Village of Walden Board of Trustees Meeting March 10th, 2009 Motions and Resolutions

Fearless Hook & Ladder Co., No. 1 – 2009 Inspection Parade Request

Trustee Rumbold moved to allow the Fearless Hook and Ladder Co. No. 1 to use the village streets and the exclusive use of Bradley Park on Saturday, September 26th, 2009 for their inspection parade. Seconded by Trustee Millspaugh. All ayes. Motion carried.

St. Andrews Church – 5K Race Request

Deputy Mayor Matise moved to grant permission to St. Andrew's Church to hold their 5K race and walk on April 25th, 2009 from 8am to 10am. Seconded by Trustee Norman. All ayes. Motion carried.

Building Inspector's Request for Hearing Date for Unlicensed & Overweight Vehicles at 31 Madison Street & 32 Seeley Street

Deputy Mayor Matise moved to hold a hearing for unlicensed and overweight vehicle at 31 Madison Street on March 24, 2009 at 6:30pm. Seconded by Trustee Rumbold. All ayes. Motion carried.

Deputy Mayor Matise moved to hold a hearing for unlicensed and overweight vehicle at 32 Seeley Street on March 24, 2009 at 6:30pm. Seconded by Trustee Norman. All ayes. Motion carried.

Code Enforcement Officers Request for Hearing Date for Abandoned Vehicle at 45 High Street

Trustee Norman moved to hold a hearing on March 24, 2009 at 6:30 pm for an abandoned vehicle at 45 High Street. Seconded by Trustee Rumbold. All ayes. Motion carried.

Approval of Minutes

Trustee Rumbold moved to approve the minutes of February 19th, 2009. Seconded by Trustee Norman. All ayes. Minutes adopted.

Trustee Rumbold moved to approve the minutes of February 24, 2009. Seconded by Trustee Norman. All ayes. Minutes adopted.

Payment of Audited Bills

Trustee Rumbold moved to pay the audited bills of March 10th, 2009. Seconded by Trustee Norman. All ayes. Motion carried.

Executive Session

Mayor Pearson moved to go into Executive Session pursuant to 105-(f), Personnel, Village Manager and 105-(d), Litigation of the Public Officers Law. Seconded by Trustee Rumbold. All ayes. Motion carried.

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

Adjournment

Deputy Mayor Matise moved to adjourn. Seconded by Trustee Rumbold. All ayes. Meeting adjourned.

Village of Walden **Board of Trustees Meeting** March 10th, 2009

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

On roll call the following were:

Present: **Becky Pearson** Mayor

> Deputy Mayor Mary Ellen Matise Trustees Mary Jean Norman

Roy Wynkoop Richard Hurd Susan Rumbold Marcus Millspaugh Jr.

Also Present: James C. Politi, Village Manager

> Nancy Mitchell, Village Clerk Kevin Dowd, Village Attorney

Village Manager's Report

Manager Politi reported that he attended the NYS Building Official Conference on March 4th with the Building Inspector which reviewed the required floodplains mapping by municipalities for participation in the national floodplain insurance program. The local law needs to be developed by May.

The Village received payment on an insurance claim for damages to the fire hydrant at the intersection of Orange Avenue and Old Orange Avenue.

Mayor Pearson stated that the she and the manager met with a gentleman for solar lighting for the park who is putting together a proposal and there is other funding available. He talked about NYSEG putting a pilot study within Walden. They also talked about solar lighting for the flag pole at the other park.

The Tree City USA community recognition ceremony is in Albany on March 26th.

The Walden Business Association in conjunction with the Wallkill Business Alliance are developing plans for a rail trail map. The request was made to the Shawangunk Town Board that if they could help with \$500 and the Village of Walden will help with \$500.00. Shawangunk approved the \$500 and we need \$6500 to produce 25,000 colored maps. He will be looking for an appropriation. This is a one time request of \$500 to get it set up.

Mayor Pearson stated that she would like to see where the money is coming from first.

The Board was okay with the idea.

Manager Politi advised the Board that he went through RFP's for engineering. We received 16 RFP's. He will bring this back at the next meeting. He invited the Board to come in and review them. Mayor Pearson stated that the manager didn't list salaries.

Manager Politi stated that they vary. A little of a third of the applicants have grant writing which is critical going forward.

Mayor Pearson suggested the manager put the five he recommends in a pile for the Board to review.

Deputy Mayor Matise asked if they do interviews.

Manager Politi stated that he does recommend they bring them in.

Manager Politi stated that he went through the planning list the Board had given him. The first several pages is under his title. After that it's the individual department heads. The list should be complete for the next meeting.

Mayor Pearson stated that Stantec's files were to be here within a month. We are past the month, do we have everything?

Manager Politi stated not all of them. He has been advised that the files will be here by the end of this week.

The manager also presented the department head reports

Trustee Millspaugh stated that he went through the spread sheet on some of the citations. Mr. Stickles cited 154 West Main Street for property maintenance. That property has been in the news lately. He asked what the status of that building was.

Manager Politi stated that you don't have a clear owner right now. The bank is trying to take possession. The owner took the bank to court to try and stop it from foreclosure. We are now in between who we are going after in that process.

Mr. Dowd stated that it's his understanding that the bank did foreclose, took legal title to the property, but then was brought into court by the former owner and there is a temporary restraining order against the bank for them to do anything to the property or to try and sell the property in foreclosure because of the allegations and complaint that the former owner has brought against the bank. It's like in limbo as far as who can touch the property and who can't and who owns the property and who's going to fix the property.

Trustee Millspaugh asked if there were tenants in the building.

Mr. Dowd stated yes.

Trustee Millspaugh asked if it was safe.

Manager Politi stated that he will let the building inspector answer that.

Trustee Rumbold asked who the tenants are paying their rent to right now.

Mr. Dowd stated that they do not know the answer to that.

Deputy Mayor Matise stated that there have been complaints of garbage being thrown out by the people who live there. Are they responsible for littering and can something be done.

Mr. Dowd stated that this is an unusual situation.

It was the consensus of the Board to put the planning list on the next meetings agenda.

Deputy Mayor Matise asked about 78 Bergen Avenue, is there any information.

Manager Politi stated yes and he will have the information to her tomorrow.

The manager also presented the department head reports.

Public Comment

Susan Cockburn made the attached statement.

John Revella, 16 Church Street thanked everyone for participating in candidate's night.

Steve Sanchez questioned IF residents have to pay a refuse charge and other communities don't require their residents to do it, it's in their taxes. He also feels that once a week pick up is not sufficient.

Mr. Dowd stated that if you put the fee on the taxes then every property owner within the Village, including all industrial and commercial properties would be entitled to pick up. The program that has begun by the village was for residential pick ups only and that is why it's done by a charge.

Mike Pearson, 167 Walnut Street asked about his water bill being the same for the past three quarters. How is that possible?

Manager Politi asked him to call the office in the morning.

Mr. Pearson stated that there are 12 street lights out throughout the Village. At meeting the candidates night Trustee Wynkoop stood up and said buy local. He agrees 100%. Brian Mayer also said buy local. He Foiled for vouchers, 30, two bills were for fuel, one for Georges which is local and one was for Bottini from Wappingers Falls. Is there a reason you have to buy from two or can you buy everything from Georges.

Manager Politi invited Mr. Pearson to come into the office and he will show him the state bid.

Mr. Pearson stated that in the minutes Mayor Pearson mentioned that she saw a DPW truck and the driver wasn't wearing a seat belt. The Manager Politi said; give me the time and the date. He was making deliveries today and at 9:37 this morning Truck No. 10 coming out of the Country Convenience, 3 people in the truck and the driver wasn't wearing a seat belt, 10:05 dog warden at stop sign by Roosa's, not wearing a seat belt, 12:00 the police had a vehicle inspection set up by the custard stand and they looked inside to see if they were wearing seat belts. He wants to know why DPW can't wear their seat belts. This is the second time he's asked this.

Chief Holmes asked for permission to speak for five minutes on himself.

Mayor Pearson asked if it had to be done tonight.

Chief Holmes stated that he would like to discuss himself and some of the issues that are coming up.

It was the consensus of the Board to allow the Chief to speak.

Chief Holmes stated that it gets mixed up because he lives at 194 Wait Street so he is a taxpayer, but he is also the Chief of Police. Sometimes both are going to combine. It's very difficult to separate them. In Scouts he's known as the Chief, when he sees kids he's known as the Chief.

Mayor Pearson asked if he was talking as the Chief now or as a taxpayer.

Chief Holmes stated that he's now talking as a taxpayer. But, what is going to happen is it all comes together. What he would like to say is a couple of things. He doesn't know if the public really knows his background and that is what he would like to talk about. He knows people talk about honor and integrity, and they talk about duty. Things that he's held close to his heart because of his background. First, his parents, for those who don't know, were born and raised in Walden. Some people don't know that. He discovered lately that some people didn't know who his parents were. There has been Holmes in the Village since 1870's. He has more roots than he has trees. His Dad grew up on the west side of the Village. His Mom grew up on the east side. For those that know Walden the east side verses the west side for many, many years. The west side, if you go back to the 20's and 30's was a little poorer than the east side. How his Mom and Dad met is history, but at the age of 16 his Mom has him. More importantly it was rather difficult when he saw this as a child that east and west side still stuck with his family. He saw some things as a kid that he would have guessed it would allude to being hatred. His family was really never close, both sides. His parents being his parents did the best that they could. Unfortunately, just like today, things didn't work out for them. His Dad left when he was 12 and he didn't see him until he was 23. That is not to disburse his Dad. Those who know his Dad knows that he has a lot of integrity, but for whatever reason, there was, unfortunately what happens there was pure hatred on both sides. He grew up in the Town of Newburgh but he spent almost every weekend of his childhood here. His Grandmother lived on Oak Street. His great grandparents lived on Sherman Avenue. He had cousins on Oakland Avenue. He spent a lot of time in Walden, got in trouble in Walden. Norm Owen chased him a few times. He spent a lot of time on Main Street, Ben Franklin store, Ticks, his great aunt worked in Lustigs. He looks at himself being both old and new Walden. Walden what it used to be was great times. According to his mother and father they both had good times here and that was given to them as children. He's pouring out a few emotions here and hopefully the Board will give him a break on that. He lived on Social Services for about two and a half years. One of the things that happened to him as a kid, they used to shop at the A & P and he remembers standing in line and having to put out food stamps, he and his brother would do the shopping, he remembers standing in line having food stamps and having the person behind him, who he knew as a kid look at him, look at the food stamps and say if your parents had a job you wouldn't be standing here with food stamps. That was pure hatred that he began to

see as a kid. Again, his Mom began dating a gentleman. He asked if the Mayor had a problem with him talking.

Mayor Pearson stated no, not at all. She was just wondering where this is going.

Chief Holmes further stated that his mom started dating a gentleman who basically in his formative years raised him, that gentleman was black and it's interesting, this is 1971, 1972 and 1973 and a white woman with a black man is looked down upon. He saw pure hatred there. He was part of it. There were a few things that he learned from that gentleman, turn the other cheek, the system will work if you follow the system and you follow the rules. That gentleman became the owner of about four dry cleaners and he worked in them and that is how he put himself through college. He has burnt arms and will probably die from chloretholene. Interesting people that he met. He calls the man his step father; he calls him the man that raised him. He met a lot of people. He had a store at Stewart Airport in 1974. He was known as the George Jefferson of Newburgh for awhile. Some people he met, at 13 he met Ronald Schwandt, who was an MP. He was 22 or 23 years old. Later on in life he worked with Ron Schwandt. He pressed his fatigues. He met Bill Larkin who came in the dry cleaners all the time, he was the Town Supervisor. He met a few other officers and two became Chiefs of Police. They were both MP's at West Point and Stewart Airport. The gentleman that raised him got him into a fire company. He was a charter member of that fire company and he's still a member of that fire company, 33 years. He has a forestry degree and a bachelor of science degree and he became a police officer. He goes to college and he joins the military, becomes a young second lieutenant assigned to an MP company. His first time in the MP company he's assigned and goes to school. Something interesting about the MP's in 1980/1981. The MP's changed from what they used to call white hat, meaning law enforcement details like regular police officers to combat MP's. He'll never forget the day he graduated from MP school being told by his commander that if we have a shortage of infantry officers they will patrol for the MP's. As a young second lieutenant that is scary because the life expectances of a second lieutenant in the infantry during combat isn't that great. Got assigned to his first unit, again see hatred there. The unit he's assigned to is made up of primarily New York City police officers, this is a reserve unit, and there are no other second lieutenants. He was assigned to a platoon that was made up of misfits. Those misfits were not police officers and a majority of them were black and Hispanics. He saw it from his commander and he saw it from the platoon sergeants and he saw it from the first sergeant. Again, all New York City police officers, the hatred's was there when it was police officer. That is kind of strange. The unit he was assigned to was the misfit unit. He became the platoon leader and it was the first year that they had to go through what they call Ar Tep training. Ar Tep training is seeing if you are going to be successful in combat. To see if you are successful in the reserves. The unit was made up of the misfits, but the misfits half of them were Vietnam veterans. Second lieutenants usually either sinks or swims in his first two weeks. He was taken by the first squad leaders and they had to go out into a field and do art tech training in combat position. This unit never had combat positions. At Fort Drum this unit got the most outstanding ar tech training because they knew what to do. He knew the hatred there because this unit was made up of non police officers and they were black and

Hispanic. Today four of those soldiers are in Iraq, three are command sergeant majors, and one is a lieutenant col. They are all enlisted soldiers, all enlisted as misfits, all unfortunately seen as bad having hatred. He became a police officer here in 1983. It was a rough town when he was younger. The old expression was there are five bars for every church. He was on foot patrol for a long time and he saw a lot of things happen. Again there was hatred there. There was hatred between individuals and as he went through the ranks he knew that he had the integrity, he knew he would follow the honor of not letting that hatred push him into anything as a police officer, as a supervisor and eventually as Chief of Police. Lately as he is listening to things that are going on, he knows there were presentations and there was a presentation with the Board last week. He would just like to say a few things. The reason he says how history is, he knows what hatred is and he knows what it can do. He knows it can eat away at you. He knows it can eat away at a community. He sees things lately that are all geared for a couple individuals and he dislikes it. He wants to say this as a taxpayer, he dislikes it. He's never seen it before, he can't describe it. He can describe hatred for prejudice, he can describe hatred for economic reasons. He can understand hatred when people want to kill each other. Things have happened lately that he had to speak up. Mayor, a couple times they had arguments back and forth. She made a comment to him at one time to him that if she wasn't here he could go back to his playground. He was sitting with Jim Politi, Dean Stickles and himself and they were talking about an issue and the point came that if she wasn't here they could go back to their playground. He took offense to it and he still takes offense to it.

Mayor Pearson stated yes you did, you stormed out of the room. That's grown up and that is professional.

Chief Holmes stated that he walked out of the room because he didn't want to make any comments. He came back. He knows things have been directed at Mr. Politi. He's worked with him for at least nine years. He's been Chief of Police for 16 years. As a taxpayer he doesn't like it and as a professional he doesn't like it. You're always after someone. He realizes he could be next. He just wanted to say these things because he disagrees with what is happening or what will happen. He doesn't like the way it is going, he doesn't like how it happened and like he said if things get difficult and things get mixed around. He's Chief but he is also a tax payer. He just wanted to get those things off his chest and he thinks this is the time to do it.

Fearless Hook & Ladder Co., No. 1 – 2009 Inspection Parade Request

Trustee Rumbold moved to allow the Fearless Hook and Ladder Co. No. 1 to use the village streets and the exclusive use of Bradley Park on Saturday, September 26th, 2009 for their inspection parade. Seconded by Trustee Millspaugh. All ayes. Motion carried.

St. Andrews Church – 5K Race Request

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Deputy Mayor Matise moved to hold a hearing for unlicensed and overweight vehicle at 32 Seeley Street on March 24, 2009 at 6:30pm. Seconded by Trustee Norman. All ayes. Motion carried.

Code Enforcement Officers Request for Hearing Date for Abandoned Vehicle at 45 High Street

Manager Politi stated that what had happened was the Code Enforcement Officer put in a request for the Board to set a public hearing and to have it the same night. The timing isn't there.

Trustee Norman moved to hold a hearing on March 24, 2009 for an abandoned vehicle at 45 High Street. Seconded by Trustee Rumbold. All ayes. Motion carried.

Delaware Engineering – Next Phase @ WWTP

Manager Politi stated that there were some personal items with the firm that took a couple days which pushed out the date three to five days. This week Mr. Bright will be here and he wants to have the on site visit first and then he will have the final report on Friday. There will be a cost for them to go forward.

Trustee Rumbold asked to have the report and new contract sent to the Board.

Manager Politi stated that he will get the report and the contract to the Board.

Trustee Millspaugh stated that we should be in the position to have them working for us before DEC gets us to a consent hearing.

Manager Politi stated that is what he is doing right now.

Deputy Mayor Matise stated that the last memo was that we are in compliance with the SPEDES permit.

Manager Politi stated yes.

Trustee Millspaugh stated that he stops down at the plant and they are really happy with the support they are getting from Mr. Lamendola and DPW.

Mayor Pearson stated that the Planning Board has a different engineering firm and there was some concern with the water and sewer. Some of the Board members were questioning the procedure of when, because we, four of us, talked about it, at separate times, talked about what the procedure would be to have Delaware Engineering involved in that because if we are wanting water and sewer to go through Delaware Engineering we want to make sure that will be happening.

Trustee Millspaugh stated that the Planning Board has to come up with a plan. The Village has the obligation to make sure that the plan fits with Village facilities and overall planning.

Trustee Rumbold stated that she asked a Planning Board member how that works and he wasn't sure how that would play out. He did say he wanted water and sewer to fall under the auspicious of Delaware Engineering.

Manager Politi stated that isn't anything that you can write out, that will be him working with them.

Deputy Mayor Matise stated that should be on the plans.

Manager Politi stated that they will meet at regular intervals so everyone knows what is going on.

County Waste Refuse Pickup – Implementation of Containers

Manager Politi stated that there were two questions that the Board had asked, one being the container which they have different sizes and if you need another can they will supply it and there is no charge. The Board also asked for the map and they supplied that.

Deputy Mayor Matise asked when they are going to start.

Manager Politi stated that the Board didn't want them to start until they got the information.

Mayor Pearson stated that she is still concerned with the trees.

Manager Politi stated that they rode every street prior to the contract and after the contract. They know where they can and where they can't do it not only because of the trees but also their equipment. They will get the notice to the homes.

Trustee Hurd stated that there is no guarantee that cars won't park solidly along the street and there will be no access by the truck. What do you do then?

Manager Politi stated that they are obligated to pick up the garbage. The can can be wheeled and put in the back of the truck. They feel confident that they can make this work.

It was the consensus of the Board to allow the manager to move forward.

Mayor Pearson asked, if the Board doesn't like it can they go back.

Manager Politi stated that it's their contract.

Mr. Dowd stated that the Village didn't specify how they had to pick up the garbage. We can't have them go back unless there are specific problems.

Public Comment on Discussion Items

No comments.

Approval of Minutes

Trustee Rumbold moved to adopt the minutes of February 19th, 2009. Seconded by Trustee Norman. All ayes. Minutes adopted.

Trustee Rumbold moved to adopt the minutes of February 24, 2009. Seconded by Trustee Norman. All ayes. Minutes adopted.

Payment of Audited Bills

Deputy Mayor Matise asked about the VRI bills. There was two bills, they separated February in half.

Manager Politi stated that based on what occurred they had to come in immediately so there is a short bill, then we signed an agreement and that goes forward.

Trustee Rumbold moved to pay the audited bills of March $10^{\rm th}$, 2009. Seconded by Trustee Norman.

Trustee Millspaugh stated that there are three bills and he didn't understand the three bills.

Manager Politi stated that he will separate them and put that together.

Mayor Pearson asked if the Stantec bills were finalized.

Manager Politi stated no. He will be doing those.

Trustee Millspaugh stated that he came in this afternoon to sign the bills and in some cases he was the third signature. Is it proper to approve the audited bills that haven't been reviewed?

Manager Politi stated that the auditor did say that if you do agree on the bills you can pass those bills through your vote. The signature indicates that you have reviewed the bills. Some review the bills and don't sign them.

Trustee Rumbold stated that it is her responsibility to review the bills and she doesn't understand what the issue is about getting the bills signed when they are reviewed. She asked the Board to explain to her why they would review them and not sign them.

Mayor Pearson stated that she signs what she feels she wants to sign. If she has a question on a bill she doesn't sign it.

Trustee Millspaugh stated that sometimes when he goes through the bills he cannot identify what it's for. He asked if some of the bills could have more of a description on them.

Manager Politi stated yes.

Trustee Rumbold stated that when she reviews the bills and she has a question she makes a notation and slides that under the Manager's door and he gets back with the answer.

Trustee Norman stated that she puts notes on the bills.

All ayes. Motion carried.

Correspondence

Mayor Pearson stated that there is land use and planning courses coming up April 20, 27, May 4.

Board Comments

Trustee Norman stated that next weekend is the Friends' of the Youth yard sale. The merchants have been very nice with the pennies from heaven program.

Trustee Norman stated that this Saturday is St. Baldrick's at the Fire House.

Deputy Mayor Matise asked about the police mutual aid agreement.

Mr. Dowd stated that it was left there were several suggestions for changes in the contract language as well as the definitions. Once that is done the two attorneys will put it into a more final form and get it to the Board.

Deputy Mayor Matise stated that Alice Dickenson has the access for the physically disabled seniors, veterans, children and tenants available.

Deputy Mayor Matise asked what has been done about the pump on Grove Street.

Manager Politi stated that there was a curb put in.

Deputy Mayor Matise stated that there still seems to be a lot of water.

Trustee Hurd thanked all the members of the Community Council for helping with Meet the Candidates night. It was very successful.

Trustee Millspaugh stated that in the past the Village had a presentation of the budget. Each Board member would give a presentation of one section of the budget. Something verbal would be presented to the public. He would like that considered.

Trustee Rumbold stated that they are very successful with their pennies. She knows there are people with pennies all over the place. They take them in baggies, any way they can give them.

Trustee Rumbold stated that the way she does budget is she develops a budget strategy and Trustee Wynkoop voiced that he would like to see what she had done. She will be handing it off to him and he will add to it and if anyone else would like to add to it they can. The budget changes all the time, it's never stagnate.

Mayor Pearson asked about moving forward on General Code review.

Mr. Dowd stated he will have something in another week.

Mayor Pearson asked if the attorney has heard from the comptroller.

Mr. Dowd stated no.

Mayor Pearson asked if the Board wanted the audit on the agenda for the next meeting.

It was the consensus of the Board to have the audit on the agenda for the next meeting.

Manager Politi stated that he will get in touch with Gary Theodore.

Mayor Pearson stated that Arbor Day is the week of April 24th. She is trying to set something up for that week. She is also thinking about the new park and placing two trees there.

Mayor Pearson asked if there was an accident with the DPW truck.

Manager Politi advised her that there was and everyone is okay. All reports are in.

Mayor Pearson asked if there was an issue with the Tinbrook pump station line that sewage was coming out the line.

Manager Politi stated that we don't let sewage out, that valve is off and we're fixing it.

Deputy Mayor Matise asked when they can have the dedication.

Manager Politi invited her to stop in to plan the plaque.

Trustee Millspaugh asked about the final inspection.

Manager Politi stated that he will find a date.

Trustee Millspaugh asked about the pipe testing for the Route 208 project.

Manager Politi stated that they have to do the pressure test and the manhole test and the test on the line. They have to relocate the service line from the office to the new line. They also have to go to Grove Street and block that off. You have to all the tests before you take it.

Executive Session

Mayor Pearson moved to hold an Executive Session pursuant to 105-(e), Personnel, Village Manager and 105-(d), Litigation, of the Public Officers Law. Seconded by Trustee Rumbold. All ayes. Motion carried.

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

Adjournment

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

Respectfully submitted,

Nancy Mitchell Village Clerk