

**Village of Walden
Board of Trustees
Regular Meeting
August 10th, 2010**

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

On roll call the following were:

Present:	Mayor	Brian Maher
	Deputy Mayor	Sue Rumbold
	Trustees	Richard Hurd
		Edmund Leonard
		Mary Jean Norman
		Randi-Lee Penney

Absent:	Trustee	Bernard Bowen
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Also Present:	John Revella, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Public Hearing - Introductory Local Law I-4 of 2010, "Fluoride"

Trustee Hurd moved to open the public hearing. Seconded by Trustee Leonard . All ayes. Motion carried.

Mayor Maher read the Notice of Hearing and presented the Affidavit of Publication and Affidavit of Posting Notice.

Letter dated July 26, 2010 and August 9, 2010 from Florence Ozman was submitted as part of the minutes.

Becky Pearson, 167 Walnut Street questioned the money amount and how is the village paying it.

Mayor Maher stated that they looked into the cost and as they looked into it they found that it was more than anticipated. It seems all though the fluoride was not maintained as properly according to the New York State Department of Health, there will be additional costs for the pumps, tubing, injections, barrel, four ways and a concrete tub. In case of an over flow it has to separate the fluoride from the chlorine and in the past it wasn't there. There were certain things

that were neglected when the water department was asked why when recommendations were made to individuals, but nothing ever came about when it came to properly maintaining it. We will be in compliance with all we need to and that is why there are additional costs. The total will be over \$10,000.

Ms. Pearson stated, \$10,000 and notification which costs money. She asked where that money would be coming from. Is it coming out of the water line?

Trustee Hurd stated that it has to be.

Mayor Maher stated that the village manager has concerns with that. There was a vacancy from the beginning of the budget on, so there could be extra funding there. They will discuss this with the manager before they take action.

Jessica Metzger asked how often does the Department of Health come in.

Mr. Dowd stated that its either semi annually or quarterly.

Manager Revella stated that they make recommendations, not necessarily mandates.

Ms. Metzger stated that the village was in compliance.

Mayor Maher stated that it was in compliance or else we would have been fined, but it wasn't properly maintained.

Ms. Metzger stated that now that the village has taken out the fluoride we will have to pay to put it up to todays standards. Before it was okay because it was grand fathered.

Trustee Hurd stated that he doesn't know if that conclusion is accurate.

Ms. Metzger stated that the public is being told that in the past it's not maintained properly. That is a broad statement because it's either compliant or it isn't. Now that we have to put it back into the system she imagines there are new laws they have to follow to reinstitute it into the system.

Trustee Hurd stated that the items he listed were code things where they want separation between this and that.

Mayor Maher stated that it was recommendations that from his conversations fell on deaf ear. Maybe they weren't absolutely necessary. Maybe they were just recommendations.

Ms. Metzger asked who the recommendations were from.

Mayor Maher stated that it was from the State Department of Health.

Ms. Metzger asked if it was in writing.

Mayor Maher stated that it was verbal and he will ask for it in writing.

Mary Ellen Matise stated that the board should be acting for 100% of the population, not just 20%. She is glad to see Mrs. Ozman come forth because she has a background to deal with this. She hopes when the board goes to make this an action item that they are listening to what the people who have to drink the water have to say. It's important that they listen to the professionals, but it's important that they listen to them, because they are the hosts of this product.

Deputy Mayor Rumbold presented emails from residents who are against putting the fluoride back into the water. She also read the following statement:

When we talk about the fluoride of today we aren't talking about the discovery that was made so many years ago.

Natural occurring fluoride is much different than what is used today for drinking water. It is a chemical cocktail manufactured by the fertilizer industry.

People who are in favor of water fluoridation seem to argue that the toxins contained in the acid used for municipal water supplies are so diluted that there are no side effects or long term adverse effects when it is ingested. At the same time the same people argue that ingesting the fluoride is akin to a dental miracle. If the toxins are so diluted as to have no affect how is it possible that the fluoride contained within can withstand that same degree of dilution and still be effective? You can't have it both ways. Dilution is dilution is dilution. If one component of this toxic cocktail is rendered ineffective by the dilution how is it possible that one component can survive and be beneficial. IMO it cannot.

Fluoride was never meant to be ingested. In fact that EPA has lowered the equation at which this toxin must be diluted for it to be considered safe and yet the ADA has proclaimed that children under the age of one should not ingest fluoridated water. So what are the single parents of Walden who pay for their water to do in order to protect their children? They are supposed to spend more money to buy bottled water in order to safely mix formula for their infants. Some doctors have told their patients with kidney disease and diabetes not to drink fluoridated water. So they can join the young parents of Walden as they are forced to buy bottled water to drink and prepare their food.

There is documentation of testing done that suggests that fluoridating water is a dangerous practice that can potentially cause side effects. Many studies have concluded that more studies need to be conducted before the cocktail used in municipal water supplies can be proclaimed totally safe for human ingestion.

Many people came before this board to proclaim fluoridated water to be safe. A number of them don't live here and don't drink our water. Neither do their families. How convenient.

The one entity we have not heard from is the manufacturer of the substance we add to our

water supply. I am asking this board not to take any action to return fluoride to our water supply until we receive a written statement from that manufacturer that if their product is used at current EPA regulations there are no side effects and that our water will be safe to drink.

I think that is the least we can do for those who live here that don't want a prescription drug added to the water supply that they pay for and cannot drink.

Mayor Maher stated that will be something the board will discuss when they go to the action item.

Ann Ilkiew, 71 Main Street stated that she uses a product, which she uses together with a flushing syringe for her teeth. She is close to sixty years old and she has no cavities. When you shower you are absorbing four glasses of water. She studied fluoride in college and it is a poison. She asked that the village hold off and don't put the fluoride back into the water. She feels better since the fluoride came out of the water.

Mayor Maher stated that he did nothing but listen to the people of the Village of Walden when deliberating over this issue. He can't count the amount of phone calls and emails he got from people who were adamant about putting it back in immediately. That was from our local dentists who we trust to take care of us, but also every single local, county, state and health professional you can find that represents us. He personally spent well over two months researching this to make sure it is right.

Trustee Hurd moved to close the public hearing. Seconded by Leonard. All ayes. Motion carried.

Village Manager's Report

Manager Revella made the following report:

- Westwood Drive, the drainage project is complete and they are patching the pavement. The catch basins have been installed. Patch work will continue tomorrow. They will be putting rip rap where the pipe comes out by the river.
- They are currently cleaning out the area around the sewer plant for the renovations. There was several different pipes in piles in the woods, 300 feet of good pipe that can be used.
- The streets are being swept.
- They are cutting two trees that the arborist said should be cut on Oakland Avenue.
- The Beazer Home final punch list was put through. Any other concerns should come to the manager so he can discuss them with the engineer.

- Oak Street Parking Lot property is being surveyed. They would like to pave it next year.
- There have been several leaks in the water system. They are filing with ECF for funding for the water system improvements including a new well site.
- The playground equipment that was purchased by the Friends of the Walden Youth will be installed next week.
- Several contractors were here for the pre bid walk through for the municipal roof.
- They have the bid opening for the tennis courts at Bradley Field and the sewer plant upgrades.
- National Night Out went very well thanks to all the help from the police, parks and DPW for setting it up. Also, Officer Werner for heading the committee and the committee members for the fund raising efforts.
- Harvest Fest preparations are coming along well.
- The manager and mayor met with an energy audit company which will be discussed later in the meeting.

Deputy Mayor Rumbold asked if there was any more discussion on the Sunset Drive drainage issue. She read the minutes and there wasn't much discussion at all.

Mr. Dowd indicated that the engineers reviewed the submittal by the applicant at the time and Mr. Queenan from Lanc and Tully has the report that was filed plus it was submitted twice based upon comments by the villages' engineer to upgrade the report to meet the standards of 2001 or 2003, whenever that was. Mr. Queenan has the information and will be issuing a report.

Manager Revella stated that Mr. Queenan did give some options in his last report for possible remedies. Who would be bearing those costs is the question.

Deputy Mayor Rumbold asked when are they going to have that. The issue is the winter and the spring. Right now when there are no rain events there isn't an issue.

Manager Revella stated that they have the report from the engineer from last week and he describes some of the issues and possible remedies. Those were his summaries so they can make recommendations based on the summaries. His findings won't be much different.

Deputy Mayor Rumbold stated that the homeowners want relief so the board has to

discuss what that is going to be.

Mr. Dowd stated that the board would want the engineer here to talk about this.

Deputy Mayor Rumbold asked if they would be prepared to talk about this the first meeting in September.

Manager Revella stated that he will tell Mr. Queenan to be ready by September 14th.

Mayor Maher stated that there were some residence concerns. He asked the attorney if he received his email about that.

Mr. Dowd stated that part of that is engineering and that is what Mr. Queenan was doing by getting our file and looking at the documents that were submitted to the Planning Board, looking into the responses that were made by our engineer at the time and responses made by the applicant. As far as he knows everything that was on the map was approved by the village and the developer at that time, as far as that drainage was concerned. There is nothing, that he knows of, that would stop them from dedication of the roads in September or October. Everything that Mr. Kennedy was required to do was done.

Deputy Mayor Rumbold indicated that you first have to establish why there is an issue now and what caused the issue.

Mr. Dowd stated that may not have anything to do with the development.

Deputy Mayor Rumbold stated that if may.

Mr. Dowd stated that if the village approved the plan and took into consideration all the existing factors and all the potential drainage impacts and that developer did exactly what he was told to do and it was verified by the engineers that he did it and there is nothing else for him to do on that plan, he doesn't know if there is anything that the village can go back seven years later and say you have to put this drainage in because now there is a problem.

Deputy Mayor Rumbold stated that certain residents of Sunset Drive have been complaining about the same issue for four years now. It's not fair to say it's something that just happened over night.

Mr. Dowd stated that potentially there's always been drainage issues there.

Trustee Hurd stated that the drainage problem was coming from outside the boundaries of that project.

Mr. Dowd stated that if the drainage problem existed as long as this project didn't

exacerbate the situation and the person who did the development kept it so that there was no additional increase in the drainage problem then he has satisfied the requirements of the law. What he understands is everything Mr. Queenan has reviewed to date suggests that. That nothing this developer did or designed has added to the drainage problem down there.

Mayor Maher stated that he feels there was a portion in there that actually said the opposite of that.

Mr. Dowd stated that it was in the mayor's email and he asked Mr. Queenan specifically if that was what he said. He said he was not saying that. He was concluding that the report as submitted by the developer and reviewed by the engineer was adequate, met standards of the grades at the time and everything that was suppose to be built he built according to the standards on the maps.

Mayor Maher stated that in the letter it stated that this added to additional drainage problems.

Deputy Mayor Rumbold stated that if you stand in one of those backyards during a rain event, you can watch the water come down that hill into that yard. It actually moves dirt, leaves, twigs and if you watch the leaders on the sides of the houses it looks like fire hoses with the amount of water that's runoff from the roofs that runs directly to those yards.

Manager Revella stated that he spoke to the engineer about asking the residents to change the direction of the roof leaders.

Mr. Dowd stated that the leaders may be an issue, but when the drainage was designed by an engineer and reviewed by the village engineer they are looking at going from pervious surface to an impervious surface and where the water will run to. If someone puts leaders on their gutters and drains it directly down the hill to someone elses property, that is a different issue.

Deputy Mayor Rumbold stated that she doubts the homeowners were the ones who put the leaders up. She would think that when the contractor built the houses they had to know what direction they were going to point in.

Mayor Maher stated that tomorrow he will get the engineer on the phone and speak to him. Deputy Mayor Rumbold can be present.

Trustee Leonard asked for a copy of the engineers report.

Manager Revella stated that the report was in the board packet on July 27, 2010.

Manager Revella stated that while the sweeper was out last week there was an issue with people shooting grass clippings into the road. That is a violation of the Village Code.

Trustee Leonard asked if the village was going to be on single stream recycling.

Manager Revella stated that he called County Waste and since we are on municipal bid they weren't sure if they would need to renegotiate something in the contract. They were going to call the main office and get back to the manager.

Mayor Maher stated that in the Village Manager's report he announced that John Howland decided to retire as of August 10, 2010. The Mayor thanked Mr. Howland for all of his years of service and hard work he put into the village.

Manager Revella stated that Scott Snyder retires tomorrow.

Public Comment

Diane Sandbothe, 90 Liberty Street stated that the oil truck on Madison and Seely Streets was suppose to go to court on the 4th. There are two unlicensed cars and the bus. She called the court on the second and ask when the court hearing was and they said they were waiting for the gentleman to get an attorney and it was postponed indefinitely.

Manager Revella stated that the new date is September 9th.

Mrs. Sandbothe asked the court clerk about the bus and she said this has nothing to do with the bus. She also said there used to be a sign when you come into town that says what the vehicle weight was to park on village streets. The court clerk stated that she didn't know what the weight was and advised her to call the police department. She is waiting for an answer from the police station. She also stated that there is no visible inspection sticker on the bus and it's there all night. It's a commercial vehicle sitting on a residential street. She also asked for a schedule for cleaning and maintaining the retention pond on Jacobs Ridge.

Manager Revella stated that the parks department did clear the area around the retention pond. They are developing a maintenance program.

Mrs. Sandbothe asked about the swale on her property. Her husband is still mowing it and clearing out the muck. She wants to know when the village is coming to take care of their property. She asked about the lights on the bridge, where is the missing light.

Manager Revella stated that the light head that was ordered was not the right light.

Mrs. Sandbothe asked about the lights on South Montgomery Street.

Manager Revella stated that he sent a letter to NYSEG, Guy Owen and he came to Walden and road around town looking at the lights. He said he felt it wouldn't be a problem, but he needed a letter from the village.

Mrs. Sandbothe asked about the dumping across the street from the Alfred Park. Also, people aren't cleaning up after their dogs in the park.

Manager Revella stated that the property across from the park is private property. They have been noticed.

Mrs. Sandbothe stated that there is a house on Alfred Place and all the construction debris is in the back of the house which faces Sunset Drive.

Trustee Penney indicated that the homeowner is removing it.

Mr. Stickles, Building Inspector stated that there is a valid building permit for that house.

Mrs. Sandbothe asked if the house on Madison Street got an easement.

Manager Revella stated that they got approvals from the Planning Board.

Mr. Dowd stated that if there was a problem they would have went to the Zoning Board.

Mrs. Sandbothe right next door there are two unlicensed vehicles. It's the house in back of Madison. She also asked why street lights aren't the whole length of Edmunds Lane. She asked if people who put their grass clippings in the street, will they get fined.

Manager Revella stated if they get caught.

Mrs. Sandbothe asked who enforces that.

Mayor Maher stated that it would be the code enforcement officer and police department.

Jessica Metzger, 4 Gracewood Court thanked the board, community council and Officer Werner for a fabulous National Night Out. She hopes it continues. She had a question on the dedication of Gracewood Court, how many homeowners on Sunset have problems with the water.

Deputy Mayor Rumbold stated four.

Ms. Metzger asked if that came to the board or to the village. She lives on the hill and her property actually touches two of the properties. There is a paper street that runs in front of her house which is fifty feet wide. Her property touches house number two and three. She would be more than happy to change the direction of her gutter leaders if that is the problem. She has spoken to the board before about the drainage problem at the top of Wait Street. There is a natural spring at the top of Wait Street. The retention pond the developer put in works. She asked about the paving that she commented on, is there any information. Is this something that

the village wants to accept at this time.

Manager Revella stated that he spoke to the Village Engineer about the condition of the road and the material that was used. The paperwork from the asphalt company seems to correlate with the proper pavement type and temperature. We have a year for the maintenance bond.

Ms. Metzger stated that shortly after it was paved and it was okay to drive on a garbage truck came up and damaged the road. What will happen when village plows come up. She suggested the board wait to accept the street until after the winter. She doesn't know if the village can hold more bond money. She asked if there is anyway that can be tested. Is there a company that can come in and do some testing.

Manager Revella stated that there is one that he knows of, Advanced Testing.

Mayor Maher thanked Ms. Metzger for her remarks, it will be important for the village to look into that, because if you talk to any local paver who does most of the village work they will tell you that wasn't done the way it should have been done, the Gracewood Court paving.

Stephen Flickenschild, 6 Linden Drive stated that in regard to clippings in the street, he watched the guy from Scotts Landscaping blow the grass to in front of his dads house. The bus that is parked on Madison Street belongs to the Baptist Church. They have a parking lot behind the church.

Becky Pearson, 167 Walnut Street stated that since the Veterans Memorial Park, there were some very dedicated volunteers from the Community Council go and water the plants, she asked that the village put it on a schedule to have someone water the plants.

Manager Revella stated that the village is asking for voluntary water conservation right now, because of the level of the wells. If we don't get a steady rain we might have to be more restrictive.

Ms. Pearson stated that the sign has to go up at the park, but they need an auger to dig into the ground. She asked if the village could help them. She also stated that with the Oak Street parking lot there are issues with property owners near by with drainage.

Manager Revella stated that one of the owner did change their mind.

Ms. Pearson asked if the village has to do something in return.

Manager Revella stated no.

Ms. Pearson asked about the CDBG.

Mayor Maher stated that he met with JoAnne Fazino today from Community Development and they have their committee meeting on Thursday to rank the current projects for this year. The Gladstone Avenue water tank project will be getting approval, tentatively, next week. The Walnut Street sidewalk project will be changed from Walnut Street to Maple Street. It will be on this Thursdays meeting. The new projects will be ranked this Thursday.

Ms. Pearson stated that with regard to Sunset, the village hires engineers to represent the Village of Walden and the taxpayers of the village and not necessarily the developer. There are supposed to be perk test and testing. They are supposed to know where the run off is going to go and when you take trees down you know that water will come down faster. We paid an engineer to look at these plans for the Village of Walden and if she was on the board she would be looking at the engineering firm that was there and getting a response or some monetary something that will make this a better project in the end for the people who work there.

Deputy Mayor Rumbold stated that the manager did get paperwork from the engineer.

Ms. Pearson stated that the past village manager was supposed to have all that paperwork after the last engineering firm was gone and she is sure we don't even have half of it. She hopes the village is going forward to get all that information.

Dennis Putnam stated that he is focused on the Olley farm house. It has been done before in Walden where a group of dedicated directors have taken over village property. He had a meeting with Patricia Heneghan, Anna Ilkiew, Suzanna Isaksen and Mary Ellen Matise and they reviewed what he had so far. He would like to submit it, but he is still working on it. He would like to meet with a board member to discuss this further. There is a lot of chance to improve that specific farm house, but also to integrate Walden into the plurethera of New York State funded and paid for by their programs.

Mayor Maher stated that he will be happy to talk to him.

Mary Ellen Matise thanked Mike Bliss for the very successful road race.

Ann Ilkiew stated that she would like to propose a compromise. She doesn't think enough time has been given to see the results of taking out the fluoride. Give it a year or six months and they collate your date.

Mayor Maher stated that there was a study done, Newburgh/Kingston in 1945 which had some great data with conclusions about why it should be in the drinking water.

Deputy Mayor Rumbold stated that she would like to know what the data was. Kingston was the control city, they were very close in the cavities. The only thing Newburgh won on was the incident of fluorosis in the children. If you look closely at that data the fluoridated community didn't blow away the non-fluoridated other than a side effect.

Mayor Maher stated that he doesn't believe that is accurate. From what he read in that study there was tons of positive effects from fluoride.

Ms. Pearson asked if all the board members did this research.

Deputy Mayor Rumbold indicated that there was a committee and they sat and talked about it.

Mayor Maher stated that in past meetings they had pretty good discussions with the committee, residents and local health professionals.

Deputy Mayor Rumbold stated that most of them don't drink our water.

Resolution - Greenway Grant

Manager Revella stated that this grant is for the Olley Park trail.

Trustee Hurd asked if there was any matching money.

Manager Revella stated that he will check. Greenway Grants are less than \$10,000. We can use in kind services.

Trustee Leonard moved to adopt the Greenway Grant resolution. Seconded by Trustee Norman. All ayes. Resolution adopted.

Bid Award - Tennis Courts

Manager Revella stated that the Village Engineer has reviewed the bids and recommends that the bid be awarded to Poley Paving Corp for \$61,500.

Mr. Dowd stated that all the paperwork is in order.

Trustee Hurd moved to award the bid for the tennis courts to Poley Paving Corp for \$61,500. Seconded by Trustee Penney. All ayes. Motion carried.

Bid Award - Wastewater Treatment Plant Upgrades

Manager Revella stated that there were two bids, electric and general. A representative from Delaware Engineer was present to review the bids. The low bidder for electrical work was Sosto Contracting Inc for \$49,170. The lowest bid for general was W.M. Schultz for \$719,000.

Deputy Mayor Rumbold moved to award the bid for electrical work for the wastewater treatment plant to Sosto Contracting for \$49,170 and the bid for general construction to W.M.

Schultz for \$719,000. Seconded by Trustee Leonard. All ayes. Motion carried.

Introductory Local Law I-5 of 2010, "Enforcement of Fire Lanes"

Mr. Dowd explained that due to his failure to send the notice we need to adjourn this until September 14, 2010 at 6:30pm.

Trustee Norman moved to hold a public hearing on Introductory Local Law I-5 of 2010, "Enforcement of Fire Lanes" on September 14, 2010 at 6:30pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Adoption of Introductory Local Law I-4 2010 "Fluoride"

Trustee Hurd moved to declare the Village Board lead agency and declare an unlisted action under SEQRA. Seconded by Trustee Leonard. All ayes with the exception of Deputy Mayor Rumbold voting no. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-4 of 2010, "Fluoride" as Local Law No. 5 of 2010. Seconded by Mayor Maher.

Deputy Mayor Rumbold asked the board to direct the manager to write a letter to the manufacturer of the chemical that we use in our water system and ask them to put in writing that if the product they sell us to put into our drinking water is used according to EPA standards that there's no side effects and that it is safe to drink.

Mayor Maher stated that's a good thought, but worded that way you're going to get the response, if you over fluoridate you can get a type of fluorosis. That doesn't strictly come from the fluoride, that comes from the water supply. Very specific case studies where too much fluoride will cause fluorosis. So, the manufacturer can't just come out and say absolutely 100% because the first case of fluorosis they will get blamed and it will be on paper. So he's not going to ask them to do something they won't be able to comply with.

Deputy Mayor Rumbold stated that all she is asking is for the manufacturer to give the people in this village some kind of documentation that says this product that we develop, that we sell to you to put into your water system, if you use it according to EPA standards, mix it the way we tell you to mix it, you test your water and everything is fine and it's safe to drink. That it doesn't cause any side effects if its used the way that it is suppose to be used.

Mayor Maher stated that is what the New York State Department of Health has done and said and we can absolutely get it in writing.

Deputy Mayor Rumbold stated that she doesn't want it from the New York State Health Department. She wants it from the people that manufacture it.

Mayor Maher stated that those statements are made from representatives in the County Health Department, State Health Department and private companies that do the research to make sure its safe.

Deputy Mayor Rumbold stated that they don't do the research, that is where you're wrong. This stuff has never been tested.

Mayor Maher stated, that is not true.

Deputy Mayor Rumbold stated that the EPA has been willing to come out and say when they had the hearing in 2000 in Congress, the EPA made a statement that said, when Congress asked them specifically, what's in this acid that is produced and the EPA said that they can't answer that question because we never tested it. Unless they've tested it since the year 2000 and its somewhere that she can't find and she has written to Congress, they don't have the data, the FDA does not have the data, the CDC does not have the data because its never been tested.

Mayor Maher stated that he would dispute that because he has seen data provided to him that he has read from the State Department of Health.

Deputy Mayor Rumbold stated that she would like to see those test results.

Mayor Maher stated that they were inside her packet.

Mr. Dowd stated that there are two issues that are being raised and right now the motion on the floor is to adopt the local law that would require the village to refluoridate the water. The condition that Deputy Mayor Rumbold is asking for is in addition to the local law being passed. You can make a motion to amend the local law.

Deputy Mayor Rumbold stated that there are people in this village who said they don't feel the village should put the fluoride back into the water. Wouldn't it be nice to be able to have something for those people that says the manufacturer is more than willing to back up the product they are selling us to put in our water.

Trustee Hurd stated that they do. They sell a product and they are responsible for product liability to anything they sell. You are dictating something to them that they are not going to give you.

Deputy Mayor Rumbold stated that someone has to stand up for that product. At the same token you've rejected any kind of data that she has tried to present from scientists, EPA scientists and doctors, because they don't live in the Village of Walden. She is just asking for some kind of assurance.

Mayor Maher stated that if you look at the research and drinking bottled water and the

) contaminants that come from the plastic in bottled water will be more harmful to you than the one part per million of fluoride in our drinking water. He can make that argument.

Trustee Hurd stated that when he wants information about an engineering project he asks an engineer, when he wants information about law he asks an attorney, when he's sick or needs to see a dentist he goes to see Dr. Hale and Dr. Masci, because they happen to be trained doctors in dentistry and oral surgery and he has a respect for them. When the attorney gets him information he has respect for the attorney and when the engineers give him information he has respect for them. He is a lay person and he has to depend on other experts and professionals for this information. In this case he agrees with the data that the Mayor has presented to the board which coincides with everything that he's been told.

Manager Revella stated that before the board votes to put the fluoride in the water he would like to have the opportunity to find the funding for mandates. He asked the attorney when the fluoride would have to go back into the system.

Mr. Dowd stated that it takes ten days for the law to get to the state and filed.

Deputy Mayor Rumbold stated that until they have the funding they shouldn't vote to put it in.

Trustee Hurd stated that we can borrow the money until such time we can adjust rates.

Trustee Leonard asked how long would it take to comply with the regulations.

Manager Revella stated that the time frame is not the issue, getting the money together is the issue.

Mayor Maher stated that this motion is to put the fluoride back in the water supply and find the money to do this.

Mr. Dowd stated that this motion is just to adopt the local law to put the fluoride back into the water supply. There would be a second motion to find the money

All ayes, with the exception of Deputy Mayor Rumbold voting no. Local law adopted.

Mayor Maher moved to direct the manager to find the money to put the fluoride back into the water supply and to do the repairs. Seconded by Trustee Hurd. All ayes with the exception of Deputy Mayor Rumbold voting no.

Review Water Bill

Manager Revella stated that the owners of 127 Walnut Street had a large water leak and

the building inspector verified that the toilet was running in the basement and they don't know for how long.

Trustee Hurd asked how much the bill was.

Mayor Maher indicated that it was \$1800.

Manager Revella stated that the only issue he has is that it did go through and got treated at the sewer plant.

Mr. Dowd stated that one time there was a request because there was a leak in the basement and you took the average water bill and from that you reduced the sewer bill.

Mr. Stickles stated that this is a rental. The owner lives in assisted living.

Mayor Maher asked if there was precedent for something like this.

Deputy Mayor Rumbold stated that he is asking for favorable terms to pay the bill. To give them time.

Manager Revella stated that there are two bills for the same time period. He asked the building inspector if that is a two family house.

Mr. Stickles indicated that it's a three family.

Manager Revella stated that both bills are around \$1800.

Manager Revella stated that they already paid the bill.

Mayor Maher stated that if there is any follow up they will then make a decision.

Support of Library Grant Application

Virginia Neidermeier, Librarian stated that there is funding under public library construction grant money. The Library Board of Trustees would like to apply for matching funds to address the issue of windows for the first and second floor and doors. Because they don't own the building they are looking for the village boards approval to go forward with the grant application.

Deputy Mayor Rumbold asked if the library will be matching the funds.

Mrs. Neidermeier stated yes.

Trustee Norman moved to support the library grant application. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Village Comprehensive Plan Committee

Mayor Maher stated that the zoning board and planning board want representatives to the Comprehensive Plan Committee, but they would like a little more time and he would like to have this solidified tonight and have the committee formed giving them each one spot to announce someone in the month of September. He would like to make John Revella the non voting chair to mediate the committee and prepare an agenda and provide leadership. The committee members will be Eric Metzger, Police Department, Mary Ellen Matise, Historian, Becky Pearson from the Walden Community Council, Walden Business Association Keith Hunter and Trustees Ed Leonard and Sue Rumbold, the two at large residents are Rachel Bonia and Shawn Hoffman.

Trustee Leonard moved to approve the Comprehensive Plan Committee. Seconded by Mayor Maher.

Trustee Hurd indicated that once the committee is done with the recommendations, those recommendations come back to the Village Board for a decision and vote.

Deputy Mayor Rumbold asked what happens if the zoning and planning boards can't find someone from planning and zoning boards.

Mayor Maher stated that both chairs said if they can't find one of their members to serve they will be the ones to serve on the committee.

All ayes. Motion carried.

Surplus Village Vehicles

Manager Revella stated that the village did not get a valid bid on the superintendent's truck. So they have to propose surplus again.

Mr. Dowd stated that you have to lower the minimum bid or have no minimum bid at all.

Mayor Maher moved to surplus the two (2) Dodge DPW trucks, truck 8 and truck 13 with a minimum bid of \$1,000 each and to advertise the superintendents truck with no minimum bid. Seconded by Trustee Hurd. All ayes. Motion carried.

Manager Revella stated that there are also three chain saws that do not have chain guards which need to be junked.

Trustee Hurd moved to junk the three chain saws. Seconded by Trustee Leonard. All

ayes. Motion carried.

Sound System

Mayor Maher stated that he received a report on the sound system regarding the grant which is \$5300 and the proposal which needs to be reviewed by the attorney. The board can make a motion to approve this contingent on the attorney's review and approval. The total for the sound system is \$5900 which is \$600 over so the village would have to agree to expend up to \$1000 in funds.

Manager Revella stated that they can use capital accounts.

Trustee Hurd asked how confident they are that this sound system will do the job.

Trustee Leonard moved to approve the sound system proposal for \$5900 pending the attorney's review with a maximum of \$1000 allocated by the village. Seconded by Trustee Hurd. All ayes. Motion carried.

UR Energy - Energy Supply and Efficiency

Mayor Maher stated that he and the manager met with a gentleman regarding this to see if the village can save some money on energy efficiency. The savings was over 11% total in savings.

Manager Revella stated that \$7600 annually just to get a fixed price contract through one of Con Edisons subsidiaries. We are just changing the supplier.

Mayor Maher stated that just by changing the supplier we will be saving \$7600. We may see more savings.

Manager Revella stated that it's a twelve month term contract. They will be here Thursday to do the survey of the entire village. The company pays for the new lights and ballasts. The only way they get paid is by taking 50% of energy savings over the first two years.

Trustee Hurd stated that there is also such things are adequacy and brightness.

Mayor Maher stated that it would all be brought to the board before they make any kind of decision.

Manager Revella stated that the quote is good until October 1st.

Mayor Maher stated that he is working with someone from Sustainable Hudson Valley, Melissa Everett. It as 10% challenge which has been effective in lower parts of the state.

Warwick just signed on. What it does is commits the village to be 10% more efficient in a year and to educate its residents on how they can be 10% efficient as a village.

Village Web Site

Manager Revella stated that there has been some discussion on web design and web maintenance. They sent out requests for proposals and they had three returned.

Trustee Hurd stated that Conutron has active server page items in there so department heads can do it.

Manager Revella stated that although that would be an option he is not sure how much leverage they want to give to department heads to change the web site without going through the web master or the office.

Trustee Hurd stated that he feels departments heads should be able to do real time changes, at least to certain parts of it.

Manager Revella stated that they can do that.

Mayor Maher stated that he would like to designate a village employee to have access.

Manager Revella stated that it will be on the agenda for the next meeting.

Municipal Square Architect

Manager Revella stated that this is to get a design proposal together for municipal square. It would be better to have a real architectural rendering of a couple of the ideas, have a public session and see if the ideas are something they want to pursue. The cost for the renovations were not extreme and can be worked into next years budget. The architects fees were the same as proposed in the contract.

Mayor Maher asked if they had the money for it.

Manager Revella stated yes.

Trustee Hurd asked if this was the community council grant.

Manager Revella stated no. It's so we have a plan together.

Trustee Norman asked if the village was paying for the architect.

Manager Revella stated yes.

Trustee Hurd stated that the last time they were going to do this they had a \$9000 grant they could use.

Mayor Maher stated that is done.

Manager Revella stated that they used that for the benches and garbage cans.

Mayor Maher stated that this is just taking that concept and saying there is still an interest from the board. He asked if there was still an interest from the board to redesign our square and if so we have the funds in our budget to hire an architect.

Manager Revella stated that the fees for the architect were more than half of what the next architect was.

Deputy Mayor Rumbold asked where the concept came up that the village needed to redesign the square. Other than the community council came and said they had money left over lets put some benches in.

Manager Revella stated that the Orange County Citizens Foundation originally came up with the idea for helping the village become more pedestrian friendly and one of the big concepts was the municipal square. They had some ideas.

Trustee Norman stated that she feels the residents of this village should have a lot to say about that before anything is done, hire anybody or whatever. There are people in this village that are not happy about the square being changed.

Manager Revella stated that they don't have anything to give to them until he does a rendering.

Mayor Maher stated that he understands what Trustee Norman is saying, you need input from the public before you spend one dollar. He recommended this be on the agenda for the next meeting, tell everyone, put it on the web site that this will be on the agenda. He has heard people say they like the concept.

Trustee Hurd stated that Mr. Flickenschild has some conceptual sketches and he thought some of them were interesting and people would be interested in seeing some of the concepts.

Manager Revella stated that is the concern, they are his sketches. We don't have the liberty to show those sketches to anyone because they are not official architectural renderings.

Mayor Maher stated that from now until the next meeting we can have discussions on any sketches if someone would like to bring them forward.

Taylor Bio Mass Project

Trustee Leonard stated that he spoke to Jim Taylor about his bio mass project and in the course of that discussion the subject of the electricity that he will be generating and where it will be going came up. He will be producing about 19.5 megawatts of electricity. At one time that was offered to the village and surrounding communities and since then he has cut a deal to buy the total generation. They don't need all that electricity so the county has signed on to buy a portion of what is left. They offered it to the municipalities in the County of Orange. The three villages and the Town of Montgomery have first dibs. He suggested the village contact the county.

Village Community Service

Mayor Maher stated that there are a lot of people interested in seeing this happen. The Chief has concerns and our insurance carrier had from past events. He asked Mr. Dowd to speak on his thoughts.

Mr. Dowd stated that there were interesting situations that arose. There are three aspects of this. One is legal, how do you a program like this and keep your liabilities down. The second is man power in supervision. If someone is supervising they may not be able to do their job. The third is budgetary, you're losing people supervising instead of doing their jobs. From a legal point of view, whenever you bring a volunteer on to use equipment, lawn mower, weed whacker or cleaning graffiti off the building, you have to provide the with the proper supervision and safety equipment. You're trying to do something good and it ends up in a liability which ends up costing the village taxpayers money. The village did have someone doing community service and was working with DPW and some how or another through the lack of supervision or the person took it upon themselves to direct traffic on a village street and there was an accident and the person directing traffic was injured or caused an injury by his misdirection of traffic and that resulted in law suits. There was also a sexual harassment issue. If the village is going to do it they have to make sure there is proper supervision and proper protection and proper caution.

Mayor Maher stated that the problem they had was a lack of supervision and if we are going to do this we need to make sure it is supervised correctly. Judge Ozman supports this and the recreation department supports it. The chief recommended they could be used for village cleanup day.

Trustee Hurd stated that the village did this to clean up Wooster Grove. He asked about a group of Boy Scouts cleaning up Wooster Grove.

Mr. Dowd stated that they would have insurance.

Trustee Hurd asked if the village would need to provide supervision if their scout leaders were there.

Mayor Maher stated that is what the chief was recommending.

Mr. Dowd stated even if it's picking up trash on the roadway, they have to have the right safety jacket and make sure they are not doing something stupid in the roadway.

Mayor Maher asked if the village could assign community service through a church and they would be the supervisor.

Mr. Dowd stated no. The judge would assign them to the church as long as they are willing to accept that person. You have the right to reject certain people.

Mayor Maher stated that he believes in this. He wouldn't mind talking to the local churches to see if this is something they want to do.

Trustee Leonard asked about the village credit card.

Manager Revella stated that they need to develop a policy. It's not an issue to obtain one. He did discuss this with the treasurer.

Mr. Dowd stated that there would be a problem buying on line because you wouldn't get the tax exempt status.

Trustee Leonard stated that there is a great saving on truck parts on line.

Deputy Mayor Rumbold suggested this be on the September 14th agenda.

Trustee Leonard asked the attorney if Montgomery and Monroe had credit cards.

Mr. Dowd stated no.

Mayor Maher asked Trustee Leonard to research that.

Trustee Hurd stated that the mechanism of how we buy and pay for has to be absolutely trackable and accountable, so we have a handle on every nickel.

Board of Ethics

Manager Revella stated that the Board of Ethics has a vacancy for an officer or employee of the village.

Elevator - Senior Building

Manager Revella stated that work has begun on the elevator at the senior building. It is

out of service right now.

Mr. Stickles stated that it will be out for another week.

Mayor Maher suggested a memo go out to all the employees to see if anyone is interested in being on the Board of Ethics.

Public Comment on Business of the Board

Stephen Flickenschild, 6 Linden Drive stated that he would like to comment on the proposal that was put in on July 6th to redesign municipal square and also Deputy Mayor Rumbold's comment about getting a letter about the fluoride. His proposal was sent in two months ago and this is the third time it was brought before the Village Board. The first time it was tabled because no one heard about it. The second time it was because they decided to use the grant money, \$9,000 for miscellaneous items, which is a good thing. This is the third time. The meeting agenda which was on the web site was only posted this morning, around 10:00 - 10:30 am. What he is wondering is this will be the fourth time on September 14th and how is this going to be presented to the public so they know about it ahead of time without having something to look at.

Manager Revella stated that the first agenda should have gone on line Thursday.

The Village Clerk indicated that she did email the agenda on Thursday to the web master and she does have the acknowledgment. She received an email that it wasn't on the web so she sent it again.

Mr. Flickenschild stated that he doesn't have a problem waiting until September 14th, but what he is concerned about is that everyone here is the public who are the most interested. He is concerned as to how they were going to get people to come to the meeting. Unless they have something to look at what are they going to look at.

Mayor Maher stated that it is the right way to do things if you really go ahead and say, this is what we are going to do, this is what we would like to do and let everyone put input in first. They may not have something concrete to look at, but if we have to pay to have something concrete to look at there are people who will take issue with that, because people count every dollar they spend. It is important to say why we spend this money and if this board as a board says, we don't want to spend money on something that we don't believe people really care about. We first need to hear them and say, we care about this or we don't care about this and then we will say absolutely lets hire an architect to look into it. This is the proper way to do it and they will get it out by word of mouth and on the web site.

Mr. Flickenschild stated that he asked the manager if this has to go out for proposal and he was told that it's not. He knew his price was really, really low. His concern is not the time,

it's getting people involved to know when they will be sitting down to discuss this.

Mayor Maher stated that he understands and that he and the manager will work on that starting tomorrow. They will work hard to make sure people know.

Trustee Hurd stated that he liked Mr. Flickenschild's design ideas, but until he came here he doesn't remember anyone from this board having a discussion about changing the design of municipal square. This is the board who sets policy based on what the citizens want. It isn't a critical priority that has to be done at a certain time or else the world comes to an end.

Mr. Flickenschild stated that he's just concerned about getting the information out.

Trustee Hurd stated that Mr. Flickenschild or any person in this village, because he believes anyone in this village can be and are leaders in the village, should be listened to. Mr. Flickenschild might have to do some work on his own to give the board some sketchy ideas.

Mr. Flickenschild stated that is what he presented. This did not come out of the blue, he was asked by the Village Manager to draw something up. He came up with some quick essential sketches. The sketches don't show the thought process of that. The next step is to sign a proposal for conceptional sketches and present them to the village. He believes they should be presented and discussed with the board prior to that. He wants to make sure the public is informed.

Mayor Maher stated that the public will have plenty of notice. We have five weeks until the next meeting. He will send a press release out.

Mr. Flickenschild stated that in regard to Deputy Mayor Rumbold's request. He agrees with her and he doesn't understand why they are not giving this as much time as his proposal.

Trustee Leonard stated that he believes there is an MSDS out there for this product.

Mayor Maher stated that he will look into what Deputy Mayor Rumbold said and what Mr. Flickenschild said and will get back to him. They did a lot of research.

Mary Ellen Matisse asked if there was a planner to work with the comprehensive committee.

Mayor Maher stated no. It's up to the comprehensive committee to make recommendations to this board who will then decide what planner they use.

Ms. Matisse stated that being an MS4 community we are responsible for what is in the gutter and what is washed down the storm drain. If you see a landscaper blowing the grass clippings across you are responsible to say something..

Mary Ann Landolina stated that the redesign of the village square has to be out there to the public. In the past people have utilized the many service organizations that we have in the village. A representative should put themselves on the agenda of all the meetings.

Becky Pearson stated that in regard to Taylor Recycling, at one time Taylor was going to take garbage from villages, is that still in the plan.

Trustee Leonard stated that he didn't discuss that with him, but he is assuming he will need garbage.

Ms. Pearson asked why are they redesigning the square. She has a concern about making the square smaller to get traffic around. The procedure is a little off. The board should make the decision whether to change the square. That is the first discussion. Then go to public discussion.

Mayor Maher stated that they did exactly what Ms. Pearson said they should do. They discussed and made a decision to have a discussion. They're not going to make a decision because they haven't seen anything.

Ms. Pearson stated that the discussion should be now as to how the board feels about the process to even move forward.

Marcus Millspaugh stated that he sat on the board a couple of times when there were questions about settling a water bill. He feels the board should have a policy so the manager, water department or public works can come up with a recommendation. He also stated that if the drainage was altered over by Sunset Drive, as part of that project, we cannot dismiss it by saying, oh well, they did everything they were told to do. If it turned out wrong and it hurt somebody that is their responsibility. In regard to volunteers, he shovels his walk, which is a village walk, he mows his grass which is on a village right of way, so there is some implied latitude there for people working on community projects. He feels the village should take a strong stand on Taylor Bio Mass. He asked about the status of Masada.

Mr. Millspaugh advised the board that the Town of Montgomery Softball Champions is Millspaugh Furniture.

Stephen Flickenschild stated that the design work that he did for the municipal square was voluntary. He won't be volunteering anymore. His fee was one half to one third of what most architects are in the area.

Approval of Minutes

Trustee Hurd moved to adopt the minutes of July 27, 2010. Seconded by Trustee Penney.

Trustee Leonard asked about the Summer Fest at Olley Park Saturday.

Mayor Maher stated that they have filed their insurance certificate, letters are going out to residents and no parking on one side will be posted.

All ayes. Minutes adopted.

Audited Bills

Trustee Norman moved to pay the audited bills of August 10, 2010. Seconded by Trustee Penney.

Trustee Hurd indicated that the bills need one more signature.

Mayor Maher stated that Trustee Leonard will be in the morning.

All ayes with the exception of Deputy Mayor Rumbold abstaining. Motion carried.

Correspondence

No correspondence.

Board Comments

Deputy Mayor Rumbold stated that when they talked about trusting professionals, people in this county trust the Food and Drug Administration to do extensive testing, extensive research and put their stamp of approval on things that we eat and drink. How many times have you picked up your newspaper or turned on your television set only to see these drugs that were tested and researched are being recalled because all of a sudden there are side effects. In the case of fluoride the FDA has never approved it for human consumption. It makes you wonder why. So when you talk about trusting the professionals they make mistakes.

Trustee Leonard stated that the building inspector has found someone to take down a twelve foot section of the decorative rail on the roof and do a time and cost repair. Then he would give an estimate for the rest of the rail.

Mayor Maher thanked Roy Werner for making National Night Out a complete success. They saved in personnel costs by using volunteers, close to \$2000. He also thanked Mike Bliss and everyone who worked on the 6K race. It was great to see it named after Ron MacDonald.

Trustee Leonard moved to approve the expenditures for time and materials for repairs of two sections of the roof rails to JMJ. Seconded by Mayor Maher.

Trustee Leonard stated that there is a safety issue here and it needs to be done before the snow flies.

All ayes. Motion carried.

Executive Session

Deputy Mayor Rumbold moved hold an executive session pursuant to 105-(f), Personnel, DPW, Police and Parks and 105-(d), Litigation of the Public Officers Law. Seconded by Trustee Leonard. All ayes. Motion carried.

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

Trustee Hurd moved to pay Tam \$50,600. Seconded by Trustee Penney. All ayes. Motion carried.

Adjournment

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

Respectfully submitted,



Nancy Mitchell
Village Clerk