Deputy Mayor Matisse asked if they have a Christmas tree yet.

Manager Politi stated that they have several people who are willing to donate a tree. They will be going out to look at them.

Deputy Mayor Matisse asked for follow up to the Dare conference. She would also like Chief Holmes and Officer Trinidad's recommendation about DARE.

Deputy Mayor Matisse asked about unlicensed vehicles on private property by the railroad bridge on Route 208. There are three big trucks without license plates.

Trustee Norman stated that she had calls regarding Christmas music in the square during the Christmas season.

Manager Politi stated that they are timing the Christmas decorations for the week of November 17<sup>th</sup>.

Trustee Norman asked if anything was going to be done on the west side of the Village this year.

Mayor Pearson suggested the banners go on the west side.

Trustee Millspaugh asked about the report the manager was to get him regarding the sewer treatment plant.

Manager Politi stated that he will finish up what he has now and get it to him.

Trustee Millspaugh stated that he thinks the sewer plant is a ticking time bomb and it should be looked into.

Mayor Pearson asked if Mr. Dowd met with the townhouse developer regarding the fees.

Mr. Dowd stated that they are to the point where they resolved it. They will be putting up an escrow account that will be retroactive to when they first started looking at

the project for the Planning Board. All outstanding bills for the consultants will be covered by that. The escrow account will be replenished periodically as it is billed down. There is also a non refundable fee that they will be paying which is not part of the escrow fund. They will not start the official review or take any action until the bulk of fees and the escrow is posted.

Mayor Pearson asked if that would be a lot of extra work for our Treasurer.

Mr. Dowd stated no.

Trustee Rumbold asked if the fees were being adjusted.

Mr. Dowd stated that the fees have been recalculated because the fees in the code are incorrect and improper. When we adopt the new fee schedule they should correct it.

Trustee Rumbold asked when the code was adopted with these fees in it.

Mr. Dowd stated that the fee schedule format goes back into the early 80's, but the amounts changed in the 90's. They were significantly stepped up. When you figure a fee a fee cannot be so excessive and in total disproportion to the amount of services that you are giving. If it is it's an unconstitutional tax. The fee they calculated was a non refundable amount and it was an excessive fee.

Trustee Rumbold asked who changed the fees in the 90's.

Mr. Dowd stated that the Board did upon recommendation of the Village Manager.

Trustee Rumbold asked who the Village Attorney was when these fees changed.

Mr. Dowd stated that he was, but the calculation of the dollar amount was not his fault. It was based upon the experience the Village had in billing accounts for two lot subdivisions or site plans.

Trustee Rumbold asked, if the manager suggested the change be done why wasn't it looked at legally.

Mr. Dowd stated that in 1998 the numbers were reasonable, but when you put the numbers to a project of this size that is when this thing goes off the charts. It could happen that the townhouse project might cost the owner one hundred and something thousand in escrow accounts, but that is escrow not a non refundable fee.

Mayor Pearson asked why they don't have the escrow account instead of a fee.

Mr. Dowd stated because we don't have an escrow law in the books. We would have to pass a law. In this case the developer agreed to the escrow. There is a base fee

based upon the 208 lots that they are paying that it is non refundable and site plan that is non refundable too.

Mayor Pearson asked the manager if he's found anything out on Arbor Day.

Manager Politi stated no.

Mayor Pearson asked if the two lights on Bank Street were working.

Manager Politi stated yes.

Mayor Pearson asked about the energy audit.

Manager Politi indicated that the Building Inspector is working on that.

Mayor Pearson stated that Central Hudson is having a meeting on December 3<sup>rd</sup>, 7:30pm at the Town Hall.

Mayor Pearson asked about Mr. Stickles spread sheet. She was also at the Business Association meeting the other day and there was talk about a directional sign by the McKinley Monument.

Manager Politi stated that his recollection is the Board asked them to come up with a design. They didn't say the monument was off limits.

Deputy Mayor Matise stated that did.

Trustee Hurd stated that they didn't want the sign by the McKinley monument.

Manager Politi stated that what they are talking about is a low profile stone encased that would say, East Main Street Businesses.

Trustee Millspaugh stated that in the discussion they said that if the wall was built with some additional height that you might very well be able to put a directional sign.

Manager Politi stated that he understood was to come up with a concept or design to show the Board.

It was the consensus of the Board not to have a directional sign by the McKinley Monument.

Trustee Hurd asked if the State could redraw that line by the monument to get people to understand that Route 52 is the main road.

Mayor Pearson asked why couldn't they have a directional sign down the old truck route.

Manager Politi stated that the truck route that was approved by the State was to go down to the back of the bag shop, not to East Main Street.

Mayor Pearson suggested they make it an East Main Street business route.

Manager Politi stated that they find that cumbersome. He will work on this more.

Deputy Mayor Matise asked when the signs were going up on Albany Avenue.

Manager Politi stated that they are ordered.

Deputy Mayor Matise asked about the no parking by the Walden Savings Bank sign.

Manager Politi stated that the no parking will be further up because of the hydrant.

Trustee Rumbold asked about the traffic light coming off of Ulster Avenue.

Manager Politi stated that the State said they cannot stagger the lights. He will get the answer in writing.

Trustee Rumbold stated that is a dangerous intersection, she does not understand that.

Mayor Pearson stated that the Business Association talked about putting an officer by the monument to direct traffic during high volume.

### **Executive Session**

Trustee Rumbold moved to hold an executive session pursuant to 105-(f) Personnel, Village Manager, 105-(d) litigation and 105-(e) PBA Contract Negotiations, of the Public Officers Law. Seconded by Trustee Wynkoop. All ayes. Motion carried.

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

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk