

**Village of Walden
Board of Trustees
Regular Meeting
March 23, 2010
Motions and Resolutions**

HODAG Funding Approval For 29 Grant Street Project

Trustee Leonard moved to declare a Type II Action with regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Mayor Maher moved to grant \$50,000 HODAG funds to the WLDC for the project at 59 Grant Street subject to the approval of the agreement by the Village Attorney. Seconded by Trustee Bowen. All ayes. Motion carried.

Walden Little League Bradley Park Improvement Requests

Mayor Maher stated that there were village estimates that they were looking to have today so they could make a decision, but he doesn't have them, therefore he moved to table this until April 13, 2010. Seconded by Trustee Hurd. All ayes. Motion carried.

Walden Little League Parade

Mayor Maher moved to approve the Walden Little League Parade on April 10th, 8:30AM is lineup. Seconded by Trustee Norman. All ayes. Motion carried.

Oakland Avenue Oak Tree Removal Request

Trustee Leonard moved to table the Oakland Avenue oak tree removal request until April 13, 2010. Seconded by Trustee Bowen. All ayes. Motion carried.

Bartlett Building Parking Access

Mayor Maher moved to table the Bartlett building parking access until April 13, 2010. Seconded by Trustee Norman. All ayes. Motion carried.

Girls Softball State Championship Signage

Mayor Maher moved to approve the purchase of the girls softball state champion signage and they are to be attached to the existing sign. Seconded by Trustee Norman. All ayes. Motion carried.

Small Cities Subordination Request

Trustee Hurd moved to grant the subordination agreement and authorize the mayor to

sign the agreement subject to the attorney's review. Seconded by Trustee Leonard. All ayes with the exception of Trustee Wynkoop not voting, because he was out of the room. Motion carried.

Small Cities Loan Request Approval Request

Trustee Leonard moved to table the small cities request until April 13th, 2010. Seconded by Trustee Norman. All ayes. Motion carried.

Easter Sunday Sunrise Service Request

Deputy Mayor Rumbold moved to approve the Easter Sunday Sunrise Service on April 4, 2010. Seconded by Trustee Leonard. All ayes. Motion carried.

Set Dates for Budget Sessions

Mayor Maher moved to set the following dates for budget work sessions, April 6, 8,9, at 7:00PM on the third floor of the municipal building and April 7th on the 2nd floor of the municipal building at 7pm. Seconded by Trustee Bowen. All ayes. Motion carried.

Additional Compensation

Trustee Leonard moved to pay the Village Treasurer an additional \$200 per week in the interim. Seconded by Trustee Norman. All ayes. Motion carried.

Approval of Minutes

Deputy Mayor Rumbold moved to adopt the minutes of March 9, 2010. Seconded by Trustee Norman.

Trustee Leonard made the following correction, page 17, 10th paragraph, place a comma after the word about and page 20, 9th paragraph change explore to exploring.

Deputy Mayor Rumbold amended her motion to include those correction.

All ayes. Minutes adopted.

Audited Bills

Trustee Leonard moved to pay the audited bills of March 23, 2010. Seconded by Mayor Maher. All ayes. Motion carried..

Adjournment

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

**Village of Walden
Board of Trustees
Regular Meeting
March 23, 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:	Nancy Mitchell, Interim Village Manager
	Kevin Dowd, Village Attorney

Executive Session

Trustee Norman moved to hold an executive session pursuant to 105-(f), Personnel, Village Manager. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

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

Presentation - St. Baldrick's Fundraiser Awards

Robby Brown presented Michael Lake with a certificate of appreciation for being the individual who raised the most money for St. Baldick's, which was over \$2,000. The team that raised the most money, \$4,678. was Montgomery Fire Department who were also presented with a certificate. The next fundraiser will be Saturday, March 27, 2010 at the Walden Fire House.

Mayor Maher thanked Robby and stated that he will be having his head shaved. They raised over \$30,000 last year.

Village Manager's Report

Mayor Maher assured everyone that the village employees are extremely competent. The village will run itself until they find a new village manager. He asked the board if they had any questions.

Deputy Mayor Rumbold indicated the the building inspector made a request of the trustees in reference to the prevailing wage issue. The Village of Walden charges prevailing wages and other municipalities in our area don't. The building inspector would like the board to write a letter to the New York State Department of Labor and ask why the other municipalities aren't doing so.

Mayor Maher stated that he will be making phone calls on behalf of the board.

Mr. Dowd stated that the board should notify and talk to your elected officials.

Public Portion

Mayor Maher stated that he is happy to see so many people taking interest in the Village of Walden politics. He's not a person to set rules, but with this large crowd and the fact that there are nine action items and five discussion items on the agenda, we do have a lot of business to attend to. He is only allowing one hour for public comment.

Trustee Hurd read the attached statement. He corrected his statement by saying they were only able to contact five members of the board about the special meeting on April 19th.

Mayor Maher stated that they will have public comment. Maintaining order in this meeting is extremely important to him. It is a reflection on him if this meeting gets out of control. If someone decides to curse or attack someone personally, that will not be tolerated. They will be gaveled and asked to stop talking and if they do not stop talking they will be asked to leave. If someone has a comment to make, even if it is negative, please be respectful.

Jim Hiller, 195 S. Montgomery Street made the attached statement.

Eric Metzger, 4 Gracewood Drive stated that he is very disgusted. He further stated that he is not only a resident, a tax payer but he is also a village employee. He is speaking for himself, so don't take this out on the police department. He has all the right to use his freedom of speech. Somebody, and he has a feeling it's someone right here in this room, doesn't like that

fact. Last night somewhere before the hour of 2:00am someone called a gay mans chat line and gave out his name and the police departments phone number. From 2:30am until 3:30am the phone rang downstairs with gay men looking for him. He doesn't take that personally, that person, and again it's someone in this room, wasted an hour of taxpayers money and time on a personal vendetta. Why, because of politics. Because he spoke out about his opinion on things. Does anyone else here see what the politics is doing to this village. Our village board is being elected by basically children. Children are doing this kind of crap. Only a child could do something like this. They're not only getting our officials elected, they are running their campaigns and now they are committing crimes against the police department and members of the police department. Second of all, his personal opinion, Jim Politi put 10 years into this village. You have to have your head in the sand to not think that the incoming board was going to fire him with BS supposed cause. He believes personally the four members who actually showed up for the vote and voted made the right decision.

Lucille Raymondo, 200 Orange Avenue read an open letter to the board which stated, I am addressing the issue of Mr. Politi's termination. In the Saturday Times Herald Record it was reported that board members took it upon themselves to call an emergency meeting to terminate the village manager. It was stated by Mr. Leonard that they felt Mr. Politi's job was in danger. This was an emergency, why, they are employees of the Village of Walden the same as Mr. Politi, however they were elected by the people to have in our best interest in the forefront. If the citizens of Walden spoke to change the current board with the intention of letting our officials know that the same old, same old would no longer be tolerated, these board members took it upon themselves to cover Mr. Politi's back and let the village residents _____ in the breeze. They seem to forget that it was the voters who put them into office, not the manager. They work for the citizens of Walden, not the manager. He works for them. It seems to her they put Mr. Politi above the citizens of Walden and this cannot be tolerated. Her for one have lost all respect, faith, and confidence in these four members and believe if Mr. Politi needs them to protect him, they should resign and join him on the unemployment line. If they refuse to do this then they should be willing to stand by their decision and forfeit all their salaries and benefits to make up the deficit that was caused by their actions. In this time of financial up heave when almost every block in this village has a home for sale or in foreclosure how can they act so irresponsible. This is because a zero budget was asked for and they are of the premise it is taxation as usual. We cannot afford to continue to pay for this. If the new board was going to terminate Mr. Politi or refuse to renew his contract in August that was the decision of the residents in the form of election results. For these members to circumvent this process is unethical and wrong. When they've accepted the position of trustee they took an oath to rule to the best of their ability to protect and honor the citizens of Walden. Their campaign spoke of the years they lived here, how they were born here for chose to move here because Walden was what they were looking for. This is how they look out for us. They give away funds needed for the village for its upkeep and operation. She is sure that she is not alone when she asks for their resignations and request that they live by their decision. They chose this, move on, give up their seats and stand squarely behind Mr. Politi.

Jessica Metzger, 4 Gracewood Court stated that she is a life long resident of Walden, she is the wife of Sergeant Eric Metzger, the mother of Joshua and Ethan who are also residents who behave better than some of the children who voted in this election. She is a voter and an actual

tax payer. Freedom of speech in United States is protected by the first amendment of the United States Constitution. She is coming before the board and speaking. Its been a long time since she has spoken at the podium. First she would like to comment on the signage presentation tonight. She appreciates and understands the pride that we have in the village for all of our teams. The teams that win and the teams that don't win. She doesn't feel it's appropriate to use village funds for these signs. The village recognized the girls softball team with a parade last year. It is her opinion that the money would be better spent on equipment and improvements in honor of the team. It is a waste of taxpayers money in these hard economic times for a piece of wood coming into the village with words on it recognizing their achievements. Also, she doesn't feel it's the business of the village board to remove trees which are healthy and have been standing tall for decades just because acorns are falling on peoples cars. Last, what is no longer the elephant in the room. It is her sincere hope that the board does due process and posts the village manager position and accepts and interviews from a host of qualified candidates, because she like many people in this room have heard many names being passed around as to who was going to be appointed. One name she is hearing more than most. She hopes the board sheds some light on that this evening, because that would clear up a lot. She doesn't pretend to know why the board members got together and terminated Jim's contract. She does know, and pay attention to those of you that are narrow minded, if the incoming board did have plans to terminate Jim and make him sue for his severance then you can thank the board that let him go on Friday, because him suing the village would cost all the taxpayers more money than what Jim was paid out in his severance. Don't be fouled. She does not any affiliation and never have with any political party. She doesn't align herself with any political group. She always votes solely on issue. So., Mr. Mayor and members of the board, for all of those who want to be the movement and be the new voice, you have to remember Mr. Mayor to be true to the people who actually pay their taxes here in this village and to the people who raised their families in the village. She asked if he understood that.

Mayor Maher stated that he understood that.

Brenda Adams, 30 Valley Avenue stated that they will hear tonight people who agree with what was done last Friday and people who don't. She thinks the bottom line is that they got rid of Jim, which is what a lot of people wanted. It costs money, which he deserved. He worked hard for this village, his heart was in it, his sole was in it and all his energy was in it. She knows he's done things that people don't like, but on the whole he's done a lot more good then he could have done bad. She doesn't know how many people could hate him so much that they wanted to destroy his life, take away his earnings, take away respect, his self respect, his integrity and his future possibility of getting a job. If you hate him that much she can't understand that. Trustee Bowen often uses the work accountability. . Think about accountability to yourself. You all have to face yourselves the next morning, everybody does and if anybody can stand up here and say they've never done anything wrong, they've never upset anybody, they've never done anything that could hurt anyone in the whole world then you have the right to make your statement, but if not you have to be true to your faith, to your code of ethics, whatever it is you carry your life by and decide if you did the right thing, because however it looks Mr. Politi has been allowed to walk away with his integrity, his self respect and his self-esteem. You have to decide if you really wanted that pound of flesh and she hopes not.

Nancy Lamancuso, 232 East Main Street stated that she doesn't know the pros and cons of Mr. Politi, she likes the man personally herself. She is upset with the irresponsibility and the unprofessionalism of holding that meeting on Friday without notice to the other board members to be there. There is no reason that cannot be held Monday, today or tomorrow. You still had time before the new board came on to sit down and discuss this. Doesn't matter to her what the severance package was because it was a good man and he did a lot of good things for the village. She feels it was irresponsible to do it non professionally the way they did it.

Frank Curtin, 49 Maple Street asked what constitutes a emergency meeting. He didn't see any fires burning down the town or flooding. If you're going to fire someone he doesn't feel that is an emergency, that can be deliberated.

Mr. Dowd stated that there is nothing in the village code that refers to the word emergency meeting. The village code has been in effect for 32 years about a special meeting and a special meetings can be called by either the mayor or upon the notice of two trustees on three different sets of time limitations, 72 hours, 24 hours or one hour. The board following the procedures of the special meeting gave three to four hours of notice before the meeting was held. So they were in compliance with the law.

Mr. Curtin stated that there was no dam breaking, no flooding, no fires or no electricity going down.

Mr. Dowd stated that there didn't have to be. This was a special meeting, not an emergency meeting.

John Muehlen, Alfred Place stated that when the board appoints the next village manager let him live in Walden, not the Town of Newburgh. He asked if he ever got his BA. He was also told that he didn't get his village license. He was not qualified for the job.

George Brown, 38 Bergen Avenue stated that he loves the Walden Police Department and what happened to Sergeant Metzger is wrong. He has four children, ages 18 to 24 and he's raised them properly and they have the constitutional right to vote in this village.

Marcus Millspaugh, Jessup Street stated that the attorney said an hour notice, he read the thing and it said personal service, Brian was in Boston. How was personal service made upon him.

Mr. Dowd stated that personal service has to be attempted and hopefully you succeed and they succeeded in five of the seven members being served personally. Four or more members constitutes a quorum which allows them to hold the meeting.

Mr. Millspaugh stated that the next item was for 24 hour notice in writing can be left with a responsible person at a person's home. He reads between that line that the reason for personal service is to make sure that person is within an hours time of the meeting.

John Revella, 16 Church Street stated that he wants to make sure things are clear, there

was some comments about kids voting. He knows the comments weren't made to discourage anyone from voting. It is 18 to vote and there are a lot of 18 year olds out there dying for us. He hopes that wasn't the intent, he doesn't think it was.

Mary Ellen Matisse, 21 Clinton Street asked about the HODAG Funding, she gave the clerk a letter about the history of the Ryder Engine Company. She asked if there was concern of what is going on there. She knows they are only in contract, but she wants to jump the gun. In the event the WLDC does go ahead with the purchase of this property. We would like to encourage them to list it on the State and National Registers because it is an extremely important site in the history of the industrial development of the United States of America. We're sitting here thinking it's just this little thing on Grant Street. Those engines were sold world wide. Jay Leno has one now and she was trying to get something from Jay's garage for us, but we didn't get anything in time. She hopes this history becomes part of what goes on there preserving the history of that building. She also wants them to remind whoever buys that property, we do have a code for demolition, there is no demolition without notification. With regards to the HODAG money, she has a concern because it seems that its in conflict of what an LDC really does. An LDC, according to NYCOM, is an organization which should be promoting economic development in our village and creating jobs, jobs that we need. At one time we were a huge industrial hub. Using the HODAG money is so specific to housing , to rental housing and to income based housing and because it's Federal funds it stays with that property forever. It precludes being able to do other things with that property. Before we go there she thinks what is going on there needs to be analyzed, You need clear plans about the project, how many units we are talking about. She has heard conflicting things, different things and ways the density could be boasted a lot more than it was presented. She is also concerned that there are no guidelines about the HODAG funds. When Becky was mayor and she was on the board they worked on establishing guidelines for the small cities money and they specifically made it a loan fund so the money would come back to the village and they could lend it again. In the absence of any guidelines she suggested they follow those guidelines. If the money is going to be given so that the LDC can leverage state money, what is what they said they wanted, why don't they hold it in escrow and then give it back to the village once they've gotten the other monies. Why don't they use it as the tool that they want it to be, but not commit it forever.

Mayor Maher stated that he plans on addressing a lot of those different things. He will give the WLDC members who are here the opportunity to explain. A lot of the questions Ms. Matisse had will be answered.

Derek Penney, 135 W. Main Street stated that he is not going to attack the voters who voted in this last election, he is going to congratulate them because they didn't sit home and not vote like a lot of other registered voters. Whether the vote was done legally doesn't make it right. If your vote was right or wrong it will be determined in the next election if you so chose to run.

Brenda Adams stated that she was hoping the water district that's being proposed in Orange County would have been on the agenda. She was hoping to hear how much in jeopardy we are, financially or eminent domain taking over our water.

Mayor Maher stated that he sat down with Manager Politi to work on something and Trustee Leonard stated that he would also be at the meeting. He's not sure what happened with that. With the manager leaving that has not happened.

Ms. Adams stated that the Friends of Walden Youth yard sale was very successful and hoping they will have enough money to buy a slide for Olley Park. Trustees Norman and Wynkoop are a part of the committee and she thanked them for being there the first thing Saturday morning and last thing Sunday night. She also stated that Sergeant Metzger doesn't deserve what was done to him.

Sergeant Metzger asked that no one feel bad for him. He also stated that at one point he thought this was someone that he arrested on the street. That was until Trustee Norman received a phone call today from someone harassing her saying do you know you have a gay police department.

Dave Lustig, 54 Oakland Avenue stated that this pertains to the Package Lighting property. Right from the beginning he questioned the use of this HODAG funds, but to purchase the property for almost \$750,000. The property that is assessed at \$200,000 and appraised for under \$400,000. He asked what was the LDC thinking when they agreed \$750,000 was a bargain. Who on earth would pay the asking price which is double the equalized rated price by an experienced very well qualified assessor, no, no. You wouldn't buy a dog house that was priced doubled. So the LDC had been lead down a prim rose trail by a fellow who feels he has a vested interest in almost \$900,000 and any way you can get a piece of it he is going to do it. So by declaring it a bargain because the owner put a price of \$400,000 that was deceit of the worse kind. The LDC given that kind of money to spend like a drunken sailor on leave. If they were acting in the interest of the people in the Village of Walden they would have negotiated, the price somewhere around \$400,000 for that property. His other comment is that property should never be used for housing, ever. We don't need more housing at all, of low to moderate income at all. What we need are jobs. We need a place for people to work. That very area has been sold down the river as a housing project, and don't think for a minute that it will be anything else. No merchant would open a store at Railroad Place, out of the way and out of the traffic, causing more traffic. When he was with the Chamber of Commerce for the Village of Walden they recognized that traffic was killing business in the downtown Main Street area because parking was parallel parking on the road. They had a meeting and someone suggested they look into by passing Walden by Route 208 and Route 52. They all felt by doing this would make Main Street in Walden a casual place to shop without all the traffic on Main Street. DOT surveyed Walden for a route directing the traffic around Walden. The survey was done and nothing became of it, so we were stuck with this situation. Now the LDC in it's infinite wisdom feels the thing to do would be to put another shopping center in the center of Walden. He wouldn't do it. Someone said, we can get some fancy restaurants. It will never, ever happen. This is just to get that housing because that is a sure fire way to get the HODAG money, especially when it comes to low or moderate income. He feels like moving out of Walden if this is allowed. If those members of the LDC was sincere, if they really gave any thought to it at all, they would try a way to get industry in that building. Some kind of business that would employ people at a decent wage, not retail clerks, because they don't get a decent wage.

Keith Millspaugh, 52 Main Street stated that he's addressed this board for many years and often the subject he'd addressed is the open meetings law and he was always trying to encourage the board to follow those laws, because when you don't follow those laws it creates distrust in the community. In 2003 or 2002 the payment in lieu of insurance snuck into the village and no one knows how it got in there and yet somehow the payments were paid to people. There are no records, no one on the board, the manager, nobody remembers how that happened. At the same time Main Street was being talked about to expand DPW, but it wasn't being talked about in public at all. There are some rules for the purchase of property going into executive session, but it's a major move for the village and suddenly the community was hit with that. They all came out to find out what was going on and they are all on the other side of the fence because they feel the board is trying to pull something over their eyes. When you take the trust away people you wonder what is going on, hence the rumors. A year ago, for the election, the campaign issue that came out was the two members of the board who were actually trying to correct a wrong and they got charged with breaking rules. They were trying to fix a problem that happened without anyone knowing about it back in 2002 when they weren't even on the board. This year the issue comes up again during the election that probably had major influence in the election. The two members that were talked about this year they were on the board back in 2002. His point is that the open meetings law is there for a reason, he just asks the new board to follow the laws and do their business out in public.

Alicia Cornell, 20 Main Street stated that her house was robbed shortly after moving to the Walden area and the police officers were nothing but good to her. She doesn't care if they are gay, straight or otherwise. We are not living in the 50's anymore. They did an awesome job because they caught these folks. She congratulated the police and thanked them.

John Katonah, Town of Montgomery stated notwithstanding the current tension that's before the village, for those that either engaged in politics or been in politics, like himself and Bill Kirnan, it's not an easy job. He is not here to say what was right or wrong, but if you take the job you do the best job you can. We live in a society where we can have difference of opinion and he's proud of the fact that you can vote at 18. His son will be leaving for Lackland in seven weeks to prepare himself to defend this country. He thinks the dedication that Roy Wynkoop has given to this village has been from the heart and he's always placed this village above and beyond his own personal gain.

Becky Pearson stated that Trustee Hurd made a couple comments that she has to comment on because when he read that letter, when she became mayor she was enthusiastic and all she ever heard were the rumors that all she wanted to do is get rid of the manager and it wasn't true. When things happened she was sure they should have gotten rid of the manager. It wasn't in the beginning, but she will tell everyone when, he had four trustees that were always there for him which was very smart of him, he was a smart individual, she agrees with that. There was a time when Harrison Street came up and there were homeowners with sewage up to their knees. She called the manager that evening and she asked him to please come. His answer was no, absolutely no. That was the only answer he gave her. After that her respect for this person who the village paid \$100,000 to represent the taxpayers was gone. She is so frustrated with that whole situation that happened. It makes her angry to this day to think about it, that we paid this person to be there for the taxpayers and he says no. We have four trustees that she told

because they said, nothing ever happened. She came to the Board of Trustees and the attorney can verify that and here we go, you have a time frame of when he is going to get a raise. They gave him a raise and she gets blamed because she doesn't have the right to call the manager to come to this location. The man should have been there. The man had a job to do and he chose not to do it. We pay him a lot of money and four people allowed that to happen. She can't blame him because he had four people on the board that let him get away with murder. The other issue is 59 violations in the sewer plant and he's not responsible, he's going to blame someone else. Who is responsible, he's CEO of this village. He is the one that you pay to make sure things are running right. She did not seek out to fire the man, she never had that as an intension. She wanted to work with him, they produced many good things in this village until that happened and when that happened on Harrison Street, he even told the police department not to come. People couldn't even close their doors that night, so the respect she had for that man was dead at that moment. She still worked with him because they still had to get things done, but her respect was gone. You get four board members that gave him this thing that happened just now and it could have been done totally different and they all know who they are. We can't blame him because it was the board that allowed those issues to continue that were not accountable to you as taxpayers. There are so many rumors out there that got blown apart and its been going on for four years that she was mayor that all she wanted to do is get rid of the village manager and that was not the truth. It was not the truth until there were issues that the board over looked and said that he was the greatest thing since sliced bread. If he was the greatest thing he would be standing up for the citizens of the village and that is not what happened.

Frank Lamacchia, 20 Woodruff Street stated that he is not standing here to judge what was right or wrong. He hopes the decision wasn't made from rumor. He hopes it was made by fact. If he was let go because of fact that is one thing. If he was let go because of rumor that is sad. He also stated that he's been here for forty years and he has a lot of respect for the police department, they do a great job.

Jessica Metzger stated that she would like to say as an eighteen year old she had great pride in voting for the first time and she does not begrudge anyone who is eighteen the right to vote and any man or women who is fighting for this country would know who to vote for and they wouldn't have to be told who to vote for.

Becky Pearson asked if the village is still picking up brush along the road.

The interim manager indicated that they were.

Ms. Pearson asked if she heard there was a shooting in Walden.

Mayor Maher stated that there was, but not recently.

Ms. Pearson asked if the shop owners were aware of this. The shop owners in that area. She asked if it was in Orchard Street.

Mayor Maher stated no.

Greg Raymondo, 200 Orange Avenue asked if when the sewer pump failed was there spillage in the Tinbrook?

Mayor Maher stated, no that he knows of.

Diane Sandbothe, 90 Liberty Street stated that back in October she was told by the building inspector that the oil truck parked on Seeley and Madison Streets was going to court. She called the court to see when it would be on the calendar, she called November, December, January, and February and it hasn't been on the calendar. She asked what court this oil truck is being held in and if its not in court what is being done. This has been going on for two years. At 85 Orange Avenue there is a computer on the street that has been there for over a year. She asked who the code enforcer is.

Mayor Maher stated that there is a part time code enforcer.

Ms. Sandbothe stated that at 17 Bank Street there is a television out. She also indicated that no one knew the village was picking up brush. She also stated that the storm drain in front of her house needs to be cleaned out. On the corner of Coldenham Road there is furniture out.

Mary Ellen Matisse stated that as we go into the process of looking for another village manager, it's a big job and part of her frustration when she was on the board was that it was a lot of work for one person to do and yet that is all they could afford, but when you draw up the contract for the next manager, the village manager job is not 9 to 5 and a lot of this stuff would get done if that person would be putting in a lot of extra hours until the job got done. That needs to be communicated when interviews are done.

Trustee Leonard stated that he spoke to David Church a week ago and he said the county always had the power of eminent domain and that was one of his concerns. He will be going to the meeting to get more information.

Trustee Hurd stated that is very good that everyone came out tonight. It would be wonderful if we could have this kind of participation every meeting. He applauds them for their demeanor, most everyone spoke intelligently, and clearly. You should not be afraid to disagree.

Deputy Mayor Rumbold stated that she is proud of the way people handled themselves this evening. People in the village or outside the village decided to have combat on line with each other about what goes on in this village. Now it's not discussion or debate, now it one upmanship. Who can we hurt and who can we embarrass. She doesn't feel that is where we should be airing our dirty laundry, we are adults. She pleads with the people who are carry on, there are children on line who pretend to be adults that are talking about other people and this village and it's doing more harm than good. She asked that anyone who supported her that is over eighteen in that voting booth, she is asking them to stop, because we need to come together as a community for the good of this village.

Trustee Wynkoop agreed with the deputy mayor and thanked everyone for the time he's had on the board. It is time for him to go, the voters have spoken. He will be sitting out in the

audience from now on.

Trustee Norman thanked everyone for coming out and she hopes it continues. She also thanked Trustee Wynkoop. She has sat on the board with him for the past 14 years and his heart has always been in the right place when it comes to the village. He deserves our love and a good send off.

Mayor Maher stated that he has tons to say about what just happened, but he's not going to talk about it. It is important to move forward together. He had a year to deal with Mr. Politi, they had their differences, but he was a good man, he did do things for this village, his heart was in the right place. He's not here. We are not going to harp on how that happened. We could but it would do more damage than good. This board will work together as a team and you will not see this bitter divide. It will not be allowed. He appreciates the support and respect everyone showed when they spoke here today. He asked for an ovation for Trustee Wynkoop.

There was a five minutes recess.

HODAG Funding Approval for 29 Grant Street Project

Tom Olley stated that it was said that he had the opportunity to answer a lot of questions, but he doesn't want to go point by point and cover ground that he's already covered. The LDC's purpose is to encourage economic development within the village and the area surrounding it. That takes on many forms, not the least of which is quality of life issues as well as job promotion. It was the LDC that took the lead in defending this village and trying to improve its image in the region when there was a certain DJ that chose to attack the village. Don't think just trying to promote industry in the village is the sole job of the LDC. It's to make it good for all the residents and property owners in the village and to help the village government out in carrying on some of those tasks. One thing they talked about with the board is that there is a big difference between the HODAG funds and other funding that the village has received from HUD whether it be small cities grants or community development block grants. This was money that was given to the village for a specific project and it can only be used for specific purposes, so this is not something that can be easily tapped by other property owners in the village. They have worked with the village's grant writer to determine what those guidelines are and HUD has come back to Kerron Barnes and told him that the wording is to be taken as a majority of the units, over 50%. It's also to be used for low to moderate income housing. Moderate income housing, for a family of one it's \$54,000 and \$77,710 for a family of four. It goes up to a family of nine which is over \$100,000. So, we're not talking about people who are impoverished. That is pretty close to the market rate in the village. They are looking to develop a piece of property that is becoming dilapidated and turning it around and making it an asset for the village. He's referred to 59 Grant Street as the Ryder-Ericsson, Spence Engineering property because of its historic significance and they've told the board that it is their intention to promote that historic value of the building. The village code has designated that area as a mixed use area. People in the municipal planning business will tell you that in a downtown it's very hard to attract commercial uses to upper floors. Retail service, restaurant, people want to be on the ground floor to promote their businesses. The upper floors can be and should be residential. The village code envisions this area as a mixed use. What they are looking to do is not make this a

residential project but a mixed use project and they are seeking to use the HODAG funds to do the studies that would be necessary to determine the design of apartments in that complex would look like, what work has to be done structurally, environmentally on the project site to see if they can't turn it back into a viable, vibrant piece of property in the village. There was a comment that they should be looking to attract industry into that site. He is a professional engineer and one of the things is to design industrial sites and he can tell the board that you cannot take that building which was built in the 1800's and try to make it a modern industrial facility. The only way to turn that site into a modern industrial use is to tear the building down and they don't believe that should be done. They haven't come before the board seeking their help to see that happen on that site. They think the building and the site is a tremendous asset to the village. They have outlined that in detail, in written form and testimony before this board. You have to be imaginative, you have to be creative to attack something to the village. Dave Church, County Planning Commissioner moderated a community tour here in the village eight years ago and he was thinking out of the box when it came to traffic and he said traffic is a good problem, you just need to figure how to stop the cars and get those people out and into the stores and shops. That is what they are trying to do here with this project. There was a question about the sincerity or integrity of the board members of the LDC and when he first came before this board they were up front with the board and told them who the board members were and he doesn't think that anyone in their right mind can question the integrity of the LDC board members or their sincerity to this project and to the village. He met with Mr. Barnes and Manager Politi on Friday and as he was leaving Manager Politi was putting together a package for the board members to inform them of the HUD findings and also he provided the board with the income levels. He did agree with Mr. Dowd regarding SEQRA before taking action. They have reviewed that with Mr. Dowd and they believe it's a Type II action for the simple fact that it does not commit the village to approve, permit or fund and future actions associated with this project.

Trustee Leonard suggested Mr. Olley take the board members on a tour of the building.

Mr. Olley stated that he believes they can do that, but they have to work out the issues with the present owner.

Trustee Hurd asked about the 51% rule and the fact that it still stays within the requirements of our guidelines for square footage. He asked how many apartments do they estimate.

Mr. Olley stated that one of the issues they identified that they have to do is get an architect in to do a layout and they speculated it could be eight, sixteen or twenty four. They just need to get someone in there to evaluate the space and determine how it can be divided up. He speculates they can do twenty four. The HUD funds would be fixed to whatever portion that they are using the funds for. If they did another part of the site that didn't use HUD funds at all they wouldn't be subject to HUD funds. The brick portion of the building they wouldn't get anymore than eight apartments. If there is an extension it could be higher.

Deputy Mayor Rumbold asked about the time frame, the initial due diligence and the final due diligence, she is interested in the environmental inspections, given the usage of the building in the past. She would think environmentals would be one of the first things they would

do to see what is there.

Mr. Olley stated that they have committed to the owner of the building that they would complete that within the first six months.

Deputy Mayor Rumbold asked if that would be the initial and the final.

Mr. Olley indicated that the initial would be within the first three months and the final within the first six months. If they get in there and get part way through their due diligence and they find that there is too many problems for the LDC to handle, environmental or structural, they would terminate their contract and then if they hadn't taken the full grant they wouldn't take anymore of it.

Deputy Mayor Rumbold asked if using HUD funds for the due diligence, that would tie anything into another owner or purchased because HUD money was used for that.

Mr. Olley stated that if the project ends and they haven't spent the money for any use that isn't authorized by HUD, it's a valid expense and they don't have to pay that back to the HUD funds. If they decide that they don't want to do it because they don't want to provide low income then the LDC will have to pay that back. It is program income, it's not excess funds, it's not leftover funds, this is what the developer paid back to the village, that is why it's called program income.

Deputy Mayor Rumbold asked if there was any wiggle room and the 51%.

Mr. Olley stated that Mr. Barnes doesn't think so. They are going to contact their legislators to see if there is.

Trustee Hurd asked if they stop the project and they've used some of the HODAG money, do they have to pay it back.

Mr. Olley stated no.

Deputy Mayor Rumbold asked if HUD allows funds to be used if its designated senior housing or 55 and older. Can it be used if they meet the median.

Mr. Olley stated that its moderate income, 95% of the area median income. As long as the rents are set to fall within the accepted ranges of housing costs for that income level.

Deputy Mayor Rumbold asked again if it could be used for senior housing or 55 and above.

Mr. Olley stated that there is no definition of senior when you're talking about HODAG funds.

Mayor Maher asked if it's still up in the air if the 51% can be negotiated down.

Mr. Olley stated that he would take what Mr. Barnes has advised to the board that is the number. They are willing to abide by that percentage.

Mayor Maher asked if they could say in a contract that would be moderate.

Mr. Olley stated yes.

Mayor Maher stated that the new numbers are coming out in a month or two. He further stated that these HODAG funds cannot be released for any other reason. When are we ever going to use again \$640,000 worth of funds that are strictly for low and moderate income housing and when are you ever going to have the opportunity to support a project like this. This is not a housing development project, there will be a housing component. That housing component will be 51% moderate and the rest market rate. It is economic development and it will create jobs, maybe no jobs that you could raise a family on, but there are individuals who need a job. He wants to stand behind the people who are putting this project together, Tom Olley, Bill Kirnan, Greg Raymondo, and Fred Smit. They have the village interest at heart. He will take the stance and form an alliance with them. This is a good project. There is such a thing as smart growth and we need to move forward as a unit, as a team and as an undivided board and think about how they want to develop the Village of Walden with smart growth projects.

Mr. Olley stated that the WLDC would be liable to repay the funds if they drop the project and did not pursue a HUD related project. If they drop the project due to environmental, structural or any of the due diligence concerns, economic feasibility of the project, if they walk away. That money was spent for the support of construction of moderate rooms. If they spend the money within the guidelines of HUD they don't have to pay it back.

Mr. Dowd stated that if they grant \$50,000 of these funds for this particular purpose are you committing yourself to any future cause of action, the answer is no. This \$50,000 stands on its own, they may come back for more money, but that does not commit the board to any future action to say yes or no to anything.

Trustee Leonard moved to declare a Type II Action with regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Mayor Maher moved to grant \$50,000 HODAG funds to the WLDC for the project at 59 Grant Street subject to the approval of the agreement by the Village Attorney. Seconded by Trustee Bowen.

Deputy Mayor Rumbold stated that she has had reservations about this project, she is not happy with the 51%. She doesn't like getting money with strings attached. She does believe they need to know what is there. We also need the environmentals and if they are going to be done in six months she has not problem giving \$50,000 so they can find out what is there. Therefore she will vote yes.

Trustee Hurd stated that there are people in the community who have reservations, but the

mayor is correct, right now there is nothing and its always been his belief that if this project works and it can become economically viable then it can be a catalysts and the beginning of development in there. It's always been his belief that success breeds success.

All ayes. Motion carried.

Walden Little League Bradley Park Improvement Requests

Mayor Maher stated that there were village estimates that they were looking to have today so they could make a decision, but he doesn't have them, therefore he moved to table this until April 13, 2010. Seconded by Trustee Hurd.

Deputy Mayor Rumbold asked if there were any requests that the board could approve that don't cost any money.

Mayor Maher stated no.

All ayes. Motion carried.

Walden Little League Parade

Mayor Maher moved to approve the Walden Little League Parade on April 10th, 8:30AM is lineup. Seconded by Trustee Norman.

Mr. Dowd stated that the motion would be subject to them providing a certificate of insurance.

All ayes. Motion carried.

Oakland Avenue Oak Tree Removal Request

Mayor Maher stated that the board received a report from the arborist, James Pursutti regarding the trees on Oakland Avenue. He would like to table this until there is further discussion with Mr. Pursutti and the residents of Oakland Avenue.

Trustee Leonard moved to table the Oakland Avenue oak tree removal request until April 13, 2010. Seconded by Trustee Bowen. All ayes. Motion carried.

Bartlett Building Parking Access

Mr. Dowd asked that this be put on the agenda for April 13th, he did speak with Ms. Bartlett and he walked out to the site with the building inspector and there are some specific issues that he raised with her about the problems and how to handle them. He would like to have a more in-depth detailed discussion with the board when she is present.

Mayor Maher moved to table the Bartlett building parking access until April 13, 2010.

Seconded by Trustee Norman. All ayes. Motion carried.

Girls Softball State Championship Signage

Dickey Baxter presented the design of the sign and advised the board that the cost would be \$450. The sign will be 3" x 40". It is the least expensive that he could have made it. He is doing it for cost. The color would be white and blue.

Mayor Maher stated that there was a budgeted item in last years budget, \$5,000 and we only allocated \$2500. He knows there will be a lot of budget transfers to take care of a lot in the budget, but for those funds that were put in the budget for the use of Bradley Park and Little League he feels these would be allocated funds they had in the previous budgets and not money they are just throwing around that they didn't have budgeted already.

Mr. Dowd asked if they would be attached to the existing signs.

Mr. Baxter stated that they are usually put at the entrances to the village. They can attach them to the existing signs.

Mr. Dowd stated that because the signs are within the state and county right of ways. If you were going to put them separately into the right of ways you will need to contact DOT and the county DPW to make sure they have no problem with the signs being there.

Mayor Maher stated that he will work with the interim village manager on this.

Mr. Baxter stated that he will attach the signs to the existing signs.

Mayor Maher moved to approve the purchase of the girls softball state champion signage and they are to be attached to the existing sign. Seconded by Trustee Norman.

Deputy Mayor Rumbold stated that everyone knows she loves softball, loves girls and she understands that some taxpayers are interested in where the board is putting funds, especially in view that we've had expenses recently that they didn't count on. A citizen donated \$25 and she is will to donate \$100.

There were other donations given.

Deputy Mayor Rumbold indicated that she will give the donated money to Nancy Mitchell, Interim Village Manager.

All ayes. Motion carried.

Small Cities Subordination Request

Mr. Barnes stated that this item came before the board a few weeks ago, who are trying to subordinate, they're trying to get a reverse mortgage and the village will have to subordinate

their mortgage. The village assisted this house a few years ago for repairs. They meet the village's guidelines to have their request accepted. One question that the attorney raised was the fact that in this case there is a second mortgage put on the property by HUD, it's called a mortgage but it is really a guarantee that if the bank defaults then HUD steps in. Mr. Dowd talked to the gentleman from the bank that is originating this process and has some further information regarding that conversation.

Mr. Dowd stated that he did speak to the mortgage broker, this is a reverse mortgage and there are seniors involved. They will pay off their first mortgage and then the bank with the reverse mortgage will step in and we would have to subordinate to that bank, but because of the situation today and the banking industry, FHA would come in and insure if the first bank went belly up that the person with the reverse mortgage would be protected. He has no problem if the board wishes to approve this, subject to him seeing the documents before the mayor would sign the subordination agreement. He spoke to the broker about the cash the owners would get and in the past when there was cash involved we've asked the homeowners to pay down part of their mortgage. However, because they are seniors and because there are issues with them needing the additional cash he doesn't know if the board wants to do that. He also asked if we could pay off our own mortgage of \$21,000, but there is not enough money in the equity of the house within the guidelines of the reverse mortgage.

Deputy Mayor Rumbold stated that Mr. Dowd was concerned that the village would be third in line.

Mr. Dowd stated yes, because the guidelines say we will never be number three. We are technically number three, but as it's explained to him, that is why he wants to see the documents before he signs them, the second mortgage that we would be third to is an FHA mortgage which is based, in case the first bank was to go bankrupt, then they would insure the premises and continue the reverse mortgage for the benefit of the individuals. In that sense we're third, but in essence we're not. When he asked who the bank was they said it was Bank of America. He thinks if Bank of America went under we would be in big trouble. That would be a safe bank and he doesn't see a problem.

Mr. Barnes stated that the FHA mortgage and he doesn't see it as a debt, it's a promise to pay so in that case it makes it makes it safer.

Deputy Mayor Rumbold asked if the villages mortgage was filed.

Mr. Barnes stated yes.

Trustee Hurd moved to grant the subordination agreement and authorize the mayor to sign the agreement subject to the attorney's review. Seconded by Trustee Leonard. All ayes with the exception of Trustee Wynkoop not voting, because he was out of the room. Motion carried.

Small Cites Loan Request Approval Request

Mr. Barnes stated that this is an unusual case which is a request for a loan. There is one

parcel of land that has a three family house on it and a business, they are not separated. The rent from the three apartments plus the rent from the business is what carries the property as far as taxes and heating bills, etc. It would appear that there is sufficient income to pay the current debt as well as any new debt. The property is heavily mortgaged, they don't have an appraisal but the current mortgage is \$344,000. If you go by what the assessor thought the property was worth it's \$326,000. The debt is greater than the property. They don't have a full appraisal. While the numbers don't meet the guidelines, the applicants have adequate personal income and the owners pay the bills on the property, but they don't pay rent from the business into a rental account and then pay the heating company and the electric company out of that. They pay whatever they have to, but not any more. So you can't show a cash flow beyond what's necessary to keep the property going. The owner projects a cash flow of about \$265 per month from the property income. The owner has a history of making investments to the property. They want to separate the heating system in the three apartments and the electric meters, so each tenant pays there heat and electric instead of raising the rents. That would be a savings to the owner. The income right now is \$265 per month, after rehab it will be \$645 per month, not including payments on the village loan. What doesn't fit the guidelines is the fact that there is a debt to loan ratio of 105%. We like to have it at 80%.

Mr. Dowd stated that would be before the village loans them any money which would be \$20,000 to \$30,000.

Deputy Mayor Rumbold stated that they pay an additional \$500 per month on the principal of their mortgage, then why aren't they getting a loan on the repairs that they want to do and instead of taking the \$500.

Mr. Barnes stated that if you need \$20,000 to do siding and electrical work \$500 a month isn't going to pay that. He told Mr. Dowd that they should consider this with serious consideration. He and Mr. Dowd will review the tax returns, other information and a statement from their county professional, look at it carefully and see how it would work. You may want to require a personal guarantee from the owners or some other financial device that would offer additional protection.

Mr. Dowd stated that if the board is willing to give him and Mr. Barnes time to look this over he would like to sit down with Trustee Bowen and see if they can come up with a recommendation to waive the guidelines and do this. He has some questions and doubts.

Trustee Leonard moved to table the small cities request until April 13th, 2010. Seconded by Trustee Norman. All ayes. Motion carried.

Easter Sunday Sunrise Service Request

Deputy Mayor Rumbold moved to approve the Easter Sunday Sunrise Service on April 4, 2010. Seconded by Trustee Leonard. All ayes. Motion carried.

Village Web Site Policy

Trustee Hurd indicated that he doesn't have any information on this yet.
Village web site policy was tabled.

Walden Day Care

Mayor Maher stated that Walden Day Care asked that this be tabled until April 13th.

Tabled

Set Dates for Budget Sessions

Mayor Maher stated that the reorganization meeting is Monday, April 5th and he would like to schedule budget work session on April 6,7,8,9 at 7pm.

Mayor Maher moved to set the following dates for budget work sessions, April 6, 8,9, at 7:00PM on the third floor of the municipal building and April 7th on the 2nd floor of the municipal building at 7pm. Seconded by Trustee Bowen.

Deputy Mayor Rumbold asked if there was an overhead projector that they could use for the budget work sessions.

Mayor Maher stated that he is going to work hard to make sure the budget is accessible as possible.

Interim Village Manager Mitchell stated that there will be copies of the budget available for the public to follow along with.

All ayes. Motion carried.

Additional Compensation

Trustee Hurd stated that the board had assigned an additional \$200 per week to the interim village manager. They forgot that the treasurer would also be carrying a lot of additional work and they would like to afford her the same amount.

Interim Village Manager Mitchell stated that the additional compensation she is receiving is the same amount she received in 1996 and she wanted to wait until there was a full board before she requested additional.

Mayor Maher stated that because of all the money the board will have to look for the village manager, he would say the \$200 is justified. Going any higher, especially if you have to split it and it might add up to too much.

Trustee Bowen suggested the interim village manager receive a bonus.

Mr. Dowd stated that public employees don't have bonuses for work they are going to do.

He further stated that she is doing two jobs so there are some quarters that say she would be entitled to compensation of the person she is filling in for. She is not asking for that, she is asking for some proper compensation for the double duty she is going.

Mayor Maher stated that would be the treasurer as well.

Trustee Leonard stated that you have to consider that the search for a new manager could be quite time consuming.

Trustee Hurd stated that those are factors that exist, but that doesn't mean she is suppose to carry the burden because we have to spend money. He feels the board should be fair with its assessment of what additional knowledge would be worth. He doesn't know how you would measure that.

Mayor Maher stated that although it was ten years ago and \$200 might be small he wouldn't be opposed to that.

Deputy Mayor Rumbold asked where the money came from to pay the severance?

Trustee Norman stated that you would have to ask the treasurer that question.

Mayor Maher stated that we might have to revisit this at the next meeting.

Deputy Mayor Rumbold stated that she would like to talk to the treasurer and find out where the money came from for the severance to begin with, what lines it came out of, what it does to those lines, where we would get money to pay these salaries, and how much it would be. She wants to know what the money is before the discuss doing anything else.

Trustee Leonard moved to pay the Village Treasurer an additional \$200 per week in the interim. Seconded by Trustee Norman. All ayes. Motion carried.

Public Comment

John Revella, 16 Church Street suggested that budget sessions be held in the meeting room, you would have better access to the screen.

Trustee Norman stated that they said that it budget sessions will be held in this room.

Mr. Revella stated that the signs will look good, he appreciates it.

Derrick Penney stated that in regard to the Grant Street project there will be a lot more going back and forth. If you're against the project, speak out against the project, not against it's members. You're looking to have that board working for us doing something rather than being stale.

Suzanne Isaksen, 10 Windrift Lane stated thanked Trustee Rumbold for asking questions

about where money is supposed to be coming from. She hopes the new board will be as diligent in asking where money is coming from before they make the decision as to how to spend the taxpayers money.

Approval of Minutes

Deputy Mayor Rumbold moved to adopt the minutes of March 9, 2010. Seconded by Trustee Norman.

Trustee Leonard made the following correction, page 17, 10th paragraph, place a comma after the word about and page 20, 9th paragraph change explore to exploring.

Deputy Mayor Rumbold amended her motion to include those correction.

All ayes. Minutes adopted.

Audited Bills

Trustee Leonard moved to pay the audited bills of March 23, 2010. Seconded by Mayor Maher.

Trustee Leonard stated that the bills require four signatures and as of this afternoon there were only two.

Deputy Mayor Rumbold stated that she had some questions and the interim manager answered them. She will also be finding out what the revenue was verses what the special prosecutor's fee was.

All ayes. Motion carried.

Correspondence

Mayor Maher stated that he received a thank you note from Roy and Anita Wynkoop thanking the board for their certificate of achievement.

Board Comments

Trustee Norman thanked everyone who supported the Friends of the Walden Youth. It was a very successful event.

Trustee Wynkoop thanked everyone.

Deputy Mayor Rumbold thanked everyone who worked the indoor yard sale. They did a good job. She thanked Trustee Wynkoop for his service on the board, he always treated her with great respect and she appreciates that.

Trustee Hurd stated that Trustee Wynkoop has become a friend and he's never met a finer man. He appreciated his wisdom and his temperament and his reasonableness and everything he brought to the board. He also congratulated Sue Rumbold for her reelection, Bernard for his reelection and he welcomed Randi Penney to the board. He campaigned for Roy and Jose DeJesus and he was very proud to support, but he has to say that if being here means sitting on this board, it takes tremendous courage to run for office and to expose yourself to personal rejection by our residents because you may be our friends and neighbors. That is what we have elections for. After the campaign is over it's up to them to absolutely embrace and respect the people who were elected and do everything in their power to work with them. Congratulations to all of you.

Trustee Leonard stated that he would like to reiterate what Trustee Hurd just said. He thanked Trustee Wynkoop for his service. He further stated that he was asked by a resident of Princeton Drive to have a cross walk where the east side and west side sidewalks end and also install a stop sign.

Trustee Bowen stated that he is looking for to being a part of this team and taking on the challenges. They have a lot of work ahead of them. He appreciates Trustee Wynkoop's support. He has learned a lot about government in the last couple months. Some of these things become personal, but he doesn't take it personal. He understands the importance of what it takes to do things in a financial and professional way. He intends on doing it that way with nothing being personal, but to think about the best for the village.

Mayor Maher thanked Trustee Wynkoop for all his years of service and he congratulated all those who were elected. He plans on nominating Susan Rumbold as his deputy mayor again. He doesn't know if its of any historical significance to have two individuals on the board who are in their 20's. They will work very hard. The future of the Village of Walden is bright and its in good hands now and he appreciates all the support.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk