

**Village of Walden  
Board of Trustees  
Regular Meeting  
May 11, 2010  
Motions and Resolutions**

**Fluoride**

Mayor Maher moved to further research the fluoride matter and bring it back to the board for discussion. Seconded by Trustee Norman. All ayes. Motion carried

**Resolution No. 17-09-10, Levying Village Taxes**

Mayor Maher moved to adopt Resolution No. 17-09-10, Levying Village Taxes. Seconded by Deputy Mayor Rumbold. All ayes. Resolution adopted

**Approval of Minutes**

Trustee Hurd moved to adopt the minutes of April 27<sup>th</sup>, 2010. Seconded by Trustee Hurd. All ayes. Minutes adopted.

**Audited Bills**

Deputy Mayor Rumbold moved to pay the audited bills of May 11, 2010, that have four signatures. Seconded by Trustee Hurd.

**Executive Session**

Mayor Maher moved to hold an Executive Session pursuant to 105-(f), Attorney R.F.P.'s, Village Manager's contract and Parks and Recreation Personnel, of the Public Officers Law. Seconded by Trustee Norman. All ayes. Motion carried.

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

**Village Manager's Contract**

Mayor Maher moved to authorize the signing of the Village Manager's contract. Seconded by Trustee Penney. All ayes. Motion carried.

**R.F.P.'s - Attorney**

Trustee Leonard move to hold interviews for the Village Attorney on May 26<sup>th</sup>, 2010 at 6pm. Seconded by Mayor Maher. All ayes. Motion carried.

## **Adjournment**

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

**Village of Walden  
Board of Trustees  
Regular Meeting**

**May 11, 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
		Randi-Lee Penney
Absent:	Trustees	Bernard Bowen
		Edmond Leonard, later present
Also Present:		John Revella, Village Manager
		Nancy Mitchell, Village Clerk
		Kevin Dowd, Attorney

### **Village Manager's Report**

Manager Revella stated that the village received a final bill for the cost of emptying the digester at the sewer plant, \$120,000. The digester is in good shape. They are cutting the top off to make it aerobic. He also reported to the board that there have been odor complaints from the plant. He mailed out letters to the residents in the area letting them know what is going on. They did call DEC about the odor and DEC came down and didn't find any violations. With the aerobic digester the odors will be reduced. The mapping for the sewer system for the DEC consent order is continuing. They are finding many undocumented sewer manholes and infiltration of a lot of materials. At present we don't have any water leaks. There was a problem with one of the wells over the weekend because a branch took down a telephone line. There were complaints from residents of Beazer homes about services down there. He informed them that the village doesn't have any services dedicated as of yet and the village does still hold a letter of credit which they can act upon with notice to Beazer. The project list will be discussed later in the meeting. He received a report regarding the building on Cherry Street which states that there is a temporary fix that can be put in place and a long term fix. The plans will be here on Friday. He asked why its taking so long and they apologized. He will advise them that the village won't be using their services again. A code enforcement officer has been hired, Jay Buchalski. He has already documented maintenance issues. We did a safety inspection of DPW, sewer plant and some of the water facilities so we are in compliance with the Risk Management policies. He marked some issues and sent out memos to correct.

Deputy Mayor Rumbold asked whose services the manager was unhappy with.

Manager Revella stated that it was the structural architect who was looking at the Cherry Street building. This is the second one that hasn't worked out very well.

Mayor Maher asked about the playground equipment at Bradley Field.

Manager Revella stated that it's now usable. It is damaged. The steel is bent.

Mayor Maher asked if it was from sitting or from when it was purchased.

The manager indicated that it wasn't from when it was purchased.

Mayor Maher asked the manager to make a phone call to see what our options are from the person we bought it from.

Manager Revella stated that he could .

Deputy Mayor Rumbold asked if it was the whole thing or just sections.

Manager Revella stated that one large section is bent and the other sections have chipped paint.

### **Public Comment**

Lynn Schwandt asked whose problem it is with the water damage on the rail trail.

Manager Revella stated that maintenance is being conducted by the town.

Mayor Maher stated that they are looking into the information and while they are looking into it's their responsibility.

Ms. Schwandt also indicated that the doggie bags have run out.

Manager Revella stated that he will take care of that.

Brenda Adams, Valley Avenue stated that she saw in the agenda that the board will be reviewing the attorney's RFP's. She was hoping that the board would see their way to continue Kevin Dowd as the Village Attorney as his corporate memory with previous boards and the continued continuity would be good for this village while its in transition. Also, she believes during the budget meetings Jan Weiner, Treasurer stated that if all the water and sewer bills were paid timely that the fund would support itself. Considering that the rates are going up again this year and it appears that those of us that are paying our bills are paying to off set those that don't. If there's no late fee already added to the bills she suggested a very severe late fee that would encourage people to pay their bills on time. Also, when it's added to the tax bills, can something very strongly be written on the tax bill saying that these are fees, not property taxes and they are not something that can be deducted from your income tax. She also indicated that Flag Day ceremonies will be June 13<sup>th</sup> at 1 pm at Veterans Park. She also requested that streets be posted before the street sweeper comes down. We are wasting money having these guys ride around and not cleaning up anything. Also, during her trip out west she saw a sign that stated \$1,000

fine for littering or a year in jail. That is excessive but there was no litter.

Mary Ellen Matise stated that she just got done spaying three feral cats and they have kittens. She hopes the Humane Society takes the kittens. The owner of the cat next door told her that she can't neuter their cat. She asked them to keep it on their property. He sprays everywhere and impregnated the feral cat. She asked, as the board reviews the code, she heard that Warwick has an owners responsibility law that maybe we could look into, we have a big feral cat problem in this village.

Dr. Robert Kimball stated that he is a Walden enthusiast. He grew up in Walden, graduated from Walden High School, he spent time in the service and came back into Walden after he used the GI bill. As a dentist he practiced for 34 years in Walden he has a letter from the village stating that the village will no longer add fluoride to the drinking water as of May 5<sup>th</sup>. That concerns him because fluoridation was introduced in Walden in 1953. At the time there were four dentists in Walden, all whom supported that resolution and the four within five or six years saw the immediate advantages to the children in Walden benefitting from fluoridation. The values of fluoridation were discovered accidentally in Texas as an area about 100 years ago people started noticing that residents of that area weren't getting cavities and were also receiving stains on their teeth. A scientist started study it and they found that area of Texas naturally had a water content of fluoride of 20 to 25 parts per million. In the 1930's there was a very outstanding New York State Commissioner of Health named Dr. Ast and he decided to conduct a study which is now internationally famous, called the Kingston-Newburgh Fluoridation Study. That ran through the 1940's. They used Newburgh where the fluoride content in its water supply of one part per million. They used Kingston as the control, no fluoride. After ten years they compared the two cities and the kids in Kingston who had no fluoridation had over twice as many cavities as the kids in Newburgh who benefitted from fluoridation. That study is internationally famous. Fluoridation is applied throughout the world from Australia to Russia. The fluoridation in Walden was put in 1953 and anybody younger than age 50 who lives in this area doesn't know what decay is. When he was practicing in 1952 he would see kids with decay in every tooth. You don't see that anymore. The values of fluoridation have been recognized by the American Medical Association, American Dental Association, American of Dental Hygienists Association and the National Dental Hygienists Association. The AMA right now has a committee that is studying the question of whether they think the fluoridation of water supply is mandatory. In the research he's done since he learned of the decision to stop fluoridating, he read a statement from the New York Department of Health which stated that the fluorination of drinking water is considered by the Centers of Disease Control and Prevention as one of the ten great public health achievements of the 20<sup>th</sup> century. He can't over emphasize that ten greatest health achievements. He was surprised when he read the minutes of April 27<sup>th</sup> when the village board decided to eliminate fluoridation from the water supply. In those minutes there was a motion made and seconded and in his experience there is usually a period of discussion and as he reads the minutes there weren't any questions or periods of discussion. It was passed unanimously. In his time he's served on a few boards and if his memory is correct they take an oath of office using the words, health, safety and welfare of American constituents. You'll notice health is the first one mentioned. He thinks the board would do well to reconsider their action of April 27<sup>th</sup>. When he first went on the board a man who is highly respected in the Village of Walden came up to him with some advise, he said, ask questions. His presumption is to tell the Village Board Members

to ask questions, find out what the real facts are when you are discussing something as important as what happened on April 27<sup>th</sup>. He thanked the board for their courtesy.

Dr. Peter Masci stated that he is a dentist in Walden and he lived in the village for fifteen years and has been a practicing dentist in the community for twenty five years and he is also a native of Orange County. He welcome Mr. Revella to his new position. He also thanked Dr. Kimball for his words and thanked him for his contributions to this community and he thanked him for instilling fluoride and working for it in 1953. He was a little upset and perplexed recently to receive that letter that Dr. Kimball shared that the village is no longer putting fluoride in the water. He was very disappointed that the health care practitioners in the community were not asked or consulted. He understands that the law says to put in fluoride in the water you must have a public hearing, but to remove it you don't necessarily have to have a public hearing. This is a tight knit community where we all work very hard and look for the betterment of our community and he thinks its something that they should have been consulted on. He received a note from Dr. Herrmann who was unable to attend this evening, his letter stated that he has been practicing in the village for 35 years and he is in support of the continuation of fluoride in the water supply of the Village of Walden. He entered that into the record. Dr. Mitchell is also here, 28 years of practice, Dr. Kimball 34 years of practice, himself 25 years of practice and Dr. Hale 24 years, in the community of Walden. That is 146 years combined experience in treating patients in the community of Walden since the 1950's. To think the other night without a discussion 57 years of history was erased is upsetting to all of us. Especially when they see the benefits of what fluoride can do. There are some concerns and they were addressed and brought up. He addressed a few of those concerns. Pediatricians started giving fluoride and saw the benefits and there was a doctor in Newburgh who really pushed this back in the early 50's for those children who didn't have fluoride in the water and they found the optical dosage of one part per billion or one milligram of fluoride and they started doing that. When pediatricians were giving one milligram of fluoride that was fantastic, but then a lot of communities started fluoridating their water and what happened was that public products were being made in municipalities, sodas, juices, apple juice, so children were now consuming all their sodas, juices, fluoride in the water and taking one part per million. What happened was they ended up with a small case of fluorosis, which was some yellow stain and white spots on their teeth. They had no cavities, but they had a cosmetic issue. This was addressed in 1994 by the American Dental Association and the American Medical Association. They realized this was happening and they lowered their recommendations for polyvifluor, and fluoride vitamins for children. So pediatricians now give a quarter milligram of fluoride for children in their doses. Also there was concern about weakening of bones, there is no studies to substantiate this. They have found in areas of the county where there is more than four parts per million, there are some areas that its naturally occurring of up to seven, eight, and ten parts per million. This is continued to be studied. He can name 20 families that there children do not have any cavities. They are seeing a severe increase in decay in senior citizens. They recommend fluoride to all their senior patients on a regular basis. He understands that Mr. Perna, who has a difficult job, because we have a water system that is deteriorating and has been for fifteen to twenty years. He knows the village is under mandate to fix some of the leaks. Some of the claims that fluoride is causing corrosion in the pipes and pumps is not substantiated. He has articles from the Center of Disease Control. He has an article from the American Rural Works Association and there is a representative present from the New York State and New York Rural Water Association that will address any

questions anyone has. One part per million is equivalent to one teaspoon in an Olympic size swimming pool or one inch in 16 miles, one minute in two years. So to think that one part per million is corroding pipes when we need two parts per million of chlorine which is much more corrosive and a stronger acid. There is no concern with the pumps because it is loaded in and the New York State Department of Health recommends that all the parts in the pump be changed once a year regardless. The parts of the pumps should be maintained on a regular basis. Two thirds of the United States is fluoridated. All the major cities in New York State have fluoridation. Middletown is looking to put it in and Kiryas Joel is looking to put it in. We truly here have benefitted from our predecessors work and he is proud to be part of the community in Walden. He asked the Village Board to reconsider their actions because this is the health of our community. There has been encouragement from the Orange County Health, Dr. Jean Hudson, Commissioner of Health, she has recommended keeping the fluoride in the water. The New York State Department of Health has recommended keeping the fluoride in the water. The New York State Department of Health has a full publication as well as the American Dental Association facts on fluoridation. New York State Department of Health has offered for free to come and give a power point presentation to the board and the public if they want to show the benefits. He asked the board to take this into consideration.

Dr. Tim Hale stated that he has practiced with Dr. Pete Masci for the past 24 years and he took over the practice from Dr. Kimball. He thanked the board for allowing them to speak tonight. He also thanked Dr. Masci and Dr. Kimball for so eloquently speaking about their concerns. They did a great job reviewing the history and why they have these concerns. He reiterate a couple points. One question he has is Mr. Perna stated that fluoride was causing corrosion, but they have very good documentation from the CBC that says fluoridation in the drinking water and corrosion of pipes in the distribution systems is totally unfounded. In fact, fluoride is actually a great way to keep the pipes clean because of the acidic nature. Also it helps to detect where leaks are in the system. He referred to the article in the paper, he stated that Deputy Mayor Rumbold if she was in the dental profession, are you a licensed New York State hygienists.

Deputy Mayor Rumbold indicated that she wasn't licensed, she is not affiliated with the ADA and she has no financial ties to the multi million dollar fluoride business.

Dr. Hale stated that it described Ms. Rumbold in the article as a dental professional. Some people may not understand what Dr. Kimball was describing in areas that don't have fluoride is that in this water system we have two school that count on the fluoridation in the water, Walden Elementary School and MPB. There are approximately 530 students in Walden Elementary and 120 in MPB which would account for 650 children that are benefitting from the fluoride in the water supply. He showed pictures of what happens with decay in children when water does not have fluoride in it. The one statement he would also like to make is a statement of policy of public water supply matters that was distributed by the American Water Works Association, it strongly supports the recommendations of the World Health Organization, the American Medical Association, the Canadian Medical Association, Center for Disease Control, the American Dental Association, Canadian Dental Association and other professional organizations in the medical community for the fluoridation of public water supplies as a significant public health benefit. The AWWA supports the application of fluoride is safe,

effective and reliable manner that includes monitoring controlled fluoride levels within limits mandated by state and federal laws that are subject to community acceptance through acceptable local decision making processes. They were just a little concerned that they weren't contacted and as health care providers in this area as to a very quick decision making process on the board. They are here to educate the board. They are practicing dentists in the area and they believe in this topic. There are one hundred different associations in the booklet he had that back the use of fluoridation in the water supplies. The influential force are the ADA's, CEC, ARA, U.S. Surgeon General and the the National Institute of Cranial and Facial Research along with a list of literally hundreds of others that back fluoridation on water supply. He would like the board to reconsider the decision. He thanked the board for their time.

Dr. Clifford Aimes, Dental Director of Hudson River Health Care stated that he has an office in Wallkill and they have been there for five years and he supports fluoridation in th water. He practices in Peekskill which is an unfluoridated community. Those pictures that Dr. Hale showed are very truly represented of what he sees every day. He really does believe it does make a difference.

Michael Bass, NewYork Rural Water Association stated that they are contracted with the State Health Department Fluoridation Program, he is here to relay some information and offer their services along with the State Health Department for free education. He handed out some information. He also stated that if it is an equipment issue or things of that nature the CDC has great opportunities for systems of that nature, to replace equipment for fluoridation systems. He has found, traveling the state doing inspections of fluoridation systems, they are finding that it is more operator misinformation. That is why they are pushing for these training events throughout the state.

Mayor Maher stated that he doesn't know if it is possible for him to read up and hear about fluoride any more than he has in the past week. He has made a lot of phone calls, he has learned a lot. If there is one thing he has realized is that this is not a small issue. Although this board did discuss and asked a lot of questions, they were one sided questions to it. As we see now, the other side. To him, it is in his estimation that they do need further discussion and with the board's permission he would like the opportunity to consult with our local practitioners and hopefully set up some opportunities for the state and other organizations to come in and combat some of the things the board was told. As a board they make their decisions based on their employees and professionals that do educate them and show them what the problems are. We are on a mandate to fix the villages water supply, our pipes. He feels the board made a sound decision based on the information they received. Over the past week it seems that there is much more that they need to learn before they can make a decision. Even though a decision has been made it's never too late have another discussion. He would like the board's permission to work with the local dentist practitioners who have given so much to our community so the board can make a more educated decision in the future.

Mayor Maher moved to further research the fluoride matter and bring it back to the board for discussion. Seconded by Trustee Norman.

Deputy Mayor Rumbold asked if the doctors know if the ADA has changed their

determination that young children, six months and younger shouldn't be fed formula that is mixed with fluoridated water.

Trustee Hurd asked if there was the possibilities of over fluoridisation because of the what Dr. Masci mentioned. His son took a lot of fluoride and had the band-aid on his teeth because of it. Can you over fluoridate and is that dangerous.

Dr. Hale stated that you can get too much fluoride. That is why it's very important for the water supply to be check for Ph, the levels to make sure everything is monitored very closely. That is a very difficult job that Mr. Perna has.

Trustee Hurd stated that he is talking about other sources, toothpaste and other food additives that contain fluoride. Is there a real serious danger.

Dr. Hale stated that there is discoloration if they get too much. As Dr. Kimball said if you get to a very, very high dose and some areas have a large containment of fluoride due to fertilizer and things like that. Then, yes there can be questions whether it effects bone health, etc, etc. In most areas that's not a concern.

Dr. Masci stated, to answer Deputy Mayor Rumbold, the ADA warns parents not to add fluoridated water, that is a question. New York State Department of Health guides for use of fluoridated water in feeding during infancy is laid out in this paper here. So there are guidelines from New York State Department of Health.

Deputy Mayor Rumbold stated that she has additional questions.

Mayor Maher stated that her questions will be clarified, but this on our current motion is not the venue for it. We can go back and forth all day, but we will have more discussion as long as this motion is passed.

Deputy Mayor Rumbold stated that she thought if there was a question that couldn't be answered they could bring that information back if there is another discussion.

Mayor Maher asked for her questions and he will get them answered.

Dr. Kimball stated that when he retired in 1985 fluoridation had been in the water supply of Walden for 32 years. He never saw a single case of fluorosis. Maybe since 1985 with the prevalence of kids drinking soda and fruit drinks, maybe fluorosis is behind the problem. The material they've received says that fluorosis is not a problem as long as the parts per million remain below four. Four parts per million and higher can result in fluorosis. That area in Texas has 15 to 20 parts per million.

All ayes. Motion carried.

Ms. Pearson asked if the village took the fluoride out of the system.

Mayor Maher stated yes.

Ms. Pearson asked what the process would be to put it back in.

Mr. Dowd stated that it would be a local law.

Ms. Matisse stated that when the board does have their discussions to do further research, perhaps you'll include both sides. Her concern is that about 20% of the population in Walden is under the age of 18. That has to be taken into account. She grew up in Brooklyn and she didn't have a mouth full of cavities because they practice good dental hygiene. Maybe it's something else but fluoridation.

Lynn Schwandt asked that when anything comes up about public health could the board discuss it with the public before they decide to make a motion on it. Fluoridation was brought up one time real quick before they voted on it. Nobody knew this was going on.

Mayor Maher stated that it was discussed for about a year.

### **Resolution No. 17-09-10 - Levying Village Taxes**

Mayor Maher moved to adopt Resolution No. 17-09-10, Levying Village Taxes. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **Capital Projects and Streets for Bonding**

Mr. Dowd stated that he needs to know all the different capital projects the board wants to do to get the information to the bond council. He needs to know how much is roads and if it's equipment. He needs the breakdowns.

Manager Revella stated that he needs to know which projects the board wants to see done this year. He has some specs on projects. They are surveying for Westwood Drive drainage systems, \$43,456. If it's done in house it will be a different price, if it includes the streets it will be \$64,453. The estimate for the Cherry Street building will be in Friday. Telemetry is \$44,875. The roof for the municipal building is \$41,650, that's prevailing wage. The rehab of the tennis courts at Bradley Field. The seal coating at Wooster Grove.

Trustee Hurd stated that he thought they did that at budget time.

Mayor Maher asked if there was money for all those projects to bond.

Mr. Dowd stated he needs the numbers.

Manager Revella stated that there is also equipment, two dump trucks and a plow.

Mayor Maher asked if there was anything the manager wanted to take off the list.

Manager Revella stated that he wants to make sure the list is still the same, based on prices. The two pick ups were \$27,000.

Trustee Hurd asked, what is the total they are bonding.

Manager Revella stated that he is waiting for pricing on two projects. We are up to four hundred some thousand. He will finalize the two projects and get back to the board. He asked if the streets that he mentioned were okay.

The board was okay with those streets, John Street, Old Orange Avenue, McKinley Avenue and Donna Chrystie.

### **Retirement I.D. for Former Chief Brilliant**

Mayor Maher stated that Chief Brilliant had reached out to him regarding this.

Manager Revella stated that Chief Holmes wanted to make sure that the former chief received his retirement I. D. The only question was he didn't serve the 25 years here with the Village of Walden.

Mr. Dowd stated that what Chief Holmes is saying is that in 2008 there was a discussion regarding the qualifications for the retirement badges and retirement procedure and former Chief Brilliant does not quite meet those standards because he didn't complete the 25 years of service with the Village of Walden.

Mayor Maher asked how many years did he serve here and how many full years of service?

The Village Clerk indicated that it wasn't ten years with the village.

Mayor Maher asked if he retired here.

Mr. Dowd stated yes.

Deputy Mayor Rumbold indicated that the board had required criteria of 20 years.

Mayor Maher asked if he received a badge.

Manager Revella stated yes, but not the other materials.

Deputy Mayor Rumbold asked if the chief was asking the board to change that determination.

Manager Revella stated no, he's forwarding the request from the former chief.

Mayor Maher asked why the board set that at 20 years. Was there a specific reason

behind it.

Mr. Dowd stated that Chief Brilliant did do 28 years of credited police service. He did retire from here. What Chief Holmes is saying is that at the time he retired in 1993 he had expectations that he would get an I.D. as a retire chief. In the minutes of 2008 it was discussed as to how many years do you want someone to serve the Village of Walden in order to qualify for that service. The board felt 20 was appropriate for the proper ceremony and the proper awarding of retirement badges and I.D.'s.

Mr. Revella stated that his point is that Chief Brilliant in 1993, 15 years before that policy was put into place.

Mayor Maher asked if they were talking about a ceremony or just a badge.

Mr. Dowd indicated a retirement I.D. and badge.

Mayor Maher stated that the way he looks at it is he only put 9 years into the Village of Walden, but he did put 28 years in the service and he did serve this village. All he is asking for is a badge and our statute was put in 15 years after he retired.

Mr. Dowd stated that is what Chief Holmes is saying.

Mayor Maher asked why didn't he get a badge within those 15 years.

Manager Revella stated policies.

Mr. Dowd stated that what is important to him is the I.D. card because that allows him to carry a weapon.

Manager Revella stated that HR218 didn't go into effect until 2004.

Deputy Mayor Rumbold asked what the chief's recommendation is.

Mr. Dowd stated that the chief is saying that because he retired before the policy was established he doesn't have any problem with the board granting him that I.D. card.

Mayor Maher stated that it's an I.D. card so he can carry a weapon, he has earned it through his service over the years. He asked if there was anything more to this.

Deputy Mayor Rumbold asked if giving him the I.D. would say that he is qualified to carry a weapon.

Mr. Dowd stated that he would still have to qualify.

Mayor Maher asked if this would set a precedent for the future or anyone from here now, due to that law in 2004, have to serve the 20 years.

Manager Revella stated that the village's policy is 20 years.

Mr. Dowd indicated that the village set the policy of 20 years.

Mayor Maher stated that they would be setting a precedent and going against their resolution.

Trustee Norman stated yes.

Deputy Mayor Rumbold indicated that she wants a recommendation from Chief Holmes.

Manager Revella stated that Chief Holmes recommended he get the I.D.

Trustee Leonard stated that he doesn't see a problem with giving Chief Brilliant his I.D.

Deputy Mayor Rumbold stated that she remembers discussing this before and there was a reason why it wasn't done.

Manager Revella stated that the PBA made the recommendation to the board, to put a policy in place.

Trustee Hurd stated that while he doesn't think there is any harm he would like Chief Holmes here one more time.

It was the consensus of the board to have Chief Holmes come to the next meeting.

### **Beazer Homes Improvements**

Mayor Maher stated that he has had discussions with residents of Beazer Homes about services that are not being provided.

Manager Revella stated that some residents had concerns about their water service and road maintenance. The village hasn't accepted any of their improvements as of yet and won't until they meet the standards for dedication. In the meantime we have a letter of credit from them to perform services if it becomes that we have to do anything for safety reasons or an emergency. He spoke to a representative from Beazer who asked that the village give 30 days notice for them to correct any issues before acting on the letter of credit.

Mayor Maher asked if that is money from Beazer Homes that the village can spend.

Mr. Dowd stated no, you have to call the letter of credit if you find them in default of their obligations to finish the project. His understanding from the building inspector is that they've done two different walk throughs and created a punch list of items that need to be done

that Beazer needs to finish in order for dedication to go forward. The development is finished and there are no more houses to be built. They want to finish the improvements. They don't want the letter of credit called.

Manager Revella asked how much time can we give them.

Mr. Dowd stated that normally a subdivision is built in three years. The slow down in the market was why they didn't get all their houses sold at the time they would have liked to. The punch list is being compiled.

Mayor Maher stated that they should stay on top of this.

Mr. Dowd suggested they wait for the punch list and proceed at an expeditious pace to finish these improvements. If the engineer or building inspector report that they are not moving very quickly then they will get a 30 day notice that if they don't finish we will call the letter of credit.

Mayor Maher suggested they consult with the homeowners association to see if there is anything missing from the punch list.

Mr. Dowd stated that the punch list is based on the approved plans, what's built and what's not built. This is just for the public improvements.

Mayor Maher stated that the residents feel neglected by the village.

Deputy Mayor Rumbold stated that if it's Beazer Homes that dropped the ball, why is the village being blamed.

Trustee Leonard stated that the residents can't get a response from Beazer.

Mr. Dowd stated that the village also needs updated title reports.

Trustee Leonard asked if the punch list was just for phase two.

Mr. Dowd stated that it's for both.

Mayor Maher stated that there is an issue with the pond.

### **Attorney RFP's**

Trustee Leonard stated that he and Trustee Hurd are raising the question of the Village Clerk receiving three RFP's, that were received and properly stamped. He asked the mayor if he had any.

Mayor Maher stated that he gave some to the village clerk. It was his understanding that if they were given to the clerk that would be then being received as she placed them into his mail.

box and he assumed because they were handed in, predate, post dated before May 5<sup>th</sup> , they would still be eligible.

Trustee Hurd stated that he didn't think so. When he asked the manager the manager said he told the mayor to bring them back and he didn't.

Mayor Maher stated that he brought them in today.

Trustee Hurd stated that it's past the date.

Mayor Maher stated that it was passed the date when he was told originally.

Trustee Hurd stated that the question they have is does that spoil them and make them invalid.

Mr. Dowd stated that he has a stake in that and he can only tell the board what the procedure would be. RFP's are similar to bids and if they are not received in the clerk's office on the date on time specified then they are not to be considered. We've had people come in with bids one minute after ten o'clock and they had to reject them.

Manager Revella stated that the proposals came into Nancy's office but they were addressed to Brian and they went into his mail box.

Mr. Dowd stated that the proposal specifically said they must be addressed and delivered to the clerk, not the mayor or board of trustees. The proposal was rather specific.

Trustee Hurd stated especially if the mayor opened them.

Mayor Maher suggested the resend out the RFP's.

Trustee Hurd stated that if you resend them what do you do with the people who complied properly.

Mr. Dowd stated that as far as he understands there are three valid submitted proposals. His is one of them.

Mayor Maher stated that the request says to Nancy and it has his name on it. He does agree with Trustee Hurd and Leonard.

Mr. Dowd stated that the board can consider the three RFP's or they can reject any and all and do it over again. He further stated that when someone does an RFP they put a considerable amount of time and effort and cost into it.

Mayor Maher stated that they will discuss the three later in the meeting.

**Col. Bradley Fire House**

Manager Revella stated that the Fire District approached him about the Col. Bradley Fire House. They own the property and the village has the right of reverter, which means if they don't use it for firematic purposes it reverts back to the village. The fire district wishes to remodel the building and expand it. Since the apparatus is growing in size they want to enlarge the building to make it useful for at least two apparatus. They are willing to discuss any issues the board has.

### **WLDC Grant**

Mr. Dowd stated that he had begun negotiations with the attorney for the LDC to try and get an agreement that memorializes what they represented to the board that night. That 51% of the units have to meet HUD guidelines for lower/moderate income. He's run into a problem and hopefully it will be rectified soon. The attorney for the LDC is insisting that the HUD regulations are only 20% lower or moderate income housing. He has shown him and given him citations that Kerron Barnes had given the board about the federal regulations. He has not heard from the attorney. They cannot have the money until the agreement is signed.

### **Subordination Agreement**

Mr. Dowd stated that the board approved the agreement after he reviewed the documents. He approved the documents and then he got a call last Thursday from a title company that there is a problem with that. FHA which is one of the guarantors of the reverse mortgage says that we cannot subordinate our mortgage to the reverse mortgage under FHA guidelines. The gentleman was trying to find a way to circumvent the FHA guidelines by filing a satisfaction of mortgage then simultaneously filing the FHA mortgage as well as our mortgage in second position. He is waiting to hear from Mr. Barnes. These people do not have enough money to pay off our mortgage so they were suggesting to take whatever income they do get and pay part of our mortgage and create a new mortgage that would be in second place. They don't want to do that. He doesn't know how the board is with circumventing FHA guidelines. They are still talking and he will inform the board if something happens.

### **Public Comment Business of the Board**

Ms. Matise asked what the date of the meeting was when the board discussed ID'a.

Mr. Revella stated that it was June 24, 2008.

Lynn Schwandt stated that before the board makes a decision on Chief Brilliants badge she would like to speak to them after the meeting.

Ms. Pearson stated that when she was on the board they talked about ID badges at length for months. At that time the manager and the chief were not in favor of it because they didn't want that to be compromised. They felt it should be 20 years. The board may have to do more research on that. She also stated that with Beazer Homes there was a huge meeting with residents from Beazer Homes and the engineer, building inspector and manager. The issues the

residents had were promised by Beazer Homes the Building inspector and manager were to go out there and make a list of what needed to be done. Those minutes should be looked at. Mr. Dowd said public fixes, but those issues that are coming up aren't public issues because they were promised certain things by Beazer. The board may want to look into what they were told at that time.

### **Approval of Minutes**

Trustee Hurd moved to adopt the minutes of April 27<sup>th</sup>, 2010. Seconded by Trustee Hurd. All ayes. Minutes adopted.

### **Audited Bills**

Deputy Mayor Rumbold moved to pay the audited bills of May 11, 2010, that have four signatures. Seconded by Trustee Hurd.

Trustee Leonard asked about the bills for the generators. He stated that rodent damage was a large part of the bill. He asked what the pest control people do.

Manager Revella stated that when they come again he will go out with them.

Mr. Perna stated that they put monitors in the well houses.

Deputy Mayor Rumbold asked what other people do about rodents.

Manager Revella stated that two of the bills were for repairs to one of the trucks, he would like to talk to the board about that in executive session. It is a personnel issue.

Trustee Leonard asked if there was a contract with Simplex Grennell. There was a bill that didn't have labor cost on it.

All ayes. Motion carried.

### **Correspondence**

Mayor Maher received a letter from Becky Pearson thanking the village for the Arbor Day celebration. She is requesting a plaque be placed at the tree that was planted in honor of Rod MacDonald.

### **Board Comments**

Trustee Norman stated that there is a curtain on the floor in the back of the room, it would be nice to see it hung back up. She asked the manager about the banners for the poles.

Manager Revella stated that they are first fixing the flags out front. Hopefully they will find them.

Deputy Mayor Rumbold asked if there was an answer to the question about prevailing wage that Walden is paying and no one else does.

Mayor Maher stated that he has made phone calls, but they haven't gotten anywhere yet.

Mr. Dowd stated that the Department of Labor visited the Village of Montgomery recently.

Deputy Mayor Rumbold asked if they ever purchased a bench in honor of one of the volunteers. She donated \$25.00 towards it.

Trustee Norman stated no and that there are two benches at the park that are broken and not fixed.

Trustee Leonard stated that he contacted the county and asked for the draft master plan with the water and sewer in it. He received it today, but hasn't had a chance to look at it. He asked about the municipal building generator.

Trustee Hurd stated that the board decided not to do it because it was too expensive.

Mayor Maher stated that he remembers the discussions this year that there is a generator at the fire house for emergencies and there is one in this building for the police department. We will look at that again.

Trustee Leonard asked if there was grant money for a generator.

Manager Revella stated yes through FEMA.

Mayor Maher thanked Brenda Adams for handing out flyers for Flag Day.

### **Executive Session**

Mayor Maher moved to hold an Executive Session pursuant to 105-(f), Attorney R.F.P.'s, Village Manager's contract and Parks and Recreation Personnel, of the Public Officers Law. Seconded by Trustee Norman. All ayes. Motion carried.

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

### **Village Manager's Contract**

Mayor Maher moved to authorize the signing of the Village Manager's contract. Seconded by Trustee Penney. All ayes. Motion carried.

### **R.F.P.'s - Attorney**

Trustee Leonard move to hold interviews for the Village Attorney on May 26<sup>th</sup>, 2010 at 6pm. Seconded by Mayor Maher. All ayes. Motion carried.

**Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk