

**Village of Walden
Board of Trustees Meeting
December 9, 2008
Motions and Resolutions**

Police Consolidation

Trustee Wynkoop moved to proceed with the consolidation study. Seconded by Deputy Mayor Matise. All ayes with the exception of Trustee Hurd voting no. Motion carried.

Bond Resolution for Water System Improvement

Trustee Rumbold moved to do improvements to Wells No. 4, 6, and 7. Seconded by Trustee Wynkoop. All ayes with the exception of Mayor Pearson and Trustee Millspaugh voting no. Motion carried.

Trustee moved to adopt the Bond Resolution to Authorize the Expenditure of \$100,000 for the Water System Improvements. Seconded by Trustee Norman. All ayes with the exception of Mayor Pearson and Trustee Millspaugh voting no. Resolution adopted.

Refuse Collection Bid Acceptance

Trustee Wynkoop moved to award the bid for refuse collection to County Waste for two years. Seconded by Trustee Norman. All ayes with the exception of Mayor Pearson, Trustees Rumbold and Hurd voting no. Motion carried.

Resolution 11-08-09 Approval of Village of Walden Polling Place Location

Trustee Rumbold moved to adopt Resolution No. 11-08-09, Approval of Village of Walden Polling Place Location. Seconded by Trustee Hurd. All ayes. Resolution adopted.

Overlook @ Kidd Farm

Trustee Norman moved to declare the Planning Board lead agency with regard to SEQRA for the Overlook @ Kidd Farm. Seconded by Trustee Hurd. All ayes. Motion carried.

Sewage Treatment Plant

Mayor Pearson moved to get a proposal from Delaware Engineering for an evaluation of the sewage treatment plant. Seconded by Deputy Mayor Matise.

Deputy Mayor Matisse withdrew her second.

Mayor Pearson amended her motion to get a quote from Delaware Engineering for the review of the Village sewage treatment plant. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Mayor Pearson moved to hold a special meeting with Delaware Engineering on Friday, December 12, 2008 at 5:30pm. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Approval of Minutes

Trustee Rumbold moved to adopt the minutes of November 25th, 2008. Seconded by Trustee Millsbaugh. All ayes. Minutes adopted.

Trustee Rumbold moved to adopt the minutes of December 1, 2008. Seconded by Deputy Mayor Matisse. All ayes. Minutes adopted.

Audited Bills

Trustee Wynkoop moved to pay the audited bills of December 9, 2008. Seconded by Trustee Hurd. All ayes with the exception of Trustee Norman voted no because she didn't see the bills. Mayor Pearson stated that she is voting yes on the bills she signed. Motion carried.

Executive Session

Mayor Pearson moved to hold an executive session pursuant to 105-(f) Personnel, Village Manager and Police, 105-(d), Litigation and 105-(e), Police Negotiations under the Public Officers Law and attorney/client privileges. Seconded by Trustee Rumbold. All ayes. Motion carried.

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

Adjournment

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

**Village of Walden
Board of Trustees Meeting
December 9, 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:

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

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

Presentation – Police Consolidation

Mayor Pearson indicated that there is a presentation from Chief Holmes and Chief Amthor. A committee was set up to discuss police consolidation or merger or whatever it will be called. The committee consisted of Trustees Wynkoop, Rumbold, Mayor Pearson, Town Supervisor, and Councilman Dempsey. The Board needs to decide what direction to go in. We are not discussing the dollar amount tonight.

Chief Holmes stated that Chief Amthor has a background in consolidation and they have looked at a lot of the information here. During the first two meetings Chief Amthor did a lot of talking to get the concept together. The marching orders he got from the committee were to sit down and come up with a concept for consolidation for many reasons. The four reasons are standardization of delivery of police services in the communities served; expansion of the tax base to include the town and village; organization of one single bargaining unit for the purposes of contract negotiations; and reduction of some duplication of effort as found in present systems. These are basics of why there should be consolidation and at least three are what the committee told him is going to be where we go for future budgets. We all know we're being built out. The village is going to grow. We all know during his past budgets he always looks at where he wants to go. He always looks to the future. He's always said that they should be looking at an 18 man department. We are at 15 now. The committee told him that they are coming off of some major issues. Major issues are, we still don't have a contract, budget constraints hitting us this year. There have been at least two studies by the

Department of Criminal Justice Services, one in the early 70's and one in 1985. The 1985 study included the Villages of Maybrook and Montgomery. They are in agreement that both departments are going to grow and we will be paying for that. Consolidation could allow for reallocation of manpower. Right now we have limited supervision. The best the village has is three supervisors including him is four. The town has four supervisors plus a chief. When you run a twenty four/seven department you're never going to have a supervisor on. The only issue would be that supervision would be increased for both departments. The village department is busy enough that it ties up an officer for two to three hours. Now is the time to look at this. He and Chief Amthor were told to sit down and come up with a department that both of them would be comfortable with. His comfort level is that consolidation can't be any less than what we have now in man power, in coverage and in services they provide. The key issues for his department is keeping a 24/7 dispatching service. It has been important to this village for a long time. It's a tool for both police officers and the members of the community. He's rather adamant to keep that. We will not loss the Village of Walden police headquarters. This will be the main hub for your town wide police department. The Village of Maybrook has had no input at all. In a perfect situation all four agencies should be sitting down.

Deputy Mayor Matise stated that if we become a merged department, the town and the village, then the Village of Walden is going to be funding this merged department. The other two departments will be charged a fee for service.

Chief Homes stated that is still a gray area. Those issues will have to be discussed.

Deputy Mayor Matise stated that the Towns 2009 budget will be initiating those payments from the other two villages. That will be an on going issue from now on. Then their not paying in for this combined department that the Village of Walden taxpayers will be paying.

Chief Holmes stated that there are many legal issues that have to be discussed. The concept will be, there will be two police stations, the majority of your booking, your calls for service, you're dispatching, and everything will be done here in the Village of Walden. The Town of Montgomery will have services out there. We will have our officers. During the day there will be administrative operations and there will still be walk in issues at the Town. They will have an administrative assistant taking care of payroll. They will have a clerk to take walk in complaints. After five o'clock everything will come to Walden as far as calls for service. If someone goes to the Town after five and picks up the outside phone it will ring here.

Deputy Mayor Matise asked how this affects the court system.

Chief Holmes stated that it doesn't affect it at all.

Trustee Hurd asked where is the political control for residents through their elected board members to control policies that affect the police department.

Chief Holmes stated that those issues have to be addressed legally. The concept is that there would be a combination police commission and there would be a contract written up.

Trustee Hurd asked if he saw police commission members being separate from the Board of Trustees of the various villages or the town.

Chief Holmes stated that there would be representatives from each community.

Trustee Hurd stated that you can't separate the ability of residents to have through their elected officials set policy for their policing.

Chief Holmes stated that these are the things he can't answer because they have to be researched. This is just a concept. One issue is about current employees here in Walden. One adamant issue of his was that all employees be carried over whether they are full time or part time. When they presented this last concept to the committee there were some issue about that. Both sides have certain number of allocated police officers, sworn officers, non sworn, through Civil Service. Right now for the sworn, non sworn and civilians we both have a certain number and those numbers would stay in affect as they are. People would be carried over. When it comes to some of the part time staff, through attrition, they have come up with some numbers that they would lower those numbers. Both sides have 30 part time officers right now and as they lose them to become full time they will no longer fill them. There are some legal questions that could occur if they don't carry them over. Even if you have 30 part time officers not all 30 will b working 1040 hours. They will get down to a number that will be manageable through attrition. At this point it was best to carry every single person over. Sometimes consolidation is sold to be cheaper and he can't agree with that. We are just turning this over to the town and we will be spending about the same or maybe a little more in the first year. He doesn't want it to be said that the Chief of Police of Walden said it is cheaper. You may be spreading out the cost over two communities. This may not be consolidation it may just be absorption of our officers doing a resignation/reinstatement to go into the Town and then when they do their contract we are back to figuring out the services that are being provided by the Town that the Village residents will pay for.

Deputy Mayor Matise stated that they would have to initiate a planning phase. How long is this facility going to be adequate?

Chief Holmes stated that one of their goals is that there will always be a police station of some sort in the village.

Chief Holmes stated that we already have a full time force, a chief, 24/7 dispatch, we have control and we have a community that appreciates its police department. It

seems like it's the town saying we want to save some bucks on some expensive stuff and we want you to help us out.

Chief Holmes stated that it's a combination of both of them.

Trustee Hurd asked what we get, name one thing.

Chief Holmes stated that they would like to expand their investigative parts which will be costly. The committee has told him to come up with alternatives. To spread this out would be one way to come up with alternatives. At some point consolidation will have to occur.

Trustee Hurd stated that they are talking about a very awkward control mechanism to set policy and politics. It would be better if the Town did away with all the communities and then have one police force and one political establishment making policies.

Mayor Pearson stated that your elected officials can be the commission.

Chief Amthor stated that Town Law permits the formation of a three member police commission. What was discussed at the committee meetings was that there would be joint participation. The commission is not an elected commission. One issue that seemed to please the three folks that were on the committee was the contract option. With the contract option you would enter into a contract for policing services with the Town. You're deciding what you're paying for. The Village retains that financial control.

Chief Holmes stated that they picked those two concepts because they seem to be what is in most of the consolidation that has occurred in New York State and down south. The next phase would be how the mechanics would work in that and the legal mechanics. They can't go any further until they come up with a concept of what a department would look like, what the plans would be and then it would be up to the board to if they go the next step. In regard to police staffing they do not want to lose the services they have here. We have three major shifts, A line, B line and C line and they also have additional shift of foot patrol. They came up with the concept of that there would be a minimum of two uniform patrol officers assigned to the Town. One would be assigned to a zone. They are going to break it down to zones, 1 and 2. Then there would be a zone 3 and 4. There would be two officers on duty from the Town, there would be a supervisor on duty in the Town and then when you come into the Village of Walden they would have two officers on every shift. Our C line shift, the busier shift, they would have an additional supervisor on. It would also be based on a third officer on which would be foot patrol, bike patrol officer. That would be the minimum numbers that they would be provided here in the Village of Walden. The addition would be to have two supervisors under one department on the C Line shift. The next phase would be to start looking at staffing levels of the entire department.

Chief Amthor stated that his department is pretty much maxed out. There is an economical plan for their building and there is the larger scale plan which was proposed under the previous supervisor. This has been put on hold until they see which way this goes. Any improvements done on a new facility can be a Town wide assessment. This would allow them to use two facilities for a good number of years and always retain the facility here. His building would become an administrative office that would be open eight hours a day. Booking would take place here. He doesn't have cells, the Village does. The cell part of his building that was proposed last year would cost \$300,000.

Chief Holmes stated that as long as the Village keeps the cell structure exactly the same we can keep it. All the dispatching will be here which will be Town wide.

Mayor Pearson stated that is where some of the savings would come into play.

Chief Holmes stated that one of the savings would be that the Town would have 24/7 dispatching which they would pay into.

Trustee Hurd asked if there services could be sold to the Town without consolidation.

Chief Holmes stated that they did talk about that being a way to phase into consolidation. They did look into grants. Taking both departments and creating a full size town wide department. There would be a Chief of Police, Deputy Chief of Police. The Chief will be Chief Amthor and he will be the Deputy Chief.

Trustee Hurd asked why, is that their decision? Wouldn't that be the decision of the commission based on policy?

Trustee Wynkoop stated that the committee tried to come up with a plan for consolidation. They're not trying to cram it down anyone's throat. It has to go for a public referendum. They are trying to come up with the basis to start this. They will do an information night for the public.

Trustee Hurd stated that he's not heard the rational.

Trustee Wynkoop stated that they have to do some legal work first.

Trustee Hurd stated that they should be investigating whether this is anything to even look at.

Trustee Rumbold stated that is what the committee has been doing. Municipalities have to begin discussing whether there is feasibility to consolidate services. They are beginning to find that to maintain the level of service within their communities is costing more and more. We try to maintain the services we have and wouldn't it be wonderful to enhance those services that would benefit both communities at a cost that wouldn't drain one or the other.

Trustee Hurd stated that what he is hearing is there is no savings.

Trustee Rumbold stated that it's not about money, it's about providing quality protection and services for these two communities. She would like to keep our wonderful police department and assure her citizens that the services we are providing is the best that their tax dollars can buy. As we move forward into the future and as the challenges get more complicated, more difficult and more serious that are facing our police department and will be facing the Town, why can't the community sit and see what a consolidation would look like and what the benefits would be. If the people decide they don't want to consolidate that's fine.

Trustee Hurd stated that we have two communities that are telling us they don't want to. The Town really isn't coming in on this. The Town less Maybrook and Montgomery is coming in on this.

Trustee Rumbold stated that they are no different then we are. They are villages within the town.

Trustee Hurd stated that his decisions are based on just the interest of the people that live here in the Village.

Trustee Rumbold stated why should she deny her taxpayers an opportunity to here what consolidation would be.

Deputy Mayor Matise indicated that the residents of the Village will have a chance to vote on this.

Trustee Rumbold stated that if municipalities don't begin to have dialogue with one another about sharing services, no one will have services. If everyone thinks we're going to be able to maintain the quality of service that we have in this village and it's not in the end going to cost us a hell of a lot of money you're an ostrich with your head buried in the sand.

Trustee Hurd stated that he didn't hear a great cry for this.

Trustee Rumbold stated that the Board would be remiss if they didn't give the taxpayers an opportunity to hear this.

Trustee Hurd stated that there are very serious issues that they haven't gotten into.

Mayor Pearson asked what issues.

Trustee Hurd stated how does the commission work. Where's the control, where's the policy.

Chief Holmes stated that this is a preliminary study.

Mayor Pearson stated that you're going to have things to the advantage. You're going to have less cars, and one police negotiation going on, you are looking at a much bigger picture. It is worth while to put it out to the public and let them have there say.

Trustee Wynkoop stated that the Board has to let the committee know if they want the study continued.

Chief Holmes stated, as the Police Chief, as a resident in this village, putting 22 years in this department he wanted to stay open minded to this.

Chief Amthor stated that he was told that the Village of Maybrook is not against consolidation, they're just ready to look at it. When you dissolve your police department as a Village the Town as a legal obligation to police any Village in the Town that does not have a police department. The only changes to the village operations would be different patches on the officers' sleeves. You will see more officers than you see now. You're doubling the size of your department and your resources. Those are the advantages he sees. You're also keeping your chief. Most people think this is a good idea. He feels Maybrook and Montgomery should do a referendum.

Trustee Norman stated that she feels they should go further. It will come down to the residents of this Village. There is a lot they have to get through to make this decision.

Trustee Wynkoop stated why continue to go to meetings unless everybody is interested. This is not ready to go to the people. There is more work to be done.

Deputy Mayor Matisse stated that she agrees with Trustee Wynkoop.

Trustee Hurd stated that he realizes that there is a consensus to go forward and that is fine. He would feel better if all the communities were on board. He does understand the benefit of having more professional police. He hasn't seen any clear rational that he could present to a person about giving up our patrol and about what would be better than what we already have. He can't see going forward until the other villages get excited about coming in.

Trustee Millspaugh stated that the first time he heard about consolidation was when Jim Olley was Mayor and that was a long time ago. He doesn't think it ever got this far. If the Board doesn't continue the study it will languish for another number of year. He feels they should pursue it.

Trustee Rumbold stated that she thinks they owe it to the citizens of this Village to explore, get more information and present them with a plan to show them what consolidation is.

Mayor Pearson stated that she agrees. We will be getting a bigger bang for our buck and she is in favor of moving too.

Mr. Dowd stated that he wants to make sure the Board understands something. As far as the idea of public referendum he thinks the Board may be under the impression that we are going to lay it out to the public and let them decide whether to consolidate or not to consolidate to go forward with the last step. Advisory referendums are not allowed in New York State.

Deputy Mayor Matise stated that they would be voting aye or nay.

Mayor Pearson stated that they would be finalizing a police consolidation plan.

Mr. Dowd stated that they would have to take action as a Board to consolidate and to dissolve the police department and that action would be voted on by the public.

Mayor Pearson stated that the Board will have informational meetings.

Mr. Dowd stated that it would be mandatory referendum.

Trustee Wynkoop moved to proceed with the consolidation study. Seconded by Deputy Mayor Matise. All ayes with the exception of Trustee Hurd voting no. Motion carried.

Village Manager's Report

Manager Politi stated that the Board will go over the garbage bids as an action item.

Manager Politi stated that he did receive a backup letter from Upstate Concrete regarding the start date of the E. Main Street Boulevard sidewalk project.

Manager Politi stated that he did receive the Water Shed Planning Grant. Also, the landlord registry is going out. We received a grant for the Child Passenger Safety Program and Buckle Up New York.

The Manager further stated that the DPW truck chassis is at Amthors. Department head reports are in the packets. He also presented the Board with a spread sheet that the Building Inspector prepared.

Trustee Rumbold stated that she is more interested in the disposition of cases, did the person acknowledge getting the letter, did they comply and where are we with the cases.

Deputy Mayor Matisse stated that it needs another column. He can use the same format as the code enforcement officer. He uses an expanded format so you see the complete picture.

Mayor Pearson asked if there was another time frame on the second review for the sergeant that is out.

Manager Politi stated that nothing has been scheduled.

Mayor Pearson asked about the parks and recreation report regarding senior trips, they don't have any records, do they not keep records.

Manager Politi stated that is the most recent he has.

Mayor Pearson asked what DPW did on Harrison Street.

Manager Politi stated that it could have been a wash out of the catch basin.

Mayor Pearson asked if they do sewer flushings or water flushings.

Manager Politi stated that there are several low lying areas that are out there that they flush sewers from time to time.

Mayor Pearson asked if anything was done on Highland Avenue.

Manager Politi stated that the sewer was flushed.

Mayor Pearson asked if it would affect peoples water because a friend of hers had horrible water up there as of this weekend.

Manager Politi stated that it wasn't this weekend that they flushed that, it was last week.

Mayor Pearson stated that on December 2nd DPW blacktopped pad by business property to keep water out of the road, what is that. Did we blacktop someone's business property.

Manager Politi stated that he would find out. It could be a curblin repair.

Deputy Mayor Matisse stated that when she went to the fire commissioners meeting she said did we do the signs over there and she went and looked and she couldn't see them because they are parallel to the street. DOT specs for sign placement is different then what we have here and you can see the signs when you are driving down the street.

Manager Politi stated that in the book they had it was allowed.

Deputy Mayor Matise stated that the Judge indicated that he would dismiss any tickets given there with the way the signs are right now. They can say they can't see the signs.

Manager Politi stated that they could sweep them around.

Mayor Pearson asked who pays to switch them.

Manager Politi stated that we will. If it's the consensus of the Board to change them he will.

Trustee Wynkoop stated that he would like to go up and look at the signs.

Trustee Rumbold stated that she has no problem with Board members wanting to look at it.

Trustee Millspaugh stated that if the Judge has a problem then we have a problem.

Trustee Hurd stated that he would like to look at it.

Deputy Mayor Matise stated that she did look at it and she did get off from a ticket on Grant Street with the same situation. If the Judge feels there's a margin for error with the placement of the signs then they should be placed so they can be enforced.

Trustee Wynkoop stated that he would like to take a look at them.

Trustee Norman stated that she would like to take a look at them.

Deputy Mayor Matise told the members to go at night then you won't see them at all.

Mayor Pearson asked for a copy of what they went by determining how to put the signs up.

Deputy Mayor Matise stated that the DOT regulations were approved Sept. 19th, 2008.

Manager Politi indicated that he will get the Board a copy of the Uniform State Code.

Public Comment

Ed Leonard asked that the public be supplied with a copy of the manager's report so they can follow what the Board is discussing.

Bond Resolution for Water System Improvement

Manager Politi stated that they did request the bond resolution at \$100,000 but he doesn't believe they will go to that degree. Well No. 7 is where they will start and they are suggesting Well No. 4. It's approximately \$31,000 plus the \$42,500, \$80,000 maximum.

Mayor Pearson asked who checks this work after it is done.

Manager Politi stated that this one the water department checks to make sure that is working and there will be over sight from the engineers.

Mayor Pearson asked if this was the newest and latest of something or is this just something to get by. How did we come up with what we are doing.

Manager Politi stated that they conferred with the water department, Cain Controls who has been with us awhile. We talked to Logics and Smith.

Trustee Millspaugh asked if there was a schematic on how the whole system goes.

Manager Politi stated yes.

Trustee Millspaugh stated that he is not comfortable voting on this until he sees what they are talking about.

Mayor Pearson stated that the water for High Meadows comes out of those two wells.

Manager Politi stated yes.

Mayor Pearson asked if it could be a bigger issue than just this.

Manager Politi stated that he didn't get the call, who had sediment.

Mayor Pearson stated that it was a homeowners on Highland Avenue.

Manager Politi stated that the other was the wells and which ones the Board wanted to see rehabbed. Seven is the one they want to get done.

Trustee Hurd stated that he thought the Board wanted everything done at one time rather than phasing it in.

Mayor Pearson asked what the urgency on this was.

Manager Politi stated that the urgency is that the system is down. There spending a lot of time regulating it.

Mayor Pearson asked how old is Well No. 7.

Manager Politi stated that it was built in 1986 or 1987. It was rehabbed before. Well No. 4 is the other one that is in critical need. He thought it was six, but it's four.

Deputy Mayor Matise asked what the nature of the rehab work was.

Manager Politi stated that you pull it to clean the screen so you get your production back.

Deputy Mayor Matise asked if it would prevent this and she showed the Board slime mold that came from her water drain.

Trustees Wynkoop and Norman stated that they should go ahead and get it done.

Mayor Pearson stated that she has a concern with monies. She doesn't know if she is comfortable with doing both right now. She would be comfortable with doing one.

Manager Politi stated that you have to do Well No. 7 because you're getting no production. Well No. 4 would be next. If the Board wants them to investigate one more well they can do it.

Trustee Rumbold asked about the telemetry system.

Manager Politi stated that you will be spending a lot of money in over time because you have overflows because you can't watch it.

Mayor Pearson asked how long this has been happening.

Manager Politi stated that they've been trying to get it upgraded for a couple months. You can't make it anymore.

Deputy Mayor Matise asked how much they have spent this year on repairs.

Manager Politi stated that he didn't know.

Trustee Millspaugh stated that he wonders why this comes up so suddenly.

Manager Politi stated because we can't fix it anymore.

Trustee Millspaugh stated that they've been fooling around with Well No. 8 for years. Why didn't they have a heads up and tie it into Well No. 8.

Manager Politi stated that it didn't tie into that at the time.

Deputy Mayor Matise stated that you doing these two right now, how do you know that these costs will stay constant if you go out to do them six months from now.

Manager Politi stated that you don't.

Mayor Pearson asked why wouldn't you do it all at the same time.

Manager Politi stated because you don't need to, Well No. 5 is producing fine.

Deputy Mayor Matise asked why is it in here.

Manager Politi stated that he's just showing the cost.

Deputy Mayor Matise asked why wouldn't they just borrow the \$31,000 plus the cost of the telemetry and not a full \$100,000.

Manager Politi stated that he wanted to show the Board what it is, it doesn't mean they are going to borrow the whole \$100,000.

Trustee Hurd stated that the consensus of the Board at the last meeting was to do it all.

Mayor Pearson stated that she remembers talking about two wells, not four.

Manager Politi stated that he was just showing what it was and the critical need is Well No. 7 and then 4 and if you had a third it would be six.

Deputy Mayor Matise asked how much are we bonding.

Manager Politi stated that we can bond up to \$100,000.

Deputy Mayor Matise asked how much are we proposing to bond for the two projects.

Manager Politi stated that he gave the Board the two that he thought were critical and the third could be six, \$89,000. He asked the Board if the Board wanted to do Wells 4, 6, and 7.

Trustee Rumbold moved to do improvements to Wells No. 4, 6, and 7. Seconded by Trustee Wynkoop. All ayes with the exception of Mayor Pearson and Trustee Millspaugh voting no. Resolution adopted.

Trustee Hurd moved to adopt the Bond Resolution to Authorize the Expenditure of \$100,000 for the Water System Improvements. Seconded by Trustee Norman.

Mayor Pearson stated that she is not comfortable with doing that whole amount at this time. A few at a time would be better.

Deputy Mayor Matise stated that they started discussing well field protection and we've dropped the ball on that. Its one thing to protect our water supply but we need to move forward with water protection for our wells.

Manager Politi stated that the Village received a grant \$7500 for the plan.

All ayes with the exception of Mayor Pearson and Trustee Millspaugh voting no. Resolution adopted.

Village Refuse Collection Bid Acceptance

Manager Politi stated that two bids came in for refuse collection. The bid went out for anywhere from 1 to 5 years. The two bids that came back were County Waste and Interstate Waste. The terms that the Village has had to date were for three years with Interstate. This format gives you up to five years. County Waste was the low bidder their bid was from \$575,000 to \$639,000 in 2013. A typical residential unit would be \$24.25 per month. Senior would pay \$20.00.

Trustee Hurd asked why the cost decreased.

Mr. Dowd stated that it might be because County Waste proposal is partially automated, pick up with the arm. They will be using two different kinds of trucks, depending where in the Village they will be.

Trustee Hurd stated that the Village didn't bid on that.

Manager Politi stated that we said pick up the garbage.

Trustee Hurd stated that changes the whole dynamic of refuse pick up in the Village.

Trustee Wynkoop asked if they provide the container.

Manager Politi stated yes.

Mayor Pearson asked if they would only be for those whose garbage is being picked up by the arm.

Trustee Hurd asked how many containers they would get.

Manager Politi stated that they will start with one.

Trustee Hurd asked what if that's not enough and if you're a senior, have you ever tried to move one of those containers when they're full. Who has the option, the resident or them.

Trustee Wynkoop stated it would probably be them.

Mr. Dowd stated that it was bid on the garbage being picked up.

Mr. Hurd stated that the Village didn't want that kind of system where you were limited to a container that they provide.

Mayor Pearson stated that there was a mandatory pre bid meeting.

Manager Politi stated that at the pre bid meeting it was brought up if it was based on totters and he said no it's based on picking up the garbage.

Deputy Mayor Matisse stated that the way people are putting out garbage now is against our code because our code calls for cans. It's really been a mess.

Mr. Dowd explained that County Waste has designated a red portion and blue portion for their routes. Red portion includes downtown areas and areas of considerable street parking and they will be picked up by rear load kind of truck with a crew. The blue portion will be done by automated collection vehicle.

Trustee Hurd stated that the Board didn't want a container system.

Mr. Dowd stated that it's not a container system. We talked about paying by the size of the container not how they collect the garbage.

Mayor Pearson stated that she would like to know where that was going to be not just giving a rural route and one with cars on it.

Mr. Dowd stated that in the packet there is a routing map.

Trustee Hurd stated that the Board did not discuss these kinds of trucks.

Mr. Dowd stated that we put out a bid to please give us a bid for picking up garbage in the Village of Walden. The hauler must provide a plan for picking it up and a price.

Mayor Pearson stated that the price came in lower than the other and is it because of the way they are picking up the garbage.

Mr. Dowd stated that you can't use plastic bags for leaves; the county will not accept leaves in plastic bags. You can put them in containers.

Trustee Hurd stated that a 96 gallon can will easily weigh 140-150 lbs or more.

Mayor Pearson asked what the bid said about wrecking trees with the automated arm. Walnut Street is on the automated map and there are trees that she wouldn't want the arm next to.

Manager Politi stated that they wouldn't want their trucks next to the trees.

Mayor Pearson asked if the Village could tell them we want garbage picked up the conventional way at the same price. She also asked if everyone would get a can or just the ones that will have the automated arm.

Manager Politi stated that it would be the areas with the ability to have the automated arm.

Mr. Dowd stated that the bid document says that the distribution of wheeled trash collection carts with fixed lids to all village residents within a period of 30 to 90 days. Then it says later in the contract that they will pick up those in the red areas with a conventional rear load packer with a driver and two helpers.

Trustee Hurd stated that for \$2.00 more we can keep what we have.

Manager Politi stated that they did not solicit toters.

Mr. Dowd stated that they did not promote toters or denied totters.

Mayor Pearson asked what it says about damaging village property with the arms.

Mr. Dowd stated that it doesn't say anything. If someone sees them do it we can go after them. He asked if the Board wanted to hold off awarding the bid until they get clarification.

Mayor Pearson stated that she would like to read the bid package.

Deputy Mayor Matise stated that the Board can take Interstate Waste up on their offer to extend their contract until the Board decides what they want to do. We can ask for another 30 days.

Mr. Dowd stated that they want more than that. They want the Board to reject the low bidder and award it to them or to reject everything and go back out to bid and extend their contract until you get the bid back.

Deputy Mayor Matise asked if their statement that it was stated in the prebid meeting that automated totter cart system was not going to be considered.

Mr. Dowd stated that Manager Politi was at the meeting and he was on the phone and to his recollection there was never anything said by Jim or himself that said totters are not allowed.

Manager Politi stated that there was no reference to totters.

Mr. Dowd stated that the specs do not say totters or non totters, it says come up with a detailed plan. They have to go with what the written spec says unless there is an amendment which has to be in writing.

Mayor Pearson asked if the Board wanted to set another meeting because she would like to read the bid.

Trustee Millspaugh stated that his only concern was for the person that couldn't handle the large garbage can.

Manager Politi stated that there are three sizes.

Mayor Pearson asked why they couldn't go with the plan she wanted it there are three sizes of cans.

Trustee Wynkoop moved to award the bid for refuse collection to County Waste for two years. Seconded by Trustee Norman.

Deputy Mayor Matise stated that it's a nice savings for the seniors because they will save \$25.00 a quarter, which is more than we thought they would.

Trustee Rumbold stated that she is worried about the weight of the can.

Mayor Pearson stated that the cost will be down to \$23.25 per month for residents and for seniors it would be \$19.00 and something.

All ayes with the exception of Mayor Pearson and Trustees Rumbold and Hurd voting no. Motion carried.

Mr. Dowd stated that before they sign the contract they will talk to them about those issues.

Resolution 11-08-09 - Approval of Village of Walden Polling Place Location

Mayor Pearson stated that she would rather see it on the second or third floor of the municipal building. So can we pick two places and if there is a power outage we could have it on the first floor.

The Clerk indicated that if there is a power outage they can't get the voting machine down to the first floor.

Mayor Pearson stated what if there isn't enough room in the library. She would be happy on the second or third floor.

The Clerk stated that she has concerns with having it on the second or third floor if the elevator goes down.

Trustee Rumbold moved to adopt Resolution No. 11-08-09, Approval of Village of Walden Polling Place Location. Seconded by Trustee Hurd. All ayes. Resolution adopted.

The Overlook @ Kidd Farm-Site Plan-Request for Comments from the Board of Trustees

Mayor Pearson stated that the Board received the minutes from the Planning Board regarding this.

Trustee Rumbold stated that in the Planning Board minutes, page 3 they are talking about legal fees, that Mr. Dowd said that he is under retainer so he will bill for his time on the project and the village will try to recoup costs. What does that mean?

Mr. Dowd stated that he does this with all projects, he sent to the Village an invoice which will state the time spent on Kidd Farm and a cost. The Village takes that bill and sends that to Kidd Farm, \$175.00 for his time. So you're recouping some of his retainer.

Trustee Rumbold stated that the key word is try and that concerned her.

Mr. Dowd stated that the Village is entitled to be reimbursed.

Trustee Rumbold stated that on the same page Mr. Dowd said that the issue came up at the Village Board meeting last Tuesday. He said that they were told what was going on and he did not hear any objections. They understood that the main function of the escrow was to make sure that the review fees were covered. The last minutes when they were discussing it she had asked Mr. Dowd if the fees had changed and he said yes. He didn't tell the Board what the agreement had been or what the escrow number was going to be. She just wanted it clarified so the Planning Board didn't think that we had any objections because we had all the information, but at that meeting we didn't know what those fees were going to be so you didn't tell us what the escrow amount was that Mr. Dowd arrived at with the developer.

Mr. Dowd stated that he remembered explaining to the Board how the escrow was going to work guaranteeing that the taxpayer would not put out a penny for the consultants. His understanding was that he told the Board that they had negotiated to a non refundable amount of money and then an escrow.

Trustee Rumbold stated that he didn't tell the Board what that amount of money was.

Mayor Pearson stated that she really thought it was coming back to the Board too, so the Board could make that decision because there was a lot of money at stake to begin with, the amount of dollars that was first quoted by the Building Inspector and Mr. Dowd. Now we are down to this amount and she is reading the minutes and she can't believe that is all that's going to be put in there.

Mr. Dowd stated that it's not. The agreement will be a replenish able source of money to pay for all the Village's consultant fees.

Mayor Pearson stated that it's like on a monthly basis and when she asked the question before that we have to have the treasurer keep track of all of that. Why are we putting that work on her?

Mr. Dowd stated that is why the Planning Board asked for higher fees then he originally negotiated. They will put up \$15,000 initially and as that as it gets billed to the consultants they will take it out of that \$15,000 and when it gets down to \$10,000 they will replenish. As you start the SEQRA process it will be labor intensive. There will be times the applicant won't be before them. In the beginning it's the labor intensive part. It will be important that the bills are kept track of.

Trustee Rumbold stated that her concern is that she didn't want the Planning Board to think that the Village Board was given the scope of what these fees were going to be. Jay Wilkins asked if the Village Board understood the scope of the fees. Kevin Dowd said yes.

Mr. Dowd stated that the scope would be how this was going to work not the exact amount of the fee.

Trustee Rumbold stated that she wanted them to understand that the attorney never discussed this with the Board; she asked if the fees had changed from what was originally thought it was going to be and the attorney said yes. He didn't give the Board a figure. She doesn't want the Planning Board to think that they were okay with the original agreement which was \$7,500, \$5,000 of that nature.

Mr. Dowd stated that he thinks he was mistaken that if he didn't tell the Board the exact amount of the numbers, he thought he did, when he said scope, his understanding was when he explained it to the Board how it was going to work to try and reassure the Board that the Village taxpayer would not be retained for any review of this project.

Trustee Rumbold stated that one of the things the Planning Board is looking at for the taxpayers of the Village is the fact that they saw this amount and they raised it to \$15,000 and it would be replenished when it got down to \$10,000. She wanted them to realize that she had no idea what the amount was and she would have objected to it if she

had known what it was going to be. How did we come to the \$7,500? It was originally \$5,000 and then we put it up to \$7,500, whose we.

Mr. Dowd stated that the original meeting with the applicant that is when they came up with the \$5,000 escrow. At that point he went back to the applicant and said it wasn't sufficient.

Trustee Rumbold asked under whose direction.

Mr. Dowd stated that he was trying to get an agreement to bring before the Planning Board. He said to them that they need to put a higher initial escrow up because we already have bills outstanding and they were to start the SEQRA process. Mr. Grainer mentioned that \$7,500 was not even sufficient.

Trustee Rumbold asked why that discussion didn't happen with the Planning Board so they could have directed the attorney. The applicant understood it was to be \$7,500 and then he gets to the meeting and the Planning Board disagrees and says now we are changing it. It's something that should have been discussed with the Planning Board.

Mr. Dowd stated that the Planning Board gave the Building Inspector and him the go ahead to resolve the issue. When it was presented to the Planning Board it was not a done deal.

Trustee Rumbold stated that the applicant certainly thought it was because he came with a check.

Mr. Dowd stated that was based upon the negotiation that he had had with him.

Trustee Rumbold stated that if the Planning Board was in on that they could have voiced their opinion about the amount.

Mr. Dowd stated that there was no meeting in between that.

Mayor Pearson stated that she was under the impression that when the initial amount of money came up it was an astronomical amount that Mr. Dowd would come back before the Board and let them know how much that would be. She asked if something had to be in writing to do escrow.

Mr. Dowd stated that the Village does not have an escrow fee law so because of the kind of project this was and the kind of fees they were talking about the law allows them to negotiate an escrow fee. This is strictly for this project. The applicant didn't have a problem.

Mayor Pearson stated that if he initially came before the Board because the amount of money is where it needed to be why wouldn't it come back to this Board again to say yes we approve that amount of money for an escrow account.

Mr. Dowd stated because the consultants who are being paid from the escrow fund are Village Planning Board consultants. They hire them and they pay them. He explained to the Board why that fee number dropped precipitously.

Trustee Rumbold stated that the only thing he said is adjusted.

Mr. Dowd stated he didn't say it to the public but he said it to certain members of the Board.

Mayor Pearson asked what they had to do to make the escrow legal.

Mr. Dowd stated that this is a legal binding agreement with this developer. It just applies to this one developer.

Mayor Pearson asked why only to this developer.

Mr. Dowd stated because we don't have an escrow fee law.

Mayor Pearson asked who would have to approve that it's okay to do that. The Board did not approve that. So, the Planning Board approved that.

Mr. Dowd stated yes. The Planning Board hires their own consultants and pays their own consultants and that is why they actually sign off on the escrow agreement. A fee schedule was done a number of years ago and that fee number was not so much for escrow as it was for a fee.

Mayor Pearson stated that if the numbers were put out right and that was the amount why would it be illegal.

Mr. Dowd stated that it was excessive and it would be an unconstitutional tax. That calculation was a non refundable fee. If we insisted upon that amount we would be in a law suit so quickly and would have lost because the case law is proven against that being done. That is why we resolved a non refundable fee amount and came up with the escrow agreement so all the consultants fees would be paid from the beginning to the end of this project. On other projects it's a pay as you go type of thing.

Mayor Pearson stated that we are not concerned because we don't have the escrow law that we are going to get paid.

Mr. Dowd stated that we have a contract signed by the applicant which requires them to pay. If they don't pay we have a breach of contract.

Mayor Pearson asked if they can turn around and say the Village does not have a law so they are not going to pay it.

Mr. Dowd stated no.

Mayor Pearson stated that the Board has a letter from the Planning Board regarding lead agency with regards to SEQRA. She asked Mr. Dowd to explain that to the Board.

Mr. Dowd explained that the SEQRA process has begun. The Planning Board has declared their intent to be lead agency. It sent out the application and maps to every involved agency which is one who has some sort of permit approval. They have 30 days from the date they received the mail to respond. If they don't respond within 30 days you can conclude they don't want to be lead agency. They can write you a letter and say we don't want to be lead agency and have no objection or they can say they want to be lead agency and then there will be a competition for lead agency. If that happens then the DEC commissioner would have to decide which agency is the one that is more involved in which to determine who gets lead agency. Assuming most times it happens that the Planning Board in fact is lead agency. The next part of the process would be a scoping document and a determination of significance. Everyone is anticipating that this will be a Type I action with regard to SEQRA which means this will have several significant environmental impacts. They will declare a positive declaration to that effect and say now let's go through a draft environmental impact statement. However, before you get into the DEIS they will do a scoping session. That means everybody, the public as well as all the other agencies, not only involved agencies but also interested agencies such as the school district. They can submit questions or areas that they want the applicant to study the draft environmental impact study. There is a scoping document that is formed and that document is in turn finalized and approved by the Planning Board and given to the applicant to address everything that is in that scoping document. After the studies he comes back with a draft environmental impact statement. There is one more piece to this puzzle that this Board will be involved in and that is the clustering resolution authority.

Mayor Pearson asked if they've put their fees into the Planning Board for this discussion. Is their formal application into the Planning Board? Are their fees paid?

Mr. Dowd stated that their application is in and \$7500 was paid. There is an issue that will be coming up with the Planning Board as to when the referrals to come to this Board about clustering. There is an argument as to whether or not, if it comes to this Board can your Board make a determination for a yes or no or something in between for a cluster before the SEQRA process is complete or could you cluster as a separate SEQRA action and then that will give them a more definitive project in which to do the DEIS and if the Planning Board is lead agency to continue the process. There is a pro and con to both of this but he thinks the answer to this is that if they want to define the project that they are going to do the draft environmental impact statement they have to know from this Board whether you will allow clusters in that R-3 area of the project.

Deputy Mayor Matise stated that it's because they have less than five acres.

Mr. Dowd stated no it's because they have more units on that parcel than they would be allowed for a conventional subdivisions. We're talking about 250 townhouses, but if this Board says you can't cluster or you can cluster but only for this number of units that will change the overall scope of the project and therefore if you're going to down grade from 204 to 190, just throwing those numbers out, then they would study a 190 unit project, not 204.

Deputy Mayor Matise asked if they were considering demolishing the building that is on that parcel.

Mr. Dowd stated that they will be doing a lot line change and keep that a lot there, so they may not be demolishing that home.

Trustee Hurd stated that the density in that area is actually less than the R-3.

Deputy Mayor Matise stated that a lot of that four acres is wetlands behind the house. That is why the parcel wasn't used more extensively.

Mr. Dowd that our law does not say when you define the number of units on a piece of property it doesn't delete from that three acre parcel wetlands and then come out with the rest.

Deputy Mayor Matise stated that the row that is behind what was the Tamini property and a lot of that is wet. Why are they showing units?

Mr. Dowd stated that we know the R-3 single family is known by single family detached, we're showing the attached and we want to do this to make the project better. It allows them to spread that out. They are going to ask you to allow them to cluster so they can attach the housing and put the number of units they are showing on the plan on that R-3 area.

Trustee Rumbold asked what the advantage of clustering is.

Mr. Dowd indicated that the normal advantage of clustering is to preserve open space in sensitive areas. It doesn't increase density. It's never intended to increase density. Let's say if I could put five houses on an acre and I'd have them all over the place. By putting five together on half an acre you can leave the other half acre totally open. There are less road systems and water and sewer lines.

Trustee Rumbold asked how she would know if clustering was a good thing for this project or not a good thing for this project if we didn't have those studies.

Mr. Dowd stated those are the kind of questions you would ask the applicant as to why you should allow clustering. You want the applicant to justify why you should allow the Planning Board to cluster. They can also cluster to protect wetlands.

Mayor Pearson stated that if he can't build on the wetland he has to build less units.

Mr. Dowd stated that our law does not say that. Your question is what does the Village get for allowing cluster. How many houses are you allowed to build on this area and under the cluster you're proposing how many houses you are actually putting there is it more or less. He thinks the reason he's going to say is the reason why my 20 units is so they can take the rest of the project and spread it out and make it a much more definable project within a project then if we tried to take those extra 10 units here and stick them over here. If you say you don't want these extra units on this property that will define the overall project size.

Trustee Rumbold asked if the Planning Board has walked the property. Have they looked at the layout of the project?

Mr. Dowd stated that they have seen the maps. He thinks some of the members have walked it or are going to walk it. He also indicated that Planning Board's have the expertise and background to be lead agency.

Mayor Pearson stated, knowing the severity of our sewer plant what does that do to us wanting to be lead agency.

Mr. Dowd stated that the issue of the sewer and water as far as capacity that is ultimately going to be studied in the environmental impact study. DEC and DOH are involved agencies and they will have input. If there are situations where there is no capacity then that will affect the project or delay the project. The ultimate study will have all the involved agencies input and analysis of the applicant, consultants and anyone else who is involved in the process. If the answers aren't adequate then we're not going to accept and they will have to go back and get a DEIS that is complete. There will be public hearings and a final impact statement. It is a long process and a very detailed process.

Deputy Mayor Matise asked if the review process included addressing the architectural look of this place.

Mr. Dowd stated yes.

Deputy Mayor Matise stated that everyone of these have a driveway smack dab in front of it and you're going to drive down the street and it's going to look like Northern Avenue all over again. She thought they designed the townhouse law so it wouldn't look like that.

Mr. Dowd stated that architecturally speaking and how this project this is set up, what it's going to look like is clearly going to be the review process by the Planning Board and Architectural Review Board. Also, this Board's input.

Trustee Rumbold stated that this is such a big project she would like to see an interaction between the two boards.

Mayor Pearson asked that the attorney draft a letter advising the Planning Board that they are lead agency and to encourage joint meetings.

Mr. Leonard stated that joint meetings are not a problem.

Trustee Norman moved to declare the Planning Board lead agency with regard to SEQRA for The Overlook @ Kidd Farm. Seconded by Trustee Hurd. All ayes. Motion carried.

Letter to the Town of Montgomery Requesting the Review of Part A & Part B of the Town Budget

Mr. Dowd stated that he really needs to know exactly what the issue is.

Deputy Mayor Matise stated that in the Town budget there are two things going on. One which we are quite familiar with is the health insurance buy out for elected officials, which they are taking and do not have a local law for.

Mr. Dowd indicated that he spoke to the town attorney about that. They will be passing a local law.

Mayor Pearson stated that they shouldn't be paying out that last piece because we are taxpayers. That is part of Part A.

Deputy Mayor Matise stated that affects the council, supervisor, highway superintendent, town clerk and the judge. The other thing was in the parks and recreation line which is in Part A. They receive money from the Orange County Youth Bureau. That is their money. They are not a conduit for our money. We receive our money as well as Maybrook and the Village of Montgomery. That comes in on one line. Then they have a line where they are budgeting \$80,000 for recreation in Part A. Part of that money does fund the Village's youth program. The money that they are sending us for town residents to come to village programs is coming out of the A Fund and it should be segregated to the B Fund. They are taxing the villages to pay themselves.

Mayor Pearson stated that some of that money is also going to the Villages of Maybrook and Montgomery. Montgomery just asked for more and they gave them more. The other issue is DARE. They have a line for DARE in the A Fund which we see nothing of and it goes to other villages. We pay into our own DARE Program.

Deputy Mayor Matise stated that they'll say there are Village of Walden children in Berea School.

Mr. Dowd asked, its buy outs, parks and recreation and DARE?

Deputy Mayor Matise stated right.

Mayor Pearson stated that when they brought this to the attention of the supervisor he said they can't deal with that right now. We need something to be sent to the town because we shouldn't be paying twice.

Deputy Mayor Matise stated that animal control should also be addressed, because they have full time animal control officer and we have a part time dog warden. The animal control officer comes in on requests and they've held back on that. She doesn't know if that is a Part A expense.

Mayor Pearson stated that she questions why do we have a part time dog warden when we have someone in the town that we are paying for already and she doesn't come here.

Mr. Dowd stated that he will draft a letter from the Mayor and Board of Trustees to the Town Board.

Mayor Pearson stated that we are paying for their attorneys, garbage and other things out of Part A.

Deputy Mayor Matise stated that they raised Part A by 17%.

Review of Walden Fire Department's on Street Parking Concerns

Manager Politi stated that the Fire Department was to give the Board an updated list.

Fireworks Costs

Mayor Pearson indicated that she loves the fireworks but at this time she doesn't think the Village should be paying for them.

Manager Politi stated that if you go below \$6,000 for the fireworks you may as well not have them.

Trustee Norman stated that she feels it's something to give back to the taxpayers of the Village. A lot of them enjoy it. If we can't afford to do it, then we can't afford to do it.

Trustee Wynkoop stated that he hates to give it up.

Trustee Rumbold stated that she agrees that we should be given back to the taxpayers but its money that we can use elsewhere.

Trustee Norman stated that it is in the budget.

Deputy Mayor Matisse stated that it is expensive and we've had fireworks twice this year. She can't see giving back to the Village by spending people's money when it can be spent in other ways.

Trustee Hurd stated that he understands about the money, but it is a celebration of our village and a sign of hope. He is tired of gloom and doom talk. He knows things are hard and we are taking steps on being frugal.

Trustee Millspaugh stated that the Board discussed this before and they talked about getting the price down. We know we have serious things to face.

Manager Politi advised the Board that there was a notice of violation given a year ago for the sewer plant and a subsequent inspection this summer which forced the Village into a compliance conference with DEC based on a series of violations in our effluent. Today was the conference which was attended by me, Mr. Dowd, Mr. Fitzsimmons, Mr. Henry, Mr. Nolan our operator, Mayor Pearson and Trustee Millspaugh. It was also attended by two engineers from DEC. That conference was to show DEC how the Village was to move forward. What they are seeing is a collection system issue and I and I issue which is forcing those bad results.

Mayor Pearson stated that she heard internal testing was part of the problem.

Manager Politi stated that that test shows the violations, not that there is an internal test problem.

Mayor Pearson stated that there were 59 violations.

Manager Politi stated that the outcome of this is the I and I issue which is forcing issues and problems inside the plant. That is the violation that we received. There is a report that show deficiencies in the plant. That is not a violation. Those were the inspection results. We now have to come up with a schedule of events to rectify the I and I problems we have. Yes, there will be a fine and it is arguable when you go there as to how much that fine is. It will be dependent on our response and our schedule working with those engineers to prepare that schedule and force a consent order. That consent order means now you're under the scope and you have to stick to your schedule and there will be some findings. If you break 25 violations in two years you are placed on the EPA watch list. We had 59 violations. If you tag them to events they pile up on certain dates. We now have to respond to that. A lot of those numbers are starting to readjust themselves. We will respond with a schedule of events.

Trustee Wynkoop asked if this had anything to do with the I and I on Route 208.

Manager Politi stated that the I and I project on Route 208 we hope will reduce a significant number. Monday they had the preconference with the County because the first manhole that is being dropped in is on Coldenham Road which is a county road. They will be mobilizing this week. The hardest part of this whole process was getting the easements. We lost about a year because we were trying to go around the area and it required EPA approval. We lost about eight months trying to get the right of ways.

Trustee Hurd stated that he was surprised that they were so harsh considering they know Villages like this have systems that are very old. They also know we took the initiative to do an I and I study and we were able to identify where our inflow and infiltration problems were.

Manager Politi stated that they can fine you every day \$37,500 for every one of those 59 violations every day. That is not what they are after. They want compliance.

Trustee Millspaugh stated that is not what he heard at the meeting. I and I is not the question. You have those 59 violations, which include fecal, coliform in the river, solids in the river and we violated our SPEDES permit. He was disappointed that Stantec was not prepared to answer those questions. She had to ask what you were going to do about the violations. The meeting today was a continuation. Last week he announced that he made arrangements for someone to talk at that meeting. The person came and brought two people and sat with Jim for a half an hour. They quoted chapter and verse what was going to happen today and it did. It is important for us to get another set of eyes down at the sewage treatment plant to see what is going on. The thought of doing anything to the digester is completely wrong. He sat in the audience last year when the Village was in crisis mode and the first thing that was said was we had to get the money and drain that digester and look at it and appraise what has to be done. Here we are a year later and nothing has been done on the digester. They are talking about going out to bid later this month. They had never even looked into the digester. We have got to get someone else.

Trustee Millspaugh stated that he campaigned to get on the Board because of the infrastructure. He was embarrassed to go down there today. These violations are something we have known about as they happen. These are numbers generated in our sewage treatment plant. Jim's known about it Stantec's known about it and we are still at this point. We can't go on this way.

Manager Politi stated that he did not know about it. He didn't have the list in front of him until he got the letter.

Trustee Millspaugh stated that these people said they hadn't seen DEC go to that effort in 35 years. He asked what Stantec's comment was when they saw that paper.

Manager Politi stated that he will let Stantec answer that, you're moving in a different direction.

Trustee Millspaugh stated no we're not, we have a big problem. You don't comprehend what you're facing.

Trustee Hurd stated that he objects to that comment. He doesn't think they can claim that our Village Manager doesn't comprehend what he is looking at.

Trustee Millspaugh asked how we got 59 violations.

Mayor Pearson stated that it was over a three year period.

Trustee Hurd stated that the Village Manager might have been aware of violations, but that is his job to assess.

Trustee Millspaugh stated that a meeting a month ago he said after reading that report he said he thought we were looking at a ticking time bomb. He took it upon himself to make contact with another engineering firm that has expertise. He thinks he recognizes something and Stantec should have recognized it. We shouldn't be sitting here tonight. Stantec was not prepared today.

Mayor Pearson stated that knowing that the minimum fine could be \$5,000 per violation takes us to \$300,000 unless they get fixed. Where is that going to come from. Why should this be happening? She is beyond herself.

Trustee Millspaugh asked the Mayor to poll the Board to see if they would like another set of eyes.

Mayor Pearson asked if the Village pays a sewer retainer to Stantec.

Manager Politi stated that you do not pay a sewer retainer to them.

Trustee Norman stated that she would like to know what the Chief Operator does.

Trustee Millspaugh stated that this is way beyond that.

Trustee Norman stated then maybe we need someone else down there.

Trustee Wynkoop asked what Stantec says.

Village Manager Politi stated that he's not going to say they can't answer the question. Stantec has been asked that question to give a response and schedule of what they will do in the future.

Trustee Wynkoop asked the manager if it will help to get another set of eyes.

Village Manager Politi stated that it won't hurt, but he suggests they talk to Stantec before they do it. Delaware Engineering operates sewer plants. There are others around. If you're going in that direction you may ask another one.

Mayor Pearson stated that they don't have time to waste.

Trustee Millspaugh stated that one of Delaware's lines of expertise is finding money. There was a time when our plant was run by an outside operator and one of those people belongs to this group. They are familiar with this plant. He asked them to give the manager a heads up on the seriousness of this. It's more than a list of violations. He was disappointed that Stantec went through a thing about we're going to review the old I and I information and look at it again. You do the work you have the heads up you shouldn't have to go back and review it.

Trustee Hurd stated that he has no objection to a second opinion. He would still like Stantec to have the opportunity to comment.

Trustee Millspaugh stated that there is a whole report that they sent to DEC and it doesn't comment on the problem.

Trustee Rumbold stated that we have paid bills showing Stantec was down at the plant talking to the operator. She would assume they were talking about the operation of the plant and they would have seen these numbers and a red flag would have been raised and it wasn't. Maybe this isn't Stantec's area of expertise, but to her to have 59 violations over this long period of time that now the Village is going to be fined for, you're only as smart as the people you have working for you and in this case she doesn't think Stantec did a good job for the Village. If Trustee Millspaugh says we're in trouble she believes him. We need to get these other people down there to evaluate this plant. Where in the budget are we going to find this money. We don't even know how much it will be. She feels if we get fined send the bill to Stantec.

Mayor Pearson stated that these people that came down the other day she asked them generally how long would it take to design, fix or work on a new digester and they said six weeks at the most and here we are a year later.

Mayor Pearson moved to get a proposal from Delaware Engineering for an evaluation of the sewage treatment plant. Seconded by Deputy Mayor Matisse.

Deputy Mayor Matisse withdrew her second.

Mayor Pearson amended her motion to get a quote from Delaware Engineering for the review of the Village sewage treatment plan. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Mayor Pearson stated that she will set up a special meeting with Delaware Engineering.

Mayor Pearson moved to hold a special meeting with Delaware Engineering on Friday, December 12, 2008 at 5:30pm. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Fireworks

The consensus of the Board to have fireworks on New Years Eve was; Trustees Norman and Hurd yes. Trustees Wynkoop, Rumbold, Millspaugh, Deputy Mayor Matisse and Mayor Pearson no.

Public Comment on Discussion Items

John Revella, 16 Church Street stated that he appreciates the attorney looking at the project to see if it saves the taxpayers some money. He feels it's a good move not to have the fireworks. He hopes the problems at the sewer plant are fixed. He also feels the Board should talk to the attorney about the scope of Stantec's services. Other communities use developments to alleviate costs for infrastructure and they use grants as well. He had an issue on his street with a couple dangerous trees and the Village acted quickly.

Brian Sebring asked about the cable TV franchise agreement.

Mr. Dowd stated that they haven't started yet, but it is 5% of the revenues as defined by FCC.

Approval of Minutes

Trustee Rumbold moved to adopt the minutes of November 25th, 2008. Seconded by Trustee Millspaugh. All ayes. Minutes adopted.

Trustee Rumbold moved to adopt the minutes of December 1, 2008. Seconded by Deputy Mayor Matisse. All ayes. Minutes adopted.

Audited Bills

Trustee Wynkoop moved to pay the audited bills for December 9, 2008. Seconded by Trustee Hurd.

Deputy Mayor Matisse indicated that the cell phone bills are creeping up again. Also, Nugent and Haeussler, this is the first installment on that bill. When we get the second installment isn't there going to be a 10% discount off the \$21,000. \$28.50 for colored copies just to have some words in red? Mr. Sorensen's bill he came on the 19th of November to talk about ongoing projects and how we are moving forward and we've

not gotten a single word in a report about what projects those are and how we are moving forward, backwards, sideways or what we're doing. She said thank you for including the Women's Club in the tree lighting add. Parks and Recreation, we don't have a person on staff to winterize those lines, \$570.00.

Manager Politi stated that he did two buildings, he runs compressures.

Deputy Mayor Matisse asked why they can't do that in house.

Manager Politi stated that he will look into it.

Deputy Mayor Matisse asked why they did it so late in the season. He didn't charge for the water faucet that burst at Olley Park, does that mean he did the winterization before and it wasn't done properly and that is why it burst. He also charges us \$6.95 for anti freeze that costs \$3.59 at Thruway. The whole bill is out of line.

All ayes with the exception of Trustee Norman voting no because she didn't see the bills. Mayor Pearson stated that she is voting yes but only on the bills she signed. Motion carried.

Correspondence

Mayor Pearson asked if Manager Politi went to the transportation meeting.

Manager Politi stated yes. The emphasis on that whole talk was Stewart. They mentioned the Walden rail, but it is a separate study.

Deputy Mayor Matisse stated that they said to call Mr. Larkin tomorrow and get your list to him right a way.

Board Comments

Trustee Rumbold stated that Historical Society Tea was great.

Deputy Mayor Matisse stated that she called Richard Dillon at DOT and said so you came here and he said he was here to look at the interchange and the street light. He will go back to see why there should be a split phase light at Oak Street and then readdress it.

Trustee Norman stated that she would like to see something done at Wooster Grove so there can be skating.

Manager Politi stated that Anthony and Mike are working on the liner.

Trustee Norman stated that the tree is absolutely beautiful.

Mayor Pearson stated that she would like to move forward quickly on General Code.

Executive Session

Mayor Pearson moved to hold an executive session pursuant to 105-(f) Personnel, Village Manager and Police, 105-(d), Litigation and 105-(e), Police Negotiations under the Public Officers Law and attorney/client privileges. Seconded by Trustee Rumbold. All ayes. Motion carried.

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

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk