

**Village of Walden  
Board of Trustees Meeting  
November 25, 2008**

Mayor Becky Pearson called the regular meeting of the Village of Walden Board of Trustees to order at 5:30 PM.

On roll call the following were:

Present:

Mayor	Becky Pearson
Deputy Mayor	Mary Ellen Matise
Trustees	Roy Wynkoop
	Richard Hurd
	Susan Rumbold
	Marcus Millspaugh, Jr.
	Mary Jean Norman

Also Present:

James C. Politi, Village Manager
Vicki Kurtz, Deputy Village Clerk

Absent:

Nancy Mitchell, Village Clerk
Kevin Dowd, Village Attorney

**Police Department Retiree Presentation**

Mayor Pearson and the Board of Trustees honored retired Police Officers, Edward Shafer and Al Collins and presented them with their retired shields. Retired Officers Steven Reed, Kenneth Lennon and Daryl Carr were also honored but could not be present.

**Presentation – Certified Local Government Program**

Mayor Pearson stated that the presentation for the Certified Local Government Program will be rescheduled for January.

**Manager's Report**

Manager Politi stated that he put a format together regarding some of the items that are out in front of the Board right now. The Route 208 I and I project contract signing is scheduled for Wednesday, November 26<sup>th</sup> and they will do work during the winter. The digester project final review and draft is being completed right now and could be put out to bid as early as next week. There was a prebid meeting for the refuse bid and four companies attended. The bids are due in on December 3<sup>rd</sup>. The E. Main Street sidewalk replacement project, notice of award and contract signing have been completed. They will hold until spring to do the project. The couple of items that were

mentioned will be temporarily repaired. The price will not increase. There was also a meeting with Chief Amthor, Chief Petrone and Chief Holmes to discuss patrolling the rail trail. They are all set to go. There may have to be an inter municipal agreement between counties.

Mayor Pearson asked about the inter municipal agreement for the police patrols, what time frame are we looking at.

Manager Politi stated that all three municipalities will respond to an emergency on the trail at any time. How they can cite each other that is what they are trying to get the inter county agreement format for.

Mayor Pearson asked if there was going to be another meeting.

Manager Politi stated that the next meeting hasn't been scheduled.

Trustee Hurd stated that there are hunters hunting on the trail.

Deputy Mayor Matise stated that if the Village designates that as a park then we could post it saying no firearms.

Manager Politi stated that you can post it now. They are checking with the New Paltz police to see how they handle their trail.

Mayor Pearson stated that they talked about getting it in writing that the contractor for the East Main Street sidewalks would stay with the same price if the project was held off until spring.

Manager Politi stated that has been drawn up.

Mayor Pearson asked if the manager got a final response regarding Kathy Waldren's water bill.

Manager Politi indicated that she has been paying on that bill. The water department went out there and checked it out. They cannot find a reason for the high bill. The meter is fine.

Mayor Pearson asked about the grant for solar lighting.

Manager Politi stated that he can't find a contact.

Mayor Pearson asked that the manager look at other sources, because she doesn't want to loss that grant.

Manager Politi stated that he can go back to the original company.

Deputy Mayor Matise asked if there was anymore money for benches.

Mayor Pearson stated that there was.

Deputy Mayor Matise suggested a bench at Pine Street.

Manager Politi stated that it was designated for Wooster Grove.

Deputy Mayor Matise asked who is parking in the parking lot every day.

Manager Politi stated that it's the teachers and they have been ticketed.

Manager Politi stated that they have been able to clean up a lot of projects. The reimbursements requested over the past 60 days have been \$245,000 with grant reimbursements coming back to us. There are still some left. Some of the engineer's bills were tied to some of the grants and they are aware of that.

Deputy Mayor Matise asked if the bills have ever been date stamped. She would like that done. She also stated that when Stantec representatives came in April to discuss the status of the projects they were working on, the point she thought of the presentation was that they were asking the Board to renew their services. Why are we paying for them to prepare that presentation?

Manager Politi explained that he did meet prior to that with the engineer, but they went over all the capital projects. There are 14 projects.

Deputy Mayor Matise stated that it was specific to the Board saying they want to know what is going on.

Mayor Pearson stated that it is the manager's responsibility to know where these projects are.

Manager Politi stated yes, it is his responsibility and that is why he prepared the report for tonight. Why wouldn't they help him do it? He asked the Board if they don't want him to meet with the engineers in April. They did not charge the Village for the presentation.

Mayor Pearson stated that in regard to the water replacement project, she knows there is less than 110 meters. That has been for a year now, where are we at.

Manager Politi stated that it's 90 now. Our staff is changing out the meters now.

Deputy Mayor Matise asked about the recreation report regarding trips, when they are open to non residents, is it open to just Town of Montgomery or other communities and does the Town of Montgomery give the Village money besides the youth program.

Manager Politi stated that when there is a trip its village residents first and the town residents next and if he wants to fill the bus you will see others. He will get the Board a breakdown on how it works.

Manager Politi asked if the Board wanted to talk about the sewer inspection report. He also indicated that no one received the back up with the initial letter. The chart represented effluent violations that were showing up over the two year period and that is the window DEC and the EPA look at. EPA is the guidance on that because it is over one million gallon SPEDES and they have another level of oversight. This is your effluent and when you have that number a flag goes up to DEC. In response to this we have to go to a compliance conference, compliance with your SPEDES permit. They will explain at the meeting how they are going to remedy that. A piece of these violations could be a piece of the I & I problems. You're starting with Route 208 and Tinbrook, your out of your collection system now, now we have to move further.

Manager Politi advised the Board that they did submit the Terrestrial Invasive Species grant, but there is another grant they would like to submit, but the State budget being as it is, you're on hold.

Manager Politi stated that the Board had asked him to meet with the PBA to lower the awards. He met with Officer Barry who is the PBA president and they did go over the nice format they put together and he will go over this with the Chief and come back to the Board with a recommendation.

Mayor Pearson stated that DARE graduation is December 5<sup>th</sup>, Walden Elementary School at 9:30am. DARE funding is something to think about for the next budget.

### **Hearing – Abandoned Vehicle – 45 High Street**

Rick Penney, Code Enforcement Officer stated that he's made many attempts to get the owner to remove the vehicle. There are several issues with this vehicle.

The property owner was not in attendance.

Mayor Pearson asked if the village can have this vehicle towed.

Mr. Penney stated yes.

Trustee Hurd asked if the owner knows it's not on his property.

Mr. Penney stated that has been explained to him in a letter.

It was the consensus of the Board to have the vehicle towed after checking with the Village Attorney.

### **Public Comment**

There were no comments from the public.

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

Tabled.

### **Resolution No. 09-08-09 – Grant Application Authorization thru the Recreation Trails Program for James Olley Park**

Deputy Mayor Matise moved to adopt Resolution No. 09-08-09 – Grant Application Authorization thru the Recreation Trails Program for James Olley Park. Seconded by Trustee Millspaugh. All ayes. Resolution adopted.

### **Resolution No. 10-08-09-Changing the Date of the Village Election**

Trustee Hurd moved to adopt Resolution No. 10-08-09, Changing the Date of the Village Election. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **Implementation of a Special Prosecutor**

Mayor Pearson stated that she met with Judge Ozman to discuss the use of a special prosecutor. This concept is to adjudicate a case in a fair and just manor. This is, it seems from the Justice's point of view that the Village is unfair to the public. Judges cannot plea bargain to other offences brought by New York State Troopers, while 92% of cases are plead. NYS Troopers have learned which courts don't have prosecutors so some just don't show up and once they know you have a prosecutor they will come back to court. The village is the 7<sup>th</sup> busiest court in Orange County. This shouldn't impact the budget as soon as the troopers know we have a special prosecutor. Judge Ozman would put all the cases on for the same day and possibly 3 times a year to keep the costs down. There is a very good possibility for more revenue. This could be on a trial basis. The judge will get 3 names of attorneys and their fees that are not connected to him in any way and the board can pick one. There are no benefits involved. No pay for mileage and they get paid for the hours they are here. The judge will also give the board a report on how many cases there were and what was generated.

Trustee Rumbold moved to hire a special prosecutor. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

### **Handicapped Ramp at Walden Scout Cabin**

Manager Politi stated that the village was awarded approximately \$9200 through the CDBG funding for the ramp. The lowest bid is \$31000. He approached the county and asked them if the village could buy material with the \$9200 and we will build it. They were fine with that.

Deputy Mayor Matise moved to reject all the bids for the ramp at the Walden Scout Cabin. Seconded by Trustee Rumbold. All ayes. Motion carried.

Deputy Mayor Matise authorized the manager to write a letter to the county requesting permission to use the funds to buy material for the ramp at the Walden Scout Cabin. Seconded by Trustee Norman. All ayes. Motion carried.

### **Well #7 Rehab & New Telemetry System**

Manager Politi stated that he is still getting the numbers together for this project. There are two items he is talking about that they need to work on. Typically wells need to be rehabbed from time to time. Well No. 7 is dropping in its capacity, which means the screens are getting clogged. Also, our telemetry system for the well production needs to be replaced. This system tells the wells what the tanks need and keeps the levels where they should be. This monitors all the wells. These projects would be approximately \$60,000 to \$70,000 and the water fund can't handle that. He will be requesting borrowing for that.

Mayor Pearson asked if the new water meters are generating more money.

Manager Politi stated yes.

Trustee Hurd stated that the village does not have adequate reserve in the water/sewer fund even for emergency repair.

Deputy Mayor Matise stated that the only way you can get that is to raise the rates.

Manager Politi stated that you have the new well on site. We did get the money to rehab the tank. Your water system as a whole is in pretty good shape. The sewer is the critical part.

Mayor Pearson asked if they are positive that the new well is not draining the old well.

Manager Politi stated yes.

Trustee Rumbold asked what other well has to be rehabbed besides No. 7.

Manager Politi stated that Well No. 6 would be next year for redevelopment.

Trustee Rumbold asked if there will be \$15000 in the budget next year to do Well No. 6.

Manager Politi stated yes.

Trustee Rumbold suggested that also bond for Well No. 6.

Deputy Mayor Matise asked if they could do summer rates and winter rates for the water/sewer usage.

Manager Politi stated that he doesn't see a need for that. He will get more information for the board.

### **Town of Montgomery Part A – Recreation**

Mayor Pearson stated that in going to the town budget meetings they are finding that possibly they are paying in the A Fund and still paying ourselves. They also have buy outs without a law.

Deputy Mayor Matise stated that they want the Village Attorney question the town because they brought up two different things, the buy outs which is under Part A, which is money we're paying. Under the youth program they have \$84,000 budgeted for this year. This is two different things. They tried to tell them that was the grant money they were getting from the Orange County Youth Bureau and that is not accurate. That is in the line at the beginning which is \$2200 from the county. The money we get from the county comes directly to us. It appears that this money is partly paying for a recreation program at the high school that children in the whole town can go to. Some of this money is coming back to us. We get \$15,000 back from the town, Maybrook got \$6,000 and Montgomery got \$12,000 or \$13,000. This is for town residents that come to our summer program. They are taxing village residents along with town residents to pay for town residents to come to our summer program. It seems that the money that is given back to us needs to be segregated out of the A Fund and put into the B Fund.

Mayor Pearson stated that she would like the attorney or manager do some research to get this out of Part A and into the B.

It was the consensus of the board to go ahead with this.

Trustee Rumbold asked who we would contact about our concerns.

Mayor Pearson stated that we can contact the comptroller.

Trustee Rumbold suggested a letter go to the comptroller

Deputy Mayor Matise suggested a letter go to the town first and let them explain it and correct.

Mayor Pearson suggested we give them 30 days.

Trustee Rumbold moved to have the manager and attorney work on a letter to be sent to the Town of Montgomery asking them to clarify and respond within 30 days. Seconded by Deputy Mayor Matise. All ayes. Motion carried.

Mayor Pearson stated that the buy out should be mentioned too.

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

Greg Raymondo asked about the special prosecutor, do they know how many tickets are issued by the State Troopers in the village. He would think very few.

Mr. Leonard stated that the troopers patrol River Road.

### **Approval of Minutes**

Trustee Rumbold moved to adopt the minutes of November 11, 2008. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Audited Bills**

Trustee Hurd moved to pay the audited bills of November 25<sup>th</sup>, 2008. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **Correspondence**

Mayor Pearson stated that she received correspondence from Tantillos regarding soil for planting trees.

### **Board Comments**

Deputy Mayor Matise asked if the manager started working on the fireworks.

Manager Politi stated no.

Deputy Mayor Matise stated that it cost \$2500 for fireworks at National Night Out. She would like to use this as a basis and maybe get him to do the fireworks.

Manager Politi stated that he cut his price severely for National Night Out.

Mayor Pearson stated that she has a concern about the fireworks. With the economic situation we're in and will be in, she doesn't feel it's feasible to do.

Manager Politi stated that he will check to see how much was budgeted. He further stated that he will get prices.

Trustee Wynkoop suggested they ask for donations.

Trustee Millspaugh stated that he would like to see the money spent elsewhere.

Trustee Hurd stated that he understands what the Mayor is saying, but it's also a celebration that our community has. Perhaps they could meet a compromise and spend less.

Deputy Mayor Matise suggested they have the fireworks during the winter fest.

Trustee Millspaugh stated that he's cleaned the leaves from his gutter and they blow back in and he's not seen the sweeper up there.

Trustee Hurd suggested the village get a leaf sucker.

Trustee Rumbold stated that she hasn't seen a copy of the letter from the gentleman that said they can't change the light on Route 208.

Manager Politi stated that he will contact Dave Costello.

Trustee Rumbold asked when the thing behind the building by Orchard Street was going up.

Trustee Wynkoop stated that they have been over there doing the concrete on the back of it.

Trustee Rumbold stated that the dumpster is full again.

Mayor Pearson asked when the rail trail was going to open.

Manager Politi stated that he doesn't know if anything is planned right now.

Mayor Pearson stated that they are moving forward on the flag pole on the Memorial Bridge. Donations are coming in. There was a concern with the lighting of the flag pole in that area. She asked if the State could help with the lighting.

Manager Politi stated that it will be pushed back to us. It is doable, but you would have to work with NYSEG.

Mayor Pearson suggested a joint letter from the three services be sent.

### **Executive Session**

Trustee Hurd moved to hold an executive session pursuant to 105-(f), personnel/Village Manager and police and (d), Litigation. Seconded by Trustee Rumbold. All ayes. Motion carried.

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

**Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk