

**Village of Walden  
Board of Trustees  
Regular Meeting  
March 9, 2010  
Motions and Resolutions**

**O.C. County Executive Edward Diana's Request for a Resolution Agreeing to Keep the 9/11 Terrorist Trials Outside of Orange County**

Mayor Maher moved to adopt Resolution Agreeing to Keep the 9/11 Terrorist Trials Outside of Orange County. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried

**Walden Local Development Corporation - 29 Grant Street**

Mayor Maher moved that the Board of Trustees is in support of the Walden Local Development Corporation's efforts to look into the options for the the redevelopment of 29 Grant Street. Seconded by Trustee Wynkoop. All ayes. Motion carried.

**Approval of Minutes**

Trustee Hurd moved to approve the minutes of February 9<sup>th</sup>, 2010 Motion carried . Seconded by Trustee Leonard. Trustee Hurd amended his motion to include the change to Page 1, fifth paragraph with the following correction, Page 1, Fifth paragraph, add, On roll cal Trustees Rumbold, Leonard, Bowen, Deputy mayor Rumbold and Mayor Maher voted yes. Trustees Wynkoop, Norman and Hurd voted no. All ayes. Minutes adopted.

**Audited Bills**

Trustee Norman moved to pay the audited bills of March 9<sup>th</sup>, 2010. Seconded by Trustee Hurd. All ayes. Motion carried.

**Adjournment**

Mayor Maher moved to adjourn. Seconded by Trustee Norman. All ayes. Meeting adjourned.

**Village of Walden  
Board of Trustees  
Regular Meeting  
March 9, 2010**

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
		Edmond Leonard
		Bernard Bowen
		Roy Wynkoop

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

**Presentation**

Trustee Norman presented Trustee Wynkoop of Flower's by Anita's with a certificate of appreciation from the Board of Trustees for their 25<sup>th</sup> anniversary.

Trustee Wynkoop thanked everyone for the plaque and stated that it wouldn't have been possible to stay here without all the support he's gotten.

**Village Manager's Report**

Manager Politi stated that the wastewater treatment plant rehab is continuing. They are still drawing down the tanks. Contracts for Standard Construction are moving forward. The I and I monitoring will begin as well. Delaware and our DPW has been keeping everything moving.

The manager stated that for 36 Sherman Avenue that component is done now. The porch has been removed and the house has been boarded up.

Manager Politi also stated that the budget process has started. He will present it to the

board on March 23<sup>rd</sup>.

The manager stated that the DPW crew did an outstanding job with the snow storm. The police department and the office staff also did a great job. We fared well with our equipment. No major breakdowns. There was a major sewer collapse on Maple Street. By the time school opened they were out of the way.

Trustee Leonard stated that DPW worked together with NYSEG getting them to the transformer on McKinley Avenue. He asked if DPW could go around with the chipper and pick up the branches.

Mayor Maher stated that he and the manager have had discussions regarding this. They are working on a plan to chip the branches.

Manager Politi stated that they have the capability to chip up to a four inch branch. If they can get the residents to bring the branches to the curb line that would help. He doesn't think the village can pick up the bigger pieces. If it's a village tree the village will take care of it. If its from the residents own trees we can't. He would like to keep it contained to one week. He will work with the mayor to put a press release out and put it on the web site.

Trustee Leonard indicated that Bruderhof will take the chips.

Mayor Maher thanked the Bruderhof because during the storm they were shoveling out people.

Deputy Mayor Rumbold stated that there was a letter that the Building Inspector sent to a local business of an incident that supposedly occurred there.

Manager Politi stated that the way he heard it he responded to it.

Deputy Mayor Rumbold stated that the business owner is not happy. He felt that he should have been asked what happened and what was the circumstance before the letter was sent.

Mayor Maher stated that he seconds that. The owner was upset that he didn't get a phone call because of maybe a rumor.

## **Public Comments**

Michael Melnick 16 Oakland Avenue who was in attendance with his neighbors from 11, 17 and 14 Oakland Avenue who wished to present to the Board's attention a petition that they drafted which has 64 signatures to have the large overgrown oak trees that line Oakland Avenue removed. They are hazardous and destructive. What is more important, the lives of children or the trees. They believe they can replace the trees.

Mr. Arakas stated that they are not against trees, but they can replace trees but you can't replace a child. He showed the Board pictures of a branch that went through his roof into his livingroom ceiling. They have proof that at any given time branches could fall on their property. They notices brackets growing on the tree which is an indication that the trees are decaying on the inside.

Mayor Maher commended Mr. Melnick for taking part in his village government in getting all the signatures. It's the process they encourage. He will keep them apprised of what they will do about this.

Mrs. Sibley stated that Mr. Lamendola has been to her residence to remove large limbs. Mr. Persutti also looked at the trees and he was to decide if they should come down. The village did come out and trimmed the trees. They were to have a decision by last fall.

Deputy Mayor Rumbold stated that Mr. Persutti was the one that neutered Mr. Melnick's trees.

Mr. Melnick stated yes, but unfortunately the acorns have drastically reproduced.

Mrs. Sibley also showed pictures of limbs from the trees.

John Revella, 16 Church Street stated that on Friday, March 12<sup>th</sup>, 8am - 3:30pm there will be a presentation from the Orange County Planning Federation.

Mayor Maher stated that he plans on attending.

Mr. Revella stated that he understands that a date hasn't been set for the clean up of tree limbs, but he appreciates the effort so far. He also announced that Meet the Candidates night is Thursday at 7pm right here.

Stephanie Faso 37 Oakland Avenue stated that at the base of Oakland Avenue is a very active Valley Central School District bus stop, not only does the tree hazard affect her neighbors but they all share the danger.

Becky Pearson, 167 Walnut Street stated that you might as well cut every tree down in the Village of Walden. The tree have been looked at and the arborist was there looking at them and limbs have been cut down. If you live by an oak street you're going have acorns coming down.

Mayor Maher asked, just for the record, Mrs. Pearson wants all the trees cut down.

Ms. Pearson stated yes, that's what it sounds like to her.

Mr. Arakas asked Ms. Pearson to look at the pictures.

Ms. Pearson stated that she has a comment on the comprehensive plan committee that has been formed at the last meeting. She asked if there was an appointment by the board to make that committee. She is concerned about who decided to put the committee together. Did one person on the board make the committee. It should have been a board decision. Also, the WLDC members are in attendance, are they speaking tonight.

Mayor Maher stated that they are the sixth discussion item.

Ms. Pearson asked if the mayor will be answering all the questions she emailed him on this.

Mayor Maher stated that they will do their best to answer all her questions.

Brenda Adams, 31 Valley Avenue asked if the board has had any involvement with the Orange County Water Authority, the new law they are talking about. There will be a meeting tomorrow night with regard to that. There was a letter to the editor in the newspaper two weeks ago from a lady in Blooming Grove. She was telling the people in Orange County to be careful because all of Orange County will have to pay for these water districts. She asked if the board has looked into this.

Trustee Leonard stated that he saw the article and that doesn't scare him as much as potentially they have eminent domain to take over existing water systems. He will be attending one of the meetings.

Mayor Maher asked that Trustee Leonard report back to the board and he will be calling the county tomorrow.

Dave Sperry 12 Overlook Terrace asked if residents can put limbs by the road to be picked up.

Mayor Maher explained that he and the manager will be figuring something out and they will put out an announcement.

Mr. Sperry stated that back in October he asked for board minutes to be put on line and as of two weeks ago no minutes are on the web.

Manager Politi stated that the village clerk forwards them to the web site.

Mr. Sperry stated that it only goes back to 2007. The library threw out the earlier minutes.

Village Clerk Nancy Mitchell stated that she forwarded a packet of planning and zoning

minutes to the web site.

Mayor Maher asked the village clerk to find out what it would take to get those minutes on line.

Mr. Dowd stated that the village is 150 years old. Do they want 150 years of minutes on line.

Mayor Maher stated that they should have access to them.

Mr. Dowd indicated that they do have access by coming to the office. He further stated that the village clerk is the official of the village records including all the minutes. Anyone can come to the village clerk's office and ask to look at any minutes and they can look at them and read them. Some of the minutes are hand written and they may not be legible after copying. If you put the last five or ten years he can't imagine why that wouldn't be acceptable.

Mayor Maher stated that he agrees.

It was the consensus of the board to see what the cost would be to put the past ten years on line.

Mary Ellen Matise, 21 Clinton Street stated that the old minutes that Mr. Bodine transcribed are in the library. She also asked what's going on with the code. Once the code goes on line it will be easier for the minutes and agendas to go on line. Then General Code searches your minutes. She also asked about emergency notification and how that happened during the recent snow storm. She read in the paper the next day that people were charging their cell phones at the fire house. How about the 85 year old people without heat. Did they know they could have gone to the fire house and be warm. How were they told. She suggested they go back to the old bull horn when the police car would go around and tell people what is going on. She called 4919 and until a day and a half later it still said the emergency was still in effect.

Mr. Millspaugh stated that he has the first thirty years of village minutes if anyone needs them. He also asked if there was a handbook or policy regarding trees, removal, maintenance or replacement. The village took a big hit on trees with this last storm. Also, the catch basin on the northeast corner of the bridge on Highland Avenue the framework has collapsed. That should be put on the priority list.

Helen Schoonmaker, 7 Westwood Drive stated that she was talking to Peter Clement from Fox Hill and he said he called the police station to tell them that he was open and was willing to take anyone that got there during the storm. He also said the fire house was taking people. He also brought food to the seniors and left his phone number in case of an emergency.

**O.C. County Executive Edward Diana's Request for a Resolution Agreeing to Keep the**

## **9/11 Terrorist Trials Outside of Orange County**

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## **Small Cities Loan Subordination Request**

Mr. Barnes explained that there is a request for the village to subordinate our mortgage to some other financial instrument. In this case they want to subordinate to a reverse mortgage. This mortgage company will pay off their existing first mortgage which is \$134,000 and then they lend them enough money based on the equity of the house so they are using that equity as the years go on. When the person sells the house the equity is returned to the bank. He looked at the current guidelines which you look at to see if there is enough value in the home to cover the mortgage, the new first mortgage, plus our debt and there should be an 80% debt to value ratio. In this case it's 56%. This home is appraised at \$290,000. They are requesting the village subordinates all of our existing mortgage of \$21,000 to the new reverse mortgage. There would be two new mortgages, one from the bank and in the event that bank defaults HUD backs it up and takes over. It doesn't weaken our position.

Mr. Dowd asked if that makes the village in third position.

Mr. Barnes stated that he thinks so. The second mortgage is there to back up the banks mortgage in case they default. So it's insurance for the homeowners. The item in this case that strengthens our position is once this reverse is in place the homeowner will no longer be making a mortgage payment of \$825. They still have to pay taxes themselves and insurance on the house. He doesn't see any problem with this as it is structured.

Mayor Maher stated that he doesn't have any concerns.

Mr. Dowd stated that he did not know about the HUD second mortgage. The village has a policy that they don't subordinate into third place.

Mr. Barnes stated that they have in some cases.

Mr. Dowd stated that the village changed their policy a few years ago so they wouldn't be in third place except in a very rare instance. He asked Mr. Barnes if they can pay off the first mortgage.

Deputy Mayor Rumbold stated the bank does.

Mr. Dowd asked if the bank pays off the first bank mortgage and then they step into place of that bank and then HUD comes in and takes a mortgage guarantee if that bank goes broke that they step in and then our loan is actually subordinated to both the first mortgage and the second

mortgage.

Mr. Barnes stated that he looks at the second mortgage as a guarantee that the homeowner will be protected in the event the bank defaults.

Mayor Maher asked how being in third place is a negative to the village.

Mr. Dowd stated because we are further back in the chain of getting our money back.

Deputy Mayor Rumbold asked what is the amount of the villages loan.

Mr. Dowd indicated that it's \$21,000.

Deputy Mayor Rumbold asked why isn't that paid off with the reverse mortgage.

Mr. Dowd stated that he was going to ask that. If they are paying off \$134,000 to the first mortgage and stepping in that place, why aren't they paying the \$21,000. What does that do to the reverse mortgage and to the benefit of the homeowner.

Mr. Barnes stated that the principal on the reverse mortgage is \$162,980 which leaves \$127,000 in equity. The way it works is based on the age of the borrower the reverse mortgage can go just so far based on life expectancy. What they did was based on what they think the proper amount to lend is \$162,980 and then they subtract the service fee, finance originating fee and other financial costs so the net principal limit is now \$143,000. After you get the reverse mortgage they don't have enough cash coming back to pay off our loan. The most they could pay based on the banks limit would be \$9,022. The owners have said that they want to keep that cash in order to pay their property taxes. The village can say that they want as much of our money back that they can give us which would be \$9,022.

Mayor Maher asked if Mr. Dowd would like more time to go over this and come back to the board.

Mr. Dowd stated that the village has their guidelines and that's when he mentioned HUD coming in and he understands it's a guarantee for the first mortgage but your putting yourself behind both of them. Without knowing what that arrangement is he couldn't even advise the board as to if it's a sound deal or not. He doesn't understand, the first bank gets paid off and then we don't get paid off. He indicated that he would like to sit down with Mr. Barnes to talk about it and bring it back to the next meeting.

It was the consensus of the board to table this until March 23, 2010.

### **Bartlett Building Parking Access**

Mrs. Bartlett gave the board photos and survey of her property on Orchard Street. She

explained to the board that in November she wrote a letter to the board requesting access for egress and ingress from the public parking lot to the back yard of her property. The building is a two story building with two apartments on the second floor and the first floor is a large office. She would like to enhance the property by developing a parking space in the back for a long term renter to buy. Presently it doesn't have any parking. When Mr. Bartlett had his law office there he rented three parking spaces from Mr. Spanos. In 1994 Patricia Dwyer, Village Manager approached Mr. Bartlett asking him if he would like access to the rear of his building for parking and he said no because he has a good relationship with Mr. Spanos and he rents three spaces from him, plus the girls would use the backyard for lunches some times. The village put up a six foot fence and installed a peoples gate. The back yard is only 35 to 40 feet so there isn't that much room for cars, but you could get three or four cars there and the person who would have their office downstairs would have access to be able to park within their own property. That is why she is requesting this.

Mayor Maher stated that there was a question about trucks and whether they would be loading and unloading.

Mrs. Bartlett stated that there wouldn't be any room for trucks.

Deputy Mayor Rumbold stated that was the question to the attorney, if they could put a weight limit on vehicles that go in and out.

Mr. Dowd stated that you can define the scope of the easement.

Trustee Leonard stated that the village would have to block off the area in the parking lot to allow for cars to go through.

Trustee Norman stated that there are no parking spaces there.

Mayor Maher asked the attorney to draft something that includes an easement to the board's satisfaction so at the next meeting they can move on this.

Mr. Dowd stated that if the board can tell him what they want in the easement he will put one together.

Deputy Mayor Rumbold stated that her concern is once someone buys property they can change it any way they see fit. They can take the back of that building off if they felt like it and create a bigger parking area for trucks. She was trying to accomplish was to protect the village parking lot from wear and tear of anything big going in there. She asked what the village's liability was if they allow egress to that area.

Mr. Dowd stated that it's our parking lot and right now you allow the public to park there so you have the liability of accidents and/or trip and fall. As you have people passing through to

get access to the Bartlett property there is additional traffic going through to that property and then if there is an accident there is a potential issue of liability there. He doesn't know how significant that is. You can ask for insurance and an indemnification provision as part of the easement.

Deputy Mayor Rumbold asked how Mrs. Bartlett would prevent people from going through the parking lot and parking in her area.

Mrs. Bartlett stated that it would be gated.

Trustee Hurd asked if there were zoning issues.

Mr. Dowd stated yes, parking lots have to be paved. He stated that if the board is considering granting this easement they should make a motion asking the attorney to prepare an easement. He will talk to Mrs. Bartlett about the language of that. He asked the board for guidelines. He can prepare a draft easement and at the next meeting consider that and if they are happy with the arrangement then they can adopt the easement. He has to know what the board's concerns are. He knows that there is a concern with the access, weight limits and number of cars going through.

Deputy Mayor Rumbold stated that there is a concern with the liability.

It was the consensus of the board to have Mr. Dowd sit down with Mrs. Bartlett and work something out and bring it back to the board.

### **Pre-Budget Discussion**

Mayor Maher stated that they've had these discussions for the past three or four meetings and they have been productive. He asked if there were any other comments.

There were no comments from the board.

### **Girls Softball State Championship Signage**

Mayor Maher stated that he was approached and he would like the board's feeling on this. The Walden Little League had spoken about getting signs put at the entrances to the village recognizing the girls state championship team. The cost will be between four and five hundred dollars. He knows the board is thinking where are we going to get the money, there was a line in the last budget that they didn't tap into fully, \$5,000 for the backstop. They used \$3500 which gives \$1500 left. He would like the board's permission to have someone come in at the next meeting to show the board what the sign would look like.

Mr. Dowd asked if the sign would be at the village's expense or Little League's expense.

Mayor Maher stated that it would be the village's expense and it's from himself bringing it to the board.

Mr. Dowd stated that Little League is a private organization and this is part of the Little League organization and therefore you're not suppose to give money to or promote a private organization. He understands the pride in your community but there is a fine balance here. If you do it for the girls softball team in the future other organizations may want you to do this for them and expect you to pay for it. So, once you go down the road you're down the road permanently and you can't stop discriminating between those kinds of requests.

It was the consensus of the board to have someone come in and show the board what the signs would look like and discuss it further.

### **Village Web Site Policy**

Trustee Hurd stated that we currently don't have a policy. He hasn't had a chance to investigate other villages policies. He would like more time to research this.

Mayor Maher stated that he has been in touch with other web sites and its pretty natural to have links to other web sites promoting organizations.

Trustee Hurd asked, can anybody link to a blog on our site.

Manager Politi stated that he will research that.

### **Walden Little League Bradley Park Improvement Request**

Manager Politi stated that he received a letter from Walden Little League asking for water access and hookup from Albany Avenue to the softball field for watering of the field. There would be a cost to the village to run that line. Also they want to extend electric from Albany Avenue for the new scoreboards, that is also a cost to the village. The batting cage would be no cost to the village. The warning track is not a issue. The backstop an 10' fencing from dugout to dugout, they are looking for a contribution from the village of \$3800. That is not for the present budget. That would be going forward. To install foul poles is no expense to the village. He thinks that this should be part of the budget discussion, capital improvements.

Mayor Maher asked for estimates for the next meeting.

Deputy Mayor Rumbold asked if Little League contracts with the village for the use of those fields.

Manager Politi stated that they write a letter requesting use of the fields and provide

insurance.

Deputy Mayor Rumbold asked if Little League pays for water and electric.

Manager Politi stated no. They have put a lot of work that they've done through their own organization to maintain the fields.

Trustee Leonard asked if the water lines were below the frost line.

Manager Politi indicated yes. We winterize the building.

Deputy Mayor Rumbold asked who mows the grass.

Manager Politi stated that the village mows and sometimes Little League helps out.

Trustee Bowen stated that they talked about the girls softball championship sign which is a fee and now we're talking about \$3800 which is another fee.

Mr. Dowd stated that the difference is that it is a capital improvement to our park.

Mayor Maher stated that is a portion of the cost.

Trustee Bowen asked if the permit is solely for the Little League all summer or can other people use the park.

Manager Politi stated that sometimes there is overlap and the firemen have their fair every year.

Mr. Dowd stated that Little League has exclusive use of the field during Little League season. If the firemen want to come in they separate the activities.

Mayor Maher asked for estimates and indicated that the Board will be discussing this during the budget process.

### **Walden Local Development Corporation**

Thomas Olley, Vice President of WLDC stated that they have an impending grant application through the Empire State Development Corp which is due in their hands on Monday, March 15<sup>th</sup>. When they appeared before the board four weeks ago they said they would be seeking a resolution from the board that they were seeking a \$50,000 grant from the program income from the HODAG loan which would not affect the taxpayers of the village. They are asking for two resolutions tonight, one is a resolution supporting their efforts to do an adaptive reuse of the historic Ryder Ericsson/Spence Engineering building at 29 Grant Street property for

mixed use commuter transit orient development. The second resolution is a commitment of \$50,000 of that program income of the Walden View HODAG funding for the purpose of advancing the adaptive reuse of 29 Grant Street. They are suggesting that be subject to confirmation by the US Dept of Housing and Urban development that the use of these funds is qualified for that intention. There is a question about the percentage of the units being set aside for low to moderate income housing. The threshold that was used for Walden View was 20%. They believe it would be the same threshold for this project. Mr. Barnes is confirming what conditions may be applicable to village reuse of that money.

Trustee Hurd asked if HUD says okay to the use of HODAG funds, are they the determining agency in the use of those funds.

Mr. Olley stated that the question that has come up is to make sure that we're complying with those conditions.

Trustee Wynkoop asked if Mr. Olley said it would have to be low income housing.

Mr. Olley stated that because the money originally came from a program that required 20% set aside for low income housing. It may very well have that same condition for the use of that money. If it's 20% they are willing to encumber them or any future developers to that limitation. It's not intended to be a low income housing project.

Mayor Maher asked if they could give anything about how many units they would need and if there were 17 units, 3 or 4 would have to be affordable housing. That is part of what they need funds for is to hire an architect to design the units and evaluate other portions of the building. In talking to developers that have looked at the building they are thinking 15 or 20 units total and 4 units would be set aside.

Mayor Maher stated that their intentions is to make sure it's not low income housing and that we are looking at 20% and we are talking about a lot of ifs here, if HUD says the regulations are a certain way and if HUD says it's only 20% affordable and not the entire low income.

Mr. Olley stated that if they said the whole thing had to be they would come back to this board and reevaluate the project. They see it being a commuter oriented type of development. They would be looking to have market rate apartments in the upper floor.

Trustee Leonard stated that Mr. Barnes told him that he still hasn't received information of what level moderate and low income would be defined by HUD is. He asked Mr. Olley what other involvement would he see the village would need to be in.

Mr. Olley stated that long term this project is in its infancy. As a local development corporation they can do certain things that the village can't do. He is not going to stand here and be disingenuous and say they would not come back to the village for additional funds if it were

appropriate to share in some other grants, maybe cosign with grants. The WLDC has teamed with the village in other grant applications.

Mayor Maher asked if making the motion creates a slippery slope of spending on behalf of the village. As he alluded to although the initial funds will not be taxpayer money would it lead to the village paying out taxpayer money in the future.

Mr. Olley stated that any action in that direction requires a resolution of this board. They are not seeking for the village to fund this redevelopment project. As it moves forward there may be aspects of the project that the village may decide it's in their best interest to take a position on. He doesn't want to rule out the villages participation. They are not looking to put the village in the position where this project won't move forward if the village isn't involved. That is what the WLDC is for. They are here to promote the economic health of the village not to encumber it or burden it.

Trustee Wynkoop asked, once that HODAG money is used for it's original intent and it comes back in repayment form, he was under the impression that they could use it for anything they wanted to at that point.

Mr. Olley stated that's not true.

Trustee Hurd stated that when the village did the original grants for that and they got that large amount of money it was back in the early 90's and the village was a different village 17 years ago then it is currently. We are sitting on a half a million dollars of potential development money which this village controls, but the restrictions on it are for use that's going to become less and less as the village builds out, so we may have more money in that fund that we can use for the original intent, is there any instance where HUD could say you're right, you're not going to be able utilize that money so we can release that money for any good use.

Mr. Olley stated that's the discussion they are having now and HUD doesn't want to see the money there untouched. They did get the names of the two people that they need to talk to.

Mayor Maher asked the board if this is a project that they want to support.

Deputy Mayor Rumbold stated that they really don't know what the project is. They don't know what HUD's guidelines are going to be. When you read the statement that said primarily mediam or low income housing, primarily is not 20%. She doesn't know they equate primarily with 20%. There are so many questions. They don't know what the project is. They know what their concept of the project is, but until HUD gives the village that information they are asking the board to support something that they do not know what it is.

Mr. Olley stated that they are asking the board to support the adaptive reuse of that property. It's still in it's infancy.

Deputy Mayor Rumbold stated that she supports that zone being developed. They are asking her to support the LDC for a conceptual project that they don't know what the project is going to be because they don't know what strings are going to be attached to it from HUD.

Mr. Olley stated that respectively the Deputy Mayor is not representing what their position is accurately. They believe that where the 20% comes in is the same threshold that they used to loan the money in the first place. What they don't believe is they are going to have a separate set of rules on using that money the second time.

Deputy Mayor Rumbold stated that HUD could come up with any strings. She is not saying developing that area is not right. She believes it needs to be developed and it needs to be developed correctly and the village should have a say in what happens. You're talking about a federal agency who can't even pick up the phone and give you information or answer a question. She can't sit here and say that she supports a project involving HUD because she doesn't know what it is.

Mr. Olley stated that she is not accurately representing their position on it. They are asking for the village to commit that money that they can't use for anything else but housing. They are asking for a portion of that money so they can take the initial steps to do something much better with that property then just let it sit there and decay.

Deputy Mayor Rumbold stated that is a separate issue. The mayor said they were going to deal with the first portion and what they were discussing was whether they can support, make a statement as a board to support the project. She wasn't even thinking about the money end because that was the second question.

Mr. Olley stated that she was tying the HUD money back into the property.

Deputy Mayor Rumbold stated that she is tying the HUD agency. You're saying to her as he presented this project you want this board to support it. Part of their concept as the LDC is working their concept as they presented it, putting apartments in the top of this building and they were talking about HODAG money which would mean, if HUD says that is what you have to do with that money, low to median housing and he is asking the board to support that project, a conceptual project. She is willing to say and she will make the motion that she supports the development of that MX Zone, but that is as far as she is willing to go. She is not going to make a statement that she agrees with his concept, she may or she may not. She doesn't want HUD in that resolution in any way, shape or form. If he wants this board to say, she will be willing to vote. She is in favor of developing that MX zone, period. She is not willing to tie it into any agency what-so-ever.

Mr. Olley asked, not even tying it into the Walden Local Development Corporation.

Deputy Mayor Rumbold stated because Walden Local Development Corporation wants to

develop that area and she understands that. How far are they going to go with village funding. How much do they want from the taxpayers of the village. Right now the WLDC doesn't have any money. They've contracted to purchase property and they don't have any money to do that, so they are looking for the village to help them in that matter. If her attorney tells her, legally, they are entitled to the HODAG money, she doesn't know how she can deny them that, but they are asking her to support a project that she's heard a concept, she doesn't know what it is.

Mr. Olley stated that they are asking her to support a project in its conceptual form so they can go out and get non taxpayers money through the form of grants. They are the Local Development Corporation. They are formed under the laws of New York State. As a local development corporation they are one of those agencies just like this village that can go after those funds. That is where they need the board's support. He asked that it not be qualified the way that its been described. Whether they have the money today they are going to put a burden on them that they won't have a resolution to take to the state or the feds that states this village board is behind this project.

Deputy Mayor Rumbold stated that a statement that this board supports the development of this MX Zone isn't good enough. It has to spell out more details.

Mr. Olley stated that would cover a lot of other properties that the LDC isn't involved in. The LDC is making grant applications and he feels if they don't put the LDC in their resolution they are not helping them to help the village.

Mayor Maher suggested they make a motion stating to support the Walden Local Development Corporation's efforts to creatively look into options for redevelopment in such area.

Mr. Olley stated that it has to be for the specific property.

Trustee Wynkoop stated that he feels what they are asking for is not out of reason.

Mayor Maher stated that he thinks it's general enough and it supports the idea of redevelopment, it doesn't include HUD, it doesn't even talk about the conceptual idea, just creatively redeveloping and looking into that property. He doesn't feel that is far fetched. We have to do something to develop that area.

Mr. Dowd asked Mr. Olley if he's asking the village to support the LDC's application for the grant for the redevelopment.

Mr. Olley stated that it would be to support their efforts in the redevelopment.

Mr. Dowd stated that he's talking about the money they are seeking from Empire State. The first thing they asked for was for them to support their application to the Empire State in the

redevelopment of this particular property owned by LDC. Is that what they want?

Mr. Olley stated that they would like the board to make it as broad as possible so they can use it for other grant applications.

Mayor Maher asked if the board makes that motion does that tie them into the concept.

Mr. Dowd stated no, if its generic enough it will basically say that they are supporting the redevelopment of this particular property owned by the LDC.

Deputy Mayor Rumbold stated that it's not owned by the LDC.

Mr. Dowd stated that they are in contract to buy it.

Mayor Maher asked if the board makes this motion are they liable for any kind of fees and isn't it correct that they would have to make another motion in order to spend those fees.

Mr. Dowd stated absolutely. The first part of this is strictly this board's support for their efforts to redevelop that property.

Mayor Maher moved that the Board of Trustees is in support of the Walden Local Development Corporation's efforts to look into the options for the the redevelopment of 29 Grant Street. Seconded by Trustee Wynkoop.

Trustee Leonard stated that without the board's blessing this application to the Empire Development has no weight. That is what this is all about we need more ratables in this village.

Deputy Mayor Rumbold stated that she just wants to make certain that if they are just saying that they support their efforts in finding out how this can be developed, we're not committing any taxpayer money to it and it's basically we're giving our blessing to a fishing expedition.

Mr. Olley stated that it's not a fishing expedition. It's a vision and now we have to go to the next step to figure how they can bring that vision to reality.

All ayes. Motion carried.

Mr. Olley asked that the board make a motion to authorize the use of \$50,000 of the program from the Walden View Apartment HODAG funding for the purpose of advancing the adaptive reuse of 29 Grant Street subject to confirmation by U.S. Department of Housing and Urban Development, that the use of these funds is qualified for this project.

Mayor Maher asked if in that motion does that encompass the 20% affordable.

Mr. Dowd stated that if HUD says you can use it for this purpose HUD will tell us the conditions under which we can use the money. He has another threshold issue here. He didn't know this was coming up on the agenda tonight. He believes because they are asking the village to potentially, conditionally provide \$50,000 in money, this is subject to SEQRA.

Trustee Bowen asked, if the village doesn't give them the money will they be able to start the project and is there any money coming from the corporation to start the project.

Mr. Olley stated that they will still pursue their efforts. He doesn't know if they will be successful. They want to show them that they have matching funds. The LDC is a non profit organization and non of the directors are compensated so they don't have an equity interest in the property. Their interest is to get that property redeveloped and get the ratables for the village. The directors aren't reaching into their pocket and putting up \$10,000 each.

Mayor Maher asked if what Mr. Dowd said stops them

Mr. Dowd stated that he raised the question because they are asking for provisional funding for the purchase of the property. Before you can allocate \$50,000 of your HODAG money you have to do a SEQRA action. SEQRA involves not just the purchase potential of this property but the development of this property. Unless you're going to segment SEQRA, which you're not suppose to do, we would need to look at that and evaluate how you're going to do that as an agency subject to SEQRA.

Trustee Hurd asked what their time frame is.

Mr. Olley stated that the application is due Monday.

Mr. Dowd asked if they needed the village's \$50,000 committed for that application on Monday.

Mr. Olley stated that it makes the application better.

Mayor Maher stated that this is a very, very, if situation and he thinks they are spending a lot of time on it, because it is important, but there are a lot of questions to be answered by HUD. He asked what the board can do. He asked if they could do this without SEQRA.

Mr. Dowd stated that he doesn't know if they can do it without SEQRA. You have to do SEQRA first before you make an action.

Trustee Leonard stated that he feels they should find a way to go forward.

Trustee Bowen stated that he is not comfortable with it.

Deputy Mayor Rumbold stated that you should follow the attorney's advise.

Mr. Dowd indicated that if the board wants to they could hold a special meeting and see if they can come up with some resolution regarding the SEQRA process.

Deputy Mayor Rumbold asked, if HUD says no and they've expended money, would any money change hands that they don't know yet if they will get that money back from HUD or have access to the HODAG funds.

Mr. Olley stated that they are doing their own grant writing for the application. There is a fee that the LDC would incur to file the application for the grant.

Mayor Maher asked if it would be possible, if they get a response back from HUD and the board calls a special meeting and finds out from there where they are with SEQRA. Is that logical if they have to do that as a board before Monday.

Mr. Dowd stated, assuming that HUD comes back and says you can do it you still have the SEQRA issue. SEQRA has to go first before you make your resolution allocating the \$50,000 to this project. You can always do SEQRA and then pass a conditional resolution.

Mayor Maher asked Mr. Dowd to work with Mr. Olley and get back to the board and if they have to call a special meeting to discuss this they can.

It was the consensus of the board that the Village Attorney meet with Mr. Olley about SEQRA and get back to the board and if they have to hold a special meeting.

### **Public Comments On Business of the Board**

John Revella, 16 Church Street stated that he was concerned with the Small Cities loan application for subordination. The money was given to the people to improve their home to be paid back when they sell their home. To him a reverse mortgage is like selling your home and they should pay it back. In regard to the Bartlett building parking easement he remembers the village paying a lot of money for an easement for the sewer line. The Girls Softball State Championship sign, in driving around the county you see those kinds of signs. He supports the signage for the state champions. He indicated that there are electrical lines run to the score boards at Bradley Park. He doesn't know if they work. He feels that park needs to be improved. He is concerned with the Package Lighting building, it's a historic building and they should honor the past and also embrace the future developing it in some way. The village should use the HODAG fund. He also suggested that it be put in the Bartlett easement that if the insurance lapses that the easement cancels.

Frank Lamacchia 21 Woodruff Street asked the board to give him a dollar and if those

numbers come out he will give them their money back. There are so many ifs, he's confused. He inquired about the low income apartments at 29 Grant Street.

Trustee Hurd stated that it's residential over commercial.

Mayor Maher stated that there are a ton of ifs and the board isn't comfortable with them either. They will do their best to find the answers.

Mary Ellen Matise asked about the HODAG money, is it a gift or a grant.

Mayor Maher stated that it's repayments of something that was given out seventeen years ago.

Ms. Matise asked if the \$50,000 was going to be repaid to the village.

Mayor Maher stated that right now it's a loan and would be repaid at an interest rate. It could also be brought up for discussion if it could be given as a grant.

Ms. Matise stated that if we have all this HODAG money and we have people whose homes are income eligible why can't we be using that money for that or is it strictly rental.

Mayor Maher stated that if they get an interpretation it's worth exploring as to how well it can be used. Lets find a way to use it creatively for everyone everywhere.

Ms. Matise stated that there is still an issue with the MX Zoning and she would hate to see the end of an active rail spur which could be used for businesses that use the rail spur and would bring in many jobs. It could be a green business. Kingston and Saugerties is getting money for green businesses. We have an active rail spur there that we want to waste on apartments.

Becky Pearson stated that they talked about the sewer main break, she saw dirt being removed, was there dirt left over, because the memorial park next to the bridge could use dirt. Also, on the HODAG funding she had concerns about whether you use that HODAG money, and they are talking about low income housing or below market rate housing that would have to be in there, can that change the square footage of the apartments and can they do lower than nine hundred square feet. Can they use that money to get money to purchase the building or does it have to be for rehabilitation. Trustee Leonard asked about tying into the village and what it does. She guesses there are no real plans so they don't really know what it's tied into. She believes the board did the right thing tonight putting it off. She asked when the special meeting will be and how will it be noticed.

Mayor Maher stated that it will be in the evening and everyone will have as much notice as possible. It will go out in a press release. He will call her personally.

Ms. Pearson asked, once the funds are used does that set a precedent with other people who have regular apartments can then come in and use the HODAG money and lower their apartment size.

Mr. Dowd stated that he doesn't think they can lower the square footage of their apartment without a zone change or variance.

Ms. Pearson asked if it can be used for a purpose or for fixing it up. Will the board have the answers before they take a vote.

Mayor Maher stated that they will work their best to answer all her questions.

Mickey Millspaugh stated that access to the Oak Street apartments is through the Oak Street parking lot and that seems like it's some sort of precedent for access to private property. He asked if everyone on the board read the letter from Dave Lustig about the purchase price. He would like the letter be part of the minutes. He asked if is it fair market price that is being asked for that property.

### **Approval of Minutes**

Trustee Hurd moved to approve the minutes of February 9<sup>th</sup>, 2010 Motion carried .  
Seconded by Trustee Leonard.

Deputy Mayor Rumbold stated that in the minutes Trustee Leonard was talking about the committee stated that he was working on the committee eight months and then Mayor Maher referenced it about eight months and Trustee Leonard's comment isn't there.

Trustee Leonard stated that he didn't say six to eight months.

Mayor Maher stated that he did.

Trustee Leonard stated that its six to eight weeks.

Mayor Maher stated that on Page 1, fifth paragraph it doesn't show the vote.

Trustee Hurd amended his motion to include the change to Page 1, fifth paragraph with the following correction, Page 1, Fifth paragraph, add, On roll call Trustees Rumbold, Leonard, Bowen, Deputy mayor Rumbold and Mayor Maher voted yes. Trustees Wynkoop, Norman and Hurd voted no.

All ayes. Minutes adopted.

### **Audited Bills**

Trustee Norman moved to pay the audited bills of March 9<sup>th</sup>, 2010. Seconded by Trustee Hurd.

Trustee Leonard asked if there was an accident with Car 5?

Manager Politi stated yes and it was submitted to the insurance company.

Deputy Mayor Rumbold stated that when she was on the school board and they were trying to save money when people went to conventions if two females went they shared a room and if two males went they shared a room. She noticed the manager and Trustee Leonard went to a convention and they used two rooms.

Trustee Leonard stated that three people signed up and the third party did not go, that is why there was two rooms.

Deputy Mayor Rumbold asked why they didn't cancel one room.

Trustee Leonard stated that they didn't know until they went to pick him up.

Deputy Mayor Rumbold asked the manager to mention the bill for the Tinbrook that he will try to get the money for the seal.

Manager Politi stated that there was a bill in there for a pump in the amount of \$2700. They are going to try and get that back under warrantee. It was too soon for the seal to burn out.

Deputy Mayor Rumbold stated that she would like to know what their warrantee is.

All ayes. Motion carried.

## **Correspondence**

Trustee Bowen complemented DPW for their work during the storm. Also there was a light out since November and it was taken care of.

Trustee Leonard stated that the Citizen's Foundation is having a meeting this Friday.

## **Board Comments**

Trustee Norman stated that the Friends of the Walden Youth will be holding their annual yard sale on March 21<sup>st</sup>. The Easter Egg Hunt is March 27<sup>th</sup> at Olley Park. She also thanked everyone in the village for helping out during the storm. Where she lives they announced that anyone could go to the fire house. She kept in touch with the Police Chief and Manager. She

will be working on senior projects with Mike Bliss.

Trustee Wynkoop also thanked DPW and the Police Department.

Deputy Mayor Rumbold thanked DPW for the great job they did with the storm and she also thanked the Police Department for helping her husband and the girl she works with.

Trustee Hurd also thanked DPW. He also stated that those trees on Oakland Avenue have been inspected by an arborist. They went to considerable expense to treat that tree from producing acorns. We are at risk from everything in this village. He does not believe that any tree that is healthy represents any real danger to anyone. He would be extremely annoyed if the village cut those trees down because the residents don't like them. Those trees were there when they purchased those homes. He does not want the trees cut down.

Trustee Leonard stated that DPW did a fabulous job and NYSEG did a great job too.

Trustee Bowen stated that he didn't get power back until Saturday day at 3am. He also stated that the trees are there and we all know that when we purchased our homes. The reality of it is that if the tree is dangerous during inclement weather then it should be looked at. They should be thinking about cutting them all down.

Mayor Maher also thanked DPW and the Police Department, they worked very way together. He also stated that there was an award given out by the county and we have a recipient present, Orange Counties Woman of the Future, Amanda Rougier. There was a press conference, a breakfast and there will be a dinner at Anthony's Pier Nine. She is sixteen and she comes to board meetings.

Mayor Maher stated that Be the Movement is sponsoring a spaghetti dinner for Bridget Connally's family tomorrow night 5-9pm. Community Council is at 7pm

## **Adjournment**

Mayor Maher moved to adjourn. Seconded by Trustee Norman. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell  
Village Clerk