

**Village of Walden
Board of Trustees
Regular Meeting
August 11th, 2009
Motions and Resolutions**

Public Hearing – Local Law I-3 – “Vehicles & Traffic” – Limited Time Parking Changes

Deputy Mayor Rumbold moved to open the public hearing. Seconded by Trustee Hurd. All ayes. Public hearing opened.

Trustee Hurd moved to close the public hearing. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Trustee Hurd moved to declare the Board of Trustees lead agency and to declare an unlisted action with regards to SEQRA. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-3 of 2009, “Vehicles and Traffic” as Local Law No. 4 of 2009, “Vehicles and Traffic”. Seconded by Trustee Wynkoop. All ayes with the exception of Deputy Mayor Rumbold voting no. Local law adopted.

Public Hearing - Local Law 1-4 – “Zoning” – Day Care Center Definitions

Trustee Hurd moved to open the public hearing. Seconded by Trustee Norman. All ayes. Public hearing opened.

Trustee Hurd moved to close the public hearing. Seconded by Trustee Leonard. All ayes. Public hearing closed.

Trustee Hurd moved to declare the Board of Trustees lead agency and to declare an unlisted action with regards to SEQRA. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-4 of 2009, “Zoning” as Local Law No. 5 of 2009, “Vehicles and Traffic”. Seconded by Deputy Mayor Rumbold. All ayes. Local law adopted.

Application for Garbage Collection Equipment Permit Approval

Trustee Leonard moved to accept the inspections signed off by Mr. Lamendola. There was no second. Motion defeated.

Police Consolidation

Trustee Hurd moved to set a special meeting for the public forum on September 15th, 2009 at 7:00pm. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Request to Reinstate Police Officer Search

Trustee Wynkoop moved to reinstate the police officer search. Seconded by Trustee Leonard. All ayes with the exception of Trustee Hurd abstaining. Motion carried.

Walden Girls Softball Team-“Champions Parade” Request

Trustee Norman moved to permit the “Champions Parade” on August 28, 2009 at 6:30pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Maple Street Sidewalks

Trustee Hurd moved to approach the county to switch the funding for sidewalks to another site. Seconded by Trustee Leonard.

Approval of the Minutes – July 28th, 2009

Trustee Hurd moved to adopt the minutes of July 28th, 2009. Seconded by Trustee Millspaugh. All ayes. Minutes adopted.

Payment of the Audited Bills

Trustee Hurd moved to pay the audited bills of August 11th, 2009. Seconded by Trustee Leonard. All ayes with the exception of Deputy Mayor Rumbold voting no. Motion carried.

Executive Session – Village Manager Contract Review; Property Purchase

Trustee Hurd moved to hold an executive session pursuant to 105-(f), Personnel, Village Managers contract and 105-(h), land acquisition, of the Public Officers Law. Seconded by Trustee Leonard. All ayes. Motion carried.

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

Trustee Leonard moved to continue to pursue the purchase of the Package Lighting property. Seconded by Trustee Hurd. On roll call Trustee Wynkoop, Norman, Hurd and Leonard voted yes. Trustee Millspaugh, Deputy Mayor Rumbold and Mayor Mayer voted no. Motion carried.

Trustee Hurd moved to extend the Village Manager’s contract for two

years. Seconded by Trustee Wynkoop. On roll call Trustees Wynkoop, Norman, Hurd and Leonard voted yes. Trustee Millspaugh, Deputy Mayor Rumbold and Mayor Maher voted no. Motion carried.

Adjournment

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

**Village of Walden
Board of Trustees
Regular Meeting
August 11th, 2009**

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

On roll call the following were:

Present:	Mayor Deputy Mayor Trustees	Brian Maher Susan Rumbold Mary Jean Norman Richard Hurd Roy Wynkoop Marcus Millspaugh Edmond Leonard
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Also Present:	James C. Politi, Village Manager Nancy Mitchell, Village Clerk
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Absent:	Kevin Dowd, Village Attorney
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**Public Hearing – Local Law I-3 – “Vehicles & Traffic” – Limited Time
Parking Changes**

Mayor Maher presented the affidavit of publication, affidavit of posting notice and notice of hearing.

Deputy Mayor Rumbold moved to open the public hearing. Seconded by Trustee Hurd. All ayes. Public hearing opened.

Becky Pearson, 167 Walnut Street asked if this was about in front of the municipal building.

Mayor Maher indicated that it was.

Ms. Pearson stated that she still has the same concern she had last time. She came by on Thursday afternoon and not one police car was on the side of the building and she came around the corner two other cars were in front of the building and the police care was on the end which was sticking out past the corner. She still disagrees it should be 15 minutes. She asked if there was a reason it is going to be 15 minutes.

Mayor Maher stated that it was in agreement of the board and it was the manager's proposal to go ahead and do the 15 minute parking. It is in the minutes.

Manager Politi advised the board that this is a public hearing, take that in, close the public hearing and then the board discusses what they've heard.

Ms. Pearson asked what kind of signage where there be. Manager Politi spoke about people from the elementary school parking in front. There is limited parking in this village anyway.

John Revella, 16 Church Street stated that he wants to make sure that they use the boxes just like the rest of downtown.

Mary Ellen Matise, 21 Clinton Street stated that her concern is that the time should match the time around the corner in front of the library which is ½ hour. It would be uniform and move people in and out quickly. If it's a concern with employees parking in front of the building that could be handle through the policy of the board. Her other question is, are we enforcing time parking in the village. Do we still have the parking enforcement officer?

Ms. Pearson asked if there will be enforcement and how will it be done.

Trustee Hurd moved to close the public hearing. Seconded by Deputy Mayor Rumbold. All ayes. Public hearing closed.

Mayor Maher stated that with regard to ground spaces, is that what they plan on using?

Manager Politi stated that it would be just as you see on the rest of the streets, you have your parking stalls. There is also the question about sight distance when you come around the corner. There are often complaints from people coming out of Walnut Street that cars are parked too close to the corner. They find during the bill paying because of a lot of folks that come in and pay that they need the turnover in front of the building. It keeps people moving and it keeps people from parking elsewhere and walking in.

Mayor Maher stated that there was a question regarding why 15 minutes.

Manager Politi stated that the staff has talked about it and 15 minutes is enough time to come in and do what you have to do. It is a good turnover time.

Mayor Maher stated that the question came up about it not being uniform, not being 30 minutes like in front of the library. He asked if that is an issue with the rest of the board.

Trustee Hurd stated that they can revisit this. The 15 minutes turn around seemed logical. If it turns out that you need less or more you can revisit it.

Mayor Maher stated that he agreed with that. If they were going to pass the law to pass the law and then see how it goes and if it needs to be changed they can always change it rather than hold up the process.

Manager Politi stated that for the most part they tried to make it all uniform, two hour parking the best they could. There are some spots where you do have 15 and 30 minute loading areas throughout the area in the business district.

Mayor Maher stated that there was a question about enforcement. He asked Chief Holmes to address that issue.

Chief Holmes stated that right now they have one part time crossing guard/parking enforcement officer that works four hours a day. They schedule that person 9am to 1pm or 1pm to 5pm. Within that time frame they will keep coming back. They will check the pattern of how that parking enforcement officer goes back and forth.

Mayor Maher stated that they will be discussing the scofflaw later in the meeting.

Deputy Mayor Rumbold asked how many spaces.

Manager Politi explained that they will go to the center of the building and measure out two twenty foot spaces.

Deputy Mayor Rumbold asked about the signs.

Mayor Maher asked what kind of signs they will be.

Manager Politi stated that the sign will be on a pole and it can't be less than seven feet. There will be just one sign, not a sign per space. It will be place in the middle of the two spaces.

Trustee Millspaugh stated that he asked before if they could be movable stanchions.

Mayor Maher asked if that could be an option.

Manager Politi stated that right now you're signing it for 24 hours that sign has to be permanent. There is a mix on the side if the building, 30 plus you have handicapped parking. Here it's just one sign.

Trustee Millspaugh asked if it should be handicapped in front of the main door.

Manager Politi stated that was in the original design of the building, to have the handicapped space by the library and there is a ramp right there and you can come around the corner. With where the ramp is the distance is the same.

Trustee Leonard suggested the board reviews this in six months.

The mayor agreed.

Trustee Hurd moved to declare the Board of Trustees lead agency and to declare an unlisted action with regards to SEQRA. Seconded by Trustee. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-3 of 2009, "Vehicles and Traffic" as Local Law No. 4 of 2009, "Vehicles and Traffic". Seconded by Trustee Wynkoop. All ayes with the exception of Deputy Mayor Rumbold voting no. Local law adopted.

Public Hearing - Local Law 1-4 – "Zoning" – Day Care Center Definitions

Mayor Maher presented the affidavit of publication, affidavit of posting notice and notice of hearing. He also presented the County of Orange Department of Planning's recommendation which was that they found no evidence that significant intermunicipal or countywide impacts would result from its approval.

Trustee Hurd moved to open the public hearing. Seconded by Trustee Norman. All ayes. Public hearing open.

There were no comments from the public.

Trustee Hurd moved to close the public hearing. Seconded by Trustee Norman. All ayes. Public hearing closed.

Trustee Hurd moved to declare the Board of Trustees lead agency and to declare an unlisted action with regards to SEQRA. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-4 of 2009, "Zoning" as Local Law No. 5 of 2009, "Vehicles and Traffic". Seconded by Deputy Mayor Rumbold. All ayes. Local law adopted.

Village Manager's Report

Manager Politi indicated that Officer Werner wrote up the numbers associated with the running of National Night Out.

The manager also indicated that street work will begin next week.

Mayor Maher asked if the manager knew what will be done first.

Manager Politi stated that he doesn't know the order. There are a couple catch basins they are trying to finish up on Streamside. The Ivy Hill area will be first. They are looking at drainage at Maple Street. They ran into a couple snags

once they started digging for drainage. The Streamside development will get the overlay. Northern Avenue, Ivy Hill Road and Maple Street will be discussed later in the meeting. PBA negotiations are continuing. They have also interviewed applicants for the motor equipment operator position. He will let the board know the outcome. The MTA and the Mx zone they are still continuing the dialogue regarding the possibility of having rail service in that area. The solar lighting he met with the representative and they picked out a light for Wooster Grove. They are putting the proposal together as he speaks. They are doing sidewalk replacements throughout the village. He just put the annual report on the wastewater treatment plant in the board's boxes. It was very favorable. He asked if there were any questions on the department reports.

Mayor Maher stated that when the estimate comes in for the solar lighting and its low he'd like to consider getting more benches.

Manager Politi indicated that he'd let him know.

Trustee Millspaugh stated the in talking with the dpw supervisor he found out that the village does not have a builder's level, laser level. We're doing this catch basin work; he thinks they should have a certain amount of equipment. He was going over the bills, the rehab of the trickling filter pump. He asked if the well pump that didn't fit was still around and they said yes it's in the dpw garage. What is going to happen to that? That was ordered by Stantec, he'd like that pursued vigorously.

Manager Politi stated that he is correct that may be the final outcome. Right now we're trying to see if we can sell it, if we can use it. There is an outside possibility that you could do a renovation to it to use it.

Trustee Millspaugh stated that he looked inside the crate and it's the wrong pump.

Manager Politi stated that he knows that and that is why it's still in the garage. There may be a use for it or we might be able to sell it to another community. There is an application for it, but not in our plant.

Deputy Mayor Rumbold stated that we paid Stantec to do the engineering for that, are we getting that money back from them.

Manager Politi stated that he will discuss that possibility with the board.

Deputy Mayor Rumbold asked if Stantec was aware that this is an issue.

Manager Politi stated yes.

Deputy Mayor Rumbold asked when did they find out this.

Manager Politi stated that he doesn't want to discuss this now because it could turn into an action against the village.

Deputy Mayor Rumbold stated that she had no idea that this was happening, she asked when did this transpire.

Manager Politi stated that he will get the board a report on that, when it was bought, who bought it and who designed it.

Deputy Mayor Rumbold asked if that was something they do in the village if something is purchased and its incorrect, done incorrectly, who ever engineered it.

Manager Politi stated that it hadn't really happened.

Deputy Mayor Rumbold stated that we just go ahead and pay those bills and then hope to.

Manager Politi stated that if you think about it it was a design brought in by the engineer in conjunction with the operator, both who are not here anymore because they were relieved of their duties. They accepted the pump and the village accepted the pump based on their recommendations. He can't design one of those pumps. They will take the appropriate action if they can't find a buyer.

Deputy Mayor Rumbold stated that she doesn't know why the ownness is on the village to have to try to find someone to buy something that was engineered incorrectly by our engineering. She knows that they are no longer here but she also knows that we are still playing bills from that company for other things that they do in the village. She doesn't understand why we would pay for something knowing that it was incorrect. She knows the company needs to be paid because they made it to our specifications. She doesn't understand why we spent \$14,000 plus the engineering fees.

Manager Politi stated that he doesn't know the associated engineering fees.

Deputy Mayor Rumbold stated that she looked at the old bills because she had no clue and when she knew about the situation she went through the old bills. There were hours and hours and hours of consultation with the pump manufacturer and consultations with the engineer. We paid all the bills. She doesn't understand why we have to run and try to find someone who has that application to buy that pump. We paid an engineering firm for their expertise and in her mind that's not what the village got.

Mayor Maher stated that what Deputy Mayor Rumbold is saying is the ownness isn't on us so why are we the ones that have to try and sell it.

Manager Politi stated that he here's what they are saying, but he doesn't want to discuss probable action in public.

Deputy Mayor Rumbold stated that at the last meeting the manager was going to try to find out when the grant was going to runs out for the microphones

and speakers. The judge asked for a new grant and we had an old grant and we wanted to know when the old grant ran out. The manager was going to find that out.

Deputy Mayor Rumbold asked if Lanc and Tully has gotten the information regarding Sunset Drive yet.

Manager Politi stated that they are coming in for a meeting and they will go over everything and have a site visit again.

Public Comment

Nat Winum, President Walden Community Council asked permission to place a storage shed on a 12x12 piece of property. They need it to the Christmas decorations, soap box derby car and all kinds of things. They were thinking of renting a storage space. They would own the shed so they wouldn't be obligated to pay rent every month. They are looking for a space that they could drive up to and would be easy to plow out in the winter. They would like an answer in a month or two.

John Revella, 16 Church Street stated that the sidewalks on East Main Street look lovely. He asked who is responsible for cleaning the rail trail. There is a catch basin in front of 10 Church Street that is collapsing, as well as Ulster Avenue. He also stated that he though No. 8 on the agenda, public comment on discussion items was changed.

Mayor Maher stated that it has been changed to public comment on business of the Board of Trustees.

Mayor Maher stated that National Night Out was a complete success. He recognized Officer Werner for that success.

Lynn Schwandt, 143 North Montgomery Street stated that in regard to the police consolidation, if and when it does go to a vote and she doesn't know if this can be possible or not, she thinks the mayor is doing a great job and she knows he has a lot of young followers. This will affect us as tax payers she would like to see homeowners or taxpayers only be able to vote, not have 1500 18 year olds vote who don't own a home in this village.

Mary Ellen Matise, 21 Clinton Street stated that Ridge Avenue is totally disintegrated.

Becky Pearson thanked the National Night Out Committee, they did a wonderful job. She also stated that the grant for the solar lights did include the benches. She doesn't know if the wording included both.

Ms. Pearson stated that with the attorney not being here, we pay this attorney a retainer and he knows the schedule when meetings are going to be. We have two public hearings and a lot of action items. If he can't be here he should send someone in his place.

Ms. Pearson also stated that in regard to the pump which Stantec's issue is. She can't believe no one else is concerned about payment back on that \$14,000 that was not an issue that we taxpayers shouldn't be paying for someone else's mistakes. The board can make a motion to have the attorney and Manager Politi get the money back. The whole community should be upset about that. Also, Hidden View sidewalks need to be repaired. DPW and recreation aren't wearing seatbelts again.

Lou Setren of Teamsters Local 445 state that he is here as the collective bargaining agent for the Village of Walden PBA and he has a general comment regarding the police consolidation process with is under way right now between this village and the Town of Montgomery. On behalf of his representative members he'd like to make a comment. His members are quite frankly distressed that as this process has gone on they have been kept in the dark as to the contents of the IMA which is presently being worked out. It's difficult for his membership to formulate an opinion as to whether or not they are supportive of this consolidation move when there is a lack of information being shared as to how the process will move forward and what the impact on the members will be. Not just the impact on his members per say but the impact on the taxpayers both of the village and the Town of Montgomery. They are hoping as this process goes forward that there be a greater share of the information regarding the process. The are further hopeful that at future meetings they will have the opportunity to examine the IMA and further to raise questions as to how this process will move forward.

David Sperry, 4 Overlook Terrace asked if there have been a lot of parking tickets issued on Albany Avenue in the new no parking zone.

Mayor Maher stated that it was a fire safety concern.

Mr. Sperry stated that he is questioning the big yellow stripes on the road that look horrendous. He's not sure why the village went to that extreme. His other question is with the lines in the road why didn't they go sign to sign. They didn't go the distance that the no parking zone is enforceable for. There is at least 20 feet each way. He also asked about the tennis courts. He was here the first or second meeting where the mayor stood up, he had a letter in his hand and he said this summer. Summer is about done and the tennis courts still aren't black topped. They haven't been usable during the last couple of years. Before that time the village did have instructions for kids which was a success. Several years have passed and there are no tennis courts. The mayor has a month to hold up to his end of the bargain. Also, Ulster Avenue sidewalks by 36 Ulster Avenue with they are remodeling the house they broke all the blue stones and replaced it with blacktop. He asked if they were going to put sidewalks in there or are we going to have the contractor replace the blue stone.

Mayor Maher stated yes.

Mr. Sperry asked who would be paying for that.

Mayor Maher stated that they were put on notice that they are responsible to replace the sidewalk.

Manager Politi stated that they will not get a co until it's done.

Mr. Sperry stated that 3 years ago the village gave Overlook Terrace a co for the street to be open knowing that the last 150 feet of blacktop to finish that road was going to be done by the developer. The previous board and members of this board agreed to that. It's been four years and it's not done. If there is no time limit the bond that the village is holding for that job is it still sufficient to do that job. There is 250 feet of sidewalk plus the road. He would like to know if there is a time limit.

Mayor Maher stated that he did make that statement regarding the tennis courts.

Manager Politi indicated that the tennis court is out to bid to be returned on August 26th, the bid will then be award and work can begin.

Mayor Maher stated that he actually was in that program and it was a great tennis program and he wants it back, so they will hurry up that process. The mayor indicated that he is not familiar with the Overlook Terrace road and sidewalk.

Manager Politi stated that he will research that.

Application for Garbage Collection Equipment Permit Approval

Manager Politi stated that this application comes in from Interstate Waste for their trucks which have been inspected. The Village Board has to sign off on this application.

Trustee Millspaugh stated that all the board has received is a few pages of insurance for the various trucks, what does our inspection consist of.

Manager Politi stated that we look at the tags to make sure the dates are correct and we look for leakage.

Trustee Millspaugh asked if there was a form that is checked off from the inspections. He's like to see that in here.

Manager Politi asked if the board wanted him to do that. He suspects that the form is there.

Trustee Millspaugh stated that all he's seen is the insurances.

Deputy Mayor Rumbold stated wouldn't there be some kind of a record that the village did the inspection and what we found.

Trustee Millspaugh asked if the trucks bare a decal.

Manager Politi stated no it's not like the Orange County tag which you would see on the truck. The main thing you look for is leakage.

Deputy Mayor Rumbold asked if there was a hard copy of that, a check off list.

Manager Politi stated that he will check with Mr. Lamendola. It's not a police or safety inspection.

Trustee Millspaugh stated that the law says there are certain things we adhere to, a check off sheet.

Manager Politi asked if that was what the board was instructing him to do.

Mayor Maher asked the board, before we take action is that what you're asking.

Trustee Millspaugh asked how many trucks will be coming into the village.

Manager Politi stated that he doesn't know.

Deputy Mayor Rumbold stated that it states a non refundable \$125 permit fee. What is the \$625 figure written in next to it.

Manager Politi stated that it's \$125 per truck.

Trustee Hurd stated that if the Village Manager is satisfied with this report and satisfied that his department has conducted the inspection to his satisfaction then he doesn't see why the board would need to see additional reports.

Mayor Maher stated that he feels it's this board's job to always question what they are doing.

Trustee Hurd stated that this is his opinion.

Trustee Millspaugh stated that there should be evidence in the file.

Manager Politi stated that it's visual evidence. They have tags that the trucks are compliant to all New York State requirements. Ours is a courtesy look.

Deputy Mayor Rumbold stated that she feels it's a good idea to have something to back the DPW supervisor up. That he did the inspection. This is what he saw and that on the date he did it the truck was in good condition. So if there is an issue that arises later than, well, we did our inspection and it was fine at that point. They can be in another neighborhood and have something happen to the truck and then there is a violation now. We can say when we inspected it it was fine.

Manager Politi stated that we're not saying that it's not there. Mr. Lamendola is not here to answer that question.

Deputy Mayor Rumbold stated that it's our liability to check and make sure that everything is right. She doesn't see any reason why they shouldn't have it.

Trustee Leonard moved to accept the inspections signed off by Mr. Lamendola. There was no second. Motion defeated.

Committee Report to the Village Board on Police Consolidation

Mayor Maher stated that the village board will be setting a date for their public forum and committee meeting. The time line currently for consolidation, they want to have one more final committee meeting, which they would like to hold on Tuesday, August 18, 2009 and then the committee would report to the town board first before its presented to the village board because you can't present it to the village board until the town has had insight or approval and that would be September 3rd. September 8th he would like to ask the board to schedule the village presentation from the consolidation committee and then the timeline would be the public forum set for the next Tuesday on its own before the fourth Tuesday of the months board meeting with would be September 15th.

It was the preference of the board to hold the public forum at the Walden Fire House.

Trustee Hurd moved to set a special meeting for the public forum on September 15th, 2009 at 7:00pm. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Request to Reinstate Police Officer Search

Mayor Maher stated that this was brought up at the last meeting.

Chief Holmes stated that he would like to talk to the board about the options of reinstating this. This position was budgeted for. Two things that happened after the budget was passed, we have two officers out on injury and they are still out and we've lost two officers to the military. We are also getting to the point of losing some of our part time officers because you have a certain amount of time you can work part time officers. The plan of the budget was to have that additional officer hired to help with the problems they are having. They sent out canvass letters on the 14th of July. The list came out in June with a return request by the 27th of July. On that list there are six candidates. A couple of the candidates are certified which would help us for training purposes and train up time of hiring them and getting them ready for work. He's requesting to bring back that officer, allowing them to continue canvassing. There are six officers that are requesting an interview, go through them and see who we can hire with the option that they are certified. We don't have the money in the budget to send anyone to school. It's not a prerequisite to take the exam, but there is a good mix of people who take the exam that already are certified police officers and that is an option he would like to continue to do.

Mayor Maher asked if he doesn't get the certified officer then we would go ahead, because we do not have the funds to send one to the academy, to freeze that position and there would be a compromise.

Chief Holmes stated that it wouldn't be a compromise because we can't afford to send someone.

Mayor Maher asked what the chances were to get the certified officer if we continue to search.

Chief Holmes stated that it's a good chance.

Trustee Wynkoop stated that since we fixed something that wasn't broken he fees they should go ahead with it.

Trustee Hurd stated that the easiest thing to do is to rescind what they did, since what they did was outside the scope of the village board under our village law. If we do that we will correct our action in the proper way.

Mayor Maher stated that he thinks that is debatable.

Trustee Hurd stated that the village board could.

Trustee Wynkoop stated that we can't hire or fire.

Trustee Hurd stated that we can't hire an officer by amending our budget since the village board sets the budget which in affect is setting policy since spending our money is policy. In terms of hiring and firing we're directing the village manger to hire or fire somebody.

Mayor Maher stated that's specifically hiring an employee, not adhering to a different process in going about hiring employees. It's a discussion they can't have because the attorney is not here, but it moot anyway because their point is going to be whether or not they are going ahead with this process.

Trustee Hurd stated that they can simply rescind their action. He'll be first to say he's not an attorney but he thinks they were incorrect outside the scope of their office, but by rescinding it it has the same affect.

Mayor Maher stated that he doesn't share that enthusiasm. He thinks the board is a lot more responsible to make certain decisions and to keep certain on going issues honest. While the process was explained more to him, although it was hurried more than it should have been, and if he has one weakness at all he wants to get things done quicker, and that's obviously something that he will work on in the future. He appreciates the chief coming here and speaking his piece.

Deputy Mayor Rumbold stated that she feels you misspoke, we didn't take it out of the budget, what they discussed was slowing the process down. It wasn't that they removed the position. If they read the minutes the manager was

asked about where they were in the process and it was their understanding from the answer that they were still in the canvassing process, we didn't have it narrowed down to any specific person, so it seemed like the process was basically in the beginning. She did check back on the chief's reports and the manager reports for the past month and a half and she didn't find any indication that anyone was worried, concerned and in fact the chief's last report from the meeting two weeks ago didn't even mention this process. She has read comments that were made after they took that action and this board can only act based on the information they are given at any given time. They asked where the process was and it sounded to her like it was in the beginning stages. All they asked was can we slow the process down and the only reason she thought it was a good idea is because she always looks at things from the financial point of view. We are talking about consolidation. There are no notes here that we are getting at critical mass that we have officers that are going to hour out with their 1040. There wasn't any of this information here. So when she looked at it she thought to herself if I owned a business and I was thinking about selling the business or combining my business with someone else at this point in time would it be wise to take on another employee if I was in that process. She went by the information that she had and she had no indication whatsoever that the village was at a critical point in the police department with hours or issues, there's nothing mentioned. They asked the manager and his answer was that they were still in the process. If the manager had said to her, absolutely we're in a critical place; her decision would have been different. She just wants to assure them that her vote wasn't to remove something from the budget, in fact it was just the opposite, and they just wanted to see if they could slow the process down. So, she doesn't know where that information came from that they were removing it, because that is not what happened. In fact, if you read the minutes the mayor says very clearly that if it's an emergency situation we will certainly move ahead, but they weren't given that indication at the meeting. She just wanted the chief to understand what they were dealing with, the information or lack there of that they had. She asked if that would be something they would share.

Manager Politi stated that first the issue that large to stop the process of hiring based on the scope of what is occurring or possibly occurring with consolidation was brought up and was not on the agenda. He was not prepared to answer that question fully with the information he had in front of him. He knew that they were down which he believes he did say that they were down four officers and we were nearing four officers as the chief pointed out before, that we were working toward that. To be informed of the information, something of that magnitude he would have expected that question to either come to himself or to the chief to find out if that would be a prudent move at this point. That is fairly significant. He does take issue of what they are saying that you were ill-informed nor were we asked for the information on an issue that significant.

Chief Holmes stated that he's not here to point any fingers. When he did read the board minutes a lot was made clear. Sometimes he puts too much in his reports so he guesses what the board is asking is, if we are at that critical point why wasn't he putting that into his report, because like he said in the beginning is that part of their plan was move it along, he's managing the department or trying to figure out the best way to go and they met the time table

of civil service. Civil Service has a short window when they put out the list. They tried to get the list out the beginning of June, the test was taken in December, the list came out in June, we had an issue with the list when it first came, there were people that weren't on the list and we had knowledge that they were on the list so we had to send it back. We got the list back, we sent the letters out and the process was going. He never reported to the board of that process. He was going with the plan that he had to follow through. We want someone that is certified from that list because its fifteen weeks in the academy, another 640 in field training and that is a lot of time. He knew that if there was no one on the list that was certified that they would have to go with another option, but this list with only six people on it that's 50/50 that they will be able to do that. He did discuss the plan with the manager. When it was brought up it was out of the blue for him. It's not something that he gives to anyone, the process of what they are doing to hire someone.

Deputy Mayor Rumbold stated that she does understand that but what she thinks as a board member is that if we are at that place with any kind of personnel, whether it's dpw or police department that is something she would like to see in a report.

Chief Holmes stated that we are at the mercy and not getting into personal issues when you have someone out on an injury you are at the mercy of every month of finding out when that person will return. Those are the unknowns he has to deal with all the time. He doesn't want to get into the situation where he's crying wolf if he doesn't need to.

Mayor Maher stated that he was always taught to be accountable for his own actions because if he's not accountable for his own actions how is he to hold others accountable as mayor. This whole conversation could have been avoided if he did not hurry up the agenda item. You see something and you think its right, you'd like to be fiscally responsible and you act. In the future will he be putting it on the web site and making sure everybody has enough time to respond so the board can make a decision, yes. Is this not going to happen again, no he plans on being a lot more responsible in that manner and he admits he made a mistake on not putting it on a week in advance. In saying that he hears all the arguments and again it takes a lot for him to spend a penny of taxpayers money and the argument he makes for the officer, getting a certified officer is a very good point and he really has to take into account the quality of officers, opportunities to get a quality officer with spending taxpayer money. Can we save here, yes, would we like to save money, absolutely? This consolidation process is being discussed for a large reason to save money, amongst a lot of other reasons to provide a more proficient police force. His decision to vote yes or no on this employee is based on all the information the board has been given and he thanked the chief for all the information he gave the board.

Trustee Wynkoop stated that it was his understanding that they budgeted for this officer. Did we not put money in there to hire this officer?

The chief indicated that they did.

Trustee Wynkoop stated that is what they didn't use. He went off half cocked so if you're going to blame everybody he was in on it too. He should have looked into it more thoroughly and they did something that they supposedly couldn't do. They can not hire and fire. That's from what he understands from lawyers. They did the wrong thing and he apologized to the public for it and they should have looked into it a little deeper, all of them.

Mayor Maher stated that he would not go that far to say that they don't have the power to do certain things. They can't have a discussion because the village attorney isn't here. He would not agree with that.

Trustee Hurd stated that he's been on this board for ten years and the mayor is not the first person to recognize something that's corrected. We did something whether they should have or shouldn't have, they did it, and they had the chance to reflect on it and they've corrected it with one board cycle. He thinks that is pretty good. The interesting point is that they are here as a board in this room in the Village of Walden discussing the police department and how they can make them more effective and how much it costs and it just seems that on of the items, we're going to talk about consolidation at a future time, but they are here as concerned citizens listening to this discussion. Once they consolidate you're never going to be here talking about it again, ever.

Mayor Maher stated that is a debate for another day.

Trustee Wynkoop moved to reinstate the police officer search. Seconded by Trustee Leonard. All ayes with the exception of Trustee Hurd abstaining. Motion carried.

Walden Girls Softball Team-"Champions Parade" Request

Sergeant Schwandt stated that he discussed this with the manager and he understands the parade is August 28th at 6pm. The concern the police department has is everyone knows what Friday night traffic is like going down Route 52 and Route 208. They should look at the time. He can handle it with the number of people. He suggested the parade be at 6:30pm or 6:45pm.

Trustee Norman moved to permit the "Champions Parade" on August 28, 2009 at 6:30pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Police Inter-municipal Agreement

Mayor Maher asked if the attorney should be here.

Manager Politi stated no. The board had asked if he could find the inter-municipal agreement that was drawn, we do have it here. There was the question about the definition of emergency and you can see it on the last page. The format is good. If the board is okay with the format they can move forward.

Trustee Hurd asked if the board would have a chance to speak to the village attorney before they take action. He won't be back until August 16th so they won't have a change until September 8th, is that okay.

Mayor Maher stated that they want it done as soon as possible.

Manager Politi stated that they would like to get it done.

Deputy Mayor Rumbold asked where the document came from.

Manager Politi stated that it was between the two attorneys.

Deputy Mayor Rumbold asked when it was done. She also stated that when she asked about it two weeks ago Mr. Dowd said the chiefs hadn't sat down and done anything and here it is.

Trustee Wynkoop stated that they've only dealt with one town board member since the beginning of this.

Manager Politi stated that from the legal standpoint according to both attorney's the format is okay with them, both the town and village.

Mayor Maher stated that we want to move forward with the process.

Manager Politi stated they can move forward or wait until Mr. Dowd comes back, but he was okay with it.

Deputy Mayor Rumbold stated that she would like the attorney on record as saying that he likes this. There is no harm in waiting two weeks.

Mayor Maher stated that it will be four weeks, so we will wait on the attorney.

Maple Street Sidewalks

Manager Politi stated that they will look for comparable footage. They want to be able to get into Maple Street with this round for the roadwork. If it's a CDBG funded project there is a big lag by the time it's approved and that would push that road into next year. They would like to get to that road. They have done this before. You don't want to go back in to do all that work to do the sidewalks. We do have the funding that we were going to spend for sidewalks anyway through our chips money. We will shift it and request that this go to another area of sidewalks.

Trustee Millspaugh asked if the engineer was involved with the Maple Street project.

Manager Politi stated yes.

Trustee Millspaugh stated that he walked that street and you have sidewalks that are well over the pavement so you have to know what to do with the sidewalk and what's going to be done with the pavement. You're putting the money in and it should be an improvement. The drainage should be a consideration. The catch basin on the upper side of the school parking lot there is quite a bit of erosion from that point down. He has to address what is happening on that side of the street.

Manager Politi stated that they've discussed that drainage for some time now. The engineer was brought in to make sure we will attend to the drainage. He's been here for the sidewalks and about the drainage and the crowning of parts of that road.

Trustee Millspaugh asked if he was providing a sketch for guidance.

Manager Politi stated that he would.

Trustee Hurd moved to approach the county to switch the funding for sidewalks to another site. Seconded by Trustee Leonard.

Trustee Millspaugh asked if the engineer was providing specifications for that work. When he was down at East Main Street the contractor was clipping reinforcement and taking the cut offs and throwing them away. He brought that up to the dpw supervisor and he talked to the contractor. The contractor should not be doing that. He wants to be sure there is a solid spec for that work.

All ayes. Motion carried.

Scofflaw

Mayor Maher stated that Trustee Leonard requested the scofflaw discussion be brought up and to set a date for September 8th to have this on the agenda.

It was the consensus of the board to have the scofflaw on the September 8, 2009 agenda.

Public Comment on Business of Board of Trustees

Robert Kirnan, Montgomery stated that he's spent a little time in politics and he would like to take his hat off to Becky Pearson her board and especially this board for looking into consolidation and bringing it to the people. He's gotten to know Chief Holmes and he is an asset to the community.

Lynn Schwandt asked if the Town of Montgomery residents were going to vote on this consolidation.

Mayor Maher stated that the committee will present this to the town board and the town board will decide whether or not they want to sign onto the inter-

municipal agreement. No, the town will not vote, it's the village who will decide on itself.

Ms. Schwandt stated that the numbers that were put in the paper and on the blog were wrong. They were so low compared to what they really are. She saw the breakdown and the taxes are going to go up. Why can't the town residents vote on this? The people she's talked to do not want it.

Mayor Maher stated that the village has to decide if they want to dissolve their police department. The town can't decide a village issue.

Ms. Schwandt stated that the town taxes are going to go up.

Lou Setren, Local 445 stated that on behalf of their represented members stated that they consolidation in and of itself is a subject of mandatory impact negotiations. How will this consolidation impact our represented members? He formally requested a copy of the IMA be made available to the Village of Walden PBA prior to the September 3rd meeting in the Town of Montgomery, so the members will have the opportunity to examine the IMA so they can hopefully make a determination as to whether this is something they are supportive of or may not be supportive of.

Ms. Schwandt asked what if our police department doesn't want to go for it, so they will do it no matter what.

Mayor Maher stated that the board will make its decision when the committee has presented to our village board and we will know by then whether or not the town board has signed on to the inter-municipal agreement and he can promise them that all this will be done in an open and transparent way and the police officers and the village residents will both have an equal chance to see all the documents together.

Ms. Schwandt asked what if they don't like to documents that they are showing them.

Mayor Maher stated that if people stampede in here and say we don't want it, we don't want it; this is not what we want, the numbers don't add up, if anything goes wrong, he doesn't see this board voting in favor of having it.

Trustee Hurd stated that we have a committee here and the town has a committee as well. They are meeting to study the issues. Our committee is going to report to this board. Their committee is going to report to their board and then the board's will have a discussion of it which the public will be able to see. Then there will be a special meeting for all the residents who are interested in coming to debate this even further. At some point this board will have to make a decision as to whether they are interested in dissolving our police department or not. If the board decides yes it will go to a mandatory referendum and the people had the final say. If this board decides they are not interested in pursuing consolidation it's done.

Mayor Maher stated that at least we are looking into it, because it's responsible to look into this kind of process in this situation in these economic times.

Ron Schwandt stated as a tax payer of the Village of Walden, under General Municipal Law which he may formulate under 5G or under 121A. You have to spell this out.

Mayor Maher stated that they will spell this out. They are not going to keep this from anybody and just do it one day. It will be brought to the public in a coherent manner and it will be debated on.

Mr. Schwandt stated that this was put in before and Becky Pearson was working on this, why has it taken so long to come forward with this information that has been promised to them, the public and everyone else. Is it going to be consolidated under 5G or 121A. You say it will be public referendum, that tells him that they are consolidating under 121A. If its 121A the attorney's better get together and get on the same page. From what he sees they don't know what is going on here.

Deputy Mayor Rumbold stated that is one of the biggest issues, trying to get two attorney's to agree on anything. Chief Holmes has given them his concerns. They are supposed to be working on it together to formulate what it's going to look like. She would have liked to have it done a long time ago.

Mr. Schwandt stated that he's been here 30 years and this isn't the first time they've had this discussion. It was discussed with the criminal justice services in 1985. In that time we were in an economic situation similar to what we are in now. People of this village turned it down. It was proven in 1985 that with the towns B fund the taxes will go up. You cannot tell him that you take 18 officers and guarantee them a job in the Town of Montgomery give them a \$5,000 to \$8,000 increase then go over there individual retirements that someone is not going to pay for this. It's not just going to be the town, we as village tax payers are going to see it in our town taxes too. Once you do it don't look to get it back, because you won't. He also advised the board to look at Broome County and Warwick. Warwick three years down the road they got a new contract and they couldn't afford it.

Deputy Mayor Rumbold stated that she agrees with Mr. Schwandt and she also thinks that if we are going to be responsible trustees we have to look at issues like this because she has also researched and found four different communities within the past year that have declared bankruptcy because they could not afford to give the level of service to their community that they needed at the current time and also pay the retirement benefits that were needed for people that were leaving service after being in their municipalities for a certain period of time. So when she looks at it it's not just from that, when she was asked to serve on this committee she thought of four reasons immediately why she didn't think it was going to work, but in order to be fair to the process she had to set aside her doubts, her worries, to sit down and look at the information, digest it and present it so that this community could have a say in what's going to happen in the future.

She's not worried about now, because we have a young police force. She is worried about what is going to happen in this community, 5, 10, 15 years down the road when we start having men and women retire from this force. Are we going to be able to continue the level of service or improve it to reach the needs of the community? Are we going to put ourselves in a situation where we're not going to be able to afford the level of service because our community cannot afford to pay retirement benefits and whatever else is happening. That is how she has to look at it. She understands everyone in this room is passionate about this, she is passionate about it, but she is trying to be responsible and she is trying to say, let's look at it in a fair way and let's decide what we are going to do. This isn't just about today; it's about how we set the foundation for what is going to happen in the future. That is how she is seeing it. She may be totally wrong, but that is how she had to approach this. She had doubts. She spoke to the chief about her doubts. To be fair to the process she had to try and become neutral and look at everything and then make an educated decision. If this community says they don't want to consolidate, five years from now whatever we face is going to be faced together, because we made that decision together that we were going to put ourselves in that situation. She doesn't want anyone to be shocked or surprised by what is going to happen. She read about those communities that are now bankrupt and she doesn't want that to happen to this village. She's not going to be sitting here 10 years from now, she might not be sitting here a year from now, but at least she will know at the end of the day that the process was done in a manner they can make an educated decision about what are they going to do, how are we going to pay for it and where will we be five, ten years from now.

Mr. Schwandt asked this committee to make sure that they are looking at the figures correctly. The assessors have to be involved. The people have to be told what the savings will be. In 1985 the figure that everyone on the average would save was \$35.00. For \$35.00 you might as well take the crap shoot and we came out of the recession. He has nothing to lose in the consolidation whatsoever. He has everything to gain, he will be a pay raise, his retirement goes up, but as a tax payer he's going to lose. He will lose a professional police department. These are professional much more than the Town of Montgomery are. Another thing is the animosity, a certain officer that has left this department and went to the town is on bad terms. They should check that out. There is good to this and there is bad to this, but once it's done you're not going to get it back.

Ms. Schwandt stated that they talk about the young officers getting ready to retire 10, 15 years down the road. These young officers get a good retirement, better than what we have here. That will cost us money. The taxes will go up.

Deputy Mayor Rumbold stated that she agrees, but she worries about attrition. They will present the figures the best they can.

Approval of the Minutes – July 28th, 2009

Trustee Hurd moved to adopt the minutes of July 28th, 2009. Seconded by Trustee Millspaugh. All ayes. Minutes adopted.

Payment of the Audited Bills

Trustee Hurd moved to pay the audited bills of August 11th, 2009. Seconded by Trustee Leonard.

Trustee Millspaugh stated that Butch Spencer has his payroll in there and the other one doesn't have any payroll affidavit. He would like to see the payroll submitted. Also, he was away this weekend and he didn't get back until last night. He came in and signed the bills and there was only one signature which was Deputy Mayor Rumbold's. There are still only two signatures on the bills and he is not comfortable in approving them without knowing that everybody has seen them.

All ayes with the exception of Deputy Mayor Rumbold and Trustee Millspaugh voting no. Motion carried.

Correspondence

Mayor Maher stated that he received a letter addressed to the Village Board and Mayor thanking Anthony Lamendola for his hard work with Heather Martin's property

Miscellaneous Comments from the Board of Trustees

Trustee Norman stated that the train from the Friends of the Walden Youth is at Olley Park and it looks nice. She thinks it's great about the Little League. She also stated that it was nice to see the Dutch Reformed Church service at Wooster Grove. It's nice to see our parks used for something.

Trustee Wynkoop congratulated the police and Officer Werner for the great job on National Night Out.

Mayor Maher also stated that National Night Out was great. It was a great turnout and the fireworks were great. He thanked everyone.

Deputy Mayor Rumbold stated that National Night Out was great. It was good to see so many people there enjoying themselves. There were lots of vendors. She thanked Officer Werner for his hard work and also the volunteers. She also indicated that she got to see the softball game on Sunday. They are really representing New York State and the village well.

Trustee Hurd also stated that National Night Out was great and the volunteer effort was great. He also stated that he knows the issues of consolidation and what it means and what it might mean and what is going on is important and as people said it's certainly going to be a vigorous and passionate debate. He is confident that every member of this board is absolutely dedicated to the village. He is convinced that everyone who is sitting here has their opinion and believes in the heart that they are doing the very best thing for our village.

He doesn't think anybody else has any other agendas what so ever except to do the best dam job for the people in the village.

Trustee Millspaugh stated that he had a good time at the park. They Historical Society had a booth and some reproduction post cards there and some of the pictures of the fire house show it all trimmed up. People commented on how nice that looked. We might want to plan in the future to have bunting on the building. He did some walking around the village and the ramp at the Girl Scout cabin is a failure. He wondered whether they should contact someone about a precast ramp. He noticed that the house at Olley Park the weeds are overgrown around the house.

Trustee Leonard also indicated that National Night Out was great. He also indicated that the Bradley Room committee wants to go ahead and order the sound equipment. John Katonah is pricing different items from different vendors. If he can get a consensus they will go ahead and set it up temporarily until they get the platform done.

Deputy Mayor Rumbold asked if that was from the first grant.

Trustee Leonard stated yes.

Deputy Mayor Rumbold asked how much the grant was for.

Trustee Leonard stated \$8,000.

Executive Session – Village Manager Contract Review; Property Purchase

Trustee Hurd moved to hold an executive session pursuant to 105-(f), Personnel, Village Managers contract and 105-(h), land acquisition, of the Public Officers Law. Seconded by Trustee Leonard. All ayes. Motion carried.

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

Trustee Leonard moved to continue to support the LDC and their effort to purchase the property. Seconded by Trustee Hurd.

Trustee Millspaugh stated that there is another agency interested in the Package Lighting property and they should be given the opportunity.

Trustee Wynkoop stated that this has to go to public referendum.

Mayor Maher stated that this process is to start the LDC process if it was to go that far and we didn't opt out of the contract then the board would decide if it would be a mandatory referendum. We would let the people make the decision. We wouldn't do permissive.

Ms. Pearson asked if the village residents would have to get all the votes.

Mayor Maher stated that it would be just like if it was police consolidation.

Ms. Pearson asked if the board would automatically put it on the ballot or would the village residents.

Mayor Maher stated no, it would be mandatory referendum.

Deputy Mayor Rumbold stated that she is concerned that there are costs involved, attorney fees, planning fees whatever fees and she understands wanting to invest but she thinks in view of our budgets and how tight they are and how much is needed to be done around the village she feels it's the wrong thing to do.

Manager Politi asked if they would be allowed to create a presentation on this so they can offer it to the community.

Mayor Maher stated yes.

Trustee Hurd stated that as it was pointed out to them this final \$100,000 bond payment will be made this year for this building and by taking control of this building in a joint public/private venture the bonding cost per year starting from the next budget year will be approximately \$70,000 to \$75,000 so the village has essentially been handling hundred thousands so we can simply continue on with this type of improvement and hopefully jump start the area that is a critical part of the village.

Trustee Wynkoop stated that this is the railroad. We have convincing to do. We have some people to meet with. There are more meetings involved. The MTA is definitely interested in it.

Manager Politi stated that MTA hasn't signed on. They won't sign on to the project, but they are continuing their discussions.

Trustee Wynkoop stated that they told us where we can get funding from.

Manager Politi stated that the railroad is a long term project. This building has to be a stand alone.

Mayor Maher stated that he walked down to that place and you have this vision of what it could be. It seems great. He thinks that if the railroad was going tomorrow and they had that plan wrapped up and that was our station this would make a lot more sense in his opinion. Taking the stance that he's taken on trying to cut spending he doesn't subscribe to the fact that because our \$100,000 bond is up that we have to go ahead and justify spending.

Trustee Hurd stated that wasn't what he was doing.

Mayor Maher stated that he knows he wasn't, but that was a statement he wanted to make. To him, there's not enough information on what this is going to become because the train is not here and they have to make a decision based on the fact that the train is not here. There is not enough there for him to incur costs that will incur when they vote in favor of this process, in the tens of thousands of dollars. He doesn't believe he can be for this for that reason. He doesn't have enough information and he believes they can wait on it and get more information and a plan before they do something like this.

Trustee Wynkoop stated that it's in partnership with the LDC. There are so many forms of what they have to do down there. They could bring the private sector in the purchase part of it.

Manager Politi stated that the intent is to get it out to rfp for redevelopment. That interaction may afford us other funding that would make it more enticing to develop that building to spur development in that area.

Trustee Millspaugh asked who is the LDC.

Mayor Maher stated that it's the Local Development Corp.

Manager Politi stated that he will get the board the list of names.

Mayor Maher stated that Dave Cocks, John Katonah, and Greg Raymondo.

On roll call Trustee Wynkoop, Norman, Hurd and Leonard voted yes. Trustee Millspaugh, Deputy Mayor Rumbold and Mayor Mayer voted no. Motion carried.

Manager Politi stated that there is bonding involved which requires a five to two vote, so it may fail on that. He will find out.

Mayor Maher stated that the motion would be for a two year contract based on the six month agreement with the two stipulations, three month review. They will wait for Mr. Dowd to get back and if they have to have an emergency meeting on those stipulations they can.

Trustee Hurd moved to extend the Village Manager's contract for two Years based on the six month agreement with the two stipulations, with the three month review. Seconded by Trustee Wynkoop. On roll call Trustees Wynkoop, Norman, Hurd and Leonard voted yes. Trustee Millspaugh, Deputy Mayor Rumbold and Mayor Maher voted no. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk