

**Village of Walden
Board of Trustees
Regular Meeting
November 24th, 2009
Motions and Resolutions**

Well Head Protection

Mayor Maher moved to have the engineer and manager draft a guide for well head protection. Seconded by Trustee Hurd. All ayes. Motion carried.

36 Sherman Avenue

Mayor Maher moved that based on the structural engineers report that the front and rear porches are structurally unsound, unsafe and must be removed by the owners, house boarded up and debris removed within eight (8) days and if the front and rear porches are not removed that the village will have them taken down, house boarded up and debris removed and the cost be charged back to the taxes. All ayes. Motion carried.

Resolution No. 05-09-10 – Budget Amendment

Trustee Hurd moved to adopt Resolution No. 05-09-10, Budget Amendment. Seconded by Trustee Norman. All ayes. Motion carried.

Scofflaw Review

Mayor Maher moved to authorize the manager to sign this contract with Complus. Seconded by Trustee Leonard. All ayes. Motion carried.

Approval of Minutes

Trustee Hurd moved to adopt the minutes of November 10th, 2009. Seconded by Trustee Leonard. All ayes with the exception of Deputy Mayor Rumbold abstaining. Minutes adopted

Audited Bills

Trustee Norman moved to pay the audited bills of November 24, 2009. Seconded by Trustee Hurd. All ayes. Motion carried.

Executive Session

Trustee Hurd moved to hold an executive session pursuant to 105-(f), Park & Recreation personnel, Village Manager and 105-(d), Litigation. Seconded by Mayor Maher. All ayes. Motion carried.

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

Adjournment

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

**Village of Walden
Board of Trustees
Regular Meeting
November 24th, 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
	Deputy Mayor	Susan Rumbold
	Trustees	Mary Jean Norman
		Richard Hurd
		Marcus Millspaugh Jr.
		Edmond Leonard

Also Present:	James C. Politi, Village Manager
	Victoria Kurtz, Deputy Village Clerk
	Dean Stickles, Building Inspector

Absent:	Roy Wynkoop, Trustee
	Kevin Dowd, Village Attorney, later present

Presentation

Manager Politi stated that the village has had the grant from the county for a ground water protection plan. John O'Rourke of Lanc and Tully will do the over view.

John O'Rourke of Lanc & Tully stated that they've been working with Leggette, Brashear's and Graham, Inc., hydro geologists. The village has two well heads which are both in the town, so you can't control the zoning in and around your well fields. What the grant is for is the hydro geologists to go out and analyze the well fields to determine what would impact your well fields. Now that they know where the ground water is coming from they can approach the town who is currently redoing their master plan and zoning in the spring and ask them to insert in their zoning an overlay district. Not to change the zoning but anything that is proposed in that area to put further restrictions on it. Some things they completely make illegal is hazardous waste material storage, dry cleaning, etc. There is a whole list of things. When you go before the planning board for a residential house you would put extra protections saying don't put underground storage fuel in there. You want to protect that area from a spill. In the report there are several ordinances that similar towns have adopted for overlay districts. What they would like to do is approach the town and work with them.

Deputy Mayor Rumbold asked if Mr. O'Rourke has looked at the town's zoning and if there were any concerns for him about what they allow in those areas.

Mr. O'Rourke stated that generally everything that is happening here has to go in front of the planning board. There is nothing in this area that says industrial. It's mostly residential.

Trustee Hurd stated that at one point they were talking about well head protection but what they were talking about was to stop any type of development in a board area. Would that preclude the typical two acre residential for the undeveloped area? Would that be impacted by the overlay, in terms of septic?

Mr. O'Rourke stated that it would all depend on how they crafted their regulations. If they had two acre zoning it would stay two acres. You could put further restrictions on them. These regulations say that you can't have an underground storage tank or you can't have a septic system feeding more than four bedrooms. If there was a town highway they would limit deicing in that area. It all depends on how they craft the regulations.

Trustee Hurd asked if he's had experiences with other communities where this has been adopted.

Mr. O'Rourke stated yes. IBG has done three of these and there are examples in the packet. Orange County Planning and Orange County Water Authority have developed rules and regulations just for this. Personally he dealt with it in the Village and Town of Monroe who have a reservoir system. There is an overlay protection area around any area that drains into the reservoir. If the village's wells were inside the village they would do it themselves. Because you can't regulate outside the village you have to work in partnership with the Town of Montgomery.

Trustee Leonard stated that the timing of this is very good because the town is doing their master plan and comprehensive plan.

Trustee Millspaugh asked if the village had contingency plans.

Mr. O'Rourke stated yes that the village has an emergency action plan.

Manager Politi stated that it's specifically for water.

Trustee Millspaugh stated that there was talk at the town about getting a line to the Bruderhof, should the village contemplate trying to do something like that as a contingency plan.

Mr. O'Rourke stated that they could look at different water sources.

Trustee Leonard stated that the fact that we have two different large producing well fields gives us a back up too.

Mr. O'Rourke stated that the village's water supply is fairly safe right now. It would have been nice if they were both in the village, then you would have control.

Manager Politi asked if the board wanted them to move forward and draft something that can be given to the town.

Mayor Maher moved to have the engineer and manager draft a guide for well head protection. Seconded by Trustee Hurd. All ayes. Motion carried.

Presentation

Manager Politi stated that now that the order of consent has been signed and we are moving forward Mr. Bright will give an overview of what it means to go forward to see what is happening through the report the board has. In the back of the report is the schedule of compliance. The first step has been submitted.

William Bright of Delaware Engineering stated that they started this process the end of March and they were provided a letter notifying them of the order of consent. DEC had provided a list of the violations prior to that. The engineering report was delivered on November 16, 2009. The next deadline is on or before January 31st, 2010 and they will be providing them with an overview of infiltration/inflow. He went back to the violations that they listed in the order, initially there were 59 violations and of the 59 violations there were 18 events, so we were in violation 18 days. Of the 18 days 8 of them were flow violations. The first event that had flow involved created six violations. When you have flow violations it also creates other violations. DEC fully understood that flow was one of the major issues from a capital improvement perspective; because at the treatment plant once they instituted some operational they brought the water quality into compliance. The water quality has been in compliance since March. Since then any violations have been flow related. DEC wants them to go back into the collection system and identify the major areas of infiltration and document that in an engineers report. That report is due January 31st, 2010 and they are already working on it. They will sit down with DEC after that and go through it and prioritize what they believe needs to be addressed. The next deadline is February 28th, 2010 and that is an engineers report. In the consent order certain issues, capital improvements at the treatment plant were requested. They negotiated to make sure that what they did provided the most bang for the buck. The first thing they are going to do is redo the headworks. The second thing they will be doing is upgrading the sludge transfer equipment in the basement. The pumps are 26 years old. The digester is a methane digester which is an aerobic digester by design but it hasn't worked that way in 25 years. They will be converting that. Since DPW has been involved and VRI has been on site they have been processing a tremendous amount of sludge. They've been monitoring sludge levels in the tanks. Part of the upgrade is emptying the digester and getting more structural evaluation and then recoating the digester and putting new fuses in it, making it an aerobic digester. That will

cut down on odors. Two projects that were done that were negotiated with DEC and already completed when they first came in was the chlorine contact tank; historic was a source of coliforms and high DOD's. What they did was to install diffusers in this chlorine contact tank that aerates now. As they move through the process this tank is something they negotiated with DEC where they add a dechlorination chemical which is a very simple inexpensive add on the back end of the plant. Then they could maintain a residual as high as they want for disinfection. They want to involve that in the negotiations. They made an offer to DEC to invest a few thousand dollars in the plant to do some work in lieu of the \$37,000 fine that they were originally contemplating hitting us with. They said that the environmental off set program really isn't to benefit the one who is doing the violating; it would be if they did an educational program for a school. That didn't make any sense for them and the village. They wanted to put money into the plant. That was rejected. Just one of the reasons the consent order dragged out a little bit, they were negotiating pretty hard for the village. They did get the fine down to \$25,000. The next deadline is January 31, 2011 and that is a full monitoring report. This year they are going with the plan and negotiating with DEC on where they are going to monitor to determine where all the infiltration is coming from and then next January they will write to them to tell them where it was. Then they turn the report over to DPW and they will go through it and prioritize the areas where the most flow is coming in, once they start doing repairs and start eliminating the I and I. The village has been doing quite a bit to reduce the I and I. When they first got involved last December they were in the process of replacing the entire 1200 feet of main which represented 200,000 gallons of infiltration. The problem with an old system is you eliminate it here and it pops up over there because it is an old system. There is not enough money in America to replace all of the old collection systems that are wrong. On or before June 30th, 2011 we have to complete improvements to the head works of the sludge digester and the sludge transfer. On or before January 30th of each year, up to and including January 30th, 2013 they have to submit certified reports on I and I. The good thing about the consent order is it's not open ended. It ends January 31st, 2013. They've come up with a good plan to address the consent order. It's a plan they had in place before they were even notified.

Mayor Maher stated that Mr. Bright spoke about making sure the digester is from anaerobic to aerobic. We bonded \$600,000, are we talking exceeding the \$600,000 bond.

Mr. Bright stated that they believe they can do the work for less than \$600,000. They are planning on doing the work in-house.

Trustee Hurd stated that he spoke to someone that is with a company that specializes in these kinds of coatings that coat the digester and he's been working with engineering firms and he gave him Mr. Bright's number.

Mr. Bright stated that there are a lot of different coatings. They will bring in the experts. Their biggest concern with the digester is the structural integrity.

Mayor Maher asked if there was a time line on that.

Mr. Bright stated that it has to be done by June 30th, 2011. They are well on their way. They are in good shape in beating the deadlines. The last inspection report that DEC did which was August 6th, 2009 they are happy with the way the plant is being operated. The two village employees have done an exceptional job.

Deputy Mayor Rumbold stated that she is sure Mr. Bright is aware of the large construction project going on in the village. Her concern is given this time line, if they are having issues now with flow should the village really be contemplating any kind of moratorium or something because if our system can't handle what they are producing now, how are we going to manage if we are adding that much more.

Mr. Bright stated that for dry weather flow its fine. They are well below the limit.

Manager Politi stated that question did come up and DEC would be the ones who would say you can't do it.

Mr. Bright stated that they will be reviewing the plans. The additional flow will not be I and I. They won't see the first flush from them for two years so they will be well along. DEC will make that call; the village won't have to make that call.

Deputy Mayor Rumbold stated that they were talking about wording in the consent order, are they happy with that.

Manager Politi stated that they did the best they could.

Mr. Bright stated that administrations have changed in Albany. They are being approached completely differently now then they were two years ago. The people in charge now are true believers. It will take awhile to get use to the greater level of enforcement.

Deputy Mayor Rumbold stated that she doesn't want the village to get into a position of DEC making that call and if the DEC doesn't make that call and we go ahead as planned and we run into an issue with the system that the DEC can now say, oh look you had an event and now you're out of compliance here's another revenue source lets slam the village.

Mr. Bright asked if they've made formal application to connect to the village.

Mr. Dowd stated that they are in the SEQRA process.

Mr. Bright stated that maybe a comment from the village might be to request they have a specific DEC review on it as well. It might be a simple call to DEC.

Deputy Mayor Rumbold suggested it be in writing.

Mr. Bright stated that he can send something.

Mr. Dowd stated that they have to comment as part of the SEQRA process.

Mayor Maher thanked Mr. Bright for the good job he is doing.

Deputy Mayor Rumbold stated that the village used to get emails from him and she hasn't gotten any in a long time.

Mr. Bright stated that it's because they've been dealing a lot with DEC. The facility is operating as good as he's ever seen it operating. They are removing sludge which is the key. The belt press has been rebuilt and it will need more work. The guys down there know what they are doing and are doing well. If we keep going the way we are going we are in good shape. The only permit violation you have since they've changed operators there's been one flaw.

Manager's Report

Manager Politi advised the board that he is working on a trail etiquette sign right now.

Trustee Hurd asked about putting a center line on the trail.

Manager Politi stated that they looked at that and it should be a shared item. He would like to discuss it in the next fiscal year. He thinks it would be worth it.

Trustee Leonard asked if the manager has talked to Jan Ool about a plaque.

Manager Politi stated that he has to get back to Mrs. Ool about that.

Manager Politi asked if the board read the information on the pump.

Mayor Maher stated that he did read it and it looks like Stantec will be purchasing the pump for more than it is actually worth.

Manager Politi stated that the glitch was when the shop drawings showed up in the office that is where you see the add on of time. That review cost was added onto the pump. That is where the failure was. All the other parts were right. They agreed on that number and they will back it out of the bills that they have, not planning board bills.

Mayor Maher stated that the pump the village paid for has now been paid and it wasn't a waste of money and it was rectified.

Deputy Mayor Rumbold asked if they were recovering \$694.46 in engineering costs.

Manager Politi stated correct, that would have been a review of the shop drawings.

Deputy Mayor Rumbold asked whose explanation is this.

Manager Politi stated that this is what they've been talking about for some time trying to figure out the numbers. They both went back and forth.

Deputy Mayor Rumbold asked what methodology did they use because she was assuming that it was going to be far more engineering costs that they would recover. How did they figure out that their explanation was accurate?

Manager Politi stated that they went down to drop off the truck and they realized that the only thing missing on there is the draw pin, the motor and pump are right together. It was in that review process of the shop drawings so then you have to go back, one was the review process and that was methodology, get back into the review process and that was the value you had for that review.

Mayor Maher stated that in regard to the rail trail it was brought to his attention who patrols and when do they patrol, is it the town.

Manager Politi stated that everyone has.

Mayor Maher asked if the village patrols the rail trail.

Manager Politi stated yes. We do go out to Lake Osiris.

Mayor Maher asked about after hours.

Manager Politi stated just when they get calls.

Trustee Hurd stated that people have mentioned to him that they've seen hunters coming in from the hunting areas. They were coming up the rail trail approaching the village.

Manager Politi stated that the two towns fight that more than the village does.

Trustee Hurd suggested a sign be put up.

Mayor Maher stated that there is a solidified number as to how much the village has paid the firm of Young, Sommer, LLC for cost dealing with the DEC fines.

Manager Politi stated, understand that is to date, there will be more.

Mayor Maher stated that goes with the question of how much did the village spend negotiating down the \$37,500 to \$25,000.

Manager Politi stated that there is more to that than just the number. Yes, you went from \$37,000 to \$25,000, you spent \$8,000 to get there, but there are other benefits to that.

Mayor Maher stated that the number was \$8,457.42.

Deputy Mayor Rumbold asked what fund that comes out of.

Manager Politi stated that it would come out of sewer.

Manager Politi stated that they will still work with Kevin Young as they go forward.

Mayor Maher stated that it looks like they did work on what Mrs. Sandbothe brought up.

Deputy Mayor Rumbold stated that if that comes out of the water and sewer fund she sees that there is a fund transfer, then that figure of \$8,457 isn't included.

Manager Politi indicated that was just for the fine.

Deputy Mayor Rumbold asked if there was money in the water and sewer fund to cover the \$8,457.52.

Manager Politi stated yes.

Mayor Maher asked the manager to go into detail about the request for the light on Main Street.

Manager Politi stated that because they are reestablishing the light they have to put that into engineering and it's in that process and that will take time.

Mayor Maher stated that it looks like work was done regarding the Ethics Board's findings, the copier and the administrative offices.

Manager Politi stated that you have the ability now to code in the copier for each office. He will need codes from the board members, a five digit code number. Also, photos for ids have to be taken.

Trustee Millspaugh asked about the lights on the bridge.

Manager Politi stated that he has contacted Senator Larkin and they will be calling the state.

Mayor Maher stated that a resident outreached to Nancy Calhoun about that and he spoke to her today. She will personally work on that. When he talked to the state he didn't hear anything back. Hopefully this will work.

Deputy Mayor Rumbold asked if there were current applications out there for sewer and water.

Manager Politi stated that there is one piece left for the sewer in the \$70,000 range, which is including the match. We have until 2012 to use it. We are searching for other grants right now.

Deputy Mayor Rumbold asked to be kept up to date.

Mayor Maher asked about Car #4, monthly repairs are \$11,401.03, \$4,033.08 on Car #4 which is the one with the 113,000 miles on it. He asked if we're getting hit each month for that car.

Manager Politi stated that it's every car.

Mayor Maher stated that it's Car #4. He suggested they don't use it.

Manager Politi stated that he will see what the time line is on this car.

Mayor Maher suggested that they take the car off the road and then during budget time if we need that extra car in the fleet then we have a need for it because it will be off the road.

Manager Politi stated that there is also warrantee work.

Mayor Maher asked to have a report on that, what the actual costs are.

Trustee Leonard stated that DPW is doing more work on vehicles.

Trustee Millspaugh asked about the monuments on the annexed property.

Manager Politi stated that he will get the dates that they were installed.

Mayor Maher stated that a resident told him that the minutes of the meetings are very hard to get. The library has up to three years of minutes and then they get rid of them. He was told by a resident that they only have up to 2008. He asked that they be put on line.

Manager Politi stated that the Village Clerk is sending the minutes to the web.

Mayor Maher stated that he would like to see the planning board minutes on line.

Trustee Leonard stated that he will talk to the planning board chairman about the minutes.

Deputy Mayor Rumbold stated that she wants to make sure that the village is still actively putting information on line as much as possible and save paper.

Manager Politi stated that they just finished putting on the scanner.

Trustee Hurd stated that lap tops are coming down so he suggested the village purchase them for the board. He's not sure there would be a cost savings.

Deputy Mayor Rumbold stated that it's not just the cost of the paper; it's the time putting the packet together too.

Mayor Maher stated that he doesn't mind that being looked into.

Public Comment

Diane Sandbothe, 90 Liberty Street asked about the oil truck and the two cars on Madison and Seeley Street, Mr. Stickles said he was going to have a report.

Mr. Stickles stated that the issue with the oil truck is going before the court. Once it goes to the court he loses control over it. There is one car at 31 Madison and it is a licensed car. The unlicensed car at 32 Seeley Street does not fit our code. It's not in a junked, dismantled condition and it looks like it can pass New York State inspection. Also, last meeting Mrs. Sandbothe brought up computers and televisions around the area. He took a ride around the village and there are two televisions at 9 Donner Drive, one computer monitor at 20 Seeley Street and one television at 70 Liberty Street. They were noticed for that.

Trustee Hurd stated that a lot of people don't know that those electronic devices are not going to be picked up during bulk pick up. He suggested the village pick them up.

Mr. Stickles stated that the transfer station will accept one monitor or television per week.

Manager Politi stated that County Waste is also restricted as to what they can bring.

Mr. Stickles suggested the village contact the county and request more collection days for electronics.

Mrs. Sandbothe stated that the bridge was replaced two or three years ago and this is the fourth time the lights have gone out. What makes them think Mrs. Calhoun getting

involved to fix the lights, in six months the lights will go out again? Isn't it the contractors fault?

Manager Politi stated that a state bridge is designed by the state engineers. That is a design flaw internally. It's on the state to correct it.

Mrs. Sandbothe stated that when you cross the bridge going east there are four or five lights out. She also asked who is paying the \$25,000 fine. Is that next year's budget.

Mayor Maher stated that its out of this years budget.

Mrs. Sandbothe asked if the taxpayers will end up paying for this next year.

Mayor Maher stated no.

John Revella, 16 Church Street thanked DPW and Parks and Recreation who assisted in decorating downtown. He also thanked the board and other departments in the village for their cooperation in setting up the village for Christmas on Main Street. He also stated that there are certain issues regarding firearms on the rail trail. There are certain codes with DEC where you can't discharge firearms within certain amount of feet from the roadway.

Becky Pearson stated that the county does send a letter twice a year about dropping off TVs and monitors. She would like that on the calendar.

Deputy Mayor Rumbold stated that it appears that not everyone got the notice that leaves can't be in plastic bags. She asked if the village knocks on doors to advice them.

Mr. Stickles stated that he has stopped and told certain people that they won't be picked up. He was advised that the paper bags are expensive and if the garbage company doesn't pick them up they can stay there. If they do leave the bags they will be cited.

Trustee Hurd stated that they really aren't that expensive.

Mr. Perkins asked that the questions from the board meeting be put on line so they know they've been resolved. He also wanted to know who to complain to when lights go out. He's called NYSEG and they've came several times and fixed them.

Mr. Stickles advised Mr. Perkins to go to his developer to get the lights fixed. Those public improvements have not been dedicated to the village.

Mayor Maher stated that if he needs any assistance let him know and he or the manager will help him.

Mayor Maher also stated that everything is in the minutes.

Trustee Hurd stated that they would benefit from being at the meeting to participate.

Manager Politi stated that his report can be put on line.

It was the consensus of the board to have the manager's report on the web site.

Mr. Dowd stated that they just have to be careful with confidential things.

Deputy Mayor Rumbold asked why building permit applications can't be put on line.

Mr. Stickles stated that his building permit applications are a folder and all the information goes inside the folder. That is why he doesn't want them on line. He will mail or deliver them.

Dave Sperry, 4 Overlook Terrace stated that the minutes he understands that it will take a few months to get them on the web. He asked if they will be going from this day back to put them on.

Mayor Maher stated yes.

36 Sherman Avenue – Board Action Request

Mr. Stickles stated that he received the engineers report this afternoon and he gave the board members a copy of it. At the last meeting the board requested updated pictures; they were taken this morning at 7:30. He asked the engineer to clarify the three or four points that were brought up at the last meeting. All he asked the engineer to do is a structural analysis of the building, not anything else.

Mayor Maher asked Trustee Millspaugh if there was any difference in this report.

Trustee Millspaugh stated that there is a difference. Specific items were addressed to our code. He does make statements other than the general statements.

Deputy Mayor Rumbold asked if the engineer knew that they were having a meeting in two weeks when the building inspector wrote the letter and did he know when the board would be discussing this subject again.

Mr. Stickles stated that it states it right in the letter.

Deputy Mayor Rumbold stated that evidently he decided that it wasn't anything he should rush to get the board in a timely manner so they can look at it before the meeting and what engineer is this.

Mr. Stickles stated that it was Mark Day.

Deputy Mayor Rumbold asked, so where are we.

Mr. Stickles stated that is up to the board. As far as he is concerned the house has been cleaned up, all of the unsafe portions of it.

Mayor Maher asked, how do we define livable, habitable.

Mr. Stickles stated that right now its not habitable.

Mayor Maher stated that he agrees.

Mr. Stickles stated that the owners are not going to take the two unsafe structures down, front and back porches. If they don't do it the village will do it and also board the house up.

Trustee Norman stated that one report was there was no money to repair or fix this house. How long are we going to do this?

Trustee Leonard asked, the language in this revised engineers report, does this justify us taking legal action.

Mr. Dowd stated that it could.

Mr. Stickles stated that the owner and two people involved with one owner have been very busy moving Amthors. He thinks its time the board makes a decision.

Mayor Maher asked how much will it cost to do the work.

Mr. Stickles stated that he doesn't really know, five or six thousand dollars.

Mr. Dowd stated that in the past action they did not order these particular owners to remove specific parts of the unsound building. We said it was unsafe and what was going on with the interior, it was uninhabitable. Now we need to make the finding of the fact that part of the structure is unsafe and unsound, we need to make the finding of that based upon the report they received from Mr. Day and then order it removed and if its not removed then the village does it and puts it on their taxes.

Mayor Maher asked the building inspector, in his experience with working with these people as he has been over the years, is that a waste of time.

Mr. Stickles stated that the two gentlemen that are helping him will do what they say they will do, the owner will not.

Mayor Maher asked, where does that leave us. He asked Mr. Dowd if they should have this process, do we have to give them some amount of time or can we make that decision.

Mr. Dowd suggested the board take an action based upon the report from the structural engineer finding that the front and rear porches are structurally unsound, unsafe and must be removed by the owner. He suggested that they give him a short leash and if it's not done in that period that the village is ordered to take it down, remove all the debris, board it up and charge it back to the owners. He suggested a maximum of seven days.

Mayor Maher moved that based on the structural engineers report that the front and rear porches are structurally unsound, unsafe and must be removed by the owners, house boarded up and debris removed within eight (8) days and if the front and rear porches are not removed that the village will have them taken down, house boarded up and debris removed and the cost be charged back to the taxes.

Mr. Dowd clarified that it's eight days from mailing.

Trustee Hurd suggested the building inspector call the owners and give them a heads up.

Trustee Norman stated that he's done that.

Deputy Mayor Rumbold stated that unless he calls everyone who is going to get a notice of violation for anything, you talk about setting precedent that is the wrong thing to do.

Seconded by Trustee Leonard.

Deputy Mayor Rumbold stated that her concern is do you get specific about boarding up. It has to be aesthetic.

Mr. Stickles stated that the boards have to be painted to match the house colors.

All ayes. Motion carried.

Resolution No. 05-09-10 – Budget Amendment

Manager Politi stated that our revenues are up and we paid the claim out of judgments and claims so you're taking the revenue and placing in that line item to pay for that claim.

Trustee Hurd moved to adopt Resolution No. 05-09-10, Budget Amendment.
Seconded by Trustee Norman.

Deputy Mayor Rumbold asked where the money is coming from

Manager Politi stated that it's coming from increased revenues from the increased rates.

Deputy Mayor Rumbold asked if they were taking it from within water and sewer.

Manager Politi stated, within that department. It's not coming from another department, you're not taking it from the general fund, or water, and you're taking from within the department and shifting that money into the appropriate line of judgments and claims.

Deputy Mayor Rumbold asked if from June 1 did we have enough revenue increase in the water and sewer line to meet that \$26,500.

Manager Politi stated correct.

Deputy Mayor Rumbold stated that we had \$75,000 in uncollected water and sewer last year.

Manager Politi stated that was in each, \$75,000 in water and \$75,000 in sewer.

Deputy Mayor Rumbold asked if they've collected the \$150,000 that are in arrears.

Manager Politi stated that he will find that out.

Deputy Mayor Rumbold stated that if you look at those calculations, if you're \$150,000 in the hole before you start, then you have a rate increase.

Manager Politi stated that they may have gotten those in already. He will check. When you're reimbursed for the uncollected taxes, the board passed that resolution, he doesn't know if the village has received that check yet.

Deputy Mayor Rumbold stated if the check hasn't come in and we're \$150,000 down to start the day, where do we come up with \$26,500 to the positive to pay.

Manager Politi stated that you're collecting rents as you speak. You have your revenues coming in, so it's there to use. You're just getting it in the line where it came from.

Deputy Mayor Rumbold asked, water and sewer have to maintain themselves, it has to be self pay, if we're down \$150,000 in uncollected revenue where did the money come from to make that account whole, that \$150,000.

Manager Politi stated that its coming back from the county.

Deputy Mayor Rumbold asked, where have we been getting the money to operate that fund then.

Manager Politi stated from the rates you are currently in. You're still collecting rents.

Deputy Mayor Rumbold stated that she understands you're collecting rents, but if you're behind \$150,000, you have \$150,000 in uncollected rent, we don't know if we've gotten that \$150,000, we had to increase rates because we couldn't pay our bills, and she knows we're collecting rents now, so where did we get the \$150,000 to operate those accounts if we had that much money in arrears, if we weren't meeting expenses and that is why we had to increase our water and sewer rates. We weren't able to pay our bills and we had to borrow from the general fund and put it back as we collected, she is not sure where we are getting, how much did our revenues increase.

Manager Politi explained that you're going to pay a bill from judgments and claims, which is where you're going to pay a bill for \$25,000. You took \$25,000 from your department and you now place it in that line. The \$150,000 could very well be here already. He just can't answer that question.

Trustee Hurd stated that we know we're going to get it, so what he thinks he is hearing is our regular operating budget, we still operating, we're still getting rents and still paying our stuff.

Mayor Maher asked if they can say these are unrelated topics.

Deputy Mayor Rumbold stated that she is confused about where we're, you tell the community that we are in dire straits, we can't pay our bills in these funds, we have to raise your water and sewer rates, we're \$150,000 in arrears, that people haven't paid their bills and we have to wait for the county to send us a check and now all of a sudden we tell the community, we have \$26,500 to pay this judgment. She knows they are taking it from judgments and claims.

Manager Politi stated that you're coaching at a much higher level than \$25,000. You're just shifting the revenue over.

Deputy Mayor Rumbold stated that she understands that, but on the face of it we're in dire straits.

Manager Politi stated that you can look at it that way.

Deputy Mayor Rumbold stated that it would be a nice idea if the board had an explanation, very simple, a,b,c,d, here's where the \$150,000 is, here's why we had to raise your water and sewer rates and here's where we got the \$26,500 to pay this fine.

Manager Politi stated \$150,000 and your increased revenue was already explained in your budget. Here you're just simply paying a bill out of a line. We're making sure that line carries that bill. You're still collecting rents.

Deputy Mayor Rumbold indicated that she understands that, but if you haven't gotten a check for \$150,000 then where is it.

Manager Politi stated that he's going back to what the mayor said, they are unrelated.

Deputy Mayor Rumbold stated that they are not unrelated because this fund has to be self sufficient. You expect X amount of revenue in order to run that operation and your \$150,000 in the hole, you don't know if you've gotten that money yet. So how did we pay all our bills? You said we can't pay our bills unless we raise the water and sewer rates.

Mayor Maher asked if they are expecting that we are going to get that money.

Deputy Mayor Rumbold stated yes, but where does it come from, how did we pay all those bills. Where did that \$150,000 come from that we didn't have to operate those funds.

Manager Politi stated that the rates that came in they were able to pay them.

Mr. Dowd stated that the \$150,000 are from people who haven't paid their water and sewer bills, those are now levied on the state, county and town taxes, but there are still hundreds of thousands of dollars that are coming in from people who have paid their sewer and water bills, that is the operating money your talking about.

Deputy Mayor Rumbold stated that she understands that. She is not being obtuse.

All ayes. Motion carried.

Scofflaw Review

Mayor Maher stated that much work has been done with the scofflaw. He asked if the attorney has reviewed the contract.

Mr. Dowd stated that there is an indemnification provision in there which they should talk to their insurance carrier about to make sure they can provide that indemnification and insurance coverage. He noticed they want the venue in case there is a dispute to come to the Supreme Court in the County of Nassau or the U.S. District Court in New York which is in Brooklyn. He was surprised because he knows they are in Westchester County. The fee schedule is 25% of all ticket collections received by the client and then it says with a monthly billing of \$400.00. He reads that to me and regardless of how much they collect you owe them at least \$400.00 a month. He doesn't

know at all what the output of the tickets are and whether that is a number that is higher or lower.

Mayor Maher asked if it was comparable. He indicated that Judge Ozman shook his head yes.

Mr. Dowd stated that these are not legal bars that he is raising; he's just saying to be aware of what is in the contract. For instance, if you took a regular parking ticket in the Village of Walden, it's \$10.00 for the first offense. If you're only getting \$7.50 of that if they collect it because they've taken 25% out of it. There are also incidentals in there, for instance they mail out notices and the village is responsible for the mailing of the notices and he doesn't know how much that is. He doesn't think there's any cost in us indemnifying them or providing insurance. He wanted to point out that when you start with a \$10.00 ticket and you start giving away 25% and then other costs and also the cost of giving the ticket out by your own ticket people whether or not you're making any money. This a fiscal point of view, not legal. The way this is written is it's a one year contract for the term that they sign it and it automatically renews after a year unless you give 90 days written notice of termination.

Mayor Maher stated that he sees this as a one year trial run and he has faith in our justice that this was negotiated to the best our interested.

Mr. Dowd stated that he just wanted to point out issues, to make sure that you know if you have to hire council you have to go to Brooklyn or Nassau County. Just the fact that there are costs involved here and he doesn't how far back they will go to collect some of these tickets and then there is the mailing of the notices to everybody in state and out of state that the village is responsible for picking up, so there is an initial outlay of cost to the village, there is the \$400 minimum per month.

Trustee Hurd stated that the one year review is wise, but we actually should give it a nine month review if they want to terminate. He asked if they can change the first year language.

Mr. Dowd stated that the judge tried to do a six month trial period.

Judge Ozman stated this would be an agenda item after six months because if you choose to engage this particular organization you must notice them in writing 90 days before the conclusion of the one year contract in order to terminate the contract. If you put it for the nine month window that wouldn't give the board enough time to make a decision.

Mayor Maher asked how far back would they go with the tickets.

Judge Ozman stated that three years is a reasonable number. It is legal to go back more than three years, but three years is reasonable.

Mr. Dowd asked how were they getting the tickets to them.

Judge Ozman stated that they suggested mailing them to them.

Mayor Maher asked if the tickets need to be restructured before we do this.

Judge Ozman stated that you can change it any time, but going forward the board may want to look at it.

Mayor Maher asked if it was something the judge could prepare.

Judge Ozman stated that it is something he could not do, but certainly it could be done in committee by this board.

Mayor Maher asked Trustee Leonard if he would like to work with him on seeing how they could better figure out our tickets.

Trustee Leonard stated that some of the ground work has already been done.

Mayor Maher stated that there is room for one more person if they would like to join.

Mayor Maher appointed a sub committee of Trustee Leonard and himself to look into forming a new ticket format.

Mayor Maher moved to authorize the manager to sign this contract with Complus. Seconded by Trustee Leonard. All ayes. Motion carried.

Roadway Traffic Site Distance Concerns

Manager Politi stated that there was one area the board had asked him to look at and that was East Main Street and Valley Avenue to see if there were any accidents or incidents at that intersection. They looked at a two year period together and there were seven accidents there. He went to Giuseppe's one day and everyone was talking and he has no problem because he has a parking lot. He will move that parking back. The other one they did find was West Main and South Montgomery Street, but they don't know how to handle that. The one way came up at one time, coming down Cross Street. The problem is taking a left on the other side, not by the bridge. He's not sure what the answer is.

Mayor Maher asked that the first one be put into action right a way. The second one, if it's two possible left turns, eliminate one of them and have a no left hand turn.

The manager stated that they will explore this more.

Mayor Maher stated that they will leave this open in case there are any other residents that would like to offer any other blind spots.

Manager Politi stated that they are researching others.

NYCOM Legislative Priorities Review

Manager Politi stated that he attended the NYCOM conference, legislative priorities on November 9th. He put information in the board's packets. He asked the board to look at the information and then we can do our own priorities.

Trustee Leonard suggested the board look at what has happened with the legislation, what was vetoed and what was passed.

Manager Politi stated that they don't have what NYCOM has said.

Trustee Hurd stated that some of these conclusions were contradictory. It doesn't sound like they are talking to each other.

It was the consensus of the board to take some time to read the information and prioritize things and have it on the next agenda.

Public Comment on Business of the Board

Brenda Adams, 31 Valley Avenue stated that at the last board meeting there was conversation about the site distance at the top of William Street off of Valley Avenue onto Ulster, its hedges not parking.

Ann Ilkew stated that in regard to 36 Sherman Avenue Mr. Stickles stated that there are two designated unsafe structures front and rear porch, she suggested it goes eight days. She also suggested that area get taped off.

Trustee Millspaugh stated that there is a structure on that property that is in failure and it leans over, perhaps that should be taken down too.

Mayor Maher asked that be looked into.

Deputy Mayor Rumbold stated that when you talk about unsafe issues it should encompass the whole property.

Approval of Minutes

Trustee Hurd moved to adopt the minutes of November 10th, 2009. Seconded by Trustee Leonard.

Trustee Millspaugh stated that on Page 13 and 16 he made statements about the building, Page 13, 9th paragraph, change to engineer did not say it was required, Page 16, last paragraph, using firm words, using owner needs, not using owner needs, its moot now.

Trustee Leonard stated that he would like to make sure they include the changes in the minutes that the judge made.

Mr. Dowd stated that he spoke to the clerk about those changes. He never said that. She put in the minutes verbatim what he said on the record.

Mayor Maher stated that there is no one here to say anything else so the minutes would stand as they are.

Mr. Dowd stated that you can't amend something that he didn't say.

Trustee Hurd amended his motion to include the one comment by Trustee Millspaugh to add the word not.

All ayes with the exception of Deputy Mayor Rumbold abstaining. Minutes adopted.

Audited Bills

Trustee Norman moved to pay the audited bills of November 24, 2009. Seconded by Trustee Hurd.

Deputy Mayor Rumbold stated that she spoke to the manager about when employees go away and we have a food allowance what happened was two employees went to the same conference and each are allotted x amount of dollars and what happened it was put on one bill and the server put down one patron so it looked like one person had \$48.00 for a meal. Her suggestion that when there is more than one employee they get separate checks.

All ayes. Motion carried.

Correspondence

Mayor Maher stated that New York State Department of Public Service wrote the following letter; as the 2009-2010 winter season approaches many New Yorker's will face the difficulty of managing winter energy costs due the challenging economic conditions. This situation will be particularly hard on the elderly and people with fixed or low incomes. It is more important than ever that consumers are made aware of the steps they can take to use energy efficiently, save money and help the environment. We also need to make consumers aware of the bill payment options and financial assistance programs available to help manage energy bills and stay warmer this winter. The mayor

will create a blog explaining this letter. There is nice literature giving tips on how to save money with your heating bills. This information will also be made available at the village offices.

Trustee Leonard stated that the 1st of January the Federal Weatherization Program will be starting. He will get the information when it is made available.

Mrs. Adams suggested it be put on the calendar because a lot of the people who need that do not have computers.

Mayor Maher asked if the December calendar went out.

Deputy Mayor Kurtz indicated that it has.

Deputy Mayor Rumbold suggested information be handed out where meals are being served to the seniors.

Mayor Maher stated that he contacted Mary Anne Landolina who runs the senior meetings at the firehouse every Tuesday. He will go in front of them.

Manager Politi stated that he will look at putting something on the water bills.

Board Comments

Trustee Norman stated that she and the manager are looking to get wreaths on the west side. It may be a little late getting them, but there will be something.

Mayor Maher stated that he spoke to the manager and he had an idea, there is a line in the mayor's budget for celebrations and he would like to start a service award at the tree lighting. It would be awarded to an individual or group of individuals. It would be awarded by the mayor and any village resident can nominate an individual or group. It would be a service where they would put a plaque up in the Bradley Assembly Room and there would be an annual recipient to award those who do a lot for the community and a lot for the Village of Walden. There are so many community groups, individuals and public servants that should be awarded. He hopes this continues when he is gone. The first recipient would be the Fox Hill Community.

Trustee Norman stated that the village has that beautiful sign at Olley Park that says volunteers. Maybe something could be added to that.

Mayor Maher stated that Senator Larkin has confirmed his appearance at the tree lighting this year. Chris White, representative of Maurice Hinchey will also be speaking. He has committed himself to do all his shopping in the Village of Walden and he challenges everyone to do the same thing.

Deputy Mayor Rumbold asked where the closing off of Main Street will be on December 3rd.

Manager Politi stated that on December 3rd the square will be closed from the corner of the building over to Top Notch. One lane will be kept open. Then Main Street will be closed light to light. Nights after that Main Street will be closed light to light.

Deputy Mayor Rumbold stated that she is concerned about the little kids.

Manager Politi stated that it's the trucks that you can't get around.

Trustee Millspaugh read the following letter; I find myself in the position of having to make a difficult decision. Recent changes in my health have made me realize that uncertainties in my daily schedule may affect my ability to effectively serve on the board. I appreciate that I had the opportunity to serve the citizens who elected me to office and regret that circumstances bring me to this point of having to step down. Accordingly I will resign my seat as trustee as of Nov. 30th, 2009. This will enable the Mayor to appoint someone to the position enabling them to get up to speed on the needs of the village now and as we face budget decisions for next year.

Mayor Maher stated that he personally appreciates Trustee Millspaugh's service. His knowledge is overwhelming and he will miss him. He hopes he sticks around and stays involved.

Deputy Mayor Rumbold stated that she found Trustee Millspaugh's knowledge and his advice on engineering, water and sewer issues, to be invaluable. She asked if he could serve as a liaison to water and sewer and help the village with that.

Mayor Maher stated that he agrees and he would like that idea researched. He also asked Mr. Dowd if that would be his appointment.

Mr. Dowd stated that he believes it is.

Trustee Leonard thanked Trustee Millspaugh for his service. He also asked about bulk pick up, do we have to pay tipping fees.

Manager Politi stated that it is in the contract.

Trustee Leonard stated that he was surprised when they picked up construction debris.

Manager Politi stated that he doesn't know where they took that. They know the tonnage they are moving. It's built into the contract and they have not asked for any changes in the contract.

Executive Session

Mr. Dowd stated that he has potential litigation to talk to the board about.

Trustee Hurd moved to hold an executive session pursuant to 105-(f), Park & Recreation personnel, Village Manager and 105-(d), Litigation. Seconded by Mayor Maher. All ayes. Motion carried.

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

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk