

**Board of Trustees
Regular Meeting
November 10th, 2009
Resolution and Motions**

Public Hearing – Local law I-6-“Nuisances”, Outdoor Furnaces

Trustee Wynkoop moved to open the public hearing. Seconded by Trustee Millspaugh. All ayes. Motion carried.

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 a negative declaration with regard to SEQRA. Seconded by Trustee Leonard. All ayes. Motion carried

Trustee Hurd moved to adopt Introductory Local Law No. 6 of 2009 as Local Law No. 7 of 2009, “Nuisances”. Seconded by Millspaugh. All ayes. Local law adopted.

Unpaid Taxes

Mayor Maher moved to submit the list of unpaid village taxes to the County of Orange. Seconded by Trustee Norman. All ayes. Motion carried.

Walden Little League Request for Funding

Trustee Millspaugh moved to approve the Little League’s request for \$4000 to repair the fence in the major league outfield. Seconded by Trustee Hurd. All ayes. Motion carried.

Request for Audit Services with Nugent & Haussler

Trustee Hurd moved to approve the audit with Nugent and Haussler. Seconded by Trustee Norman. On roll call Trustees Wynkoop, Norman, Hurd and Leonard voted yes. Trustee Millspaugh and Mayor Maher voted no. Motion carried.

Approval of the Minutes – October 27th, 2009

Trustee Hurd moved to adopt the minutes of October 27th, 2009. Seconded by Trustee Leonard. All ayes. Minutes adopted.

Payment of the Audited Bills

Trustee Hurd moved to pay the audited bills of November 13th, 2009 that have four signatures. Seconded by Trustee Wynkoop. All ayes. Minutes adopted.

Executive Session

Trustee Leonard moved to hold an executive session pursuant to 105-(f), DPW Personnel; Park & Recreation Personnel; Village Manager and 105-(e), PBA Contract of the Public Officers Law. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Seconded by Trustee Leonard. All ayes. Motion carried.

Adjournment

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

**Village of Walden
Board of Trustees
Regular Meeting
November 10th, 2009**

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

On roll call the following were:

Present:	Mayor	Brian Maher
	Trustees	Mary Jean Norman
		Roy Wynkoop
		Richard Hurd
		Marcus Millspaugh Jr.

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

Absent:	Deputy Mayor Sue Rumbold
	Trustee Edmond Leonard, later present

Public Hearing – Local law I-6-“Nuisances”, Outdoor Furnaces

Mayor Maher presented the affidavit of publication, affidavit of posting notice and notice of hearing, which was read by the mayor.

Trustee Wynkoop moved to open the public hearing. Seconded by Trustee Millspaugh. All ayes. Motion carried.

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 a negative declaration under SEQRA. Seconded by Trustee Leonard. All ayes. Motion carried

Trustee Hurd moved to adopt Introductory Local Law No. 6 of 2009 as Local Law No. 7 of 2009, “Nuisances”. Seconded by Millspaugh. All ayes. Local law adopted.

Mayor Maher thanked Trustee Leonard for bringing this to the board’s attention.

Village Manager's Report

Manager Politi stated that Walden Day Care have filed a notice of petition against the assessor of the Town of Montgomery, Village of Walden, County of Orange and the Valley Central School District.

Mr. Dowd indicated that the Walden Day Care which is a non for profit has been placed on the tax roll by the town assessor and is now challenging that determination in court. The village is no longer an assessing unit, it's the hands of the town and the town controls litigation on this. If the village has collected taxes on that property and they win the taxes would have to be refunded.

Manager Politi stated that there is a copy of the reply to Mr. and Mrs. Hecht.

Mayor Maher asked why it took so long to answer Mr. and Mrs. Hecht. The letter from the Hecht's was dated October 13th and the response came November 5th.

Manager Politi stated that there was a phone call made to Mr. and Mrs. Hecht earlier.

Mayor Maher asked about the lights on the bridge, the state said they were going to come last week, did they end up coming.

Manager Politi stated that he could not tell him if they actually showed up.

Mayor Maher asked the manager to make a phone call and get back to him. If they didn't come that will be his first phone call in the morning. If they said they will come and they didn't that is an issue.

Mayor Maher asked if the manager has received a final figure from Stantec. The manager said he was to have one more meeting this week and then he would get back to the board.

Manager Politi stated that he does not have the final figure.

Mayor Maher asked if he had the meeting with Stantec.

Manager Politi stated that he's had several meetings with Stantec. They are going back and forth.

Mayor Maher asked if there was any kind of time line or will it be open ended.

Manager Politi stated that he hopes to finish that up this week.

Mayor Maher stated that Mr. Sperry had some comments that were to be looked into.

Manager Politi stated that he did look into those and he did answer them. Mr. Sperry said he would come back with information that he had.

Trustee Millspaugh asked if the letter went out to the town regarding the A Fund.

Mayor Maher stated that the letter did not go out yet. He wanted the board members to see it before it went out. He will be going there on Thursday because he has a video recording of the Town Board meeting and they talked about how there were possibilities if the Town Board were to continue on their path of even future law suits and them taking the money out of the A Fund with zoning and planning board issues sets a precedent saying even if there are future law suits now they will be able to say lets take it out of the A Fund because we did in the past. There is already \$631,000 that came out of the A Fund and if there is talk about another law suit then we definitely want to make sure a precedent is not set.

Mr. Dowd stated that he sent a memorandum outlining the legal reasoning why he feels it's a proper B Fund charge, not an A Fund charge. The letter from the mayor to the Town Board would include his letter to the Village Board with the legal opinion so they can digest it and hopefully consider it and realize why we believe it's a B Fund not an A Fund charge. There are no cases that he is aware of or anyone else is aware of who have actually litigated this issue. There are legal opinions of the comptroller that are influential. There is a pending law suit from the mayor and clerk of the Village of Maybrook which is still pending. He checked the status of that and it's just sitting there and not being decided upon. Once the Town Board actually adopts its budget and if it puts it in the A Fund then he believes an action should be commenced by the village representatives acting on their own behalf as property owners and taxpayers of the village to sue the town to try to overturn that determination of the budget that its an A fund not a B Fund. It's nice to spread things over the whole town budget but if it's strictly within the purview of the B funder's then the B funders should pay the charge for the Town Board's decision making. In this case everything arose out of the comprehensive plan and the zoning laws implementing that comprehensive plan that are strictly under town law a B Fund charge.

Mayor Maher stated that there are many different court cases pertaining to the B Fund and A Fund charges and stuff that has to do with law suits faced by the town that was charged to the A Fund. There are specific write ups against specific zoning and planning issues. The only reason you have a zoning and planning board for the town is to service the B Fund.

Mr. Dowd stated that there are law suits to that affect but this is a little different. One of the comptrollers' opinions was that there was one out of Orangetown which involved the building inspector but also the town board in which there were a lot of problems with the case and the town ended up getting a judgment against them for one million dollars. The town attorney, the town supervisor and the town building inspector were found liable personally for many things that were done and the new town attorney came in and tried to suggest that maybe this could be spread out over the A Fund or part of the A Fund and so

that opinion of the comptroller seems to indicate that zoning, planning and building inspector is strictly B. If there is any part of this that is A maybe some of this can be assessed. There is no specific case that looks at this specific type of thing about a lawsuit and the judgment coming out of a law suit, A or B, because of the way the town is reasoning as to what should be an A Fund.

Mayor Maher stated that he's heard comments from the Town Board saying we just put the money back in. It's not that simple because when you take the money out of the A Fund surplus you really have to talk about the interest that should have been accrued along that period.

Mr. Dowd indicated that may not be terribly significant. The more important point is what they're going to do in this budget as to how to pay the bond back. If they put it in the A Fund to pay the principal and interest on the bond for the next five years that directly affects every village taxpayer.

Mayor Maher stated that it's important that this village together says that it's unfair.

Trustee Leonard stated that one of the things mentioned at the NYCOM meeting was charging road equipment to the A Fund. He raised the issue of what is being discussed now and they are very interested. He's going to send NYCOM information and they will be watching.

Public Comment

Diane Sandbothe, 90 Liberty Street stated that she has been coming here for the past year and a half and she has been complaining about an oil truck and two cars that are unlicensed on the corner of Seeley and Madison.

Mr. Stickles stated that it's being worked on and he will give a full report to the board for the next meeting.

Mrs. Sandbothe stated that her husband bikes around the village and about a month or two ago she emailed the manager a list of properties where there are tvs, computers, and unlicensed cars. She asked if anything has been done with that list.

Manager Politi stated that things are gone.

Mrs. Sandbothe stated that some things are gone but there are some things still out there.

Anita Vandermark, 76 Highland Avenue reminded everyone that tomorrow is Veterans Day and the town is holding a ceremony at 11am at the town hall. She asked that everyone remember the veterans. Also, on Saturday the Girl Scout Troop 823 of Walden is holding a food drive. The food will be going to Castle Point Veterans Hospital.

Dave Sperry stated about Overlook Terrace again, there is 200 feet of road frontage on old Overlook Terrace that was recently redone three or four years ago by the village and they also put in granite curbs. The last 200 feet did not have a finished coat put on. He asked if that was the way it's supposed to be.

Manager Politi asked Mr. Stickles if there was a finished coat.

Mr. Stickles indicated that there is a finished coat on the road that was the old section of the upper portion of Overlook Terrace. The village contracted to put granite curb on both sides of the street from Wait Street all the way up. That was cut out and patched in and that's the finished coat that's on it. It has binder and top coat on it.

Mr. Sperry asked about the final coat that would have blended in with the rest of the road wasn't finished but that is the way that was to be done by the contractor.

Mr. Stickles stated yes.

Mr. Sperry stated that the last 200 feet of sidewalk, who is responsible to put that sidewalk in.

Manager Politi indicated that it would be the developer of that property.

Mr. Stickles stated that whoever owns those two vacant lots bought the responsibility of putting sidewalks in front of four lots. That was per subdivision approval.

Mayor Maher asked if that was clear to them when they bought it.

Mr. Stickles stated that they won't get any CO's until they provide the sidewalks.

Mr. Sperry asked about Mr. Steinberg's bond.

Mr. Stickles stated that Mr. Steinberg never had a bond.

Becky Pearson, 167 Walnut Street asked about the question about Stantec money.

Manager Politi stated that there was a pump that the village is working with Stantec to clear that cost for the pump.

Ms. Pearson asked if Stantec's bills have been finalized.

Manager Politi stated yes.

Ms. Pearson asked about the CDBG money, Maple Street. Have we been awarded that money?

Manager Politi stated that we have not received the final okay for that contract.

Ms. Pearson asked who paid for the work to get done on that road and will it be funded by that grant.

Manager Politi stated that with the board's approval that application went in. When they did the road, rather than going back into the road after it was paved they did the sidewalks with the CHIPS money. Sidewalks are easy to switch around and they've done it before. You're approved for footage.

Mayor Maher stated that the other two items they applied for through CDBG, McKinley and sign law, did we not get them or are they still pending.

Manager Politi stated that preliminarily you have the sidewalk. They turned down McKinley and the sign law.

Ms. Pearson stated that with regard to the A Fund lawsuit she believes the Mayor is right. The residents should be aware of this and attend the Town Board meetings before the budget is passed.

Trustee Leonard stated that Thursday night would be the last public hearing.

Ms. Pearson asked about police negotiations.

Mayor Maher stated that it is being worked on. The negotiations are looking positive. They hope to have resolution soon.

Ms. Pearson asked if there is a final number on what was spent to rectify the sewer plant situation.

Manager Politi stated that he can't tell her specifically.

Mayor Maher asked to have that information by the next meeting.

Ms. Pearson asked if the \$6,000 for the digester has been used and if it has been used where and how did we use it.

Manager Politi stated that some has been spent in processing sludge and it is dedicated to that. Also for the pumps and belt filter press.

Mayor Maher stated that he goes down to the sewer plant and they keep on saying it needs to be fixed. Why isn't that moving?

Manager Politi indicated because you have to finish this process first.

Mayor Maher indicated that the village has to wait for the consent order to know where to put the money.

Ms. Pearson stated that there are five lights between Main Street and the square that are out.

Mr. Wageman, 27 Ulster Avenue stated that he is still paying \$600 a year for trash removal. In regard to 36 Sherman Avenue, not about the property but about the response he received from his FOIL request. He said in the FOIL that he was concerned how pre-building code building was determined to be unsafe and the requirements to bring that building up to code. The answer he got back was Mr. Wageman we simply don't know what you are talking about. His house is 130 years old and if you go in the basement you can see that the floors don't meet building code. You go in the attic you see that the attic doesn't meet building code, yet the house has stood there for 130 years. When he reads what is going on with 36 Sherman Avenue the floors are supposed to be brought up to code, the electrical system is to be brought up to code. This is all hidden under the title of property maintenance. Take a look at 95% of the houses in Walden; they're not going to meeting building code. He doesn't know where this is all going. He sees porches on Valley Avenue that are in worse shape than the porches at 36 Sherman Avenue. He sees houses in Newburgh that are in far worse shape than 36 Sherman Avenue and people are living in them. There are concerns as to how far you can go. Take a look at the building on Oak Street that is built on stilts. If that building catches on fire he'd rather be walking on the floors at 36 Sherman Avenue. Nothing is being said about other structures.

Mayor Maher stated that the building inspector brings issues to the board and they take each issue and make a decision when they have to. That is the process. He asked Mr. Wageman to let him know about any concerns he has.

John Revella, 16 Church Street thanked the Police Department for handing out the glow sticks and necklaces on Halloween. He also stated that he is looking forward to Christmas.

Unpaid Taxes

Manager Politi stated that every year the village has to submit to the county for unpaid taxes. This year is \$241,419. This needs board approval to submit the list.

Mayor Maher moved to submit the list of unpaid village taxes to the County of Orange. Seconded by Trustee Norman. All ayes. Motion carried.

Scofflaw Review

Raynard Ozman, Village Justice stated that enforcement of outstanding parking violations is as much a concern to this board as it is to the court. What has been discussed in the past is outsourcing the enforcement of our outstanding parking violations to a company Complex Data Innovations.

Mayor Maher asked how long they will be able to go ahead and get tickets enforced.

Judge Ozman stated that they will go back six months first and ultimately it will be a joint decision between the court and this board as to enforcement back further than 36 months.

Mayor Maher asked if the outside company will take a percentage out of it to do the enforcement or will it be a flat fee.

Judge Ozman stated that it will be a percentage. The contract that is currently written calls for a \$400 minimum disbursement.

Mayor Maher stated that with all the cases we have will that pay off itself rather quickly.

Judge Ozman stated that he will defer on that question because as a judicial officer he is concerned with enforcement, but what the mayor can do is visit them at the court and assess the number of outstanding tickets and make that calculation. He will be happy to work with him on it.

Trustee Leonard asked if the list will be sent to DMV.

Judge Ozman stated that if they fall within 18 months. This company does have a process they go through for enforcement. His recommendation would be to get a new copy of the contract and have the village attorney review it and if this board sees fit then authorize the manager to execute the contract for a discrete select period of time. This board could review whether they feel the company has met their obligations under the contract, to review every six months.

Mr. Dowd asked why they hired a firm rather than enforce.

Judge Ozman stated that one reason would be to employ someone to attempt enforcement and that would entail another employee and salary. Another option would be to establish a parking violations bureau.

Mayor Maher asked how would they enforce.

Judge Ozman stated that there is a hierarchy of steps that you may take. There could be legislation implemented. You can notify the DMV to suspend a registration that has three or more violations within 18 months. Pursuant to General Municipal Law Section 371, parking warrants might not be prudent for parking tickets.

Mayor Maher asked what if its one violation they wouldn't have the enforcement to suspend the registration. Wouldn't we want them to have the enforcement to suspend on one ticket?

Judge Ozman stated that we wouldn't be able to enact a law that contrary to the state code. There can be civil judgments for unpaid tickets. There is a difference between unpaid tickets and tickets that were just not answered. You

would have to separate those to determine whether or not village council would pursue judgment against those operations. He also stated that if the village elects to outsource this they have a lot of other options that could be implemented along the way. One being that they would provide the village with scanners and then when the tickets are issued they will be scanned into the system and that would facilitate both our court operation and also their enforcement efforts. This is a problem throughout New York State. A number of the courts have mentioned this company to him because they have been satisfied with the company. The village may want to engage the company on the shortest basis and revisit this within six months.

Mr. Dowd stated that if you get a parking ticket you need to plead guilty and pay a fine. How can a company go back 36 months on a parking ticket if a person either never plead or never showed up, there is a statute of limitations?

Judge Ozman stated that under the criminal procedure law speedy trial on time limitations are governed under Section 30-30 of the Criminal Procedure Law. That particular section does not apply to traffic tickets or parking tickets. What does apply is your constitutional right to a speedy trial. In certain circumstances a ticket would be dismissed if it wasn't prosecuted within what would be constitutionally permissible. Each is taken on a case by case basis.

Mr. Dowd asked, people who have gotten tickets within the last 36 months have they plead guilty and we've just not collected the fine or have they not plead at all, they just never appeared.

Judge Ozman stated that both of those scenarios exist.

Mayor Maher asked if they can go after both those scenarios.

Mr. Dowd stated that he is concerned if they can go back as far as three years.

Mayor Maher asked if he knew of a statute of limitations that would keep the village from retrieving those fines.

Mr. Dowd stated that first of all they would have to plead guilty before any kind of penalty could be assessed. There is a question whether or not, even if the person said they plead not guilty, I want justification on my guilt. Then it would go to the judge.

Mayor Maher asked that the contract go to the Village Attorney, have him review it and go from there. We will discuss it further at the next board meeting.

Mr. Dowd stated that the next question is what do we do going forward as far as new tickets that are issued.

Mayor Maher asked if the fees should be changed.

Judge Ozman stated that there are significant issues that should be addressed.

Trustee Hurd stated that having received tickets from State Police Officers for speeding infractions, on the back of the ticket you can plead guilty or you can ask for a trial. There is wording that says failure to respond to this ticket will be considered a plea of guilty after the fact.

Judge Ozman stated that what he was trying to avoid was going through every single aspect and having a default procedure is something they could consider. Trustee Hurd is referring to a uniform traffic ticket and a uniform traffic tickets that are issued by State Police and other agencies are processed through the New York State Department of Motor Vehicles and there is an enforcement mechanism that is built in. With those tickets if you don't answer the summons or ticket DMV will suspend your privilege to operate in the state. That doesn't exist with parking tickets.

Mayor Maher stated that after the attorney reviews the contract it will be on the agenda as a discussion item.

Walden Little League Request for Funding

Manager Politi stated that the Walden Little League is requesting \$4,000 to replace the fence at Bradley Park. The village appropriated \$6500 as a matching fund to replace the back stop. Because of funding they can't meet the match for the back stop. They have found that the outfield fences are in pretty bad shape. They feel the fence on the major league fence should be replaced. They did apologize for removing the fence on their own. He and the mayor did meet with Little League and their intent is to work with the village to see if they can replace the fence with money that was allocated for the back stop.

Mayor Maher stated that there was miscommunication and the turnover in leadership where the past president and other officials of Little League stated that it was a grant not matching funds specifically for the back stop, which it was. Since then they have sat down and discussed many issues. As long as this board approves this the money is less than what was appropriated in the budget by \$2500. From here on forward they will communicate with each other and there shouldn't be any more problems.

Trustee Millsbaugh moved to approve the Little League's request for \$4000 to repair the fence in the major league outfield. Seconded by Trustee Hurd. All ayes. Motion carried.

36 Sherman Avenue-Board Action Request

Mr. Stickles stated that letters were sent to all the owners of 36 Sherman Avenue requesting, by this meeting, to figure how they were going to fund the repair of this building. He has received no answers. Jim Ronk is present at this meeting. His question to the board is if they cannot come up with the funding to make this building livable that the two unsafe portions be taken care of and the

house be boarded up. There are two gentlemen who have no relation to this property who are willing to assist Mr. Ronk is rehabbing this house. They do not have the funds until spring time. This is taking too much time and a decision will have to be made.

Mr. Dowd stated that what the structural engineer said is there are two parts that are unsafe and if they aren't going to take them down then the village can order them taken down and charge it to the tax bill.

Manager Politi stated that one of the parties contacted him today and advised him that they are on another job for two weeks and then they will be able to come in and remove the front and back porches and board the house up.

Mayor Maher stated that he understands the process and he understands trying to save the village money, he asked if Mr. Ronk since he is going to have help with someone putting money into this thing it seems like we are prolonging the inevitable, does he see himself fixing up this property. The village won't hesitate to project the integrity of the village.

Trustee Millspaugh stated that he sent an email to the manager. He asked if the manager had comments on the email.

Manager Politi stated that he doesn't have the email with him.

Trustee Millspaugh commented on the engineer's letter. He felt he did not address the situation in that house. He couldn't tell from the letter, it said the owner needs two nine inch LDL beams. What does need mean something he has to have or you would like him to have.

Mr. Stickles stated that the way the engineer explained it to him was there are two clear spans from the front to the back of the house and the material that was used in that time frame that the house was built would structurally hold the house. His suggestion is to break that span in half with an LDL to support the house a little better.

Trustee Millspaugh stated that the engineer did say it was required. That is what he is getting at. He was disappointed in his letter because he did not delineate what was necessary and what was just needed. He says in his estimation the roof should be stripped. He doesn't say the roof is in failure. All that should be in his report. He went down the list of things he had in there, A-H, all the walls plumb, and he should have said all the walls are plumb. Do the end members show damage beyond 33% for the structural, 50% for the non structural, he should say that.

Mr. Dowd stated that he took that letter to say that the main part of the house is structurally sound, it would be better if he did this to make it even. The only thing he took to be structurally unsound is the part that they are talking about now, front and rear porch.

Trustee Millspaugh stated that he didn't comment about that other than to say they will be removed. He feels the village's files should be more definitive. The first part of e is delapidated. We had pictures that showed that to be as bad as it could be. Number two under that is decay, he didn't comment. Three, safety, he didn't comment on safety. Four was unsanitary, that wasn't commented on. The building inspectors report said it was 90% cleaned up. Is it cleaned up to a point where we can say things are sanitary, there are no unsanitary conditions.

Mr. Stickles stated that they are at that point right now.

Trustee Millspaugh stated that he would like to see that in a report specifically addressed. The next thing says we go on to meet the standards expected and required before it is deemed fit for decent living. How do you define decent living? That's very subjective in nature. He feels they should say they are going to have to have sound walls, and floors will have to be carpeted. What is the condition of the roof? Is it adequate?

Mr. Stickles stated the structure is sound, the number of layers of shingles on the roof need to be removed. The rear looks like it has three layers, the front looks like it has one layer.

Mayor Maher asked Trustee Millspaugh if he got that out of the engineers report.

Trustee Millspaugh stated no.

Mr. Stickles stated that he asked the village engineer to find out whether the house was structurally sound before we went any further. It was Trustee Rumbold's impression that if it wasn't structurally sound why are we wasting our time. This man came in and walked through the entire house, from the basement to the second floor. They couldn't get into the attic. This is the analysis he gave the building inspector under his professional opinion. The building inspector asked for structural report.

Trustee Millspaugh stated that he ended his report saying something to the affect that with minor considerations the house would be, a summary in my opinion the structure of the home with minor upgrades is adequate to carry the design loads, but yet the building inspector has an estimate of \$56,000 to bring it up.

Mr. Stickles stated that he is talking about remodeling.

Trustee Millspaugh asked if the board is in the position of requiring remodeling.

Mr. Dowd stated that it has to be stable and habitable.

Trustee Millspaugh stated that it says for decent living.

Mr. Dowd stated that means meet the minimum requirements for state building codes and sanitary codes. If the structural engineer was to supplement his report to specifically say that the two steps, front and back porches taken down are in fact structurally unsound for this reason then that supports a finding by this board, if they don't take it down then the village takes it down.

Trustee Millspaugh stated yes.

Mr. Dowd stated that the same reason it should say the house itself is structurally sound or the roof is structurally sound, you want to see that in the report.

Trustee Millspaugh stated yes. He would like to see a list of what we deem necessary to assure the decent living.

Mayor Maher asked when Trustee Millspaugh emailed that information to the manager.

Trustee Millspaugh stated that he emailed him for a specific report back in October.

Manager Politi stated that he talked to Trustee Millspaugh about that. He brought that to his attention and to the manager's attention, now you've brought it to the board.

Trustee Millspaugh asked if his certificate of occupancy been revoked.

The building inspector stated that this house never had a certificate of occupancy. It was constructed prior to the issuance of them. This house was deemed unsafe for habitation by this board. It was also asked to have a structural analysis of the home to see if it was structurally safe which this is what was given to him. He was also asked at the last meeting to come up with some sort of an estimate of what it would cost to remodel this home, thus the \$56,000. To bring it up to current codes so someone could live in it.

Mr. Dowd stated and the minimal standards to make it habitable.

Mayor Maher stated that from his understanding the engineers report says that it will be structurally sound if certain adjustments are made.

Mr. Stickles stated that the end sentence says the house is structurally sound, right now, and the main portion of the home.

Mayor Maher stated that his recommendations of removing those two porches wouldn't have anything to do with it being structurally sound. It would be more structurally sound.

Trustee Millspaugh stated that it says with minor upgrades.

Mr. Dowd stated, so maybe putting that beam in for support would be a minor upgrade.

Mayor Maher asked Trustee Millspaugh if he's saying the engineers report is not specific enough.

Trustee Millspaugh stated that is what he is saying.

Mayor Maher asked the attorney if we are protecting our law if it's not specific enough.

Mr. Dowd stated that depends on what action the board is going to take. So far the board took reasonable action that it's unsanitary and inhabitable and now that is being addressed. Now it's the issue of the front and back porch. If the board is going to deem those unsafe and order them to be removed and if they are not removed by the owner we will remove them and charge it back. You want to have support for that in the report from the structural engineer.

Mayor Maher asked if the attorney thought that was in the report.

Mr. Dowd stated that he has not read the report. If there is doubt about that then he thinks before they do anything tonight, he wants two weeks, it might take us two weeks to get to the next meeting before we get a report that satisfies the board that it says take those two porches off.

Mayor Maher stated that the board needs a report that satisfies the board so they can make a decision.

Trustee Hurd stated that if Mr. Ronk can get his friends to take the porches off that would save him money and the village money. He asked, if the porches are gone is that house structurally sound.

Mr. Stickles stated that there is no bounce to the floors as they currently exist with the two by eight span on twenty six feet. Right now they meet code at the time it was constructed.

Trustee Hurd stated that if it's deemed habitable doesn't our authority stop right there.

Mr. Stickles stated that you can make the home now meet the code of the time. Trustee Millspaugh is asked for clarification on some of the words that are used within the report, to be more complete and more specific.

Trustee Millspaugh stated that in his original email he said that he doesn't know what we asked the structural engineer to do, but the letter they received does not make strong enough statements regarding the condition of the house. He would like the letter to be replaced with an item by item engineers report using firm wording, using owner needs, owner should and there should be no question of it's condition and what's required to assure a sound structure. If it's

possible for us to require to make the building be make it compliant then the discussion of insulation and ice guards are good items to be included.

Mayor Maher stated that when he read the report he had questions and he felt it was a little unclear and not specific as much.

Trustee Leonard stated that he also feels that way and they need clarification of the report. To break it out what has to be done structurally wise for the two ends of the house and recommendations for the rest of the property. If the board is going to go into this they have to be on firm legal ground.

Trustee Millsbaugh stated that he requested the report include the date inspected, the name and credentials of the structural engineer.

Trustee Millsbaugh asked if the inside of the house has been sanitized.

Mayor Maher asked about the taxes, will that have an effect.

Mr. Stickles stated that would not have an affect on what he is doing. It's up to the five people who own this home to make their taxes whole.

Mr. Dowd stated that if the property goes to the county they will be responsible.

It was the consensus of the board to have the building inspector call the engineer and ask him to clarify his report to address the concerns of the board.

Request for Audit Services with Nugent & Haussler

Mayor Maher stated that one of the board's big questions was how much will the audit cost.

Manager Politi stated that it will cost the village \$11,100 and the remainder is made up by community development funds.

Mayor Maher asked if the manager looked into if there would be any cost if the comptroller's office did the audit.

Manager Politi stated there wouldn't be a cost.

Trustee Leonard stated that he talked to the treasurer and she explained that the comptrollers report would focus on a different area of our finances. She also explained that this is important when we go to bonding. He feels they should go ahead and have the audit.

Mayor Maher stated that the treasurer said that yearly audits are necessary when we go to bond. He asked if it would be a negative if we had it every other year.

Manager Politi stated that you borrow every year and you need the financials every time you do that. They use the audit to get your interest rates. You take the risk of higher rates.

Trustee Millspaugh suggested they do it every other year because the audit comes through and the comment is always that we should have more internal control. If we had \$22,000 and counseled with Nugent and Haussler and asked them what they can do to increase our internal control it might be money well spent. He thinks this audit is just verifying numbers that the village generates. So, if you're out to tell them something that isn't true they may or may not catch it.

Trustee Hurd stated that they look at everything.

Trustee Millspaugh stated that he would like to see something done for internal controls.

Manager Politi stated that you will get that response and that would be another set of eyes for the bills, which you have. The board has audit capability as well. They compare the village to larger school system for that.

Trustee Hurd stated that when the village questioned them in the past about that they said that it would be nice but they recognize that a community of your size doesn't have the resources to do that. That has been the response over the last 10 years. It doesn't do away with the need for an audit.

Mayor Maher asked if the community development portion, can that be spent on something else.

Manager Politi stated that there are only certain areas you can use that money for. That is project based.

Mayor Maher asked, when the manager talks about increasing the rate, is there a dollar value he could throw out there to what that would be.

Manager Politi stated that he couldn't tell him.

Trustee Hurd moved to approve the audit with Nugent and Haussler. Seconded by Trustee Norman.

Mayor Maher stated that he wishes he had more information on the cost and the dangers of not doing it.

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

Roadway "Blind Spot" Review

Manager Politi stated that he gave the board copies of maps for roadway intersection blind spots so that board members can write down what they see out there.

Mayor Maher stated that he thought they were going to research specific locations.

Manager Politi stated that he gave the board maps so they can show him where those specific blind spots are. They will move forward on the intersection of Valley Avenue and East Main Street.

Mayor Maher stated that they talked about Sergeant Metzger being someone good to do this.

Manager Politi stated that they are also looking.

Mayor Maher stated that he was under the impression that the board would be discussing specific locations, why they were that way and what we could do to change it.

Manager Politi stated that this exercise would be coming from the board and they will enter that along with the fire departments turning radiuses and any concerns from the police department.

Mayor Maher suggested they ask the police department because they would have which intersections caused accidents. He asked for the manager to find out how many accidents have they had at that intersection. He would like to know by the next meeting specific locations, how many accidents have taken place at those locations so the board can move on doing something about it.

Public Comment on Business of the Board

Mrs. Sandbothe stated that when you go up Cross Street you can't see at the stop sign because of the hedges. She also asked about the missing lights by Cross and South Montgomery Streets.

Manager Politi stated that he did follow up on that and he will give the board a report on that.

Mrs. Sandbothe asked if in the building inspector's \$56,000 estimate is that taking care of everything. You would need a bio hazard company to clean that place out. They throw everything out, that is one thing, but one dog died.

Manager Politi stated that the dog dying was not based on that house. That dog was brought into Walden Humane Society and the opinion of the veterinarian they are pretty sure of what it died of, but the incubation period and because it was adopted and died at the adopted home that it goes back to the Walden Human Society. That is where the dog picked up the bacterial disease. It did not occur at that house.

Mayor Maher stated that one thing that is important is that they received pictures beforehand and he would like to see pictures now.

Mrs. Sandbothe asked if they had running water in the house.

Manager Politi stated that there are a number of things that have to be replaced.

Frank Lamacchia asked if Mr. Ronk, who was present tonight was an owner.

Mayor Maher stated that he is one owner.

Mr. Lamacchia asked if they know what they have to do to get that house done.

Mayor Maher stated yes.

Mr. Lamacchia stated then they know what they have to do so the village should give them a certain amount of time to get it done.

Mayor Maher stated that what stops the village from putting a time line on it is they are trying to see how much work can get done before the village has to go in and take on the expense. The board has to decide on how long will they allow this to go on.

Becky Pearson asked if the audit has to go out to bid.

Mr. Dowd stated no.

Ms. Pearson asked if the village went out for prices of other firms.

Manager Politi stated no. We did it before and the prices came in around the same range.

Trustee Leonard stated that the village did that when she was on the board and they couldn't find anything better.

Ms. Pearson stated that Trustee Hurd likes to safeguard the community on controls and part of those controls are signing those bills and some of the bills never get signed by four people.

Trustee Norman stated that the last couple months they have been signed by four trustees.

Mr. Casper stated that in regard to the blind spots his experience is a lot of the blind spots is vegetation height. He takes a stand against the comment the mayor made of check and see how many accidents were there. People don't have to die, or get seriously injured or suffer serious property loses in order to have relatively minor things corrected.

Mayor Maher stated that he said it added to the decision making process. That is not what he would entirely make his decision on. He asked the manager to look at the vegetation problem areas.

Ms. Vandermark stated that with regard to traffic court and if someone does not make an appearance what does the court do to follow up. Its their responsibility.

Mayor Maher stated that is a question for the judge.

John Revella stated that he is happy the village decided to put some money into Bradley Park. He has been injured on the major league fence because of the height. It was delapidated and dangerous. He sees the village addressed some of the issues at the end of Highland Avenue and Route 52.

Mr. Casper stated that Mr. Revella said he was injured on the fence at Bradley Field, in what way he was injured.

Mr. Revella indicated that he went for a fly ball.

Mr. Casper stated that the rules call for a four foot fence.

Approval of the Minutes – October 27th, 2009

Trustee Hurd moved to adopt the minutes of October 27th, 2009. Seconded by Trustee Leonard. All ayes. Minutes adopted.

Payment of the Audited Bills

Trustee Hurd moved to pay the audited bills of November 13th, 2009 that have four signatures. Seconded by Trustee Wynkoop.

Trustee Millspaugh asked about the bill for the railroad feasibility study.

Manager Politi stated that was the finish up on that bringing that to the board and that is reimbursable by the grant.

Trustee Millspaugh asked why was a survey done on the property for the Highland Avenue tank, that was annexed in the 1960's and something should have been done at that time.

Manager Politi stated that there was no survey on file. We wouldn't have done that without doing a search first.

All ayes. Minutes adopted.

Trustee Millspaugh asked if the monument for the recent annexation have been installed.

Manager Politi stated that he will find that out.

Correspondence

Trustee Millspaugh stated that he feels he should have received something regarding the sewer treatment plant consent order.

Manager Politi stated that it was just signed.

Mayor Maher asked if it was addressed to the entire board.

Manager Politi stated that it was sent to him via email.

Mayor Maher stated that there will be a spaghetti and meatball dinner, November 21st, 6-8pm at the VFW. The cost is \$9.00 and all proceeds will go to cancer aid and research.

Mayor Maher stated that last Friday was career day at Valley Central middle school and he, the mayor of the Village of Maybrook and Village of Montgomery Trustee Roepe participated. They talked to the kids about their local government and they did an exercise where they wrote a letter to Senator Larkin. Two hundred and fifty four students wrote letters. The mayor read one of the letters.

Miscellaneous Comments from the Board of Trustees

Trustee Leonard stated that he's spoken to the Police Chief about the radar sign and he would like to put it on South Montgomery Street and he would like to see it there too. He also asked if the village budgeted for New Year's Eve fireworks.

Manager Politi stated that they haven't.

Trustee Norman stated that its being worked on.

Trustee Leonard asked that Christmas on Main Street be on the monthly calendar.

Trustee Millspaugh stated that he feels he should have gotten a copy of the consent letter on the sewer treatment plant. He wants to be included in the loop as things progress.

Trustee Leonard stated that he attended the NYCOM conference and the purpose of that is to set up an agenda for the legislative meeting for the third week of February. The board will be getting handouts from NYCOM.

Trustee Hurd stated that DPW is currently fixing a 10" water main break on Sadlier Place. They were hustling and going strong. The new excavator is helping them.

Manager Politi stated that it is a three foot section that cracked so it takes time. The water tank had to be shut down and there was notice on the web site.

Trustee Wynkoop stated that the light is out at the Veterans Park.

Trustee Hurd stated that there is a light on Union Street and it is a lot brighter than other street lights.

Trustee Norman stated that she was invited to DPW to see the new piece of equipment and the young man that ran it did very well. Our manager also did very well.

Mayor Maher stated that he had a meeting today with the committee for Christmas on Main Street and everything looks very good. The business community is responding very well. December 17th will be a live nativity and on the 3rd will be the lighting of the tree and Santa's arrival. On December 10th there will be an opportunity to shop without your kids. There is a Walden Community Council meeting at Williams Realty, Route 208 at 7pm. Also, the Conservatory is doing their Christmas shows. If you haven't seen their shows, you should.

Executive Session

Trustee Leonard moved to hold an executive session pursuant to 105-(f), DPW Personnel; Park & Recreation Personnel; Village Manager and 105-(e), PBA Contract of the Public Officers Law. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Seconded by Trustee Leonard. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

