

**Village of Walden
Board of Trustees Special Meeting
July 8, 2009**

Mayor Brian Maher called the special meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Brian Mayer
	Deputy Mayor	Sue Rumbold
	Trustees	Mary Jean Norman
		Roy Wynkoop
		Richard Hurd
		Marcus Millspaugh Jr.
		Edmond Leonard

Also Present:	James C. Politi, Village Manager
	Kevin Dowd, Village Attorney
	Keith Hunter, Insurance Agent

Parking and Noise Ordinances

Mayor Maher stated that he has been told by many people that it might be a good idea to suspend the noise and parking ordinances for the event on July 10th. The manager followed through when he got back that the noise ordinance is taken care of.

Manager Politi stated that the village has quite an extensive noise ordinance in the code, under Section 106-5, (e), Exemptions, the following shall be exempt from these regulations, subject to special conditions as spelled out below, and under #7 it says noise created by any recreational activities which are permitted by law, which the Board approved this event, and for which a license or permit has been granted by the village including but not limited to parades, sporting events, concerts and fireworks, so you're having a concert. So, you don't have to suspend anything. He asked what the hours were.

Mayor Maher stated that they were 6-11pm. He further stated that there is also parking. Previously they were not sure if the Village of Walden police department or Town of Montgomery police department was going to do security. There are almost seven officers who will be donating their time. The reason he was going to suspend parking ordinances is because originally there was a disagreement with the police department and he didn't want disgruntled officers writing tickets all over the place.

Manager Politi indicated that the police officers that will be working off the clock will be in full uniform. If something should occur and it's where they have to make a report and go into duty they then flip over to the clock.

Trustee Wynkoop stated that he heard there are 2,000 people expected at this event.

Mayor Maher stated that he is not sure.

Trustee Wynkoop stated that he also heard there is a big DJ coming to run the show.

Mayor Maher stated that he is from New Jersey and he is a headline performer. He's not running the show.

Trustee Wynkoop stated that he thought it was a battle of the bands.

Mayor Maher stated that it's a battle of the DJ's. Six o'clock to six thirty five there will be music. Six thirty five they will kick it off with a National Anthem. Then there will be four opening acts, some local artists. Then the DJ's will battle.

Trustee Wynkoop asked if they have insurance.

Keith Hunter asked to see the agreement the mayor signed with the performer.

Mayor Maher stated that he doesn't have it with him. There will be seven officers from the Village of Walden, four from the county and six from the town. They also have 10 volunteers who will be security.

Mr. Dowd stated that he would like to talk to the board in attorney/client.

Manager Politi stated that Mr. Hunter is asking that the board make sure the act has insurance. You have to make sure you have additionally insured which requires a promoter. The promoter usually provides the insurance. Right now the PBA might step back in and do that so you have a valid insurance policy.

Mayor Maher stated that was originally the source of insurance until it was pulled when there was the police miscommunication. Now we are on the same page again.

Mr. Hunter indicated that he would like to see the agreement.

Mr. Dowd asked how many DJ's were there.

Mayor Maher stated six.

Manager Politi stated that it would all be under the one DJ.

Trustee Norman asked about the performers that are at the park every Saturday, are they covered by insurance.

Mr. Hunter stated that the summer concert series is promoted by the Walden Community Council and they supply the village with a liability certificate naming the village as additional insured.

Mayor Maher stated that originally they had the PBA doing the insurance and that was pulled and created a little bit of controversy which is why this is coming up at the end right now.

Mr. Hunter stated that he was concerned when there was talk of the town providing primary police coverage. In terms of cops getting injured they have a tremendous amount of municipal leverage under 207-(c). That is not to say that the police professional liability is as is broad and long reaching. If there is an intermunicipal agreement that the town powers that be are totally in agreement that they are going to lend us their cops and we are all in agreement with that that resolidifies our liability position for police professional. In the absence of that and we just had guys nice enough to show up and be in their uniforms if the town and their government over there isn't aware of it then we're on our own. If there is an agreement between municipalities, it's not a municipal aid agreement. You can have a contract that says, we the town let you use our guys.

Manager Politi asked when we have Walden Day or the fire parade they always send guys. This just happens to be music.

Mr. Dowd stated that years ago the villages of Walden and Montgomery made a separate contract for special events. Walden would go to Montgomery Day and Montgomery would go to Walden Day. If there are any special parades they swap people. Everyone has their own liability insurance, but there is an agreement in place that says Walden for Walden Day is in charge. You send your officers to us Montgomery you're responsible for the liability of your own officers, but they are under our supervision. There has never been anything between the Village of Walden and the Town of Montgomery. They never wanted to sign any of those things. Maybrook didn't want to be in any of those things.

Trustee Leonard stated that the Montgomery Youth Movement Council which is a co sponsor with this had a meeting Monday night and Lieutenant Landolina said that their officers were going to volunteer their time.

Mr. Dowd stated that he understands that, but they are on our property at our event. The question is, at the event who is in charge.

Mayor Maher stated that Officer Werner is in charge, he is appointed for security. They are on site now.

Trustee Hurd suggested they cancel the volunteerism from our department and have them police the area.

Mayor Maher stated that he will not support that.

Manager Politi stated that they are going to do it for free now unless something occurs.

Mr. Dowd stated that the one issue is the four officers who are town cops who are off duty volunteering, as what?

Mayor Maher stated that they are part of security.

Mr. Dowd asked how they are covered if they are involved in a scuffle. As volunteers they are covered under our policy, is that not correct.

Mr. Hunter stated that is correct providing there is an intermunicipal agreement, which there isn't.

Mr. Dowd asked why they would need an intermunicipal agreement if they are volunteers. He asked if someone that is a volunteer is covered.

Mr. Hunter stated yes and no. There is the question of are you covered if you twist your ankle, no. If you get sued, yes.

Mr. Dowd asked if the off duty town cop who volunteers to come to this event to help under our liability policy, is he covered?

Mr. Hunter stated yes, providing there is an agreement.

Mr. Dowd stated that he doesn't understand, if he is John Q. Public volunteering he is covered without an agreement but if off duty police officers volunteer.

Mr. Hunter stated it's because it's a police professional issue.

Mr. Dowd stated that he is volunteering like he would be volunteering.

Mr. Hunter stated that if he is there to blow up balloons and do face painting then he is covered as a volunteer. If he is there in a uniform with a gun on then there has to be permission.

Mr. Dowd asked if they would have shirts on that say security.

Mayor Maher stated that they will be in polo's.

Mr. Dowd asked if you will know that they are cops.

Mayor Maher stated no.

Trustee Hurd stated that if they are manning a booth they are not cops.

Mr. Dowd asked if I'm a volunteer and a fight breaks out and I as a volunteer run to break it up. I'm not a police officer, I'm just a volunteer.

Mr. Hunter stated that they would be covered under the liability.

Mr. Dowd stated now police professional off duty is running a booth and he runs to help a fellow cop or to break up a fight. He assumes he is covered under the liability policy.

Mr. Hunter stated that under the scenario the question would be is this individual a cop at that point or just a guy at the event. If he is a volunteer and he is there to blow up balloons and he sees a fight and goes to break it up then he is covered under the more general liability as a volunteer.

Mr. Dowd asked what if he gets hurt.

Mr. Hunter indicated that they are then back to 207-(c) and the Town of Montgomery's workers comp is going to pay for that.

Mr. Dowd stated that if one of our cops who are off duty but in uniform break up a scuffle and one blows out his knee we're saying by this that he will be covered on duty. The question is now if the town cops are covered.

Mayor Maher stated yes, they will be covered under the town's 207-(c) policy.

Mr. Hunter stated that he really needs to see the performer's contract.

Trustee Norman moved to go into attorney/client session. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Hurd moved to reconvene the special meeting. Seconded by Trustee Leonard. All ayes. Meeting reconvened.

Adjournment

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

Respectfully submitted,

Nancy Mitchell, Village Clerk