

**Village of Walden  
Board of Trustees Meeting  
July 13, 2010  
Motions and Resolutions**

**Public Hearing - Introductory Local Law I-1 of 2010, “Fire Lanes”**

Trustee Norman moved to open the public hearing. Seconded by Trustee Leonard. All ayes. Public hearing open.

Trustee Hurd moved to close the public hearing. Seconded by Trustee Leonard. All ayes. Public hearing closed.

**Sewer Plant Project**

Mayor Maher moved to declare a Type II action with regard to SEQRA for the wastewater project. Seconded by Trustee Hurd. All ayes. Motion carried.

Mayor Maher moved to set the bid opening for the wastewater project for August 10, 2010 at 2pm. Seconded by Trustee Norman. All ayes. Motion carried.

Mayor Maher moved to authorize the filing of the application for funding and authorize the manager to sign the application. Seconded by Trustee Bowen. All ayes. Motion carried.

**Introductory Local Law I-1 of 2010 - “Fire Lanes”**

Mayor Maher moved to declare an unlisted action and a negative declaration with regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-1 of 2010 as Local Law No. 2 of 2010, “Fire Lanes”. Seconded by Trustee Penney. All ayes. Motion carried

**Public Hearing - Introductory Local Law I-2 of 2010, “Retirement Incentive”**

Mayor Maher moved to open the public hearing. Seconded by Trustee Hurd. All ayes. Public hearing opened.

Mayor Maher moved to close the public hearing. Seconded by Trustee Hurd. All ayes. Public hearing closed.

**Municipal Building Roof**

Mayor Maher moved to declare the roof project a Type II action under SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Norman moved to have the bid opening for the roof project for August 17<sup>th</sup> at 2pm. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Telemeter Project**

Mayor Maher moved to declare the telemetering project a Type II action under SEQRA. Seconded by Trustee Penney. All ayes. Motion carried.

Mayor Maher moved to have the bid opening for the telemetry on August 17<sup>th</sup> at 1pm. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Tennis Court Project**

Mayor Maher moved to declare a Type II action under SEQRA with regard to the tennis court project. Seconded by Trustee Leonard. All ayes. Motion carried.

Mayor Maher moved to set the bid opening for the tennis courts for August 9<sup>th</sup>, 2010 at 2pm. Seconded by Trustee Hurd. All ayes. Motion carried.

### **WWII Plaque**

Trustee Norman moved to approve the proposed plaque memorializing the WWII veterans. Seconded by Trustee Penney. All ayes. Motion carried.

### **Introductory Local Law I-2 of 2010 - "Retirement Incentive"**

Mayor Maher moved to declare an unlisted action and negative declaration under SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law No. I-2 of 2010 as Local Law No. 2 of 2010, "Retirement Incentive. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Resolution to Support Parks Grant**

Mayor Maher moved to adopt the resolution supporting the parks grant. Seconded by Trustee Penney. All ayes. Motion carried.

### **Introductory Local law I-3 of 2010 - "Parks"**

Mayor Maher moved to introduce Introductory Local Law I-3 of 2010, "Parks" and set a hearing for July 27, 2010 at 6:30PM. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Renewal of Sweeney's and the Ladies' Corner Outdoor Café Permit**

Mayor Maher moved to renew Sweeney's and the Ladies' Corner outdoor café permits. Seconded by Trustee Norman. All ayes. Motion carried.

## **Village Website**

Mayor Maher moved to look into developing an ASP web site. Seconded by Trustee Hurd. All ayes. Motion carried.

## **M.P.B. Parish House Garbage Exemption**

Mayor Maher moved to remove 71 Maple Street from the garbage program. Seconded by Trustee Leonard. All ayes. Motion carried.

## **Alignment of the Square and Acceptance of \$ from WCC for Streetscape**

Mayor Maher moved to retain the services of Stephen Flickenschild, Architect at \$40.00 an hour. Seconded by Trustee Leonard.

Mayor Maher withdrew his motion and Trustee Leonard withdrew his second.

Mayor Maher moved to authorize the manager to solicit written proposals from architects in the area. Seconded by Trustee Bowen. All ayes. Motion carried.

## **Approval of the Minutes**

Hurd moved to adopt the minutes of June 22, 2010 with the following correction, Page 1, fourth paragraph delete next to the last sentence. Seconded by Trustee. All ayes. Minutes adopted.

## **Audited Bills**

Trustee Norman moved to pay the audited bills of July 13, 2010. Seconded by Trustee Leonard. All ayes. Motion carried.

## **Permission to have a POD Unit on the Street**

Trustee Hurd moved to allow Mr. Perpashan permission to place a POD unit on Maple Street for three days. Seconded by Trustee Norman. All ayes. Motion carried.

## **Executive Session**

Mayor Maher moved to hold an Executive Session pursuant to 105-(d), Litigation, 105-(f) Personnel, DPW, Parks, Police, 105-(h) property easement, and 2 North Montgomery Street of the Public Officers Law. Seconded by Trustee Hurd. All ayes. Motion carried.

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

Trustee Hurd moved to deny the Small Cities Loan for 2 North Montgomery Street. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Norman moved to retain Jacobowitz and Gubits as special council. Seconded by Trustee Penney. All ayes. Motion carried.

### **Adjournment**

Trustee Leonard moved to adjourn. Seconded by Trustee Bowen. All ayes. Motion carried.

**Village of Walden  
Board of Trustees Meeting  
July 13, 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 Sue Rumbold  
Trustees Richard Hurd  
Edmund Leonard  
Bernard Bowen  
Mary Jean Norman  
Randi-Lee Penney

Also Present: John Revella, Village Manager  
Nancy Mitchell, Village Clerk  
Kevin Dowd, Village Attorney

### **Public Hearing - Introductory Local Law I-1 of 2010, "Fire Lanes"**

Trustee Norman moved to open the public hearing. Seconded by Trustee Leonard. All ayes. Public hearing open.

Mayor Maher presented the affidavit of publication, affidavit of posting notice and notice of public hearing which he read. He also stated that a letter was received from Chief Gary Kurtz, Walden Fire Department endorsing this local law.

There were no comments from the public.

Trustee Hurd moved to close the public hearing. Seconded by Trustee Leonard. All ayes. Public hearing closed.

### **Presentation by Delaware Engineering - Sewer Plant Project**

Mary Beth Bianconi, Project Manager of Delaware Engineering stated that a couple years ago the village asked them to assist them in evaluating the wastewater treatment plant and compliance issues were happening with the state and its permit. Over the last couple years a lot of work has been done to bring the plant into compliance. While those violations were taking place and in order to assist the village in avoiding new violations some capital improvements have been planned. They have prepared a number of engineering reports that have been approved by DEC. She introduced Brian Suozzo who also works with Delaware Engineering who has done the engineering on this project. He will be discussing a couple capital projects with the board for going out to bid. They would also like to talk about the treatment plant in general.

Brian Suozzo stated that currently they have worked on upgrades to the headworks at the plant in the sludge processing system. They will be doing the existing headworks where water first comes into the plant, there is a grinder that grinds up the solids going in and it is under sized. They will replace that with a larger grinder. They will put in two mechanical fine screens and they will take the grinded solids and take it out of the process itself, so you will reduce your load down in your downstream components. In addition to that they will be converting the large previously used digester which is more or less a sludge holding tank because it's been defunct for

many years. They will convert that to aerobic. That will cut down the odors. Once it's digested it will process the sludge through the belt press. They are also going to upgrade the sludge pumps in the basement of the control building. They will replace them with Pen Valley double disc pumps. They can handle a variety of overflow conditions. That will be going out to bid tomorrow and the bids will come in August 10<sup>th</sup>. They will have it done before the DEC deadline which is May 31, 2011.

Ms. Bianconi stated that all of the components of the project that are before the board for them to determine if they want to go to bid are required to meet the consent order. There was an initial evaluation that was done at the plant to determine what needs to be done. Once that was done DEC accepted that evaluation and there was a design report put together that specifically identified the elements that Brian was just talking about and that design report was also approved by DEC as all of the components of that being in compliance with the consent order. That being the case you do have to do SEQRA for this. This is subject to environmental review, Article 617 of New York Code. This is a Type II action under SEQRA because it is compliance with a consent order. The board needs to consider the environmental review, consider whether this is a Type II action and adopt a resolution authorizing bidding on this project. The bidding will be handled out of their office in competition with the clerk. There is a mandatory prebid meeting that will be conducted at the plant and bids are due back at the village office and will be opened at 2pm.

Mr. Dowd stated that the question he had was that all of these three projects were part of the consent order. If they are all part of the consent order then he has no problem type twoing them as an enforcement proceeding. If there is anything else that they are approving tonight that are not tied to the consent order then he doesn't think it should be a type two, it should be an unlisted action.

Ms. Bianconi stated that there were only two components to this project, the headworks and sludge. That has all been approved by DEC as being in compliance with the consent order, so it's all in compliance with the consent order.

Mayor Maher moved to declare a Type II action with regard to SEQRA for the wastewater project. Seconded by Trustee Hurd. All ayes. Motion carried.

Mayor Maher moved to set the bid opening for the wastewater project for August 10, 2010 at 2pm. Seconded by Trustee Norman. All ayes. Motion carried.

Ms. Bianconi stated that they are also here to discuss the treatment plant in general. The plant was built in the mid 1930's. It was been upgraded a number of times, last time was 1986. After a certain amount of time things have to be done. What they've done was to make sure that they've addressed the things that DEC needed addressed from the order perspective. Make sure they are in compliance. They have also made sure that those items are planned for the future. They don't want the village to spend a dime on something that five years from now someone is going to say its not the right thing. They will be long term improvements. Treatment plants are designed in phases. The consent order does not address the biological process, but yet it does need to be addressed. The last part of the project is the solids handling and disinfection. The

village asked them to evaluate the plant from a longevity perspective. They did a comprehensive performance evaluation. They looked at each part of the process, each step and each piece of equipment and they looked at what it was supposed to be when it was designed. They compared it to today's standards and to the challenges like rain flow. A lot of water ends up in this plant. One of the things the consent order requires the village to do is remove that rain water. The evaluation is intended to lay out an analysis that is a very straight up perspective and then apply recommendations. It also provides a cost estimate so you have a way to gauging what this costs. When they do these they are very conservative. The village asked them to look at financing programs and there are a number of them available from the state and federal level for large scale wastewater projects of this nature. One that has received a lot of attention is the Clean Water State Revolving Fund. It's a low interest loan. There is also free money in the form of grants as well as zero interest loans. The village asked them to prepare information to get the project listed for this program. Listing the project does not obligate anyone.

Mayor Maher moved to authorize the filing of the application for funding and authorize the manager to sign the application. Seconded by Trustee Bowen.

Deputy Mayor Rumbold asked, when they make the report will they be aware that we are under compliance right now.

Ms. Bianconi stated yes.

Trustee Leonard asked about the sewer water inflow meter.

Ms. Bianconi stated that work is being done by some of the folks who will be doing a presentation. It is a component of the consent order. There is a mapping project going on and also a monitoring project going on.

All ayes. Motion carried.

### **Introductory Local Law I-1 of 2010 - "Fire Lanes"**

Mayor Maher moved to declare an unlisted action and a negative declaration with regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law I-1 of 2010 as Local Law No. 2 of 2010, "Fire Lanes". Seconded by Trustee Penney. All ayes. Motion carried.

### **Mayor's Report**

Mayor Maher stated that there was a fire on Overlook Terrace and they lost a lot. Insurance will cover it, but a lot of personal items were lost. There will be a spaghetti dinner at the Walden Fire House tomorrow from 5-9pm.

### **Public Hearing - Introductory Local Law I-2 of 2010, "Retirement Incentive"**

Mayor Maher moved to open the public hearing. Seconded by Trustee Hurd. All ayes. Public hearing opened.

Mayor Maher presented the affidavit of publication, affidavit of posting notice and notice of hearing which he read.

Becky Pearson, 167 Walnut Street asked if the village will be able to hire at half the price?

Mayor Maher stated that it's not hiring someone at 50%, it's 50% of the overall payroll budget over a two year period. That leaves a lot more room and a lot more possibility to save money.

Mayor Maher moved to close the public hearing. Seconded by Trustee Hurd. All ayes. Public hearing closed.

### **Presentation by Lanc and Tully - Capital Projects**

John O'Rourke, Lanc and Tully stated that they were given the task of development bid specs for three capital projects. The first is the tennis courts, second is the municipal roof and the third is the telemetering system for the water system. The village hall roof is about 40 years old, and there are leaking issues. They've developed a spec to replace the shingles and reroof it, apply the ice sheeting and clean out the gutters. A rough cost would be \$45,000 to \$60,000. There will be a prebid mandatory conference for contractors to look at the roof. They also need to set up a bid date. They would like to advertise next Monday and have the bids due back on August 17<sup>th</sup> and have the board award it on August 24<sup>th</sup>. He asked if there was only one meeting in August.

Mayor Maher stated that they usually have a special meeting to do bills, so they can add something else.

Mr. O'Rourke stated that they could have a special meeting August 24<sup>th</sup> or after. He also stated that this is a Type II action under SEQRA.

Mayor Maher moved to declare the roof project a Type II action under SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Norman moved to have the bid opening for the roof project fro August 17<sup>th</sup> at 2pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Mr. O'Rourke stated that the next project is the telemetering. You have two groups of wells, 4,5,6 and 7,8 located in different areas. Those send a signal to the Highland Avenue tank that says, turn on and fill me back up. You have two different types of systems that are trying to work together. They are old and wells 4,5, and 6 are not coordinating with the wells at 7 and 8. They are also hardwired, you're paying a monthly fee to the telephone company. During storm events and with the latest upgrades you're getting a lot of failures of that system and the alarm is



going off. Then your water department is going out there in the middle of the night when there is no need to. The village has asked him to give a comprehensive telemetering system that will work between all of them. What they have designed is, well 7 and 8 have a specific system that's not that old, so they've designed a new system for 4,5 and 6 that is the same as 7 and 8. So they will coordinate well. It will be a radio transmission rather than a hard line. That will eliminate the monthly service charge for the phones. So the telemetering system is in the range of \$50,000.

There is no rush on this. They would like to advertise on the 19<sup>th</sup>.

Mayor Maher moved to declare the telemetering project a Type II action under SEQRA. Seconded by Trustee Penney.

Deputy Mayor Rumbold asked if the board should have been made aware of the problem with the telemetering signals.

Trustee Hurd stated that the former village manager discussed radio operations down there many times. We just didn't have it in the budget at that time.

Deputy Mayor Rumbold stated that the engineers should have been able to say lets look at the system on your other wells to see if they will act in concert with one and other.

Trustee Hurd asked if the village was going to come in within the bonding amount.

Manager John stated that he believes it will.

All ayes. Motion carried..

Mayor Maher moved to have the bid opening for the telemetry on August 17<sup>th</sup> at 1pm. Seconded by Trustee Hurd. All ayes. Motion carried.

Mr. O'Rourke stated that the next project is to rehab both tennis courts at Bradley Park. They want to get this done as soon as possible. They would like to advertise the 19<sup>th</sup> and have the bids back Monday, August 9<sup>th</sup> and award on August 10<sup>th</sup>.

Mayor Maher moved to declare a Type II action under SEQRA with regard to the tennis court project. Seconded by Trustee Leonard.

Trustee Bowen asked what the estimate on the tennis courts is.

Mr. O'Rourke stated that it would be between \$60,000 and \$70,000.

Mayor Maher stated that's good because we budgeted \$86,000.

Trustee Bowen asked what the warrantee is.

Mr. O'Rourke stated one year.

All ayes. Motion carried.

Mayor Maher moved to set the bid opening for the tennis courts for August 9<sup>th</sup>, 2010 at 2pm. Seconded by Trustee Hurd. All ayes. Motion carried.

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

Manager Revella stated that a majority of the information will be discussed during the discussion items. The project at Westwood Drive drainage began this week and its working well. It should be done in eight working days as long as the rain holds off. The engineers have discussed sludge and the disposal of sludge. The civil service hearing for DPW will continue tomorrow at 2:30pm. The Farmers' Market is going well. They have completed reimbursement for the Rail Trail Welcome Center and we should be getting back \$26,000 from the grant. There will be a company going around this week painting cross walks and stop bars.

Deputy Mayor Rumbold asked about the one person that remains unpaid, they have not completed the work for the Downtown Grant. What is the time line.

Manager Revella stated that it has to be done by August 22<sup>nd</sup>.

Deputy Mayor Rumbold asked if the tiles in front of the elevator on the third floor can be fixed. She tripped on it.

Mayor Maher asked what the money from the Welcome Center Grant can be used for.

Manager Revella stated that it can be returned to the general fund and used for expenses. It is a reimbursement.

Deputy Mayor Rumbold asked if it matters that the welcome center was never opened and we use it for storage.

Manager Revella stated that he doesn't know. The discussion he remembers is that there was going to be a part time staff and then filled with volunteers. He's not sure what happened with the process and why it wasn't budgeted.

Mayor Maher stated that we can look into different proposals to the board as often they do with non budgeted items.

Trustee Leonard asked if the bathrooms were open in the welcome center.

Manager Revella stated, not always.

Trustee Leonard asked what the status of the water tank repair and Walnut Street.

Mayor Maher stated that they are working on it.

Mr. O'Rourke stated that everything is done, we are just waiting for the county.

Mayor Maher stated that he sits on the CDBG Committee and quite often they approve projects and then try and figure out how they are going to fund it and ours is one of those projects.

Mayor Maher stated that in regard to the alignment of the square, you talk about architect availability. Does that have to be approved by the board.

Manager Revella stated that the architects contract has to be approved by the board.

### **Public Comments**

Diane Sandbothe, 90 Liberty Street stated that the rail trail is the best thing this village has ever done. It is used a lot. She also asked where the welcome center was.

Manager Revella stated that it is at Wooster Grove.

Ms. Sandbothe stated that she is back with the same complaints, the oil truck on Madison and Seely. They also now have a small bus parked there. This is a residential area and you're not supposed to have commercial vehicles parked there and why has this gone on for so long. She asked when will the oil truck be moved. She spoke to the building inspector in May and he said he was working on it. She asked for an update.

Manager Revella stated that when he talked to the building inspector he said he had to bring them to court.

Ms. Sandbothe stated that was said in December and it never went to court.

Mr. Stickles stated that it will be written up in the morning, the board will get a copy of the summons and then it will go on the courts agenda.

Ms. Sandbothe stated that no one is picking up after their dogs at Alfred Park. Also, across the street there should be a no dumping sign. She wants someone to come to her house and set up a schedule as to when to the retention pond will be cleaned out on Jacobs Ridge and who will maintain it. The swale needs to be mowed and the debris needs to be cleaned up. There is erosion above the swale. Also the lights on the bridge are out. Also, there is no light by the barber shop and going up South Montgomery Street. With the lights out on the bridge you need those lights.

Manager Revella stated that he met with NYSEG on Friday and they are scheduling to put a light on that pole. They are waiting for a lift truck to replace the bridge lights.

Ms. Sandbothe asked who the new code enforcer was.

Manager Revella stated that it's Jay Buchalki.

Ms. Sandbothe stated that the storm drain on the corner of Route 52 and Liberty Street are covered with asphalt. She also asked if you need a permit to put up an above ground swimming pool.

Mr. Stickles stated yes and you also need a permit for portable pools.

Ms. Sandbothe asked why there were car counters on Scofield Street.

Manager Revella that the chief often does that.

Ms. Sandbothe stated that there is an unlicensed truck on Sunset Drive. There is garbage on the corner of Madison and Seely Streets. There are branches and trees on Liberty Street, it's an actual tree.

Manager Revella stated that he visited Jacobs Ridge with the parks director to see if they can do the maintenance and it is very overgrown. Once the trees are removed it will be on the villages maintenance list, including the swale. Then the village will maintain it.

Mr. Lustig proposed to install a 14 x 20 inch bronze plaque that will go between the elevator on the first floor and the door to the library. He would like to memorialize the fourteen Walden boys that gave their lives in WWII. He would like to have it there before Veterans Day, November 11<sup>th</sup>. He knew eleven of these men and one was his cousin and that is why he feels strongly about this. He asked the board for permission.

Mayor Maher asked Mr. Lustig to work with the Village Manager on this.

Trustee Norman moved to approve the proposed plaque memorializing the WWII veterans. Seconded by Trustee Penney. All ayes. Motion carried.

Lynn Schwandt, 143 N. Montgomery Street asked about the cut in the macadam on the Rail Trail.

Mr. Dowd stated that he has another call into the town's attorney to get answers.

Mayor Maher asked Mr. Dowd to let him know if he doesn't get an answer and he will call the supervisor.

Ms. Schwandt stated that people are going under the chain to walk down the hill and bike down the hill. Also, Mr. Nash told her that when they were going to do the trail he was told they would do a cut in the curbing so the rainwater won't go into his driveway.

Becky Pearson, 167 Walnut Street stated that she appreciates what's been happening with the new manager, things are getting done that have been on this table for a long time. She also commented on the committee that was set up for the parks. She believes the members should be

village residents and there are some town residents on this committee. She wrote a letter to the editor years ago about Senator Margaret Chase Smith who was in the McCarthy era where communism was out there and people didn't agree with what was said. That is sad because she sees that happening and she doesn't want it to happen in the village. She had a declaration of conscience which Ms. Pearson read. She further stated that people who have different opinions will never get to be on a committee and that is wrong. This comprehensive plan for the park is an off shoot of our master plan and she feels for the best use of the parks committee would be village residents who are concerned with the long term. She hopes the board reconsiders.

Ms. Pearson stated that there was an outcome of the committee and she heard they will recommend to tear the building down at Olley Park. She asked what criteria the committee uses to make that determination. If they were using old engineering reports she would question that. When we destroy history and that would not be positive for generations to come. She also asked about executive session regarding personnel, is it DPW personnel or DPW something different.

Manager Revella stated that DPW, Parks and Police is all personnel.

Ms. Pearson asked about the subject in executive session, property easement, is that something for executive session.

Manager Revella stated that it's not for spending money its for easements for Central Hudson.

Anne Ilkiew, 71 Main Street, President of Wild Animal Warriors stated that she was at the meeting last night when that decision was determined and she couldn't understand it, but now she does, because many of the members of that committee are not from the village.

Trustee Norman stated that there are only two on the committee that aren't village residents. She has never received a letter from anyone that wanted to be on that board.

Ms. Ilkiew stated that Patricia Hennigan wanted to be on the board.

Mayor Maher stated that she did send a letter.

Ms. Ilkew stated that they have a use for the park and she is a legitimate 501-C3 recognized by the government private foundation. Wild Life Warriors would make it their headquarters. They have a way of securing funding and it will not cost the village any money. It will make money for you.

Helen Schoonmaker, 7 Westwood Drive thanked the village board for recognizing that their street was in bad shape. They only have the Farmers' Market one day a week, but the sign at the bottom of Scofield Street has been there which states, Farmers' Market today. That should be taken down after every Thursday. Other villages have had their fire department change bulbs.

Manager Revella stated that the fire department doesn't have a bucket truck.

Ms. Schoonmaker stated that it was very pleased listening to the presentations tonight. They are really collecting a lot of information and she appreciates when someone asks a question the manager answered them.

Marcus Millspaugh, Jessup Street stated that it was nice to hear very concise engineers report. For a long time he has question why they can't have the flag flying over the municipal building. The answer has always been that the roof cannot support it. He asked that the village ask the engineers if they can look into whatever is necessary to support the flag so they can have it flying there again. During school time people park close to the bridge and that is a one lane road, he thinks there should be striping to preserve the full width of the street coming off of the bridge would be advantageous. With regard to the tennis courts he saw that the drainage is superficial, they should form a curtain drain to protect the sub base of the courts.

Mr. Revella stated that he already talked to DPW to take one course of the brick off the drain. It's sitting way too high.

### **Introductory Local Law I-2 of 2010 - "Retirement Incentive"**

Mayor Maher moved to declare an unlisted action and negative declaration under SEQRA. Seconded by Trustee Hurd.

Deputy Mayor Rumbold asked the manager to explain what the 50% is.

Mayor Maher stated that it's a collective savings of payroll overall. It has nothing to do with an individual position at all.

Deputy Mayor Rumbold asked if they had no problem thinking that they can achieve that.

Mayor Maher stated that he didn't say he would have a problem thinking they could achieve that. It's going to be difficult. He's sure they can find a way. They will have to work on it.

Deputy Mayor Rumbold asked what will happen if they can't.

Mayor Maher stated that then they don't fund a position. After speaking with the manager, the attorney and several of the board members and a lot of employees it seems like a very good opportunity as a village, not just to save money but to restructure.

All ayes. Motion carried.

Trustee Hurd moved to adopt Introductory Local Law No. I-2 of 2010 as Local Law No. 2 of 2010, "Retirement Incentive. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Resolution to Support Parks Grant**

Manager Revella explained that the New York State Parks Grant is to try to revitalize

some of the space on parks including benches, trail at Olley Park, the barn facility to put bathrooms. It's a matching grant but because we're one tenth low poverty line our match is much less, 25% match. We're asking for \$126,000 in funding but depending on the pricing it may fluctuate slightly. The resolution doesn't need to say the specific price.

Mayor Maher moved to adopt the resolution supporting the parks grant. Seconded by Trustee Penney. All ayes. Motion carried.

### **Introductory Local law I-3 of 2010 - "Parks"**

Mr. Dowd stated that this local law would amend Chapter 112 to make the rules and regulations about when the parks are open to apply to Walden Veterans Memorial and the Martin Besdesky Playground.

Mayor Maher moved to introduce Introductory Local Law I-3 of 2010, "Parks" and set a hearing for July 27, 2010 at 6:30PM. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Renewal of Sweeney's and the Ladies' Corner Outdoor Café Permit**

Mayor Maher moved to renew Sweeney's and the Ladies' Corner outdoor café permits. Seconded by Trustee Norman. All ayes. Motion carried.

### **Fluoride**

Dr. Robert Kimball commented on his concerns about not having fluoride in the village water. He felt it was a mistake of this board to eliminate fluoride from the water supply. He hopes the board sees fit to rectify that mistake.

Mrs. Cosgrove stated that her son is in his forties and he's never had a cavity because of fluoridation.

### **Village Website**

Manager Revella stated that he had several people present their ideas for a web site. He feels the board should discuss those issues.

Mayor Maher stated that there was a meeting with someone that could give the board a proposal that would give the board more visibility. When they asked about putting the entire history of the village board minutes on the web site there weren't any complaints. One option would be to be able to change things ourselves and one would be to have someone come in and manage the web site. It's up to the board to give the manager direction. He feels having more accessibility between individuals and certain people responsible who have quick access to the information would be more accurate.

Trustee Hurd stated that the board has been talking about this for years and it's really not who your web master is, it's whether your going to use an ASP type web site or not. At the time

it was \$6,000 to develop an ASP type web site.

Mayor Maher stated that the cost is less now. Their first meeting was very productive. They would like to have a second meeting and hopefully at the next board meeting have a proposal.

Mayor Maher moved to look into developing an ASP web site. Seconded by Trustee Hurd. All ayes. Motion carried.

### **M.P.B. Parish House Garbage Exemption**

Mayor Maher stated that he, the manager and attorney discussed this.

Mr. Dowd stated that the board would have to take action to take this property off the garbage roll because the church has acquired the property and its not being used as a single family residence anymore. Its being used for religious purposes and they don't want the garbage picked up anymore. Other religious organizations are also not on the list. If the church ends up selling the property the village would ask them to notify the village so we can put it back on the program.

Mayor Maher moved to remove 71 Maple Street from the garbage program. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Alignment of the Square and Acceptance of \$ from WCC for Streetscape North Montgomery Street Rehab**

Manager Revella stated that the village has the 2008 Main Street Grant that the Walden Community Council received which allocated funds for a streetscape project which the committee chose Municipal Square as an improvement area for pedestrian traffic. They looked at different things and had some ideas for designs. He met with the committee and talked about the ideas. He asked around to see who would be able to assist, Jay Trafton did a small sketch which he brought to a local architect to see what he could do with it. He also did some sketches which were emailed to the board. We would need to secure his services and use the Main Street funds in conjunction to proceed with those improvements which would be phased improvements.

Trustee Hurd stated that some of the proposals look like what existed 100 years ago in terms of how the monument tied into this building. His only concern is some of the proposals would be a dramatic change in traffic flow and he thought it would be something the public would have input on.

Manager Revella stated that he showed the plans to the chief and he didn't have a problem with the one they were considering.

Trustee Hurd stated that the school was worried about the bus flow.



Manager Revella stated that the design allows for the buses to go around. We could ask for his services and the ideas that the board looked at that they felt were more feasible he could do a write up for those and present them to the public. He needs a motion from the board to use Mr. Flickenschild services at \$40.00 a hour.

Mr. Dowd stated that the grant is a little over \$9,000.

Manager Revella stated that the \$9,000 from the Community Council is going towards the project, including the design.

Deputy Mayor Rumbold asked when was the money given to the village from the Community Council.

Manager Revella stated that it wasn't yet, that is the second part of this.

Trustee Hurd asked if they were required to do a bid process.

Mr. Dowd stated no.

Mayor Maher moved to retain the services of Stephen Flickenschild, Architect at \$40.00 an hour. Seconded by Trustee Leonard.

Deputy Mayor Rumbold asked if other architects said they were interested in looking at the project. Is this something from the Community Council.

Manager Revella stated yes, it's from the Community Council, the main street grant committee. He doesn't know if you would get another architect at that price.

Trustee Hurd asked if the board will be criticized.

Trustee Norman asked how many hours are they talking about.

Mayor Maher stated that it's a \$9,000 limit, not hours.

Trustee Hurd asked if they should be asking other architects to bid on.

Mr. Dowd stated that it's a professional service that does not require any kind of bid. They can put out a request for proposals if they wish. This is a very limited scope project.

Mayor Maher stated that in his opinion with the comments alone and the private discussions he's had with the manager and Mr. Flickenschild he would absolutely indorse hiring him at \$40.00. If they put this out to bid they would be drastically higher. As long as the board doesn't have an issue with the services and the resume they received he says lets move forward on it.

Mr. Sebring stated that there are architects in this village that might want to donate time.

Trustee Norman stated that she feels they should look.

Deputy Mayor Rumbold stated that it is a generous offer but once the money leaves the Community Council's hands and it turns over to the village then it becomes village money and she doesn't want the village in the position of adhering in that direction, there may be an architect that is interested and she doesn't want to give the appearance that we are being selective or exclusive.

Manager Revella stated that there are two problems, the project was discussed more than a year ago at the board meeting and also in private with Mr. Politi and he doesn't see anywhere that this was acted on. Time is of the essence in that the money needs to be spent by August 22<sup>nd</sup>. That is the issue with not going to proposals at this time.

Deputy Mayor Rumbold asked how they do this time frame and was this discussed before.

Manager Revella stated that he discussed it at a board meeting more than a year ago.

Trustee Bowen asked what the problem was putting it out to bid for a week.

Mayor Maher asked the manager what the issue was putting this out to bid for a week.

Manager Revella stated that it would cost money.

Deputy Mayor Rumbold asked if they were going to spend \$9,000 in a month.

Manager Revella stated yes, on materials.

Mayor Maher asked if they were talking about everything in nine months.

Manager Revella stated yes.

Trustee Hurd asked if they were talking about just the bidding and the production of a proposal, not the actual construction of something.

Manager Revella stated that they are talking about construction of something.

Trustee Hurd stated that it's one thing to have the community council provide funding and make a proposal, it's another to change the character or the structural character of the village square without the board being involved.

Trustee Norman stated, and the residents.

Manager Revella stated that if they got the proposals drafted, present it to the board at the next meeting and present it to the public there could be a decision by August 10<sup>th</sup> and

construction could be done before the 27<sup>th</sup>. The construction is in house.

Mayor Maher asked if they need to act on the architect tonight.

Trustee Hurd stated that there is no guarantee that this board will be prepared to act, so he may go through all this and the board might say no, or the village might say no way do we want that. So your wasting \$9,000 of the Community Council's money.

Manager Revella stated that they wouldn't have spent the whole \$9,000 if they don't do the project.

Mayor Maher stated that it's a short time frame, but give it a chance. He does understand putting the architect out for proposals.

Trustee Hurd stated that he just got the designs and the residents haven't even had the chance to look at them and they affect their streets.

Mayor Maher stated that they would be able to.

Manager Revella stated that when they get an architect they will have legitimate sketches to show the public.

Trustee Bowen stated, being consistent with everything we've done they should send it out.

Manager Revella stated not always have they sent professional services out.

Mr. Dowd indicated that to advertise for any kind of bids you need at least five days from date of publication. If he and the manager prepare it tomorrow and have it in the paper on Thursday, count five days from Thursday and that would be the first day you can receive them. You could award the contract at the next meeting.

Trustee Bowen stated that an architect that applied for the job would have a vision of how they are going to put it together.

Trustee Hurd stated that they are asking architects to prepare proposals for something this board hasn't even discussed.

Manager Revella stated that the meeting of the committee didn't happen until after the last board meeting and there was three weeks in between. He tried to get the sketches as soon as he could so the board would have some idea.

Trustee Hurd asked about the date.

Manager Revella stated that it's because it's state funding. It's a state grant.

Trustee Hurd stated that he doesn't see the harm of the proposals presenting an idea.

Mayor Maher stated that they would like the idea at the next meeting.

Mr. Dowd stated that the other alternative as opposed to advertising is you can ask the manager to call up local architects in the town or tri town area.

Trustee Hurd asked what brought up this idea, he didn't know the square was out of alignment.

Manager Revella stated that if they chose one of those you would be realigning the square because the traffic pattern would be switched. It would be two way on one side and blocked on the other.

Trustee Hurd asked if there was a problem with the present flow.

Manager Revella stated pedestrian flow, absolutely. The school children are walking through the middle of the street.

Mayor Maher stated that he understands the concerns because this is the first time the board has even heard there was an issue and then we're talking about acting in a six week period.

Mayor Maher withdrew his motion and Trustee Leonard withdrew his second.

Mayor Maher moved to authorize the manager to solicit written proposals from architects in the area. Seconded by Trustee Bowen.

Deputy Mayor Rumbold asked, since we have an architect who is willing to do this for \$40.00 an hour that the other architects will be given those parameters to do their sketches or proposals.

Mr. Dowd stated that you have to give them at least the parameters of what you are asking them to do and then have them submit a proposal as to what they would charge per hour.

All ayes. Motion carried.

## **2 North Montgomery Street Rehab**

Manager Revella stated that there was a proposal for a rehab project for a residential loan to improve the building. They met with the building inspector, Mr. Dowd, Trustee Bowen, and Mr. Politi and did a cost estimate. Mr. Barnes discussed with him what the village could cover.

Mr. Barnes asked that this be discussed during executive session because they will be discussing a persons finances.

Mr. Dowd advised the board that they could discuss this in executive session.

## **Report from Parks Comprehensive Committee**

Manager Revella indicated that he would like to table this report tonight.

Mayor Maher stated that when they formed the committee our attorney did not know that some of those people were town residents. After further discussion with our attorney he does not believe that they can have a committee formed unless it has all village residents on it.

Mr. Dowd stated that is by State law. When you form a parks committee the members must be all village residents. He knew one of the members was an employee, he did not know he was not a village resident.

## **Comprehensive Plan Committee Member**

Tabled until next meeting.

## **Fluoride Committee Report**

Mayor Maher stated that the committee to research fluoride consisted of himself, Deputy Mayor Rumbold, and Trustee Penney. They had a meeting and there were different representatives in attendance, the New York State Department of Health, Orange County Department of Health, many concerned residents, countless dental professionals from the area, local dentists and individuals from other areas who were also concerned. They were given presentations and the committee would now like to report to the rest of the board. The mayor gave his assessment of the situation which is that after months of research and talking with a lot of individuals it is his belief, there are a lot of independent, over 50 to 100 independent organizations and he had very interesting discussions with health professionals and it is in his belief that the fluoride should be put back into the water supply.

Trustee Penney stated that there are so many different opinions out there and she feels it's the village residents that pay for the water, so it should be their decision if it goes into the water or stays out of the water.

Deputy Mayor Rumbold stated that she feels it's a matter of reasonable doubt. She doesn't think that people who are against having fluoride in their water are all lunatics. That is how they are categorized, that they get on the internet and give false information. You have 14 Nobel prize winners in science since the introduction of fluoride that said it should not be in the water. Congress held a hearing in 2000 there were questions asked of the EPA, CDC, and FDA that were never answered. She contacted Washington and they were litigate questions. Doctors who served on the NRC, dentists, scientists and EPA scientists. They have a different view and she doesn't think they should be categorized as crazy people. Nearly every report that she read it's always stated that more research needs to be done. She believes there is research out there that makes it questionable, why do we fluorinate water and it is not as easy as saying its good for your teeth. She has no problem with the topical application of fluoride. The question comes in when you're talking about the ingestion of it. Dr. Kimball spoke very eloquently, but we have a

Nobel prize winner in pharmacology who says that fluoride is a medicine, it's a prescription drug that you can't get over the counter unless it's in toothpaste or rinses and that every person that ingests a drug reacts differently. Yes it's very concentrated. To quote him, water fluoridation is obsolete and nations who still practice it should feel ashamed of themselves. He was the main person who made sure water fluoridation didn't happen in Sweden. If this village is going to put an additive in water in this village she thinks the residents should hear both sides and they should be the ones to make the decision. She has diabetes and she was told not to drink fluoridated water. We have young mothers who should have told by their pediatrician that any child under the age of one should not drink formula made with fluoridated water. Why should they have to go out and purchase bottled water and hope there isn't fluoride in it.

Mayor Maher stated that he would not endorse a referendum election or ballot proposal to put fluoride up to the residents. Although it's a cost the public votes them into office, they decide on a lot of the different issues by voting the board into office and it's up to the board to make tough decisions. When you talk about EPA scientists, the main group against fluoride, it's the EPA union of scientists that they are called. It's not the EPA. They use the name and discredit it. You're talking about a Nobel Prize winner from Sweden who says in other countries who practice it should be ashamed of themselves, 43 out of the 50 most populated cities in this country including New York City have fluoridated water. Out of all those years he would like to know what the adverse effects are. He's never had a cavity. He feels fluoride is good for your teeth and he feels it should remain in the water. He would like the board to act now to put it back in the water. They've been given enough information. With the information they were given in the past to take it out. He agreed at that time, but they have been given a lot more and all the issues he felt needed to be addressed, the safety of the village, the damage it was causing to the concrete, every health professional at the county and state level have said that is not the case. Our state and county officials have told him and the rest of the committee that this is safe and to put it back in the water. He is not going to sit here and try to discredit them. All the dentists in the area have all come out and unanimously said this is healthy, put it back in the water. He'd take his local, state, county and local dentists ahead of any EPA union scientists or anyone from a country that's not the United States of America, he'd rather not take their advise over the people right hear.

Deputy Mayor Rumbold stated two out of the three members wanted this to go to a vote.

Mayor Maher stated that he strenuously objects.

Mr. Dowd stated that once you took it out of the water. The Public Officers Law was amended in 2002 that says before you can put it in the water you have to go through a local law process. That would give the public a chance to come out and tell the board members how they feel about fluoridation in their water. Under Home Rule Law only certain matters can be put to referendum. If its not designated specifically to state statute then they can't put it to a referendum because we are a representative form of government. He will go back and check the section of public health. If it does it will be a local law subject to mandatory referendum or permissive referendum. If the board authorizes him to do the local law he will research it and it will be in the local law if required.

Mayor Maher asked if anyone else on the board agrees with putting it to a vote.

Trustee Hurd stated that he's cast a lot of votes over the time of serving on this board and if there is one he could get back it would be the one that he cast to remove fluoridation. He is very embarrassed that he didn't think to consult the professionals that they are so blessed with. His own dentists Dr. Hale and Dr. Masci he has gone to them before for matters of advise for himself and his family and the fact he didn't think to do that he actually apologizes. He's very sorry. He's in favor of fluoride going back into the water.

Trustee Leonard stated that anything that comes off the internet is suspect. He has to listen to the professionals, they follow this, and they read the professional magazines. He has benefitted from fluoride, therefore he is in favor of putting fluoride back into the water.

Trustee Norman stated that she is also a little embarrassed about it to. The public has had the opportunity to come twice and speak. She also feels it was a vote that came too fast for the village. She is in favor of putting it back into the water.

Trustee Bowen agreed to put it back into the water. One thing they listened to was the cost to put fluoride in the water and they said the cost was so minimum, so it wasn't about the cost. He feels it should go back in.

It was the consensus of the board to have a straight up and down local law, no referendum.

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

Mary Ellen Maise, 21 Clinton Street asked what's going on with General Code.

The Village Clerk advised her that all the information was sent to General Code and we are waiting to hear from them.

Ms. Maise stated that things that require public input haven't been posted. Meeting dates haven't been posted or publicized adequately so they can get the public input.

Dennis Putnum from Ulster County who has been retained by Wild Life Warriors to lobby on behalf of the Olley Park decision on what to do with the building indicated that the Wild Life Warriors are eligible for numerable grants, funds, donations and corporate givings and with the proper organizations this could be done in very short time manner. They are looking for a determination by the board as to when they can occupy the dwelling at Olley Park to rehabilitate the building and use it as their headquarters for activities of wild life rehabilitation as well as environmental studies.

Mr. Lustig complimented Mr. Kimball for his presentation on fluoridation. He believes it can help and he used his family as an example. He further stated that he has trouble understanding what is going on during the meeting. He doesn't think the microphones on the table work.

Mr. Lustig also stated that when the board was talking about reconfiguring the square he looked up at Col. Bradley and he shook his head. That would be a mistake to do. He suggested if they want a project turn the McKinley Monument around so he faces the traffic going east on Routes 208 and 52. The only way you see his face is in your rear view mirror going up Maple Street.

Ms. Sandbothe asked about the parks grant if it was for \$400,000.

Manager Revella stated that the resolution says up to, the actual grant is \$126,000.

Becky Pearson asked for clarification on the \$9,000 the Community Council was giving the village, it's for the planning and implementation for municipal square.

Manager Revella stated yes.

Ms. Pearson asked if had to be completed by August 22<sup>nd</sup>.

Manager Revella stated correct.

Ms. Pearson stated that the manager did say something about the work being in house from the DPW department.

Manager Revella stated correct.

Ms. Pearson stated that is not free, it's paid for by taxpayers. She asked if there was an amount.

Manager Revella stated that they wouldn't know the amount until the scheme is done.

Ms. Pearson asked if one way streets are implemented on that plan.

Manager Revella stated that there are several different plans. Some are one way and some are two ways.

Ms. Pearson stated that several years ago they had a plan for a park between the municipal building and the monument and the people from Walnut and Gladstone were crazy because of the one way streets. She asked about more crosswalks. You would need more crossing guards.

Manager Revella stated that it depends on what scheme.

Ms. Pearson stated that this is a rushed kind of thing that is affecting a lot of people. In regard to the fluoride, one of the purposes of taking out the fluoride is to save money, so you could transfer that money and use it somewhere else to pay someone else's salary. That money came out of the water line, how does it get back into the water line to pay for the fluoride. You



took that money away, where are you getting the money from.

Mr. Millspaugh stated that he doesn't want to see anything done in the square that will impinge on the ability of assembly out there. The subject of streetscape, there are other places in the village where they can think about using it for. One example would be Pine Street, the pump station is in the street itself next to the sadly neglected park. The streetscape could be in that area. Also, on South Montgomery Street where there could be nice views of the water falls.

Manager Revella advised Mr. Millspaugh that this money is only to be used in the targeted area, which is a small part of Main Street and up to the monument here.

Mr. Millspaugh asked about the sound system.

Mr. Putnam asked that Wild Life Warriors taking possession of the Olley Park house be put on the next agenda.

Mayor Maher indicated that he will call Mr. Putnam.

Ms. Pearson stated that if the money has to be used by August 22<sup>nd</sup> the Orchard Street parking lot would be a good use for that money.

Manager Revella stated that its not in the target area.

Ms. Matisse asked who determined the park area for this grant.

Manager Revella stated the Walden Community Council Main Street Grant Committee.

### **Approval of the Minutes**

Hurd moved to adopt the minutes of June 22, 2010 with the following correction, Page 1, fourth paragraph delete next to the last sentence. Seconded by Trustee. All ayes. Minutes adopted.

### **Audited Bills**

Trustee Norman moved to pay the audited bills of July 13, 2010. Seconded by Trustee Leonard.

Deputy Mayor Rumbold asked about the vendor they are having trouble with.

Manager Revella stated that they are discussing this in executive session.

Deputy Mayor Rumbold stated that she understands that the bill to be paid, something that was done.

Manager Revella stated that is unrelated.

Deputy Mayor Rumbold asked if the village is still using this vendor.

Manager Revella stated yes, for two more weeks.

All ayes. Motion carried.

Deputy Mayor Rumbold asked about the water meter installation.

Manager Revella stated that they are doing some now, but not as aggressive as it will be when it's full staffed.

Deputy Mayor Rumbold asked if Squire was addressed yet.

Manager Revella stated no.

Trustee Bowen asked about the Soap Box Derby expenses. He asked for a breakdown.

Manager Revella stated that the total for expenses is \$9883.26, revenues \$5070.

Trustee Bowen stated that the cost for police and crossing guards are included in the expenses. Those expenses do come out of the departments budget line, so reality, if the revenue we earned was \$5070 and our cost was \$4008.

Manager Revella stated that the cost for extra personnel was added in as requested by the board.

Trustee Bowen stated that will come out of their budget. We spent \$9883 and what we received was \$5070, so it didn't cost us anything.

Trustee Hurd stated that they don't budget any other event in the same way. This event is a major event like any other event. He thought we did very well.

Trustee Bowen stated that they did very well. In reality we made a two hundred dollar profit.

All ayes. Motion carried.

## **Correspondence**

Manager Revella stated that he received an email from Daniel Perpashan, 32 Maple Street who has been immobilized to active duty and while on active duty he was injured he was sent to the wounded warrior program and he wants to put his belongings in storage, he made contact with POD to put a POD unit at his address. He is asking permission to put the container there for three days to pack his belongings.

Trustee Hurd moved to allow Mr. Perpashan permission to place a POD unit on Maple Street for three days. Seconded by Trustee Norman. All ayes. Motion carried.

Mayor Maher stated that the board received an invitation to attend the PBA picnic on Saturday, July 17th.

### **Board Comments**

Trustee Norman stated that she sees Ms. Matisse taking down yard sale signs and the building inspector taking them down. There was even a sign on our Welcome to Walden. Something has to be done to tell people to take their yard sale signs down.

Trustee Norman stated that the concert Saturday night was excellent.

Deputy Mayor Rumbold asked who cut the brush by the Tinbrook bridge.

Manager Revella stated that the state did some and the village did some of the trimming. We will have to keep up with it because the state won't come out more than twice during the season. The state budget wasn't passed so they don't have the ability to come out more than twice.

Deputy Mayor Rumbold asked what happens if someone gets hurt over there, we're trimming it, what if there's a car accident. Who do they sue.

Mr. Dowd stated that they will sue everybody.

Trustee Leonard asked if the village is monitoring the well levels.

Manager Revella stated yes.

### **Executive Session**

Mayor Maher moved to hold an Executive Session pursuant to 105-(d), Litigation, 105-(f) Personnel, DPW, Parks, Police, 105-(h) property easement, and 2 North Montgomery Street of the Public Officers Law. Seconded by Trustee Hurd. All ayes. Motion carried.

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

Trustee Hurd moved to deny the Small Cities Loan for 2 North Montgomery Street. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Norman moved to retain Jacobowitz and Gubits as special council. Seconded by Trustee Penney. All ayes. Motion carried.

### **Adjournment**

Trustee Leonard moved to adjourn. Seconded by Trustee Bowen. All ayes. Motion carried.

Respectfully submitted,

Nancy Mitchell  
Village Clerk