

NOTICE
OF
SPECIAL MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a special meeting on Thursday, December 19, 1996 at 7:00 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. Subordination Agreement - Johnson
2. Audited Bills

APPROVED

**VILLAGE OF WALDEN
BOARD OF TRUSTEES
SPECIAL MEETING
DECEMBER 19, 1996**

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 7:00 PM

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John Ryan
Chris Forman
Martin Besdesky
Roy Wynkoop

Absent: Trustees John McGuckin, later present
Raynard Ozman

Also Present: Nancy Mitchell, Interim Manager

SUBORDINATION AGREEMENT

Kerron Barnes stated that the village is now in second position to a mortgage that is in danger of being foreclosed. A finance company has been able to arrange financing that takes out the present mortgage holder, refinances the house and pays off the taxes of the existing mortgage, and recast it all to the new mortgage. We are in second position on the mortgage but with less debt and less danger. The property was appraised for \$105,000 and the new mortgage is \$66,000.

Trustee Ryan moved to approve the subordination agreement for 47 McKinley Avenue. Seconded by Trustee Besdesky. All ayes. Motion carried.

AUDITED BILLS

Trustee Forman moved to pay the audited bills of December 19, 1996. Seconded by Trustee Wynkoop. All ayes. Motion carried.

EXECUTIVE SESSION

Trustee Besdesky moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Forman moved to reconvene the special meeting. Seconded by Trustee Wynkoop. All ayes. Motion carried.

ADJOURNMENT

Trustee Besdesky moved to adjourn. Seconded by Trustee Forman. All ayes. Meeting adjourned.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written in a cursive style.

Nancy Mitchell
Interim Manager/Village Clerk

DECEMBER BILL LIST - DECEMBER 19, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDORS</u>	<u>AMOUNTS</u>
A-725	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-726	CENTRAL PARTS WAREHOUSE	94.08
A-727	DEGROODT PAVINGS	1,000.00
A-728	GEORGE'S AUTO PARTS	42.12
A-729	EXPANDED SUPPLY PRODUCTS, INC.	26.10
A-730	GENERAL CODE PUBLISHERS	896.17
A-731	KEY BANK OF NY	30.00
A-732	MAYBROOK MATERIALS INC.	182.26
A-733	MID HUDSON COMMUNICATIONS	148.45
A-734	MIRON BUILDING PRODUCTS	1,409.78
A-735	MOTOROLA, INC.	579.50
A-736	NYS DEPT OF HEALTH	6.50
A-737	NYS GFOA	140.00
A-738	SHARE CORP	68.98
A-739	ZEP MANUFACTURING	719.10
A-740	ZEP MANUFACTURING	130.03
A-741	GLOCK, INC.	55.00
A-742	THRUWAY SHOPPING CENTER	145.01
A-743	CIARDULLO PRINTING	150.00
A-744	CIARDULLO PRINTING	205.00
A-745	JOHN QUALITY CLOTHIER	522.90
A-746	WALDEN PLUMBING & HEATING	174.90
A-747	LAB SAFETY	273.49
		<u>7,013.62</u>

DECEMBER BILL LIST - DECEMBER 19,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-87	HALTT DALES	165.47
F-88	JONES CHEMICALS.INC.	309.19
F-89	RAMSCO	215.79
F-90	SURPASS CHEMICALS	523.35
F-91	COUNTRY HARDWARE	10.64
		<u>1,400.83</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-85	FISHER SCIENTIFIC	176.39
G-86	WALDEN PLUMBING & HEATING	93.95
		<u>270.34</u>

CAPITAL ACCOUNT #82	IPPCO,INC. MUNICIPAL BLDG	550.00
GRIDLEY	RENT OFFICE	971.48
SMALL CITIES	MICHAEL STANCO 45 HIGH STREET	5,950.00

DECEMBER BILL LIST - DECEMBER 19, 1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	509.95
	FRONTIER COMMUNICATIONS	540.49
	FRONTIER COMMUNICATIONS	45.09
	FRONTIER COMMUNICATIONS	277.09
	COASTAL REFINING & MARKETING,	592.26
	WAREX TERMINAL CORP.	935.60
		<u>2,900.00</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	145.90

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	102.86

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, December 10th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 7:30 PM Public Hearing - Unsafe Buildings - 32 Seely Street
 - A.2 7:45 PM Public Hearing - Introductory Local Law I-4 - Snow and Snow and Ice, Removal Of
 - A.3 Appoint Dean Stickle as Clerk of the Works
 - A.4 Budget Amendment
 - A.5 Work Experience Agreement
 - A.6 Payment of Audited Bills for December 12th.1996
 - B. DISCUSSION ITEMS
 - B.1 Department of Forestry
 - B.2 Salaries-Elected Officials
 - B.3 Ski Slope
 - B.4 Proposal for Sidewalk in Front of Municipal Building
 - B.5 Resolution to Furnish Wastes
 - C. INFORMATIONAL ITEMS
 - C.1 Mayor's Meeting with Town of Montgomery-Town wide Garbage Collection
 - C.2 Municipal Building Update
 - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
DECEMBER 10, 1996

APPROVED

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
Chris Forman
Martin Besdesky
Roy Wynkoop
John Ryan

Also Present: Nancy Mitchell, Interim Village Manager
Kevin Dowd, Village Attorney

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of November 26, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

TREE LIGHTING CEREMONY

Mayor Uszenski thanked all those who were involved in the tree lighting ceremony on December 5th. There was a large turnout and the presentation was very nice.

PUBLIC HEARING - UNSAFE BUILDING, 32 SEELY STREET

Mayor Uszenski explained to Mr. DeGroot that the board has officially asked him to demolish his garage at 32 Seely Street. He asked if Mr. DeGroot was going to be able to comply with the request of the building inspector?

Mr. DeGroot stated that he never had any problem doing that. When the first board on the garage collapsed two years ago, that spring he received a letter from the code enforcement officer and at his advice he entered into an application with the village Small Cities Program to help him rectify that problem. He had an application with them for eighteen months and because of business problems they weren't able to get the application remedied. He learned from Mr. Barnes within a day or two of receiving the letter from Dean that the application was closed. He's never disputed having to take down the building. His contractor spoke to Dean about reinforcing the building a little more to get the building through the winter months and address it in the spring, when he'll have better finances. He runs a seasonal business and taking that money out to handle that now would probably break him. He hasn't done anything to reinforce the building waiting for the outcome of this hearing.

Mr. Stickles stated that he hasn't been inside the building to see if it can be reinforced. By the outside look, he doesn't feel its possible to do. If he could reinforce the building or rebuild it he wouldn't have a problem with that. He's had four neighbors concerned about the children getting inside the building.

Mr. Degroodt stated that he has the materials onsite to reinforce the building and there is only one door to the building which he will put plywood over.

Trustee McGuckin moved that the Building Inspector inspect the building at 32 Seely Street to see if it can be reinforced and stabilized and if it can Mr. DeGroodt has until December 24th to reinforce the building and until May 31st to demolish the building.

Trustee Ryan asked that the doors be maintained in a sealed condition so no youth could enter.

Motion seconded by Trustee Besdesky. All ayes with the exception of Trustee Ozman abstaining. Motion carried.

APPOINTMENT OF CLERK OF THE WORKS

Trustee Ozman asked the Building Inspector if he had a problem with doing the additional work?

Mr. Stickles stated no.

Trustee Ryan asked how this would effect the rest of his duties?

Mr. Stickles stated that it doesn't effect them at all. There isn't a lot going on in the building.

Trustee Ryan moved to appoint Dean Stickles as Clerk of the Works for the Municipal Building Project. Seconded by Trustee Ozman. All ayes. Motion carried.

PUBLIC HEARING - INTRODUCTORY LOCAL LAW I-4 OF 1996, SNOW AND ICE, REMOVAL OF

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Posting Notice and Notice of Hearing, which he read to the public.

Trustee Ozman stated that in regard to the section regarding accumulation of snow on private property, should that be amended so that people with residences less than six feet from a right of way or street be able to pile snow more than three feet on their lawn.

Larry Sager, 78 Orchard Street asked how many work sessions has the board had since the last meeting, to discuss this local law?

Mayor Uszenski advised him none.

Jim Rahm, 17 Highland Avenue stated that at the last meeting there was discussion on the villages obligation to clear their sidewalks, and that never got resolved. He would like that mentioned in the local law, that the village is as responsible as the citizens and with the same grade levels.

Mayor Uszenski stated that since the last meeting the Superintendent of Public Works distributed a copy of his snow removal policy. Sidewalks are second on the list once the roads are done.

Mr. Rahm stated that he has seen the village property by Highland Avenue go for a week after a storm without being cleared. Department of Public Works employees work very hard clearing the snow and he feels there should be something on the books that allows the village manager to go out and hire a private contractor to do village property.

Mayor Uszenski stated that would be in policy and procedures rather than the local law.

Keith Millspaugh, Millspaugh Furniture and Walden Community Council asked for an explanation as to how the new law will help the village enforce the law better than the old law.

Mr. Dowd stated that this law says that all snow and ice removal must be done within twenty four hours or within four hours when the village notices an individual that they must remove the snow. The four hour provision is not in the existing law. What would happen is the village would wait the twenty four hours and then have to give proper notice to the property owners by mail unless you can get them at home or post the premises. In this case the village only has to wait four hours, post the property, and after the four hours is up they can start clearing the sidewalks. You are talking about twenty eight hours at the maximum.

Mr. Millspaugh stated that there was a discussion at the previous meeting about this issue, that once its a local law and you know that its a twenty four hour law, that is proper notice there. If that is the case then you don't need to properly notify them again. There was a discussion as to whether leaving a note on someone's door that wasn't home, in four hours, if that is proper notice.

Mr. Dowd stated that with the extra four hours it's a vehicle that the village can use to give someone an opportunity who for some reason hasn't gotten to it in twenty four hours. Its a lot sooner and a lot faster to say you have four hours to clean this once the twenty four hours are up. The village won't have to go through the mailing procedures they've gone through in the past.

Mr. Millspaugh stated that he doesn't understand, if someone breaks any other law they can be arrested right away, you don't need twenty four hours notice. If its a law and says within twenty four hours you have to clean that up. It would be a law today that is enforceful today and you don't have to wait the seven days, he doesn't see where the new law is any different, other than add a new four hour wait, which you still might not be able to notify that person directly.

Mr. Dowd stated that you don't have to give actual notice at first.

Mr. Millspaugh suggested that you just add the four hour clause to the current law.

Mr. Dowd stated that there was a comprehensive review of the law.

Trustee Ozman stated that it was a comprehensive review that addressed the height of the snow, the width of the sidewalk and the notice requirements. He feels the notice is the most important element of this law.

Becky Pearson, 167 Walnut Street asked if she missed what the fine would be?

Mayor Uszenski stated that there is no fine. The cost would be whatever it would cost the village to have someone clear the sidewalk. The village is considering hiring a private contractor.

Mrs. Pearson stated that she doesn't understand the section of the law that states the pile of snow has to be six feet from the road and no higher than three and one half feet. She has a pile at the end of her driveway right now three and a half feet already. She asked if she will be responsible to remove the pile of snow? She asked if that would take into effect the snow from the street?

Mayor Uszenski stated that part of the road is the village right of way.

Mr. Dowd stated that you can pile it up higher than three and a half feet at that location. The village would have to come and push the pile back for safety reasons.

Mike Buckeley stated that he knows it is his responsibility to clear the sidewalk and he will take what is on the sidewalk and put it on his property and he will handle what nature gives, up to three and a half feet, but what the village gives him, which last year was a lot, he got to the point he couldn't look out his front window from piling the stuff up. He can't maintain three and a half feet and do that.

Orin Segall asked how the village would handle it if the person had no place to put the snow?

Mayor Uszenski stated that they would have to be notified of the violation. Everything has to be taken into consideration. The point of this law is to make sure the sidewalks are cleared, the entire width and the problem sidewalks would be cleared sooner.

Larry Sager, 78 Orchard Street stated that the problem lies with the people that don't take care of their property. Those are the people the village should be attacking. If he can't pile the snow on his front yard over three and a half feet where is he going to put it. He can't afford to have someone come and take it away. Why doesn't the board make a law that attacks a situation? He asked what analysis the village used?

Mayor Uszenski stated that he talked to the code enforcement officer.

Trustee Ryan stated that there is a person at the end of Pleasant Avenue that took his Bronco to push the snow on his front lawn up to the stop sign on Albany Avenue coming up from the Thruway. His yard is already elevated, he pushed the snow so he could park off the road, but he gave no concern that he blocked all visibility coming up from the Thruway. He sees cars screaming through the stop sign. There was no way of telling that individual not to do that.

Mike Ciardullo, 83 Walnut Street and 92 Main Street asked if the thirty six inch law pertained to Main Street too?

Mayor Uszenski stated yes.

Mr. Ciardullo stated that on Main Street when you have no property to put snow, where are you going to put it?

Mayor Uszenski stated that it would be done as in the past, the store owners pile it on the sidewalk and the village removes it.

Jim Rahm stated that he likes the law because it holds the village responsible for what the plows do. By where he lives there were three independent accidents because of what the plows piled at the intersections. The village has to enforce their own law. The other thing is if the snow storm ends and he cleans his sidewalk and a plow comes along and pushes it back on the sidewalk and he fails to clean it, he's not cleaning it again.

Trustee McGuckin informed Mr. Rahm that it is his responsibility to keep his sidewalk clear.

Mr. Rahm stated that is not the way the law reads.

Trustee Ozman stated that there are other provisions of the law that state you must keep your sidewalk clear of debris and you will have to identify them, whether they are enumerated in this particular proposed local law, or that they don't care to be. In that respect Mr. Rahm is correct based upon his interpretation.

Larry Sager stated that if it snows on a Friday and ends Friday night, Saturday gives you the twenty four hours, is Mr. Hart coming in on a Sunday?

Mayor Uszenski stated that he can't say who will be out enforcing the code. The police could enforce it if there are emergency areas. It doesn't have to be the code enforcement officer.

Mr. Sager asked if the village was a corporation?

Mayor Uszenski stated that the village is incorporated.

Mr. Millsbaugh stated that he feels the law is too specific and it will end up in over regulation and selective ticketing, which he doesn't think is the intent. He would suggest striking the paragraph 127-29B and remove the three foot, six inch amount, because it is an arbitrary number that will create too many hardships. You are also creating an overwhelming task for the village to clear all the intersections and the law does say in 127-29, no person, firm or corporation shall pile up or plow anything onto any other property, which means that the village would be held responsible for plowing onto sidewalks. The law is too strict as written. He feels the village should keep the current law and add those things that need to be added. He asked why vacant property owners can't be notified at the beginning of the snow season that they will have twenty four hours to clean their property from the end of the snow?

Mayor Uszenski stated as the law is written now the person has to be notified when they become in violation of the law.

Mr. Dowd stated that its procedural due process to give someone notice of a violation.

Mr. Millspaugh stated that he doesn't see how the DPW, the superintendent is going to be able go around the whole community and identify all the problems, have the building inspector issue the violations and follow up on everybody without selectively picking those people you really target. The law goes too far.

Mr. Buckley asked how someone is notified if they are not there?

Mayor Uszenski stated that the village can post the building.

Mr. Sager asked the board to have a real work session on this and address the issues on hand, which is abandoned properties. Don't penalize the people or yourselves for something that you know isn't going to be enforced in the first place. Address the issue at hand.

Mr. Millspaugh stated that the public notice was only put in the Middletown Record, which is done by law. He feels the board has the responsibility to try to communicate with the residents in the village, because of the specifics of this law, a little more clearly. He was disappointed that there wasn't an article in the Wallkill Valley Times. He feels if it was there would have been a full house here tonight complaining of the specific restrictions in this local. He feels the Village Board is responsible for not putting out a public release to the paper to make sure there was some kind of article notified as to what this law was.

Mr. Segall stated that he has noticed that when there is a large amount of snow the village piles it in the middle of the municipal square, where the Christmas tree is. Based on that law that would never happen again.

Mayor Uszenski stated that it would be put there temporarily until the village can remove it.

Mr. Dowd stated that he doesn't think that the board's intent was to ever have the village comply.

Trustee McGuckin stated that he agrees, the village was not responsible to comply with this. The primary responsibility is to get the roads clear, for public safety.

Mr. Ciardullo asked of the village will be taking the snow away from Main Street all winter?

Mayor Uszenski stated yes, but not after every snow.

Mr. Ciardullo stated that it was done today and he's anticipating that when the snow gets higher the village will come around.

Mr. Sager asked where this law was incorporated from?

Mayor Uszenski stated that Village of Pelham.

Becky Pearson stated that snow blowers end up blowing the snow back into the street.

Trustee McGuckin stated that its against the law to put the snow back into the street.

Mr. Rahm asked why the village department heads aren't present to question them?

Mayor Uszenski stated that they are not required to attend unless requested.

Mr. Rahm stated that he has a concern with the secondary streets in the village, how far do they let them go before the village removes the snow.

Mr. Millspaugh asked, when someone is notified of the violation and the village comes around and does the work, can you plead not guilty and go before the judge?

Mr. Dowd stated that it will be automatic. There is no penalty or fine imposed under this law. It will solve the problem of clearing the streets, a violation is served upon you and then they will come in and clean it and bill you. You could protest the bill and if you don't pay it it will be assessed on your taxes and there are means of challenging that as well.

Mr. Sager stated that according to 127.29B, you cannot pile the snow no higher than three feet six inches.

Mayor Uszenski stated within six feet of a right of way.

Mrs. Pearson stated that she can't pile it forty two inches, if she doesn't throw it into the road can she pile it on the snow bank?

Mayor Uszenski stated no.

Mike Buckley stated that with the three and a half feet, if nature gives him eight inches and the village gives him four feet, he has to get rid of a foot and a half?

Mr. Dowd stated that what the board is really concerned about is safety and line of site. If you're going to use a three and a half or four and a half foot rule it looks like you're going to have to go from the curb or the corner back so many feet, you can't have three and a half feet or more. There might be a better way of looking at this, from the corner back fifty or seventy five feet back, you can't pile the snow at that particular point. The board might want to take everything out.

Trustee McGuckin asked if it was the responsibility of a corner homeowner to keep the sidewalk open to the street?

Mr. Dowd stated that its not in the current statute. The board might want to add that to the law.

Mr. Rahm stated that on his corner its been noted for the last four years that the plow cleans from the street edge out sixteen feet and he does not intend to clean sixteen feet of village street to get the corner cut.

Mr. Millspaugh stated that the village plows up to the sidewalk at Ardon's and they have a tremendous amount of snow and it shouldn't be their responsibility. You have to look at those specifics when you want to make a law specific. The village does have a history of over reacting to situations, one being the skateboard law. Where the kids can't play on the streets anymore because of the over reaction of the trustees.

Trustee McGuckin stated that it wasn't the trustees.

Mr. Millspaugh stated that he would suggest keeping the old law, determining what the minor points are that you are looking to change and add that to the old law.

Mr. Sager asked the board to take a look at 127.27, explain how you are going to prevent the water.

Mr. Millspaugh stated that section deals with if you have an overhang from your roof and the dripping water freezes and causes a hazard.

Trustee McGuckin stated that it would be the responsibility of the homeowner to keep that in a liquid state with salt, just to keep the ice from forming.

Trustee McGuckin moved to close the public hearing.

Trustee McGuckin further stated that he would like Subsection B taken out. Mr. Millspaugh has a valid point to keep the law simple.

Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee Forman moved to hold a work session on December 17, 1996, to discuss Introductory Local Law I-4 of 1996, Snow and Ice, Removal of. Seconded by Trustee Ozman. All ayes. Motion carried.

RESOLUTION NO. 11-96-97, BUDGET AMENDMENT

Trustee Forman moved to adopt Resolution 11-96-97, Budget Amendment, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

WORK EXPERIENCE AGREEMENT

Mr. Dowd stated that he reviewed the agreement and everything is in order. It is a county contract and there is nothing that would hurt the village getting involved with.

Trustee Ozman suggested that village would make monthly reports as the sponsor.

Trustee Forman moved to authorize the Interim Manager to sign the Work Experience Agreement with Orange County. Seconded by Trustee McGuckin.

Trustee Ryan requested that the department heads be advised of this agreement so they can use the services available.

All ayes. Motion carried.

AUDITED BILLS

Trustee Besdesky moved to pay the audited bills of December 12th, 1996. Seconded by Trustee Ozman. All ayes. Motion carried.

DEPARTMENT OF FORESTRY

Rob Messenger, Forester, NYSDEC stated that this fall Mrs. Pearson, Trustee Wynkoop and himself met and took a walk around the village to look at the trees and what kind of shape they are in, and some of the concerns they personally had. They also discussed some of the things the village could do or what the private citizens in the village could do regarding the care of the trees. It doesn't necessarily have to be a formal program. He brought some informational stuff that he thinks the board may want to look at regarding issues they might want to consider. There are some things Mr. Messenger can do for the village, which won't cost the village anything. The first step would be a tree inventory. He would do a systematic sample of the village trees, only trees on municipal property. It gives the village an overall idea of what sort of shape the village is in tree wise. It generally will take him a couple of days to do the inventory and work out the numbers. He will generally wait until spring because the foliage gives him a general idea of the tree health. He tallies tree numbers, tree health, size, and age class, and from there the village might want to look at what effect it will have on budgeting. If the village wants to get into a tree ordinance, he can help the village get into that. He has many sample tree ordinances.

Trustee Ozman stated that some time ago the village past a local law barring the planting of trees on village right of ways. He thinks this all came about as a concern that the village was being depleted of its natural tree line on many roadways. It is a large expense to keep up with the trimming and pruning and the damage they can cause. What the village might want to do is identify the type of tree that would be as least invasive as possible and still provide the type of plant that would grow to a specified height and would be manageable. If that was identified possibly revisit the local law that was past some time ago. *passed*

Mr. Messenger stated that there are some general guidelines that work very well in terms of proximity to buildings, televising utilities and specifying a range of tree size and species. He can obtain copies of that very easily. In regard to root barriers, as far as he knows there is only one maker of them, but they are very effective.

Trustee Ozman asked if root barriers could be utilized through sidewalk cuts? Is that a large enough area, a three by three area?

Mr. Messenger stated yes, that is one of the most common uses for them.

Trustee McGuckin asked how far a root barrier goes down and how long are they?

Mr. Messenger stated that they are made of plastic and they have some sort of directional root to them and they extend eighteen inches down.

Mayor Uszenski stated that there are streets in the village that over the years have lost all their trees, would that be in his service to look at these streets that have gotten barren of trees and set up a planning program to put trees back.

Mr. Messenger stated that he would be able to do that.

Mayor Uszenski asked if Mr. Messenger could give the board a starting idea so they could budget money into this years budget?

Mr. Messenger stated that he could do a winter inventory. He couldn't give an idea of tree health. He would do another study in the spring. He asked if there were any specific issues the board would like him to tailor the inventory to look at?

Trustee Ozman stated that height is a factor.

Mayor Uszenski stated that Main Street is an area to look at.

Trustee Ryan asked how important is it to have the villages tree stock diverse?

Mr. Messenger stated that they try to recommend very strongly that you maintain as diverse population as you can. They normally recommend that more than 10% of your trees be of one species and no more than 20% total.

Trustee Ryan asked if it was village wide or street wide diversity?

Mr. Messenger stated that it is village wide first.

Trustee Ryan asked what the average cost of a tree would be, to purchase, to transport, to plant and water and whatever you have to nurture to get it to a point where it is going to live on its own?

Mr. Messenger stated that it would be close to \$400 and \$500 per tree, if you are going to have them planted. They would be between eight and ten foot tree, two to three inch caliber, balled and burlapped.

Trustee Wynkoop stated that Mr. Messenger told him that you don't need a professional to plant the trees. With a little advice from DEC they can teach the village how to plant them.

Mr. Messenger stated that he could do a couple training sessions for the tree crews. Trimming off dead or diseased branches is also something they can train people to recognize and remedy.

Mayor Uszenski thanked Mr. Messenger for coming and advised him that the board would like to get this started into the first phase.

It was the consensus of the board to have Mr. Messenger get started with a winter inventory of the trees.

Trustee Ozman asked Mr. Messenger while he is going through the village to try and identify areas of the village where tree plantings on private property might enhance just as well as public areas.

Mr. Messenger stated that he could do that as well.

SALARIES - ELECTED OFFICIALS

Mayor Uszenski stated that this is on the agenda at the request of Trustee Ryan. The village wants to work things out before budget time, so everyone is on the same wave link.

Trustee Ryan stated that he took to heart this is dealing with the judges salary, his comment that it shouldn't be a political football and he is very correct. It shouldn't be brought up at times where budget or elections make the issue pressing. To discuss it at a time like this so we are all in agreement and when we have time to hear each other, digest and to also respond. He has very distinct opinions. He would like the elected officials salaries, the trustees and the judges to reflect what the Village of Walden can bare. He wants it to be reflective of the village and not of another municipality. He had come up with a formula to base it upon the Mayor's salary, to have when an increase is given to this board that it be given to the judge. His salary is approximately \$14,000 and the Mayor's is \$3,500. What he would like to do is come up with a mathematical formula, At the two current salaries right now, four times the Mayor's salary would equal that of the judge. The Mayor puts in quite a bit of time and the judge puts in a lot of time and its compensation for his time, his services and expertise.

Mr. Meisel stated that his position is the village has a full time police department, which generates a lot of business, a lot of work and its not a comparable thing. He gave this board a letter some time ago which has been rehashed over time and time again. Comparable communities to the volume of work generated by a full time police department with 100% arrest policy, this generates all sorts of work. The closest he could come is the Town of Montgomery, who has less work than the Village of Walden. Ours is somewhere between Montgomery, New Windsor and Cornwall which the judges salaries are between \$40,000 and \$50,000 a year. What his proposal was initially to this board and that letter was initially written as a consideration for upgrading of the position to be comparable with the Town of Montgomery. He further stated that he is at a total disadvantage here because some things he would say in public can be misconstrued and taken badly. He hesitates to say some things that he feels. There are things he would like to address to the board privately, not to conceal anything from the public.

Trustee Ryan stated that is why he is bringing this up now, time allows.

Mr. Meisel stated that he mentioned to Mrs. Mitchell that he hoped this would be done in executive session. He is being put at a disadvantage. The judges position is not comparable with the Mayor's.

He has been here since three o'clock this afternoon for one little violation case and we're not talking about hearings, or court nights. He also has to do a lot of research. The reason he made the memo was to take it out of the political arena and take it to something that had comparable salaries and mention to the public too, when he came here he served for the first three or four years at less than five thousand dollars and he was putting in almost a full weeks work. The Village of Montgomery who doesn't have nearly what Walden has, has no full time police department and the town doesn't have a full time police department. The work of the court is generated by the police.

Trustee Ryan stated that he is not in disagreement with the judge, his reason for the question to bring up the discussion was so that it could be out, it could have time to develop. He has very distinct opinions.

Mr. Meisel stated that he does realize Trustee Ryan's opinions. He feels the judge is gouging the village some how when he asks for a reasonable salary.

Mayor Uszenski stated that what he would like to do is form a committee of three persons, meet as a group with the judge and get a better idea of this.

Trustee Ryan stated that his statement wasn't for elected officials salaries, it was the judges in particular, he is sorry the judge feels he is coming after him with no cause, it is not him, its the position. He has no problem with forming a committee. A board member should not be put in a position, come March, when its budget time, to go over what the judge feels is his due compensation for the position. It shouldn't be a political football and there should be a policy in effect for the position. There was some confusion from the judges point to the board's point as far as the understanding and that is what he is trying to address.

A committee consisting of Trustees McGuckin, Besdesky and Wynkoop was formed to discuss the salaries further.

SKI SLOPE

Mayor Uszenski stated that the village received a call from the village's insurance company who advised us that they will cover the ski slope at no cost to the village. He doesn't believe the village could do anything to open the ski slope up this year.

Trustee Ozman asked if they could identify for the record what ~~it~~ would be necessary to start up the ski slope and make that part of the record for future reference.

Mr. Howland stated that the memo he gave the board were just the things that were required by the state to do with the mechanical things that they have. Some may or may not be in good condition, such as the rope, but they would have to make sure all these things are in place and then there would be an inspection by the State Safety Division, and then they would hire staff. He didn't know if the board wanted to make snow, which becomes more costly.

Trustee Ryan asked what the general condition of the ski slope was?

Mr. Howland stated that some of the mechanical things, the conditions of the pulleys, if it wobbles the rope starts to spiral and someone could get caught up in the rope. When the inspector comes he checks that and makes you run it. He also checks the counter weight and the last time he made the village put a fence around it. The village also has to put more fencing at the bottom of the slope. The big responsibility is the Code of Skiers responsibility, that is done so that skiers get a tag and their parents sign saying that they know what the rules are. All the electric on the hill is deenergized and what they have to do is have that all turned on again. The building they use for a warming hut has continually been vandalized. Most of the windows are boarded up.

Trustee Ryan asked if there was an opinion already formulated by the recreation committee now if this is doable or not doable?

Mr. Segall stated that based on the information they gathered and gave to the village manager last time, \$17,000 for snow making machinery and to develop the different things to run the program, they felt that \$17,000 could be used elsewhere in the village, based on usage. Also, for years we didn't have any snow.

Mr. Howland stated that if the village is going to spend money for snow, he suggested the village arrange for trips to Orange County Park, Hunter Mountain or Vernon Valley.

Mayor Uszenski stated that even with the insurance included this is still a very expensive and risky proposition for the village.

DIVISION FOR YOUTH GRANT

Mayor Uszenski stated that there has been an update in regard to the Division for Youth grant.

Mr. Howland stated that he received a letter from Mr. Johnson, Director for the State Division for Youth stating that they are promising to proceed regarding the youth center. The village has to send back a narrative, updating the previous narrative and then they will set a site visit.

Mr. Howland further stated that he wrote a memo for the former village manager saying what was pending in the parks, one of the things in the memo was that he intended to replace trees they lost in Bradley Park and the Walden Community Park. He hopes that the gentleman from DEC could look at those trees and give the village an idea of what to put there.

Mayor Uszenski stated that Mr. Howland had discussed with him the winter use of Woosters Grove if the village could coordinate with DPW to get the parking lot striped.

Mr. Howland stated that the way the area is now the parking areas aren't delineated and he would like the parking areas put in order so people will be able to get in and out and also in case of emergencies.

Trustee Ozman stated that a top coat has to be put down in the spring so this would be temporary, so there won't be any harm to the service.

Surface

Trustee Ryan stated that he is not sure you can paint this time of year and have any effectiveness.

Mr. Lamancuso stated that it is too cold, so its a waste. There is a paint you can use in the cold weather. Some hardware stores carry pavement marking paints, which is very easy to apply.

PROPOSAL FOR SIDEWALK IN FRONT OF MUNICIPAL BUILDING

Mayor Uszenski stated that one proposal has come in for putting sidewalks in front of the municipal building for \$25,000.00. We will be seeking other proposals.

RESOLUTION NO. 12-96-97, TO FURNISH WASTES

Mayor Uszenski stated that he met with Carl Helstrom, Supervisor, Town of Montgomery and a representative of the Village of Montgomery regarding town wide garbage collection and recycling. The Village of Montgomery goes out four days a week collecting garbage and one day collecting recycling and they are half the size of Walden. Mr. Helstrom will get the information regarding the sizes of the other villages and the town and do some number crunching first.

Mr. Dowd stated that the resolution before the board he worked with the Masado people to try and come up with a generic resolution that only committed the village to only what the gentlemen told the village they were committing to. Everything is contingent upon how the village wants their municipal pick ups to come. If that doesn't happen then you don't have any commitment. You would have to take another action to bind the village to another twenty year agreement.

Trustee Ozman moved to adopt Resolution No. 12-96-97, To Furnish Wastes, (attached). Seconded by Trustee Ryan.

Trustee Ryan stated that if the garbage district is formed or not the village will still have by-products from the sewer plant that we have to consider. Our current dumping ground may be closed soon. This may be the future or may not be the future, but we have to consider it.

All ayes. Motion carried.

MUNICIPAL BUILDING UPDATE

Mr. Stickles stated that there was a job meeting last week between the Contractors Casualty, Mr. Dowd, Mrs. Mitchell, Mr. Liebman, Mr. Vassello and himself. There was a six page punch list given to the contractors for the first floor which was prepared by Mr. Stickles. Carpeting was selected and to be here by Monday. The Mohawk Company representative was at the meeting. They are having trucking problems, they will not come the extra hour to deliver the carpeting. They are presently trying to resolve the issue. There was a discussion about the carpet backing and Contractors Casualty has agreed to go for a better backing for the floor surfaces and they will absorb the cost. Every room is currently being repainted in the police department area. All the tile work will be repaired, the alarm systems are being installed.

Mayor Uszenski stated that the board definitely agreed that the low E glass windows had to be installed. There are no substitutes.

Trustee Ozman stated that a different type of window style was discussed.

Trustee Besdesky stated that Mr. Maslik promised that could be done.

Mr. Stickles stated that all they have to do is replace the glass. The whole window is not coming out.

PUBLIC PORTION

Jim Rahm, 17 Highland Avenue stated that he would like to recommend that the sidewalk budget that was unused this year hold over until next year and double the budget.

Becky Pearson, 167 Walnut Street asked about the ski tow, she doesn't know where the figure of \$17,000 has come up to start it back up.

Mayor Uszenski stated that was what it would have cost to start it up back then.

Mrs. Pearson asked if a lot of that was donated money?

Mayor Uszenski stated that included insurance moneys and operational cost.

Trustee Ozman stated there was also staffing costs.

Mrs. Pearson stated that she can't believe this can't happen. This is the year to do it if you don't have to worry about insurance.

Trustee McGuckin stated that there are still state regulations.

Mrs. Pearson asked what else is there in the village that the recreational department does besides basketball.

Trustee McGuckin stated that there is soccer, summer recreation, ice skating, and the teen center.

Mrs. Pearson asked about the winter carnival they use to have?

Trustee McGuckin stated that the Jaycee's sponsored that and insurance killed it.

Bob Lamancuso, 33 Gladstone Avenue asked who is responsible for shoveling the sidewalks at the Girl Scout Cabin?

Mr. Lamancuso asked if the village owns the cabin?

Mayor Uszenski stated yes. There is an agreement for the Girl Scout Council to take care of certain things.

Mr. Lamancuso stated the Girl Scouts was suppose to be responsible, the Walden Women's Club had a responsibility, and the village was responsible, that is three responsibilities, but no action. Last year the Girl Scouts weren't able to use the building because the sidewalks weren't done.

Interim Manager Mitchell stated that she will find out who is responsible cleaning the sidewalk.

Mike Ciardullo asked about the Oak Street parking lot, he has tenants in his building and when it snows they can park in that parking lot?

Mayor Uszenski stated yes, during snow emergencies.

Mr. Ciardullo asked if the village has parking stickers for that parking lot?

Mayor Uszenski stated yes.

Mr. Ciardullo stated that he was told that the people with the parking stickers will get called to move their cars before they get towed. He asked what is the purpose of the sticker?

Interim Manager Mitchell stated she wasn't aware of getting called to move your car.

Mayor Uszenski stated that the purpose of the stickers is for over night parking.

Larry Sager asked what kind of correspondence is the residents going to see in the paper regarding Ron Lipton's situation?

Mayor Uszenski stated there will be nothing in the paper other then it was settled. It was a sealed settlement.

Mike Ciardullo asked what the snow removal policy is for Main Street, when the village takes it away?

Mayor Uszenski stated that its when the people can't easily get from the sidewalk to their cars, or across the street. The DPW Superintendent and Chief of Police get together and make that decision.

Mike Buckley stated that today the village came ten minutes to twelve and put the signs up and said they were starting at 12:00 noon, they pretty much chased the customers out. There should be more of an advanced notice.

Larry Sager asked if Mr. Stickles was going to be clerk of the works on a temporary basis until the project is finished?

Mayor Uszenski stated that it is temporary/part time.

Mr. Sager asked if he will be compensated?

Mayor Uszenski stated that he is doing it as part of his job.

Mr. Sager stated that last year the village budgeted money for part time help for the court clerk, he's yet to see anyone here.

Interim Manager Mitchell stated that the village isn't hiring anyone until they move to the new building, there is no room for another person.

Mr. Sager asked if the money has been utilized for anything else?

Mrs. Mitchell stated that it has been.

Mr. Sager asked about not being able to sleigh ride on the ski slope last year.

Mayor Uszenski stated that you can sleigh ride anytime as long as its not being used for skiing.

REPORTS - COMMITTEE

Trustee McGuckin stated that the Christmas tree looks beautiful and a thought might be to keep the tree as beautiful as it was before the little decorations were put on, he suggested a small Christmas tree put in the Firemens Park for the smaller children to decorate.

EXECUTIVE SESSION

Trustee Forman moved to hold an Executive Session pursuant to 105-(f &d) of the Public Officers Law. Seconded by Trustee. All ayes. Motion carried.

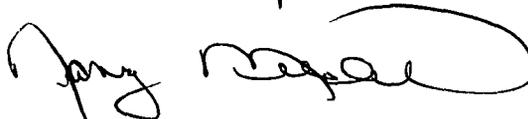
Trustee McGuckin moved to reconvene the regular meeting. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee McGuckin moved that Interim Manager Nancy Mitchell write a letter to Mr. Kerr requesting an explanation in writing regarding the settlement of the Lipton case. Seconded by Trustee Wynkoop. All ayes. Motion carried.

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Ozman. All ayes. Motion carried.

Respectfully submitted,



Nancy Mitchell
Village Clerk/Interim Manager

RESOLUTION NO. 11-96-97
BUDGET AMENDMENT

WHEREAS, monie is needed for improvements that were made to Wooster's Grove Park.

WHEREAS, parkland monies are available in the Trust and Agency Account.

NOW, THEREFORE, BE IT RESOLVED, by the Village of Walden Board of Trustees that \$1,034.00 be transferred from the Trust and Agency Account, T37, Parkland Deposits to the General Fund as follows:

<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A2087 Recreation Dept. Income	\$1,034.00	\$26,161.00
A7110.452 Park Maint.-Wooster's Gr.	\$1,034.00	\$22,461.00

Motion to adopt by Trustee Foiman and seconded by Trustee

Wynkoop. The vote was 7 ayes to 0 naves with 0 abstentions.

The Mayor declared the resolution adopted on December 10, 1996.

**RESOLUTION NO. 12-96-97
TO FURNISH WASTES**

WHEREAS, establishing a long term solution for disposal of municipal solid waste and sewage sludge generated by our municipality is a matter of significant interest and importance for this and future generations, meriting a commitment of time and attention by this Board; and

WHEREAS, the City of Middletown is seeking a long term solution for municipal solid waste and sewage sludge disposal (Project) issued a request for proposals (RFP) pursuant to GML Section 120w soliciting innovative projects that were environmentally sound, economically viable and operationally reliable; and

WHEREAS, the proposals received and accepted consisted a materials recovery facility (MRF) and a facility to convert the organic fraction of MSW and sludge into useful products with a minimal residual solid waste; and

WHEREAS, this Board has been advised of the elements of the project, now to include the CES OxyNol tm process, to be developed by Pencor-Masada Oxyno, LLC and its Manager, Masado OxyNol US-1 LLC, designated to act as Project Developer; and

WHEREAS, both the City of Middletown and the Project Developer are proceeding forward with the project including SEQRA compliance reviews and engineering work; and

WHEREAS, the City of Middletown has met with this Board has explained the project details, has committed to provide additional information, and has invited this Board to participate in the project by entering into a contract between the municipality and the City of Middletown for disposal of all components of this community's MSE and sewage sludge; and

WHEREAS, this Board deems it appropriate to pursue potential benefits of this project for the citizens of this Village and wishes to cooperate and assist the City of Middletown and the Project Developer by providing publicly available information on this municipality's waste needs, quantities, expenditures, and other related matters;

NOW, THEREFORE, it is on motion duly made by Trustee Ozman and seconded by Trustee Ryan;

RESOLVED that to evaluate and pursue benefits available to the citizens of this Village by involvement in this project pursuant to the invitation extended by the City of Middletown, this Board hereby authorizes municipal officials and staff to extend aid and cooperation to the representatives of the City of Middletown and Project Developer as are reasonable and necessary to carry out the objectives and intentions as set forth in this resolution, including provision of public information and consultations within Orange County with other local and state officials, so as to expedite the activities necessary to foster and accomplish the project; and it is further

RESOLVED that the Mayor and the Village Attorney are authorized to negotiate with the City of Middletown a municipal services agreement so as to identify the commitments of our respective municipalities in order to provide for disposal of our municipal solid waste (MSW) and sewage sludge; and it is further

RESOLVED. that this Board acknowledges that for the project to proceed in a timely manner and, so, therefore, provide potential benefits to our citizens, the City of Middletown and the Project Developer need a commitment of waste, in the form of a twenty (20) year intergovernmental agreement between this Village and the City of Middletown that includes gross disposal fee indicated to be \$65.00 (1995 dollars) per ton of MSW, at the project site in Middletown (or at the Orange County operated transfer stations), and said fee shall be adjusted by a suitable inflation index, and this board shall entertain and consider a proposal with detailed terms which, after acceptance by this Board, this Village will tender and make available all components of its municipal wastes (including its MSW estimated to be 7300 tons per year) and its municipal sewage sludge (estimated to be ___ tons per year) to this project, subject to the other terms and conditions set forth in this resolution.

RESOLVED that the findings on actions authorized by this resolution shall be presented to this board by a municipal official within one hundred twenty (120) days and this presentation of findings may include the terms and conditions of the inter-municipal agreement between this municipality and the City of Middletown; and it is further

RESOLVED, this resolution signifies our interest and support of the project and our duty as representatives of the citizens of the Village of Walden to pursue the project's current and future benefits, in various forms, for our citizens and the commitment of MSW and sewage sludge for this project in contingent on the establishment of a collection district in order to authorize execution of an inter-municipal agreement with the City of Middletown on this project.

On a vote the resolution was adopted on a vote of seven (7) ayes to zero (0) nays.

DATED: December 10th, 1996

DECEMBER BILL LIST - DECEMBER 10,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-678	BECKER BUSINESS SYSTEMS	58.00
A-679	COUNTRY HARDWARE	156.85
A-680	CHARLES MERRILL	7.96
A-681	DOWNSTATE RECREATION	35.00
A-682	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,333.33
A-683	GROSSO MATERIALS, INC.	117.79
A-684	FUN SERVICES	55.00
A-685	J-S SERVICENTER	30.45
A-686	JENNINGS SCOTT	45.00
A-687	JENNINGS SCOTT	200.00
A-688	McDONALD & McDONALD	237.02
A-689	MID HUDSON COMMUNICATIONS	132.40
A-690	NYCOMCO	1,375.00
A-691	NEWBURGH WINWATER	170.00
A-692	RALPH DEPEW PLUMBING	85.40
A-693	RALPH C. HERMAN CO., INC.	65.92
A-694	ROYAL TIRE SERVICE	79.20
A-695	SANWA LEASING CORP.	135.00
A-696	SARJO INDUSTRIES	77.68
A-697	SIRCHIE FINGER PRINT LAB, INC.	59.89
A-698	THRUWAY SPORTING GOODS, INC.	9.95
A-699	THRUWAY SHOPPING CENTER	26.23
A-700	TIMES HERALD RECORD	28.80
A-701	TIMES HERALD RECORD	26.64
A-702	WALDEN AUTO SUPPLY	180.00
A-703	WALDEN AUTO SUPPLY	77.64
A-704	ICMA	356.00
A-705	FOURTUNIS	64.80
A-706	A.C.MOORE, INC.	307.22
A-707	OR CO.SANITARY LANDFILL	365.80
A-708	NEWBURGH STEEL PRODUCTS	75.50
A-709	BROWNING FERRIS INDUSTRIES	65.00
A-710	CIARDULLO PRINTING	101.00
A-711	VINCENT TOOMEY	3,622.42
A-712	PAGE NY	25.00
A-713	VESPO	483.68
A-714	LAWYERS CO-OPERATIVE PUBLISHING CO.	12.50
A-715	AMSTERDAM PRINTING	18.66
A-716	JOHN HOWLAND	23.70
A-717	ANNESE & ASSOCIATES	223.04
A-718	DUTCHESS IMAGINE	159.00
A-719	GALL'S	263.76
A-720	GAINER-WILBUR CONSULTING ENGINEER	315.00
A-721	GAINER-WILBUR CONSULTING ENGINEER	904.96
A-722	GAINER-WILBUR CONSULTING ENGINEER	1,424.26
A-723	GAINER-WILBUR CONSULTING ENGINEER	609.57
A-724	GAINER-WILBUR CONSULTING ENGINEER	117.00
		<u>16,344.02</u>

DECEMBER BILL LIST - DECEMBER 10,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-77	COUNTRY HARDWARE	89.71
F-78	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA,P.C.	416.67
F-79	ORANGE COUNTY LAB	120.00
F-80	RAMSCO	4,376.00
F-81	RAMSCO	40.00
F-82	MID HUDSON OFFICE SUPPLY	54.88
F-83	RAMSCO	98.40
F-84	RAMSCO	278.60
F-85	PAGE NY	6.75
F-86	GAINER-WILBUR CONSULTING ENGINEERS	316.08
		<u>5,797.09</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-75	AL TURI LANDFILL, INC	4,452.57
G-76	COUNTRY HARDWARE	69.27
G-77	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA,P.C.	416.67
G-78	HAIGHT FIRE EQUIPMENT SUPPLY	377.90
G-79	JOHN CRANE, INC.	49.76
G-80	NEWBURGH WINNELSON	123.99
G-81	T.W.G.MACHINE, INC.	14.06
G-82	F & G ELECTRIC MOTOR	3,000.00
G-83	MID HUDSON OFFICE SUPPLY	54.87
G-84	GAINER-WILBUR CONSULTING ENGINEER	127.08
		<u>8,686.17</u>

CAPITAL ACCOUNT #37	WICKES LUMBER ROAD PROGRAM	18.53
CAPITAL ACCOUNT #82	DEMBERG BROTHERS MUNICIPAL BLDG	4,500.00
CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ MUNICIPAL BLDG	1,000.00
SMALL CITIES 92	R.W.MECHANICAL, INC. RICHARDSON ST	7,750.00
SMALL CITIES 94	RAY COX CONSTRUCTION 57 GLADSTONE AVE	3,855.00
T & A	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	1,534.01

DECEMBER BILL LIST - DECEMBER 9, 1996

PERPAID BILLS

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	5.17
	AGWAY PETROLEUM	478.01
	BELL ATLANTIC NYNEX	52.52
	COASTAL REFINING & MARKETING, INC	282.65
	COASTAL REFINING & MARKETING, INC	202.97
	NYSEG	792.56
	NYSEG	5,666.37
	NYSEG	1,581.51
	NYNEX	50.08
	WAREX	846.19
	PETTY CASH	7.84
	POSTAGE	600.00
	GRIDLEY	971.48
		<u>11,537.35</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	737.76
	COASTAL REFINING & MARKETING, INC.	91.87
		<u>829.63</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	5,337.30
	NYSEG	3,202.06
		<u>8,539.36</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, November 26th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Courtesy Parking - Month of December
 - A.2 Cancellation of December 24th Meeting
 - A.3 Resolution - Unsafe Building - 32 Seely Street
 - A.4 Payment of Audited Bills For May 28TH, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Project Update
 - B.2 Snow and Ice Removal from Sidewalks
 - C. INFORMATIONAL ITEMS
 - C.1 Highland Avenue Bridge
 - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
NOVEMBER 26, 1996

APPROVED

Mayor Andrew Uszenski called the regular meeting of the Village of Walden, Board of Trustees to order at 7:30 PM.

On roll call the following were:

Present:
Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Martin Besdesky
Roy Wynkoop

Also Present:
Nancy Mitchell, Interim Manager
Kevin Dowd, Village Attorney

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of November 12, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

COURTESY PARKING

Mayor Uszenski stated that every year for the month of December the village suspends the parking regulations in the business district.

Trustee Forman moved to suspend parking regulations in the Main Street area for the month of December. Seconded by Trustee McGuckin. All ayes. Motion carried.

CANCELLATION OF DECEMBER 24TH BOARD MEETING

Trustee Ozman moved to cancel the December 24th, 1996 Board of Trustees Meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

RESOLUTION NO. 9-96-97 DECLARING A CERTAIN BUILDING IN THE VILLAGE OF WALDEN TO BE AN "UNSAFE BUILDING" AS DEFINED IN SECTION 63-2 OF THE VILLAGE CODE, ORDERING SUCH BUILDING TO BE REMOVED AND FURTHER ORDERING A PUBLIC HEARING TO BE HELD

Trustee Ozman stated that he will abstain from taking any part in 32 Seely Street based upon his relationship with the owner of that property which may appear to create a conflict.

Mayor Uszenski stated that the board has received notification from the building inspector that there is a garage/barn located on this property that is in a dangerous/unsafe condition and the board needs to by resolution authorize the building inspector to initiate the process.

Mr. Dowd stated that the building inspector is recommending that the garage/barn be demolished as an unsafe building. The resolution seeks to have it be removed and you must first find that based upon the notice of the instructions of the building inspector that you do find it to be an unsafe building and under the code you then must set up a public hearing which has been scheduled for December 10th. At which point the owner can come in and contest your findings at which time you make a motion to either affirm, modify or change your decision to declare it an unsafe building and basically order to have it removed or the village will remove it at the owners expense. Mr. Dowd suggested the village allot this man ten days from the date of the public hearing to remove the building at his own cost and own doing. You will be giving him until December 10th where he can come in and contest and ten days subsequent to that. The building is to the point where it could collapse any day.

Trustee McGuckin moved to adopt Resolution No. 9-96-97, Declaring a Certain Building in the Village of Walden to be an "Unsafe Building" as Defined in Section 63-2 of the Village Code, Ordering Such Building to be Removed and Further Ordering a Public Hearing to be Held, (attached). Seconded by Trustee Ryan. All ayes with the exception of Trustee Ozman abstaining. Motion carried.

RESOLUTION NO. 10-96-97, RE-AFFIRMING THE VILLAGE BOARD'S ORDER DATED DECEMBER 28, 1993 DECLARING A CERTAIN BUILDING IN THE VILLAGE OF WALDEN TO BE AN "UNSAFE BUILDING" AS DEFINED IN SECTION 63-2 OF THE VILLAGE CODE, RE-AFFIRMING THE VILLAGE BOARD'S RESOLUTION DATED JANUARY 25, 1994 AND ORDERING SUCH BUILDING TO BE REPAIRED BY THE VILLAGE

Trustee Ozman stated that he will abstain for the same reason as 32 Seely Street.

Mr. Dowd did check, because he saw in the local newspaper a tax lien by the county was filed and he verified there are sufficient unpaid taxes due on the property which the owner has until December 31st to redeem the property or the county will take it and sell it.

Trustee Ryan moved to adopt Resolution No. 10-96-97, Re-Affirming the Village Board's Order Dated December 28, 1993 Declaring a certain Building in the Village of Walden to be an "Unsafe Building" as Defined in Section 63-2 of the Village Code, Re-Affirming the Village Board's Resolution Dated January 25, 1994 and Ordering Such Building to be Repaired by the Village, (attached). Seconded by Trustee Forman. All ayes with the exception of Trustee Ozman abstaining. Motion carried.

Mayor Uszenski asked that the Building Inspector be present at the December 10th meeting.

1996 SMALL CITIES PROJECT ADMINISTRATOR

Mayor Uszenski stated that the committee met before the meeting. There was only one response to the ad which was Kerron Barnes Associates. The committee is recommending Kerron Barnes Associates as the 1996 Small Cities Program Administer.

Trustee McGuckin moved to appoint Kerron Barnes Associates as the 1996 Small Cites Project Administrators with a not to exceed amount of \$43,000.00. Seconded by Trustee Besdesky. All ayes. Motion carried.

AUDITED BILLS

Trustee Ryan moved to pay the audited bills of November 26, 1996. Seconded by Trustee Wynkoop. All ayes. Motion carried.

MUNICIPAL BUILDING PROJECT UPDATE

Mr. Dowd stated that the building inspector sent the board a memo regarding the municipal building. The second paragraph of the memo has been resolved as of this afternoon. There has been an agreement between the contractor, architect and carpet supplier as to the carpet for the police department as well as the rest of the building. He was told that if they can agree upon colors and they are in stock that you can expect delivery for the police department by December 6th with installation the week of the 9th and a one day installation for the police department. If they have carpeting in stock for the library there has to be a backing put on and depending whether its in stock it would be a two to four week delivery. There is a meeting with D.C. Doors on Monday. There is a meeting with the surety company on Wednesday.

SNOW AND ICE REMOVAL FROM SIDEWALKS

Mayor Uszenski stated that the board had sample legislation in their board packet regarding snow and ice removal.

Mr. Dowd stated that this addresses a lot of the boards concerns. There are sections that the board should read carefully to see if it is beyond what they anticipated.

Trustee Ozman stated that he would support a width requirement, but if you look around this village there are some sidewalks which extend the entire distance from the building line to the curb line and they are much wider than a traditional sidewalk. When you have a winter like we had recently its difficult to keep the entire sidewalk clear.

Trustee Besdesky moved that the Board hold a recess in order to review the local law. Seconded by Trustee Forman. All ayes. Motion carried.

Mayor Uszenski reconvened the regular meeting.

Trustee Ozman stated that in Section 81.2 we should specify a width. He feels there should be a distinction between residential and business. Three and a half feet is a reasonable amount.

Trustee Forman suggested a minimum width of three and one half feet.

Trustee McGuckin suggested in Section 81.2 take the word paved out.

Mr. Dowd asked that someone check with the Department of Public Works Superintendent to see what the standard width of a sidewalk is. He further suggested the last sentence of Section 81.3 be omitted.

Trustee Ozman asked that they hammer down the notice requirement so they can attack other issues such as abandoned buildings where you repeatedly have noncompliance with snow removal.

Mr. Dowd stated that there is a section that talks about removal even for property that is unoccupied, Section 81.2.

Trustee Ozman asked if the board discussed changing the notice provisions so that the village would be able to act more quickly on an abandoned property to clear the sidewalk area.

Mr. Dowd stated that if you go to this law the adoption of the local law is the notice, to put them on notice.

Trustee Ozman stated that his question would be if there is no one to give notice to is posting the property suffice. Does that start the four hours running.

Mr. Dowd stated that he doesn't know if the law has ever been challenged and what the results were.

Trustee McGuckin suggested the village advertise the requirements on Channel 8.

Trustee Ozman stated that his concern is if they are going to prepare a local law you cover as much as possible in regards to snow removal and he's not sure if this would cover abandoned buildings. He will think about it.

Mr. Dowd stated that if you use the section that imposes the obligation under 81.2 there is a record owner and if that person does not clear the sidewalk after twenty four hours, in comes the village and knocks on the door and no one is there, they clean the sidewalk, send a bill and assess the property.

Trustee McGuckin stated that in regard to 81.9, his house has a terraced front lawn and there were times last winter that the snow on his front lawn was higher than 3 ½ feet. It sounds to him that its above existing natural grade of said terrace or parcel of land. He thinks the intent was a right of way from the sidewalk to the road. Is he responsible to remove any snow off his property that is 3 ½ feet or higher?

Trustee Ozman stated that the law says you can place it on a right of way as long as the elevation is not above three feet, six inches.

Trustee McGuckin stated that sometimes the plows put it that high.

Trustee Ryan stated that the three foot six inches is the magic number for little kids to duck in an out of snow piles.

Mayor Uszenski stated that it says anything within six feet of any street, avenue or roadway. That makes sense.

It was the consensus of the board to leave that provision in the local law.

Mr. Dowd stated that the difference between this code and Walden's present code is there is no fine levied for a violation.

Trustee McGuckin introduced Introductory Local Law I-4 of 1996, Snow and Ice, Removal of.

Trustee Forman moved to hold a public hearing on Introductory Local Law I-4 of 1996, Snow and Ice, Removal of, on December 10th, 1996 at 7:45 PM. Seconded by Trustee McGuckin. All ayes. Motion carried.

TIME WARNER CORRESPONDENCE

Mayor Uszenski stated that everyone in the village has received notices that cable rates are going up as of January 1, 1997. The village has been receiving a lot of complaints. He feels the village should take a stand on this and any complaints should be made in writing and forward them onto the Public Service Commission. The village should also write a letter in protest.

Trustee Besdesky moved that the village send a letter to Time Warner expressing their displeasure with the rate increase. Seconded by Trustee Wynkoop. All ayes. Motion carried.

HIGHLAND AVENUE BRIDGE

Interim Manager Mitchell stated that Carl Helstrom, Town Supervisor called and advised her that the town has received approval to move the \$260,000 to the Highland Avenue bridge.

PUBLIC PORTION

Larry Sager, 78 Orchard Street asked what the village is paying Marc Hart for? When he comes in the office and asks him a question or has a complaint, which he feels violates the codes of the village, Mr. Harts answer is he has to talk to the building inspector about that or he tells him to see the building inspector. He asked who is going to enforce the new snow code, when the codes you have don't get enforced? He further asked what Mr. Harts salary and hours are?

The Interim Manager stated that he is here from 8 AM until 2 PM and she wasn't exactly sure of his salary.

Mayor Uszenski stated that parts of the code Mr. Hart cannot enforce and the building inspector has to.

Trustee McGuckin asked what the specifics were?

Mr. Sager stated that his neighbor is building onto their house without a permit.

Mayor Uszenski stated that would be the building inspector he would have to talk to. He further stated that Marc's salary doesn't come out of the taxpayers money.

Mr. Sager stated that would be more grant money the village would have for other things.

Becky Pearson, 157 Walnut Street asked why can't that job be combined with the building inspectors? Is there so much work in the village that one person can't handle that?

Mayor Uszenski stated that was why Marc Hart was hired originally, to help.

Becky Pearson asked what Dean's hours are?

Mayor Uszenski stated that he works from 7 AM until 3 PM.

Trustee McGuckin stated that the building inspector has to go back to a job several times to see the different phases. So there are times, especially in the summer, that he is very busy.

Mayor Uszenski stated that the building inspector also does Planning Board and Zoning Board work and also Small Cities.

Mike Buckley, Capron Street stated that his street is very narrow and on the other side of the street the police department put up signs giving permission to an apartment building to park there. Last year he damaged his car trying to get in and out of his driveway. The street gets very narrow in the winter with the snow piled up.

Trustee McGuckin stated that apartment house has parking in the rear. Maple Street gets narrow in the winter and the police department has put up no parking signs when that happens. We could do the same for Capron Street.

Trustee Ryan stated that there is a sign there that was put up in error.

Mayor Uszenski stated that the sign needs be taken down because that handicapped person is deceased.

Keith Millsbaugh, Millsbaugh Furniture and also representing the Walden Community Council, Government Relations Committee, asked for an understanding of what the snow removal policy is for the business district especially since the board is talking about a new law tonight. He asked if the village had a policy that after each snow storm it will remove the snow that is on their curb. Also, he would like to know what the policy is for plowing the parking lot. He understood that it gets done the second day after the storm, which it doesn't and also the policy for village property. He noticed Mrs. Huber complained at the last meeting about village sidewalks and the bridge wasn't cleared. How is it all going to incorporate into this law and how is it going to be enforced?

Mayor Uszenski stated that snow removal from the business district will stay the same as it has been done. It won't be removed after every snow storm because its too costly. It will be removed when it becomes a hazard to the public. He further stated that the parking lots are usually done the second day depending on the amount of snow. Roads come first.

Mr. Millspaugh asked about village property being cleared.

Trustee McGuckin asked that Mr. Sweed give a schedule to Mr. Millspaugh.

Mr. Millspaugh asked about the phone chain, contacting one business during business hours during a snow emergency.

Mayor Uszenski stated that the police chief said there was no problem with having a phone chain.

Trustee Ryan stated that there should be a home phone number for after business hours.

Mr. Millspaugh stated that they weren't concerned with that. He further stated that the council is interested in setting some kind of communication up for the budget process, so they can have input.

Mayor Uszenski stated that he sees no problem with that.

Trustee Ryan suggested the council go to the department head who would handle that area of the budget.

Trustee McGuckin stated that he sees no reason why the board couldn't meet with the council at a pre-budget meeting.

Mayor Uszenski stated that the board requested input from the community council regarding the parking lots, different hour regulations and nothing has come back. He asked Mr. Millspaugh to get a response.

Mr. Sager stated that he went to a meeting that was suppose to be non political and for them to come to the village and suggest how the village runs its budget, its starting to get political. The citizens should be able to form a group and do the same.

Mayor Uszenski stated that he has no problem with that either.

Mr. Millspaugh stated that the community councils name was chosen rather then the business district for that reason, that it would be the community, not just the business district.

Mrs. Pearson asked if the village has an old snow code?

Mayor Uszenski stated that the problem with the old code was that a property owners had to be handed or mailed a summons and then the village had to give them seven days to remove the snow. This new code will get the sidewalks cleared sooner.

Tony Pavlik Sr., 33 Oak Street stated that he goes through the Oak Street parking lot to get to the Methodist Church and this past winter has been tough. The man that plows the snow blocks off the driveway to the Liquidators. He ended up shoveling it. Also, in that parking lot the water runs down and undermines the drains.

Mayor Uszenski stated that some of those drains are on private property. DPW will get the message.

Mr. Sager asked how much of a cost is it going to be on Ulster Avenue?

Mayor Uszenski stated that the work hasn't been assessed by the building inspector yet. Its outside work and a little structural work on the porch.

Mr. Sager asked if the village can go to the county and have them take the unsafe building down?

Mayor Uszenski stated that the building inspector has looked at the building and says its not structurally unsafe.

Mr. Sager asked why should the taxpayers of this village be putting out money to correct the situation for the county.

Mayor Uszenski advised Mr. Sager that the village doesn't know that the county will be taking over that property.

Mr. Dowd stated that once the county owns the building you can send notice to the county and have them rectify the situation.

Becky Pearson stated that she read the minutes from the last meeting and she has a couple of questions about the executive session, she questions the municipal building and the extra \$1,000 per month that Liebman and Hurwitz is getting for services, haven't they already been paid?

Mayor Uszenski stated that they believe their services are beyond their contract. They incurred additional services and work due to the default of the contractor. We have to have the architect on site to continue the project.

Trustee McGuckin stated that those additional costs will go toward the damages that the village will be going after the contractor for.

Mrs. Pearson stated that it will cost the village more legal fees to try and recover that.

Mayor Uszenski stated that the village does not know that yet.

Mr. Millspaugh asked what was the responsibility of the clerk of the works and the village manager? Are they responsible for this?

Mayor Uszenski stated no.

Mr. Millspaugh stated that the article he read stated that the problems go back to things they used for construction, wrong wall board, wrong windows, it sounded like everything.

Mayor Uszenski stated that the clerk of the works was there from 7AM until the workers went home. He was there watching.

Mr. Dowd stated that neither the architect or the clerk of the works have the ability to stop the contractor from putting in an improvement that does not meet specifications. We can't tell the contractor how to do his job. If he does it wrong then you have the right to tell him to get it out, it doesn't meet specifications, change it. That was what went on with the windows and the carpeting.

Becky Pearson asked if the architect ever goes there?

Mayor Uszenski stated that the architect goes there twice a week.

Mr. Sager asked if this money will be recouped through the bond?

Mayor Uszenski stated yes.

Tony Pavlik stated that the drainage on the high bridge isn't correct.

Mayor Uszenski advised him that the State owns that bridge. The village does no maintenance to that bridge other than remove the snow from the sidewalk.

Mr. Pavlik stated that it is dangerous for the children to cross the street to get to the other side of the bridge because that is the only side that is shoveled. The other side of the bridge should have a railing too.

James Rahm asked about the municipal building contract, normally there is a penalty if a building isn't completed on time. He asked if that penalty was invoked and what was the amount?

Mayor Uszenski stated that is up to \$500.00 per day of actual damages to the village.

Trustee Ryan stated that it was proven in court that if you are going to penalize someone for coming in late on a project, you must reward them for coming in early. We did not use that clause in our contract.

Mr. Rahm asked what was the amount of the bond they posted?

Mr. Dowd stated that it was the full amount of the contract.

Mr. Millspaugh stated that he saw in the minutes payment for the furnace.

Mayor Uszenski stated that the village paid to have the furnace repaired. Its in the contract.

Mr. Millspaugh asked why would the village pay for the full cost of something that we will only be using for one year.

Trustee Ozman stated that these are wear items.

Mr. Millspaugh stated that the other option would be to negotiate a short term contract, when you're dealing with short term things.

Trustee McGuckin asked what other options do we have?

Mr. Millspaugh stated that he's being told there is not enough money in the budget to clear Main Street on a first snow basis and yet you have enough money to do long term fixes on something we're going to use short term.

Mayor Uszenski stated that the village has never cleared Main Street on a snow for snow basis and we're not going to do it now.

Trustee Ozman stated that the village can pass the cost of the furnace repair on to the contractor as one of the incidental expenses of being in the building. Its a pass through.

Mr. Sager stated that he read an article in the local paper, we only have a part time government or do we have people that only present themselves for a part time government, but allude to the people that they are suppose to be full time.

Mayor Uszenski stated that we do not have a part time government.

Trustee Besdesky stated that the article said there were people who work full time and give part time to this job.

Mr. Sager stated that for some of the money that is extracted by this board for some of you's and only give eight hours a month to this village, you ought to be ashamed of yourselves.

Mayor Uszenski stated that there are a lot of other things that go on that the public has no idea its going on.

REPORTS - COMMITTEE

Trustee Wynkoop stated that several people on Sherman Avenue have complaints about Nelco's trucks using that street. There is a five ton limit. It is tarred and chipped and there is a truck going up and down ruining that street. There are other ways to come into Nelco other then Sherman Avenue.

Mayor Uszenski stated that he is local delivery to Nelco. We can check with the Police Department.

Trustee Ryan stated that a request was made for that four or five months ago.

Trustee Wynkoop asked that it be checked to see if they can come in a different way.

Trustee Ryan requested that the Building Inspector check 11-17 Main Street, they are removing the boards off the front of the building. Its still an unsafe building and it should stay boarded up. If its under construction a building permit should have been issued.

Trustee Ryan stated that he read in the local paper that Chester has employed work fare. He would like to find out what the guidelines are and if it would be good or bad for Walden.

Trustee Ozman stated that the Mayor should contact our grant administrater and come to terms as to what grants might be available for application for Walden.

REPORTS - MAYOR

Mayor Uszenski stated that the search committee for the village manager has six people who they will be interviewing at an unknown date. They are reopening the advertisement up for more resumes.

EXECUTIVE SESSION

Trustee Forman moved to hold an Executive Session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Forman moved to authorize Mr. Dowd to defend the foreclosure on the mechanics lien filed by Allied Building, if necessary. Seconded by Trustee McGuckin. All ayes.

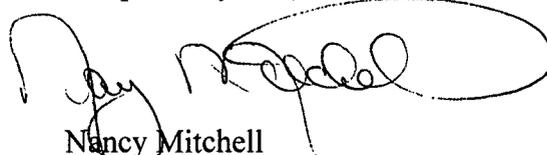
Mr. Dowd stated that Mr. Adler is requesting the \$11,000.00 that the board has authorized before be released to him as opposed to him and RBI, less the villages amounts.

Trustee Ryan stated that the drawback to that is the village does not have a takeover contract.

ADJOURNMENT

Trustee Forman moved to adjourn. Seconded by Trustee Wynkoop. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

RESOLUTION DECLARING A CERTAIN BUILDING IN THE VILLAGE OF WALDEN TO BE AN "UNSAFE BUILDING" AS DEFINED IN SECTION 63-2 OF THE VILLAGE CODE, ORDERING SUCH BUILDING TO BE REMOVED AND FURTHER ORDERING A PUBLIC HEARING TO BE HELD.

WHEREAS, by report dated November 7, 1996, the Village Building Inspector advised this Board that a garage/barn located at 32 Seely Street, Walden, New York, was in a state of disrepair and in violation of several provisions of the Village Building Code; and

WHEREAS, attempts by the Building Inspector to contact and cause the record owner of said building to correct the existing code violations on the building have been unsuccessful; and

WHEREAS, the condition of said building continues to deteriorate to the point where said building constitutes a danger to the health, safety and welfare of the public; and

WHEREAS, Chapter 63 of the Village Code provides a procedure for the Village to order the removal of "unsafe buildings" within the Village at the sole expense of the owners of said buildings and, failing action by the owners, to order the removal to be performed by the Village with all costs and expenses incurred by the Village to be assessed against the land on which said building is located; and

WHEREAS, the Village Board of Trustees wishes to proceed with implementing the procedures contained in Chapter 63 of the Village Code with respect to the garage/barn located at 32 Seely Street, Walden, New York.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Walden hereby finds that the garage/barn located at 32 Seely Street, Walden, New York, is dangerous and unsafe to the public and hereby orders that said building shall be removed by the owner thereof and, it is

FURTHER RESOLVED, that the Board of Trustees hereby orders a hearing to be held before it on December 10, 1996 at 7:30 p.m. at the Village offices, 8 Scofield Street, Walden, New York, to determine whether the order to remove the building located at 32 Seely Street, Walden, New York shall be affirmed, modified or vacated and, it is

FURTHER RESOLVED, that said hearing shall be held upon at least ten (10) days notice to the owner of said buildings or persons having an interest therein.

Upon a motion made by Trustee McGuckin, seconded by Trustee Ryan, the resolution was adopted as follows:

Andrew Uszenski, Mayor	<u>Aye</u>	Nay
John McGuckin, Trustee	<u>Aye</u>	Nay
Martin Besdesky, Trustee	<u>Aye</u>	Nay
Christopher Forman, Trustee	<u>Aye</u>	Nay
John Ryan, Trustee	<u>Aye</u>	Nay
Raynard Ozman, Trustee	Abstained	
Roy Wynkoop, Trustee	<u>Aye</u>	Nay

RESOLUTION NO. 10-96-97

RESOLUTION RE-AFFIRMING THE VILLAGE BOARD'S ORDER DATED DECEMBER 28, 1993 DECLARING A CERTAIN BUILDING IN THE VILLAGE OF WALDEN TO BE AN "UNSAFE BUILDING" AS DEFINED IN SECTION 63-2 OF THE VILLAGE CODE, RE-AFFIRMING THE VILLAGE BOARD'S RESOLUTION DATED JANUARY 25, 1994 AND ORDERING SUCH BUILDING TO BE REPAIRED BY THE VILLAGE.

WHEREAS, by resolution dated December 28, 1993, the Village Board of Trustees did find that the building located at 32 Ulster Avenue, Walden, New York, was dangerous and unsafe to the public and ordered said building to be repaired by the owner thereof; and

WHEREAS, pursuant to Chapter 63 of the Village Code, a hearing was held before the Village Board on January 25, 1994 at 7:30 p.m. at the Village offices, 8 Scofield Street, Walden, New York, to determine whether the Board's order to repair the building located at 32 Ulster Avenue, Walden, New York should be affirmed, modified or vacated; and

WHEREAS, due and proper notice of said hearing was given to the owner of said building by registered mail at the owner's last known address, by the posting of said notice on said building and by filing a copy of said notice in the Office of the Orange County Clerk in Goshen, New York, all in accordance with the provisions of Chapter 63 of the Village Code; and

WHEREAS, after hearing from the Village Building Inspector as to the conditions of said building and, after affording the owner thereof, Alexander Sandre, the opportunity to dispute or otherwise object to the Board's order dated December 28, 1993, the Board, by resolution, affirmed said order that said building was unsafe and in need of immediate repair and established with Mr. Sandre an agreed upon schedule for Mr. Sandre to make and complete such repairs by June 30, 1994; and

WHEREAS, approximately two and one-half years have passed and the repairs have not been completed by the owner and the unsafe conditions still exist; and

WHEREAS, the Board now wishes to re-affirm its prior orders and resolutions and authorize the Village Building Inspector to have the repairs made to 32 Ulster Avenue with all costs to be charged against said property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Walden hereby affirms its prior orders and resolutions determining that the building located at 32 Ulster Avenue, Walden, New York, is dangerous and unsafe to the public and in need of immediate repair and, it is

FURTHER RESOLVED, that the Board of Trustees hereby orders the repair of said building to proceed forthwith and authorizes

the Building Inspector to do what is necessary to effectuate such repairs and, it is

FURTHER RESOLVED, that the cost of said repairs shall be assessed against the property in accordance with law and, it is

FURTHER RESOLVED, that a copy of this resolution shall be posted upon the property at 32 Ulster Avenue and mailed to the owner at his last known address and, it is

FURTHER RESOLVED, that a copy of the Notice of these proceedings be filed in the Office of the County Clerk's Office in Goshen, New York.

Andrew Uszenski, Mayor	Aye	Nay
John McGuckin, Trustee	Aye	Nay
Martin Besdesky, Trustee	Aye	Nay
Chris Forman, Trustee	Aye	Nay
John Ryan, Trustee	Aye	Nay
Raynard Ozman, Trustee	Aye	Nay <i>Abstain</i>
Roy Wynkoop, Trustee	Aye	Nay

DATED: November 26, 1996
Walden, New York

NOVEMBER BILL LIST - NOVEMBER 26, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A621	AIR PRODUCTS AND CHEMICALS	\$ 14.25
A622	AMTHOR'S WELDING	81.32
A623	ANACONDA SPORTS	148.20
A624	BROWNING-FERRIS INDUSTRIES	60.33
A625	CITY PUBLISHING CO.	98.84
A626	CLEAN LAKES INC.	1,650.00
A627	COMMISSIONER OF FINANCE	18.00
A628	COUNTRY HARDWARE	169.42
A629	COUNTRY HARDWARE	22.49
A630	DATABASE TECHNOLOGIES	30.40
A631	DRAKE, SOMMERS, LOEB	82.50
A632	ENVIROMENTAL PAPER TOWEL SER.	150.30
A633	EVERSON ROSS CO.	631.82
A634	GATEWAY EQUIPMENT	1,673.01
A635	GEORGE'S AUTO	31.62
A636	GEORGE'S AUTO	74.01
A637	GEORGE'S AUTO	64.56
A638	GEORGE'S AUTO	36.90
A639	GOLDEN RULE CREATIONS	374.82
A640	HAVE INC.	206.60
A641	HOWLAND, JOHN	45.30
A642	HUDSON VALLEY AWARDS	64.36
A643	JIM SMITH CEVY	297.12
A644	NYS ASSOC. OF TOWN HIGHWAYS	40.00
A645	NYCAL INDUSTRIES	123.98
A646	OMNI HOTEL	156.00
A647	MAYBROOK MATERIALS	808.89
A648	MEDIEVAL TIMES	126.50
A649	MID HUDSON OFFICE SUPPLY	538.99
A650	QUAKER STATE	424.35
A651	QUILL CORP.	45.39
A652	QUILL CORP.	180.86
A653	RALPH DEPEW PLUMBING & HEATING	222.50
A654	ORANGE COUNTY CLERK	5.75
A655	SMITH'S COMMERCIAL TIRE	222.45
A656	TIMES HERALD RECORD	285.47
A657	TIMES HERALD RECORD	130.00
A658	TIMES HERALD RECORD	78.48
A659	VEN MAR SALES	251.29
A660	WALDEN AUTO SUPPLY	70.25
A661	WALDEN AUTO SUPPLY	42.89
A662	WALDEN AUTO SUPPLY	32.42
A663	WILLIAMSON LAW BOOK	82.58
A664	WOODARD'S CONCRETE	5.00

NOVEMBER BILL LIST - NOVEMBER 26, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A665	CUMMINGS CURTIS	150.00
A666	METZGER ERIC	150.00
A667	O'DONNELL ROSS	150.00
A668	THRUWAY SHOPPING	106.19
A669	OMNIFAX	156.00
A670	OMINFAX	80.50
A671	PINE BUSH EQUIPMENT	38.00
A672	STANDARD COPY	1,210.00
A673	HARVEY BROTHERS, INC.	39.31
A674	UNITED LAB	104.78
A675	AL VALK'S GARAGE	262.08
A676	AL VALK'S GARAGE	125.00
A677	AL VALK'S GARAGE	204.43
		<u>12,676.50</u>

NOVEMBER BILL LIST - NOVEMBER 26, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F71	COUNTRY HARDWARE	\$ 147.28
F72	COUNTRY HARDWARE	225.00
F73	COUNTRY HARDWARE	62.98
F74	DEMPSEY STEEL	51.36
F75	IRA D. CONKLIN	56.75
F76	THRUWAY	10.99
		<u>554.36</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G70	COUNTRY HARDWARE	\$ 134.93
G71	ENVIROTEST LABORATORIES	815.00
G72	SHARE CORP.	76.09
G73	WALDEN ANIMAL DELI	252.00
G74	ZEP MFG. CO.	76.83
		<u>1,354.85</u>

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #53	COUNTRY READY MIX SIDEWALKS	214.50
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COMMUNITY DEVELOPMENT

SMALL CITIES 92	SABATO & ROSALIA VIVENZIO	1,063.30 ✓
SMALL CITIES 94	WESTAR MECHANICAL	2,495.00 ✓
SMALL CITIES 94	ECONOMIC CONSTRUCTION	12,461.00 ✓
	CL & EJ GRIDLEY	971.48
SMALL CITIES 92	R.W.MECHANICAL	7,802.00 ✓
SMALL CITIES 93	CHESSARI CONSTRUCTION	650.00 ✓

NOVEMBER BILL LIST - NOVEMBER 26, 1996

PREPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AGWAY PETROLEUM	\$ 461.87
	BELL ATLANTIC	52.81
	COL. BRADLEY HOSE	50.00
	FRONTIER COMMUNICATIONS	194.71
	FRONTIER COMMUNICATIONS	526.83
	FRONTIER COMMUNICATIONS	276.19
	FRONTIER COMMUNICATIONS	200.38
	FRONTIER COMMUNICATIONS	241.68
	FRONTIER COMMUNICATIONS	299.10
	NYSEG	410.87
	NYSEG	1,036.01
	NYSEG	5,562.32
		<u>9,312.77</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	109.35
	FRONTIER COMMUNICATIONS	74.38
	NYSEG	33.86
	POSTMASTER	79.74
		<u>297.33</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	44.52
	FRONTIER COMMUNICAITONS	58.76
	NYSEG	3,731.13
	NYSEG	360.44
	POSTMASTER	79.73
		<u>4,274.58</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, November 12th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Taxi License Application
 - A.2 DPW Recycling Center - Brush and Leaves
 - A.3 Recreation Coordinators Request to Attend a Seminar
 - A.4 Dick Tenney Testimonial Dinner
 - A.5 Payment of Audited Bills For November 12th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 Village Office Furnace Repairs
 - B.3 Lease Agreement - Village Offices
 - B.4 Unsafe Buildings - 32 Ulster Avenue & 32 Seely Street
 - B.5 Property Maintenance - 76 South Montgomery Street
 - C. INFORMATIONAL ITEMS
 - C.1 City of Middletown Recycling and Ethanol Production Facility
 - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
NOVEMBER 12, 1996**

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
John Ryan
Chris Forman
Martin Besdesky
Roy Wynkoop

Absent: Trustee Raynard Ozman, later present

Also Present: Nancy Mitchell, Interim Manager/Village Clerk
Kevin Dowd, Village Attorney

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of October 22nd, 29th, and November 6th. Seconded by Trustee McGuckin. All ayes with the exception of Trustees McGuckin and Forman abstaining from the November 6th minutes. Motion carried.

TAXI LICENSE APPLICATION

Mayor Uszenski stated that the board received an application for a taxi license from Victor Castro to locate a taxi stand at the mini mall.

Trustee Forman moved to approve the application for a taxi license from Victor Castro contingent upon the vehicles being inspected, all drivers having their taxi drivers license from the village and receiving the certificate of insurance. Seconded by Trustee Ryan. All ayes. Motion carried.

DPW RECYCLING CENTER - BRUSH AND LEAVES

Mayor Uszenski stated that because of the large turnout the superintendent of public works is requesting that the recycling center for brush and leaves stay open on Sunday's until the end of November.

Trustee Besdesky moved to allow the recycling center at DPW for brush and leaves remain open until the end of November. Seconded by Trustee McGuckin. All ayes. Motion carried.

RECREATION COORDINATORS REQUEST TO ATTEND A RECREATION SEMINAR

Mayor Uszenski stated that John Howland is requesting permission to attend the recreation conference in White Plains on November 20th at a cost of \$35.00 for the conference, plus mileage and that Mr. Howland give a report back to the board. Seconded by Trustee Wynkoop. All ayes. Motion carried.

DICK TENNEY TESTIMONIAL DINNER

Mayor Uszenski stated that a testimonial dinner is being given to Dick Tenney on Sunday, November 17th at 2:00 PM at the Walden Fire House.

Trustee Ryan moved to authorize the Mayor and Interim Manager to attend the testimonial dinner for Dick Tenney on Sunday, November 17th. Seconded by Trustee McGuckin. All ayes. Motion carried.

AUDITED BILLS

Trustee McGuckin moved to pay the audited bills of November 12, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATIONS

Mayor Uszenski asked what was going on at the municipal building with the renovations.

Interim Manager Mitchell stated that no one was at the building today. Friday there were two workers scraping paint in the library.

Trustee Ryan asked if DC Doors was near completion.

Interim Manager Mitchell stated that she didn't know, but she will check with the building inspector in the morning.

Mayor Uszenski asked for a report from Mr. Stickles.

VILLAGE OFFICE FURNACE REPAIRS

Mayor Uszenski stated that a while back the village was told that they needed a new furnace in the village offices, we don't. The Gridley family had their plumber come in and check the furnace and there is no hole in it. Other than being very dirty nothing is wrong with it. All that needs to be done is the burner unit replaced for \$695.00.

Trustee McGuckin moved to make the necessary repairs to the furnace in the Village Offices for \$695.00 for a burner unit. Seconded by Trustee Besdesky.

Mayor Uszenski suggested the village contact Mr. DePew for an estimate to service all the oil burners in the village.

All ayes. Motion carried.

LEASE AGREEMENT

Mayor Uszenski stated that Mr. Gridley was in and he asks the village to consider, rather than going on a month to month lease, to anticipate how much longer we will be here and go for a three or six month lease. Our present lease expires March 1997.

It was the boards consensus to extend the lease for the village offices.

UNSAFE BUILDINGS - 32 ULSTER AVENUE

Mr. Dowd stated that in December, 1993 the board adopted a resolution declaring 32 Ulster Avenue to be an unsafe building and it stated in the resolution specific time frames for the owner to do certain things. He was to present a detailed estimate of the work to be performed by a building contractor by February 3rd, 1994. He was then to make application for a building permit by February 15th, 1994 and then he was to begin his repairs by March 1st, 1994 and having it completed by June 30th, 1994. According to the building inspectors memo he had done some slight repairs to his porch and that was it. The resolution stated that in the event he failed to comply with any of the conditions that the board would then direct the building inspector and the manager to immediately proceed with having the work done by village forces or by village contractors with all costs being assessed against the property. The board should consider whether they want to go forward tonight and reaffirm and re-resolve to take that last step or do they want to put Mr. Sandre on notice to see why he has not lived up to his part of the bargain. You have to notify him by mail of the boards resolution.

Trustee Ryan asked if the board was limited by the resolution or could the building be demolished since its deteriorated further?

Mr. Dowd stated that he doesn't believe at that time they had gotten to the point where they said it was to the point of being a collapsible structure. That may be a question Trustee Ryan might want to ask of the building inspector. You might want the engineer to get in there to make a structural analysis.

Trustee Ryan moved to proceed with an administrative search warrant and have the building inspector and village engineer to do a structural analysis of 32 Ulster Avenue and to authorize the expenditure of the engineers time. Seconded by Trustee McGuckin.

Trustee McGuckin asked if the engineers services can be assessed to the property?

Mr. Dowd stated that he thinks so.

All ayes. Motion carried.

UNSAFE BUILDINGS - 32 SEELY STREET

Mayor Uszenski stated that this is a garage that is in poor condition.

Mr. Dowd stated that the order to remedy has been posted and mailed and no action has been taken for the past month. The proceedings will have to begin, proper notices being filed and the hearing being held.

Trustee Ryan moved to begin unsafe building proceedings on 32 Seely Street. Seconded by Trustee Besdesky. All ayes. Motion carried.

PROPERTY MAINTENANCE - 76 SOUTH MONTGOMERY STREET

Mayor Uszenski stated that a memo was received from Mr. Hart, Code Enforcement Officer regarding property maintenance at 76 South Montgomery Street.

Mr. Dowd stated that this property is going to foreclosure. The sale has been postponed several times and it is postponed again. The village can have the weeds, grass and vegetation removed and the cost assessed to the property. In regard to the junk the village would have to start proceedings.

Trustee McGuckin moved to have DPW remove the weeds, grass and vegetation at 76 S. Montgomery Street and assess the cost to the property, and to start court proceedings for removal of the junk. Seconded by Trustee Forman. All ayes. Motion carried.

CITY OF MIDDLETOWN RECYCLING AND ETHANOL PRODUCTION FACILITY

Mayor Uszenski stated that he will be meeting with the town on December 2nd at 7:30 PM to discuss town wide garbage collection.

Mr. Dowd stated that he met with Mr. Webster and has taken the resolution and revised it so that it is more consistent with the original intent which was to share information first and see what value it would have for the Village of Walden, authorize a draft agreement and submit it with a report as to what benefits the village would get out of it and make it contingent upon either a district being formed or the board going into some kind of contractual agreement for garbage hauling. That is just about finalized as far as the language is concerned. Mr. Webster is aware of the meeting with the town.

Mayor Uszenski stated that if this goes forward the next step would be to form a committee from each of the villages and the town to develop this to the final stages.

PUBLIC PORTION

Becky Pearson, 167 Walnut Street asked about unsafe buildings, how does the village find out about them?

Mayor Uszenski stated that it could be brought to the attention of the board by a board member, the building inspector or by the public.

Larry Sager, 78 Orchard Street asked when the last time the property owner of 32 Ulster Avenue was contacted? Why did it take two years to come back before the board?

Mayor Uszenski stated that he's not sure of the date.

Mr. Sager asked if Mr. Barnes could contact him for a Small Cities Grant?

Mr. Barnes stated that he did contact Mr. Sandre. The building is eligible, and its vacant. The problem is there are unpaid taxes. Also, the owner wasn't interested. They also contacted the owner of 32 Seely Street and he insisted on doing the work himself and he's not capable of doing it.

Mrs. Pearson asked about the recycling facility, is that finalized? There was a letter to the editor in the Times Herald Record about toxins from the facility being released into the air and this facility will be located by a school.

Mr. Dowd stated that they are going through the SEQRA process and site plan.

Mrs. Pearson stated that it may be good for your garbage, but its not good for the air that you are breathing.

Mary Huber asked if the village has resolved the problem of how to get the sidewalks in the village cleared of snow in the winter? The law states they have to be cleared within twenty four hours.

Mayor Uszenski stated that the village is still in the same situation.

Mrs. Huber stated that her transportation is her own two feet and the law says the sidewalks have to be cleared within twenty four hours, why can't she have a safe place to walk? In the winter she has to walk in the street with a baby stroller. Seventeen Oak Street is a constant problem in the winter. Its been fourteen years like that.

Mr. Dowd stated that you have to give the property owners advanced notice and give them the time to do what they have to do. If you want you can have the crews out there serving summons and coming back the next day to shovel and then assessing the property.

Trustee Ryan stated that he thought there was a problem in the law that you had to give due process.

Mr. Dowd stated that you have to give advanced notice and give them time to do what they have to do. The problem with the crews clearing the sidewalks and assessing the cost to the property is if you assess them a small amount of money then that is not an encouragement to clean their sidewalks.

Trustee Ryan stated that the object is to clear the sidewalks, not to hit their wallets. If the price is fair and the sidewalk is clear and if they are happy to have someone contracted to clear their sidewalks, who cares.

Mayor Uszenski stated that the village would have to hire a landscaper or put together a part time snow removal crew for sidewalks.

Trustee McGuckin stated that he feels it should be done in the private sector and let them charge what they feel is fair and charge it back on the taxes.

Mayor Uszenski stated that the village needs to get a policy in order and go with it.

Becky Pearson stated that when the village tows cars during snow emergencies the police are the people that go around and say who has to be towed, why can't the sidewalk clearing go on the police's shoulders to say whose sidewalk needs to be cleared.

Mayor Uszenski stated that it is a different kind of emergency. Its twenty four hours after the snow has stopped that a sidewalk needs to be cleared. The village is towing during the storm.

Greg Raymondo, Orange Avenue stated that for two years he has been promised the village would plow the school bus stop in front of his house, what does he have to do to get it done?

Interim Manager Mitchell stated that she will speak to the Superintendent of Public Works and have that done.

Mr. Raymondo asked if the homeowner is responsible to trim dead branches from trees?
The tree is in the sidewalk area in front of Mr. Clifford's house.

Trustee McGuckin stated that its the villages responsibility. He also has a tree in front of his house that he has been asking to have trimmed.

Trustee Besdesky stated that he feels the clearing of snow on sidewalks should be dealt with as soon as possible.

Mr. Sager stated that he would like to know what condition Mr. Kelly left the municipal building in when he left.

Mr. Dowd stated that Mr. Kelly left the building where it was at as far as progress of the work which has been certified with the architect and performed and paid for. There hasn't been any significant progress since he left.

Mr. Sager asked if there were any bills outstanding where the village can't get possession of the property?

Mr. Dowd stated that there is nothing he is aware of other than the elevator which is an on going issue between the contractor and the elevator manufacturer.

Mayor Uszenski stated that the village is holding the money for that.

Mrs. Pearson stated that the street sweeper hasn't been on Walnut Street for a long time.

Mayor Uszenski stated that the sweeper usually doesn't go out when the people are raking their leaves out into the street because its a lot of wear and tear on the sweeper.

Mrs. Pearson asked if the front room on the municipal building was going to stay painted blue?

Mayor Uszenski stated yes.

Mary Huber stated that for two to three months there has been a black dog running around. She calls the police and they say they can't find it. She spoke to Officer Collins and he knows who owns the dog and still the dog runs. She saw him today.

Trustee Ozman suggested that Officer Collins supply the dog warden with the information about the dog and have the dog warden contact the owner.

Mrs. Huber stated that the owner just left the dog.

Mr. Sager asked what the definition is in the code as to cutting your grass and leaving a mess in the street?

Mr. Dowd stated that you can't throw any debris into the streets. There is a section in the code regarding obstruction in gutters that says you can't put any dirt, silt, rubbish, object or other accumulation in the gutter. That would include leaves and grass.

Mr. Sager asked if they would have to be caught?

Mayor Uszenski stated that they would have to be observed putting the leaves in the street.

REPORTS - COMMITTEE

Trustee Wynkoop asked about dangerous condition on Pine Street where the cars go across the sidewalk?

Mayor Uszenski asked if anything was received from the Superintendent of Public Works?

Interim Manager Mitchell stated no. She will ask him again.

Trustee Ozman suggested a reflective marker be put on the sidewalk in that area, at the edge of the sidewalk.

Trustee Forman stated that the Sicari building on E. Main Street has an even larger real estate sign on it then it had before.

Trustee Forman stated that the former manager was going to contact the town regarding the Hill Street Bridges new railing.

Interim Manager Mitchell stated that she will contact Carl Helstrom to see when that will be done.

Trustee Ryan asked that the DEC Officer be invited to the next board meeting to give information and answer questions regarding tree planting and removal.

Trustee Ryan stated that the board needs to come up with a policy of what the elected officials of the Village of Walden will be paid. The board could use ratios and formulas. He would like to address it now prior to budget time.

Mayor Uszenski stated that he would like to invite the judge in for that.

MAYORS REPORT

Mayor Uszenski stated that the Finance Committee for 11-17 Main Street met again and they are a long way from getting anything solved. The first step would be to amend the 1996 application once guidance from HUD is received.

Mayor Uszenski stated that he has had a lot of people come to him asking that the village consider eliminating the managers position. It would involve two salary increases, the clerk and treasurer. Its something to think about. The search committee is meeting on Thursday, November 14th to start the process of hiring a manager.

EXECUTIVE SESSION

Trustee Ozman moved to hold an Executive Session pursuant to 105-(e&f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Ryan moved to enter into mediation with the architectural firm of Liebman and Hurwitz and the Village of Walden. There was no second to this motion. Motion failed.

Trustee Besdesky moved to pay Liebman and Hurwitz \$1,000 per month for their architectural services from September 9th until the completion of the Municipal Building project. On roll call Trustees McGuckin, Ozman, Besdesky, Wynkoop and Mayor Uszenski voted yes. Trustees Ryan and Forman voted no. Motion carried.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee McGuckin. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Interim Manager

NOVEMBER BILL LIST - NOVEMBER 12,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-546	AMERICAN ALARM CO.	36.00
A-547	AMERICAN LEGION POST	220.50
A-548	AMTHOR'S WELDING	134.98
A-549	ANNESE & ASSOCIATES, INC.	223.04
A-550	ARKEL	2,205.35
A-551	ARKEL	130.00
A-552	BELL HERRING, INC	50.00
A-553	CALVET TOOL RENTAL	390.00
A-554	CENTRAL PARTS WAREHOUSE	487.24
A-555	CHAMBER FORD TRACTOR	20.95
A-556	CHERRY TIRE SERVICE	346.50
A-557	CIARDULLO PRINTING	225.00
A-558	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	3,833.34
A-559	DEVITT'S GARDEN CENTER	49.99
A-560	DUTCHESS OVERHEAD	850.00
A-561	ELECTRO-TERM, INC.	39.58
A-562	EXPANDED SUPPLY PRODUCTS, INC.	69.65
A-563	FEDERAL BLOCK	301.50
A-564	FEDEX	41.00
A-565	GAINER-WILBUR CONSULTING ENGINEERS	2,074.39
A-566	GAINER-WILBUR CONSULTING ENGINEERS	127.08
A-567	GAINER-WILBUR CONSULTING ENGINEERS	1,106.33
A-568	GAINER-WILBUR CONSULTING ENGINEERS	126.00
A-569	GALL'S	72.97
A-570	GEORGE'S AUTO PARTS	79.99
A-571	GEORGE'S AUTO PARTS	53.94
A-572	GEORGE'S AUTO PARTS	453.12
A-573	GEORGE'S AUTO PARTS	28.39
A-574	GROSSO MATERIALS, INC.	515.57
A-575	HALTT DALES	49.99
A-576	HART MARC	67.80
A-577	HOWLAND JOHN	40.00
A-578	J C BLAUBELT GUNSMITH, INC.	170.00
A-579	JIM SMITH CHEVY	22.08
A-580	JIM SMITH CHEVY	537.26
A-581	McCOSKERY TOM	67.60
A-582	MAYBROOK MATERIALS	563.17
A-583	MAYBROOK MATERIALS	109.13
A-584	MEISEL	499.14
A-585	MID HUDSON COMMUNICATIONS	132.40
A-586	NYCOMCO	1,375.00
A-587	ORANGE COUNTY CLERK	3.50
A-588	OR CO.SANITARY LANDFILL	423.65
A-589	PAGE NY	25.00
A-590	PRINTABLE SERVICES	131.76

NOVEMBER BILL LIST - NOVEMBER 12,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-61	AMERICAN ALARM CO.	28.00
F-62	COUNTRY HARDWARE	198.00
F-63	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA	416.67
F-64	GAINER-WILBUR CONSULTING ENGINEERS	197.62
F-65	GRAPHIC CONTROLS CORP.	138.11
F-66	ORANGE COUNTY LAB	120.00
F-67	PAGE NY	6.75
F-68	RAMSCO	700.00
F-69	RAMSCO	1,480.00
F-70	SURPASS CHEMICAL	403.35
		<u>3,688.50</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-61	F & G ELECTRIC MOTOR	5,000.00
G-62	IRA D CONKLIN	371.60
G-63	PINE BUSH EQUIPMENT	1,440.00
G-64	WATER ENVIRONMENT FED	147.00
G-65	T W G MACHINE	41.57
G-66	JOHN CRANE, INC	230.58
G-67	PIROG & GARVEY	800.00
G-68	SLATER'S POWER EQUIPMENT	24.20
G-69	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA	416.67
		<u>8,471.62</u>

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	JEFF LOWE PLUMBING MUNICIPAL BLDG	13,544.81
CAPITAL ACCOUNT #88	GAINER-WILBUR CONSULTING ENGINEERS SEWER SYSTEM	157.64
SMALL CITIES 92	PETRIZZO CONSTRUCTION PLEASANT AVE	8,490.00
SMALL CITIES 92	STRIDER CONSTRUCTION 78 MAPLE ST	1,150.00
COMMUNITY DEV 95	KERRON BARNES	60.00
COMMUNITY DEV	KERRON BARNES	350.00
COMMUNITY DEV 93	KERRON BARNES	210.00
COMMUNITY DEV 94	KERRON BARNES	780.00
T & A	GAINER-WILBUR CONSULTING ENGINEERS	386.92
T & A	GAINER-WILBUR CONSULTING ENGINEERS	29.25
	LIEBMAN	3,000.00

NOVEMBER BILL LIST - NOVEMBER 12,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-591	PEAK POWER SYSTEMS	187.50
A-592	PINE BUSH EQUIPMENT	500.00
A-593	QUARTER MASTER	160.65
A-594	ROMAN ESTHER	50.00
A-595	SANWA LEASING CORP	135.00
A-596	SHARE CORP	128.54
A-597	SHOWCASE OF AWARDS	57.50
A-598	STIEFEL RESEARCH	10.84
A-599	VESPO	646.56
A-600	SWEED WALTER	60.00
A-601	TAYLOR RECYCLING	274.00
A-602	VENDENBERG CO.	211.44
A-603	WALDEN AUTO SUPPLY	26.72
A-604	WALDEN AUTO SUPPLY	57.96
A-605	WALDEN AUTO SUPPLY	66.35
A-606	WALDEN AUTO SUPPLY	27.65
A-607	WALDEN AUTO SUPPLY	19.39
A-608	WALDEN AUTO SUPPLY	59.75
A-609	WALDEN BAPTIST CHURCH	650.00
A-610	WALDEN COMMUNITY COUNCIL	1,400.00
A-611	WALLKILL VALLEY TIMES	7.32
A-612	WICKES LUMBER	5.04
A-613	GEORGE'S AUTO PARTS	22.22
A-614	GEORGE'S AUTO PARTS	32.85
A-615	MIRON BLDG PRODUCTS	2,262.30
A-616	NEW YORK TIMES	460.80
A-617	VINCENT TOOMEY,ESQ.	2,547.25
A-618	WALLKILL VALLEY	44.09
A-619	WALDEN PLUMBING & HEATING	93.95
A-620	WALLKILL VALLEY TIMES	72.00
		<u>28,787.55</u>

NOVEMBER BILL LIST - NOVEMBER 12, 1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	3.98
	NYSEG	1,036.01
	NYSEG	5,562.32
		<u>6,602.31</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	POSTMASTER	79.74

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	POSTMASTER	79.73

NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a special meeting on Wednesday, November 6, 1996 at 7:00 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. Resolution No. 8-96-97, Budget Transfer (Holiday Decorations)
2. Municipal Building Renovations Update

APPROVED

**VILLAGE OF WALDEN
SPECIAL BOARD OF TRUSTEES MEETING
NOVEMBER 6TH, 1996**

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 7:00 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
John Ryan
Martin Besdesky
Roy Wynkoop

Absent: Trustees John McGuckin
Chris Forman

Also Present: Nancy Mitchell, Interim Village Manager
Kevin Dowd, Village Attorney

HOLIDAY DECORATIONS

Mayor Uszenski asked if everything has been ironed out?

Trustee Ozman stated that at the last meeting they determined what the total cost would be for the holiday decorations as proposed by the Walden Community Council Beautification Committee. He asked what the total amount of the councils share was?

Mr. Buckley stated \$1,140.50. With the books \$221.50.

Trustee Ozman stated that the purpose of this meeting was to identify what the village was in a position to contribute and they have committed up to \$2,000 of matching funds, where those funds would come from, and the proper way to spend those funds. As a matching the village would have to contribute \$1,362.00 to match what the council is contributing so that the items as specified on the memo of October 25, 1996 can be purchased. We also have to determine who will be placing the items on the buildings. He asked the interim manager if she has identified some accounts.

Interim Manager Mitchell stated a resolution was prepared for adoption.

Trustee Ozman asked the attorney to advise the board on what the best way would be to pay for these items in terms of through a voucher system or what his recommendation would be?

Mr. Dowd stated that there is a comptrollers opinion which he has pulled out this afternoon that states there is no statutory authorization to turn public moneys over to private individuals or groups. There is a fundamental tentative municipal law that public moneys must remain in the care of the authorized custodian of those moneys until lawfully paid to claimants. It goes on to talk about a municipal government, its power to audit claims, so once you put this money into the parades and celebrations account it must stay there until its paid out by voucher by whomever and it has to be controlled by the Village Treasurer as to what is paid. Once the moneys are paid for products those products become the property of the Village of Walden and they will remain so until there is no further need or they are no longer any use to the village. You cannot buy something and then give it away. He's not to sure what is being purchased. There is the question as to who is going to put them up, where they will be put up and where they are going to be stored. The board has to understand that anything they purchase is village property and must remain village property.

Trustee Ozman asked if they could identify approximately \$1362.00 worth of items that the village could purchase.

Trustee Ryan asked if a two check payment system was permissible ?

Mr. Dowd stated that it is permissible for any number of ways of doing this. For instance, if the council were to purchase \$2600 or \$2700 and then the village could reimburse them for half of that through a claim , through the resolution the board is authorizing. The payment to be made as long as the value of the goods you are paying for become part and partial to the village and their property. The other possibility is if they have one supplier, they send their check and the village sends their check.

Trustee Ryan asked if the village could cut a check to the council?

Mr. Dowd stated yes, they could purchase everything and the village would purchase it from them.

Mr. Dowd asked if these were banners that go across the street?

Mr. Buckley stated that they will be on the owners buildings going out three and a half feet out from the building. There will be sixteen.

Mr. Dowd asked who will be installing them?

Mr. Buckley stated that Graphic Detail will be installing them.

Mr. Dowd asked if they will also remove them?

Mr. Buckley stated yes and the council will do the storage.

Mr. Dowd stated that they would be installing the banners on private buildings. You have to be careful how these are installed because there could be a liability if they come crashing down on some pedestrian, as to who owns the banners, who installed the brackets and who installed them properly. Its a mechanical thing that has to be worked out as to what they want to own and what they don't want to own and who is going to do the work. He asked who will remove the banners

Mr. Buckley stated that Graphic Design will be putting up new ones and taking down old ones. At all times they want something on the poles.

Mr. Dowd asked if the owners of the buildings understand that if a banner comes off their building and hits someone that they will be sued as well?

Mr. Buckley stated that they will be placed high enough so the kids can't jump up and hit them. The owners will be signing permission slips.

Mr. Dowd stated that the council might want to have the property owners check with their insurance carriers and find out if they do have something hanging from their building and it does fall are they covered.

Mr. Buckley stated that Maria and Millspaugh's said they would store some of the pieces.

Mr. Dowd stated that the only problem with that is if you allow private individuals to store the banners, suppose they are destroyed by fire, the village is entitled to put a claim in against that person to get the value of what they had stored. Second, suppose the person moves and they take the banners with them.

Mrs. Horan asked if they get a breakdown of what the hardware costs, plus what the banners cost could the village own the hardware that was remaining on the buildings and the committee own the banners?

Mr. Dowd stated that in regard to the banners hanging over the sidewalk, there is a policy in the village that has been around for awhile which states, any type of awning or overhanging sign over a village street requires every business owner to sign an indemnification agreement and provide a certificate of insurance protecting the village in case that sign comes crashing down in the wind.

Trustee Ozman suggested the village resolve to purchase the banners, and the books.

Mr. Dowd stated that the village can't buy the banners, because you're not going to store them.

Trustee Ozman stated that the village is not going to store them, but they can have ownership and solve the storage question. He feels resolving the storage question would be easier than resolving paying for the labor to install the items.

Mr. Dowd asked how much the labor was?

Mr. Buckley stated \$19.00 per banner. If the village pays the \$19.00 per banner for labor, because its a private individual putting them up, that is a possibility.

Trustee Ozman suggested the village pay for the installation of the banners and purchase the hardware for a total of \$928.00, purchase the books for \$472.50 which comes to \$1400.00.

Mr. Dowd stated that if the village is buying the hardware and the village is paying for it to be installed, that is fine, as long as the Village Board understands that they are accepting the liability for that hardware.

RESOLUTION NO. 8-96-97 BUDGET TRANSFER

Trustee Ryan moved to adopt Resolution No. 8-96-97 Budget Transfer, (attached) and authorized the expenditure of \$1400.00 for the banner brackets including installation and the coloring books. Seconded by Trustee Besdesky. All ayes. Resolution adopted.

EXECUTIVE SESSION

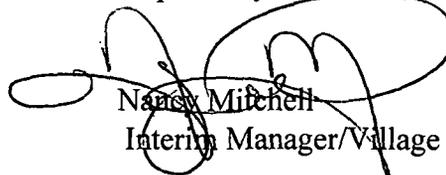
Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee Ryan moved to reconvene the special meeting. Seconded by Trustee Ozman. All ayes. Meeting reconvened.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee Besdesky. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Interim Manager/Village Clerk

RESOLUTION NO. 8-96-97
BUDGET TRANSFER

WHEREAS, the Walden Community Council Beautification Committee has requested funds for holiday decorations to be used throughout the Village,

WHEREAS, the Village of Walden Board of Trustees resolved at their July 9, 1996 meeting to match the committee's contributions up to \$2,000.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that the following transfer be approved.

GENERAL FUND

DECREASE	AMOUNT	AMENDED TOTAL
A1110.100 - Village Justice Personal Services	\$1,500.00	\$49,018.00

INCREASE

A7550.474 - Parades and Celebrations	\$1,500.00	\$ 2,416.60
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Motion to adopt by Trustee Ryan and seconded by Trustee

Brodesky. The vote was 5 ayes to 0 nays with 0 abstentions.

The Mayor declared the resolution adopted on November 6, 1996.

VILLAGE OF WALDEN
BOARD OF TRUSTEES
WALDEN, NEW YORK

PLEASE TAKE NOTICE that the Board of Trustees will hold a special meeting on Tuesday, October 29, 1996 at 7:00 PM at the Village of Walden Offices. The items to be considered by the Board at that time are as follows:

1. Appointment of Interim Village Manager
2. Appointment of Members to the Search Committee for the New Village Manager
3. Authorization to Proceed with Small Cities Program Grant Amendments
4. Municipal Building Renovation Project

DATED: October 22, 1996

Andrew Uszenski
Mayor

VILLAGE OF WALDEN
BOARD OF TRUSTEES
SPECIAL MEETING
OCTOBER 29, 1996

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 7:00 PM

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
John Ryan
Raynard Ozman
Chris Forman
Martin Besdesky
Roy Wynkoop

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

AUTHORIZATION TO PROCEED WITH SMALL CITIES PROGRAM GRANT AMENDMENTS

Trustee McGuckin moved to authorize the start of the RFP process to hire a grant administrator for the 1996 Small Cities Grant. Seconded by Trustee Ryan. All ayes. Motion carried.

The following were appointed to the committee to select a grant administrator: Trustees McGuckin, Besdesky and Mayor Uszenski.

Trustee Forman moved to authorize Kerron Barnes to initiate the required program amendment for the 1995 Small Cities Grant to enable the Village of Walden to utilize up to \$200,000 for the 11-17 Main Street project by reducing the number of housing units required under the original grant to enable the monies to be used for that project. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee McGuckin moved to authorize Kerron Barnes to continue discussions with HUD regarding the program amendment that will be required for the 1996 Small Cities Grant to reflect

the change in the project from 24 units down to 16 units to determine what the best course of action would be to take for the village to retain the grant that has been awarded to the village. Seconded by Trustee Besdesky. All ayes. Motion carried.

APPOINTMENT OF INTERIM MANAGER

Trustee Besdesky moved to appoint Nancy Mitchell as Interim Manager until a permanent person is hired to the position with a salary increase of \$200.00 per week. Seconded by Trustee Forman. All ayes. Motion carried.

SEARCH COMMITTEE

Trustee Ryan moved to appoint Trustees McGuckin, Ozman, Mayor Uzenski, James Rahm, Greg Raymondo, June Garcia, Ide Cantwell, John Howland, Dave Cocks and Tony Marengelo to the Search Committee. Seconded by Trustee Wynkoop. All ayes. Motion carried.

EXECUTIVE SESSION

Trustee Forman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Craig Maslik, Clerk of the Works and Village Clerk Nancy Mitchell were invited to attend. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Ozman moved to reconvene the special meeting. Seconded by Trustee Besdesky. All ayes. Motion carried.

ARCHITECTURAL SERVICES - MUNICIPAL BUILDING RENOVATION

Trustee McGuckin moved to authorize payment of \$1000.00 per month to Liebman - Hurwitz and Associates as of September 1, 1996 as long as the project continues. Payment is under protest with full reservation of contractual rights of the Village of Walden. Seconded by Trustee Forman. All ayes. Motion carried.

SPECIAL MEETING

Trustee Ryan requested a special meeting on Wednesday, November 6, 1996 at 7:00 PM for the Walden Community Council Beautification Committee. This will be the initial start up of public funds being used in conjunction with their funds for the enhancement of the downtown area and other areas for

the holiday seasons.

Trustee Ozman stated that they also have to know how to make payments and they have to discuss the ownership and storage of the items. They will have to identify which accounts the money will come out of. He asked the clerk to identify the source where they can obtain funds for the community council.

Trustee Ozman moved to hold a special meeting on Wednesday, November 6, 1996 at 7:00 PM to discuss the Walden Community Council Beautification Committee and an update of the Municipal Building renovations. Seconded by Trustee Besdesky. All ayes. Motion carried.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee McGuckin. All ayes. Motion carried.

Respectfully submitted,

Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, October 22nd, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Proposed Local Law I-3 To Permit Day Care Centers
 - A.2 Resolution No. 6-96-97 Budget Amendment
 - A.3 Payment of Audited Bills For October 22nd, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 City of Middletown Recycling and Ethanol Production Facility
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Orange County Re: One Week Sales and Use Tax Exemption
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 1

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
OCTOBER 22, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 PM.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Chris Forman
Raynard Ozman
John Ryan
Martin Besdesky
Roy Wynkoop

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of October 3rd and October 8th, 1996. Seconded by Trustee Ozman. All ayes. Motion carried.

INTRODUCTORY LOCAL LAW I-3 OF 1996 TO PERMIT DAY CARE CENTERS

Mayor Uszenski informed the board that the village received a report from the Orange County Planning Department which states that there are no significant concerns to bring to the villages attention.

Trustee McGuckin moved to adopt Introductory Local Law I-3 of 1996, "Amending the Zoning Code of the Village of Walden to Establish Day Care Centers as Special Exception Uses Within the Village and to Provide Regulations for Such Uses, as Local Law No. 4 of 1996. Seconded by Trustee Ryan. All ayes. Motion carried.

RESOLUTION NO. 6-96-97 BUDGET AMENDMENT

Trustee Ozman moved to adopt Resolution No. 6-96-97, Budget

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 2

Amendment, (attached). Seconded by Trustee Forman.

Trustee Ryan asked about the time table for Woosters Grove?

Manager Kelly stated that the wood is to be here the end of this week, for the fencing. The park maintenance worker and beautification worker along with dpw will be doing the installation of the rail and fence. Once that is in place they can open up the lot and have it for the winter. The grading should be done this fall too.

Trustee Ryan asked about what will be left to be done?

Manager Kelly stated the top course, striping, and any beautification of the area.

All ayes. Motion carried.

Mayor Uszenski asked about the Pond Road park?

Manager Kelly stated that the village was bringing the top soil in and they graded off some of it. He will ask the superintendent of public works where they are with that.

AUDITED BILLS

Trustee Ryan moved to pay the audited bills of October 22, 1996. Seconded by Trustee Besdesky.

Trustee Ozman asked about the courtesy on the Vincent Toomey bill of .4 hours for \$60.00, what is that in reference to?

Manager Kelly stated that Mr. Toomey has historically provided a certain courtesy when his associate performs work. That is not something that the village has done for the first time.

Trustee Ozman asked that the courtesy be acknowledged.

All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATION PROJECT

Manager Kelly stated that there was a job meeting today, which was the first in several weeks. The purpose of the meeting was to have the bonding company give the village an update. The village has the first draft of the takeover agreement which the manager and village attorney will be

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 3

reviewing. That in essence would if signed make the bonding company the general contractor to complete the work and the village would agree to pay the bonding company the balance of the amount of money that is being held in retainage as well as substantial completion. There is no completion date scheduled as of now for several reasons. One being the issue of the carpeting has to be reordered for the entire building which could have a six week lead time. There is no painter on the job. There is a serious question as to whether or not the exterior of the building can be done before the spring. There is very little work progressing. There have been some doors installed. There is one laborer from the bonding company doing miscellaneous work and repairs. The architect has issued rejection letters on the low E glass and rejection letters on the carpeting and there are other items the village is waiting for. The clerk of the works has resigned effective November 1st. The village will be looking for an alternative way to staff the job through the completion.

CITY OF MIDDLETOWN RECYCLING AND ETHANOL PRODUCTION FACILITY

Mr. Dowd stated that he spoke to Mr. Webster about the resolution they submitted and because they represent other municipalities, Mr. Webster said they would work together to come up with a resolution which would satisfy their needs but also the villages needs and concerns and once they did one it would be a master for others. They hope to have the resolution ready for the next meeting.

Mayor Uszenski stated that he spoke to Carl Helstrom and he is asking for the mayor and the mayors from Maybrook and Montgomery to meet to consider a Town of Montgomery level garbage collection/recycling.

REQUEST BY POLICE CHIEF

Manager Kelly stated that Chief Holmes is requesting to hire additional police officers to help with scheduling. Orange County as well as other counties is strictly enforcing the states civil service rules which requires that a part time employee cannot work more than twenty hours a week. This creates difficulties at times because depending on how the schedule falls we have some people who are available more often than others and you tend to burn those people out in terms of the number of hours they can work. If you don't have the hours available then you end up with an overtime situation for the full timers. We would like to continue to have an adequate pool of part time officers in order to fill

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 4

the shifts without overtime. We currently have fifteen part time slots and the chief is requesting authorization to go to nineteen. The only cost to the village would be if they are in training we pay them the forty hour requirement, there is also a \$150.00 clothing allotment and an annual \$250.00 clothing allowance. There are several interested candidates.

Mayor Uszenski asked when the year ends?

Manager Kelly stated January 1st starts a brand new year.

Trustee Besdesky moved to authorize the manager to contact Orange County Personnel Department to increase the part time police officers slots from 15 to 19. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Ryan asked if the manager had a chance to analyze the current budget to see if this will work?

Manager Kelly stated that in terms of the personnel services cost the department still will feel the same number of hours. The scenario is the more part timers the department has the less it will cost because they will be using part timers instead of full timers on an over time basis. Having part timers will reduce the overall personnel services cost, except for the clothing allowance.

SENIOR HOUSING ZONING

Mayor Uszenski asked where the village is with the zoning for senior housing?

Mr. Dowd stated that its before the planning board for their review and they will be discussing it at their worksession.

ORANGE COUNTY, ONE WEEK SALES AND USE TAX EXEMPTION

Mayor Uszenski stated that Orange County wants the villages support for the one week sales and use tax exemption.

Trustee Ryan moved that the Village of Walden Board of Trustees are in support of the one week sales and use tax exemption, (attached). Seconded by Trustee Forman.

Trustee Ryan asked that the village get some sort of official count from the county as to the results.

All ayes. Motion carried.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 5

FURNITURE REQUEST

Manager Kelly stated that the board has tabled the request for authorization to purchase furniture when the new building is renovated. We don't have enough existing furniture. Chief Holmes is concerned since he will be the first available to move into the new area. He doesn't have shelving, desks and chairs for the new officers. The furniture he has to order is a four to six week lead time which coincides with when the first floor will be available. The other item for the boards consideration is the New York State contract that we were going to buy the desks from expires at the end of the year.

Trustee Ozman asked if there will be a problem with storage?

Manager Kelly stated that is his concern. If the authorization is given by the board then we can coordinate a delivery date. The money is in the budget.

Trustee Ryan suggested that village lease tractor trailer storage.

Manager Kelly stated that he would be concerned with storing stuff outside in the winter.

Trustee Ryan stated that they are sealed containers.

Trustee Besdesky authorized the purchase of furniture for the police department and office. Seconded by Trustee Forman.

Manager Kelly stated that he asked the chief to find out if they could build and hold. As long as the board gives the authorization the village can hold off on the ordering as long as possible.

All ayes. Motion carried.

PUBLIC PORTION

Becky Pearson, 157 Walnut Street asked when trick or treat was?

Mayor Uszenski stated October 31, 1996 6pm-8pm.

Mike Buckley, 65 Capron Street stated that he is here for the Walden Community Council Beautification Committee. They were

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 6

told that there were funds allocated for decorating for the holiday season. He asked how they go about obtaining that money?

Trustee Ozman stated that he was at the last beautification meeting and what was discussed at that meeting was that there was a discussion of this board at which time Trustee Ryan suggested that the village might be in a position to match funds that were gathered by the community for holiday decorations, up to \$2,000. When he was at the beautification meeting the question arose as to where the funds might come from, he suggested that there may be \$3,000 available in the beautification account here in the village. He didn't know what was available in that account. He asked if the merchants have accumulated any funds?

Mr. Buckley stated that Mrs. VanLeuwen has the funds. He asked what they need to provide, and how can they do this quickly to purchase the decorations?

Trustee Ryan stated that he did make the proposal and it was in the form of a motion. Mrs. VanLeuwen was to get back to him. He was to be the contact between that committee and the village. He has yet to get a phone call.

Mr. Buckley stated they plan to put banners on the buildings. They are looking at a ten year performance on them. They would like to put some wreaths on the municipal building. They figure on spending \$2900.

Trustee Ozman asked if a proposal could be prepared as to what the council suggests to do in terms of the items, where they will be placed and what they are. Also, to provide the village with the amount that has been raised. They also need to know what the time frame is for ordering the items.

Mr. Buckley stated that right now they are looking at two or three weeks to get the materials and have them custom fabricated for the village which will take a week.

Mayor Uszenski stated that if the board has to they will call a special meeting.

Mr. Dowd stated that the village has the right to pay for decorations for the village. The ownership has to be the village and the monies have to be accounted for and properly accounted for as to where they are going and what they are being expended on, into a voucher system. The council is not

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 7

an official village committee, the beautification committee is. That is the only way the village can spend that money and to supplement this money is to own the decorations. The problem with having them privately stored is that depending who has access to them, they may not end up going up the next year. That is something the board has to consider.

Trustee Ozman stated that to further this as quickly as possible the board needs to know where those items are coming from, the cost, get proposals from each distributor, the items to be purchased with the matching funds have to be purchased through the voucher system through the village, they have to be village property and we have to come to terms of where the villages portion of the property will be stored.

Manager Kelly suggested the more delicate items be stored by the committee.

James Rahm, 17 Highland Avenue stated that he is here to address the board on the job opening of the village manager. He has talked to several people and understands that there is a stiff qualification of a college graduate. He thinks they should add to that job spec, experience. There are a lot of people here in Orange County, specifically in this area, that are out of work, or are qualified to run this village without having a college degree. It comes to his attention that the last three village managers left the village within three years. The mayor has stated in the papers that its a training ground for bigger and better things. He thinks the village should start looking at people that have run businesses or have been municipal, governmental managers and do not have a degree and live in the area who will devote there time to Walden and keep it going. There are a lot of people in this area that are qualified for this job. He would like to see the village offer the job to Mrs. Mitchell before they go any further. She has the experience to do this job and he feels she's the best qualified to run this village under a fair basis that everybody can come in state their problem and get a result in a timely manner. She is the one he does respect in the office. If she doesn't accept it there are other people in the community that are qualified to do it and live here for more than three years.

Larry Sager, 78 Orchard Street asked if there would be a problem with insurance hanging the decorations off the buildings? Awnings need insurance.

Mayor Uszenski stated that they will look into that.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 8

Mr. Sager asked if it would be wise to look at the police department and question why four more part time officers, besides the hours, why are they needed?

Paul Roosa stated that he is here for the Walden Community Council. He is involved in the government relations end and they were hoping that the board could make a proposal so they could get a gratis copy of the minutes after every meeting.

Mayor Uszenski advised Mr. Roosa that the minutes are approved at the following meeting. They would be receiving a draft.

It was the consensus of the board to supply the Walden Community Council with a gratis copy of the minutes.

Trustee Ozman asked that the council make their minutes available to the village.

Mr. Roosa stated that in the past there has been village residents, businessmen who have helped in the selection of the village manager and he knows the community council is interested in taking part in that too.

Mayor Uszenski stated that anyone who is interested should send a letter to the search committee. The mayor asked that the previous committee members be contacted to see if they would be interested.

Greg Raymondo, 240 Orange Avenue asked about stump grinding, is the village. When are they going to be doing it? There are four large stumps on Valley Avenue that need to be done.

Manager Kelly stated that they are out today and they will be out tomorrow too.

Trustee Ryan stated that the gentlemen from DEC requested that when new stumps are ground that they are ground down to sixteen to eighteen inches, so when new trees are planted that space is vacated and the ground will be soft.

Manager Kelly stated that he will find out how deep the machine will take them. Another issue is do you put a tree back over where the old tree was.

Mayor Uszenski stated that if you don't grind it down to a certain point, as it rots its makes a void and collapses and then you have a depression.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 9

Becky Pearson asked what the responsibilities of the clerk of the works are and what does his job entail?

Mayor Uszenski stated that the clerk of the works is a temporary village employee who receives a salary. His job is strictly to watch and supervise the construction of that building.

Mrs. Pearson stated then he has an eight hour a day shift, so he should see things being done wrong to begin with.

Mayor Uszenski stated that its not necessarily an eight hour shift, it has been longer.

Manager Kelly stated that the Village of Walden is actually the general contractor on this job and under state law you have to have four separate contractors to do the work, each of whom are working for themselves. The village has to coordinate all the different trades and to assume the job as general contractor, not to do the work, but to make sure the work gets done, and to coordinate and oversee and make sure the quality is there. The clerk is the on site employee throughout the project. Without the clerk of the works you would be at the mercy of each contractor who may or may not be doing things according to spec and would be hitting the village up for change orders for delays. The clerk of the works is a position that in the long run should save the village money in terms of cost overruns and quality assurance. We've had a full time clerk of the works since the job has started and now that it is 80% done there is still a lot of work to be done. The board will be talking about options from this point forward. The qualifications are someone who is fluent in the construction trade, and experienced in all facets of construction, from electricity to plumbing, HVAC and general carpentry as well. So they have to see what work is being done and know whether or not it is being done right and if its not being done right they have to alert the architect and the architect has to disavow the work as not meeting spec.

Mrs. Pearson stated that if the clerk of the works was there doing what he was suppose to be doing, why is there so much wrong, such as the carpet and the cement which nothing was said until it was all done. Why did they let it get so far out of hand?

Manager Kelly stated that the clerk doesn't order anything and the only reason we found out about the carpeting was when

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 10

it was delivered the village requested to see the specifications so we knew what we were getting what we paid for. We then had the architect reject it and it had to be reordered. The clerk is there to monitor what is being done. The means and methods of construction are strictly up to the contractor. The architect has control over the quality of the job, as well as the specifications and the clerk of the works is the eyes and ears on the job to make sure its being done properly.

Mrs. Pearson stated that she doesn't understand why there are so many problems if the clerk is the supervisor of the job.

Manager Kelly stated that the problems were with one of the four contractors, which had nothing to do with the village.

Jim Rahm stated that in regard to the village manager position, if the board is not going to meet until November 12th and the deadline for resumes is October 28th then no action will be taken on his suggestion of making an equivalent to a degree. He pointed out that the best manager in this whole area is Carl Helstrom and he doesn't have a degree. He would like to see a Carl Helstrom run this village.

Mayor Uszenski advised Mr. Rahm that he can make a request to the board and the board can decide how they want to go about this.

Mr. Rahm stated that he is making a request to the board.

Trustee Ozman stated that the ad said a minimum of two years experience.

Mr. Rahm stated that he is asking that the masters degree be removed.

Mayor Uszenski stated that they will take it under advisement.

Trustee McGuckin stated that the selection committee weeds through the resumes as they come in. You don't have to have the minimum requirements and if there is something that flashes in front of someones eyes and they say this guy has massive experience and say a Carl Helstrom wanted to go for this position that would be something the committee would consider.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 11

Mr. Rahm asked if people will submit an application for the job without that known to that person?

Manager Kelly stated that he has reviewed the initial applications that were submitted and eighteen have been received and three of those meet the prerequisite in the ad. Anyone can apply.

Larry Sager stated that in regard to the municipal building what windows aren't to standard?

Mayor Uszenski stated the front windows, first floor.

Mr. Sager asked how these things are getting put in place and no one is watching the specs?

Mayor Uszenski stated that unfortunately its not the way the system works, we have to go back after it is done wrong and correct it.

Manager Kelly stated that unless its a code violation you have no authority to stop the work.

Mr. Sager asked where the architect is when it comes to looking at the specs on the materials?

Manager Kelly stated that they put a number of things in the building that aren't marked. There is no paper work and then you tell them that we won't pay them on their requisition until they provide the documentation. When the documentation is provided its determined if it meets spec and if it doesn't they have to replace it and they don't get paid for it.

Mr. Sager suggested that in the coming contract to put in no specs, no installed.

Trustee Ryan stated that a check list on materials for the job is done prior to the job. You get cut sheets, you get specifications from their suppliers. Since we are a public entity they have the ability to have an or equal. You have a spec sheet that is given to you six months prior to those windows going in and the windows show up, from all appearances they are the same windows until you ask the question again, I want to see a manufacturers spec sheet on them and that is when it gets picked up. There is no cost to the village because they have to replace it at their own cost.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 12

Mr. Sager asked if the village is buying all new furniture?

Manager Kelly stated that we are reusing what we have, that is not broken and we are buying new supplement of what we need.

Mr. Sager stated that it would be nice to have Orchard Street finished.

Manager Kelly stated that the reason it wasn't finished was the village tried to have a smaller curb mold made to have a less extrusive asphalt curb on more of the streets that would blend in more with the landscaping. They built the smaller mold and it wouldn't work. They built a different mold and it wouldn't work. The manufacturer suggested an entire new assembly. They are ordering that. They will be putting the driveways back in.

Mr. Sager asked if the drain by St. Andrews Church could be fixed?

Manager Kelly stated he will talk to Walt.

Mr. Sager asked if the hydrant on W. Main Street was fixed?

Manager Kelly stated that he will find out.

REPORTS - COMMITTEE

Trustee Wynkoop stated that a gentleman was at a board meeting regarding his house on Pine Street. He went down there the other day and two cars cut across the sidewalk. There is nothing there and if a child was on the sidewalk he would have gotten run over.

Trustee Ozman stated that the sidewalk extends too far out in that area. He suggested the last section come out and curb that area.

Manager Kelly stated that they talked about putting up a stop sign or yield sign there as opposed to the curb.

Trustee Besdesky asked if the village was having leaf pick up?

Manager Kelly asked if the board would like the village to do leaf pick up the whole month of November?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 13

Trustee Besdesky moved to schedule leaf pick up throughout the village for the whole month of November. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Forman asked about the Highland Avenue bridge?

Manager Kelly stated that Mr. Helstrom informed him that the state has approved the transfer and they are going to do it. He wasn't given a date.

Trustee Ryan asked if the unsafe building process has begun?

Manager Kelly stated that there were notices mailed and Mr. Stickles gave the board a copy of a memo. He will have an update.

Trustee Ryan stated that there is an oversized real estate sign at the Thruway Market. That is the second one.

Trustee Ryan stated that the municipal building has the old fire pull on the outside of the building. The mayor had a concern about leaving it up that someone might think its an active fire pull. He asked Mr. Maslik to get a price from the electrician to have it wired into the building and he said it would be a couple hundred dollars. He thinks it would be nice to keep it on the outside of the building.

Manager Kelly stated that the price he received was \$1800.00. He asked for the fire pull to be taken off the building.

Trustee McGuckin stated that the Route 208 corridor project, which is complete, inconvenienced a lot of people.

REPORTS - MAYOR

Mayor Uszenski stated that there are off premise real estate signs on East Avenue and other properties. He would like the police notified and have them remove them.

Mayor Uszenski stated that Most Precious Blood School is going to be requesting a stronger light in front of their sidewalk area on Ulster Avenue. He's noticed many street lights are dim. They should be surveyed.

Manager Kelly stated that he's already talked to the police chief about doing that. NYSEG does have an upgrade program and the village is on it.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
MINUTES OF OCTOBER 22, 1996 - PAGE 14

EXECUTIVE SESSION

Trustee Forman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee McGuckin. all ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Wynkoop. All ayes. Motion carried.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee Forman. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

RESOLUTION NO. 6-96-97
BUDGET AMENDMENT

WHEREAS, monie is needed for improvements that were made to Wooster's Grove Park.

WHEREAS, parkland monies are available in the Trust and Agency Account.

NOW, THEREFORE, BE IT RESOLVED, by the Village of Walden Board of Trustees that \$18,427.00 be transferred from the Trust and Agency Account, T37, Parkland Deposits to the General Fund as follows:

<u>INCREASE</u>		<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A2087	Recreation Department Income	\$18,427.00	\$25,127.00
A7110.452	Park Maint.-Wooster's Grove	\$18,427.00	\$21,427.00

Motion to adopt by Trustee Czoman and seconded by Trustee Polman.

The vote was 7 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on October 22, 1996.

RESOLUTION of Village of Walden
(City or County)

To Enact

One-Week Sales and Use Tax Clothing and Footwear Exemption

Be it enacted by the Board of Trustees
(proper title of local legislative body)

as follows:

Section one. Receipts from sales of and consideration given or contracted to be given for purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph 30 of subdivision (a) of section 1115 of the tax law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

Section two. This resolution shall take effect immediately and shall apply to sales made and uses occurring during the period commencing January 18, 1997, and ending January 24, 1997, although made or occurring under a prior contract.

On motion by Trustee Ryan and Seconded by Trustee Forman. The mayor declared the resolution adopted on October 22, 1996.

OCTOBER BILL LIST - OCTOBER 22,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-472	AIR POWER HOUSE, INC	937.30
A-473	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-474	ALFI'S INIFORMS, INC.	91.98
A-475	ALKIT PRO CAMERA	584.00
A-476	AL VALK'S GARAGE	60.00
A-477	AMTHOR'S WELDING	170.00
A-478	AMTHOR'S WELDING	79.86
A-479	BELL HERRING ,INC.	33.00
A-480	BELL HERRING ,INC.	157.50
A-481	BOBKER BEARINGS	62.14
A-482	CARGILL, INC.	18,072.79
A-483	CHAMBERS FORD TRACTOR SALES	197.00
A-484	CHERRY TIRE SERVICES	49.95
A-485	COUNTRY HARDWARE	482.35
A-486	COUNTRY HARDWARE	26.82
A-487	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,166.66
A-488	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	735.00
A-489	DEMPSEY STEEL PIPE CO., INC.	26.00
A-490	AUTOMOTIVE BRAKE CO.	9.04
A-491	ENVIRONMENTAL PAPER TOWEL SERVICE	150.30
A-492	GALL'S	196.87
A-493	GALL'S	127.89
A-494	GEO ELECTRONICS	132.00
A-495	GEORGE'S AUTO PARTS	320.79
A-496	GEORGE'S AUTO PARTS	63.81
A-497	HUDSON VALLEY LEISURE SERVICES ASSOC.	15.00
A-498	JIM SMITH CHEVY	229.38
A-499	JOHN T REARDON	1,234.44
A-500	THE LAWYERS CO-OPERATIVE PUBLISHING	12.50
A-501	LENNON KEN	107.26
A-502	MAYBROOK MATERIALS, INC.	350.01
A-503	MID HUDSON COMMUNICATIONS	200.50
A-504	MID HUDSON COMMUNICATION	90.25
A-505	MITCHELL NANCY	53.00
A-506	MT ELLIS	155.03
A-507	NEWBURGH STEEL	56.15
A-508	NYCAL INDUSTRIES	73.76
A-509	PAGE NY	25.00
A-510	QUILL	86.83
A-511	R.C.CHATHAM	150.00
A-512	R.DEE'S AUTO TOP & TRIM SHOP	70.00
A-513	ROBERT GREENS	247.96
A-514	SARJO INDUSTRIES	254.91
A-515	SARJO INDISTRIES	57.13

OCTOBER BILL LIST - OCTOBER 22,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-516	SARJO INDUSTRIES	46.67
A-517	THRUWAY SHOPPING CENTER	161.60
A-518	THRUWAY SHOPPING CENTER	101.56
A-519	TIMES HERALD RECORD	277.20
A-520	TIMES HERALD RECORD	48.96
A-521	WALDEN AUTO SUPPLY	49.53
A-522	WALDEN AUTO SUPPLY	25.33
A-523	WALDEN SENIOR CITIZEN	600.00
A-524	WICKES LUMBER	309.54
A-525	WEINER JAN	30.00
A-526	COUNTRY HARDWARE	56.00
A-527	WICKES LUMBER	7.36
A-528	GEORGE'S AUTO PARTS	44.00
A-529	GEORGE'S AUTO PARTS	187.70
A-530	GEORGE'S AUTO PARTS	86.99
A-531	FIRESTONE TIRE SERVICE	54.80
A-532	FIRESTONE TIRE SERVICE	1,113.40
A-533	HOWLAND JOHN	30.76
A-534	AGWAY PETROLEUM CORPORATION	508.38
A-535	AGWAY PETROLEUM CORPORATION	455.82
A-536	ANACONDA KAYE	156.88
A-537	AMTHOR'S WELDING	454.63
A-538	BEN FUNK, INC.	161.51
A-539	CORNELL UNIVERSITY	40.00
A-540	DAN THE TREE MAN	3,275.00
A-541	JIM SMITH CHEVY	402.64
A-542	MEDIEVAL TIMES	980.00
A-543	RAMADA INN	300.00
A-544	VINCENT TOOMEY, ESQ.	1,607.75
A-545	INTERMEDIA DESIGN SYSTEMS, INC.	175.00
		<hr/>
		41,165.42
		<hr/>

OCTOBER BILL LIST - OCTOBER 22, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-53	COUNTRY HARDWARE	127.16
F-54	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	416.67
F-55	DEMPSEY STEEL	89.90
F-56	ENVIROTEST LAB	3,970.00
F-57	ORANGE COUNTY LAB	150.00
F-58	PAGE NY	6.75
F-59	SCHMIDT'S WHOLESAL	413.70
F-60	SURPASS CHEMICALS	566.85
		<u>5,741.03</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-58	ENVIROTEST LAB	625.00
G-59	DRAKE, SOMMERS, LOEB; TARSHIS & CATANIA	416.67
G-60	COUNTRY HARDWARE	18.08
		<u>1,059.75</u>

CAPITAL ACCOUNT #37	FEDERAL BLOCK ROAD PROGRAM	17.52
CAPITAL ACCOUNT #82	IPPCO, INC. MUNICIPAL BLDG	550.00
CAPITAL ACCOUNT #53	WICKES SIGNS & SIDEWALKS	216.92
SMALL CITIES 92	PETRIZZO TRUCKUNG, INC. CL & EJ GRIDLEY RENT / NOV 1996	5,725.00 971.48

OCTOBER BILL LIST - OCTOBER 22, 1996

PERPAID BILLS

GENERAL FUND

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	527.00
	FRONTIER COMMUNICATIONS	95.82
	FRONTIER COMMUNICATIONS	311.12
	FRONTIER COMMUNICATIONS	42.06
	FRONTIER COMMUNICATIONS	98.94
	FRONTIER COMMUNICATIONS	194.03
	FRONTIER COMMUNICATIONS	284.83
	CHAMBER OF COMMERCE	25.00
	POSTMASTER	600.00
		<u>2,178.80</u>

WATER FUND

VOUCHER

VENDOR

AMOUNT

	FRONTIER COMMUNICATIONS	51.98
	FRONTIER COMMUNICATIONS	133.38
		<u>185.36</u>

SEWER FUND

VOUCHER

VENDOR

AMOUNT

	FRONTIER COMMUNICATIONS	97.39
	NYSEG	86.52
		<u>183.91</u>

VILLAGE OF WALDEN
BOARD OF TRUSTEES
WALDEN, NEW YORK

PLEASE TAKE NOTICE that the Board of Trustees will hold a special meeting on Thursday, October 3, 1996 at 7:00 PM at the Village of Walden Offices to discuss the employment agreement of the Village Manager. After convening the meeting, the Board will adjourn into executive session to further discuss the matter with the Village Manager.

DATED: October 2, 1996

Andrew Uszenski
Mayor

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING
OCTOBER 3, 1996

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 7:00 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
John Ryan
Raynard Ozman
Martin Besdesky
Chris Forman
Roy Wynkoop

Also Present: John Kelly, Village Manager

EXECUTIVE SESSION

Trustee Besdesky moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee McGuckin moved to reconvene the special meeting. Seconded by Trustee Ryan. All ayes. Meeting reconvened.

ADJOURNMENT

Trustee Wynkoop moved to adjourn. Seconded by Trustee Ozman. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, October 8th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 1996 Small Cities CDBG Funding Approval/Agreement
 - A.2 Authorization To Exceed \$10,000 For Small Cities Projects (2)
 - A.3 Public Hearing On Local Law I-3 To Permit Day Care Centers
 - A.4 Resolution No. 4-96-97 Supplemental Library Appropriation
 - A.5 Res. No. 5-96-97 Tax Exemption For Village Water Supply
 - A.6 Encroachment Agreement For 100 W. Main Street
 - A.7 Payment of Audited Bills For October 8th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 Request For Zoning Amendment To Permit Senior Housing
 - B.3 City of Middletown Recycling and Ethanol Production Facility
 - C. INFORMATIONAL ITEMS
 - C.1 Fall Schedule For Recycling Center Leaf and Brush Disposal
 - D. CORRESPONDENCE
 - D.1 Conference of Orange County Villages
 - D.2 Town of Montgomery Chamber of Commerce
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996**

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
John Ryan
Raynard Ozman
Martin Besdesky
Chris Forman
Roy Wynkoop

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of September 24, 1996 with the following corrections: page 18, first paragraph change objectives to objective in the fifth sentence and was to were in the seventh sentence. Seconded by Trustee Forman. All ayes. Motion carried.

RESOLUTION NO. 4-96-97 SUPPLEMENTAL LIBRARY APPROPRIATION

Mayor Uszenski stated that this is the resolution the board asked the manager to prepare which is to be sent to the library board for approval.

RESOLUTION NO. 5-96-97 TAX EXEMPTION FOR VILLAGE WATER SUPPLY

Trustee Ozman moved to adopt Resolution No. 5-96-97 Tax Exemption for Village Water Supply, (attached). Seconded by Trustee McGuckin. All ayes. Motion carried.

ENCROACHMENT AGREEMENT FOR 100 W. MAIN STREET

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 2

Trustee Ozman moved to approve the encroachment agreement for 100 W. Main Street and to authorize the mayor to sign such agreement. Seconded by Trustee Besdesky. All ayes. Motion carried.

AUDITED BILLS

Trustee Forman moved to pay the audited bills of October 8, 1996. Seconded by Trustee Ozman.

Trustee Ryan asked about the bills from ADCO, has the village ever gotten cost comparisons?

Manager Kelly stated that ADCO has been the village electrician for a number of years and uses them because of their availability in emergencies and ADCO has stood by everything they've done. The village has not gotten other proposals. If the boards wants to get comparisons they could.

All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATION PROJECT

Craig Maslik, Clerk of the Works stated that there has been no progress in the last two weeks. He's extremely dissatisfied with the conditions at the municipal building in that there are not adequate measures taken to make effective progress.

We have to start going through the contracts and see what our options are.

Trustee Ozman asked that this be taken up in executive session.

Manager Kelly stated that the village does not have a draft takeover agreement prepared for tonight. Mr. Adler may have that available for Thursdays job meeting. The board may want to set a special meeting to take that issue up and discuss that at that time. Prior to the take over agreement we are proceeding on a more informal basis since the village terminated RBI's contract. The village is now negotiating with the surety company on a takeover. There is very little action the board can take right now pending that draft being presented.

Trustee Ozman stated that he would like to discuss if the

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 3

surety is acting in good faith and if in fact he is taking what is a reasonable time to prepare the draft agreement. We could probably prepare it on the villages end.

Manager Kelly stated that Mr. Adler had sent the village a sample agreement and he had anticipated the first draft by the end of last week. The manager had not gotten it yet. He hopes to have it for Thursdays job meeting. The village wanted to have the job meeting today in order to have an up to date report in terms of where they are. The alternate carpet that is available for the police department does not meet specifications. Without a signed agreement and without schedules the village is in the same position they've been in.

PUBLIC HEARING - INTRODUCTORY LOCAL LAW I-3 OF 1996, DAY CARE CENTERS

Mayor Uszenski read the notice of hearing and presented the affidavit of publication and affidavit of posting notice. The only change from the original draft was the addition of Section E, which states wherever site conditions permit the planning board shall require facilities to provide off street passenger discharge areas or other suitable accommodations to insure safety.

Mayor Uszenski further stated that the village hasn't received a response back from Orange County Department of Planning. The board did receive a letter back from the planning board which states, this memo is in reference to local law I-3 of 1996 as it pertains to Day Care Centers. This local law was discussed by the Planning Board at the October 7, 1996 meeting, and by a 4-0 vote with one member absent, the planning board recommends to the village board passage of this local law with the following concerns being taken into consideration: A. outdoor lighting shall be directional and adequate to light outside area, B. that this local law not affect the current Walden Day Care Center and its operations.

Larry Sager, 78 Orchard Street stated that he went to the planning board meeting last night and this law only effects on place in this whole village. He's lived behind the day care center for eighteen years and he's never had any complaints about it. His complaints have been about the church. He doesn't see a need for this code.

Mayor Uszenski stated that the point of this law is to make

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 4

the day care center legal. Its not to hurt anybody.

Mr. Sager stated that the church will take no interest in upscaling whatever is needed for that day care center and that day care center is not a rich organization.

Mayor Uszenski stated that he didn't hear they would have to change anything, they conformed to all the state laws.

Mr. Sager asked, then why is the village passing this local law? You're wasting taxpayers money.

Bob Lamancuso, 33 Gladstone Avenue asked if this law is being passed to legitimize the day care center to cover the fact that they are receiving funds from the village, would this make funds available for other day care centers that open up in the village?

Mayor Uszenski stated that would be up to the village board.

Trustee Wynkoop stated that would be decided on an individual basis and they would have to be non profit.

Mayor Uszenski further stated that its not because the village gives money to the day care center its to allow this within the village with the exception of the trailer park.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee McGuckin.

Trustee Ozman stated that in regard to the letter from the planning board stating that they would endorse this with two provisions, one being that the local law does not effect the day care center currently in existence in the village, that the village gives funding to. One of the reasons for passing the local law was so that the day care center was legitimized. His understanding was also that the day care center would have to come before the planning board in essence to be a legal entity within the village once the law is passed. His comments go to the fact that he doesn't want there to be a misunderstanding between the village board and the planning board because the day care center will in fact have to take certain steps to become a legal entity in the village and he would like that made known to the planning board.

Manager Kelly stated that he was at the meeting last night and they may not have to come before the planning board. If

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 5

they can provide documentation which proves they were in operation prior to 1968 they will not have to come in front of the planning board.

All ayes. Motion carried.

Trustee Ryan moved to declare the Board of Trustees lead agency of an unlisted, uncoordinated action and issue a negative declaration under SEQRA in regard to Introductory Local Law I-3 of 1996, "Amending Chapter 148 of the Code fo the Village of Walden Entitled "Zoning" to Establish Day Care Cneters as Special Exception Uses Within the Village and to Provide Regulations Related to Such Uses. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Ryan moved to waive all planning board and/or zoning board fees for Walden Day Care Center. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Besdesky moved to table action on Introductory Local Law I-3 of 1996 until a response is received from the county planning department. Seconded by Trustee Ryan. All ayes. Motion carried.

1996 SMALL CITIES CDBG FUNDING APPROVAL/AGREEMENT

Kerron Barnes stated that the approval letter indicated a number of conditions that would have to be met. We have to develop a housing affordability agreement with the developer, the developer has to give firm financial commitments from the two institutions and explain any tax indication. An environmental assessment also has to be done for the project. An amendment to the 1995 grant has to be done and since this letter was written by HUD as the planning board was finishing its action on the project HUD was basing its approvals on 24 units and now it will be 16. He started discussions with HUD on how the village would approach an amendment to this grant. We may have to find eight units somewhere else in the village, a similar type building that would have to be turned into senior housing. The next step would be to convene the committee on this project and review these steps and proceed from there. There is another provision which requires the village to have a locally developed subsidy guidelines to use when there are home funds involved in a project like this. He has learned that the county has approved this project for \$100,000 in HOME money which would assist ten of the units.

Trustee Ozman asked if the requirement to maintain

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 6

appropriate documentation for the project, does that fall on the village or the developer or both?

Mr. Barnes stated that the responsibilities under the grant award remain with the grantee, which is the village.

Trustee Ozman stated that sums up one of the reasons of many why the village should be entirely responsible and careful with the assimilation of the funds and that being that the village would be required to reimburse the program out of local funding if they didn't meet the criteria and the guidelines pursuant to this rule as stated in that paragraph.

Trustee Forman moved to authorize the mayor to sign the 1996 funding agreement. Seconded by Trustee McGuckin.

Trustee Ozman asked if that was a final funding agreement?

Mr. Barnes stated that its subject to modification.

All ayes. Motion carried.

AUTHORIZATION TO EXCEED \$10,000 FOR SMALL CITIES PROJECTS(2)

Mr. Barnes stated that Project No. 92-138 is the last of the new cases on the 1992 grant. The bids came in and we are slightly over the \$10,000. We are at \$12,152. Project No. 94-36 the low bid was \$32,400 and the village agreed to split the cost with the county. When the county got involved they reinspected it, wrote it up again, bid it again and added several major items, one being siding on the house instead of painting it. The new bid is \$41,495.00. The county has agreed to give the village \$23,000 for this. The village will be putting in \$18,495. Any change orders will be split.

Trustee Ryan asked for an explanation of the repayment since the county is involved?

Mr. Barnes stated that hasn't been discussed, but he thinks they would be willing to assume a position behind the village. He will attempt to have the villages lien in second position.

Trustee Besdesky moved to authorize Project No. 92-138 and Project No. 94-36 exceed \$10,000 for their Small Cities Projects. Seconded by Trustee Forman. All ayes. Motion carried.

REQUEST FOR ZONING AMENDMENT TO PERMIT SENIOR HOUSING

Mr. Dowd provided the manager with three sample codes, ranging from a 1976 code in New Windsor to a 1992 code in Warwick. All of which involves senior housing zoning. It runs from designating specific residential zones or specific commercial zones where senior housing projects can be built to a floating zone, which means it can happen anywhere within a specific municipality upon approval of the particular governing board as well as the planning board. One of the things the board might want to do is to have the sample codes distributed to the board members and refer it to the planning board.

Manager Kelly stated that when the planning board was reviewing the project at Windingbrook they felt this was something the village should have for the future and identify it where it should be.

Trustee Ozman asked how would the adoption of the local law throughout the entire village as opposed to this one particular parcel affect the negotiations of the open air covenant that the developer suggested, how it would operate with the planning board if in fact the village enacted the local law.

Mr. Dowd stated that one of the things they will notice is the local laws that were adopted, some required minimum areas in which to even build these kind of things. In other words if you have a forty acre lot and only fifty percent can be covered you're talking about twenty acres of forced open space which has to be landscaped and modified. That is different then what Mr. Tirschwell was talking about since there is no such regulations that they would covenant with the village and its a condition that they would set aside acres to be forever green. The village can write that into their zoning so you can determine how much lot coverage you want and how big a lot you need to even put this kind of a project on. We are talking about one project with one building that is 30,000 square feet, two stories high. You will see that the flexibility of the zoning allows you not only to look at those kind of buildings but also apartment units for seniors or townhouses for seniors and also who is going to occupy them. The one code states that they must be Town of Warwick residents and the second priority is Orange County residents. Walden can do the same thing.

Manager Kelly stated that the planning board meets next week

and that would be the best place to start. He will give the sample codes to the planning board and put it on their agenda so they can get their recommendations back to the village board.

CITY OF MIDDLETOWN RECYCLING AND ETHANOL PRODUCTION FACILITY

Mayor Uszenski stated that if the village was going to do something like this they would have to go to municipal garbage pick up.

Manager Kelly stated that Mr. Fusco is estimating that the Village of Walden based upon Orange County Solid Waste Management Plan and the 1994 census projections generates between 7,000 and 7,600 tons of solid waste per year. At \$65.00 a ton that exceeds \$450,000.00 a year just for disposal cost. He referenced disposal being two thirds of the cost and collection being one third of the cost. You are looking at about a \$600,000 a year to get into the garbage business. Based on those numbers its a 32% tax increase. The Town of Chester conditioned their signing the resolution this resolution on a garbage district being created. There are several outs they have built into that resolution. The village would need to do a lot more research as to whether or not its feasible, whether or not the village wants to go through that in terms of the public relations sell that would have to take place. An rfp was done in the late 1980's for solid waste collection and it exceeded a half million dollars. You would have to have a single contractor collecting the entire village or you would have to go into the garbage business yourself which would mean hiring people buying trucks and building a facility because the facility you have he doesn't know if a garbage truck would fit.

Trustee Ozman stated that if the village is seriously considering this they would have to form a committee to look at all the benefits, detriments, downside, future ramifications and costs and put all the costs together and try to make the projection for ten or twenty years down the road. You also have to consider that it is an experimental program. There is a window and he doesn't know what their deadline is. The village may want to have a resolution drafted which preserves the villages option.

Mr. Dowd suggested the village do a resolution of intent. He will have a resolution ready for the next meeting.

FALL SCHEDULE FOR RECYCLING CENTER LEAF AND BRUSH DISPOSAL

Manager Kelly stated that he discussed the recycling center with the superintendent of public works about having expanded fall recycling hours for leaves and brush. The board was looking at the last two Sundays in October and the first two Sundays in November to expand the already open Saturday hours. The superintendent did agree that is the best way to go. The village currently does not have a full permit to operate from DEC. DEC has been monitoring the villages facility. The best way to control the area is when the business is not being conducted on a regular basis and do Sunday with the two personnel as you are doing on Saturday and do the last two weekends in October and the first two weekends in November and see if that works for the people that can't make in on Saturday.

Trustee Besdesky moved to open the recycling center on the last two Sunday in October and the first two Sundays in November from 12:00 - 4:00 P.M. as well as the Saturday hours. Seconded by Trustee McGuckin. All ayes. Motion carried.

CONFERENCE OF ORANGE COUNTY VILLAGES

Mayor Uszenski stated that the Conference of Orange County Villages is holding a meeting on October 24, 1996 at 7:30 P.M. in Washingtonville.

TOWN OF MONTGOMERY CHAMBER OF COMMERCE

Mayor Uszenski stated that the Town of Montgomery Chamber of Commerce is holding their annual fall dinner at Osiris Country Club on October 16th. He will be attending.

Trustee Ozman moved to authorize the Mayor attend the Town of Montgomery Chamber of Commerce dinner on October 16th. Seconded by Trustee Forman. All ayes. Motion carried.

LETTER OF RESIGNATION

Mayor Uszenski stated that he received a letter of resignation from John Kelly, Village Manager stating that he will be resigning from his position as Village Manager effective November 2, 1996.

Trustee Ryan moved to accept the Village Manager, John Kelly's letter of resignation. Seconded by Trustee McGuckin.

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 10

All ayes. Motion carried.

Mayor Uszenski wished Mr. Kelly the best of luck.

Manager Kelly stated that he has enjoyed his time here and working with the board.

PUBLIC PORTION

Larry Sager, 78 Orchard Street stated that the fire district will be holding a dinner for Richard Tenney and he feels the village should also recognize him.

Becky Pearson asked about the senior housing, what the difference was between the one that is proposed at Windingbrook and the complex on Main Street and Ulster Avenue.

Manager Kelly advised Mrs. Pearson that the one on Ulster Avenue is considered a senior group residence. The building on Main Street is residential over first floor commercial which is permitted. There is no such permitted use in a single family district and that is why the code has to be changed.

Mike Buckley, 65 Capron Street suggested that the hours for recycling on Sundays be 8:00 a.m. until 12:00 noon in consideration for those that work on Sundays, because most businesses aren't allowed to open until noon.

Trustee McGuckin stated that his concern was for people going to church.

Mayor Uszenski stated that the village will still have curb side leaf pick up.

Mr. Buckley further stated that the Walden Community Counsel beautification committee is looking into Christmas decorations around town. They would like permission to place four wreaths on the municipal building, one wreath on each entrance of the town and one at the McKinley Monument. They would be four foot wreaths with seasons greetings on them. The counsel would also like to do something different with the municipal square. He will keep the board informed.

Trustee Ryan stated that he would like to still allow the day care children to decorate the tree.

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 11

Trustee Ryan moved to approve the placement of the Christmas wreaths on the municipal building, entrances to the village and at the McKinley Monument. Seconded by Trustee Forman. All ayes. Motion carried.

Becky Pearson asked about the issue of planting trees, was that tabled until this meeting?
Trustee Besdesky stated that he proposed it be tabled until more information was received.

Mr. Sager asked about the recycling, are the crossing guards being used?

Manager Kelly stated that there is one crossing guard being used and one department of public works employee being used.

Mr. Sager stated that on Sunday the dpw worker is costing the village double time?

Manager Kelly stated that it will cost time and a half on Sunday as well as Saturday.

Mr. Sager asked what the union contract says?

Manager Kelly stated that he will have to check.

Mr. Sager suggested a cost analysis be taken.

Mrs. Pearson asked if the village was going to open the ski tow this year?

Trustee McGuckin stated that unfortunately the insurance issue is outrageous for the amount of people that use it.

Mayor Uszenski stated that it was costing the village \$10,000 a year for thirty people to use.

Manager Kelly stated that the labor department would have to do an inspection as well as the insurance company. That facility needs to be rebuilt, there needed to be a kill switch at the bottom of the hill, the pulleys needed to be realigned, there was questioning about the breaking system, it needs to be refurbished and possibly restored.

Larry Sager asked what the village is doing to insure that when the manager leaves that they know the municipal building will be done by the bonding company?

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 12

Mayor Uszenski stated that whether Manager Kelly is here or not or we have a new manager we will be doing the same things. That's what we have our attorneys for and the board.

Mr. Sager stated that he would like to know what kind of compensation the village is giving the manager when he leaves. As citizens we have the right to know, since he didn't give two months notice.

Mayor Uszenski stated that there is no compensation at this time. There is no penalty. He will be getting earned vacation time that he is entitled to.

REPORTS - COMMITTEE

Trustee Ozman stated that he would like to touch on a couple of items that don't have to be discussed now. It would be nice if the village could further along Orchard Street in terms of finishing the sidewalk. He would also like to further along Woosters Grove and the youth center.

Trustee McGuckin stated that it has been enjoyable working with Manager Kelly and he will miss him.

REPORTS - MAYOR

Mayor Uszenski stated that he would like to get Woosters Grove finished.

Manager Kelly stated that the fencing has been ordered and it will be here in two weeks. The recreation worker will be staying on as well as we will be putting the posts in and it should be finished.

Mayor Uszenski asked that the skating rink be ready for the cold weather.

EXECUTIVE SESSION

Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee McGuckin. All ayes. Meeting reconvened.

ADJOURNMENT

VILLAGE OF WALDEN-BOARD OF TRUSTEES MEETING
OCTOBER 8, 1996 - PAGE 13

Trustee Ryan moved to adjourn. Seconded by Trustee Forman.
All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk

RESOLUTION NO. 5-96-97

REQUEST FOR REAL PROPERTY TAX EXEMPTION OF THE
VILLAGE OWNED PROPERTY DEVOTED TO WATER SUPPLY FACILITIES

WHEREAS, the Village of Walden is the owner of real property in the Town of Montgomery, County of Orange, identified on the tax map as follows:

SECTION	BLOCK	LOT
10	1	4.21
2	1	24.1

AND, WHEREAS, the above real property is devoted solely to public use and is part of the village owned water system as the sites for water wells, necessary connections and appurtenances, and

WHEREAS, the Real Property Tax Law, Section 406 (3), provides the authority for each taxing district in which municipally owned property used in such manner is located to grant a whole exemption from real property taxes levied by that taxing district, and

WHEREAS, such exemption for the Village of Walden water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Walden which would enhance real property ownership, encourage industrial and commercial development, and exemplify a spirit of inter municipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Walden on behalf of the Village of Walden, its taxpayers, water users and citizens hereby petition the County of Orange to grant a whole exemption form Orange County real property taxes commencing for calendar year 1998 for the parcels of real property identified as follows in the Town of Montgomery:

SECTION	BLOCK	LOT
10	1	4.21
2	1	24.1

AND IT IS FURTHER RESOLVED that a copy of this resolution and application be forwarded to each of the following to request their attention to this petition, processing of the same and affirmative action:

Hon. Roberta K. Murphy, Chairwoman, Orange County Legislature
Hon. David L. Russell, Chairman, Finance Commissioner
Hon. James C. Wright, Majority Leader
Hon. Richard Baum, Minority Leader
Hon. L. Stephen Brescia, County Legislator

AND IT IS FURTHER RESOLVED, that the Mayor and Village Attorney are authorized to attend such meetings for the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations on this petition by that body.

Motion to adopt by Trustee Ozman and seconded by Trustee McBuckin. The vote was 7 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on October 8, 1996

OCTOBER BILL LIST - OCTOBER 8, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-420	ADCO ELECTRIC	547.94
A-421	WEINERT T SHIRT	1,220.75
A-422	CHERRY TIRE	41.50
A-423	DATABASE TECHNOLOGIES, INC.	26.08
A-424	DIVISION OF CRIMINAL JUSTICE SERVICE	80.00
A-425	DIVISION OF CRIMINAL JUSTICE SERVICE	120.00
A-426	ELECTRIC CITY PRINTING CO.	119.46
A-427	ELECTRO-TERM	35.98
A-428	FIRESTONE NEWBURGH	1,002.88
A-429	FLAG GUYS	60.00
A-430	GALL'S	190.90
A-431	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	133.84
A-432	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	1,131.56
A-433	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	1,982.75
A-434	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	63.54
A-435	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	1,948.56
A-436	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	1,369.58
A-437	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	105.00
A-438	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	3,744.26
A-439	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	635.86
A-440	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	1,309.12
A-441	GEORGE'S AUTO PARTS	24.40
A-442	GROSSO MATERIALS, INC.	564.46
A-443	HOWLAND JOHN	38.90
A-444	JOHN'S LTD	64.50
A-445	MAYBROOK MATERIALS, INC.	81.03
A-446	MAYBROOK MATERIALS, INC.	612.65
A-447	MID HUDSON COMMUNICATIONS	132.40
A-448	MID HUDSON OFFICE SUPPLY	144.52
A-449	MITCHELL NANCY	100.00
A-450	MOBILE COMMUNICATION	559.50
A-451	MONTAGUE TOOL & SUPPLY CO., INC.	62.32
A-452	NYCOMCO	1,375.00
A-453	NYCOMCO	125.00
A-454	PINE BUSH AGWAY	89.98
A-455	OR CO. SANITARY LANDFILL	415.35
A-456	PITNEY BOWES	65.25
A-457	PINE BUSH EQUIPMENT	120.00
A-458	PINE BUSH EQUIPMENT	200.00
A-459	ROOSA & SON	86.87
A-460	SANWA LEASING	135.00
A-461	SIRCHIE LABORATORIES, INC.	49.25
A-462	STANDARD COPY	213.90
A-463	THRUWAY SHOPPING CENTER	221.91
A-464	TIME HERALD RECORD	28.08
A-465	TIME HERALD RECORD	26.64
A-466	WALDEN PLUMBING & HEATING	383.15
A-467	ANNESE & ASSOCIATES, INC	223.04
A-468	BROWING FERRIS INDUSTRIES BFI	69.67
A-469	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	507.80
A-470	OLDIES	250.00
A-471	JANICE SMALLING	66.00
		<u>22,916.13</u>

OCTOBER BILL LIST - OCTOBER 8,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-47	ADCO ELECTRIC	552.00
F-48	CIARDULLO	77.00
F-49	NEWBURGH WINDWATER	340.00
F-50	NEWBURGH WINDWATER	192.00
F-51	RAMSCO, INC.	919.00
F-52	NY RURAL WATER ASSOCIATION	36.00
		<u>2,116.00</u>

OCTOBER BILL LIST - OCTOBER 8,1996

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-51	ADCO ELECTRIC	867.00
G-52	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	51.24
G-53	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	121.78
G-54	NEWBURGH WINWATER	270.00
G-55	CIARDULLO PRINTING	77.00
G-56	ASCO ELECTRIC	2,756.00
G-57	VERN SPENCER	6,434.00
		<u>10,577.02</u>

CAPITAL ACCOUNT #37	COUNTRY READI-MIX ROAD PROGRAM	979.50
CAPITAL ACCOUNT #88	GAINER-WILBUR CONSULTING ENGINEERS, P.C. SEWER PROGRAM	283.90
CAPITAL ACCOUNT #82	NYSEG ELECTRIC	67.08
T & A	GAINER-WILBUR CONSULTING ENGINEERS, P.C. INSPECTION SERVICES	63.54

OCTOBER BILL LIST - OCTOBER 8, 1996

SMALL CITIES 93	KERRON BARNES ASSOCIATES	122.50
SMALL CITIES 94	KERRON BARNES ASSOCIATES	980.00
SMALL CITIES 95	KERRON BARNES ASSOCIATES	390.00
SMALL CITIES 95	KERRON BARNES ASSOCIATES	300.00
SMALL CITIES 95	KERRON BARNES ASSOCIATES	752.50
SMALL CITIES 94	KERRON BARNES ASSOCIATES	800.00
SMALL CITIES	MR KENNETH VALK 24-26 CENTER ST	15,000.00
SMALL CITIES	R.W. MECHANICAL, INC.	8,680.00

OCTOBER BILL LIST - OCTOBER 8, 1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	8.04
	BELL ATLANTIC	63.89
	CL & EJ GRIDLEY	971.48
	NYNEX	53.92
	NYSEG	1,893.71
	NYSEG	5,562.32
	PETTY CASH	20.96
	PETTY CASH	6.97
	WAREX	848.10
		<u>9,429.39</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	482.72
	NYSEG	2,217.44
	POSTMASTER	74.53
	NYSEG	85.61
		<u>2,860.30</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	2,450.45
	NYSEG	112.26
	POSTMASTER	74.53
		<u>2,637.24</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, September 24th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. EXECUTIVE SESSION
3. APPROVAL OF MINUTES
4. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Halloween Celebration Designation of Date
 - A.2 Payment of Audited Bills For September 24th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 Josephine-Louise Public Library Funding Requests
 - B.3 Day Care Center Zoning Amendment
 - C. INFORMATIONAL ITEMS
 - C.1 City of Middletown Recycling and Ethanol Production Facility
 - D. CORRESPONDENCE
 - D.1 Request For A Street Tree To Be Planted on Pleasant Avenue
 - D.2 Parade Request From Enterprise Steamer Co.
 - D.3 NYCOM Resolution RE: Clean Water, Clean Air Bond Act
 - D.4 Walden Federal Savings & Loan RE: Engineering Bills
4. PUBLIC PORTION
5. ADJOURNMENT

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Martin Besdesky
Roy Wynkoop

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of September 10th, 18th and 19th, 1996. Seconded by Trustee Forman. All ayes with the exception of Trustees Ryan and McGuckin abstaining from the September 19th minutes. Motion carried.

HALLOWEEN CELEBRATION

Trustee Ozman moved to hold Trick or Treat on October 31st, 1996 from 6:00 P.M. until 8:00 P.M. and that the Halloween Parade be held on either Wednesday, October 30th or Thursday, October 31st. Seconded by Trustee Ryan. All ayes. Motion carried.

AUDITED BILLS

Trustee Forman moved to pay the audited bills. Seconded by Trustee Ryan. All ayes. Motion carried.

CITY OF MIDDLETOWN RECYCLING AND ETHANOL PRODUCTION FACILITY

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Al Fusco, Commissioner of Public Works for the City of Middletown presented the board with their proposal for the Village of Walden to participate in their solid waste management plan. He stated that about six years ago the City of Middletown was paying about one million dollars a year for solid waste disposal. They began to look at different ways to dispose of their solid waste. He looked at landfills and incinerators. They looked heavily into recycling. They were one of the first communities in Orange County to begin with newspapers and they proceeded to go with the county with mixed recyclables. They wanted to go the next step further. They then looked at different major recycling facilities and composting facilities in the mid west, Buffalo, Baltimore and Boston. They decided they wanted to do something in the City of Middletown. In 1994 he developed a draft request for proposals which turned into a request for proposals, which satisfied the bidding requirements of the General Municipal Law, 120W. Through that process they ended up with an outfit called Pencore Masada Oxinol who is their preferred vendor currently. They are negotiating contracts with them and they are very close to completing that. At the same time they want to invite all of the municipalities in Orange County to participate with them. Currently most of the county trash is going to Pennsylvania and West Virginia with the sewage sludge as well. These borders are going to be tightening, landfill costs are going to go up and we need to control our own destiny in Orange County. They developed a system together with Pencore Masada and they wanted to be completely environmentally sound. They went down to a proto type facility, a pilot plant in Alabama, which is run by the Tennessee Valley Authority with the U.S. Department of Energy. What this process does is takes the garbage, you take out all the recyclables, and what is left is capable of turning into ethanol which is a very clean burning fuel. The people with Orange Environment supported it and are very happy with it. It is a very environmentally sound and very saving technique. The residents in Middletown are currently paying about \$145.00 per household for trash pick up, which is in their property taxes. This includes disposal of yard waste, recycables, bulk pick up and day to day municipal solid waste. They have seen that the cheapest private hauler in Orange County is in the \$200, \$250 up to \$400.00 per year. They feel there is a definite savings for municipalities. The residents who currently are not picking up could form garbage districts, trash districts and or to do municipal pickup or go out to bid competitively and higher a private hauler to do the collection for you, with a contract with the City of Middletown for the disposal. They are asking all the

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

boards for twenty year contracts. The reason for twenty year contracts is that is generally the life of the bond. Under this system the City of Middletown Industrial Development Agency would be the owner of the property. The City of Middletown would enter into inter-municipal agreements with the various other municipalities in the county and Middletown would contract with the preferred vendor for the technology, the day to day operation of the facility. So, its a great public/private participation program. They got a very good reception from Orange County. They are negotiating with them to take over the transfer stations, which would allow municipalities close to the transfer station to take it directly there, instead of hauling it to Middletown. There are a number of advantages in this program to municipalities, one being the cost, they would stabilize the cost of \$65.00 a ton for the next twenty years. Towards that end it would increase or decrease with the consumer price index. They are also proposing a rebate back to the municipalities on a prorated basis on their tonnage if in fact the price of ethanol goes above the proforma that they set forth in their original proposals. They would also give the municipalities that sign twenty year contracts the option of either taking the rebate or buying the ethanol wholesale. The advantage of purchasing ethanol for the municipal fleets is you can buy a low grade non lead gas and you can add the ethanol to it on a nine part gas, one part ethanol and you will get ten gallons of high test, 92 octane. You can do that in the car itself or in the pumps. It would reduce your fuel cost and it burns very cleanly. In addition to that they will be developing products out of recycled plastics, such as street signs, bumper blocks, picnic tables, etc., which they would supply wholesale to the participating communities. They are interested in keeping dialogue. They are looking for a resolution of intent, which is 100% non binding. It would indicate to them that the village is interested in getting additional information on this. This would help them with there potential bond holders. One of the advantages of this process is that they are capable of taking all the materials in one pickup. They would supply blue bags to all the residents and the residents would place their mixed recyclable, news papers, plastic, glass and cans in the blue bag. It would be set out with the regular trash, yard waste, chair, couch or whatever you want to put out and it would be picked up all in one shot. It would all go to the Middletown facility. It would drive into a building, which has negative pressure, and dump on the floor. They would take the blue bag and put that to the left to go on a conveyor belt to be sorted which is the mixed recycables and the rest of the

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

trash goes to the right. This would go on another line which would be separated. After the recycables are taken out all that would be left are the putrefiable material, paper, coffee grinds, banana peels, etc. This material is shredded then dried and shredded again and put into bulk storage. Its taken out of the bulk storage and sulfuric acid is added to it. Then sewage sludge is added to give it moisture. The grey water from the Middletown treatment sewage treatment plant would be added to it to give it the additional moisture it would need. The chemical process takes place at that point where the sulfuric acid mixes with the material and creates sugar water. The two are now separated, the acid is 100% recovered and what you have left is sugar water. Masada has developed and patented the technique for removal of the acid. The sugar water is fermented, CO2 is taken off the top of it and that is recycled, bottled and sold. The material at that point continues to ferment. After it is completely fermented its then distilled, and what you end up with is 190 proof ethanol. At that point you give it a little splash of gas to denature it. One of the reasons municipalities have steered away from landfills and other types of involvement with solid waste is liability. Under this scenario the material is received by the City of Middletown and nothing is disposed of. Everything that goes out is a product. This is a \$105,000,000 facility which will employ 150 people and the average salary will be \$145,000. They've been getting a good reception. The Town of Chester and Village of Warwick have passed resolutions of intent. They are half way to their goal. They want to give all the municipalities in Orange County the first shot. They want to make this a county project. They would like to invite the Village of Walden to participate and they are looking for conceptual approval at some point.

Trustee Ryan asked how a municipality would transport the product, he believes its a hazardous material?

Mr. Fusco stated that it is just like gasoline for transporting. Its nontoxic, its water soluble. Its not explosive. It is flammable. There probably would be a transport vehicle.

Manager Kelly asked what the projected time frame would be?

Mr. Fusco stated that they would like to have contracts in hand in a six month period. A contract could be subject to districting. They anticipate that they would have the waste under contract within the next six months. They hope at the

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

point to finish permitting to DEC and EPA within the next six months and then begin construction. They are looking at 1998 for opening the facility. They are also offering that if in July 1997 a municipality is ready, they don't have to wait for them. If you've signed a contract even if there facility isn't open they will take care of the trash.

Trustee McGuckin asked how long the process is?

Mr. Webster stated that from the time the trash enters the doors and it goes to the first step of pulling out the recycables, shredding and drying is about four to six hours, every day. Then the dry shredded waste is then stored as a buffer for feed stock and it enters into the conversion, the hydrolysis and the fermentation side of it, which runs seven days a week, twenty four hours a day. Fermentation takes twenty four to forty eight hours. Their facility will be off of Route 17M/Dolson Avenue in Middletown.

Trustee Ryan asked if they would be interested in contracting for sludge only?

Mr. Fusco stated that sewer sludge is another part of this program. The answer is yes, they would be interested in sludge only.

Manager Kelly asked Mr. Fusco to provide the Village of Walden with sample resolutions of intent or the contract language they will be looking for.

Trustee Ryan asked how important the blue bag was, if the resident isn't very diligent?

Mr. Fusco stated that its not important to the process, but it is important to the county and the state.

Mayor Uszenski stated that this will be on the agenda as a discussion item for the next meeting.

MUNICIPAL BUILDING RENOVATION PROJECT

Craig Maslik, Clerk of the Works stated that things are going along as usual. RBI Construction is still in the building working. They have shown up with three painters per day. There has been a cabinet installer there. The welder was in today.

Mayor Uszenski asked if the other contractors have been in

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

the building?

Mr. Maslik stated that they are there on occasions, not as much as he would like them to be there. There are a number of delays before certain areas of the building can be turned over. There are some problems with the carpeting, glass, and some of the countertops have to be changed. It is going to be six or seven weeks before you can occupy the first floor police department. The carpeting has been delivered to the building incorrectly. The architect has rejected that carpeting which has been delivered. It will be taken back and reordered. That is a four to five week lead time. The carpeting that was installed in the police department has to be removed and then the new carpeting reinstalled. He is not sure how that will impact the police departments move. The library is impacted a great deal. The entire second floor library area is to get new carpeting. Until that is installed the shelving can't be installed and the books can't be put on the shelves and no one can move in there. They are looking at significant delays. The third floor is in the same condition. We still need doors and all the carpeting on the third floor.

Trustee McGuckin asked where the village goes from here?

Manager Kelly stated that he will be requesting an executive session to discuss the issue of personnel for the contractor and the surety.

Trustee Ryan asked about the lights that are being left on in the municipal building at night?

Mr. Maslik stated that its not the safest conditions to go to the basement to shut them off at night. Those lights that are worked through the circuit breaker panel are left on.

JOSEPHINE-LOUISE PUBLIC LIBRARY FUNDING REQUESTS

Mayor Uszenski stated that the board has received a letter signed by Barbara Plato, President of the Library Board stating that they do not want to pay for the refinishing of the furniture out of their operating budget. The other part of the request for the moving of the books is a moot point at this time.

Trustee Ozman asked that they elaborate on the insurance issue mentioned in the letter.

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Mrs. Plato stated that when they had the flood in the building insurance money was given to the village to cover the walls and carpeting that had been ruined, the books and the shelving. They haven't used any of that money yet and she thought the money should be somewhere in the budget. It was put in the renovations budget.

Manager Kelly stated that he knows there was money in the original repairs. He doesn't know that it covered 100% of what the village had to spend. He's not in a position to say if any of that original money went into the fund balance and then was used to pay for the renovations. They have used quite a lot of general fund money as part of this project in order to pay for the architects fees up until the point the village bonded. All that money was originally paid for out of the general fund. There is no money sitting in an account somewhere for the 1994 flood in the library. That does not exist. There was money that was originally provided to the village to pay for things that needed to be repaired and that money was used to go into that building. There is no money that he is aware of sitting with an earmark on it for furniture or for carpeting. He would have to go back and pull out the original damage, the original insurance recovery and then pull out the bills.

Mrs. Plato stated that Mrs. Myers called the refinisher and he is willing to keep the furniture for a while. He understands that the library has no place to put it.

Trustee Ozman asked if the library has received some of the furniture back that was refinished?

Mrs. Myers stated no, not from the current refinisher.

Trustee Ryan asked if they have all the furniture back from the first refinisher?

Mrs. Myers stated yes.

Trustee Ryan asked Mrs. Plato to elaborate on the statement in her letter stating that it would be very irresponsible?

Mrs. Plato stated that if you have a certain amount of money set aside for salaries that at the beginning of the year it would be difficult to say that money can go somewhere else, because at the end of the year you might not have enough money for the salaries that are there.

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Trustee Ryan stated that they know they are not going to use the space.

Mrs. Plato stated that they don't know that. They don't know what is ahead of them

Trustee Ryan asked if they are willing to use any of it?

Mrs. Plato stated no, they are not willing to use their operating budget.

Trustee Ryan stated that we were all suppose to be in that building awhile ago, which means we have a surplus from when we haven't been in that building. You are obviously not going to be in it for a while because of the carpeting dilemma. So you have weeks maybe months ahead. That is why he finds the statement irresponsible difficult to swallow. You are not going to have anybody in there, so if you are building up a cushion he has a problem with that.

Mrs. Plato stated that they are not building up a cushion. The money is in the village budget and its earmarked for the library. They aren't adding any money.

Mayor Uszenski stated that they didn't pay the first refinisher the full \$5100, so there is still some money left from that amount.

Mrs. Myers stated that they don't have any of that money.

Trustee Ryan asked how much money is left from the first \$5100.00?

Mrs. Myers stated that there were two payments made of \$1,265.

Mayor Uszenski stated then you have \$2500. left?

Mrs. Myers stated that they don't have that money, that was in the village fund.

Manager Kelly stated that when the original damage occurred as the result of the pipe breaking the insurance company wanted a list of all the items that were damaged. That list was provided. There was an estimate given at that time for what the furniture refinish was suppose to cost. If you go back and add up the vouchers that were paid, the village paid more than was originally awarded in the insurance recovery

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

because he thinks the estimate they got for the furniture and some of the other repairs exceeded what the estimates were. The village did pay for everything that needed to be done at the time and it was over an above what the insurance was. If the issue is whether or not two thirds of what was originally given to the village was spent, he doesn't believe that is the case. He believes everything the village got was spent. He thinks the refinisher was not the one who originally gave the bid on what it would cost. He doesn't think the insurance company paid the village the full amount of what the repairs cost. He doesn't think the other third exists. The other issue is this furniture includes additional furniture that was not part of the original amount.

Trustee McGuckin stated that in regard to not having the need for the additional staff because of delays, he thought what the board had originally said was take it out of your budget and if at the end of the year things progress further that the board would do the budget transfer then to replenish their budget.

Mrs. Plato stated that would be a great big amount to take out of their budget.

Trustee McGuckin stated that if there are savings due to the fact that you can't move into the new section then you are not going to be hiring the additional staff which was originally funded in the budget. Why not use that money now and if at the end of the year you need more money the board would be willing to do transfers to do that.

Mrs. Plato stated that she can't speak for the whole board. When her board discussed this they all agreed they shouldn't spend money that is earmarked for salaries to pay for the furniture refinishing.

Trustee Ozman suggested a resolution be formed.

Mrs. Plato stated that she would have to consult her board.

Mayor Uszenski stated that a resolution will be prepared and Trustee Forman will deliver it to their meeting.

DAY CARE CENTER ZONING AMENDMENT

Trustee Ryan asked if anything could be added, his comments last time he said the Walden facility now has a policy where parents must physically walk them in. We have no guarantee

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

that no other facility would have the same policy.

Mr. Dowd stated that is an operational policy which is not the area of zoning. You can add to the list of special conditions. He used what was discussed, the Cornwall code. You can add things about off street parking, and drop off areas on the property.

Trustee Ryan stated that his thoughts are the safety for the child and also that its not a nuisance for the neighbors.

Mr. Dowd stated that Subsection E could be added stating that wherever appropriate off street drop off areas should be provided or a suggestion to the planning board as to what you want to see.

Trustee Ryan suggested a statement be made that a plan must be in place for arrival and departure of children.

Trustee McGuckin introduced Introductory Local Law I-3 of 1996, A Local Law Amending Chapter 148 of the Code of the Village of Walden entitled "Zoning" to Establish Day Care Centers as Special Exception Uses Within the Village and to Provide Regulations Related to Such Uses, as amended.

Trustee Ozman moved to hold a public hearing on Introductory Local Law I-3 of 1996, "Zoning" on October 8, 1996 at 7:45 P.M. Seconded by Trustee Besdesky. All ayes. Motion carried.

ROCKHILL BUILDERS

Tabled until next meeting.

WESLEY HALL AGREEMENT

Trustee McGuckin moved to authorized the manager to pay out the contractual amount of \$2500.00 to Wesley Hall Senior Citizen Center. Seconded by Trustee Forman. All ayes. Motion carried.

REQUEST FOR A STREET TREE TO BE PLANTED ON PLEASANT AVENUE

Mayor Uszenski stated that a letter was received from John and Lynne Ryan asking that a tree be planted in front of their house.

Trustee Ozman asked if the board can grant this request?

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Manager Kelly stated that there is a section of the code that prohibits the planting of trees within the sidewalk area and there is another provision that allows the village to purchase a tree and plant it on private property and the owner assumes responsibility. That is the reference in the letter where there is a small front lawn which is a subject that has come up before where people don't have a large front lawn but yet the sidewalk area is also very tight.

Mr. Dowd stated that he sees nothing that says the board can waive the requirements of the code. He further asked if its been the village policy over the last twenty three years to replant trees within the street right of way?

Mayor Uszenski stated yes. All Main Street was done.

Trustee Wynkoop stated that he received a lot more information about trees and he will copy the board.

Trustee Ozman stated that part of the intent behind the code was the fact that the trees that were planted damaged the sidewalk, they were a maintenance problem and depending on what variety or species they may have infiltrated the sewer system. If we rewrite that portion of the code we could designate in the code a variety of tree.

Mr. Dowd stated that you want to make sure that if you're going to put the tree in the street area that its the village who will do the planting and its village maintained.

Trustee McGuckin suggested that they be restricted to where trees were eliminated.

Manager Kelly stated that in new subdivisions they were actually told to plant the trees on private property.

Trustee Besdesky stated that he doesn't feel the board should jump into this yet, because we are not ready. There are some technical unsolvable situations. This needs more research.

Trustee Ozman asked if other sample legislation can be received?

Mr. Dowd stated that he will look into this.

PARADE REQUEST FROM ENTERPRISE STEAMER CO.

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Mayor Uszenski stated that a request was received from Enterprise Steamer Co. to hold their 125th anniversary parade on June 14th, 1997. The village officials have been invited to join them.

Trustee Besdesky moved to grant permission to the Enterprise Steamer Co. to hold their 125th Anniversary Parade on June 14, 1997 and to grant permission to serve or distribute beer to appropriately aged individuals on the afternoon of July 14, 1997 until dusk in Bradley Park and that an award be presented for their years of service to the Village of Walden. Seconded by Trustee Ozman.

Trustee Ryan stated that the Little League should be notified of the date.

All ayes. Motion carried.

NYCOM RESOLUTION RE: CLEAN WATER, CLEAN AIR BOND ACT

Mayor Uszenski stated the NYCOM is asking the village to adopt the clean water, clean air bond act resolution.

Trustee Ozman moved to adopt Resolution No. 4-96-97, Clean Water, Clean Air Bond Act, (attached). Seconded by Trustee Ryan. All ayes. Motion carried.

WALDEN FEDERAL SAVINGS AND LOAN RE: ENGINEERING BILLS

Mayor Uszenski stated that a letter was received from Walden Federal Savings and Loan in referenced to the engineering fees the village charged and credited them with.

Manager Kelly stated that the village has given them \$735.00 back. That was a good faith gesture to try and put this issue behind us.

Mayor Uszenski asked if the village has done everything according to Judge Owens decision?

Manager Kelly stated that the village reviewed the bills, the village had them itemized. He doesn't know how to divvy up the balance of what is there, its not specific enough in terms of five minute increments to say what was not part of the plan and what was. This institution is billed the same way any other institution in and the time is documented in terms of what they do and the cost is passed along. The unfortunate part is the fact it took nine months for the site

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

plan to be approved and all during that time the drainage plan was not resolved, not because of the village but because of the bank. The cost of an application is as much controlled by the applicant as it is controlled by the village. We do not as a practice have the engineers design anything for the applicant. The applicant has to design it for the planning board based upon the site plan requirements in the code and the engineers review was submitted. If its not submitted it can't be reviewed. Unfortunately what was happening during much of that process is the drainage plan was never submitted, therefore the engineers had to review things in increments as opposed to a complete plan. The cost went up and it was borne by the applicant, which every other cost is. When they say larger projects go through unscaved at much less cost that is because the application is more complete going in, it takes less time to review and the approvals happen quicker. He doesn't believe its accurate the way its been stated in the letter. There is no item in the breakout that you can clearly say this is what they are entitled to, you gave them what you felt they were entitled to and they want more. They are looking for a response tomorrow.

Trustee Ryan moved that the letter from Walden Federal Savings and Loan is noted and filed. Seconded by Trustee Besdesky.

Trustee Ozman stated that he would like to address the issue contained in paragraph three regarding the fact that Walden Federal makes the allegation that the board is not even extended the courtesy of explanation of the items that have been brought to the boards attention. From the standpoint of a business relationship with the community he feels that at some point the explanation was provided to the bank. He thinks the letter that was sent was clear in the sense that the letter indicated that the items were not in fact included or after a review of the time sheets no other refund was necessary.

Manager Kelly stated that each item in the engineers bill had a description of the activity that took place and it was itemized in half hour increments and then there was a summary provided. So they took the original engineering bills and they reaudited them and resubmitted them to the village and this board then audited those bills and granted a refund in the amount of \$735.00. Seven hundred of it was time spent at planning board meetings that this board felt as a jesture of good faith that you would grant a refund as a policy decision

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

and you still charge other applications that fee. In this instance you waived that fee. Based upon the breakout of the charges this board determined that no additional refund was in order. Judge Owens decision basically requires that the village reaudit the bills and make a determination that the bills that were paid are in direct relation to the site plan. That is the language of the ruling.

Trustee Ozman stated that he is satisfied with that explanation.

Trustee McGuckin asked if the village has satisfied Judge Owen's request?

Mr. Dowd stated more than adequately.

Mr. Dowd pointed out the fourth paragraph to the board. That is the only reason you may want to respond.

Trustee Ozman suggested that the village send some sort of response indicating receipt of the letter and that the village has made every possible effort to comply with the letter in terms of a decision.

All ayes. Motion carried.

PUBLIC PORTION

Larry Sager, 78 Orchard Street asked if the public is going to be limited to how many questions they can ask?

Mayor Uszenski stated no.

Mr. Sager stated that he would like an explanation why the board treated Becky Pearson the way they did the last meeting.

Mayor Uszenski stated that he asked Becky if she had any more questions and she said she had two more and he said find go with them and that would be it when she was finished. It was late, the board had other business to attend to and there was a long executive session. He had to balance what he thought was best for the board. That is why he did what he did.

Mr. Sager asked if the Mayor feels the people serve him or he serves the people?

Mayor Uszenski stated that the board serves the people and

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

its his decision how the board serves the people. If there is something important they can come to the manager and get put on the agenda.

Bob Lamancuso, 33 Gladstone Avenue stated that he was curious to know who is responsible for the maintenance of the gray building at Bradley Field where the concession stand exists, the restrooms?

Manager Kelly stated that it is the villages building and we allow the Little League to use it and they maintain it to a certain degree. The cleaning of the restrooms he would have to ask the recreation coordinator how much the village does and what the Little League is suppose to do. He thinks it mostly during the Little League season that the Little League takes care of the bathrooms.

Mr. Lamancuso stated that they need extensive cleaning. There is a very bad odor coming from them. Also, the wall beneath the sink in the mensroom the valve is leaking, the wall is saturated and moldy, and it hasn't been tended to in a long time. When it rains heavily the rain is seeping past the door. Some kind of drainage is needed there.

Mr. Lamancuso asked if there was a schedule coming up for taking down stumps?

Manager Kelly stated that they will be doing them this fall.

Mr. Sager stated that at the last meeting it was recommended that a letter be written to Mrs. Sager, Mrs. Yerks and Mr. Warren and no letter as of yet was received.

Manager Kelly stated that the letter went out today.

Mr. Sager asked about the trees, is the board going to pass a resolution that the tree be planted in the middle of someones property?

Mayor Uszenski stated that he can't answer that question because its still under discussion and development.

Mr. Sager stated that should be considered.

Mr. Sager asked about the day care centers, what is going to be done with after school programs?

Mayor Uszenski stated that is not the boards department to

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

handle.

Mr. Sager stated that the church across the street runs an afternoon school program.

Mr. Sager asked how the contracts are doing for the police department?

Mayor Uszenski stated that the village is in negotiations with them.

Mr. Sager asked if anything has been negotiated with Mr. Spanos?

Mayor Uszenski stated no.

Becky Pearson stated that there is a quote in the paper from the villages mayor which she read. She feels that should be looked upon more as trustees of the village. She thinks respect is one thing and when she listens to the board come back at people in the public and the mayor also talked about attitude, how your voice is and appropriate language and regular language, she feels the boards attitude and the way their tone of voice is also is not reflective the way it should be as a person of the public.

Mayor Uszenski stated that all of us are human and we make mistakes. The last meeting was running late and the board had a heavy agenda and because he didn't her one after thought she got mad at the village. When the village had the public portion at 8:00 P.M. there would be an hour and forty five minutes, two hour public portion and at 9:30 P.M. he would have to expect the board to deal with important items when they had there time here. There minds aren't as clear as it would be in the beginning of the meeting.

Larry Sager asked how much money has the village saved on sludge, taking it to the dump, since the village has the machine to take the water out of it?

Manager Kelly stated that he has not looked at the tonnage part of it, it dewateres the sludge. So, if you are hauling water you are wasting money. We are saving money.

Mike Buckley, 65 Capron Street asked about the recycling program for leaves and shrubs at DPW that can only be done on Saturdays?

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Mayor Uszenski stated that the village did that to control the drop off. Up until then there was no fence and anybody could come anytime and drop stuff off. People weren't just dropping off brush and leaves, there were other items. DEC was also down there digging test pits. This is experimental to see how it goes on Saturdays and if the village sees a need to expand it we can do that.

Mr. Buckley stated that he works on Saturdays and that presents a big problem.

Manager Kelly stated that he's had two complaints since August 10th. The first complaint was someone who was inconvenienced by going down there on Saturdays and the second was that they worked on Saturdays. He explained that the board is doing this on a trial basis and they are doing it to control the facility to make sure that only residents are using the facility. When we were open all the time the village believes that people from the town and elsewhere were coming in dropping off material. We have to have two people down there on a Saturday, one to monitor who is going in and one to monitor the material. We are only accepting DEC approved material. We have a permit pending with the DEC which allows us to do this. If we don't control what is going in there the DEC will not allow us to have anything go in that yard. The board is thinking about having the center opened more during the fall. He will put it on the bulletin board when the board makes that decision.

Trustee Ozman suggested the village open the center on Sunday and explore the permit process.

Trustee McGuckin suggested having the center open on Sundays for the month of October.

It was the consensus of the board to have this on the next agenda.

REPORTS-COMMITTEE

Trustee Ozman stated that there was a parks and recreation meeting on September 16th. The committee is back full swing for the fall season and winter season. They will be meeting the third Monday of every month. The committee solicits input and opinions from board members, and residents. Various programs were discussed at the meeting. There was a large turnout for the tennis program. The beach program was discussed. The recreation coordinator prepared a summary of

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

some of the items that were discussed at the meeting. An abbreviated version of the minutes were distributed to the board tonight. The issue regarding the extension to Labor Day weekend for the beach remains somewhat resolved. It was discussed and there are a few options available. His objectives here is not to recreate the meeting but to advise the board that it was an issue that was discussed and it can be discussed again well in advance of the season next year. The teen center had good attendance. There was ^{WAS} swimming lessons this summer. There was an 8K race. The soccer program is being well attended. A new park maintenance worker was added. One of the maintenance workers was lost and the beach personnel pitched in to do maintenance around the park. They discussed the Woosters Grove entrance sign and its his understanding that the Women's Club was notified as to the need for a new sign and the village was going to solicit their input. He asked if the village has heard anything back?

Manager Kelly stated that the village hasn't received anything in writing, only verbally. The board want something in writing before the coordinator was to order the sign. Marie Marano said that it is acceptable.

Trustee Ozman asked that the village send Marie Marano a letter and if we hear nothing within seven days we will proceed.

Manager Kelly stated that he will ask John Howland to do that.

REPORTS-MAYOR

Mayor Uzenski stated that he feels there should be a work session with the recreation board and director. He disagrees with some of the points brought up in the committee report in reference to the 8K race. He feels the race was poorly advertised. The date wasn't picked properly. He had mentioned adult recreation. He would like to sit down with both boards so we agree on the direction they are heading.

Trustee Ozman asked for a list of major topic areas so when everyone sits down they are prepared to discuss them.

Trustee Wynkoop suggested a letter of appreciation be drawn up for the gentleman who trimmed the trees. He did a great job.

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
SEPTEMBER 24, 1996

Mayor Uszenski stated that he thinks the biggest problem they have dealing with the public is public perspective and relations. He thinks the board needs to work more with the public and to develop programs such as sidewalks. On Coldenham Road the street sweeper sweeps up one side of the road and not the other.

EXECUTIVE SESSION

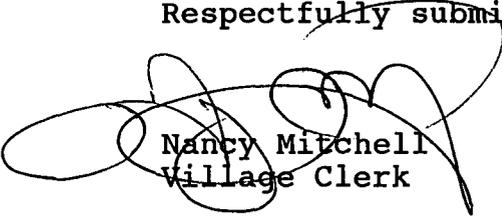
Trustee Forman moved to hold an Executive Session pursuant to 105-(d&f) of the Public Officers Law. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee Besdesky. All ayes. Meeting reconvened.

ADJOURNMENT

Trustee Besdesky moved to adjourn. Seconded by Trustee Ryan. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

RESOLUTION IN SUPPORT OF THE "CLEAN WATER, CLEAN AIR" BOND ACT

WHEREAS, Governor George Pataki proposed a "Clean Water, Clean Air" Bond Act to help improve the state's economic competitiveness and protect local governments from burdensome unfunded environmental mandates, and

WHEREAS, the Legislature passed legislation which would authorize the state to borrow \$1.75 billion to improve drinking water standards, upgrade waste water treatment systems, provide funding for solid waste initiatives, and improve air quality, and

WHEREAS, the Bond Act addresses significant environmental problems in both urban and rural locations and provides local real property tax relief by targeting existing environmental mandates, and

WHEREAS, the programs that would be funded with proceeds from the Bond Act include:

- Water quality improvements and upgrades of sewage treatment facilities
- Municipal parks and open space preservation
- Improvements to drinking water systems
- Landfill closures and recycling programs
- Cleanup and reuse of contaminated sites known as "brownfields," and
- Projects to improve air quality, and

WHEREAS, without the resources of the Bond Act, local governments would be required to comply with these federal and state mandates by continuing to rely on the local property tax; and

WHEREAS, the "Clean Water, Clean Air" Bond Act will appear on the November 1996 ballot for passage by the voters of New York State ,

NOW THEREFORE BE IT RESOLVED that we hereby support the 1996 "Clean Air/Clean Water" Bond Act and urge its approval by the voters of New York State during the November 1996 General Election.

SEPTEMBER BILL LIST - SEPTEMBER 24, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-381	ACE FINGERPRINT EQUIPMENT	31.94
A-382	AMERICAN RED CROSS	6.00
A-383	AMTHOR'S WELDING	63.84
A-384	BARTON CHEVROLET	233.60
A-385	BEST WESTERN	1,273.00
A-386	CHERRY TIRE SERVICE, INC.	139.00
A-387	CIARDULLO PRINTING	25.00
A-388	COUNTRY HARDWARE	26.89
A-389	COUNTRY HARDWARE	51.93
A-390	DANIELS AGENCY, INC.	2,638.00
A-391	FIRSTONE TIRE & SERVICE CENTER	258.20
A-392	FRONTIER COMMUNICATIONS	1,800.00
A-393	GEORGE'S AUTO PARTS	166.34
A-394	IRA D CONKLIN & SONS, INC.	2,927.00
A-395	LYNN PEAVEY	49.25
A-396	MAYBROOK MATERIALS, INC.	244.63
A-397	MID HUDSON COMMUNICATIONS	524.77
A-398	NATIONAL SAFETY EQUIPMENT	428.90
A-399	NEWBURGH STEEL PRODUCT	31.95
A-400	NYS CONFERENCE OF MAYORS	50.00
A-401	ORANGE COUNTY CLERK	4.00
A-402	PURE CORP	327.90
A-403	SMITH'S COMMERCIAL TIRE SVC., INC.	217.40
A-404	STIEFEL RESEARCH INSTITUE	10.84
A-405	THRUWAY SHOPPING CENTER	145.43
A0406	VEN MAR SALES	91.83
A-407	VINCENT TOOMEY, ESQ.	1,700.00
A-408	WALDEN AUTO SUPPLY	65.71
A=409	WALDEN ANIMAL DELI	31.22
A-410	ZEP MANUFACTURING	77.26
A-411	SHOWCASE OF AWARDS	378.20
A-412	NATIONAL SAFETY	85.80
A-413	PAGE NY	25.00
A-414	TIMES HERALD	52.65
A-415	AL VALK'S	50.00
A-416	COUNTRY HARDWARE	50.40
A-417	GALL'S	72.97
A-418	GEORGE AUTO	30.97
A-419	MID HUDSON COMMUNICATIONS	264.80

14,652.62

SEPTEMBER BILL LIST - SEPTEMBER 24,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-42	CHAMPION SUPPLIES, INC.	26.50
F-43	IRA D CONKLIN & SONS, INC.	108.10
F-44	PAGE NY	6.75
F-45	PRINTABLE SERVICES	444.04
F-46	ORANGE COUNTY LAB	200.00
		<u>785.39</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-47	ENVIROTEST LABORATORIES, INC.	980.00
G-48	PRINTABLE SERVICE	444.04
G-49	FISHER SCIENTIFIC	218.13
G-50	AL VALK'S	50.00
		<u>1,692.17</u>

CAPITAL ACCOUNT #82	NYSEG MUNICIPAL BLDG	39.44
CAPITAL ACCOUNT #82	ADVANCE TESTING CO., INC. MUNICIPAL BLDG	100.00
CAPITAL ACCOUNT #82	IPPCO, INC. MUNICIPAL BLDG	550.00
CAPITAL ACCOUNT #37	MEHLON TRUCKING ROAD PROGRAM	420.00
CAPITAL ACCOUNT #88	SHAND & JURIS SEWER SYSTEM	476.14
SMALL CITIES 92	SABATO & ROSALIA VIVENZO 34 CAPRON ST	8,800.00
SMALL CITIES 95	R W MECHANICAL, INC. 86 EAST MAIN ST	4,015.00
CL & EJ GRIDLEY	RENT FOR VILLAGE OFFICE	971.00

SEPTEMBER BILL LIST - SEPTEMBER 24,1996

PERPAID BILLS

GENERAL FUND

VOUCHER

VENDOR

AMOUNT

AT & T	3.68
AT & T	5.16
BELL ATLANTIC NYNEX	28.44
FRONTIER COMMUNICATION	99.94
FRONTIER COMMUNICATION	380.71
FRONTIER COMMUNICATION	205.67
FRONTIER COMMUNICATION	470.25
NYSEG	125.17
WAREX TERMINAL	840.70
FRONTIER COMMUNICATION	56.68
FRONTIER COMMUNICATION	89.29
NYSEG	563.04
WAREX	211.75

3,080.48

PERPAID BILLS

WATER FUND

VOUCHER

VENDOR

AMOUNT

COASTAL REFINING & MARKETING, INC	29.30
FRONTIER COMMUNICATIONS	81.52
NYSEG	46.96
NYSEG	2,264.81
NYSEG	16.57

2,439.16

PERPAID BILLS

SEWER FUND

VOUCHER

VENDOR

AMOUNT

NYSEG	264.64
NYSEG	2,549.38
FRONTIER COMMUNICATION	58.76
NYSEG	285.11

3,157.89

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING
SEPTEMBER 19, 1996

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustee to order at 10:25 A.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
Martin Besdesky
Chris Forman
Roy Wynkoop

Absent: Trustees John McGuckin
John Ryan

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

MUNICIPAL BUILDING RENOVATIONS

Craig Maslik, Clerk of the Works gave a work status report. He advised the board that this morning there are two painters on site from RBI Construction, and three HVAC installers from Demberg Brothers. That is the extent of the work being done.

Mayor Uszenski read the attached letter from Liebman and Hurwitz dated September 19, 1996.

Trustee Forman moved to adopt Resolution No. 3-96-97, Declaring RBI Construction Corporation In Default of its General Construction Contract for Alterations and Renovations of the Walden Municipal Building and Terminating its Services Thereunder, (attached). Seconded by Trustee Wynkoop. All ayes. Resolution adopted.

ADJOURNMENT

Trustee Forman moved to adjourn. Seconded by Trustee Besdesky. All ayes. Meeting adjourned at 10:25 A.M.

Respectfully submitted,


Nancy Mitchell
Village Clerk

Liebman · Hurwitz

and

Associates

130 HUGUENOT STREET, NEW PALTZ, N.Y. 12561 / 914-255-6565 FAX 914-255-3520

Architects & Planners

September 19, 1996

Mr. John Kelly, Village Manager
Village of Walden
8 Scofield Street
Walden, NY 12586

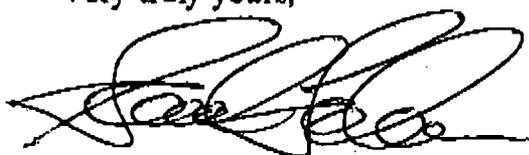
Re: Walden Municipal Building
Alterations & Renovations Project

Dear Mr. Kelly,

With this letter we hereby certify that sufficient cause exists for the termination of RBI Construction's involvement in the renovation of the Municipal Building. As called for in Section 14.2.2 of our contract with the Village, we unequivocally state that RBI Construction has persistently and repeatedly failed to comply with their contractual obligations despite repeated assertions that they would do so; despite extraordinary patience by the Village in giving them the opportunity to do so.

If you or the Board have any questions regarding the above, please feel free to contact me.

Very truly yours,



Samuel Liebman
Liebman · Hurwitz and Associates

cc: Village Board of Trustees
Craig Maslik, Clerk of the Works

RESOLUTION DECLARING RBI CONSTRUCTION CORPORATION IN DEFAULT OF ITS GENERAL CONSTRUCTION CONTRACT FOR ALTERATIONS AND RENOVATIONS OF THE WALDEN MUNICIPAL BUILDING AND TERMINATING ITS SERVICES THEREUNDER.

WHEREAS, RBI Construction Corporation (hereinafter "RBI") was awarded a general construction contract for the alterations and renovations of the Walden Municipal Building;

WHEREAS, by agreement dated July 6, 1995, RBI agreed to perform general construction services enumerated in the contract documents for a total sum of \$523,100.00;

WHEREAS, such agreement required RBI to complete its work within 330 calendar days from the date the Notice To Proceed was issued by the Village of Walden;

WHEREAS, such Notice To Proceed was issued on September 1, 1995;

WHEREAS, throughout the contract period, RBI has continually undermanned the project resulting in inordinate and unacceptable delays in performance of the work;

WHEREAS, the 330 calendar days expired as of July 31, 1996, at which time work on the project was approximately half completed;

WHEREAS, despite the Village's permitting RBI additional time to complete the project pursuant to an agreed upon schedule and staffing plan, RBI has failed to meet the schedule and has failed to man the project according to the agreed upon staffing plan;

WHEREAS, RBI has failed to abide by its contract in several areas, including the failure to provide adequate staff, failure to perform the work in a proper workman-like manner, failure to pay subcontractors in a timely fashion and use of material which does not meet contract specifications;

WHEREAS, RBI's delays have put the Village to considerable additional expense which expenses will continue until the project is completed;

WHEREAS, the Village now wishes to declare RBI Construction Corporation in default of its contract and terminate its services thereunder.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Walden as follows:

1. Pursuant to Article 14 of the General Conditions of the Construction Contract, the Village hereby declares RBI Construction Corporation in default of the contract for alteration and renovation of the Walden Municipal Building dated July 6, 1995.

2. The Village hereby terminates the services of RBI Construction in accordance with the provisions of said contract.

3. The Village Manager is hereby directed to notify RBI and its surety of the Board's action immediately via facsimile transmission and overnight Federal Express Mail delivery.

4. The Village Manager's notification to RBI and its surety shall be in compliance with the notice provisions of the construction contract.

5. The Village Manager is hereby authorized to do what is necessary to have RBI's surety complete the work in an expeditious manner.

Upon motion by Trustee Forman, seconded by Trustee Wynkoop, the Resolution was adopted as follows:

Mayor Andrew Uszenski	Aye
Trustee John McGuckin	Absent
Trustee Ray Ozman	Aye
Trustee John Ryan	Absent
Trustee Chris Forman	Aye
Trustee Roy Wynkoop	Aye
Trustee Martin Besdesky	Aye

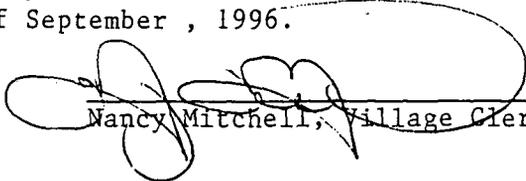
Dated: September 19, 1996

STATE OF NEW YORK)
COUNTY OF ORANGE)
VILLAGE OF WALDEN)

THIS IS TO CERTIFY THAT I, Nancy Mitchell, Clerk of the Board of Trustees of the Village of Walden, have compared the foregoing copy of a resolution with the original resolution in the minutes book on file in my office and which was passed by the Board of Trustees of the Village of Walden on the 19th day of September , 1996, and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS THEREOF, I have hereunto set my hand and the official seal of said Village of Walden this 19 day of September , 1996.

(seal)


Nancy Mitchell, Village Clerk

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING
SEPTEMBER 18, 1996

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 6:00 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John Ryan
Ray Ozman
Chris Forman
Martin Besdesky
Roy Wynkoop

Absent: Trustee John McGuckin, later present

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

MUNICIPAL BUILDING RENOVATIONS

Craig Maslik gave an update on the municipal building renovations. He advised the board that there was one day when there was absolutely no one in the building. On a normal day there is three painters on site and a laborer. The doors have not progressed since the board was there. Not much painting has progressed either.

Mayor Uszenski stated that none of the outside painting has been touched. There is a lot of preparation work before you begin painting.

Mr. Maslik stated that the carpeting is a very big issue. Its not a superior brand of carpeting and it has a ten year warrantee. Our carpeting was suppose to be a lifetime warrantee on a padded back which has rubber and foam glued to the carpeting. The amount of stitching per square inch is greater than the carpeting we were suppose to get. It will take four to six weeks to reorder the carpeting. The chiefs office, sergeants office and the training room now have carpeting on the floors. Its the incorrect carpet. There isn't any viable alternative other then to take it out and put in the correct carpeting.

Manager Kelly stated that in regard to the carpeting there are two issues that they're looking for the village to make a decision on. One was the proposal that they made at the table was based upon an option that Mr. Liebman identified as being possible, that would be that none of the carpeting would be accepted by the village. It would all be reordered. The consideration at this point would be whether or not the village would move into the existing police department if everything else was ready and then RBI would assume the cost of moving them out of those areas to put the new carpeting down then moving the stuff back in. The manager spoke to the chief and he stated that would present problems for the police department from an operational standpoint. In order to keep the carpeting and in order to keep the warrantee you would need to use chair pads. Its not an option.

Trustee Ryan stated that he went through the building a couple days ago and he saw a puddle of paint on the brand new tile floor upstairs and he saw drip marks on the wall on the second floor. There was a countertop individual putting countertops and he couldn't put them in because the backing wasn't put in the wall. He had to cut out a brand new wall to put backing into the wall so he could hang the heavy iron which holds the countertop. The finish is being compromised.

Mr. Maslik stated that he is not happy with the paint job. He will make every effort to see that the work is redone.

Manager Kelly stated that the other open issue is the low-e glass in the front, which was not low-e. They would like to offer the village window drapes or some type of window treatment on each of those four windows in return for the village accepting the none low-e glass.

Trustee Ryan stated that low-e glass is very expensive and what is there is not very expensive and the reason you have low-e glass is because you have a big wide open area and the heat will be rushing out through. The life of a drape is ten years. The life of the low-e glass is forever. He would not under any circumstances take the drapes.

EXECUTIVE SESSION

Trustee Ryan moved to hold an executive session pursuant to 105-(f) of the Public Officers Law and the Clerk of the Works Craig Maslik be invited. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the special meeting. Seconded by Trustee Ryan. All ayes. Meeting reconvened.

Trustee Ryan moved to rescind the resolution with the architects firm of Liebman and Hurwitz from the meeting of September 10, 1996 which is entitled Architectural and Engineering Services Additional Compensation, claimed by the architect. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Besdesky moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the special meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Ozman moved to hold a special meeting on Thursday at 10:00 A.M. at the Village Offices to discuss the municipal building renovation project. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Ryan moved to authorize the Village Manager to engage in a six month extension on the lease for the village offices. Seconded by Trustee Forman. All ayes. Motion carried.

ADJOURNMENT

Trustee Besdesky moved to adjourn. Seconded by Trustee Forman. All ayes. Motion carried.

Respectfully submitted,


Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, September 10th, 1996 at 6:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. EXECUTIVE SESSION
3. APPROVAL OF MINUTES
4. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Request For Subordination Agreement
 - A.2 Walden Day Celebration
 - A.3 Payment of Audited Bills For September 10th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 Josephine-Louise Public Library Funding Requests
 - B.3 Day Care Center Zoning Amendment
 - B.4 Luxembourg Ltd. Loan Agreement Request
 - B.5 Evergreen Senior Housing Project
 - C. INFORMATIONAL ITEMS
 - C.1 Small Cities Mediation Committee
 - D. CORRESPONDENCE
4. PUBLIC PORTION
5. ADJOURNMENT

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 1

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996

Mayor Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 6:30 PM.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
John Ryan
Martin Besdesky
Chris Forman
Roy Wynkoop

Absent: Trustee John McGuckin, later present

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

EXECUTIVE SESSION

Trustee Ryan moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Ozman moved to hold an executive session pursuant to 105-(f), (to discuss the financial aspects of 11-17 Main Street project and Luxembourg Limited) of the Public Officers Law. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Wynkoop moved to reconvene the regular meeting. Seconded by Trustee Besdesky. All ayes. Motion carried.

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of August 27, 1996 and September 5, 1996 with the following correction to the August 27th minutes: Page 7, fifth paragraph, change

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 2

chlorinator to aerator. Seconded by Trustee Forman. All ayes with the exception of Trustee McGuckin abstaining from the September 5th minutes. Minutes adopted.

1996 SMALL CITIES GRANT

Mayor Uszenski stated that the village received official word today that the Village of Walden did receive its \$600,000 grant from HUD. The mayor thanked Mr. Barnes and Saccardi and Schiff for the work that was done putting the package together. This is a single purpose grant for 11-17 Main Street. This will have to go back to HUD for review because of the change in the project.

REQUEST FOR SUBORDINATION AGREEMENT

Mayor Uszenski stated that this request is for the Orchard Street property and everything is in order.

Trustee Forman moved to approve the subordination agreement for the property on Orchard Street. Seconded by Trustee McGuckin. All ayes. Motion carried.

WALDEN DAY CELEBRATION

Mayor Uszenski stated that the Walden Day Committee is requesting permission to hold Walden Day on September 28th, which will be commencing on Friday, September 27th with Little Miss Walden. They are asking permission to hold the parade and close off certain streets in the square.

Trustee Ryan moved to approve the request of the Walden Day Committee to hold Walden Day on September 27th and September 28th, 1996, to hold the parade and close off certain streets. Seconded by Trustee Ozman. All ayes. Motion carried.

PAYMENT OF AUDITED BILLS

Trustee McGuckin moved to pay the audited bills including the additional bills for the municipal building renovations and to reduce RBI's bill by actual damages accrued from August 1, 1996 to September 10, 1996. Seconded by Trustee Wynkoop. All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATION PROJECT

Mayor Uszenski stated that during the board's first executive session the board had a tour of the municipal building. Its

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 3

the consensus of the board to have a weekly meeting because of the manpower problem. There is a job meeting on Wednesday at 2:00 PM.

Trustee Ozman moved to hold a special meeting on Wednesday, September 18, 1996 at 6:00 PM at the village offices. Seconded by Trustee McGuckin. All ayes. Motion carried.

JOSEPHINE-LOUISE PUBLIC LIBRARY FUNDING REQUESTS

Mayor Uszenski stated that the library has requested the restoration of library furniture and the moving of volumes of books when phase one of the project is completed.

Manager Kelly stated that the first request from the library board is to pay a voucher of \$5,125.00 to restore furniture that was damaged when the building sustained water damage. There were additional items added to that list. The library is requesting that the village use their funds to pay that voucher.

Trustee Ryan asked out of what account?

Manager Kelly stated that it would be paid out of the contingency account of the general fund.

Trustee Ryan asked how the delay of the building effects the libraries current budget?

Manager Kelly stated that the village budgeted for staffing of the new renovated library upstairs and the existing library for a full year. The library is not able to utilize both areas until January then that would be seven months of the twelve months that they would not need to expend.

Trustee Ryan asked what the dollar amount would be?

Manager Kelly stated that he believes it would exceed \$9,000. That was an estimate on his part.

Trustee Ozman asked the librarian if the library would be in a position to use some of the funds towards those costs?

Ms. Myers stated that they were projecting staff hours last year. When they actually get into the staffing they hope they have a little money. They don't know the actual staff hours it will take to man the new building. She doesn't think there will be \$9,000.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 4

Manager Kelly stated that he has been told by bond counsel that you cannot use the money from the bond strictly to repair furniture which is an operation and maintenance cost. The work has already been done to the furniture.

Trustee McGuckin stated that he would think there would be some of this money coming out of the libraries operating budget for some of the repairs.

Trustee Wynkoop asked if the village could take it out of their contingency account and then if they have extra money they could pay it back?

Manager Kelly stated that there would have to be a budget transfer at the next meeting or have the library pay it out of their funds and the village would agree to reimburse them. The board could suggest the library board sign the voucher and pay it and should the need arise make the money available to the library at a later date, should it be necessary.

Trustee Ryan asked if the library would be comfortable with that?

Ms. Myers stated that she will take it back to her board.

This was tabled until the September 18th meeting.

Mayor Uszenski stated that the next request is for the proposal to move the books.

Manager Kelly stated that he met with Ms. Myers and Finnegan Movers came in and prepared a proposal to move the library upstairs. There is a tremendous amount of material that is being stored on the balcony which all will have to be removed before the next phase of renovation work when they get into the existing library. Then there is the main move in the library which is twenty thousand volumes that have to be moved from down stairs upstairs. Then there is an additional five thousand volumes in the nonfiction section which aren't scheduled to go upstairs but have to vacate the downstairs until the new carpeting and renovations are done and have to be put back on the shelves. The fourth piece of the puzzle is the fact that the standing shelves and furniture in the library have to be removed to enable the carpet installation to take place. They are uncertain whether the shelving units can remain, be stacked to one end of the room or have to be disassembled and removed from the building. They met to try

and identify what the potential cost would be of each of the phases. He had conversations today with Mr. O'Callahan who is the marketing agent to discuss alternatives to reduce the cost as well as options as to what they may be able to do in terms of doing it. There is a cap on goods and services that the village purchases during any fiscal year from a single vendor and that cap is \$10,000. If you exceed \$10,000 you must competitively bid it. The proposal as stated exceeds \$12,000. One discussion was instead of using six men for the main move we could use four and have two existing village employees supplement the two movers at a substantial savings. Another option would be to have the public works department move all the material and supplies on the balcony to the third floor assembly room which cannot be opened to the public until the third staircase is completed. Stack it all in the middle of the room and the nonfiction section which would be three hundred cases of books stack that around the perimeter of the assembly room, three high, one hundred long, so you have even weight distribution and not have to store anything off site. The storage is not the problem, its the transportation back and forth. He asked Ms. Myers if the furniture manufacturer for the shelving units would be in a position to provide a proposal to disassemble the units and reassemble them. That would bring the price down to \$8,000. At that point the move would be done within the period of one week. He doesn't have the final proposal and he would like the opportunity to work with Mr. O'Callahan between now and next week.

This was tabled.

DAY CARE CENTER ZONING AMENDMENT

Mayor Uszenski stated that the board has some general questions for Mrs. Horan from Walden Day Care, who was invited to attend the meeting tonight. The mayor further stated that the board has looked at a couple local laws. The state does control most of the regulations. He asked if the state regulates hours.

Mrs. Horan stated no, they can be open twenty four hours a day. They are limited to the square footage of the building as to how many children they can have.

Trustee Ozman asked, didn't the board agree to only regulate day care centers in the area that wasn't already regulated by the state?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 6

Trustee McGuckin stated yes.

Trustee Wynkoop suggested that the village require any day care center to be state licensed, so they would have to comply with the state regulations.

Trustee Ryan stated the board is not interested in trying to reregulate the whole business. What they are trying to do is tailor it so it fits the Village of Walden. One of the concerns is the drop off and pick up. The village has a couple one way streets and there could be a problem of drop off. He asked if that would impose a problem for them?

Mrs. Horan stated no, because a parent has to physically bring the child in and hand him over to a care giver.

Trustee Ryan asked the village attorney if it would be within the villages rights to mandate procedural for a day care?

Mr. Dowd stated that he would have to review the state regulations because if you back it in any way shape or form you're preempted from acting.

Trustee Ryan stated that he feels the sign in program is an excellent idea and if you have a business that is performed on a one way street he has great reservations of putting a business in that area.

Mr. Dowd stated that he thinks the village can require to have drop off points which are safe from traffic. He's not so sure the village can require how they operate.

Trustee Ozman asked if the village could get a set of the written rules and regulations that the Walden Day Care has?

Mrs. Horan stated yes.

Mayor Uszenski stated that the best direction to go is to make it a special exception use for the entire village.

Mr. Dowd stated that the village is precluded from getting into the realm of the home day care regulations. If you want to set up a day care center then you can tailor your zoning.

Mrs. Horan stated that in order for them to be licensed they had to have zoning approval. If they had zoning approval twenty five years ago to be able to open up, she doesn't know why this is even a discussion.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 7

Mr. Dowd asked if they had any documentation in their files that show they got that approval. There is nothing in the village records. The problem is as it currently exists day care centers are not defined in the village code as permitted in any zone in the village.

Manager Kelly stated that he was provided with a letter from the Department of Social Services regarding family and group family day care homes. The letter states that a family day care home is defined in Section 391-e of the Social Services Law as a program where day care is provided for three to six children for more than three hours per day in a family home occupied as a residence. The village is precluded from regulating these residences anywhere in the village. The end of the letter indicates that day care centers are within the preview of the village. The definition they use at the end says that a day care center is a facility providing day care outside a family home to three or more children for more than three hours a day.

Mrs. Horan asked, if restrictions are put on day care centers and the zoning amendment goes through would they have to reapply in order to conform or would they be grandfathered in?

Mr. Dowd stated that you can't be grandfathered in if you were not legal to begin with. You would have to get the permit.

After a brief discussion it was the consensus of the board to proceed with special exception permit allowing it throughout the village and to have the village attorney draft a model local law for discussion at the next meeting.

MUNICIPAL BUILDING RENOVATIONS - ARCHITECTS CONTRACT

Manager Kelly stated that there is a copy of an agreement from Mr. Liebman. Since his contract expired at the time of the general completion it will be necessary for the board to authorize him to sign the letter of agreement which provides for all services from this point forward at an hourly rate. These costs will be past on to the general construction contractor as damages.

Trustee Ryan moved that the board accept the schedule of fees as outlined in the letter of September 9th from Liebman and Hurowitz and that the village would stay entered into this

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 8

agreement until the completion of the job with RBI or allow the village to terminate when conditions change. Seconded by Trustee McGuckin. All ayes. Motion carried.

LUXEMBOURG LTD. LOAN AGREEMENT REQUEST

Mayor Uszenski stated that the board needs to form a subcommittee to negotiate with Luxembourg Ltd. to finalize all the financial agreements.

The subcommittee consists of Mayor Uszenski, John Kelly, Kevin Dowd, Kerron Barnes, and Trustee Wynkoop.

EVERGREEN SENIOR HOUSING PROJECT

Donald Tirschwell representing Rockhill Building, Robert Erich and Dan Pannarello of Rockhill Builders gave a presentation on their proposal for Evergreen Senior Housing Project to construct a senior housing project at Winding Brook. They have applied for tax credit financing which has a window that requires feedback from the board to proceed. They have approached the Town of Montgomery and they have indicated if the developers give them the wording that would be acceptable to the village they will waive for this use of the property for senior housing.

Mr. Dowd stated that there is nothing in the village code that talks about senior housing. This would require a zoning law change. Also, that kind of density is not allowed in an R-3 zone.

Manager Kelly stated that several months ago these gentlemen came before the planning board for approvals for this project. The planning board was not able to go forward. In a series of discussions and meetings there was a review of covenants which were on the annexation. The problem with that was that it had to remain as single family residences or there was a site plan adopted was subject to challenge by any of the adjoining property owners including the homeowners association. There was some other issues that were discussed, one being the fact that this phase required ingress and egress over the homeowners associations property of Winding Brook which was never fully completed. The former developer was unable to complete and defaulted on the project and the improvements still have not been completed. The sanitary sewer and pump station have never been accepted by the village nor have any of the water. The planning board has discussed this at their meeting and they are very much in

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 9

favor of an amendment to the code that does permit this as a special exception permit in the village.

Trustee Ryan asked what the construction value is for the project?

Mr. Tirschwell stated five million dollars.

Mr. Dowd stated that the issue is not just this one project but its whether or not you want to encourage senior housing, like this project, in the Village of Walden because right now your zoning does not permit it. If you do you want to design a zoning amendment that you could structure to provide a planned development for seniors and encourage the growth of senior citizen housing in the village.

Trustee Besdesky moved that the Village of Walden is in support of considering the zone change for senior citizen housing. Seconded by Trustee Forman. All ayes. Motion carried.

SMALL CITIES MEDIATION COMMITTEE

Trustee Wynkoop reported for the Small Cities Mediation Committee that nothing happened at the meeting. Mr. and Mrs. Sager prefer to go after the charges of \$50.00 per day. Mr. Warren said he would come back and do the work.

Mayor Uszenski read the letter from R. W. Mechanical dated September 4, 1996 addressed to Marie Sager and Anne Yerks stating that R. W. Mechanical Inc. stands by its work in all cases to its end. We will return to your home and correct items A, B, C, E and F. F shall not be part of the warrantee as are indicated in the Walden Building Inspectors letter of July 22nd, 1996. Please be aware, however, that we have no intentions to waive our rights for full compensation after these items are completed. A balance of \$1,056 is still outstanding. He will be coming to your home on Saturday, September 7th, 1996 at 12:00 noon to assess the materials needed for the job. If this date or time is not convenient please call me. The letter is signed by Reginald Warren.

Mr. Sager stated that he can speak for Mrs. Yerks. He would like the manager to show the board the May 19th letter. The man came back and did work under the May 19th letter. The May 19th letter strictly informs Mr. Barnes to enforce the \$50.00 per day penalty.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 10

Mr. Barnes stated that he doesn't enforce that penalty.

Mr. Dowd stated that if they are going to assess penalties for default that they would notify the village and there would be claims and the village would be in the middle of that dispute and then there would be a right as to whether or not they have the right to hold the \$50.00 back and once that is resolved then the village would pay what has to be paid.

Mr. Sager stated that he came back and he did the work that is on the letter and its stated that there would be a \$50.00 a day penalty. They finished up June 10th and the siding fell off June 11th.

Trustee McGuckin stated that Mr. Warren agreed to come back and do the work that is necessary. The warrantee work.

Mayor Uszenski advised Mr. Sager to advise Mr. Barnes what direction they are going to take.

Trustee Ryan stated that during the meeting Mr. Barnes read from the contract that it is between the owner and the contractor and the only place that the village is a mediator is in workmanship and materials.

Mr. Sager asked how do you explain how they can come in here on a Tuesday night and ask the board for something without notifying the homeowner?

Manager Kelly stated that in this case the payment would be requested over the objections of the homeowner who is claiming liquidated damages, which is a different dispute then what the board resolved to do in the other matter. Again, its an issue that the board has taken a position that the villages roll is to arbitrate a dispute in workmanship or a definition of an item that is to be included. Its not to enforce the homeowners ability under their private contract with a contractor. If the owner and a contractor are unable to resolve that matter of whether or not the owner has the right to withhold payment in terms of damages, this village is not in a position to mediate that end of it. That has been clear from the beginning.

Trustee Ryan moved to authorize the manager to send a letter to Mr. Warren, Mrs. Sager and Mrs. Yerks stating that the dispute is between the homeowners and the contractor and any resolution to the dispute will have to be gained through their own efforts and that the board will not take any action

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 11

in this matter, including not paying for any work completed until there is a resolution to the dispute. Seconded by Trustee McGuckin. All ayes. Motion carried.

CONFERENCE REQUEST

Manager Kelly stated that Walt Sweed is asking for time off to attend the Rural Water Conference in Las Vegas, October 12th to October 17th at no cost to the village.

Trustee Ryan moved to authorize Walt Sweed to attend the Rural Water Association conference in Las Vegas October 12th until October 17th. Seconded by Trustee Besdesky. All ayes. Motion carried.

TREES

Mayor Uszenski stated that Trustee Wynkoop attended the meeting with DEC Department of Forestry. (minutes of meeting attached)

PUBLIC PORTION

Maria VanLeuwen, 82 W. Main Street asked about the banners for Walden Day?

Manager Kelly stated that he will ask Mr. Stickles.

Larry Sager, 78 Orchard Street stated that the workers did a nice job laying the slate on Orchard Street. He asked when it was going to be blacktopped, because otherwise its going to wash out?

Manager Kelly stated that he's asked the superintendent of public works to form a new blacktop curb mold. They want to curb that street and back fill it and seed it.

Kerron Barnes stated that the rains over the weekend have undermined the slate and one or two have collapsed.

Becky Pearson, 167 Walnut Street asked about the Winding Brook property, will they have to go back and do new plans and perk tests or can they go ahead and build?

Manager Kelly stated that phase has no approved plans.

Mrs. Pearson asked what they would build if they don't build this?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 12

Trustee McGuckin stated that they wouldn't buy the property.

Mrs. Pearson asked who changed the public portion, why is it at the end of the meeting?

Mayor Uszenski explained that he changed it, because when the public portion was earlier it sometimes would go for an hour and a half and longer which didn't give the board enough time to conduct its business.

Mrs. Pearson asked what happens next with the trees?

Trustee Besdesky stated that the board will review it.

Paul Benson, 112 Maple Street that he lives on the corner of Maple Street and Pine Street and its a very bad corner. He would like a stop sign put there. There is also a speed zone sign that is overgrown by a tree on Maple Street.

Manager Kelly stated that he will have that looked into.

Larry Sager asked how the village is going to regulate the day care center if its in the church?

Mr. Sager stated that in regard to Luxembourg grant he feels they will be discussing public money and it should be public.

Mr. Dowd stated that anything that was negotiated would have to be approved at a public meeting by the board.

Mr. Sager asked if in the special exception use code you can empower a payment for use of a municipal parking lots?

Mr. Dowd stated that there is a section under parking waivers and exemptions that says when you establish a municipal parking fund that the developers who are within five hundred feet will have to contribute to that fund. He doesn't believe this board ever created a municipal parking fund.

Ms. Vanleuwen asked if anyone was hired to weed the entrance signs?

Manager Kelly stated that two new employees were hired.

Ms. Vanleuwen asked if there could be a light on the entrance sign?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
SEPTEMBER 10, 1996 - PAGE 13

Manager Kelly stated that the village hasn't looked at the feasibility.

REPORTS - COMMITTEE

Trustee Ryan asked about Mr. Hart's mileage voucher, it needs a description.

Trustee Ryan asked how many participants were there in the Walden 8K race?

Mayor Uszenski advised him that there were 31.

Trustee Ryan stated that 145 t-shirts were purchased, where are the leftovers.

Trustee Ryan asked if Mr. Deihl is authorized to sign for things at the hardware store?

Manager Kelly advised him yes. The vouchers are all reviewed by the recreation coordinator.

Trustee Ozman stated 241 are enrolled in the soccer program

REPORTS-MAYOR

Mayor Uszenski stated that he was very disappointed in the 8K race. He hopes it will be done better next year.

Mayor Uszenski asked whats going on with the two garages in the village who have the inspection station signs?

Manager Kelly stated that Walden Mobil came to the zoning board and got an interpretation that they were a preexisting/nonconforming use. Based up the interpretation its a moot point with Hudson Valley Tire as well.

EXECUTIVE SESSION

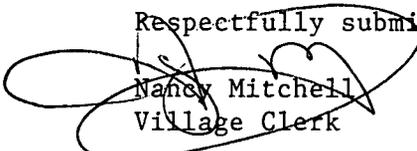
Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Ozman moved to reconvene the regular meeting. Seconded by Trustee Ryan. All ayes. Motion carried.

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Ryan. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

SEPTEMBER BILL LIST - SEPTEMBER 10,196

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-337	AMERICAN ALARM CO.	36.00
A-338	ANNESE & ASSOCIATES	223.04
A-339	BARTON CHEVROLET	6.56
A-340	CASINGS, INC.	209.75
A-341	CHAMBERS FORD TRACTOR	7,900.00
A-342	DAN THE TREE MAN	1,350.00
A-343	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	3,166.66
A-344	GEORGE'S AUTO PARTS	89.02
A-345	GEORGE'S AUTO PARTS	42.90
A-346	GRAPHIC DETAIL	120.00
A-347	GRAPHIC DETAIL	60.00
A-348	GROSSO MATERIALS	579.39
A-349	HART MARC	57.00
A-350	COUNTRY HARDWARE	193.46
A-351	MITCHELL NANCY	30.00
A-352	NYCOMCO	1,375.00
A-353	NYCOMCO	125.00
A-354	PURE CORPORATION	129.30
A-355	ROBERT GREEN	3,525.00
A-356	SANWA	135.00
A-357	SCHMIDT'S WHOLESALE	163.50
A-358	SMITH'S COMMERCIAL TIRE SERVICE	248.40
A-359	STEDNER PRINTING	80.00
A-360	SWEED WALTER	55.76
A-361	THRUWAY SHOPPING CENTER	129.89
A-362	THRUWAY SHOPPING CENTER	80.74
A-363	THRUWAY SHOPPING CENTER	124.87
A-364	THRUWAY SHOPPING CENTER	28.29
A-365	TIMES HERALD RECORD	21.60
A-366	WALDEN AUTO SUPPLY	86.97
A-367	WALDEN AUTO SUPPLY	24.60
A-368	WEINERT T SHIRTS, INC	170.00
A-369	WICKES LUMBER	42.02
A-370	WILLIAMSON LAW BOOK CO	303.28
A-371	ACTION PARKS	648.00
A-372	BROWNING FERRIS	65.00
A-373	DEHAM FRAME & AXLE, INC.	300.00
A-374	ENVIRONMENTAL PAPER TOWEL	171.10
A-375	ORANGE AUTO ELECTRIC	45.00
A-376	ORANGE CO. SANITARY LANDFILL	400.25
A-377	QUILL	184.23
A-378	WEINERT T SHIRT, INC.	810.75
A-379	CHAMBER FORD TRACTOR	87.50
A-380	SLATER'S	90.00

23,714.83

SEPTEMBER BILL LIST - SEPTEMBER 10,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-33	AMERICAN ALARM	28.00
F-34	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	416.67
A-35	DEMPSEY PIPE	181.34
A-36	MID HUDSON COMMUNICATIONS	171.25
A-37	RAMSCO	100.00
A-38	COUNTRY HARDWARE	98.20
A-39	SURPASS CHEMICAL	340.35
A-40	ORANGE COUNTY LAB	200.00
		<u>1,535.81</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-41	AIR POWER HOUSE	466.70
G-42	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	416.67
G-43	IMPERIAL WORKWARE SERVICE	20.00
G-44	COUNTRY HARDWARE	75.95
G-45	WECHSLER CONTRACTING CO., INC.	259.15
G-46	SLATER'S	184.95
G-47	COUNTRY HARDWARE	94.49
		<u>1,517.91</u>

SEPTEMBER BILL LIST -SEPTEMBER 10,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	470.25
	FRONTIER COMMUNICATIONS	86.89
	NYSEG	562.12
	NYSEG	1,159.97
	NYSEG	5,576.46
		<u>7,855.69</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	73.68
	POSTMASTER	67.00
		<u>140.68</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	46.88
	POSTMASTER	66.99
		<u>116.87</u>

CAPITAL ACCOUNT #82	NYSEG	39.44
	MUNICIPAL BLDG - RBI	
CAPITAL ACCOUNT #82	DEMBERG	7,200.00
CAPITAL ACCOUNT #82	JEFF LOWE PLUMBINB, HEATING	13,583.49

APPROVED

VILLAGE OF WALDEN
SPECIAL BOARD OF TRUSTEES MEETING
SEPTEMBER 5, 1996

Mayor Andrew Uszenski called the special Board of Trustees meeting to order at 7:00 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John Ryan
Raynard Ozman
Roy Wynkoop
Martin Besdesky
Chris Forman

Absent: Trustee John McGuckin

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney
Craig Maslik, Clerk of the Works

Recording Secretary: Victoria Kurtz, Deputy Clerk

MUNICIPAL BUILDING RENOVATIONS

Craig Maslik, Clerk of the Works stated that the progress over the last four days has been significant. Approximately four hundred square feet of the vinyl floor has been removed from the front of the elevator and the secondary entrance. The floor was then flashed correctly eliminating the existing ramp in front of the elevator and the dangerous bumps in front of the secondary entrance. Much of the painting was done over. There are still some spots that need touching up. The contractors are working in a much more reasonable manner. They have had between 12 and 16 workers on site for those four work days. Some carpeting has been installed.

Trustee Ryan asked where they are as far as the schedule they presented?

Mr. Maslik stated that they were to be completely done with all three floors by August 23rd. They have a weeks work on the first floor. There is two weeks of work left on the second floor and approximately three to four weeks of work on the third floor.

Trustee Ryan asked when the front doors will be delivered?

Mr. Maslik stated he was told Saturday.

Mayor Uszenski stated that he toured the building with Craig today and things are starting to look better.

Trustee Ryan asked about the plumbing?

Mr. Maslik stated that the bathroom counter tops have not been delivered yet. The first floor bathrooms can be completed because they get no counter tops.

Trustee Ryan asked what the status is on the counter tops?

Mr. Maslik stated that he didn't know. One of RBI's subcontractors is supplying them.

Manager Kelly stated that there was a walk through last Thursday and there was a private meeting to consult with the architect as to the status of the job, work issues that were raised and certification of the building.

Mr. Maslik stated that in regard to the roof, the patches were complete and the roof is not leaking at this point. You have a guarantee at this point, the roof is certified for two years.

Trustee Besdesky asked about the outside painting?

Mr. Maslik stated that he was informed that was within the August 23rd deadline.

Trustee Ozman asked what the target date was that the village agreed to?

Manager Kelly stated that the village accepted their proposed schedule which had a completion date of November 1st, for the entire project, inside and out. The agreement to allow them to complete the job was based on their strict adherence to the schedule. Once you fall behind you need a new schedule and everything has to slide back.

Trustee Besdesky stated that the windows don't fit the decor of that historic building.

Mr. Maslik stated that is a commercial window. That was in the bid specs.

Manager Kelly stated that having the large windows was to balance the fact that the door was going to be on one end.

Trustee Ryan asked if the surety company has been back?

Manager Kelly stated that they have been coming to the meetings and he has had conversations with them outside the meetings.

Manager Kelly further stated that the village received a notice from the Department of Labor regarding the subcontractor.

EXECUTIVE SESSION

Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the special meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

ADJOURNMENT

Trustee Ryan moved to adjourn. Seconded by Trustee Forman. All ayes. Motion carried.

Respectfully submitted,
(from the tapes)

A handwritten signature in black ink, appearing to be 'Nancy Mitchell', written over a circular stamp or seal.

Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, August 27th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Request For Subordination Agreement
 - A.2 Payment of Audited Bills For August 27th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 Day Care Center Zoning Amendment
 - B.3 Small Cities Project Mediation
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Municipal Solid Waste and Sludge Processing Plant
 - D.2 Request For Waiver of Penalty on Tax Bill
 - D.3 Request For Private Drive Address Designation
 - D.4 Rotary Project For 911 House Numbering
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Martin Besdesky
Roy Wynkoop

Also Present: John Kelly, Village Manager
James Loeb, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of August 13, 1996, with the following correction, page 4, fifth paragraph, change to Trustee Ryan voted no. Seconded by Trustee McGuckin. All ayes with the exception of Trustee Besdesky abstaining. Motion carried.

REQUEST FOR SUBORDINATION AGREEMENT

Tabled until the proper paperwork is received.

PAYMENT OF AUDITED BILLS

Trustee Forman moved to pay the audited bills of August 27, 1996. Seconded by Trustee Ozman. All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATION PROJECT

Craig Maslik gave an update on the renovations of the municipal building explaining that the project has not been manned to his expectations. Today there were two painters there for two hours. The painting hasn't progressed that much. The vinyl tile hasn't been installed correctly.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

The schedule he was presented with and approved has not been followed. The work was suppose to be complete on the first, second and third floor and the exterior of the building last Friday. Months are needed before the whole project is completed.

Mayor Uszenski stated that he did a walk through today and the work they are doing is not up to the quality.

Mr. Maslik stated that the areas that are complete there is a substantial amount that has to be redone. The company is willing to do it. It involves lifting up large sections of tile floor, removing the glue, reflashing the floor, reglueing and reinstalling again.

Manager Kelly stated that he received a letter from the president of the bonding company. The letter is a recap of what was discussed over the phone. The bonding company is asking the village to consider to pay joint checks both to the contractor and the surety, so the surety can make sure all the outstanding bills are paid as they come due. They indicated in the letter that they will have a tile installer on site tomorrow as well as a new painter. The manager also talked to the president of RBI who has no answers as to why there is a problem. They have not met their schedule, they have not met their staffing plan and the bonding company has tried to make every effort to keep the contractors here working. The other three trades are asking for an extension in time without any penalty to them. They are also in default of their contracts by virtue of the fact that RBI is. He anticipated a letter from the architect recommending the board grant the extension, because when the job does progress the village will be relying on those three primes to continue the project and without their continuing the project comes to a halt again. RBI has been advised that should the village be hit with damages from the other contractors it will be passed along. The village does not have a certification from the architect at this point in time which is required prior to any notice being given to the contractor. There is a seven day notice requirement upon receipt of the certification from the architect.

Mr. Loeb stated that it would very helpful if the board knew before any meeting if Mr. Liebman's partner was in a position to issue that certification and could issue it because the contract language is such that it appears to be a condition preceding to the village terminating the contract.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

After a discussion Trustee Ozman moved to hold a special meeting regarding the municipal building renovations on September 3, 1996 at 7:00 P.M. Seconded by Trustee Besdesky. All ayes. Motion carried.

DAY CARE CENTER ZONING AMENDMENT

Mayor Uszenski stated that the board has received sample legislation regarding day care centers. The village attorney is asking for help from the board as to what they would like included in their local law. The building inspector recommends to use this as special exception through the planning board.

Mr. Loeb stated that there are a whole host of state requirements regarding day care centers. The local area of power is to decide where in your community you want them located. That is outside the states concern.

It was the consensus of the board to table any further discussion on day care centers until a copy of the state regulations are received and reviewed and to also invite a representative of the Walden Day Care to the next meeting.

SMALL CITIES PROJECT MEDIATION

Mayor Uszenski stated that R.W. Mechanical is requesting to have the mediation done in a work session atmosphere where two or three of the board members will meet with all parties involved and then report back to the board.

Mayor Uszenski asked Mrs. Sager if she would be willing to meet with a committee?

Mrs. Sager stated that she was agreeable at the last meeting. She wanted the whole board.

Mr. Sager stated that she is not agreeing to meet with just three members of the board. She wants the whole board and she has the right.

Mayor Uszenski advised Mr. Sager that the floor wasn't open to him, he is out of order.

Mr. Sager stated that you can ## @^* &*\$\$ &^ @\$ \$!

Mayor Uszenski asked Mr. Sager to leave the meeting for improper language.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

Mr. Sager stated that he is not leaving.

Mayor Uszenski asked the clerk to call the police department and have Mr. Sager escorted out.

Trustee Ryan asked Mrs. Sager if she would be willing to meet on a Saturday?

Mrs. Sager stated yes.

A committee consisting of Trustees Ryan, McGuckin and Wynkoop was formed.

REQUEST TO PRUNE TREES ON MAIN STREET

Manager Kelly stated that he has a request from Jim Pursutti, Jim's Greenhouse, who wants to offer his services to trim the trees downtown for Walden Day. He is a certified nurseryman. The manager will ask him for a certificate of insurance.

Trustee Ozman moved to accept Mr. Pursutti's offer to trim the trees on Main Street and to thank him for his time. Seconded by Trustee Forman. All ayes. Motion carried.

REQUEST OF VALLEY AVENUE RESIDENTS

Manager Kelly stated that the residents on Valley Avenue are asking that if they clean up the debris from the Tinbrook could the village dispose of it.

Trustee Ryan suggested this be done on a Saturday and the village provide a loader and dump truck.

The board was in favor of this but requested more information be received.

MUNICIPAL SOLID WASTE AND SLUDGE PROCESSING PLANT

Manager Kelly stated that the information regarding municipal solid waste and sludge processing plant has been distributed to the board. The company is soliciting municipalities for intermunicipal agreements to provide a guaranteed amount of material each day. That includes recyclables, refuse, white goods and sludge from treatment plants. If the board is interested in learning more about the proposal, a presentation could be arranged. The proposal requires the creation of a garbage district to guarantee disposal at the

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

Middletown facility. Once in place the village could be in the position to either start up their own municipal solid waste collection system or contract out collection to a contractor. Currently, the village disposes their sludge directly at Al Turi landfill in Goshen.

Trustee Besdesky stated that this is something that should be tabled for the time being because the village is not headed in that direction at the present time.

After a brief discussion Trustee Besdesky moved to invite the representatives of the Municipal Solid Waste Sludge Program to the September 24th board meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

REQUEST FOR WAIVER OF PENALTY ON TAX BILL

Mayor Uszenski stated that Margaret Lambert is requesting a waiver of penalty on her tax bill. The tax bill was sent to the previous owner and it was never forwarded to the new owner.

Trustee Forman moved to deny the request of Margaret Lambert to waive the penalty on her tax bill. Seconded by Trustee Ryan. All ayes. Motion carried.

REQUEST FOR PRIVATE DRIVE ADDRESS DESIGNATION

Trustee McGuckin moved to approve the request of American Lumber to place a street sign at the entrance to their driveway and identify their property as number one American Way. Seconded by Trustee Wynkoop. All ayes. Motion carried.

ROTARY PROJECT FOR 911 HOUSE NUMBERING

Mayor Uszenski stated that the Rotary is volunteering through 911 to help number the residences in the village.

Trustee Besdesky moved to support the Rotary project for 911 house numbering. Seconded by Trustee McGuckin. All ayes. Motion carried.

PUBLIC PORTION

Barbara Plato, 150 Ulster Avenue voiced the Library's concerns with the municipal building renovations, the dust, and cramping conditions, They would like to be kept

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

informed of the progress.

Becky Pearson, 167 Walnut Street asked about the 911 house numbering.

Manager Kelly stated that its for uniformity of the numbers on the houses.

Mrs. Pearson asked about day care, is there a reason why this was brought up, if there are state regulations why is this a big concern?

Mayor Uszenski advised Mrs. Pearson that day care centers are not legally allowed in the village. If the table of use in the village code doesn't permit day care centers then it is not permitted.

Greg Raymondo, 241 Orange Avenue stated that the lumber yard on Route 208 scraped their parking lot and left the debris all along the fence line.

Manager Kelly stated that he will have the building inspector look into that. They have an approved site plan, so they have to do what the conditions of the approval were.

Mr. Raymondo advised the board that during the water main break by his house the dpw personnel were extremely professional. He did have a very big concern with there safety, because of speeding cars.

Becky Pearson stated that the river bank down by the Thruway is full of debris. She asked if anything can be done?

Manager Kelly stated that he will have the code enforcement officer look at that.

Mrs. Pearson stated that she has an appointment on September 5th with someone from the forestry department to discuss trees. She invited anyone from the board that would be interested.

REPORTS - COMMITTEE

Trustee Besdesky stated that he would like to compliment Mr. Sweed on the condition of the village garage.

Trustee Ryan stated that he was surprised that the beach was closed prior to Labor Day. There is no swimming this whole

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

week, the last week of summer.

Manager Kelly stated that Mr. Howland has no lifeguards. They all returned to school.

Trustee Ryan stated that Valley Central has a lifeguard program twice a year. Sometimes twenty five kids go through that program. He has received a lot of complaints. At one time during the middle of summer it was closed for chlorination. He went down and the aerator was shut off. He was told that it only runs for a couple of hours and then shuts off.

Manager Kelly stated that the beach gets closed when the village adds copper sulphate. You can't swim for twenty four hours after this has been added.

Trustee Ryan asked if anyone has looked into why the chlorinator shuts off?

Trustee Ryan further stated that the beach fees were increased this year and if he was someone who purchased a family pass for an increased fee and then didn't get the full summers use out of it he would have been annoyed.

Mayor Uszenski stated that when Mr. Howland does his hiring in the spring he should take it into consideration and hire high school students.

REPORTS - MAYOR

Mayor Uszenski stated that he was watching the video of the tire playground being built and he would like to see community projects started again.

Mayor Uszenski stated that he would like to see recreation programs for above child level, to promote community good will and community relations.

EXECUTIVE SESSION

Trustee McGuckin moved to hold an executive session pursuant to 105-(e&f) of the Public Officer Law. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Motion carried

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
AUGUST 27, 1996

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Besdesky. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

AUGUST BILL LIST - AUGUST 27,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-272	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-273	ADCO ELECTRIC	722.00
A-274	ADCO ELECTRIC	408.00
A-275	AMTHOR'S WELDING	46.42
A-276	AMTHOR'S WELDING	19.60
A-277	AUTOMOTIVE BRAKE CO.	73.55
A-278	AUTOMOTIVE BRAKE CO.	440.87
A-279	BARTON CHEVROLET	18.96
A-280	BROWNING- FERRIS INDUSTRIES	65.00
A-281	BUS PERMITS	25.00
A-282	CAPITOL HIGHWAY MATERIALS, INC.	207.12
A-283	CHARLES B. MERRILL	60.95
A-284	CHERRY TIRE SERVICES	160.40
A-285	CHERRY TIRE SERVICE, INC	29.50
A-286	CIARDULLO PRINTING	94.00
A-287	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	720.00
A-288	FILMS INC.	243.00
A-289	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	518.43
A-290	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	29.25
A-291	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	261.16
A-292	GANNON MUNICIPAL EQUIPMENT, INC.	49.67
A-293	GEORGE'S AUTO PARTS	80.35
A-294	GEORGE'S AUTO PARTS	77.99
A-295	GEORGE'S AUTO PARTS	37.00
A-296	GEORGE'S AUTO PARTS	152.83
A-297	GEORGE'S AUTO PARTS	22.68
A-298	DUTCHESS OVERHEAD DOORS, INC.	84.50
A-299	KING TREE SAWMILL	21.00
A-300	L DEGROODT PAVING, INC.	3,500.00
A-301	MAYBROOK MATERIALS	10,265.00
A-302	NEW CO. PONTIAC, OLDS, BUICK, INC.	16,640.00
A-303	MAYBROOK MATERIALS, INC.	186.92
A-304	NYCAL INDUSTRIES	119.37
A-305	ORANGE COUNTY CLERK	6.00
A-306	PAGE NY	25.00
A-307	PITNEY BOWES CREDIT CORP.	6,011.64
A-308	PIROG & GARVEY	2,400.00
A-309	QUAKER STATE CORP.	51.10
A-310	SHARE CORP	192.55
A-311	SWEED WALTER SR.	21.75
A-312	TIMES HERALD RECORD	127.05
A-313	THRUWAY SHOPPING CENTER	227.01
A-314	U.S.TENNIS ASSOCIATION	25.00
A-315	WALDEN AUTO SUPPLY	24.99
A-316	WALDEN AUTO SUPPLY	20.17
A=317	WALDEN AUTO SUPPLY	21.73
A-318	WALDEN AUTO SUPPLY	45.98
A-319	WALDEN AUTO SUPPLY	73.68

AUGUST BILL LIST -AUGUST 27,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-320	WEINERT T SHIRTS, INC.	267.70
A-321	WICKES LUMBER	45.86
A-322	ZEE SERVICE CO.	59.95
A-323	AWESCO	96.94
A-324	PITNEY BOWES	119.07
A-325	NATIONAL FIRE PROTECTION ASSOCIATION	425.00
A-326	NYS SOCIETY OF MUNICIPAL FINANCE OFFICE	65.00
A-327	NYS ASSOC OF CITY & VILLAGE CLERKS	35.00
A-328	J-S SERVICENTER	27.15
A-329	DUTCHESS RECREATIONAL VEHICLES, INC.	239.84
A-330	WEST PUBLISHING CORP	39.50
A-331	CIARDULLO	55.00
A-332	WALLKILL VALLEY TIMES	6.70
A-333	SPORT WORLD AMUSEMENT PARK	364.00
	GL & EJ GRIDLEY	950.00
A-334	EXIDE	128.70
A-335	CUSTOM CLAY & SOIL CO.	2,610.00
		<u>50,203.83</u>

AUGUST BILL LIST - AUGUST 27,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-28	NEW COUNTRY PONTIAC,OLDS,BUICK,INC.	10,000.00
F-29	NEWBURGH STEEL PRODUCTS	36.00
F-30	PAGE NY	6.75
F-31	SENSUS TECHNOLOGIES,INC.	9,361.32
F-32	THRUWAY SHOPPING CENTER	3.16
		<u>19,407.23</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-34	ALLIED UNIVERSAL CORP	490.00
G-35	ENVIROTEST LABORATORIES,INC.	2,410.00
G-36	F & G ELECTRIC MOTORS	3,500.00
G-37	F & G ELECTRIC MOTORS	150.00
G-38	METRO WATER TECH	238.00
G-39	WILLIAMS KYLE	9.33
G-40	NYS ENVIRONMENTAL CONSERVATION	7,500.00
		<u>14,297.33</u>

CAPITAL ACCOUNT #82	RBI CONSTRUCTION	43,367.50
CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ	625.00
CAPITAL ACCOUNT #82	BRODART CO.	9,992.00
CAPITAL ACCOUNT #88	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	51.24
T & A	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	87.75
SMALL CITIES - 95	R.W.MECHANICAL INC.	9,350.00
SMALL CITIES - 94	RAY COX CONTRACTING	3,270.26

AUGUST BILL LIST - AUGUST 27,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	42.12
	BELL ATLANTIC NYNEX	21.22
	NYNEX	47.36
	FRONTIER COMMUNICATIONS	384.96
	FRONTIER COMMUNICATIONS	15.86
		<u>511.52</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	466.29
	FRONTIER COMMUNICATIONS	86.81
	FRONTIER COMMUNICATIONS	69.00
	POSTMASTER	79.88
		<u>701.98</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	12.16
	FRONTIER COMMUNICATIONS	40.50
	NYSEG	86.58
	JOHN CRANE, INC.	4.26
	POSTMASTER	79.87
		<u>223.37</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, August 13th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Award of Bid For Sewer Digester Mixer
 - A.2 Audited Engineering Bills Re: Walden Federal Savings & Loan
 - A.3 Annual Renewal With Walden Day Care Center
 - A.4 Request For Proposal For Annual Audit
 - A.5 Authorization to Hold Annual 8K Road Race
 - A.6 Audited Bills For August 13th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Municipal Building Renovation Project
 - B.2 Abandoned Vehicle Proceeding
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 General Montgomery Day
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
John Ryan
Raynard Ozman
Chris Forman
Roy Wynkoop

Absent: Trustee Martin Besdesky

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of July 23rd and August 5, 1996. Seconded by Trustee Ozman. All ayes with the exception of Trustees McGuckin and Forman abstaining from voting on the August 5th minutes. Motion carried.

AWARD OF BID FOR SEWER DIGESTER MIXER

Manager Kelly stated that the village received one bid for the sewer digester mixer from Vaughan Co., Inc. for \$21,447.00. This is a mixer for the sewer digester that we had planned on purchasing and we bonded for in 1993. The original equipment was going to cost \$60,000 and we were going to be looking at replacing the digester and through the course of review they came up with new technology. According to the letter from Gainer/Wilbur dated April 1, 1996 indicating that this equipment is called a scum buster which attaches to a steel plate and you bolt it to the existing concrete hatch at the digester and you will not have to empty the digester. Three RFP's were mailed out because this is a purchase only. The village will do the installation. The original cost was estimated at \$18,000 and the bid came in at \$21,447.00. The village engineer has recommended the bid be

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

accepted based upon the attorney's review and the attorney has reviewed the documents and found them all to be in order.

Trustee Ozman asked if this would have any effect on the use of the belt filter press and will the belt filter press be used to a greater or lesser extent?

Manager Kelly stated that originally they were concerned they would have to dump the digester and put the material in the drying beds and they were concerned they were going to be able to press it all in order to dewater it. With using this the operation should be more efficient and cut down on overtime. They will continue to use the belt filter press as they have in the past.

Trustee Ryan moved to award the bid for the sewer digester mixer to Vaughan Co., Inc. for a cost of \$21,447.00. Seconded by Trustee McGuckin. All ayes. Motion carried.

AUDITED ENGINEERING BILLS RE: WALDEN FEDERAL SAVINGS AND LOAN

Manager Kelly stated that what the board has is a breakdown of each of the dates that were indicated in the letter that they were requesting the village to reaudit the bills. This letter indicates that everything that the village has done based upon the billing which was an itemized billing was provided to the bank. The manager reviewed the judges court order as to what can be charged back and he believes that everything the village has credited them for is all that the village is required to credit them for. The village had already given them, through a board policy, a refund of all the engineers time while they sat at the planning board meetings. That was not required by the court order but the board already granted that. He doesn't believe the board is required to provide any additional remuneration at this point in time. The only item he saw in there that dealt with the site visit to the Tinbrook out fall was a half hour description of time. He doesn't know if that was to review one of the proposed options for drainage that the bank had presented or whether it was strictly to review the existing stormwater system. All of the items in the letter are all related to the site plan application or the drainage plan or one of the options that were being considered by the village which the engineer had to review.

Trustee Ozman moved that based upon the information provided to the board this evening he would move Action Item A.4 to the extent that the board deny the request of Walden Federal Savings and Loan for further reimbursement for the reasons

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

stated and that they be put in the form of a letter. Seconded by Trustee McGuckin. All ayes. Motion carried.

ANNUAL RENEWAL WITH WALDEN DAY CARE CENTER

Trustee Ryan moved to table the annual renewal with Walden Day Care Center. Seconded by Trustee Ozman.

Trustee Forman disclosed that he has done business with the day care center, taking pictures.

Trustee Ozman stated that he is in favor of addressing any issues that Trustee Ryan has. He feels the board should set a worksession in the near future to address those issues.

On roll call Trustees Ryan and Forman voted yes. Trustees McGuckin, Ozman, Wynkoop and Mayor Uszenski voted no. Motion defeated.

Mayor Uszenski stated that he understands why Trustee Ryan wants to table this issue, but in good faith to the day care center he would like to continue forward with the good will the village has had with them. He agrees the village should move forward with the local law so that it is proper.

Trustee McGuckin moved to renew the annual Walden Day Care Center Agreement. Seconded by Trustee Ozman.

Trustee Ryan stated that day care centers are not currently allowed under the village code, but we've had a policy of funding them. At the priorities meeting this was one of the topics brought up to move forward and it was discussed that the board would move forward. They've had some literature from General Code Publishers. In all good conscience its not a permissible use in the Village of Walden he cannot use village funds, public monies for non permitted uses. He would like this to be a permitted use in the Village of Walden.

Trustee McGuckin asked if the village code allowed nursery schools?

Mr. Dowd stated yes.

Trustee McGuckin asked, but not day care centers?

Mr. Dowd stated no.

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Trustee Ozman stated that at some point the board discussed if this was pre-existing. He asked if that was resolved?

Trustee McGuckin stated that as he recalls the closest they could come was 1970 and the code was 1968.

Trustee Ozman stated that the village doesn't know for sure that this wasn't in existence in 1967.

Mayor Uszenski stated that day care centers should be on the next agenda for discussion.

On roll call Trustees McGuckin, Ozman, Wynkoop and Mayor Uszenski voted yes. Trustee Forman abstained and Trustee Ryan abstained. Motion carried.

REQUEST FOR PROPOSAL FOR ANNUAL AUDIT

Mayor Uszenski stated that the village received a proposal from Nugent and Haeussler for the villages annual audit. The proposal is for \$7,500.00 which is the same as last year.

Trustee McGuckin moved to accept the proposal from Nugent and Haeussler for the village annual audit for \$7,500.00.

Trustee Ryan requested that Nugent and Haeussler give the village a statement of what an audit would be for Thruway Associates that has a grant with the village.

Manager Kelly stated that his last communication with Nugent and Haeussler was that they are not in a position to do that.

Seconded by Trustee Forman. All ayes. Motion carried.

ANNUAL 8K ROAD RACE

Mayor Uszenski stated that the course for the road race is the same as last year, it starts at the Community Park and ends at the Community Park. The course goes out into the Town of Montgomery so therefore the village should provide the town with a certificate of insurance.

Trustee Ozman moved to allow the annual 8k Road Race on Saturday, August 24th at 9:00 am. Seconded by Trustee McGuckin. All ayes. Motion carried.

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

AUDITED BILLS

Trustee Forman moved to pay the audited bills. Seconded by Trustee Ozman. All ayes. Motion carried.

BLOCK PARTY

The Village Clerk stated that a request has been received to hold a block dance in the area of High Street to Barclay Street on or around the dates of September 28th or October 5th from 7:00 pm until 11:00 pm.

Mayor Uszenski stated that High Street and Barclay Street do not join one another.

The Village Clerk further stated that they also called and asked about alcoholic beverages.

Trustee Ryan asked if there was a list of signatures.

Mayor Uszenski stated that the only time the board did this was for Oakland Avenue residents and that was in the day time.

It was the consensus of the board not to allow alcoholic beverages.

This was tabled until further information is received, signatures of the neighbors and the exact location.

MUNICIPAL BUILDING RENOVATION PROJECT

Mr. Maslik stated that the most important part of the project is the painting and plastering. Yesterday, late morning, RBI's painter walked off the job. They did not have a painter the rest of the day or today. He doesn't know when they are expected back.

Manager Kelly stated that according to the president of the company the painter will be on site tomorrow.

Mr. Maslik stated that the president of the company has told the village many things. This is a company that obviously has some kind of trouble. They had five employees on the site today, when they could have twenty employees working that building trying to complete it by the deadline.

Trustee Ryan asked for the schedule.

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Manager Kelly stated that there was to be fifteen full time people in that building every day and August 16th is the deadline for the first and second floors. They are not going to make it. The manager called the bond company at 4:00 pm today and wasn't able to get through to the bond president so he called the underwriting agent and advised that there are no doors on site, there is no painter on site, that he walked off the job claiming non payment, there is no tile and flooring people on site, by their own staffing plan they were required to have fifteen full time people and a lot of part time workers based upon the trades. They met that one day, last Thursday, and last Friday they had eight people and Monday they had eight people and today five. He received a call today at 4:30 pm from the president of the company asking what the problem was and then she called back at 6:00 pm and told him that the painter will be on site tomorrow, but there are no doors in the near future until payment is rendered.

Mr. Maslik stated that they are far from having the painting completed, windows and doors are not on site, there is no hardware, that the company refuses to deliver materials because they have not been paid, exterior windows have just been installed, frames and bucks are not there, toilet petitions are now being installed, counter tops have not been delivered, vct is now being installed, carpet has not been delivered to the site yet, interior glazing has not been delivered, hand rails have not been delivered, the elevator will not be turned over until its paid for, and the second floor is a disaster.

Mr. Maslik further stated that he has said at these meetings that the work has progressed and was being done to his satisfaction. Now that the general contractor is working under time constraints it seems that the quality of the work is being compromised. Now its just adequate. The village has hired him to observe and this is what he has found since the village has tried to push them along.

Manager Kelly stated that the village had told them that the conditions under which they agreed to let them continue was strict adherence to the schedule and that the schedule would be reviewed on the 13th and again on the 27th and if they had not completed all three floors by the 27th, but you are not bound by that, if they are not going to meet the 13th they are not going to meet the 27th. Under the contract the village can terminate the contract on seven days notice to

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

the contractor. You've already complied with the performance bond requirement which is to notify the bonding company and request a conference. That has already taken place. The issue at this point is whether or not you want to exercise that right and provide seven days notice which then at the end of seven days you can terminate their contract. You have to give them seven days notice of termination. So that assuming within that seven days something could happen to change your mind or at that point you could carry through with your default and throw them off the job. He did tell the contractor, in very plain english, that he was not sure what the board was going to do but that certainly it does not speak well for their company when they're unable to meet their own schedule and own staffing plan that they committed to meet as a condition of an extension. This is one more schedule in a series of schedules that have never meant anything to this company. They have never met a schedule since the day they started. At least with this schedule the village demanded a staffing plan which their own superintendent sat down and told the village how many men by trade were to be in that building. It was suppose to be fifteen full time workers. Five is not fifteen. At the rate they are going it won't be done by the 23rd.

Trustee McGuckin stated that he feels its time to give them the seven day notice. If the village gives them the seven day notice then it will be dead stop for two or three months.

Manager Kelly stated that is the unknown. The village doesn't know what they will do or what the bond company will do. The bond company is very cooperative because at this point they are not on the hook. They want to continue with the contractor because its still the contractors money. The issue seems to be if you declare a default and terminate the contract of the contractor the bond company then has four or five options. The fifth being sue me then they won't do anything. They made it very clear that if there is not meeting of the minds that it is something that RBI is totally at fault for they may very well chose to litigate or drag this out so they can valuate their position legally or they could agree right away to assume responsibility for completion of the project which they have already said would require them to go out and bid the job. The village has explored the possibility of the village becoming its own general contractor and hiring skilled laborers making Craig Maslik the general contractor and then you would have to bid the materials and supplies which would exceed \$10,000, but that in itself might be quicker then relying on the bond

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

company to go out and get bids. There is a series of options. We don't know what will happen and how long it will take.

Trustee McGuckin asked how much money is left and can we finish with what we have?

Manager Kelly stated that there is \$250,000 that we haven't paid them yet.

Mr. Maslik stated that they've only billed out 57% of their contract. Just that fact should tell you how far along we are with this project. The village did give permission to RBI to go to biweekly payment request. There is enough money to do the job with above adequate measures with more control.

Manager Kelly advised the board that if they terminate the contract they will lose their ability to hold liquidated damages, unless you sue for those and there will be a delay.

Trustee Ryan asked if there are still weekly meetings?

Manager Kelly stated yes, every Thursday.

Trustee Ryan asked if last Thursday was the bond people there?

Manager Kelly stated that the underwriter was there the bond president was on vacation.

Trustee Ryan asked if he will be at this Thursdays meeting?

Manager Kelly stated that he's not sure.

Trustee Ryan suggested the board schedule a special meeting for August 19th.

Trustee Ryan asked, the terms of the contract, the board signs bills tonight, the thirteenth they have seven working days?

Manager Kelly stated that they have five, but there has been another lien filed against the building. He told the president of the company as well as he told the bond company at the last job meeting that payment will not be released until the bond is filed protecting the villages interest for the second lien of \$4300. The manager told the president of the company tonight he has not seen a bond tonight and he's

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

not seen a bond yet. They are not getting paid until the bond is filed. The village has until the 20th to pay that voucher.

Trustee McGuckin moved to give RBI seven days notice and to hold a special meeting on Monday, August 19th.

Trustee Ozman stated that he would not like to discuss any further strategy that can permissibly be discussed in executive session.

This was tabled until after executive session.

ABANDONED VEHICLE PROCEEDING

Mayor Uszenski stated that there is an abandoned vehicle at 19 Linden Drive. He further stated that there is a forwarding address on the wife of that party. He will provide that address to the village.

Trustee Ozman asked that the issue of the notices being removed by someone other than the code enforcement officer be looked into.

WOOSTER'S GROVE ENTRANCE

Manager Kelly stated that Leroy DeGroodt's crew and a truck for the day to pave Wooster's Grove was \$3,500. All the black topping was done in one day. They hauled in 410 tons of blacktop. The day before Pirog and Garvey came in with a ten ton roller and bull dozer and they worked for two days for \$2400. The equipment was \$5900 and the material was around \$11,000. There was \$20,000 in parkland fees. The village is going to try and get Orange County prisoners to come in and do the fine grading of the area and then the village will purchase the post and rail and put the fence up this year and next year the surface to top course can be put on and any final work can be done next year.

Mayor Uszenski asked if there has been any feed back from the Walden Women's Club about the sign.

Manager Kelly stated that there is a memo from John Howland that he shared the idea with the president, Marie Marano.

Mayor Uszenski asked if they were ready to go forward with this?

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Manager Kelly stated yes. He spoke to Walt Sweed about supervising it when its delivered, if that is still the board's pleasure. The blue stone is the only thing that would not be included and the lighting at this point would not be there. He is not sure if the new line has to be run to the sign, he believes the line was broken between the building and the bandstand when they replaced the sewer. Mr. Howland asked the contractor about the posts and he was advised that it is included in the \$1700 estimate. He believes that if the board left it up to the recreation coordinator this would get done the way you would want it to be done. Walt Sweed would also be available to coordinate.

Trustee Ozman moved to proceed with the Wooster's Grove sign subject to the suggestion of Carl Monte and with further inquiry to the Women's Club to have a response to the village within ten days. Seconded by Trustee McGuckin.

Trustee Ryan asked if there was still a mason in house?

Manager Kelly stated that George Rissmeyer is the only mason the village has and he's working on the sidewalks.

Trustee Ryan suggested the village order the bluestone in treads and get it twelve inches wide by what ever length is needed and then they will cut and fit what is needed so all you have to do is mix mortar.

Trustee McGuckin stated that if the village is going to be finishing the sign off he feels Mr. Sweed should be involved.

Mayor Uszenski agreed.

Trustee Wynkoop suggested the Mr. Howland coordinate the delivery of the sign and when Walt's men come on Walt supervises.

All ayes. Motion carried.

SMALL CITIES PROJECT

Mayor Uszenski stated that this is in regards to the Small Cities project with R.W. Mechanical, Kerron Barnes, the board and the Sager property. There seems to be a problem with R.W. Mechanical as well as with the Sager's on how to solve this problem. Mr. Warren is refusing to come to the property to finish because of item #3.

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Manager Kelly stated that the letter was received yesterday and he met with Kerron Barnes and Dean Stickles this morning. He's not sure what the resolution is at this point.

Mayor Uszenski asked about the project where the owner went away.

Manager Kelly stated that in that case the owner and contractor are working it out.

Mayor Uszenski asked, in the Sager case, if the owner and the contractor cannot agree does the board step in and make the final decision?

Manager Kelly stated that the problem with number 3 is totally beyond the scope of what the village can do. Its within the owners rights and at that point it would be up to the owner if he wants to go forward. The problem is that if the owner does this the contractor says he won't come back and he doesn't know if the village has the authority of forcing the contractor to come back.

Trustee Ozman stated that in regard to the response received from R.W. Mechanical he would assume that is because they only are in disagreement with item F and D. They are in agreement with A,B,C and E of the letter received from the Sager's regarding items that were not properly handled with the residents. He asked what the results of the building inspectors inspection of the ridge cap was?

Manager Kelly stated the Mr. Stickles indicated that he thought it may have been an overlapping of too many shingles. He further stated that under the contract the village as the administrator has the authority in issues where there is a dispute in workmanship or an item that has to be done or not done and those have been times where the village may be called on in the past to make a determination. That type of scenario might play out here, but the issue of liquidated damages is not one that the village has any authority over to change. That is a question at that point as to whether or not the contractor may very well walk away from the job and then the work still hasn't been finished.

It was the consensus of the board to set a worksession on August 26th or August 28th at 7:00 pm with the building inspector, Kerron Barnes, Reggie Warren and the Sagers.

RECREATION PROGRAMS

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Mayor Uszenski stated that if the village gets its youth center there are possibilities of some things the board had mentioned as additional uses for over 18 and young adults.

Manager Kelly stated that the youth center couldn't be used for anybody over the age of 20. There is a ten year string and an age requirement.

GENERAL MONTGOMERY DAY

Mayor Uszenski stated that the board has been invited to march in the General Montgomery Day parade on September 7th.

Trustees McGuckin, Ryan, Ozman and Mayor Uszenski stated that they will attend and requested a vehicle.

PUBLIC PORTION

Bob Lamancuso, 33 Gladstone Avenue asked if the village had a pooper scooper law in the village?

Mayor Uszenski stated no.

Mr. Lamancuso asked if the village had a leash law?

Mayor Uszenski advised him yes.

Mr. Lamancuso stated that he was curious about a pooper scooper law. He noticed on the television channel 8 for the Villages of Maybrook and Montgomery it asks that people clean up after their animals. Could the Village of Walden put that on the screen, request that people to be considerate to their neighbors.

Manager Kelly stated that the village has done that before and he can do that again.

Ray Lustig stated that he is here on behalf of the Walden Community Council. It came to the attention of the committee that the village board was considering lifting certain regulations on village parking lots. If the village is considering this they ask that the village solicit the opinion of the Walden businessmen and council.

Trustee Ozman stated that this all started when he suggested the possibility of a courtesy notice and then another trustee suggested experimenting with the ban on the parking

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

regulations on village parking lots. That is as far as it went. At this point it would be put on the agenda as a discussion item and he would be glad to make the Walden Community Council aware of any potential change in the status prior to enactment.

Marie Sager, 78 Orchard Street stated that the way this is going to be handled now, with the meeting between herself, the board, the contractor, and Mr. Barnes is the right way to do it. She feels the board should make some type of resolution that this board or any future boards in the future with this Small Cities program that if any problem arises between the contractor and the homeowner that Mr. Barnes not be allowed to come in here and request a payment until the board is made aware of it, until the homeowner is made aware of it and until the village board meets with the homeowner so they can't just sign off and pay for it. The reason she says that is because Mr. Barnes still insists that this job is completed. Mr. Warren in a letter to her stated that these items were acceptable to Mrs. Sager and if there are any questions that might have arisen at this time must be handled as a warrantee issue. He says in the letter that this job has been completed long before May 23, 1996 and it hasn't been. She doesn't feel any resident in this village should go through what she's gone through for the past two months. It took weeks from the time she was at a board meeting and compiled a list, sent it on and she never heard a word. The house is still sitting with is a piece of siding off and water is now going down between the insulation and the house. She asked Mr. Barnes when they were going to go with this program if they could do the work themselves and Mr. Barnes stated that it couldn't be allowed. If Larry did the work it would have been done and done the right way. She also wants to know where they stand with Mr. Barnes, is he definitely for the homeowner? If she doesn't get an answer she will contact Mr. Barnes's superior.

Manager Kelly stated that Mr. Barnes works for the village. His superior is the village board. There is a local contact at HUD. Mr. Barnes administers the program according to the HUD guidelines for the Village of Walden and the village retains him as the program administrator. There are times that the program is changed and the village board would adopt a policy to change a program, but the overall guidelines are established through HUD and the village has to comply with those guidelines. Mr. Barnes's responsibility is to everybody.

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

Greg Raymondo, 241 Orange Avenue asked that Route 208 and Old Orange Avenue be swept.

Manager Kelly stated that he wasn't aware that wasn't being done.

Larry Sager, 78 Orchard Street stated that since watching the zoning board with Mr. Spanos he noticed how the village has to abide by Mr. Jacobowitz's rules. He would like the board to write a letter in the paper and show the people that Mr. Spanos is wrong in what he's saying about his payment of the loan to the village. He's going to come in here and say the village lead him to believe that he will be paying ten thousand dollars a year for ten years and he doesn't go beyond that. His child would have to be 96 years old to see Mr. Spanos pay that back.

Mayor Uszenski stated that the grant has not been given and the final financial conditions have not been resolved between the client and the village.

Mr. Sager stated that Mr. Holmes and Mr. Schwandt went to Georgia for three weeks. Did they use vacation time?

Manager Kelly stated yes.

Mr. Sager asked if they got any comp time out of that?

Manager Kelly stated that they used their own vacation time.

Mr. Sager asked if that was volunteer?

Manager Kelly stated yes, they volunteered their time to the Olympics, but they used their personal time they had accrued to go.

Mr. Sager asked if the village fell apart in three weeks?

Manager Kelly stated no.

Mr. Sager stated that he would like the phone bill checked to see how many calls were made to Georgia. It only shows that there are two people in this village that we can do without, maybe. That is close to \$100,000, if you figure the benefits too.

Mr. Sager stated that he stayed until 10:00 pm last night to pull all the weeds in the municipal circle. He got tired of

BOARD OF TRUSTEES MEETING
AUGUST 13, 1996

hearing people complain. That is the only time he is going to do it.

Mayor Uszenski stated that the beautification person is no longer with the village and there are applications out to hire new people.

Bob Lamancuso asked if the village was going to tar cracks on village streets this fall?

Manager Kelly stated that the village hasn't decided what they are going to do this year. They haven't set up any streets yet.

Mr. Lamancuso stated that the person who tars next time, if its raining, cease the process.

Manager Kelly stated that NYSE&G did that. That wasn't a village project.

Mr. Lamancuso stated that Gladstone Avenue is in need of repair.

EXECUTIVE SESSION

Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Ryan. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

AUGUST BILL LIST - AUGUST 13,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-195	AL VALK'S GARAGE,LTD	206.45
A-196	AMERICAN RED CROSS	36.00
A-197	ANNESE & ASSOCIATES,INC.	223.04
A-198	BECKER BUSINESS	116.00
A=199	BIGELOW WASTE CO.,INC.	60.80
A-200	CALVET TOOL RENTAL	185.45
A-201	CALVET TOOL RENTAL	195.00
A-202	CALVET TOOL RENTAL	195.00
A-203	CHAMBER FORD TRACTOR	43.70
A-204	CIARDULLO PRINTING	80.00
A-205	COUNTRY HARDWARE	140.00
A-206	COUNTRY HARDWARE	376.02
A-207	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA,P.C.	3,166.66
A-208	ENVIRONMENTAL PAPER TOWEL SERVICE	95.10
A-209	EXECUTIVE OFFICE PRODUCTS	2,288.40
A-210	EXPANDED SUPPLY PRODUCTS,INC.	105.65
A-211	FIRESTONE	259.19
A-212	GALLAGHER TRUCK CENTER,INC.	457.02
A-213	GALL'S	167.79
A-214	GEORGE'S AUTO PARTS	24.15
A-215	GEORGE'S AUTO PARTS	81.99
A-216	GEORGE'S AUTO PARTS	20.00
A-217	GEORGE'S AUTO PARTS	213.04
A-218	GEORGE'S AUTO PARTS	289.95
A-219	GEORGE'S AUTO PARTS	80.65
A-220	GROSSO MATERIALS,INC	845.12
A-221	JIM SMITH CHEVY	124.32
A-222	KIMBRA TRANSMISSION	107.00
A-223	LAKESIDE PLASTICS	732.00
A-224	LAWYERS COOPERATIVE PUBLISHING	29.35
A-225	LEASE ADMINISTRATION CENTER (SANWA)	135.00
A-226	JOHN T REARDON AGENCY	1,219.20
A-227	McBEE SYSTEM	144.04
A-228	MAHONEY TIMOTHY	150.00
A-229	MAYBROOK MATERIALS,INC.	26.05
A-230	MID HUDSON OFFICE SUPPLY	49.95
A-231	MID HUDSON OFFICE SUPPLY	22.47
A-232	MITCHELL NANCY	100.00
A-233	MONTAGUE TOOL	1,458.60
A-234	MONTAGUE TOOL	279.00
A-235	NYCAL INDUSTRIES	57.21
A-236	NYS MAGISTRATES ASSOCIATION	40.00
A-237	NYCOMCO	125.00
A-238	OR CO.SANITARY LANDFILL	548.85
A-239	QUAKER STATE CORPORATION	25.43
A-240	QUASSY PARK	390.00

AUGUST BILL LIST - AUGUST 13,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-241	QUILL CORPORATION	112.12
A-242	QUILL CORPORATION	576.24
A-243	RISK MANAGEMENT DIVISION	35,040.00
A-244	SARJO INDUSTRIES	70.30
A-245	SLATER'S POWER EQUIPMENT	44.95
A-246	NYS POLICE JUVENILE OFFICERS ASSOC.	380.00
A-247	TELECO	1,100.00
A-248	TIMES HERALD RECORD	65.40
A-249	TIMES HERALD RECORD	29.52
A-250	TIMES HERALD RECORD	64.08
A-251	TOWN TINKER TUBER	334.14
A-252	THRUWAY SPORTING GOODS	10.99
A-253	UPSKATE	654.00
A-254	WALDEN AUTO SUPPLY	91.98
A-255	WALDEN AUTO SUPPLY	29.81
A-256	WALDEN AUTO SUPPLY	16.74
A-257	WALDEN AUTO SUPPLY	43.01
A-258	WALDEN AUTO SUPPLY	56.87
A-259	WALDEN AUTO SUPPLY	13.86
A-260	WALDEN AUTO SUPPLY	42.19
A-261	WALDEN LIQUIDATORS	12.55
A-262	WALDEN PLUMBING & HEATING	143.50
A-263	WALLKILL VALLEY TIMES	5.39
A-264	WALLKILL VALLEY TIMES	31.96
A-265	WEINER JAN	50.00
A-266	WEST PUBLISHING	75.50
A-267	WILLAMS BUSINESS MACHINES	77.00
A-268	BIGELOW	60.80
A-269	ENVIRONMENTAL PAPER TOWEL SERVICE	319.90
A-270	THRUWAY PHARMACY, INC.	20.63
A-271	WALDEN DAY CARE CENTER	3,500.00
		<u>58,789.07</u>

AUGUST BILL LIST - AUGUST 13, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-23	COUNTRY HARDWARE	46.68
F-24	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-25	HEATH CONSULTANTS, INC.	138.14
F-26	SCHMIDT'S WHOLESALE, INC.	250.00
F-27	SWEEDS WALTER	52.13
		<u>903.62</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-26	ALLIED UNIVERSAL CORP	539.00
G-27	COUNTRY HARDWARE	73.17
G-28	COUNTRY HARDWARE	94.49
G-29	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-30	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	189.50
G-31	GRAPHIC CONTROLS	89.02
G-32	JOHN CRANE, INC.	273.00
G-33	SHARE CORP	3,175.96
		<u>4,850.81</u>

CAPITAL ACCOUNT #82	CRAIG MASLIK	30.00
CAPITAL ACCOUNT #82	WICKES LUMBER	381.56
CAPITAL ACCOUNT #82	IPPCO, INC.	2,000.00
CAPITAL ACCOUNT #82	FRONTIER	564.79
CAPITAL ACCOUNT #82	NYSEG	43.78
CAPITAL ACCOUNT #82	RBI CONSTRUCTION	24,225.00
CAPITAL ACCOUNT #82	DEMBERG BROTHER	3,600.00
CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ	1,000.00
SMALL CITIES - 93	KERRON BARNES ASSOC	70.00
SMALL CITIES - 94	KERRON BARNES ASSOC	1,080.00
SMALL CITIES - 95	KERRON BARNES ASSOC	380.00

AUGUST BILL LIST - AUGUST 13,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	21.35
	AT & T (CALLING CARD)	21.30
	BELL ATLANTIC NYNEX MOBILE	26.83
	COASTAL REFINING & MARKETING, INC	45.75
	FRONTIER COMMUNICATIONS	363.69
	FRONTIER COMMUNICATIONS	417.82
	NYSEG	691.66
	NYSEG	312.83
	NYSEG	992.48
	NYSEG	5,581.82
	NYSEG	121.64
	NYNEX	120.00
	POSTMASTER	600.00
	WAREX	2,032.85
	WAREX	51.00
	FRONTIER COMMUNICATIONS	8.06
		<u>11,409.08</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	459.58
	FRONTIER COMMUNICATION	69.00
	NYSEG	16.73
	NYSEG	2,411.45
	POSTMASTER	79.88
		<u>3,036.64</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATION	40.50
	NYSEG	168.71
	NYSEG	3,175.37
	POSTMASTER	79.87
		<u>3,464.45</u>

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
AUGUST 5, 1996

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING
AUGUST 5, 1996

Mayor Andrew Uszenski called the special Board of Trustees meeting to order at 7:00 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Martin Besdesky
Roy Wynkoop
John Ryan

Absent: Trustees Raynard Ozman, later present
John McGuckin
Chris Forman

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney
Craig Maslik, Clerk of the Works

Recording Secretary: Nancy Mitchell, Village Clerk

MUNICIPAL BUILDING RENOVATIONS

Manager Kelly stated that the board has in front of them two letters from RBI Construction, one dated August 5th and one dated July 30th which is the project proposal to complete the project which is the information that the village requested at the conference they held on July 26th with the bonding company, the contractor, architect and the village. The original request for the contractor was to provide a proposal to the village which provided for a schedule, and a manpower plan, a proposal to provide for cost that will be incurred by the village as of the end of July when their contract was suppose to have been completed. What the board has in front of them is a proposal from RBI of July 30th. He responded to that proposal after a meeting that was held with the architect and the clerk of the works and himself where they concentrated primarily on the schedule and it was apparent at that meeting that a schedule without a staffing plan was impossible to make a decision, an informal decision

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
AUGUST 5, 1996

as to whether or not it was reasonable. In addition they had a schedule that assumed a starting date of July 30th with extended hours and weekends, which they have no authorization to do and since the board could not meet until tonight at the earliest they are already a week behind on that. There are also gaps in the schedule where they assumed time that we would be moving from one floor to the other and finally there were additional costs that were going to be incurred by the village since the architects contract expires and he is entitled to additional compensation as well as there is an issue as to whether or not the other prime contractors whose completion date will come and go the middle of this month that they may very well look to the village for extensions and or damages since their contract was suppose to have been completed by this time. As of today the village has received a new schedule.

Mr. Maslik explained that what RBI has done is condensed approximately the major portion of the first, second and third floor into a schedule which begins on August 5th and completes the first and second floor on August 17th and the third floor on August 22nd. We are talking about eleven working days to complete the first and second floor and just a few more to complete the third floor. They are still working mainly on the roof and the basement and in addition to that they have proposed to finish the painting on the exterior of the building and any other alternates that are outstanding at this point by August 23rd. That is a rather condensed schedule. According to the clerks presentation RBI has finished 56% of the work up until this point. This isn't a projection percentage, this is actually what is complete to date. After the asbestos work is complete RBI proposes to work in the police department with six men at a time and they expect to complete some time in November. This doesn't mean the project will be complete at that point, it just means that they are proposing to finish their contract by November 1st, which we could be another three or four weeks for the rest of the primes to catch up and finish their work. Where we are right now the other prime contractors up to this point have not been on site. Certain men have been on site but only for a limited amount of work. There is still major construction items to be addressed yet. The plastering, spackling and painting, carpeting and vinyl tile have barely begun. A few tile were layed today. Its difficult to say with any certainty whether its realistic. They can give them any schedule. It should be accepted in that mannerr, its just a proposal. He has written the board a memo and what he excluded from the memo were solutions to that problem. He

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
AUGUST 5, 1996

will be happy to work with the village in assuming the duties of obtaining the subcontractors for the village. He is at the villages disposal to complete the work.

Manager Kelly stated that one of the things in terms of the purpose of the meeting and the decision that rests with the board is the fact that July 31st was the completion date and under the contract and under the performance bond you have several options. The first option was to request a conference, which the board has done and they have met that requirement. That requirement is necessary to invoke any of the privileges the village has under the performance bond should they chose to declare the contractor in default. The individual items that are listed in RBI's proposal will cover the actual cost through completion of this project should they be allowed to complete it. They are showing a projected completion of November 1st. One of the things they added today, which was requested last Thursday, was a staffing plan. This morning further detail had to be provided for the architect because again they kept showing three to four men, two to three men and not saying if they were the same men or different men. They are claiming that they will have fifteen full time subcontractors in that building to finish the first three floors of the unoccupied portion of the building and then six to eight part time employees as different areas of the work is being done. One of the things they haven't been able to do, and schedules don't mean anything if there is nobody to perform the work. Without a weekly staffing plan if you don't know that the schedule assumes ten people then you are at a disadvantage, because a week goes by and the schedule slips another week. They are claiming they are going to have the first three floors done by August 23rd. With that they need permission from the village to go forward. The issue of liquidated damages was discussed and they are willing to pay such items as the rent, salary of the clerk of the works, additional fees and expenses of the architect, all of which are costs that the village will have to pay out. They are willing to absorb those as part of permission and authorization from the village to proceed. A couple of things involve the clerk of the works, one being requiring him to have extended work days. They are requesting to work until 9:00 P.M. and from 7:00 A.M. until 9:00 P.M. is a long day. They are also requesting to work Saturdays. They indicated that they would coordinate all extended work days and Saturdays with the clerk of the works. He doesn't know if this will be an every day occurrence. He's not sure what they intend to do, but this schedule is perceived as their last opportunity to show

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
AUGUST 5, 1996

they can bring this job in within a reasonable amount of time without compromising any quality or anything that the village has a right to expect under the contract. The surety company is attending each job meeting. Job meetings are now once a week. The surety company has obliged itself to come to every job meeting until completion. They have written letters to suppliers guaranteeing payments. They have written to the subcontractors guaranteeing payments. They are doing all that they are able to do at this point in time, since legally the contractor is still on this job, they cannot do more than they are legally able to do and the only way you would have the bond company step in and take over the job in some manner would be to default the contractor.

Trustee Ryan asked, in their scheduling, middle of August to the middle of September they won't be on the job staffing it, it appears the existing library to move and then asbestos abatement to happen during that period of time, is that true, are there other areas they can work in during those periods of times?

Mr. Maslik stated that what they have done is condensed all their work into such a small amount. He doesn't know why. What you see is actually true, they propose not to be on site from August 22nd until September 23rd.

Trustee Ryan stated that his question is, if they meet the deadlines that they have established for the middle of August are they unable to put any staffing into the building to pick up the other areas where they can begin working?

Mr. Maslik stated that they are proposing to finish all that work in this amount of time, including the roof and the basement and painting the exterior.

Trustee Ryan stated that their aggressive work schedule impacts the clerk of the works time on the job considerably.

Mr. Maslik stated that he is concerned about condensing this amount of work into such a small amount of time. To complete 30% of work on the project they are talking about completing it in days. He is concerned that the quality of the project may be compromised. You know who we are dealing with. You know the companies policies. Trying to get that much work done is a short period of time, he's concerned the quality may suffer.

Trustee Ryan stated that what they are proposing to finish up

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
AUGUST 5, 1996

is surface, not hidden work, so you do have the luxury of not necessarily having what they are going to hide inside a wall. You can go back and review the area after they have exited, but their scheduling coincides with billing and that if a problem occurs where they have this aggressive scheduling and get it all done as proposed its conceivable the bills can be slipped through and is there still time in the day, time in the week, time in your life to go back and check on all these thirty percent of areas, so that we are sure we are getting the quality of work?

Manager Kelly stated that one of the things they would like the board to do is to have two week requisitions as opposed to thirty day requisitions. We are always a month behind. They would submit the requisitions on the 20th and then Craig and the architect would have a week to review the work as a pencil copy, finalize the copy, then the board pay it the following 20th. If they are going to do two week requisitions then there is going to be a quicker turn around. August 20th is your next scheduled payment. You only have a meeting on the 13th, so you certainly won't be doing until the of this month, but if that were the case they would want you to approve a payment on August 27th as well for payment within ten days of that date. It does create additional work for Craig and for the architect in terms of the review and because there is such a condensed amount of work being done in that short of period of time you are basically going to have all that work on one requisition or maybe two.

Trustee Ryan stated that they have made numerous statements that they would make the village whole, they would bare the burden of cost if we needed to hire for a two week period, to add another set of eyes. Craig can't be on the job fourteen hours a day and still be a family man and it will also burn him out and at the end of those two weeks the job still progresses. He's still there until November 1st. That may be something to look at, to add additional staffing. From what he sees their schedule is workable. Their bonding company is aware of it and he believes its workable. He thinks the village needs to allow the project to continue on.

Manager Kelly stated that he would recommend that if the board were to consider this that they use the August 23rd date as the date of their next review and when they meet on the 27th of August you would be in the position to evaluate the progress of the projrct and to reserve your right to reconsider at that point in time if you find that it is not going to proceed the way they are assuring it will.

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
AUGUST 5, 1996

Mr. Dowd suggested that if the village is going to accept this proposal from RBI that you make it very clear that you are reserving all rights to all damages incurred, all rights to off set the liquidated damage provisions of the contract and that you set it down for review on the 13th and 23rd, letting them know that you are doing that and watching the progress of the schedule under a magnifying glass.

Trustee Besdesky moved to allow RBI to continue with the renovations of the municipal building, that RBI absorb the additional costs that will be incurred by the village for architectural services beyond the completion of his contract, that the village accepts their amended schedule and staffing plan which calls for the first three floors of the unoccupied space to be finished by August 23rd and the completion of the entire project by November 1st and that the village board will review the progress at its August 13th meeting and again at the August 27th meeting and reserve all rights to impose any damages or any other costs that may be incurred and to reserve all rights under the contract. Seconded by Trustee Wynkoop.

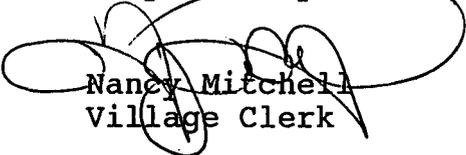
Manager Kelly stated that some of their subcontractors have requested joint checks for certain work and usually the village pays the contractor who in turn must pay the subs. That would just mean splitting up a voucher. There isn't a problem with that.

All ayes. Motion carried.

ADJOURNMENT

Trustee Besdesky moved to adjourn. Seconded by Trustee Wynkoop. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, July 23rd, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Entrance Sign At Woosters Grove
 - A.2 Authorization to Use Police Firing Range
 - A.3 Authorization For Additional Funding For Small Cities Project
 - A.4 Request For Subordination Agreement
 - A.5 Payment of Audited Bills For July 23rd, 1996
 - B. DISCUSSION ITEMS
 - B.1 Parking Enforcement Draft Parking Notice
 - B.2 Recycling Center Operations
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Request For Waiver of Tax Bill Penalty
 - D.2 Request For New Parking Ordinance
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
JULY 23, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
Martin Besdesky
John Ryan
Chris Forman
Roy Wynkoop

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of July 9, 1996 with the following corrections: Page 1 add, Also Present, John Kelly, Village Manager and Kevin Dowd, Village Attorney and Recording Secretary, Nancy Mitchell, Village Clerk, Page 13, second paragraph, second sentence, omit the word creating. Seconded by Trustee Forman. All ayes. Motion carried.

ENTRANCE SIGN AT WOOSTERS GROVE

Mayor Uszenski stated that there is a recommendation from the recreation department to erect a new entrance sign to Woosters Grove. The approximate cost is \$2200.00. The funding will come from UDAG.

Trustee McGuckin asked if the Womens Club has been notified about the new sign? They did the old one.

Manager Kelly stated that he doesn't know if Mr. Howland has advised them of the new sign yet.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Mayor Uszenski suggested that a copy of the new sign design be given to the Women's Club.

Trustee Ryan stated that according to the drawing it appears they are putting brick work with blue stone underneath the sign. He asked if that was currently existing? He wants to be sure that we are not just getting the sign. The far sided area by the logo states brown flat paint or lattice, which way is that going? Also, the 3'6" + or -bothers him. The posts are not indicated in the proposal. The proposal from the sign company is for the two panels and the proposal from the construction company is to install what is provided. He does think this is an excellent sign and it will enhance the entrance. He would like lighting in the planter. He would like the superintendent of public works to be in charge of installation, coordination and any site work that is required.

Mayor Uszenski added that it has to be a completely finished project when the village signs off. We don't touch it, other than turning the power on.

Trustee Ryan asked that a sentence go in that says when they are done, its a complete project, no elements are left undone and if anything in their opinion is left undone please provide that information so we can address it now.

This was tabled until after executive session and the Women's Club is notified and the questions are answered.

AUTHORIZATION TO USE POLICE FIRING RANGE

Mayor Uszenski stated that there is a request from Orange County BOCES Police Academy to use the villages firing range.

Trustee McGuckin moved to approve the use of the villages firing range by Orange County BOCES Police Academy. Seconded by Trustee Ryan.

Trustee Ozman asked if the certificate of insurance was adequate?

Mr. Dowd stated that the certificate holder should be the Village of Walden not the Village of Walden Police Department and the Village of Walden should be named as additional insured.

Trustee McGuckin amended his motion to add that the Village

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

of Walden be additional insured. All ayes. Motion carried.

AUTHORIZATION FOR ADDITIONAL FUNDING FOR SMALL CITIES PROJECT

Mayor Uszenski stated that this is for the First Street project.

Mr. Barnes stated that the original contract was \$28,410 and the change orders were \$3,270. They are proposing another \$7,530. The total now is \$39,210. He further stated that in regard to the case on Ridge Avenue, Orange County Advisory Committee voted to spend their \$16,200 for that project, so they are proceeding with joint funding. He will go to the county for this project too for siding and new windows to clean up the exterior. That would bring it up to \$50,000 or \$55,000. He's hoping the appraisal will come out sufficient.

Trustee Ryan asked what the appraisal was on this?

Mr. Barnes stated that he doesn't have one. What they do is ask the assessor to give them her opinion of after rehab value based on the work being done.

Trustee McGuckin asked what type of mortgage is on the property?

Mr. Barnes stated that he thinks there is a small existing mortgage. About four years ago the village put about \$9,000 into this property under the village funded program.

Trustee Besdesky moved to authorize the additional spending on the First Street project subject to the proper loan to value ratio as determined by the villages consultant. Seconded by Trustee Ozman.

Trustee Ozman asked about certificates of insurance and on something like this you actually need a standing structure to be able to recoup the villages interest and he is not sure if the village has been tenacious in that area. He asked if it can be included in the paper work that a certificate of insurance be provided to the village on an annual basis. Its a common condition and he feels it would be important here, because a situation like this could be a situation whereby the homeowners could go without insurance.

Mr. Barnes stated that what they do on all their cases is they require the homeowner to provide the village with a certificate of insurance naming the village as mortgagee or

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

second mortgagee, so if the homeowner ceases to pay their insurance bill the village receives a notice.

All ayes. Motion carried.

REQUEST FOR SUBORDINATION AGREEMENT

Mr. Barnes stated that the property is under construction and the homeowner has refinanced for a hire mortgage. Right now the village is in third position and we would like second. The refinancing company wants first position and we would subordinate to them.

Mr. Dowd stated that assuming the village board approves this there are specific conditions that would be imposed. One thing we should see is that the husband does subordinate his \$10,000 lien to the village as stated in the letter from the attorneys for the bank. Until we see that we're not going to give up anything. We would also have to find out how this was going to be recorded once it was closed so we are truly in second position. In the past we have turned over our documentation to be held in escrow by a title company with specific instructions that they are not to file this subordination agreement without making sure that when they file the mortgages that we are in fact in second place. They did understand that and had no problem with that.

Trustee McGuckin moved to approve the subordination agreement contingent upon the husband subordinating his \$10,000 lien to the village and seeing how this was going to be recorded once it was closed so the village is truly in second position and that the documentation is to be held in escrow with specific instructions that they are not to file this subordination agreement without making sure that when they file the mortgages that the village is in second place. Seconded by Trustee Ozman. All ayes. Motion carried.

Mr. Barnes stated that he was advised by HUD that the announcement of Small Cities Awards will be early August.

PAYMENT OF AUDITED BILLS

Trustee Ozman moved to pay the audited bills of July 23, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

PARKING ENFORCEMENT DRAFT PARKING NOTICE

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Mayor Uszenski stated that this is in reference to Trustee Ozmans proposal for courtesy notices. His idea was rather than ticketing someone for being over the allowed time limit to put the notice in their window.

Trustee Ozman stated that what he created was a draft notice and it is subject to change at the boards pleasure, if the board feels its an appropriate mechanism by which to notify someone that they have overstayed their parking on a designated street. He thinks the purpose behind it is several fold, it evokes a sense of good faith, friendship, people coming into the village would be pleasantly surprised to receive this in lieu of a ticket. It creates a harmonious relationship between the village and the merchants and between the merchants and the shoppers and the shoppers and the village. He thinks if its designated properly in terms of designated dates, preholiday, possibly upon request of the newly formed merchants group. It could be utilized to the benefit of the village.

Mayor Uszenski asked if this has been proposed to the new businessmens group yet?

Manager Kelly stated that it was circulated last week.

Mayor Uszenski asked if there have been any comments back from them?

Manager Kelly stated that he hasn't received any comments back yet. John Sohns circulated it for comment and their next meeting is August 8th.

Trustee Ozman stated that he hasn't received any comment back yet. He further stated that its not costly and for distribution the board would need to set it on a case by case basis which date or dates this notice could be used and we need the business communities input on that.

Trustee Ozman suggested he draft a letter and send it to Derek Wynkoop or Dave Cocks asking them for their written input and once that is provided and the board thinks its a good idea we can then pick several dates to implement the program and between now and then if someone wants this redrafted in any way we can do that.

Trustee Ryan asked what the history is behind parking regulations?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Trustee Besdesky explained that it promotes rotation.

Mayor Uszenski stated that the village originally had parking meters which were removed. Then there was a problem of people parking there car there all day long.

Trustee Ryan suggested that the regulations be done away with in the village parking lots. What came out at the zoning board meeting was that our parking lots are not full, there are special occasions when they are, but for the most part they are not. If we can help the merchants by putting their cars there and not having to race out and move their cars every two hours, that may help them. Main Street enforcement he can see. He is in favor of the courtesy violation notice.

Trustee Forman stated that after the board received the letter in regard to the Orchard Street parking lot he's kept an eye on it every time he's driven by and he's noticed it full maybe twice in the past six weeks. So he agrees with Trustee Ryan.

Mayor Uszenski suggested that be proposed to the businessmen.

Trustee Ozman moved to suspend parking regulations in the Maple Street and Orchard Street parking lots. Seconded by Trustee Ryan.

Trustee Ozman stated in order to an experiment like this to have some sort of success in terms of being able to gage whether its working you need to publicize and take down the signs..

Manager Kelly suggested that this item be included in Trustee Ozman's letter to Mr. Cocks and Mr. Wynkoop, because the businessmen might see this as an impact on customer parking.

The vote on the motion was held off until comments come back from the merchants.

RECYCLING CENTER OPERATIONS

Mayor Uszenski stated that the fence is going up at the recycling center.

Manager Kelly stated that he would like to talk to the board about a program to control access to the brush and leaf drop off. The first part of the fencing project has been completed and the front of the building is now fenced off so

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

you can't get behind the building unless the gates are open. He's been talking with the superintendent about a program that would be workable for everyone and still provide access for drop off. He recommends the board consider allowing open access to the front recycling area as it is now, Monday thru Friday and a half day on Saturday for drop off of mixed recyclables. He suggested that they limit brush and leaf drop off to Saturday mornings from 8 am to noon and that two employees be posted at the yard. One at the front gate logging in every person that comes in and if they are not a Walden resident they are turned away at the gate. If they are a Walden resident then there is a second person in the back of the yard monitoring what is dropped off. The superintendent would like to get into a permit system with a sticker for vehicles so that we can control who is using the facility. The cost for the extra man or woman for the four hours would be a minor expense. The second person could be a crossing guard or a part time officer. The issue gets to be whether or not the crossing guard would be entitled to overtime since its not part of their regular duties. It might be just as cost effective to have a part time officer at least in the beginning.

Trustee Ryan suggested hiring a part time employee. You can hire off the street at less then an officer.

Manager Kelly stated that they would have to be hired and go into the union and the union would negotiate their salary.

Trustee Ryan stated that it would be for a six month trial period.

Mayor Uszenski stated that you may run into a problem where a Walden resident doesn't have a truck and he uses someones from out of Walden.

Manager Kelly stated that if the board wants to do this on a thirty day period he will put a notice on cable tv and get signs made up with the regulations and then the deal will be the back stays locked and there is no access during the week by anybody for any reason.

Mayor Uszenski stated that what about the person who has their day off during the week, that would be the other consideration.

Trustee Ozman asked if the dumping of brush has been heavy during the week?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Manager Kelly stated that he doesn't know. He knows its been heavy, he couldn't say what day of the week its the heaviest.

Trustee Besdesky moved to have the recycling center open on Saturdays from 8 am until 12 noon with two village employees checking for identification and checking what is being dropped off starting August 3rd. Seconded by Trustee Ozman.

Trustee Besdesky stated that what he sees wrong with this is 12:00 comes around fast. We might want to keep it open until 2:00 P.M.

Trustee Ryan asked that record be kept as to how many appear to be residential and how many appear to be business types.

Manager Kelly stated that they don't accept commercial.

All ayes. Motion carried.

BIG APPLE CIRCUS

Manager Kelly stated that he spoke to Peter Cawley today from the Big Apple Circus. They closed on the Hudson Wire building last Friday. They have their DEC permits to proceed and they are forwarding copies to the village so the chairman can sign the site plan.

REQUEST FOR WAIVER OF TAX BILL PENALTY

Mayor Uszenski stated that the village received a request to waive a tax penalty. The tax bill was sent to the mortgage company.

Manager Kelly stated that the village get lists from these institutions to send tax bills for properties and we complied with their request only to find out that it wasn't suppose to go there. The company made the mistake and didn't get the bill back to the homeowner in time to meet the window for not receiving the penalty.

Trustee Ozman stated that after thinking about this the question he raises would be is the village obliged to send the bill to the tax service without the owners consent. He realizes that its done on a regular basis and its probably done for convenience and it would be a labor intensive job to do it otherwise. Whose obligation would that lie on?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Mr. Dowd stated that it appears that their gripe is not with the village its with the mortgage company. If in fact there was no escrow tax funds usually people who don't have escrows know that the tax bills are coming and when they don't come at a certain period of time they call the town or village hall and ask if their tax bill was sent out.

Trustee Ryan moved to deny the request for the waiver of tax bill penalty. Seconded by Trustee Forman.

Trustee McGuckin stated that he feels Source One was the one who made the mistake and he feels they should correct the error.

All ayes. Motion carried.

REQUEST FOR NEW PARKING ORDINANCE

Manager Kelly stated that he spoke to Sergeant McCoskery today about what do you do when someone calls you that your neighbors are blocking you in. They are not blocking your driveway, but they are blocking your sight distance to pull out safely. He indicated that he would try to have the person who is effected talk to his neighbor and see if the neighbor would be more considerate. The village does have a code which says you can't park fifteen feet to a corner, but the practical difficulty imposing a code that says you can't park within ten feet of a driveway opening would be very difficult on many streets in this village. Some instances there isn't ten feet between driveways.

Trustee Ozman asked that when the manager responds to the letter that he point out the practical difficulties.

PUBLIC PORTION

Bob Lamancuso, 33 Gladstone Avenue asked about the Walden Housing Rehab Program, his neighbors house is in the process of being painted for nine months now and its a ten day job. Is there any way that the village can force the contractor to be more expedient or throw him off the job and hire someone else?

Manager Kelly stated that the contract is between the home owner and the contractor and there are provisions in there which require performance within a period of time unless extensions are granted and there is a provision which allows the owner to throw the contractor off the job. The village

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

is not a party to the contract, but we administer the contract. The village can not throw a contractor off the job.

Mr. Lamancuso asked if Mr. Barnes is aware that this contractor is not performing his duties properly, does Mr. Barnes make it a habit of allowing this contractor to bid on other jobs?

Manager Kelly stated that there has been a couple of contractors in the village that have been told not to bid again because they've had a poor track record. Many of the contractors that are here now have been around for some time. The program has been changed so the homeowner can chose a contractor who is not the low contractor without paying additional money out of pocket, if the contractor is within the range of 15% of the average.

Mr. Lamancuso asked if the pot holes on the crest of Scofield Street filled. Also, the gas line cut is collapsing by the entrance to the church.

Larry Sager, 78 Orchard Street stated that this question is from his wife. On June 25th Mrs. Sager stated that this is going to be a final list, who is going to make sure they don't do further damage? The lawyer will check everything and say if it is okay. Mayor Uszenski stated that he would like the homeowner to make a list and give it to the building inspector. Mrs. Sager stated that she would make a list but she would also like to see Dean come down. Mr. Ryan asked that the list be drawn up in a short period of time. Mrs. Sager has said she has done this. Mrs. Sager seen the contractor this past Monday. It took a week for him to come with Dean. Mrs. Sager has gotten no response. Mrs. Sager said she would like a response.

Manager Kelly asked who Mrs. Sager wants a response from?

Mr. Sager stated that she wants a response from Dean, the contractor, Mr. Barnes and she would like a letter from the manager. She wrote a letter and she feels she is entitled to some kind of explanation of why things go on in the village the way they do in this HUD program and why the board allows Mr. Barnes to come in here and do what he does to a homeowner behind their back and if there is going to be a change in that program that a homeowner is entitled to be warned upon the payment of a payment to a contractor. He feels she is entitled to that.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Mayor Uszenski stated that if the contractor and Dean met they should be getting back to her.

Trustee Ryan stated that there was one other condition that was put forward that night, that once he came back he would work diligently and consistently until he completed all tasks on the list. He may be waiting until his forces are freed up so he can have the discussion and start.

Mr. Sager stated that the discussion was made that some of this work was due to warrantee and she feels the warrantee is started until all contracts are signed off.

Manager Kelly stated that he has not seen a response from the contractor. The letter indicated that they were assessing damages. As far as the manager sending a response to his wife the board didn't ask him to respond and his wife did not write the manager a letter, she carbon copied him.

Mr. Sager asked that the board change the policy to insure the homeowner is informed from Mr. Barnes or the village when action is being taken.

Mayor Uszenski stated that the board hasn't changed any policy. That night was basically a discussion item. The board didn't plan on doing anything that night.

Manager Kelly stated that if the board would like he will write Mr. Warren a letter as well and suggest to him that the board expect a response and we would like to have it and he will forward it to Mrs. Sager when he receives it.

Mrs. Weisblatt, 28 Gladstone Avenue asked about Woosters Grove, what is going on and are we still planning on a parking lot and why?

Mayor Uszenski stated that the village is planning on a parking lot. The project has been started. The board is directing the dpw to send out bids to finish the project. We need it because there is improper parking facilities and the road is in terrible shape.

Mrs. Weisblatt asked about the sewer at Woosters?

Manager Kelly stated that it is finished. The tank and line were installed several weeks ago. The final grading still has to be done. He doesn't know why the tanks are still

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

exposed. We will be paving within the next two weeks.

Mrs. Weisblatt asked if the village could put a junior type of playground in there?

Manager Kelly advised Mrs. Weisblatt that there is a beautiful playground at Wanderling Park.

Mr. Sager asked why the village passes codes?

Mayor Uszenski stated that the village has certain problems that arise and that is the way we can control the problem.

Mr. Sager stated that at the first zoning board meeting with Mr. Spanos the question came up about the use of the municipal parking lot since it had a time limit on it for special exception use and now he sees that the board is discussing taking that time limit out of those lots. You pass codes just to go back and waste the money or do you pass codes with the intent of using them?

Mayor Uszenski stated that the board passes codes with the intent of using them but they also have to be modified and updated to the problems as they arise in the future.

Mr. Sager stated that there has always been a problem with the merchants out there as far as parking goes and he's never seen this issue brought up that the time limit be taken away. Now he sees this issue was brought up at a zoning board meeting and by Sam Liebman, now he sees it being brought up here.

Steve Sabine stated that he just dropped by to say hello and reestablish his relationship and see what is going on.

Larry Sager stated that Mr. Liebman was questioned on his ethics sitting as chairman for Mr. Jacobowitz's firm. Is it ethical for him to sit as chairman with his professional relationship with the board as architect of the municipal building and the village will be lending the money to Mr. Spanos. If the village questioned his ability with Mr. Jacobowitz sitting as chairman who made a statement that he has no more relationship with them, then why isn't it questionable with his relationship with the village if the village is giving Mr. Spanos a loan?

Mr. Dowd stated that is an interesting twist what Mr. Sager is raising. He disagrees with the way he characterized the

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

board of ethics and the results of the law suit, but the issue that was raised was whether or not there was a conflict of interest between the chairman and applicants or their representatives and that has been clearly stated by Mr. Liebman after he disclosed his relationship that that relationship is no longer in fact a relationship. You are now raising the question as whether by virtue of the fact that Mr. Liebman is a retained architect by the village whether or not he has some sort of interest which would require him to recuse himself as the ZBA Chairman on the 11-17 Main Street building. Its clear that Mr. Liebman doesn't have any interest in the 11-17 Main Street building or the principals or the attorneys or he's not the architect for that building, so he doesn't have any interest to disclose to make him step away from this application. All this village has done is applied for a grant which would be a loan to the owners of 11-17 Main Street to rehab the building. They have not condoned this project. If this project doesn't get ZBA approval there is no loans to be made and the grant would have to be modified, if it could be modified, to some other project in the village. Mr. Liebman has no vested interest in the building or the villages loan arrangements to the building which would require him to disclose or recuse himself from being chairman to that board.

Becky McNally, 52 Oakland Avenue asked if the village is getting the youth center at Woosters?

Mayor Uszenski stated that the village hasn't gotten an official answer yet.

Mrs. McNally asked if the parking lot that is underway is in anticipation of getting the youth building?

Mayor Uszenski stated yes, as well as the long term need.

Mrs. McNally stated that the entrance sign to Woosters is really detracting.

Mayor Uszenski stated that the village is in process of replacing that sign.

Trustee Ozman stated that the village appreciates the work that Mrs. McNally has done on the sign. She intially presented a draft and the village worked from that.

Maria VanLeuven, 82 West Main Street asked if anyone has asked about the real estate signs on Route 52 as you come

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

into the village?

Manager Kelly stated that he spoke with the building inspector and they reviewed the code and he and the building inspector don't believe that they are permitted. Mr. Stickles were going to call the real estate companies to have them removed. The manager is going to ask the superintendent of public works to take down the directional sign on the pole and take down the Streamside Development sign which also is not suppose to be there.

Mrs. Vanleuven stated that there is a tree in the planter that part of it is dying. It should be trimmed back.

Greg Raymondo stated that Mr. Monti usually specs out the most expensive wood you can buy. You could do just as good with less expensive wood. He is not saying its not a good idea what he is saying is to look at the price you are paying.

Mrs. McNally asked if the village ever considered putting on Main Street small flags from the poles saying welcome to Walden and have seasonal things.

Mayor Uszenski stated that there are some ideas going around. It was discussed at the last board meeting.

Mrs. Weisblatt stated that there is a very dangerous looking tree on the corner of Church and Scofield Streets by the church. Also on the corner of Scofield and Orchard Streets there is a deep pot hole.

Larry Sager stated that there is such a thing in the village as grandfathering, didn't you change the laws?

Mayor Uszenski stated in certain items.

Mr. Sager stated that you take Main Street as you change the codes each time. The area there has been grandfathered in, right?

Mayor Uszenski stated yes.

Mr. Sager stated that watching what he's been watching its never been mentioned.

Maria VanLeuven asked if Manager Kelly has had the opportunity to look into the size of the flags?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Manager Kelly stated that he will drop off a catalog that has the dimensional sizes in it. He will give her a copy of the Highland Telephone regulations. He hasn't asked Highland Telephone Company whether they would permit such an attachment.

Ms. VanLeuven stated that before the village put in the new sidewalks there were holes in the sidewalks to place flags. She thinks that would be good. She would also like to see if there is anything that can be done to upgrade the image of Walden. She asked if that radio station was still knocking Walden and can anything be done about that.

Trustee Ozman stated that it starts with positive people painting a positive image.

Manager Kelly stated that there was a very nice article about Walden in the Sunday real estate section. It was a very positive article. Mr. Wolf at the radio station has been a nemesis for some time now. The village met with Congressman Gilman in an effort to have his credentials with the FCC come into play because of the character of the station. The village had Senator D'Amato write letters. It seemed to die down for a while and its picked up again.

Mr. Sager asked if its ever been suggested for a swimming pool at Wanderling Park? Several people told him that they would go there if there was a pool.

Mayor Uszenski suggested this be brought up to the parks and recreation committee. See if there are some grants available.

Mr. Sager asked if there was anything the village could do about the letter written by Mr. Spanos's architect?

Trustee Ryan stated that its an opinion letter.

REPORTS - COMMITTEE

Trustee Wynkoop stated that there is a pole missing, two lights out, and two lights that go on and off at the Orchard Street parking lot.

Manager Kelly stated that the village had to buy a new base for the pole and that has been delivered and now the village has to schedule a time to install it.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Trustee Forman stated that there is a light at the bottom of Hill Street that goes on and off. He further stated that the library board met last week and they have been talking to the town about funding. The library board suggested the wording in the agreement be changed to all residents in the Town of Montgomery with a Walden address.

Manager Kelly stated that the agreement is drafted by the town and it talks about equity of services. He doesn't know if the wording could be changed.

Trustee Ryan stated that he would like to refer something back to the recreation director, by next meeting to come up with some programs that would be available to the ages of 15 to 25. That was discussed at the priorities meeting. The ones from 15 to college age end up hanging out and after college you don't notice them returning.

Trustee Ryan further stated that he hasn't seen any correspondence regarding unsafe buildings.

Manager Kelly stated that he spoke with the building inspector and the top two candidates have been contacted. He will talk to him to see if he's mailed out to everybody. Mr. Sandre is on the top of the list.

Trustee Ryan asked that a letter go out to Orange County DPW thanking them for the work done on the railroad crossings and S. Montgomery Street.

Trustee Ryan stated that he read the same article in the paper about Walden. It was a well written article, it made Walden look very well. The one thing that took him back was that 33% of the Village of Walden was for rent. It seems like a large number. Also, the real estate sign is still on Route 52 the old State Farm building. He would like it removed. The zoning board met and is on going. The question of grant verses loan was brought up. He thinks it was cleared up that it is a loan. Repayment will be necessary. The open end was discussed to some degree. Their contention is that the village will be in third place, which is not the villages contention. That needs to be pointed out to them before they get too far along. The other issue was the repayment itself. It sounded like we wouldn't be paid back for twenty some years. It was clearly spelled out at the meetings that if they get tax credits we would be paid back in full at that point. They are sounding as if that would be

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

money given to them and the loan payment can be stretched out under terms. This should be spelled out, remind them and send copies of the minutes, so they don't get themselves too deeply entrenched.

Manager Kelly stated that the discussion back then was if it meant up front they weren't going to do it, they were going to use it to pay off the village at a later date reducing our principal and the original letters to them for tax credit financing purposes were not included because at that point in time they weren't going to apply for tax credit financing. The terms of the letter indicated that this board has the final say as to what the terms will be subject to the attorneys review of every document. The terms are still open.

Trustee Ozman stated that from time to time you see conferences, courses, things of interest advertised in the municipal magazine. Recently he noticed in a publication that there was a Main Street Conference on August 13-15 at Hotel Thayer in West Point. He thinks it would be nice as trustees they sort out the different courses, conferences and programs and when possible attend the entire conference or a portion or split amongst themselves that they would each bring back just one idea to follow through on if he thinks it would be beneficial. He intends to attend at least one day. Mr. Wynkoop of the Walden Community Council informed him that a member of the council will be attending. The expense should be borne by the village.

REPORTS - MAYOR

Mayor Uszenski stated that Doug Vantran has moved out of the area and he thinks that he has done a lot for the village. He was on the planning board and library board. He would like a plaque or certificate done for him.

Mayor Uszenski stated that the firemen signs have to be taken down.

Mayor Uszenski stated that the board should attend the Walden Community Council meetings. He feels the village should develop a map like the Village of Goshen did.

Manager Kelly stated that the council has talked about that.

EXECUTIVE SESSION

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 23, 1996

Trustee Ozman moved to hold an executive session pursuant to 105-(d&f) of the Public Officers Law. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Ryan moved to authorize purchase and installation of entrance signs at Woosters Grove with the condition that either Craig Maslik or Walt Sweed coordinate the installation. Seconded by Trustee Forman. All ayes. Motion carried.

ADJOURNMENT

Trustee Forman moved to adjourn. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Respectfully submitted,


Nancy Mitchell
Village Clerk

JULY BILL LIST - JULY 23, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A120	Air Products and Chemicals	\$ 14.25
A121	Al Valk's Garage	1,483.42
A122	Amthor's Welding	105.00
A123	Amthor's Welding	49.00
A124	Automotive Brake	279.18
A125	BFI	195.00
A126	Bob Swanson	600.00
A127	Chambers Ford Tractor Sales	55.20
A128	Country Hardware	50.00
A129	Country Hardware	54.40
A130	Country Hardware	245.77
A131	Enviromental Paper Towel	110.40
A132	Gall's	257.95
A133	Global Computer Supplies	86.59
A134	Gainer-Wilbur	254.16
A135	Gainer-Wilbur	190.62
A136	Gainer-Wilbur	423.50
A137	General Code Publishers	1,298.64
A138	Orange County Clerk	4.00
A139	Hart, Marc	58.80
A140	Hodgson Farm	124.47
A141	Jim Smith Chevy	204.25
A142	Jim Smith Chevy	66.22
A143	Keil Equipment	559.20
A144	E.A. Morse	100.63
A145	Maybrook Materials	884.96
A146	Montague Tool	97.80
A147	Montague Tool	179.81
A148	Montgomery Agway	25.46
A149	Pine Bush Equipment	19.00
A150	Pine Bush Equipment	53.16
A151	Pitney Bowes	65.25
A152	Sarjo Industries	104.09
A153	Thruway Shopping Center	27.92
A154	Unisource	666.00
A155	Times Herald Record	59.76
A156	Walter Smith	1,750.00
A157	Water Safety Products	168.93
A158	Thruway Shopping Center	41.91
A159	Alfie's Uniforms	18.99
A160	Bell Herring	108.80
A161	Hyatt Regency	475.00
A162	Mid Hudson Communications	132.40
A163	Jarvis, Brian	15.60
A164	Stiefel Research	10.84

JULY BILL LIST - JULY 23, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A165	Country Hardware	\$ 289.97
A166	Thruway Shopping Center	190.90
A167	Air Products and Chemicals	59.47
A168	Cherry Tire Service	82.00
A169	George's Auto	100.60
A170	George's Auto	43.13
A171	George's Auto	189.61
A172	Ira D. Conklin	208.75
A173	Lloyd, Jamie	10.20
A174	Maybrook Materials	29.03
A175	Mehlon Trucking	240.00
A176	Schneider, Jacqueline	91.80
A177	Showcase of Awards	288.48
A178	Times Herald Record	12.24
A179	Thruway Pharmacy	6.50
A180	Wernau, Michael	12.00
A181	Drake, Sommers, Loeb	272.20
A182	Wallkill Valley Publications	7.70
A183	Ananconda-Kaye	582.92
A184	Marlatt, Gerald	150.00
A185	Al Valk's Garage	10.00
A186	Westchester Chapter, American Red Cross	125.00
A187	West Publishing	75.50
A188	Weinert T Shirts	1,478.60
A189	Thruway Shopping Center	29.30
A190	Water Safety Product	21.00
A191	Quinlan Publishing	87.81
A192	Walter Smith	400.00
A193	John Falvella Fence	2,780.00
A194	Patrick A Russnak	150.00
	TOTAL GENERAL FUND	<u><u>23,144.83</u></u>

JULY BILL LIST - JULY 23, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-19	CHARLES MERRILL	\$ 59.85
F-20	ORANGE COUNTY LABORATORY	470.00
F-21	SURPASS CHEMICAL	1,108.65
F-22	COUNTRY HARDWARE	74.63
	TOTAL WATER FUND	<u>1,713.13</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-18	CAIN CONTROL SYSTEMS	\$ 300.00
G-19	CHARLES MERRILL OFFICE EQUIP.	59.85
G-20	ENVIROTEST LABORATORIES	625.00
G-21	NEWBURGH STEEL	91.35
G-22	WILLIAMS, KYLE	6.00
G-23	COUNTRY HARDWARE	88.94
G-24	AL VALK'S	40.00
G-25	AL TURI LANDFILL	419.52
	TOTAL SEWER FUND	<u>1,630.66</u>

CAPITAL ACCOUNT #82	CANALE ELECTRIC	\$2,439.00
MUNICIPAL BUILDING	DEMBERG BROTHERS	1,800.00
	FRONTIER COMMUNICATIONS	9,605.70
	RBI CONSTRUCTION	24,415.00
	LIEBMAN AND HUROWITZ	1,000.00
	THRUWAY	79.60

COMMUNITY DEVELOPMENT	UNISOURCE	166.50
	SMALL CITIES 94	
	DRAKE, SOMMERS, LOEB	253.85
	UDAG	
	SACCARDI AND SCHIFF	8,175.56
	UDAG	
	R.W. MECHANICAL INC.	6,357.00
	HODAG	
	EJJ CONSTRUCTION INC.	3,295.00
	SMALL CITIES 94	

JULY BILL LIST - JULY 23, 1996

PREPAID BILLS

GENERAL FUND

VOUCHER

VENDOR

AMOUNT

FRONTIER COMMUNICATIONS	414.36
FRONTIER COMMUNICATION	111.71
FRONTIER COMMUNICATION	172.00
FRONTIER COMMUNICATION	271.08
FRONTIER COMMUNICATION	47.16
FRONTIER COMMUNICATION	84.83
FRONTIER COMMUNICATION	73.66
NYSEG	795.24
NYSEG	5,565.98
NYSEG	763.32
ORANGE COUNTY SANITARY LANDFILL	527.15
NYSEG	519.22

WATER FUND

CENTRAL HUDSON	448.57
FRONTIER COMMUNICATION	24.01
FRONTIER COMMUNICATION	141.40
NYSEG	2,290.38
NYSEG	93.11

SEWER FUND

FRONTIER COMMUNICATION	69.82
NYSEG	3,043.22
NYSEG	117.46
NYSEG	471.65

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, July 9th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Authorization to Exceed \$10,000 For Small Cities Projects (2)
 - A.2 Review of Small Cities Program Contractor RFP
 - A.3 Payment of Audited Bills For July 8th, 1996
 - B. DISCUSSION ITEMS
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
JULY 9, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Martin Besdesky
Roy Wynkoop

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of June 25, 1996. Seconded by Trustee Forman. On roll call Trustees Ryan, Ozman, Forman, Besdesky, Wynkoop and Mayor Uszenski voted yes. Trustee McGuckin abstained. Motion carried.

AUTHORIZATION TO EXCEED \$10,000 FOR SMALL CITIES PROJECTS (2)

Mr. Barnes stated that the project on East Main Street stated that the homeowner took item number six out of the work, insulation in the ceiling in the basement, so the low bidder became R.W. Mechanical at \$10,075.00.

Trustee Besdesky moved to approve the Small Cities Project on East Main Street to exceed \$10,000. Seconded by Trustee Ozman. All ayes. Motion carried.

Mr. Barnes stated that the project on Ridge Avenue the estimate was \$32,620, and the low bid came in at \$32,400. The house needs virtually everything. Because of the size of this case he has been talking to Orange County and the advisory committee was meeting today and he doesn't know if they were able to take this case up or not. They are asking the county for 50% of the funding. The village is a member of the home consortium. He asked if anything could be

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

excluded from the job and he was told its all code and nothing could be removed.

Mayor Uszenski asked about the box gutters, if its been spelled out so the village doesn't run into any problems?

Mr. Barnes stated that the contract states that all boxed gutters are to have all existing linings removed down to the framing. All boxed gutters are to have any and all required framing replaced or repaired to include any crown molding, fascias, soffets, interior boards or base boards, all existing gutters to be relined to a sufficient height to prevent leakage.

Trustee Ryan asked if there were any outstanding loans on the building?

Mr. Barnes stated that there is an existing mortgage on the building of \$26,000.

Trustee Ryan asked what the value of the home would be after repairs?

Trustee McGuckin asked if the county was going to require second position?

Mr. Barnes stated that he doesn't know. He further stated that in regard to the value of the home after repairs you are dealing with an unknown because you are dealing with what is the after rehab value.

Trustee McGuckin asked what the before rehab value was?

Mr. Barnes stated that he doesn't know that. He will asked that the village be in second position.

Trustee Ryan stated that his only word of caution is to make sure that the village is protected.

Trustee McGuckin moved to approve the project on Ridge Avenue to be approved to exceed \$10,000 as long as the village can look to the county to pick up half of it. Seconded by Trustee Forman. All ayes. Motion carried.

REVIEW OF SMALL CITIES PROGRAM CONTRACTOR RFP

Mayor Uszenski stated that this would be in case of emergencies arising that the village would have a faster way

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

of getting a contractor to do the repairs.

Mr. Barnes stated that this is a procedure similar to what the county does. He checked with HUD as to the way to do it and they suggested to advertise in the newspaper and solicit a contractor. The village received five bids. The idea would be to take over when a contractor fails to perform, you can bring someone in very quickly. All five contractors have done work for the village. He suggested that Ray Cox be first, John Chessari be second and Ken Valk be third.

Trustee Ryan moved that Ray Cox be first, John Chessari be second and Ken Valk be third for the Small Cities Program emergencies. Seconded by Trustee Ozman. On roll call Trustees McGuckin, Ryan, Ozman, Besdesky, Wynkoop and Mayor Uszenski voted yes. Trustee Forman abstained. Motion carried.

AUDITED BILLS

Trustee Ozman moved to pay the audited bills of July 9, 1996. Seconded by Trustee Forman.

Trustee Ryan asked about the bill for the air conditioner, didn't the village just buy one last year?

Manager Kelly stated that the village bought one two years ago. This one is for the chief's office. When the project is finished it will go to the department of public works office.

Trustee Ryan asked what the cost would have been for recharging the old one?

Manager Kelly stated that he doesn't know if that one was able to be recharged.

Trustee Ozman asked about the bill for a battery for the water van. He remembers purchasing two batteries for the van a few months ago. The van should be checked for a problem with the alternator.

All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATIONS UPDATE

Mayor Uszenski informed the board that he invited the Clerk of the Works, Craig Maslik to the meeting to give the board

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

an update on the construction.

Mr. Maslik stated that they may start painting and be completed in three weeks and they have about three to five months of construction left.

Mayor Uszenski asked about the elevator?

Mr. Maslik stated that the elevator is substantially complete. It will be completed before the painting is done.

Mayor Uszenski asked if the fire escape is finished?

Mr. Maslik stated that the fire escape is basically complete. When you speak about general construction nothing is 100% complete.

Trustee Ryan asked if the elevator has been turned over to the clerk for use?

Mr. Maslik stated no, its not complete yet. Probably another week or two. He would like to see the entire first floor complete so he can move the police department into that area. The board has been kept abreast of the situation over there. The board understands that the general construction contractor has not performed in a timely fashion.

Trustee Ozman asked how many people are on the job at any given time?

Mr. Maslik stated that in the past four weeks they've had no other construction workers except the general contractor on site. The general construction contractor in the past three weeks has had a crew of approximately eight men.

Mayor Uszenski asked when the windows and doors on the front of the building will be done?

Mr. Maslik stated within the next two months.

Trustee Ryan asked about the office space on the third floor?

Mr. Maslik stated that they should be done there within the next three months. He's assuming that if they concentrate their efforts on the first floor, two months is a reasonable time to complete that work. Then they will move up to the second and third floor and complete that in four weeks.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

Trustee Ryan stated that what the village recommended to them was to work down below to get up. Primes are not on site and have not been for a month. He asked who RBI's superintendent was?

Mr. Maslik stated that its Don Hopper.

Trustee Ryan asked how long he's been employed with them?

Mr. Maslik stated approximately six weeks.

Trustee Ryan asked if the president of RBI has attended the meetings?

Mr. Maslik stated occasionally.

Trustee Ryan asked what their response has been?

Mr. Maslik stated that their response has been that everything is all right, on schedule and they have no problem meeting construction deadlines.

Mayor Uszenski asked about the heating and air conditioning?

Mr. Maslik stated that the work that needed to be installed up to the point of construction is installed.

Trustee Ryan asked if the electrician will be able to respond if Mr. Maslik says that on Tuesday we're now going to have areas for them, will they be able to respond on that Tuesday?

Mr. Maslik stated that they have been very cooperative. They have come on a one day notice.

Trustee Ryan asked if any roof work has been done?

Mr. Maslik stated none at all.

Trustee Ryan asked if any exterior painting has been done?

Mr. Maslik stated none at all.

Trustee Ryan asked when it was scheduled for?

Mr. Maslik stated that at this point they are not scheduling any more work. At this point they will not give concrete dates when they will attempt to start work.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

Trustee Ryan stated that RBI's contract is due on the 31st day of July. Those two areas are weather sensitive. They weren't done in the winter because of the type of nature they are. If its not done this summer then it will be done next summer. It can't be done in the winter. He asked when the next meeting would be?

Manager Kelly stated one week from Thursday.

Trustee Ryan stated that he would press them at that time to have them have a date set for all exterior work on the building.

Mr. Maslik stated that he had pressed them at every meeting to have construction dates for all items and he's not been supplied with any reasonable schedule to date.

Mr. Maslik further stated that the construction that has been done has gone well. If you look at the requisitions what they have been charged above the contract price and what they have in the building. If you get a chance to look at those things you will see that they have done very well to this point. Unfortunately, its not being done fast enough.

Mayor Uszenski asked if the village was holding enough money back so we're in good shape?

Manager Kelly stated that they've billed out 50% of the job, general construction.

Mayor Uszenski stated that in terms of percentage finish, they're 50%?

Manager Kelly stated yes, 50% in terms of what they've built. They are very close.

CORRESPONDENCE

Mayor Uszenski stated that the board received a letter from the Wallkill Valley Health Coalition stating that on July 22, 1996 the Orange County Advisory Committee and County Legislators are coming to take a tour and the board is invited.

PUBLIC PORTION

Larry Sager, 78 Orchard Street asked why his wife's letter wasn't part of the correspondence?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

Mayor Uszenski stated that he received the letter this morning and it was referred to Mr. Barnes and the manager.

Mr. Sager stated that his wife wants to know if Mr. Barnes is a representative of the contractor or the village residents that pay this money back to the village and who should be informed anytime he comes before this board for payment of a contract? She wants an answer why back door tactics were taken.

Mayor Uszenski stated that Mr. Barnes was hired by the village to run the small cities grants for the village.

Mr. Sager asked if he can come before this board without notifying a homeowner of what his intentions are?

Mayor Uszenski stated that his intentions are to notify the board.

Mr. Sager stated that wasn't his intentions that night. Judgement was passed on a few people letting the contractor get paid without informing the people. That's why they have problems over in Wallkill. He didn't want to go into this program for that simple reason. The taxpayers pay it back. The contractors hit the road and you don't see them anymore.

Mayor Uszenski asked Mr. Sager if the list is his wives final list?

Mr. Sager advised him yes.

Mayor Uszenski stated that it was given to Mr. Barnes this afternoon and Dean, the manager and village board all have copies. Its proceeding as requested at the last meeting.

Mr. Barnes stated that he gave a copy of that to the contractor yesterday.

Maria VanLeuven stated that the entrance sign on Route 52 coming in from Newburgh looks very nice. She asked why every weekend is there nothing but realtors signs all over it, blocking it? Can anything be done with that?

Mr. Dowd stated that real estate signs can be off the premises.

Trustee Ozman asked Mrs. VanLeuven to snap a picture for the

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

board.

Manager Kelly stated that he will check the code and see what is permitted.

Becky Pearson, 157 Walnut Street stated that a couple of months ago she asked to have the drain in front of her house cleaned and it hasn't been done.

Manager Kelly stated that the department of public works will have to do it by hand because the sweeper truck, the suction was not working. He will check with Mr. Sweed.

Larry Sager asked if the state was going to do the sidewalks and road on Orange Avenue?

Manager Kelly stated that the major reconstruction is not going to be until the early 2000's. This year they will be coming in and putting a resurface down. When they do the major reconstruction the village is hoping they do everything. He hasn't seen the finished plans yet.

Mr. Sager stated that the village is keeping slate sidewalks on Orchard Street. Ulster Avenue is a terrific avenue coming into the village and it has a lot of slate sidewalks left. The village should take the slate from Orchard Street and save it for the state to do for the village, so you have something historical when you come into the village. It's nice on Orchard Street, but who is going to see it.

Manager Kelly stated that the issue that was raised about Ulster Avenue by the State DOT was in order to widen the streets and put new sidewalks in the village will have to make a decision on what to do with all the street trees, because all the street trees are between the curb and sidewalk.

Mrs. VanLeuven stated that the last time she talked about Christmas with the board she appreciates the new lights and the tree looked real nice. She would like to see Christmas a little bit better than we have in this village. The Walden Savings Bank has offered to hook up the happy holidays sign.

Manager Kelly stated that the problem with that is the Highland Telephone Company would no longer permit an extension cord hookup. They wanted it done by code. The utility company tells the village how they have to do things and the village has to abide by their requirements. Also,

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

everything has to be metered.

Mrs. VanLeuven asked if some money can be put aside for Christmas decorations? She has raised some money and she would like to raise some more.

Manager Kelly stated that the village has never received the money that Mr. Lustig raised.

Mrs. VanLeuven stated that she has that and she would like to raise more. When she tried to raise more the people in the village said that they would be glad to donate but they want to see a difference. They will not donate anything if they are going to see the same thing. She suggested the village have flags for the 4th of July.

Manager Kelly stated that in order to hang Christmas decorations the village has to rent a lift for one man to go up. Its an intensive process. Also, anything you buy from those catalogs is very expensive. The village spent \$1700 on ten flags and lights for the tree. We were hoping for money from the merchants.

Trustee Ryan asked Mrs. VanLeuven what kind of funds is she in possession of?

Mrs. VanLeuven stated over \$1,000 and she can raise more, but she wants to see a difference.

Trustee Ryan stated that he would like to make a request that the village match dollar for dollar that the merchants raise up to \$2,000 limit and that the proceeds be given to the committee to decorate.

Manager Kelly stated that usually they donate the money to the village with an idea of what they want to do and then the village install it. The merchants could create a fund for things to do to benefit the merchants that wouldn't necessarily have to be hung on a utility pool and then the village could work on another aspect of that to supplement what is happening. The village can receive a donation, but they can't donate public monies.

Trustee Ryan stated that the village can have them as a village committee.

Manager Kelly stated then the question would be who would own the decorations and where would they be kept.

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

Trustee Ryan stated that most of these don't have a long life so ownership is not a big sticking point.

Trustee Ryan moved to create a Christmas Committee and the village match their donations dollar for dollar up to \$2,000. Seconded by Trustee Ozman.

Mayor Uszenski suggested that Trustee Ryan be the board representative to the Christmas Committee.

All ayes. Motion carried.

Mrs. Pearson stated that she contacted DEC in regard to trees and what kind to plant. They gave her a couple names of trees. They will also come to the village as a state program that is funded by the state and go through the village and look at the trees and see what type of trees are best for the village and get those trees. She will contact DEC and get more information.

Manager Kelly asked for the name of the person Mrs. Pearson spoke to and he will contact them.

Mrs. Pearson stated the Mr. Sager's suggested for the slate was a really good idea and she feels the village wasted a lot of money when they tore up the slate. The village could have made money with the slate.

Mrs. VanLeuven asked if she gets the flags does the village have the poles for them?

Manager Kelly stated that the only thing the village has for the banners is the attachment kit. The village has no means to hang flags. The village does not own the poles and there is a five page agreement with do's and don'ts and how to hang things and the village has to supply them with a certificate of insurance.

Larry Sager stated that on April 23rd the board passed the budget and said they had no money. It says in the paper that the cars will be paid, \$10,000 that will not be needed for village insurance expenses, \$10,000 from the water budget fund, balance that was earmarked for equipment purchases, \$6,000 from the village contingency budget, it wasn't appropriated, in other words, but yet we have no money in this village. You always say that I cry the blues that we got money, but you don't have any. Where is the true figure?

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

Explain how we can have this kind of money in the village, but yet we have no money, for a car that all its going to do is take somebody back and forth to work.

Mayor Uszenski stated two cars.

Mr. Sager stated that one car is needed. The man should have a pick up truck, not a station wagon. That man should have the highest mileage police car to go back and forth to home.

Mr. Sager asked about the fire horn.

Mayor Uszenski stated that right now its inactive and we're waiting for a response from the fire district.

Mr. Sager asked if it would ever be put back in place?

Mayor Uszenski stated that it hasn't been moved, its just inactive. There is no money in the budget to pay for any equipment.

Manager Kelly stated that the air line still goes from the basement to the attic as well as the electrical from the basement to the attic. There is no computer brain to drive any alarm system and the manufacturer is out of business.

Mr. Sager stated that there could be a county problem that effects this area and this village residents would not know about it.

Manager Kelly stated that last he knew the commissioners were checking locally to see who bought out Bliss Gamewell, whether there was a schematic for it and what a new set up would cost. He will talk to Mr. Penney and see if there is any way they can spec out a package to have a starting point.

Becky Pearson asked about the water meters, the outside meters are no longer read? Does the village still go around and read the meters?

Manager Kelly stated that the village is swapping meters out with a different kind of meter. We now have the Sensor meters which have a different set up. A touch pad gets mounted on the outside of the house. We are replacing stopped meters. There is a priority list for broken meters and they go first. People that have outside registers that aren't working, we're not replacing the meters in the first go around. We have 1700 meters in the village. Ultimately,

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

we would like to swap out all 1700 meters and go to an automated reading system so you don't have human error.

Mr. Sager asked how far the village has gotten with the discussion of changing the ethic laws.

Mayor Uszenski stated that the board hasn't done anything yet.

Mr. Sager asked if the village was going to change the law so the public can be available to have correspondence with them and change it out of the kangaroo court that it is in?

Mayor Uszenski stated that what will be revised will be set up for a public hearing because it will be a local law change.

Greg Raymondo asked if there is a rule that a village is responsible for the fire horn?

Manager Kelly stated that when that fire horn system was bought part was owned by the village and part was owned by the fire department. At that time it was a village fire department. Now its a fire district so the cost factor comes into play.

Trustee Besdesky stated that he would like to research the fire horn out and report back.

Trustee McGuckin stated that he doesn't see why the fire horn is needed when the firemen are alerted on their own personal scanners.

Mayor Uszenski suggested the manager write a letter to the fire commissioners stating that the board would like to be on their agenda and let Trustee Besdesky attend and address these questions and get answers.

Manager Kelly stated that he will also attend the meeting.

Mr. Raymondo asked about the Pond Road park?

Manager Kelly stated that Mr. Sweed has to spec out how much dirt they need. He can talk to them in August at their meeting. Its a question as to whether they will contribute to the cost.

Becky Pearson stated that she feels the fire horn is

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

necessary, its a part of history.

REPORTS - COMMITTEE

Trustee Ozman stated that he created a parking notice. His feeling was in the spirit of creating furthering harmony between the village board, merchants, people who come into this village and the residents. On certain designated dates the village could direct the parking enforcement officer to issue a version of a warning notice in lieu of a parking ticket. The parking enforcement officer is not adverse to this. He created a draft of what he thought may be appropriate. He asked the board to consider it, change it, make suggestions, and recommendations that they feel appropriate.

Trustee McGuckin stated that he doesn't understand why the village has to apologize for enforcing their parking.

Mayor Uszenski stated that he will have this as a discussion item at the next meeting.

Trustee McGuckin asked if the village has a franchise agreement with the phone company?

Manager Kelly stated that the village receives a utility gross receipts tax monies from them.

Trustee McGuckin stated that the village has the least free exchanges. Maybrook and Montgomery get a lot more. He asked if the village could do anything about that?

Manager Kelly stated that he doesn't know what the village can do. The telecommunications act will allow things that are placed in the villages rights of way to be negotiated to allow for a fee to be charged for the right for them to come in and do that. He doesn't know how close that is.

Mayor Uszenski stated that someone brought it to his attention, leaf pick up in the fall, the possibility of purchasing an attachment to hook onto a dump truck to use like the vacuum on the street sweeper. People could rake there leaves to the curb and this truck could come along and sweep them up.

Manager Kelly stated that he asked the superintendent if the village could rent them and the difficulty with that is everyone would need it at the same time. He could look into

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JULY 9, 1996

that.

EXECUTIVE SESSION

Trustee Besdesky moved to hold an executive session pursuant to 105-(e&d) of the Public Officers Law. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee McGuckin moved to retain the services of Craig Maslik, Clerk of the Works beyond July 31, 1996 as per the employment terms contained in the July 6, 1996 memo to the Village Manager with the exceptions that any unused personal days cannot be converted to cash and the severance pay provision and option of keeping any scrap wood or materials are not include as part of the agreement. Seconded by Trustee Ryan. All ayes. Motion carried.

Motion made by Trustee Ryan to authorize the Village Manager to advise RBI Construction and Contractors Casualty and Surety Company that pursuant to Article 14 of the General Conditions of the Contract for Construction for the Municipal Building Alterations and Renovations Project, the Village of Walden is considering terminating the contract of RBI Construction for cause as provided for under Section 14.2.1, 14.2.2 and 14.2.4 and in accordance with the provisions of the Performance Bond the Village of Walden is formally requesting a conference within fifteen days to discuss methods of performing the Construction Contract. Seconded by Trustee McGuckin. All ayes. Motion carried.

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Ozman. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

JULY BILL LIST - JULY 9, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-79	AMERICAN ALARM CO.	36.00
A-80	ANNESE & ASSOCIATES, INC.	223.04
A-81	BARTON CHEVY	70.40
A-82	COLLOQUE DE MONTREAL	130.00
A-83	COUNTRY HARDWARE	23.69
A-84	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	313.74
A-85	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	1,048.10
A-86	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,333.33
A-87	GEORGE'S AUTO PARTS	61.83
A-88	GEORGE'S AUTO PARTS	252.08
A-89	GEORGE'S AUTO PARTS	48.99
A-90	GEORGE'S AUTO PARTS	65.96
A-91	GEORGE'S AUTO PARTS	81.99
A-92	HAIGHT FIRE EQUIPMENT SUPPLY	94.00
A-93	HAIGHT FIRE EQUIPMENT SUPPLY	190.00
A-94	MID HUDSON COMMUNICATIONS	1,955.52
A-95	MID HUDSON COMMUNICATIONS	132.40
A-96	NYCOMCO	125.00
A-97	J&S SERVICENTER	15.40
A-98	NUGENT & HAEUSSLER	7,000.00
A-99	ORANGE MUNICIPAL PLANNING FEDERATION	100.00
A-100	QUILL	711.65
A-101	SHARE CORP	105.63
A-102	SMITH'S COMMERICAL TIRE SERVICE	368.52
A-103	SOHNS MUSIC SHOP	328.00
A-104	TOOL FACTORY OUTLET	243.96
A-105	WALDEN AUTO SUPPLY	83.90
A-106	WICKES LUMBER	10.99
A-107	WILLIAMSON LAW BOOK CO.	199.49
A-108	TRIMBLE HOUSE	263.25
A-109	GANNON MUNICIPAL EQUIP	138.54
A-110	GEORGE'S AUTO PARTS	142.43
A-111	PAGE NY	25.00
A-112	GROSSO MATERIALS	1,195.17
A-113	JEFFRY HOLMES	66.40
A-114	NEWBURGH STEEL	514.70
A-115	WALTER SWEED SR	118.73
A-116	VINCENT TOOMEY	241.30
A-117	CUSTOM SECURITY	139.50
A-118 ✓	SLATER'S POWER EQUIPMENT	38.75
A-119 ✓	SANWA LEASING CORP	270.00

20,517.38

JULY BILL LIST - JULY 9, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-13	AMERICAN ALARM	28.00
F-14	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-15	RAMSCO	96.00
F-16	RAMSCO	2,200.00
F-17	RAMSCO	3,300.00
F-18	PAGE NY	6.75
		<u>6,047.42</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-14	GRAPHIC CONTROLS	93.98
G-15	ROYAL TIRE & OIL	409.67
G-16	SLATER POWER EQUIPMENT	54.80
G-17	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
		<u>975.12</u>

CAPITAL ACCOUNT #82	CRAIG MASLIK MUNICIPAL BLDG	30.00
CAPITAL ACCOUNT #82	WICKES LUMBER MUNICIPAL BLDG	11.48
COMMUNITY DEV	NUGENT & HAEUSSLER	300.00
COMMUNITY DEV 1995	KERRON BARNES ASSOCIATES	1,520.00
COMMUNITY DEV UDAG	KERRON BARNES ASSOCIATES	122.50
COMMUNITY DEV 1993	KERRON BARNES ASSOCIATES	105.00
COMMUNITY DEV 1994	KERRON BARNES ASSOCIATES	800.00
SMALL CITIES 94	EJ J CONSTRUCTION, INC. 84 ORANGE AVE	4,280.00
SMALL CITIES 93	KAVID NAHOUM CONSTRUCTION CORP 47 MCKINLEY AVE	8,500.00
COMMUNITY DEV 94	KEN VALK	5,355.00

JULY BILL LIST - JULY 9, 1996

PERPAID BILL

WATER FUND

VOUCHER

VENDOR

AMOUNT

CENTRAL HUDSON

448.57

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, June 25th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Resolution No. 1-96-97 Budget Amendment
 - A.2 Resolution No. 2-96-97 Budget Transfer
 - A.3 Authorization to Sign NYSDOT Utility Work Agreement
 - A.4 Payment of Audited Bills For June 25TH, 1996
 - B. DISCUSSION ITEMS
 - B.1 Small Cities Program Rehab Projects - Release of Payments
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Letter Re: Historical Residential Uses in B-3 Zone
 - D.2 Letter Re: Girl Scout Peace Pole Project
 - D.3 Letter Re: Sohns Request to Hold Annual Truck Load Sale
 - D.4 Letter Re: Request For Tax Assessment Relief
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
JUNE 25, 1996

APPROVED

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
John Ryan
Martin Besdesky
Chris Forman
Roy Wynkoop

Absent: Trustee John McGuckin

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of June 11, 1996 with the following correction, page 1, first paragraph, first sentence, change competible to competitive. Seconded by Trustee Ryan. All ayes. Motion carried.

RESOLUTION NO. 1-96-97 BUDGET AMENDMENT

Trustee Ryan moved to adopt Resolution No. 1-96-97, Budget Amendment, (attached). Seconded by Trustee Besdesky. All ayes. Motion carried.

RESOLUTION NO. 2-96-97 BUDGET TRANSFER

Trustee Forman moved to adopt Resolution No. 2-96-97, Budget Transfer, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

AUTHORIZATION TO SIGN NYS DOT UTILITY WORK AGREEMENT

Manager Kelly stated that the state has to relocate some water valves. They will be doing the work and assuming the cost.

**VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996**

Trustee Besdesky moved to authorize the manager to sign the NYSDOT utility work agreement. Seconded by Trustee Forman.

Trustee Ryan asked if the superintendent of dpw has passed this?

Manager Kelly stated yes, there was a meeting here.

Trustee Ryan asked if the concerns of the superintendent that were raised were remedied?

Manager Kelly stated that the village even worked with them on issues of drainage and the state has been very agreeable.

All ayes. Motion carried.

PAYMENT OF AUDITED BILLS FOR JUNE 25, 1996

Trustee Besdesky moved to pay the audited bills of June 25, 1996. Seconded by Trustee Ozman. All ayes. Motion carried.

28TH ANNUAL ROAD RACE

Mayor Uszenski stated that the recreation coordinator is asking for permission to hold the 28th annual road race on July 4th from 9:30 am until 11:30 am using Municipal Square, Walnut Street, Westwood Drive, Pine Street, Maple Street and Orchard Street.

Trustee Ozman moved to grant permission to hold the 28th Annual Road Race on July 4th from 9:30 am until 11:30 am and the use of Municipal Square, Walnut Street, Westwood Drive, Pine Street, Maple Street and Orchard Street. Seconded by Trustee Forman. All ayes. Motion carried.

SMALL CITIES PROGRAM REHAB PROJECTS - RELEASE OF PAYMENTS

Kerron Barnes stated that an issue has come up as to whether or not payment is to be made to the contractors on two separate cases. In the memo he sent to the board and manager is an excerpt from the construction agreement which is signed between the homeowner and contractor. The village is not a party to that agreement. It says that in the event there is a dispute the opinion of the village shall prevail. They usually interpret that to be that the building inspector reviews the work if there is any question on part of the homeowners and the building inspector would be the first to say it is well done or no that is not acceptable. The board would decide if they support that position or do some other optional thing. There is a house on

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

Gladstone Avenue that the work for which is completely done and the contractor has not requested any payment up until now. He let the payments go until the end of the job. The only dispute that he is aware of is in that case is over a rain gutter. The contractor was asked to reline the gutter and he did. The problem is the house has settled slightly and the gutter puddled in the middle, which they do not believe is part of the contractors original agreement. He was to simply reline the existing gutters, not to realign them. He did in the course of construction point out the defect to the owner on that gutter and one other one and suggested that a change order be done for \$200.00 which would put an opening at that low spot and put a new down spout at that location. They agreed it is not good to have standing water in the gutter that stays there, but they don't feel that was part of the contractors responsibility under the initial write up and that he has done his work satisfactorily. The homeowner is out of town right now.

Trustee Ozman moved to approve payment to Kenneth Betz less \$500.00 and to allow the homeowner to be heard with respect to the alleged defect that the homeowner is claiming with regard to the front gutter and that the homeowner has until August 12th to respond in writing, and that a letter go out to the homeowner advising him of this. Seconded by Trustee Ryan. All ayes. Motion carried.

Mr. Barnes stated that the second case the contract has been completed. There is a question regarding a piece of siding and a rain gutter which was on the house at the time the job started and which is still there, but it is mounted in such a way that the fascia board was nailed against the rafter tails which are at a ninety degree angle, so its at an angle instead of both sides being vertical. It appears from the villages inspection that the rain gutter was in that position before, during and after the job and has not been moved since its nailed flat to a fascia. The contractor is requesting payment of \$1300. This job is finished.

Mr. Sager asked permission for Trustee Ryan to go with him for a minute?

Mr. Barnes stated that the compounding problem is a piece of siding blew off and the contractor is willing to return and put it back up.

Trustee Ryan asked that the contractor go with them too.

Mr. Warren stated that the situation they are talking about was corrected and he doesn't think there is a dispute at this time.

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

What is a dispute is the piece that fell off today. When they heard about it they went there to replace it and the homeowner would not allow them to do it. Part of the dispute was corrected. What is still in dispute at this time is the gutter.

Mr. Barnes stated that in terms of Mr. Warrens contract he is required by virtue of his contract to make repairs for problems of workmanship for one year, so he is required to go back at his expense and replace the siding or anything else that comes loose.

Trustee Ozman moved that the board meeting adjourn for five minutes while Trustee Ryan goes with Mr. Sager to inspect his house. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Mr. Barnes stated that they looked at the job and the contractor is ready to make the necessary repairs.

Mayor Uszenski asked if the homeowner was going to allow him to do the repairs?

Mr. Barnes stated that is another question, but the contractor is willing to do it.

Mr. Warren stated that he has been doing this work for thirteen years. Its a small business and a family run business. One of the things he has always tried to do was to have satisfied customers at any cost. He will not leave a job until the customer feels that the job has been well done. He has many people that he's worked for and done only these projects. He will not or he never has ever left a job until it was properly done and until the customer was happy. He will go back to Mr. Sager's house and do what is necessary to satisfy these individuals if given the opportunity to do that. He's not here to claim payments, he's here to tell the board that whatever the inspector feels is appropriate or is necessary to bring that job to a satisfactory conclusion that is what he will do. The gutter that is in question, he has no doubt in his mind that it was not their responsibility, but they were there. It has been extremely difficult working with this particular family in resolving any issue at all.

Marie Sager stated that she is the homeowner. She asked why they were never notified that Mr. Barnes and Mr. Warren were coming in to request payment? She would like to know when Mr. Stickles came to reinspect. Someone is home all the time and Dean never

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

came down. She made many phone calls for him to come down and check different items. She read the letter she wrote to Mr. Warren, (attached). They came back and did redo one of the leaders that they put the damaged one back up. She said it wasn't damaged when they took it down, they damaged it when they took it down to put the siding up. They came back, they put a leader on and they put it on backwards. The seam is now facing the outside of the house. They did come back and loosen up the windows, but they bent the sills. The back corner of the house the post is suppose to ride so when they expand they will ride on top of one another, the top one is now buckled. She came home today and a piece of siding had fallen off the house. How many times is this man going to come back and do things the wrong way and then come back and try to fix it again? When they did the electrical work she had big holes in her walls. She wants to know why she wasn't notified about the payment request. They never asked for an extension of time so it is her right to impose the fifty dollars a day. They called for the dumpster and a second dumpster had to be ordered. The dumpster cost \$350.00 and the contractor charged \$450.00. They made the phone call. Where does he get off charging another \$100.

Trustee Ozman asked if any of the issues have been resolved?

Mr. Barnes stated that before the piece of siding came off, the only remaining issue was the piece of siding that was adjusted and the rain gutters. Everything else was complete and satisfactory.

Mr. Sager asked Mr. Barnes why Mr. Dean didn't ask them if they were satisfied?

Mr. Barnes stated that you'd have to ask him. As he understood it Mrs. Sager, Dean and the contractor reviewed the problem of the unequal siding and the gutters.

Mr. Sager stated that they never came back and reviewed the work after that.

Mrs. Sager stated that she requested the warrantee on the siding and she hasn't received that.

Mrs. Sager was asked to draw up a list of things that needed to be resolved and submit them to the contractor

Trustee Ryan added, and once the contractor is on the job site they should stay on the job site until all items are corrected.

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

Mr. Barnes stated that he doesn't know what you do about a condition such as the side rain gutter which is clearly nailed up at an angle and has been that way and its not his responsibility.

Trustee Ryan stated that he gave Mr. Warren an option to correct it and he thinks he'll do it.

Mr. Warren stated that he will put a new piece of gutter in.

Mrs. Sager stated that if this is going to be a final list who's going to make sure they don't do further damage. Her lawyer will check everything and say if its okay.

Mayor Uszenski stated that he would like the homeowner to make a list and give it to the building inspector.

Mrs. Sager stated that she will make the list, but she also wants to see Dean down there.

Trustee Ryan asked that the list be drawn up in a short period of time.

Mr. Barnes stated that there is another request tonight from a homeowner that is doing his own work. He is 90% complete. There is a policy that a job under \$10,000 has two payments and over \$10,000 has three payments. He has received three partial payments and because he's financing this himself he has asked the board to consider allowing him to have a fourth payment so he can buy materials to do the job. Mr. Barnes is pushing him to complete the job in the month of June. The board may want to consider approving the payment request, releasing sufficient funds to pay for his materials.

Trustee Besdesky moved to allow partial payment of \$2500.00 to Mr. Stanco subject to him signing the voucher and the building inspectors okay. Seconded by Trustee Forman. All ayes. Motion carried.

HISTORICAL RESIDENTIAL USES IN B-3 ZONE

Mr. Lustig stated that from the mid 1800's to the turn of the century most of the merchants on Main Street lived above their buildings. His grandfather was one of them. At that time the streets weren't paved and there were no automobiles. Walden housed knife workers and the farmers in the Wallkill Valley were the customers and most merchants prospered at that time. As the roads were paved and the sidewalks were constructed most of the merchants bought houses a few blocks from the main area. The

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

second floors were then converted to warehouse space and some sales. When the knife factories started to pull out things changed, shopping centers started to spring up and customers didn't want to go up and down stairs in the older buildings so merchandising then was delegated to the main floor of the buildings. A few of the buildings still have residential uses. In time it became increasingly more difficult. All the floors had to be heated, you paid insurance and taxes. It was about 1962 that he took stock of his situation. The retail business was not sufficient to take care of his family and to pay the taxes and maintain the building, so at that time he came up with the idea to put apartments upstairs. Word got around about what he was doing and as he finished the apartments on the second floor they were all rented. The second floor was finished in March and by November he was convinced. He had a long list of people that wanted to move into the building. These were mostly single widows or elderly couples, no young people at all. He didn't feel it was appropriate for young people who might have young children to live on Main Street. There is no recreational area, and so forth. For twenty to twenty five years his apartments were fully rented. He never knew what a vacancy was. In the early 1980's he had tenants remind him that HUD had a program, Section 8 Housing Assistance Program and that his tenants would probably qualify for it. He looked into it and got applications for his tenants that were interested and they did qualify. For the next ten, twelve or fourteen years they received that assistance. When they moved on to nursing homes or died he had tenants come in that weren't successful getting Section 8 housing. Mr. Lustig explained Section 8 housing. The program maintains that no renter, at least no senior citizen should have to pay more than 25% of their gross income as rent. He had one tenant that between her social security and her pension had income of \$800 per month. Another was \$400.00. He's had no Section 8 people for the past four or five years. March of this year he had a tenant come to him and say that she was moving. He asked her where she was going, thinking that it was out of the area, she said she was moving to the Cedars. She said she got a Section 8 authorization and she said its too good to pass up. Mr. Lustig was in touch with Section 8. Many times he would call and ask if they had people waiting for apartments and he would always be put off. Sometime before this lady became his tenant he called the Office for the Aging to see if they could light a fire under Section 8 or if there were any other programs, because without the assistance he knew it was going to be difficult to get this type of tenant for his building. This women was paying \$400.00 a month. She had a three room apartment. She was getting some kind of help. About two months after moving she came in and showed him what she was getting. She was much

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

happier in his apartment then she is at the Cedars. She liked being closer to the Main Street area. She was paying \$400.00 a month to him, now she is paying \$710.00 to the Cedars. Of that \$710.00, \$621.00 comes from HUD, Section 8. She contributes \$89.00 per month. That means that if the rent was \$400 HUD would only have to pay \$311.00 to Mr. Lustig. In the case of the Cedars she pays the same \$89.00 and HUD pays \$621.00. Its \$310.00 more. That comes out to \$3720 a year. Here is a women that was completely satisfied in his apartment and now because the way the HUD money is distributed its costing the taxpayers for her \$3720 a year. If all seven of his apartments were rented under the same circumstances his one building would save the taxpayers \$26,040 a year. If there were fifty apartments in the Village of Walden at \$500 per month under those same circumstances it would cost the taxpayers of this country \$126,000 a year. The problem he sees is this, when you get the kind of financing that Mr. Spanos is seeking, all these senior projects. There is a 160 unit project now slated for New Windsor, there is one in progress, 160 units in Middletown, there is one for Maybrook, one in Montgomery and Warwick. He's not convinced that they are needed, but they are needed for these contractors and who are they, they are coming up out of Florida. They come up here make their money and leave us with all these apartments. He doesn't know what they are going turn into. The caliber of the people that are coming to him, he is very naive, because he's always dealt with honorable people that their word was their bond and he understood. Now he has people in his apartment that came there they mislead him totally. A women came to him, she was a little young for his building, but she gave him a real sob story. He had another women that he would have much preferred to have but she had a large car and there was no where for her to park it. He called this other women back and she told him that she was a good person and he could depend on her and that she was in the process of a divorce. Three weeks later a man moves in. At this point she owes him over \$3,000. He has another tenant that owes him over \$1,000. These are not the people he's use to dealing with. This is what is left for him. The seniors are in the projects. He would like to see that blight on Main Street fixed, but if fixing that blight, putting twenty four units in at either low to moderate income, senior citizens exists there, if Section 8 is going to funnel people into the project on Main Street and his apartments are going to remain empty or rent to people that are dishonest then his building in going to be in disrepair and not just his building. Where is the fairness. What he is looking for is guidance and help in getting through Section 8. That is the key in getting rid of the blight. All seniors don't want to be in the projects.

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

Mr. Murray stated that when he came to Walden in 1945 this was a beautiful place. He is discouraged at what the place is now. Its falling down. He's going to tell the board what can happen when you get a merchandiser on the main street. He was on the Planning Board for 21 years. He saw what was happening here. He told a story about Horace Simon who was one of the Franklin Store owners in New York City who wanted to raise the center of town with federal funds and put in a shopping mall on the other end and have a green area and a parking area. The merchants were opposed to it. There were several fires and they went, they could have been rebuilt. You come up Route 52 now and we're looking at a monstrosity. What they're doing by painting that building is to harass the village and he doesn't like it. Sohns has the most thriving business in the county. Its the merchandiser that can help Walden. If they rebuild the store that was formally Westermans, make it a store and you had someone that could merchandise and really do a job we could start revitalizing Main Street. He stands behind the Zoning Board of Appeals and says to them go to it, stick to your guns, make them comply. Twenty four apartments are going to be cells. There is no place for parking. They're not going to use the parking lot he paid for with his tax money. The village has a good Zoning Board of Appeals and he's very happy with them.

Mayor Uszenski asked if there was any way the village could write to the county or Section 8 to make them more aware of these properties that would be a savings to the tax payers.

Mr. Barnes stated that he would be glad to assist Mr. Lustig to make contacts with Rural Opportunities which is the public housing agency for this county.

GIRL SCOUT PEACE POLE PROJECT

Mayor Uszenski stated that the Girl Scouts are requesting permission to construct a peace pole.

Mr. Dowd stated that the village wants to make sure it is permanently fixed so it doesn't fall on someone.

This was tabled until more information is received.

SOHNS REQUEST TO HOLD ANNUAL TRUCK LOAN SALE

Mayor Uszenski stated that Jeff Sohns is requesting permission to hold their annual truck load sale, to park a trailer along the side of their building on Orchard Street July 3 until July 8.

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

Trustee Ozman moved to allow Sohns Appliance Center to hold their annual truck load sale, to park a trailer along the side of their building on Orchard Street July 3 until July 8 subject to them meeting the insurance requirements. Seconded by Trustee Wynkoop. All ayes. Motion carried.

REQUEST FOR TAX ASSESSMENT RELIEF

Mayor Uszenski stated that this is a request for tax assessment relief.

Mr. Dowd stated that there is absolutely no authority for the village to grant the request that this lady has asked for. There are numerous opinions of the comptroller and the real property tax law is quite clear that even a fire damaged building or a building which has been destroyed totally and removed after the taxable status date does not and cannot relieve the obligation of the tax. To try to otherwise forgive the tax would be a gift by the board in violation of the state constitution. The assessment has been changed as of March 1, 1996 for next years taxes. Since the fire took place after the taxable status date, after grievance day and there is absolutely no relief that the law allows to relieve this tax. The village is bound by the towns assessment at the time which is the basis of the village tax for 1996, which is March 1, 1995.

Trustee Wynkoop moved that the village manager draft a letter to Mrs. Togle stating that the village has no legal right to grant the tax assessment relief. Seconded by Trustee Ozman. All ayes. Motion carried.

PUBLIC PORTION

Dorothy Weisblatt, 28 Gladstone Avenue asked what was happening with Woosters Grove?

Manager Kelly stated that the sewer has been installed and its completed and the village is trying to coordinate with the town when their bull dozer will be available to be used with the DPW to pave the road.

Mrs. Weisblatt asked if the thirty car parking area was still being considered?

Manager Kelly stated that it is still planned.

Mrs. Weisblatt asked if there was a reason for thirty cars?

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

Manager Kelly stated that it provides for parking for the entire park. Parking has been an issue for a long time down there.

Larry Sager, 78 Orchard Street asked why the village is tolerating Mr. Spanos's nonsense. He was at all the meetings and Mr. Spanos could have gotten something but greed overtook the something. He's done nothing but slapped this village in the face, his architect turned around and wrote in the paper that made it sound like it was bias. This village sits by and lets it go on. He thinks the village should print his proforma in the paper to show the people exactly how much money he was going to put in his pocket, out of the grant money and why the village hasn't notified HUD, why that zoning wasn't approved. Once they get wind of it out goes our \$600,000 grant that could have helped people that really needed help. All the effort the village put forward to get him to come before the board, before the deadline, did not work, but he came here and pressured the village in helping him. You did it and he didn't even know if he could get the zoning or the approval of the planning board. A project should be before the planning board and zoning board to get proper variance and okays before the village board gives their okay. The village board did it under public pressure and he thinks something should be put in the paper showing what kind of help the village did try to give him and what kind of slap in the face he gave this village. It isn't fair what he's doing to us.

Mayor Uszenski stated that the village board has not sanctioned what he is doing. Mr. Spanos is back before the zoning board again with another application. They will be meeting on July 11th and the new request is for three floor, sixteen units all with a minimum of 500 square feet.

Mr. Sager stated that the village should put something in the newspaper because its not right what he's doing to the Village of Walden.

Mayor Uszenski stated that he doesn't feel the village board should go on to the same level playing field that Mr. Spanos might be using.

Mr. Sager stated that he'll write it up.

Mr. Murray, 44 Walker Street stated that he has two dwellings on Center Street and for some time he has been looking for a fire hydrant at the end of the street. He has no fire protection at the top of the hill. At the top of the hill above him there is a vacant house and he's forever chasing the kids out. No one should be near it because its so deteriorated. In the event

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

there is a fire up there we're going to have a problem. The only assistance they have is on Walker Street and that is on a four inch line. A new main went in to Sunset Drive and they didn't connect that hydrant to the new line. Since then they have had two breaks in that four inch line. That line should have been disconnected and hooked up to the new line. He would like some assistance for water on the top of the hill to protect his buildings. He would like a hydrant for fire protection. He further stated that in the olden times the village board would take a session and go around Walden and make notes. He doesn't see that happening anymore. You cannot construct Walden here in this village hall. You have to get out. Also, Hidden View Drive needs to be repaved.

Manager Kelly stated that Hidden View is on the list to be done. The hydrant is also on a list, he doesn't know if its been cost out. He will talk to Mr. Sweed.

Larry Sager stated that the board had a work session with the superintendent of public works and the police chief. That is the first work session he's seen in quite a while. You talked about buying the village manager a new car and you have police cars that the chief says have 92,000 miles on them and the manager has the new car.

Manager Kelly stated that he has the 1994, the police chief has the 1995.

Mr. Sager stated that the chief has the brand new one. Why can't the manager take the car with the highest mileage and take the new car from the chief and give him the next highest mileage? All they do with them is go back and forth to work.

Mayor Uszenski stated that there is a rotation plan that the chief has.

Mr. Sager stated that he understands the rotation plan, but when he buys a new car his car can be passed to Mr. Kelly and the older car that the manager has can be wholesaled out. There is no reason for an unmarked car in the Village of Walden.

REPORTS - COMMITTEE

Trustee Ozman asked if there are any significant problems that arise in the future regarding the administration of HUD funds and complaints of homeowners that the board consider a separate session to address the issues.

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING - JUNE 25, 1996

Manager Kelly stated that it was not on the agenda tonight to have a confrontation. It was on for the board to discuss when such cases arise, what would the board like to do as a policy. He did not anticipate this type of forum and it was not done in a deliberate fashion.

REPORTS - MAYOR

Mayor Uszenski asked about the recycling bins at dpw?

Manager Kelly stated that BFI was bringing three additional ones to equal the container capacity of what was there before and they are adjusting the cost. We could not get a proposal from any other hauler.

Mayor Uszenski stated that when the street sweeper is on Coldenham Road they turn down Harrison Street and they don't do the last spot between Harrison Street and Route 208.

ADJOURNMENT

Trustee Ryan moved to adjourn. Seconded by Trustee Ozman. All ayes. Motion carried.

Respectfully submitted,



Nancy Mitchell
Village Clerk

May 19, 1996

R.W Mechanical,

This is just a note to let you know that I am not satisfied with the progress of the work being done to my house. I am tired of waiting for the work to be properly completed.

These items need to be addressed

- ① Painting - my windows are painted shut!
- ② Caulking - needs to be checked
- ③ Top front corners look terrible even after painting
- ④ West side of house - Front leader was never properly reconnected and fell off and was damaged also other leaders need to be replaced - they were damaged when they were removed
- ⑤ Front of house - top of siding is crooked and needs to be corrected - as you worker suggested to "find the builder of the house and have him correct it" - I do not appreciate that answer.
- ⑥ On the latest work order - re-point and re-attach brick work under windows on east side of house \$500 - and now you are only going to patch - I do not want this done in this manner
The brickwork needs to be re-done not patched or I will not approve this.

On page 4 # 15 - I feel the work is not being completed in the time specified and I do not have on file any other extensions and I will enforce the \$50 per day forfeiture of funds.

As of May 22, 1996 I will inform Mr. Barnes to enforce this.

Sincerely
Marie A. Sager

Copies to:

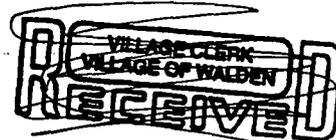
Mr. K. Barnes

Mr. Dean Stickle

Mr. John Kelly Village Manager



MAY 20 1996



~~MAY 17 1996~~

RESOLUTION NO. 1-96-97²
BUDGET AMENDMENT

WHEREAS, the purchase of an additional emergency generator at the East Walden well field was deferred because the cost exceeded the available funding in the capital and operating budget of the water fund in 1995-96, and

WHEREAS, these funds are available and could be used to supplement the purchase of a new vehicle for the Superintendent of Public Works which is currently needed and which is not currently budgeted for in 1996-97.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that the following amendment be approved.

WATER FUND

DECREASE		AMOUNT	AMENDED TOTAL
F599	Fund Balance	\$10,000.00	
INCREASE		AMOUNT	AMENDED TOTAL
F8310.210	Staff Car	\$10,000.00	\$10,000.00

Motion to adopt by Trustee Ryan and seconded by Trustee Beadsky. The vote was 6 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on June 25th, 1996.

RESOLUTION NO. 2-96-97¹¹
BUDGET TRANSFER

WHEREAS, it is necessary from time to time to amend certain expenditure accounts to accommodate departmental needs, and

WHEREAS, money is available to transfer into said accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that the following transfer be approved.

GENERAL FUND

DECREASE		AMOUNT	AMENDED TOTAL
A1910.4	Unallocated Insurance	\$10,000.00	\$62,000.00
A1990.4	Contingent Account	6,640.00	43,360.00
INCREASE		AMOUNT	AMENDED TOTAL
A1230.210	Staff Car	\$13,320.00	\$13,320.00
A1490.210	Staff Car	3,320.00	3,320.00

Motion to adopt by Trustee Forman and seconded by Trustee Wynkoop. The vote was 6 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on June 25th, 1996.

JUNE BILL LIST - JUNE 25,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-40	AIR PRODUCTS & CHEMICALS	14.25
A-41	AL VALK'S GARAGE	10.00
A-42	ANNESE & ASSOCIATES, INC.	223.05
A-43	CALVET TOOL RENTAL	205.40
A-44	CHEMBER OF COMMERCE(TOWN OF MONTGOMERY)	25.00
A-45	ENVIRONMENTAL PAPER TOWEL SERVICE	95.10
A-46	GREATER ATLANTIC LEEDS POLICE TRAINING	200.00
A-47	HERMAN RALPH CO.	1,371.73
A-48	HUDSON VALLEY AWARDS, INC.	58.19
A-49	KOIHLEER CHARLENE	881.25
A-50	MAYBROOK MATERIAS, INC.	141.94
A-51	MID HUDSON OFFICE SUPPLY	650.00
A-52	MITCHELL NANCY	12.30
A-53	MONTAGUE TOOL & SUPPLY CO.	55.97
A-54	MONTAGUE TOOL & SUPPLY CO.	187.95
A-55	NYS DEPT. OF ENVIRONMENTAL CONSERVATION	50.00
A-56	STANDARD COPY	124.50
A-57	SWEED WALTER SR	75.00
A-58	TIMES HERALD RECORD	75.60
A-59	VALLEY FORGE	166.60
A-60	WALDEN ANIMAL DELI	7.50
A-61	WALDEN BAPTIST CHURCH	450.00
A-62	WOODARDS CONCRETE	1,275.00
A-63	VINCENT TOOMEY, ESQ	2,311.35
A-64	ORANGE COUNTY CLERK	6.75
A-65	STANDARD COPY	7,140.00
A-66	THRUWAY SPORT	89.90
A-67	NY COMMUNICATIONS COMPANY, INC.	2,340.00
A-68	HOWLAND JOHN	116.00
A-69	PINE BUSH EQUIPMENT	106.07
A-70	AUBERGE UNIVERSAL LODGING	207.37
A-71	MUNICIPAL MANAGEMENT ASSOCIATION OF NY	95.00
A-72	I C M A	420.38
A-73	WALDEN AUTO SUPPLY	53.99
A-74	WALDEN AUTO SUPPLY	25.04
A-75	WALDEN AUTO SUPPLY	32.29
A-76	GAINER WILBUR	299.50
A-77	GAINER WILBUR	49.02
A-78	GAINER WILBUR	856.50

TOTAL GENERAL FUND

20,505.48

JUNE BILL LIAT - JUNE 25, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-10	ORANGE COUNTY LABORATORY	120.00
F-11	RAMSCO	183.60
F-12	WILLIAMSON LAW BOOK COMPANY	153.11
		<u>456.71</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-9	AIR POWER HOUSE	18.40
G-10	ENVIROTEST LABORATORIES	645.00
G-11	SHARE CORP	76.09
G-12	WILLIAMSON LAW BOOK COMPANY	153.00
G-13	GAINER	219.50
		<u>1,111.99</u>

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	IPPCO, INC. MUNICIPAL BLDG	550.00
CAPITAL ACCOUNT #82	GAINER-WILBUR MUNICIPAL BLDG	122.48
CAPITAL ACCOUNT #86	GAINER-WILBUR MAPLE ST LIGHTING	180.42
CAPITAL ACCOUNT #88	GAINER-WILBUR ANAEROBIC DIGESTERS	258.66
COMMUNITY DEV UDAG	KERRON BARNES ASSOC.	70.00
COMMUNITY DEV 95	KERRON BARNES ASSOC.	1,420.00
COMMUNITY DEV 94	KERRON BARNES ASSOC.	480.00
COMMUNITY DEV 93	KERRON BARNES ASSOC.	280.00
SMALL CITIES 94	KEN VALK	3,280.00
COMMUNITY DEV HUDAG	R W MECHANICAL	13,778.00

JUNE BILL LIST - JUNE 25,1996

PERPAID BILLS

GENERAL FUND

VOUCHER

VENDOR

POSTMASTER

WAREX

AMOUNT

600.00

1,001.96

1,601.96

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, June 11th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 1996-97 General Engineering Services Agreement
 - A.2 Payment of Audited Bills For June 11th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Transfer of SHIPS Bridge Project Grant to Town of Montgomery
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Letter Re: Waiver of Subdivision & Permit Application Fees
 - D.2 Letter Re: Permission to Hold Annual Fire Department Fair
 - D.3 Letter Re: 1997 Memorial Day Parade & Ceremonies
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

different projects. At one point the board spoke about the engineer sending out more people than might be necessary for a particular job and then billing the village for that.

Manager Kelly stated that he did speak to Brenda Harris and when it becomes an issue he will discuss it with Ron Gainer. The village tries to minimize our calls to them. If there is a particular project that one of them has an expertise in he would raise it that he would only like one engineer there. He doesn't know that the village needs three engineers at the table when we only have one attorney and one engineer would suffice. If there is a particular project that the village needs to have different insight on then there are times the village would have more than one.

All ayes. Motion carried.

PAYMENT OF AUDITED BILLS

Trustee Forman moved to approve the audited bills of June 11, 1996. Seconded by Trustee Ozman.

Trustee Ryan asked that bill A8, John Favella Fence be held until after discussion in executive session.

Trustee Ozman stated that his understanding was that that was going to be held.

Manager Kelly stated that at this point he discussed it with the recreation coordinator to contact the fence company to find out why the third section was not installed. On Saturday John Howland had the conversation and this morning the manager was told that they claimed that the hood was not delivered and they were not able to install it. According to the delivery ticket the person at the public works department signed for a certain number of pieces off the truck but they claim the hood piece was not one of them. He received a phone call on Friday morning and he talked to the head of the Little League and he was informed that only twenty feet of the thirty foot back stop was installed and they needed to install additional fencing which they did install. At that point there wasn't much that could be done since the footing were already put in and it was installed the day before. At that point the manager asked John Howland to contact the Little League to find out what had happened in terms of their perception of what was installed. They are very happy with the back stop. The additional fencing was installed partly to replace what was old and had broken during the removal of the old backstop. What is there now is an incomplete third section, but it can be used for other repair down the road.

Trustee Forman amended his motion to hold bill number A8, John Favella Fence. Seconded by Trustee Ozman.

Trustee Ozman asked if there was any differential in the cost of

installation as its situated presently verses how it was suppose to be initially?

Manager Kelly stated that they charged the village what was the agreed upon amount to do the whole fence. Part of the problem was that there was no written instructions provided, it was a verbal and unfortunately there was no call back when there was a problem and the fence company continued to install it and at the time it was called to the attention that there was a problem and it had already been completed and the additional fencing had been installed.

All ayes. Motion carried.

SURPLUSING EQUIPMENT

Manager Kelly asked what the board would like to do with the old copy machine? The village was looking for a trade in with Savin and we were told they won't give a trade in, but they will take it away at no cost. If the board would like the village can put an ad in the paper and try and surplus it and if we can't get a taker then we can call Savin and have them pick it up.

Trustee Ozman stated that he would like to see it surplused and given to a not for profit organization.

Trustee Ryan asked if the village was surplusing any other equipment soon? He suggested that the village wait and advertise the copier together with other equipment that is going to be surplused.

It was the consensus of the board to surplus the copier and see if any not for profit organizations want it and if they don't then advertise with other equipment and if no one takes the copier call Standard Copy and have them pick it up.

Trustee Ryan moved to surplus the Savin copier. Seconded by Trustee Besdesky. All ayes. Motion carried.

TRANSFER OF SHIPS BRIDGE PROJECT GRANT TO TOWN OF MONTGOMERY

Mayor Uszenski stated that the bridge committee met with Carl Helstrom and two members of the town board. What they would like to do is to transfer the second Hill Street bridge SHIPS grant to the Highland Avenue bridge with the left over monies from the first bridge project and do a major repair to the Highland Avenue bridge. The villages biggest concern was some of the safety repairs on the Hill Street bridge would be done and the Hill Street bridge would be left open for vehicle traffic at a three ton limit.

Manager Kelly stated that he received a call from Mr. Helstrom that he has been in contact with Senator Larkins office and there would be no problem with the village transferring the grant to the town and transferring the project from the Hill Street bridge to the Highland

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
JUNE 11, 1996 - PAGE 4

Avenue bridge if the board so chose to do that. Then the town would be responsible for the undertaken of the replacement of the Highland Avenue bridge as their own project.

Trustee McGuckin asked what happens to the second Hill Street bridge?

Manager Kelly stated that currently it is rated as a three ton bridge. There is an inspection that has either been done or is to be done on the Highland Avenue bridge and the town is concerned that the state wants the bridge replaced. As long as the condition of the Hill Street bridge doesn't deteriorate substantially further he doesn't know how many years it will continue to be allowed to be used as a three ton bridge. Mr. Helstrom did indicate that he thought the superintendent had purchased additional hand railings for the bridge which are in need of replacement. One of the things the town agreed to would be if DOT, at a later date, wanted to have the bridge closed that before the town took any action they would consult with the village and at that point the decision would be made whether or not to replace it or make it a pedestrian bridge or make something other than what it is now.

Mayor Uszenski stated that the villages other option would be to keep the grant for that bridge and then the village would proceed with the repair and we would have to issue a short term bond in order to pay for it.

Manager Kelly stated that the only option the village would have would be to do it and then you would have to issue a short term bond to pay for it and be reimbursed through the state grant.

Trustee McGuckin asked if that would go back to the same problem the village has had all along, if we chose to repair it then we're taking ownership of it?

Mayor Uszenski stated no, because the village chose not to argue that point, just to repair the bridges with the grants.

Manager Kelly stated that there were two issues, one was whether or not the village, if the village maintains the bridge the town is responsible for repairing it. The question of whether or not the village is empowered to legally repair it at our own expense, even though its a reimbursement grant. The manager did ask the supervisor whether or not he received reimbursement for the cost of issuing the short term note and he indicated he included it. He didn't have the check in his hand yet, so he's not sure if he got paid that. There was a resolution between the boards that it was a cooperative venture, so he's not sure that would compromise that. He'll have to look at that.

Trustee Ozman asked if there were any other SHIPS grants forthcoming to the village for projects like this?

Manager Kelly stated those were the only two. This money was regular State DOT monies that were split off into a separate program divided up

by legislative districts. This was the grant that was for bridge work.

Trustee Ozman asked if there is any surplus of funds after the completion of the Highland Avenue bridge, can those funds be transferred back for structural improvements for the Hill Street bridge?

Manager Kelly that the village had asked the state for permission to do the Hill Street bridge and then if any money was left over use them for the Highland Avenue bridge. He did ask the supervisor and he has not done any preliminary cost estimates of what the Highland Avenue bridge will cost to replace. Any work you do has to have a ten year useful life in order to be eligible. Things such as the guardrails and safety improvements that would be required for pedestrian safety would be eligible. The board could word the letter to Senator Larkin transferring the grant if they chose to do, with a stipulation at the end of the letter that should any monies be left over that they would be used for the Hill Street bridge.

Mayor Uszenski asked if the village got an approximate cost on what the town spent on the first bridge?

Manager Kelly stated that he seemed to indicate that they had \$35,000 left out of \$180,000. There was discussion that the original grant of \$200,000 was reduced to \$180,000 and that the money was being restored as part of the state budget. He should have somewhere around \$50,000.

Trustee Ozman asked if the town was going to issue short term bonds?

Manager Kelly stated that they did for the first one. His impression is they will do that for this one too. They are talking about starting the bridge late summer, early fall and have it completed by spring.

Trustee Ozman asked if the useful life expectancy for the Hill Street bridge was discussed?

Manager Kelly stated that no, there is a question as to whether or not the Hill Street bridge that is left was in as good a condition, if not slightly better than Highland Avenue. It may have been the best of three bridges in terms of overall structural integrity. It was somewhere around a three, one being the worse and ten being the best. The Hill Street bridge that was replaced was rated at a one. Highland Avenue bridge was somewhere around a three.

Mayor Uszenski stated that residents on East Avenue have spoken to him and they want that bridge open for vehicular traffic, not just pedestrians.

Trustee Forman stated that Mr. Helstrom mentioned that before they did anything they would get the villages approval, as far as closing.

Manager Kelly stated that the town would not take any action to close

the bridge unless the DOT ordered the bridge closed. They inspect that bridge every six months. Its been flagged as a safety flag and they will continue to look at it and monitor it. When the state says that it has to be closed, then the question will be how long will it remain closed.

Trustee Ozman stated that the difficulty here is determining whose decision it would be to close the Hill Street bridge if it comes to the point of being structurally unstable and if the decision lies with the town or with the Village of Walden. The problem here is the Highland Avenue bridge invariably will always stay open as a vehicular bridge and its in the best interest of the town to do that bridge and that is always going to stay open regardless whether its the Village of Walden's decision or whether its the towns decision, its very likely it will stay a bridge for vehicular traffic. On the other hand once the Hill Street bridge deteriorates to a point that it is no longer usable for vehicular traffic we will be facing the question of ownership again and if the town disputes ownership they might not want to invest in that bridge to continue to utilize it for vehicular traffic and under that situation that's where the residents in that area of the village will not be happy because if it gets transferred to a pedestrian bridge those residents won't be satisfied with that result. His feeling is that the village should look at this a little more carefully in a sense that its important to do the Highland Avenue bridge, but we also have to look at the long term picture as to what is going to happen with the Hill Street bridge. He is just concerned with its useful life expectancy. If the useful life expectancy is two or three years you have more of a decision to make than if it is ten years.

Trustee Ryan stated that there is a New York State statute that clearly points to its property of the township. In the monies that came to us through SHIPS program is for bridges which was turned over to the town. He posed a question to the attorney, does the municipality have the ability or the right to open and close infrastructure that has been paid for by taxpayers money do to lack of maintenance on their part, that they can then just determine what they see as needful or not needful or do they have to maintain it?

Mr. Dowd stated that without doing the research his guess is that the town could close it.

Trustee Ryan moved to transfer the SHIPS bridge project grant over to the Town of Montgomery under the conditions of the meeting being that it would be used for the Highland Avenue bridge, that the Town of Montgomery take the immediate remedial repairs to enhance pedestrian safety, that the village money plus the surplus from the towns and that should the remaining Hill Street bridge be deemed unusable for car and truck traffic by the State of New York that the village would enter into a conversation with the Town of Montgomery to determine course for the citizens of the Village of Walden and how the town would use their bridge for the village and if there is any surplus money that it be utilized for the Hill Street bridge. Seconded by Trustee Besdesky.

All ayes. Motion carried.

WORK SESSION

Mayor Uszenski stated that tomorrow night at 7:00 pm there is the goal setting work shop at the village office. It could be done in two ways, the board setting their goals or have the police chief and dpw superintendent for a half hour each or meet with them after the boards work session.

It was the consensus of the board to meet with the chief and superintendent and then have an hour to themselves to set their direction.

RECYCLING CENTER

Manager Kelly stated that in regards to the recycling center he is trying to obtain additional quotations. The proposal we have from BFI is not working. They have removed the larger containers and left the village with large 55 gallon drums which are filling up too quickly and we're only getting once a week pick up and the containers are filling up in three days. Mr. Sweed has been trying to get a meeting with BFI to resize the containers. The manager has not signed the proposal and the village has been billed already. He has a call into BFI and told them he's not happy with what is happening.

LETTER RE: WAIVER OF SUBDIVISION AND PERMIT APPLICATION FEES

Mayor Uszenski stated that the village received a letter from the Historical Society who are in front of the planning board right now to do a subdivision. They are requesting the board waive the \$380.00 fee.

Trustee Besdesky moved to waive the subdivision fees of \$380.00 for the Historical Society. Seconded by Trustee Ryan.

Manager Kelly asked if the board will consider the engineering fees when they are known?

It was the consensus of the board to consider waiving the engineering fees when they are known.

Trustee Ryan stated that the waiver of the fees seemed reasonable, if the property is not tax exempt they are obviously coming up with tax money during the year, he asked if that be found out before they make their additional request?

All ayes. Motion carried.

LETTER RE: PERMISSION TO HOLD ANNUAL FIRE DEPARTMENT FAIR

Mayor Uszenski stated that the fire department is asking for permission to hold their fire department fair at Bradley Field on July 11,12, 13

as well as July 7 for set up and July 14 for clean up.

Trustee Ozman moved to grant permission to the Walden Fire Department to hold the annual fire department fair at Bradley Park on July 11,12,13, set up July 7th and clean up July 14th. Seconded by Trustee McGuckin.

Trustee Ryan asked what it costs the village for police protection for this?

Mayor Uszenski stated that last year the chief indicated that it was a minimal charge.

Manager Kelly stated that the village is supplemented by the Village of Montgomery, Town of Montgomery, Sheriffs Department and the State Police. He will have to go back and see how many hours were spent.

All ayes. Motion carried.

LETTER RE: 1997 MEMORIAL DAY PARADE AND CEREMONIES

Mayor Uszenski stated that the American Legion is requesting permission to hold their annual Memorial Day parade and ceremonies on May 26, 1997.

Trustee McGuckin moved to approve the 1997 Memorial Day Parade and ceremonies be held on May 26, 1997. Seconded by Trustee Forman. All ayes. Motion carried.

PUBLIC PORTION

Dorothy Weisblatt asked about the repairs at Woosters Grove?

Manager Kelly stated that the sewer pump was installed and the tank was installed yesterday and today they were installing the sewer line which should be completed within the next couple of days. The next step would be to finish the grading and paving of the road and parking area.

Mrs. Weisblatt stated that the two sewers she saw were very large, what are they going to be used for?

Manager Kelly stated that the problem is that building is lower than the sewer out in the road. It was a gravity sewer and it was very shallow and in order to grade the road and put the driveway in the pipe was exposed. In order to fix it correctly and set it at its proper depth the only way to do that is to install a small pump station. Its a holding tank and you size it out for a capacity. This will be finished as early this summer as possible.

Mrs. Weisblatt asked about the trees that are marked to be removed.

Manager Kelly stated that as far as he knows the village didn't mark

any trees. He will ask John Howland about this.

Mrs. Weisblatt asked if there was a chance of getting a vote from village residents regarding the youth center at Woosters Grove, whether it should be at Bradley Field or Woosters Field?

Manager Kelly stated that would be a board decision. He further stated that he doesn't know if the grant was specific to one park facility. That was the park that was originally designated to have the facility.

Mrs. Weisblatt stated that she was down there this past weekend and met some mothers with small children and they said they come to the park often. They said Bradley Field was too open and too hot there. That is also something to keep in mind.

Mayor Uszenski explained that they will be able to use that park whether the youth center is there or not.

Larry Sager, 78 Orchard Street asked why the state is not allowing the circus to open on Edmunds Lane? He knows there were special tests that was going to have to be done if they moved in there, from DEC, that the public wasn't aware of, there was no public portion on it or anything and the planning board went ahead and made a deal with Peter to inform him, but didn't inform the public of the matter. You have Sam Liebman before the ethics board. Whats the story with the circus?

Manager Kelly stated that last he spoke to the building inspector, he's not sure the village has notice from DEC that they have approvals. They put some test pits up there, and he's not sure that there is a percolation test in relation to the drainage plan. He's not sure where they are. They needed Department of Conservation as well as Department of Health approval to have the facility and the planning boards approval was conditioned on those.

Mr. Sager asked if the village was going to aware the public that there is a possibility that there may no longer be a swimming hole up there due to the fact that they will have those animals up there?

Manager Kelly stated that he's not heard that. There was a letter written from the recreation board to the planning board and Mr. Plato discussed it with Peter Cawley and its his understanding that the circus was willing to do water monitoring to insure the quality and integrity of the water. That it would not be in anyway hindered by the fact that they will have a half dozen horses up there. He's not aware that there is any adverse environmental concerns, other than what was raised regarding the run off. The last thing the village saw from the state DEC is they have their public comment period and it was closing on March 8th and the recreation committee sent a letter to DEC as part of the public comment period, but he hasn't seen anything recently from DEC regarding the status.

Mr. Sager asked if there was anything in the code book about having a

bus tour at night of the village? He wants to take people around to the Maple Street parking lot and show them the nice parking lot that the lights don't work. When will they be ready?

Manager Kelly stated that he doesn't know when the turn on will be. Its not complete yet.

Mr. Sager stated that he will swing around to Orchard Street and show them that there are six lights out in Orchard Street parking lot. Orchard Street parking lot should look as nice as the Maple Street parking lot. Why isn't the village taking care of the fence line? The mulberry trees should be cut out of there. One tree takes over a parking space and the lot looks like crap.

Mr. Sager further asked why the village gave public property away when they gave away the bay doors, without putting it out to bid?

Mayor Uszenski stated that the village bartered for additional work which we are allowed to do.

REPORTS - COMMITTEE

Trustee Ryan stated that he had asked for sidewalk values.

Manager Kelly stated that he asked the superintendent whether or not he had done that and he was going to check his files. Since Charlie Petty is not here he doesn't know if they can do that. He can give him the list of sidewalks but he doesn't know if they can break it down like they did a couple years ago.

Trustee Ryan asked if the new foreman could pick up where the old one left off as far as duties and job description?

Manager Kelly stated that Mr. Petty brought to the position skills as a mason.

Trustee Ryan stated that in management positions its not uncommon to check values of what you have. So, what his request is measure the street by the width and that will give you the square footage and then by the cost and then tell him how much it will cost him per square foot. He is sure the foreman could do it.

Trustee Ryan stated that he would like to begin the unsafe buildings process. The building inspector identified buildings and tried to prioritize them. One was omitted off the list. The zoning board met and rejected 11-17 Main Street for their variances. It appears that 11-17 Main Street is dead from the owners stand point. They are not interested in reapplying, changing any of their work. He would like to start the unsafe buildings process with five buildings.

Manager Kelly stated that at the last meeting where the list was provided to the board he suggested to the building inspector the way to

handle this. He doesn't think the first building on the list is the one that is the most accessible, certainly it has to be done. He suggested to him that each of the homes be issued a notice of violation with a list of violations and that they be given an opportunity to comply. Due to the nature of some of these properties that it did not become a protracted compliance effort. That if there is not compliance and cooperation effort that they come before the board in a public hearing and we go through the procedure that the board has the powers to envoke the work to be done and that way we gain compliance much faster and are able to strengthen our position.

Trustee Ryan stated that he would like a deadline set for when the notices will be sent out.

REPORTS - MAYOR

Mayor Uszenski stated that people on Coldenham Road were asking about getting their sidewalks replaced.

Manager Kelly stated that it is a county road.

Mayor Uszenski stated that there are sidewalks up to the railroad tracks, would they be ours to consider?

Manager Kelly stated that he doesn't know who originally put them in. He could find out from the county. Typically the village doesn't do any maintenance on the county roads.

Trustee Ryan asked about the county road that was to be resurfaced this spring?

Manager Kelly stated that he talked to Bob Gilson, who is the foreman and they are doing some work out on the end of Coldenham Road and he indicated they are going to do some shoulder work before the restoration and they will be paving it this year. He doesn't have an exact schedule yet as to when it is going to be done, but it will be this paving season.

EXECUTIVE SESSION

Trustee Ryan moved to hold an Executive Session pursuant to 105-(e&f) of the Public Officers Law. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee McGuckin moved to reconvene the regular meeting. Seconded by Trustee Ryan. All ayes. Motion carried.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Nancy Mitchell', written over the typed name. The signature is stylized with loops and a large initial 'N'.

Nancy Mitchell
Village Clerk

JUNE BILL LIST - JUNE 11, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A1	ADCO	\$ 643.60
A2	ASHCRAFT LOCK & HARDWARE	28.28
A3	COASTAL REFINING & MARKETING	64.91
A4	COUNTRY HARDWARE	369.41
A5	DRAKE, SOMMERS, LOEB	3,333.37
A6	DEVITT'S GARDEN CENTER	137.96
A7	J-S SERVICENTER	4.25
A8	JOHN FALVELLA FENCE	450.00
A9	FIRESTONE STORES	39.00
A10	FRONTIER COMMUNICATION	281.28
A11	FRONTIER COMMUNICATION	399.25
A12	FRONTIER COMMUNICATION	80.97
A13	FRONTIER COMMUNICATION	140.67
A14	FRONTIER COMMUNICATION	110.72
A15	GOVERNING	10.00
A16	MAYBROOK MATERIALS	365.97
A17	MAYBROOK MATERIALS	941.26
A18	MAYBROOK MATERIALS	487.49
A19	MEHLON TRUCKING	200.00
A20	MID HUDSON OFFICE SUPPLY	73.04
A21	MID HUDSON OFFICE SUPPLY	94.59
A22	MID HUDSON OFFICE SUPPLY	2.95
A23	NYCOMCO	125.00
A24	NYSEG	5,581.82
A25	NYSEG	1,333.86
A26	NYSEG	827.54
A27	PAGE NEW YORK	25.00
A28	ORANGE COUNTY SANITARY LANDFILL	605.45
A29	QUILL CORPORATION	316.16
A30	SLATER'S POWER EQUIPMENT	29.75
A31	THRUWAY SHOPPING CENTER	100.17
A32	TIMES HERALD RECORD	44.55
A33	TIMES HERALD RECORD	41.04
A34	VALLEY CENTRAL SCHOOL DISTRICT	35.00
A35	WALKKILL VALLEY TIMES	29.24
A36	WALKKILL VALLEY TIMES	10.78
A37	YOUNGMAN, PAT	19.97
A38	ETC DATA SERVICES	722.47
A39	BELL HERRING	44.00

18,150.77

JUNE BILL LIST - JUNE 11, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F1	ADCO ELECTRIC	\$ 97.00
F2	COUNTRY HARDWARE	112.06
F3	DRAKE, SOMMERS, LOEB	416.63
F4	FRONTIER COMMUNICATIONS	75.00
F5	NYSEG	11.28
F6	NYSEG	2,479.21
F7	PAGE NEW YORK	6.75
F8	RAMSCO	138.16
F9	SURPASS CHEMICAL	431.55
		<u>2,767.64</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G1	COUNTRY HARDWARE	\$ 34.55
G2	DRAKE, SOMMERS, LOEB	416.63
G3	F & G ELECTRIC MOTOR	750.00
G4	FRONTIER COMMUNICATIONS	57.84
G5	NYSEG	4,014.79
G6	NYSEG	93.98
G7	SHORTELL, JAMES	32.07
G8	SLATER'S POWER EQUIPMENT	271.70
		<u>5,671.56</u>

JUNE BILL LIST - JUNE 11, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	CANALE ELECTRIC MUNICIPAL BUILDING	\$ 3,304.00
	DEMBERG BROTHERS INC. MUNICIPAL BUILDING	7,200.00
	RBI CONSTRUCTION CORP. MUNICIPAL BUILDING	30,400.00
	THRUWAY SHOPPING CENTER MUNICIPAL BUILDING	27.70
	NYSEG MUNICIPAL BUILDING	89.71
	LIEBMAN & HURWITZ MUNICIPAL BUILDING	1,000.00

COMMUNITY DEVELOPMENT FUND

SMALL CITIES 93	KERRON BARNES ASSOCIATES	787.50
SMALL CITIES 94	KERRON BARNES ASSOCIATES	1,620.00
	CHRISTOPHER & TAMMY BUNKOFF	2,745.00
	O'KEEFE AND CLEVELAND	6,275.00
	KEN VALK	6,141.76
	EJJ CONSTRUCTION INC.	5,305.00
SMALL CITIES 95	KERRON BARNES ASSOCIATES	540.00
SMALL CITIES 93	R W MECHANICAL	6,583.00

VILLAGE OF WALDEN SPECIAL BOARD OF TRUSTEES MEETING
JUNE 4, 1996 - PAGE 1

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING
JUNE 4, 1996

Mayor Andrew Uszenski called the special Board of Trustees meeting to order at 5:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Roy Wynkoop
Chris Forman
Raynard Ozman
John Ryan

Absent: Trustees John McGuckin
Martin Besdesky

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

EXECUTIVE SESSION

Trustee Forman moved to go into Executive Session pursuant to 105-(d) of the Public Officers Law. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Ryan moved to reconvene the regular meeting. Seconded by Trustee Forman. All aye. Motion carried.

Trustee Ryan moved to authorize the village attorney to respond to the Article 78 Proceeding brought by Mr. Samuel Liebman in Goshen. Seconded by Trustee Forman. All ayes. Motion carried.

ADJOURNMENT

Trustee Forman moved to adjourn. Seconded by Trustee Wynkoop. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, May 28TH, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Resolution No. 26-95-96 Budget Transfer
 - A.2 Resolution No. 27-95-96 Orange County Home Consortium
 - A.3 Public Hearing Local Law I-2 of 1996 Amending Zoning Code
 - A.4 Insurance Renewal Authorization
 - A.5 Payment of Audited Bills For May 28TH, 1996
 - B. DISCUSSION ITEMS
 - B.1 Hill Street Bridge Project
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Letter Requesting Waiver of Water & Sewer Charges
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
MAY 28, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
John Ryan
Martin Besdesky
Roy Wynkoop
Chris Forman

Absent: Trustee John McGuckin, later Present

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of May 14, 1996 with the following correction to page 1, Trustees McGuckin and Forman, later present. Seconded by Trustee Forman. All ayes. Motion carried.

RESOLUTION NO. 26-95-96 BUDGET TRANSFER

Trustee Besdesky moved to adopt Resolution No. 26-95-96 Budget Transfer, (attached). Seconded by Trustee Ryan. All ayes. Motion carried.

RESOLUTION NO. 27-95-96 ORANGE HOME CONSORTIUM

Trustee Ryan asked if this would jeopardize any of the villages other programs?

Manager Kelly advised him no, this is the same as the agreement that was done in 1994, which does not jeopardize the small cities program. We are still not in the consortium for Urban County.

Trustee Ryan moved to adopt Resolution No. 27-95-96, (attached). Seconded by Trustee Forman. All ayes. Motion carried.

INSURANCE RENEWAL AUTHORIZATION

Manager Kelly stated that he met with John Melby on May 15th. The Daniels Agency shop our insurance every year to get the best rate. Coregis was slightly more expensive and due to the claims experience the village has had with them he felt that Titan would give us better service at a reduced rate and the overall amount of coverage has increased by two million dollars.

Trustee Ryan moved to authorize the manager to change insurance carrier. Seconded by Trustee Ozman.

Trustee Ozman asked the manager if he thought there would be any effect on the working relationship with Coregis regarding any pending litigation?

Manager Kelly advised Trustee Ozman that it hasn't before when the village has changed carriers.

All ayes. Motion carried.

AUDITED BILLS

Trustee Forman moved to pay the audited bills of May 28, 1996. Seconded by Trustee Ozman.

Trustee Ryan stated that he made a request that this year the village purchase one good weed wacker as opposed to the reasonably priced ones we get and see if it holds up better.

Manager Kelly stated that he will asked Mr. Sweed to try one.

Trustee Ozman asked about the bill for the police cruiser seat?

Manager Kelly stated that it was broken by a prisoner and she has been charged with a felony for breaking the seat.

All ayes. Motion carried.

TRAINING SEMINARS

Mayor Uszenski stated that John Howland would like permission to attend a seminar in Montreal June 19, 20 and 21. The cost would be \$168.75 conference fee, lodging is \$166.50 and travel by car or by train.

Mayor Uszenski stated that Chief Holmes is asking for permission to attend a training seminar June 23 - 28, Greater Atlantic Law Enforcement Executive Development Seminar and also to send an officer August 26 - 28 to the New York State Youth Conference. The cost for the chiefs conference would be \$700.00 and \$1648 for the New York State Youth Conference.

Trustee Besdesky moved to allow the Chief of Police to attend the Greater Atlantic Law Enforcement Executive Seminar June 23-28 at a cost of \$700.00 and to send an officer to the New York State Youth Conference August 26- 28 at a cost of \$1648. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Ozman moved to approve the request by the recreation coordinator to attend the training seminar in Montreal June 19-21. Seconded by Trustee McGuckin.

Trustee Ryan stated that he doesn't see how this is going to benefit the village. It seems like a social programs. You have youth in relationship with parents and families, youth in relationship with friends and peers, and under part two it has support services for various types of social problems such as drug and alcohol abuse, prostitution, behavioral defects, school drop out, low self esteem, depression, suicide and gang involvement. He doesn't think those fall under Mr. Howland's strong points. He's not sure if the village would get much benefit by sending him there.

Trustee Ozman stated that he made the motion because he felt based upon Mr. Howland's involvement with the youth there were certain areas that might have some benefits to the village in terms of the relationship with parents and family. John has to deal the parents of children from time to time and it might further his communications with them and certainly the community involvement and the group involvement with the basketball program that is sponsored by the recreation department.

On roll call Trustees McGuckin, Ozman, Forman, Besdesky, Wynkoop and Mayor Uszenski voted yes. Trustee Ryan voted no. Motion carried.

PUBLIC HEARING LOCAL LAW I-2 OF 1996 AMENDING ZONING CODE

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Posting Notice and Notice of Hearing which was read by the Mayor.

Becky Pearson, 167 Walnut Street asked if this has to do with sizes of signs?

Mayor Uszenski explained that the signs is only for churches, which puts all the existing church signs into conformity.

Manager Kelly further explained that the reason this is being amended is because one of the local churches wanted to replace their sign and the current sign statute is twelve square feet and the sign they wanted to put up is twenty four square feet, so they couldn't put the sign up without going for a variance and rather than get a variance they've petitioned the board to change the code.

Paul Roosa, 21 Main Street stated that he is under the impression that with the Luxembourg project that after all the hoop la they've gone

through trying to address everything that needed to be addressed and get that project moving, now the zoning board has put a halt to that and he understands that all because that particular building or buildings is zoned differently than every other building on Main Street.

Mayor Uszenski stated that has nothing to do with this local law.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Forman moved to designate the Board of Trustees as lead agency and to declare an unlisted, uncoordinated action and to issue a negative declaration under SEQRA. Seconded by Trustee Ryan. All ayes. motion carried.

Trustee Forman moved to adopt Introductory Local Law I-2 of 1996 Amending the Zoning Code as Local Law No. 3 of 1996 Seconded by Trustee Ozman.

Trustee Ozman stated that he has a question with regards to the continuing violation section, was it the intent to have each successive day that the violation exists become a continuing violation or each successive week.

Mr. Dowd stated week.

All ayes. Motion carried.

HILL STREET BRIDGE PROJECT

Mayor Uszenski stated that the village received a letter from the Town Supervisor, Carl Helstrom asking to have the Hill Street bridge project transferred to the Highland Avenue bridge, because he has received complaints about the Highland Avenue bridge.

Manager Kelly stated that he wrote Mr. Helstrom a letter on May 9th asking that he take the issue up with the town board regarding the Village of Walden transferring the grant to the town because of the villages concerns that we can't undertake work on a town owned bridge and it would make it much clearer and cleaner if the village were able to transfer the grant monies and have the town undertake the replacement as they did with Hill Street bridge. Mr. Helstrom called and confirmed in writing that he had presented the issue at the May 16th town board meeting and it was decided that the town is willing to cooperate with the village. However, the town wants to transfer the project monies from the second Hill Street bridge to the Highland Avenue bridge. It is his understanding that the state is pressing the town to make repairs to the Highland Avenue bridge. Mr. Helstrom would like to sit down with the village and discuss this.

Trustee Ozman stated that he would like to determine what the

anticipated useful life of the Hill Street bridge is and also what the towns plan is with the possible relocation of the Highland Avenue bridge and whether the town would give the village the information on what their ultimate plan is with that bridge.

Manager Kelly stated that he did ask Mr. Helstrom if he had any cost estimate for replacement of the Highland Avenue bridge and he didn't. He thinks they spent approximately \$125,000 on the first bridge on Hill Street, so if it was a \$200,000 grant then they should have \$75,000 left. Highland Avenue is going to be more expensive because it was a wider bridge. He did not indicate that they were going to relocate it.

Trustees Forman, McGuckin and Mayor Uszenski were appointed to the bridge committee to meet with the town and report back to the board.

BFI CONTRACT PROPOSAL-

Manager Kelly stated that the village has received the contract proposal from BFI for recycling. He has a call into them. He hasn't received an answer. His concern is that the term of the contract is for three years and if you were to cancel prior to the three year term you pay the greater of the balance, up to six months. The manager has a call in to see if that is negotiable. He is looking for guidance from the board in case that is not negotiable.

Trustee Ozman asked how compatible is the field?

Manager Kelly stated that he hasn't shopped around, but there is seven or eight carriers in the village. He will get other proposals.

LETTER REQUESTING WAIVER OF WATER AND SEWER CHARGES

Mayor Uszenski stated that the owner of the Winding Brook Home Association is requesting a waiver of water and sewer charges. The amount of the water and sewer bill is \$277.89 and they are claiming it was due to a burst pipe in the pool house.

Manager Kelly stated that this is not unlike other requests the board has received when someone has had a broken water pipe and has received a high water and sewer bill as a result. They are asking for the same consideration.

Trustee McGuckin moved to deny the request of the Winding Brook Home Association to waive the water and sewer charges. Seconded by Trustee Forman.

Mayor Uszenski stated that this reflects the boards continued policy with these kinds of request. The water went through the meter, the board considers it used by the person, leak or no leak.

All ayes. Motion carried.

PUBLIC PORTION

Becky Pearson, 167 Walnut Street asked about the line item in the budget for shade trees, she asked where that money goes if its not used for trees?

Manager Kelly stated that is tree services to come in and prune and remove trees that are dead. Its not to plant new trees.

Mrs. Pearson stated that the problem is the village is not planting new trees.

Manager Kelly stated that if homeowners would like a tree planted on their property there is a provision in the code to do that.

Mrs. Pearson asked how she got a tree planted on village property in 1980 if the code was amended in 1973?

Manager Kelly stated that he can't explain that.

Mrs. Pearson asked the board if there was anything that could be done to get more trees in the village?

Trustee Ozman stated that he doesn't support the degreening of Walden, he feels the village needs to revisit the issue and try and find a species of tree that might be appropriate in certain areas and designate certain streets that are going to get those trees.

Susan Sierocki stated that the Village of Montgomery has found a certain specie of trees that the roots grow straight down.

Mrs. Pearson asked if it would be possible to change the law? She doesn't have any room on her front lawn for a tree.

Trustee Ryan stated that anything is subject to waiver by the board.

Mrs. Pearson stated that she would be willing to help find a specie of tree.

Paul Roosa, 21 Main Street stated that through the various meetings that he attended for the Luxembourg project, slowly it progressed and he was under the impression that finally the board had issued an approval, so that he could proceed to the zoning board for approvals. Now he's been defeated there and they believe it is because of wording in the zoning board code, which says he can't have what they interpret as units. They say you can have units over a commercial area and they interpret units as two apartments and nothing more and most of the businesses on Main Street have two or more apartments and have for decades. What they would like to see is that the board have the code reworded or at least understood by the zoning board that units must definitely mean more than two apartments

Mayor Uszenski stated that some of them are existing, grandfathered units.

Mr. Roosa asked that to do what the village wants now there has to be three floors of apartments?

Manager Kelly stated that is what the project was presented to the village, twenty four units over commercial store front on the first floor.

Mr. Roosa stated that everyone has known that this was going to be more than two apartments. Wouldn't it stand to reason that someone would have said along the line that they couldn't have more than two apartments?

Manager Kelly stated that when he saw the plans in November they had not gone to the planning or zoning boards. They came back in February and presented it to the village board. The village board adopted the project for its application, but it had not gotten any land use approvals which are required from the planning and zoning boards. Even though the application is in to HUD now its conditioned upon land use approvals.

Mr. Roosa asked, legally do we know that units mean two?

Manager Kelly stated that is what he filed with the zoning board, for an interpretation of the code and in the alternative a use variance.

Mr. Roosa asked who changes the zoning code?

Manager Kelly advised him the village board and there is a process that has to be followed.

Mr. Roosa asked if there is anything that can be done starting immediately that can help Mr. Spanos continue with the project? God forbid he gets a call that his building burnt down and he wants to build it up again, does that mean that he can only put in two apartments?

Manager Kelly stated that the definition of pre-existing, nonconforming, if you have more than two apartments in your building now you would be permitted by code to replace those apartments. If you wanted to enlarge your non conformity the code says you cannot increase it by more than a certain percentage of the nonconformity.

Mr. Dowd stated that this issue is not about units and how many units. The question is what a multiple dwelling is. The definition of a multiple dwelling is its a building or portion there that contains more than three units. In a B-3 zone, where this property is located, multiple dwellings are not permitted in that zone. The issue was could you put a multiple dwelling over first floor commercial and the board had to interpret whether that was permissible or not. You can put one

unit over or two units over commercial or could you put a multiple dwelling over it. The first thing the board decided was whether this was a multiple dwelling and they said yes this is a multiple dwelling and then the applicant had to prove certain factors in order to get a variance to allow him to put a multiple dwelling over commercial and it was his understanding that they did not satisfy the number of criteria that the law requires them to satisfy in order to get the variance.

Mr. Roosa asked, in essence its squashed, are they willing to promote it?

Mr. Dowd stated that the zoning board is not there to promote any project, they are there to hear an application and apply the law to it and if the applicant wants to ask the board to reconsider or reopen for purposes of modifying their plan, that is up to the applicant to do and for the board to consider that reconsideration.

Mr. Roosa asked if the zoning for that block is consistent from one block to the other or does it change in the middle of the block?

Manager Kelly stated that he thinks that whole area is B-3.

Mr. Roosa stated that in essence Mr. Spanos has to go back to the zoning board on his knees to try to get any further with this?

Mr. Dowd stated that Luxembourg has very competent counsel to advise them on how to proceed, either to this board or the zoning board.

EXECUTIVE SESSION

Trustee Forman moved to hold an executive session pursuant to 105-(e&f) of the Public Officers Law. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Wynkoop moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Meeting reconvened.

Trustee Forman moved to deny the demand of Sam Liebman for legal counsel provided by village for ethics inquiry. Seconded by Trustee Wynkoop. All ayes. Motion carried.

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Besdesky. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

RESOLUTION NO. 26-95-96

BUDGET TRANSFER

WHEREAS, it is necessary from time to time to amend certain expenditure accounts to accommodate departmental needs, and

WHEREAS, money is available to transfer into said accounts.

NOW, THEREFORE, BE IT REOLVED by the Board of Trustees of the Village of Walden that the following transfer be approved:

<u>DECREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1640.435 Clothing	\$1,700.00	\$ 100.00
A3120.328 Uniform Allowance	\$7,200.00	-0-
A3122.425 Radio Maintenance	\$1,650.00	5,430.00

<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A3120.100 Police - Per. Ser.	\$7,200.00	\$379,646.00
A3120.213 Safety Vests	\$1,650.00	2,876.00
A5110.100 Highway- Per. Ser.	\$1,700.00	154,411.00

Motion to adopt by Trustee Beedals and seconded by Trustee Ryan. The vote was 6 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on May 28, 1996.

RESOLUTION NO 27-95-96

HOME CONSORTIUM

RESOLUTION AUTHORIZING THE VILLAGE OF WALDEN TO ENTER INTO A COOPERATION AGREEMENT WITH THE ORANGE COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM (hereinafter called "COUNTY") FOR THE PURPOSE OF UNDERTAKING THE HOME PROGRAM FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 1997 AND CONTINUING THROUGH FEDERAL FISCAL YEAR 1999 PURSUANT TO TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT OF 1990, as amended (42 U.S.C. 12701 et seq.) (hereinafter called "ACT")

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized the "ACT", to make grants to states and other units of general local government to help finance Affordable Housing Programs, and

WHEREAS, it is desirable and in the public interest that the Village of Walden, participate in aforesaid HOME Program for the program year commencing Federal Fiscal Years 1997 through 1999; and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation, and

WHEREAS, applicants for grants to finance Affordable Housing Programs under the "ACT", any "Eligible Activities" thereunder are not inconsistent with the statutes or constitution of this state, and

WHEREAS, VILLAGE shall take all required actions to comply with the Urban County's certification required by the provisions of the National Environmental Policy Act of 1969, Title VI of the Civil rights Act of 1964, prohibits discrimination because of race, color or national origin under any program or activity receiving Federal financial assistance, Title VIII of the Civil Rights Act of 1968, Executive order 11988, the Fair Housing Act, and other applicable laws.

FURTHER, HOME Program funding is specifically prohibited for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction, or that impedes that County's action to comply with its fair housing certification.

WHEREAS, the Village as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals in non-violent civil rights demonstrations; and
- b) A policy if enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Orange, as an urban county in the HOME Programs require that the Village of Walden and the COUNTY cooperate in undertaking or assisting in undertaking, essential housing activities, specifically publicly assisted housing, pursuant to said Act specifically those activities authorized by statues and pursuant to Articles 9 and 17 of the New York State Constitution, and

WHEREAS, the COUNTY and the Village of Walden will cooperate in developing Affordable Housing Programs and applications for the HOME Investment Partnership ("HOME" Program) which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of housing needs developed mutually by local and county officials,

WHEREAS, this Village Board deems it to be in the public interest for the Village of Walden to enter into a Cooperation Agreement with the COUNTY for the aforesaid purposes;

NOW, THEREFORE, BE IT

RESOLVED, the the Mayor be and he hereby is authorized and directed to execute a Cooperation Agreement between the village of Walden and the COUNTY for the purpose of undertaking the HOME Program, pursuant to the "ACT" for the program year commencing Federal Fiscal Years 1997, 1998 and 1999.

Motion to adopt by Trustee Ryan and seconded by Trustee Forman. The Mayor declared the resolution adopted on May 28, 1996 after a vote of six (6) ayes to zero (0) naves.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
~~Town~~
Village

of.....WALDEN.....

Local Law No.3..... of the year 1996..

A local law ..amending Chapter 148 of the Code of the Village of Walden.....
(Insert Title)
entitled "Zoning".

Be it enacted by the ...BOARD OF TRUSTEES..... of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~
Village

of.....WALDEN..... as follows:

SECTION 1.

It is the intent of this local law to amend certain provisions of this chapter to reflect changes made in the Village Law by the State Legislature. The Board of Trustees determines that the incorporation of these legislative changes will empower the Planning Board and the Zoning Board of Appeals to better serve the community in carrying out each Board's respective functions. It is also the intent of this local law to provide for increased powers of the Building Inspector and increased penalties in the enforcement of this chapter.

SECTION 2.

Section 148-34 of the Code of the Village of Walden entitled "Professional and announcement signs" is hereby amended by repealing therefrom Subparagraph B. and enacting a new Subparagraph B. as follows:

B. A church or other place of worship may have one (1) announcement sign, not over twenty-four (24) square feet in area, on each public street frontage of its property, either fixed on

(If additional space is needed, attach pages the same size as this sheet, and number each.)

the main wall of the building or located in the required front yard, provided that it is set back at least fifteen (15) feet from the front property line and at least twenty-five (25) feet from all other property lines.

SECTION 3.

Section 148-48 of the Code of the Village of Walden is hereby repealed and a new Section 148-48 entitled "Application and public hearing procedures of Board of Appeals" is enacted as follows:

SECTION 148-48. Application and public hearing procedures of Board of Appeals.

A. Applications for any action by the Board of Appeals shall be submitted in the form required by the Board and filed in the Municipal Office.

B. The Board shall fix a time and a place for a public hearing thereon and shall provide for the giving of notice at least five (5) days prior to the date thereof as follows:

(1) By publishing a notice in a paper of general circulation in the Village.

(2) By requiring the applicant to give notice of the substance of every appeal for a variance, together with notice of the hearing thereof by causing notices to be mailed at least five (5) days before the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area and all other owners within three hundred (300) feet, or such additional distance as the Board of Appeals may deem advisable, from the exterior boundaries of the land involving such appeal, as the name of said owners appear in the last completed assessment roll. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish proof of compliance with this notification procedure; provided, however, that the Board may accept substantial compliance with these provisions in case of difficulty in serving such owners. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and should be paid the Board prior to the hearing of such appeal.

(3) If the land involved in any appeal is within five hundred (500) feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the Municipal Clerk of such other municipality.

(4) If the land involved in any appeal is within five hundred (500) feet of the boundary of any existing or proposed county or state park or any other recreation area; the right-of-way of any existing or propose county or state parkway, thruway,

expressway, road or highway; the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district, except where the appeal is for an area variance, notice of the public hearing and a description of the applicant's proposal shall be mailed to the Orange County Planning Department in accordance with Section 239-m of the General Municipal Law.

(5) The Board shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the board shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered and a copy thereof mailed to the applicant.

(6) A motion for the Board to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting on good faith and reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

C. No action shall be taken on applications referred to the Orange County Planning Department until the Department's recommendation has been received or thirty (30) days have elapsed after the Department received the full statement on the applicant's proposal.

D. A record shall be established of all variances granted pursuant to action of the Board of Appeals under this chapter. Each case shall be identified by a sequential numbering system and alphabetically by applicant's name. Said files shall be available for public inspection.

E. The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and official actions, all of which shall be filed in the Clerk's office and shall be a public record.

F. Building permits authorized by the Board of Appeals actions on variance cases shall be obtained within ninety (90) days and shall automatically expire if construction under the

permit is not started within ninety (90) days of issuance and completed within one (1) year. Extensions of these periods may be granted by the Board of Appeals where good cause is shown.

G. The fees for applications to the Board of Appeals for all variances shall be determined by the Board of Trustees.

SECTION 4.

Section 149-51 of the Code of the Village of Walden entitled "Variances" is hereby amended by repealing Subparagraphs A. and C. and enacting new Subparagraphs A. and C. as follows:

A. Except as otherwise provided in this chapter or the Village Law, the jurisdiction of the Board of Appeals is appellate only and is limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the Building Inspector. On appeal from the decision or determination of the Building Inspector, the Board shall have the power to grant use variances and area variances as specified in Subparagraph C. of this section.

C. General Standards.

(1) USE VARIANCES. No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

(a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(b) that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

(c) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(d) that the alleged hardship has not been self-created.

(2) AREA VARIANCES. In making its determination on an application for an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such

grant. In making such determination, the Board shall also consider:

(a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(c) whether the requested area variance is substantial;

(d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

(3) In granting use or area variances, the Board shall grant the minimum variance that it shall deem necessary and adequate and at the same time reserve and protect the character of the neighborhood and the health, safety and welfare of the community.

SECTION 5.

Article IX of Chapter 148 of the Code of the Village of Walden is hereby amended to add a new Section 148-51.1 entitled "Special exception use and public hearing procedure" as follows:

Section 148-51.1. Special exception use and public hearing procedure.

A. Application for a permit authorizing a special exception use shall be made directly to the Planning Board in the form required by the Planning Board accompanied by a filing fee to the Village Clerk and a site plan according to Section 148-56.

B. The Planning Board shall hold a public hearing within sixty-two (62) days from the time of receipt of the complete application by the Planning Board and shall provide for the giving of notice at least five (5) days prior to the date thereof in the same manner as provided for in Section 148-48.B. for applications to the Board of Appeals for variances.

C. No action shall be taken on applications referred to the Orange County Department of Planning until the Department's recommendation has been received or thirty (30) days have elapsed

after the Department received the full statement on the applicant's proposal.

D. The Planning Board shall render a decision on a special exception use within sixty-two (62) days of the public hearing. The time within which the Planning Board must render its decision may be extended by the mutual consent of the applicant and the Board. The decision of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

E. A record shall be established of all special exception uses granted pursuant to action of the Planning Board under this chapter. Each case shall be identified by a sequential numbering system and alphabetically by applicant's name. Said files shall be available for public inspection.

F. Upon the granting of a permit for a special exception use by the Planning Board, the Secretary of the Planning Board shall transmit written approval of such use to the Building Inspector prior to his issuance of a building permit for the special exception use.

G. Building Permits authorized by the Planning Board actions on special exception cases shall be obtained within ninety (90) days and shall automatically expire if construction under the permit is not started within ninety (90) days of issuance and completed within one (1) year. Extensions of these periods may be granted by the Planning Board where good cause is shown.

H. The fees for applications to the Planning Board shall be determined by the Board of Trustees.

I. The Planning Board shall comply with the provisions of the State Environmental Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.

SECTION 6.

Section 148-60 of the Code of the Village of Walden entitled "Violations, penalties for offenses and remedies" is hereby amended by repealing Subparagraph E. and enacting a new Subparagraph E. as follows:

E. Persons found guilty of such violation shall be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment for not more than fifteen (15) days, or both, for each violation. Each and every week such violation continues after the allotted period of time for its removal shall be deemed a separate and distinct violation.

SECTION 7.

Section 148-60 of the Code of the Village of Walden entitled "Violations, penalties for offenses and remedies" is hereby amended by enacting a new Subparagraph G. as follows:

G. Notwithstanding the provisions of Subparagraph B. of this section, nothing shall preclude the Building Inspector from requiring the removal of a violation immediately upon service of the notice where the violation involves the use or occupancy of a building or structure in contravention of the site plan, special exception use permit, variance, building permit or certificate of occupancy provisions of this chapter.

SECTION 8.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in Albany.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

~~_____
Clerk of the County, Town, City or Village or
other designated by local legislative body~~
NANCY MITCHELL, VILLAGE CLERK

Date: May 20 1996

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Kevin T. Dowd
Signature KEVIN T. DOWD

Title ATTORNEY

~~XXXXXX~~
~~XXXX~~ of WALDEN
~~XXXX~~
Town
Village

Date: May 28 1996

MAY BILL LIST - MAY 28, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-625	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-626	AL VALK'S GARAGE	75.00
A-627	AL VALK'S GARAGE	10.00
A-628	COMMISSIONER OF FINANCE	10.00
A-629	CIARDULLO PRINTING	147.50
A-630	CIARDULLO PRINTING	35.00
A-631	E.A. MORSE & CO	106.94
A-632	ENVIRONMENTAL PAPER TOWEL SERVICE	110.40
A-633	FABRIZIO RONALD	63.00
A-634	GALLAGHER TRUCK CENTER	6.91
A-635	GANNON MUNICIPAL EQUIPMENT, INC.	53.39
A-636	GEORGE'S AUTO PARTS	55.88
A-637	GEORGE'S AUTO PARTS	106.16
A-638	JIM SMITH CHEVY	40.80
A-639	JOHN QUALITY CLOTHIER	345.00
A-640	LYNN PEAVEY COMPANY	65.30
A-641	MAYBROOK MATERIALS	431.07
A-642	MAYBROOK MATERIALS	508.82
A-643	MID HUDSON OFFICE SUPPLIES	303.76
A-644	MITCHELL NANCY	50.00
A-645	MID HUDSON COMMUNICATIONS	120.00
A-646	ORANGE COUNTY CLERK	5.50
A-647	OFFICE FOR THE AGING	2,600.00
A-648	THRUWAY SHOPPING CENTER	187.62
A-649	VINCENT TOOMEY	2,238.75
A-650	WALDEN AUTO SUPPLY	29.49
A-651	WALDEN AUTO SUPPLY	275.22
A-652	WALDEN AUTO SUPPLY	56.65
A-653	WEINER JAN	80.00
A-654	WALDEN AUTO SUPPLY	63.65
A-655	MARLU COSTUME	45.00
A-656	JOE'S GREENHOUSE	366.50
A-657	FEDEX	28.00
A-658	CIARDULLO PRINTING	60.00
		<u>8,695.56</u>

MAY BILL LIST - MAY 28, 1996

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G145	ALLIED UNIVERSAL CORP.	\$ 343.00
G146	ENVIROTEST LABORATORIES	475.00
G147	F & G ELECTRIC MOTOR	375.00
G148	GRANGER	160.50
G149	NEWBURGH STEEL PRODUCTS	95.55
		<u>1,449.05</u>

MAY BILL LIST - MAY 28, 1996

SPECIAL BILL LIST

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-659	GEORGE'S AUTO PARTS	69.99
A-660	JIM SMITH CHEVY	128.81
A-661	SCHWAAB	35.95
A-662	JIM SMITH CHEVY	1,496.84
A-663	OFFICE SUPPLY STORE	72.84
A-664	SPORT SUPPLY GROUP, INC.	3,033.95
A-665	SLATER'S POWER EQUIPMENT	99.99
A-666	COUNTRY HARDWARE	99.99
A-667	CALVET TOOL RENTAL	195.00
		<u>5,233.36</u>
A-669	WILLIAMSON LAW	53.06
A-670	LAWYVES COOP	34.30
A-671	CHERRY TIRE	134.00
		<u>221.36</u>

SPECIAL BILL LIST - MAY 28, 1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	ANNESE & ASSOCIATES, INC.	223.04
	AMERICAN ALARM	36.00
	NY CONFERENCE OF MAYORS	2,087.00
	DANIELS AGENCY, INC.	78,885.00
	CL & EJ GRIDLEY	2,464.44
		<u>83,695.48</u>

GENERAL FUND

WATER FUND

VOUCHER

	BELL ATLANTIC NYNEX	48.01
	NYSEG	465.89
		<u>513.90</u>
	<u>VENDOR</u>	<u>AMOUNT</u>
	AMERICAN ALARM	28.00
	NYSEG	462.83
		<u>490.83</u>

SEWER FUND

VOUCHER

	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	594.59

MAY BILL LIST - MAY 28, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	BRAKEWELL STEEL FABRICATORS MUNICIPAL BUILDING	\$495.00
CAPITAL ACCOUNT #82	THRUWAY SHOPPING CENTER MUNICIPAL BUILDING	68.43
CAPITAL ACCOUNT #82	ADVANCE TESTING CO. INC. MUNICIPAL BUILDING	860.00
CAPITAL ACCOUNT #82	COUNTRY HARDWARE MUNICIPAL BUILDING	46.81

COMMUNITY DEVELOPMENT FUND

SMALL CITIES 93	KERRON BARNES ASSOCIATES	\$315.00
SMALL CITIES 94	KERRON BARNES ASSOCIATES	\$ 40.00
SMALL CITIES 95	POWER CONSTRUCTION 15 ORCHARD ST	\$3,500.00
SMALL CITIES 93	R.W. MECHANICAL INC	4,335.00
H O D A G		2,005.00

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, May 14TH, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Resolution No. 23-95-96 Levying Village Taxes For FY 1996-97
 - A.2 Resolution No. 24-95-96 Budget Amendment
 - A.3 Resolution No. 25-95-96 Budget Transfer
 - A.4 Request For Renewal of Annual Taxi Cab License
 - A.5 Applications For Annual Sewer Waiver (2)
 - A.6 Payment of Audited Bills For May 14TH, 1996
 - B. DISCUSSION ITEMS
 - B.1 Recycling Center Operations
 - B.2 Municipal Square Design Alternatives
 - C. INFORMATIONAL ITEMS
 - C.1 Board Work Session on Goals and Objectives For 1996-97
 - C.2 Appointment of Library Board Liaison
 - D. CORRESPONDENCE
 - D.1 Letter Regarding Permit Parking in Municipal Lot
 - D.2 Refund Request For Senior Trip to Radio City
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED
DRAFT

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
MAY 14, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
John Ryan
Martin Besdesky
Roy Wynkoop

Absent: Trustees John McGuckin, *later Present*
Chris Forman, *later Present*

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of April 23, 1996 with the following corrections: Page 9, sixth paragraph, change to: Trustee Ozman stated or was attempted to be placed upon the courts and he wants to say publicly that he has absolutely no knowledge of this board or himself individually placing any type of undo influence on the Village of Walden Justice Court. Fourteenth paragraph, change itself to himself. Page 10, second paragraph, first sentence, change himself to, the judge. Seconded by Trustee Ryan.

Trustee Ryan asked that the tapes from the meeting of April 23, 1996 be saved.

All ayes. Motion carried.

RESOLUTION NO. 23-95-96 LEVYING VILLAGE TAXES FOR FY 1996-97

Trustee Besdesky moved to adopt Resolution No. 23-95-96 Levying Village Taxes for FY 1996-97, (attached). Seconded by Trustee Ryan. All ayes. Motion carried.

RESOLUTION NO. 24-95-96 BUDGET AMENDMENT

Trustee Ozman moved to adopt Resolution No. 24-95-96 Budget Amendment, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

RESOLUTION NO. 25-95-96 BUDGET TRANSFER

Trustee Besdesky moved to adopt Resolution No. 25-95-96 Budget Transfer, (attached). Seconded by Trustee Ozman.

Trustee Ryan asked about the purchase of vehicles that would come out of this years budget.

Manager Kelly explained that the build out date is very near and the village wasn't certain what they were going to have in terms of equipment. The board might want to go to the end of the year and then evaluate the fund balance and how close we are and then appropriate money. He is not sure if at the end of the year there will any left over cars available. The board might want to discuss this at the work session for goals and objectives. He does believe the water fund should be able to contribute to the superintendents vehicle since he is our water operator and is responsible for the transmission lines.

All ayes. Motion carried.

REQUEST FOR RENEWAL OF ANNUAL TAXI CAB LICENSE

Trustee Ryan moved to approve the renewal of B&D's taxi cab license. Seconded by Trustee McGuckin. All ayes. Motion carried.

APPLICATIONS FOR ANNUAL SEWER WAIVER (2)

Trustee Ozman moved to approve the sewer waivers for George Heitz and Joseph and Eve Bidosky contingent upon the inspection of the village engineer and fees being paid. Seconded by Trustee Ryan.

Trustee Ryan stated that one waiver application indicates when the system was installed and the other one doesn't. He asked if this was pertinent information for the board to approve this?

Manager Kelly advised Trustee Ryan that the information might be on an earlier application. He will check on that.

Trustee Ozman stated that he would be inclined to leave it up to the village engineer's inspection and at the same time the village could asked the applicant to provide that information, if its not on file with the village.

All ayes. Motion carried.

PAYMENT OF AUDITED BILLS

Trustee Besdesky moved to approve the audited bills of May 14, 1996. Seconded by Trustee Ozman.

Trustee Ryan questioned the voucher for mileage put in by Kyle

Williams, it only indicated that it was village business.

Manager Kelly stated that he will ask for clarification.

Trustee Ryan asked for a tally of what the village has paid for dumpsters at the municipal building. We are getting close to or exceeding the projected dollar amount for dumpster costs.

All ayes. Motion carried.

SUMMER HOURS

Village Clerk Nancy Mitchell stated that the office employees have requested that the office go to summer hours, 7:00 A.M. to 3:30 P.M., Memorial Day until Labor Day.

Trustee Ryan moved to approve summer hours for the village office, 7:00 A.M. to 3:30 P.M., Memorial Day until Labor Day. Seconded by Trustee McGuckin. All ayes. Motion carried.

RECYCLING CENTER OPERATIONS

Mayor Uszenski stated that the village has been notified by BFI that the dumpsters at DPW will no longer be free. If the village wishes to continue having recyclables picked up it will cost \$65.00 per month, which the village has not budgeted for. The village can take the containers out or pay the fee.

Trustee Besdesky stated that he is definitely in favor of keeping them at \$65.00 per month.

Mayor Uszenski stated that the towns recycling center is available to village residents. The village is trying to cut back on the problems at the DPW with people dumping.

Manager Kelly stated that he has asked the superintendent to secure estimates for installing cyclone fencing to seal off the rear of the building and the rest of the yard from the front, so that they will remain locked all day long so that the recycling center is to remain open and by that he means, newspapers, glass, and plastic. That the village will not have to have someone standing guard outside to make sure of what is being put there. That has to be done if that facility is going to be accessed by the village. He asked the board what they wished to do with the other part of this, the recycling for leaves and brush, which is a problem with people going around the back of the building. They don't have anybody stationed out at the gate logging in vehicles, making sure the people live in the Village of Walden.

Mayor Uszenski stated that there have been some requests to have spring leave pick up.

Manager Kelly stated that the village takes the leaves to the Delong

property on Osiris Road. You can't get to the back of the property until the middle of the summer because it is so wet. There will come a time when Mr. Delong will no longer take the leaves and the village doesn't have an alternate facility. If the village has a spring clean up they will have to stock pile it at DPW until you can get access out to Delongs. The manager suggested a spring/fall pick up for brush and leaves where they can lock the facility except for certain times of the year, so you can control what is being done and when its being done and then rent a chipper for that time and take care of it then. That way you minimize the access to the back of DPW and you are better able to control who is going back there. That way you're not eliminating service. Someone should be stationed out front to make sure they are village residents.

Trustee Ryan suggested that the village accept BFI's proposal on a six month trial basis and ask for a report back from the superintendent of public works on or about December 1st to see how this has been working and how it has hampered his budget. Secondly, dealing with the twigs and brush that would be chipped, that the village stay with the status quo, the process and procedures that we have been working under up until the June 1st deadline, get notice out through the television that things will be changing because of the gate system and by June 1st have the superintendent and the village manager sit down and develop procedures for receiving those types of items maybe once a month, once every two months in an organized fashion and again have a report brought back to the board, twelve months from this date.

Trustee Besdesky stated that he would like the dumping of leaves and brush left open until July 1st, because of the rainy cold spring.

Manager Kelly stated that he will have a report back to the board as soon as the fencing is up and then talk about a plan.

It was the consensus of the board to keep the recycling center open at \$65.00 per month on a six month trial basis and ask for a report back from the DPW superintendent on or about December 1st to see how this has been working and to stay with the dumping of leaves and brush until July 1st and not have spring leaf pick up.

MUNICIPAL SQUARE DESIGN ALTERNATIVES

Mayor Uszenski stated that this is in reference to the municipal building project with the problems of the road height and the sidewalks. The mayor came up with the idea of blocking off part of the square and the engineers have studied traffic flows. The proposal is to make Walnut Street one way from Orchard to Maple and coming down Scofield Street one way from Maple to the square and to have Orchard Street one way from east to west. He suggested Orchard Street be one way all the way to the bridge.

Trustee Ryan suggested Maple Street one way because of the families with small children and maybe continue that further down Maple so Maple

and Orchard are one continuous loop.

Trustee McGuckin asked what would be created in front of the municipal building?

Manager Kelly stated that the reason why this started was that they were discussing the slabs in the new police department. The entrance to the front of the building is currently at existing grade of the pavement. If you stand on the corner of Orchard Street looking into the square, the square is mounded and underneath that is brick pavers. If you were to put in a sidewalk in front of the building with a standard six inch reveal curb, you would have to take out ten inches of material in the street in order to bring the elevation down so you don't have a ramp going into the building and they don't know how much that would cost or if it is even practical to do that, because you would have to feather it back through the square. One of the options they looked at doing was eliminating traffic in front of the building altogether which would allow for a sidewalk without lowering the height of the road and make a little parklet. You will also be able to increase the parking in the square and eliminate some of the traffic concerns.

Mayor Uszenski further stated that with changing the direction of Orchard Street maybe the school will drop off the kids by the teachers parking lot. That would ease up some of the congestion in front of the school. The village could also erect a flag pole and get the flag off the roof.

Trustee McGuckin asked if there would be a no left turn from Scofield onto Walnut?

Manager Kelly stated that he doesn't know if there would be adequate turning radius.

Trustee Ryan asked that the Police Chief review this before the village goes any further.

BOARD WORK SESSION ON GOALS AND OBJECTIVES FOR 1996-97

Trustee Besdesky moved to hold a work session on goals and objectives for FY 1996-97 on June 12, 1996 at 7:00 P.M. Seconded by Trustee McGuckin. All ayes. Motion carried.

APPOINTMENT OF LIBRARY BOARD LIAISON

Trustee McGuckin moved to appoint Trustee Forman as liaison to the Library Board. Seconded by Trustee Ryan. All ayes. Motion carried.

LETTER REGARDING PERMIT PARKING IN MUNICIPAL LOT

Mayor Uszenski stated that a letter was received from John Sohns objecting to the village employees parking in the municipal parking

lot.

Trustee Besdesky stated that the businesses paid for the original parking lot under a special assessment, but when the village built the second half of the parking lot that was paid for by the village. You mean to tell him that with all the effort the village put in and used our money we have to be balled out for parking five or six cars there for a few months. He resents that.

Mayor Uszenski stated that a suggestion was made to him to have the employees park in the Maple Street parking lot.

Trustee Wynkoop asked about the town hall, parking there?

Mayor Uszenski stated that we did ask to use that lot and they requested the village repave it, mark it and plow it in the winter.

Trustee Wynkoop stated that there is a lot of hard feelings right now in the business community.

Trustee Ryan asked how many cars does this involve?

Manager Kelly stated that Chief Holmes issued ten permits.

Trustee Wynkoop stated that the problem comes in over there when there is a funeral and there are calling hours. The people just ride around when the lot is full.

Trustee Besdesky stated that was never designed to be just a parking lot for Gridley-Horan Funeral Home. He is welcome to use to the extent of when it fills up and then they have to find other places.

Trustee Besdesky moved to continue with the permit parking for village employees and direct the village manager to respond back to Mr. Sohns with the points that have been raised and ask for their cooperation and consideration up until the time the back of the municipal building can be used by the employees. Seconded by Trustee Ryan.

Mayor Uszenski stated that part of the lot was done through a special assessment tax and that the village has increased the parking lot over the years through HODAG money and bonding to complete the lots.

Trustee Ryan stated that tax money should be watched very carefully and if the village is paying its employees to go out and move their cars every two hours it doesn't seem like a very good use of tax money.

Manager Kelly stated that most of the contractors are substantially complete with their work so that we should be at a point in time in the near future where we do have access to that rear lot. It won't be 100% capacity, we will still exceed capacity of that lot, but having fourteen spaces is better than having none.

On roll call Trustees McGuckin, Ryan, Ozman, Forman, Besdesky and Mayor Uszenski voted yes. Trustee Wynkoop voted no. Motion carried.

REFUND REQUEST FOR SENIOR TRIP TO RADIO CITY

Mayor Uszenski stated that Mr. and Mrs. Earl are requesting a refund of \$30.00 for the senior trip to Radio City. They were unable to attend because of an emergency.

Trustee Ryan moved to grant a refund to Mr. and Mrs. Fred Earl of \$30.00 for the senior trip to Radio City that they were unable to attend. Seconded by Trustee Forman. All ayes. Motion carried.

REPORTS-COMMITTEE

Trustee Besdesky asked about the Pond Road Park?

Manager Kelly stated that Dennis Penney is the new chairman for the fire district and he will contact him to see what their plans are.

Trustee Besdesky stated that the winter salt has damaged the shrubs by the entrance sign on Route 208.

Manager Kelly stated that the beautification worker has started and he will be working on that.

Trustee Besdesky stated that in regard to the Walnut House, he's been told that the owner gets permits to work on it and nothing ever changes on the outside. He feels its one of the worse blights that the village has, especially when there is a new restaurant opening next door. He wonders if pressure can be put on to do something with the outside.

Manager Kelly stated that he will get the status from the building inspector.

Trustee Ryan stated that the unsafe buildings list was to be prioritized and represented. He would like that done by the next meeting.

Trustee Ryan stated that the intent of the round table hopefully isn't just to allow the board members to get their name in print and read the minutes. The comments that they make have some meaning, have some purpose and is taken as such. Signs is what he is talking about. There is a sign on the three Saccardi buildings and they have been there for months. The sign on the State Farm building is back up. He sees little or no action and these are ongoing questions. When he's mentioned the same signs for three months, six times he starts to get frustrated like the people from the public do. He has to believe that some how, some where that court has been made, that what ever notices could have been given to the properties and that these people could have been brought in and had their time in court. If we are not processing them, we're not bringing them in, we're not being diligent

and this forum does us little good, other than taking up Nancy's tape.

Trustee Ryan stated that in regard to the municipal building, he had asked for the front of the building to be cleared away. The rear of the building was to be used for material storage and if you go out this door and look to your left you'll see cinder blocks stored in front of the building. The front of the building has yet to be swept. It looks like the front of a construction site. It is a hazard. He has been in the building on many occasions to check on progress and one thing that has happened from the beginning up until today is the workers smoke. The job site he is on smoking isn't allowed anywhere on the property. Finishes are soon to be put in and cigarette smoke permeates finishes, they will be in there forever. He would like the clerk of the works to be directed to stop all smoking in the building and to take whatever appropriate measures are necessary so that it comes to a halt as of seven o'clock tomorrow morning.

Trustee McGuckin stated that he wanted to follow up on what was going on with the two repair shops. The Mobil stations sign is down but they are still doing repairs.

Manager Kelly stated that under a filling station you can do minor repairs and they were given a list of what they can do. They were issued a letter stating that the repair and inspection signs were in violation of the village code and they took them right down. The manager has asked the building inspector if he's issued the violation to the other repair station that has to come before the planning board for a special exception use permit. He doesn't believe that has been issued.

REPORTS - MAYOR-

Mayor Uszenski stated that as soon as the ground dries he would like work to begin at Woosters Grove.

PUBLIC PORTION-

Bob Lamancuso, 33 Gladstone Avenue stated that a few meetings back he requested a stump be removed on Gladstone Avenue. He's requesting it be removed again because an elderly lady tripped over it.

Manager Kelly stated that he did refer that to Mr. Sweed and asked him if they could cut it closer and he indicated they couldn't, they would have to get the grinder and grind it out.

Mr. Lamancuso stated that this evening the board was talking about an attendant at the village yard on Saturdays to monitor leaves and brush. About three Saturdays ago he dropped off, four trips, thirty bags of leaves and he never saw anyone exit that building to see what he was doing. If we're paying someone they should keep their eyes open and at least walk around the yard.

Larry Sager, 78 Orchard Street stated that he heard a rumor that Manager Kelly was applying for Mike DiTullo's job?

Manager Kelly stated he hadn't heard that.

Mr. Sager suggested a crossing guard be put at dpw to monitor the recycling.

Mr. Sager stated that Related Management took property from two businesses so they could have a parking lot and now they lease the eight spaces out.

Mayor Uszenski stated that they own that property.

Mr. Sager stated that the village required them to have those parking spaces and he thinks something should be done about it.

Mr. Sager stated that the business people are complaining about the village employees using that parking lot temporarily, wait until Luxembourg gets done with that parking lot and they are in support of that man. That amazes him. This is a temporary situation over here. If they were in this room on meeting nights they would have understood what it was. They have no reason to cry to this board for what they are doing for the employees of this village. There is also Oak Street parking lot to use.

Greg Raymondo, 241 Orange Avenue stated that it is very good to hear that one of our officers was recognized for the good work he is doing with the young kids in the high school. The village should recognize him also.

Mr. Raymondo stated that the chief should also be recognized for realizing we have a problem with speeders in the village. He is sending an officer to be certified for radar. They need new radar, what we have is stone age.

Mr. Raymondo further asked if some flowers can be planted by the entrance sign on Route 208.

Mr. Raymondo stated that the sign is also peeling badly. He will repaint it if the village wants him to.

Mr. Raymondo asked why people bring bottles and papers down to DPW when your garbage company provides that service. The Walkkill Prison takes leaves and brush.

Mr. Raymondo stated that the radar equipment is junk. They can't do their job without the proper equipment. He asked about the Cop Fast money.

Mayor Uszenski stated that money is for foot patrol.

Mr. Raymondo asked that the village buy a good radar now.

Trustee Ryan apologized to Mr. Raymondo for the flippant remark he made to him two meetings ago.

Becky Pearson, 157 Walnut Street stated that someone spoke to her about a sign in the village over on East Main Street.

Manager Kelly stated that sign is on private property and has been a subject of discussion in the past.

Mrs. Pearson stated that its a beautiful sign and should be taken care of.

Mrs. Pearson stated that on Walnut Street the storm sewers are plugged and the water is ponding. She would like that cleaned out.

Mayor Uszenski stated that there is also one on Oakland Avenue.

Mrs. Pearson stated that the village use to do tree planting. Do they do that anymore?

Manager Kelly stated that the village hasn't done that in five years. The problem is where you put the trees then they buckle the sidewalks and then the village has to go back and replace the sidewalks. There is a provision in the code, if people want a tree planted on their property the village would provide the tree and the property owner would be responsible for its care and maintenance. The code prohibits the planting of trees within the sidewalk area.

Larry Sager asked who was paying for the application of the grant?

Mayor Uszenski stated that right now the village is paying for it and we have requested the applicant to pay for it.

Mr. Sager stated that if the village doesn't get him that grant he has another avenue to go down and get a grant. We are going to get snookered out of \$600,000 and he's going to walk over to the other guy and say give me the money and they will give it to him and we're going to be stuck.

Becky Pearson asked that the literature on the front of the municipal building be removed.

Larry Sager asked what meeting was Sam Liebman in conflict with?

Mayor Uszenski stated that because this is before the ethics board he won't comment on that.

Bob Lamancuso stated that he wanted to clarify the street changes the board talked about earlier.

Mayor Uszenski explained the changes.

Mrs. Pearson stated that she arrived late to the meeting and asked that the proposal be explained to her.

Mayor Uszenski explained the proposal for in front of the municipal building to Mrs. Pearson.

Mr. Sager stated that last year the village had foot patrol and they put in for the funding for fast cop, \$35,000. This year the village is using \$25,000. You haven't received the \$35,000 yet.

Mayor Uszenski stated yes we did.

Mr. Sager stated then that is a win fall of money that you've gotten in.

Mayor Uszenski stated no it isn't, its put into the budget and transferred right into the foot patrol line.

Mr. Sager asked where did the \$10,000 go if only \$25,000 was allotted this year.

Mayor Uszenski stated that the \$35,000 was for 1995-96 and the \$25,000 is for 1996-97.

Manager Kelly stated that the village had a choice of how to break it out over three years, so we broke it out \$35,000, \$25,000 and \$15,000.

Manager Kelly further stated that foot patrol costs the village \$40,000. Its a 75% reimbursement.

Beckey Pearson stated that about two years ago a law was passed regarding skateboards. She asked that the law be rescinded because its not enforced anyway.

Mayor Uszenski stated that she would have to write a letter to the board asking for the law to be rescinded and then the board would have to decide if they wanted to act on her request.

Larry Sager asked if the village board was going to testify before the ethics board?

Mayor Uszenski stated no, not yet.

EXECUTIVE SESSION

Trustee Forman moved to hold an executive session pursuant to 105-(e) of the Public Officers Law. Seconded by Trustee Besdesky. All ayes. Motion carried.

VILLAGE OF WALDEN - BOARD OF TRUSTEES MEETING
MAY 14, 1996 - PAGE 12

Trustee Ozman moved to reconvene the regular meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

ADJOURNMENT

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

Respectfully submitted,



Nancy Mitchell
Village Clerk

RESOLUTION NO. 23-95-96

LEVYING VILLAGE TAXES FOR FISCAL YEAR 1996-1997

WHEREAS, this Board by resolution dated April 23, 1996 has adopted a budget and made appropriations for the conduct of the Village Government for the fiscal year 1996-1997, and

WHEREAS, the Village Clerk has this date presented a certificate to the Collector of water and sewer rents indicating on May 14, 1996 the amount of unpaid water and sewer including penalties thereon and a description of real property affected thereby.

NOW, THEREFORE, on motion by Trustee Brodsky and seconded by Trustee Lyan be it,

RESOLVED, that to meet the amount of said appropriations this Board hereby determines that the amount to be raised through taxes on real property in the village for 1996-1997 is \$2,027,825 to be levied against each parcel of taxable property at the rate of \$10.7783 per \$1,000 of assessed valuation, and it is

FURTHER RESOLVED, that the amounts shown on the certified list of unpaid water and sewer rents including penalties computed to the first day of the month following the month in which the fiscal year commences, to wit, to July 1, 1996, the total amount of \$19,683.73 and levied upon the real property in default as indicated in the list annexed; and it is

FURTHER RESOLVED, that the Village Clerk is directed to extend and carry out upon the roll the amount to be levied against each parcel of real property shown thereon and to complete the same on or before May 31, 1996, and it is,

FURTHER RESOLVED, that pursuant to Section 1420, Real Property Tax Law, this Board hereby levied upon all the taxable property in the village, the sum of \$2,027,825 at the rate of \$10.7783 per \$1,000 of assessed valuation and it is,

FURTHER RESOLVED, that pursuant to Article 11-1118 Village Law, and the General Municipal Law Article 14F, Section 452, Subsection 4, this Board hereby includes in the village levy for 1996-97 and levies upon each of the real properties is more particularly described in the certified list annexed, and amount to unpaid water and sewer rent and the penalty thereon computed to July 1, 1996 specified in said certified list, in the total amount of \$19,683.73 and it is,

FURTHER RESOLVED, that the certified list of unpaid water and

sewer rents be made part of the minutes of this meeting, and it is

FURTHER RESOLVED, that the amounts shown on the certified list of lien for services performed by the village, said list in the total \$600.00 by the same hereby are included in the annual tax levy for 1996-1997 and levied respectively upon the parcels of real property set forth on the list, and it is

FURTHER RESOLVED, that the amount shown on the certified list of special assessments, said list in the total amount of \$31,200.00 be and the same hereby are included in the annual tax levy for 1996-1997 and levied respectively upon the parcels of real property set forth on the list.

FURTHER RESOLVED, that the amount shown on the certified list of omitted taxes, said list in the total amount of \$1,193.94 be and the same hereby are included in the annual tax levy for 1996-1997 and levied respectively upon the parcels of real property set forth on the list.

The vote was 5 ayes to 0 naves with 0 abstentions.
The Mayor declared the resolution adopted May 14, 1996.

RESOLUTION NO. 24-95-96

BUDGET AMENDMENT

WHEREAS, the Village of Walden has received revenue from federal aid for the Cop Fast Program, and

WHEREAS, the Office of the State Comptroller has changed the accounting and reporting for registrar fees of vital statistics, and

WHEREAS, it is necessary to amend certain revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Walden that the following amendment be approved:

GENERAL

INCREASE	AMOUNT	AMENDED TOTAL
A1603 Vital Statistics	\$ 750.00	\$ 750.00
A4389 Other Public Safety (Cop Fast Program)	35,000.00	35,000.00
A3121.1 Foot Patrol Personnel Service	35,000.00	117,240.00
A4020.4 Registrar of Vital Statistics	750.00	750.00

Motion to adopt by Trustee Ozman and seconded by
Trustee Wynkoop. The vote was 5 ayes to 0 nays
with 0 abstentions. The Mayor declared the resolution adopted on
May 14, 1996.

RESOLUTION NO. 25-95-96

BUDGET TRANSFER

WHEREAS, it is necessary from time to time to amend certain expenditure accounts to accommodate departmental needs, and

WHEREAS, money is available to transfer into said account.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Walden that the following transfer be approved:

<u>DECREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1325.100 Treasurer Per. Ser.	\$ 4,000.00	\$ 76,425.00
A1440.459 Engineering Misc.	10,000.00	15,000.00
A1640.435 Clothing	400.00	1,800.00
A1910.400 Unallocated Ins.	15,000.00	69,350.00
A1990.400 Contingent Account	40,000.00	-0-
A3120.100 Police Per. Ser.	12,000.00	372,446.00
A3121.438 Uniform Allowance	3,750.00	-0-
A3650.120 Overtime	2,500.00	-0-
A3650.416 Demolition of Bldgs.	10,000.00	-0-
A3122.435 Uniforms	800.00	35.00
A9060.800 Hospital & Medical Ins.	13,000.00	225,406.00
A9710.700 Serial Bonds-Int.	17,845.00	101,224.00

<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1110.120 Overtime	900.00	4,900.00
A1325.201 Office Equipment	225.00	225.00
A1410.201 Office Equipment	800.00	1,350.00
A1620.100 Buildings-Per. Ser.	200.00	22,405.00
A1620.471 Electricity	8,000.00	24,700.00
A1640.201 Misc. Equipment	3,205.00	9,205.00
A1640.100 Central Garage-Per. Ser.	400.00	49,279.00
A1640.410 Gas, Oil, Lube	5,000.00	20,800.00
A1640.411 Auto Maint.	5,000.00	13,000.00
A1640.412 Truck Maint.	6,500.00	23,419.80
A1640.413 Equipment Maint.	4,000.00	11,405.25
A3121.100 Foot Patrol-Per. Ser.	49,260.00	166,500.00
A3121.120 Overtime	4,000.00	7,000.00
A3122.100 Dispatching-Per. Ser.	8,000.00	100,186.00
A5142.120 Overtime	8,205.00	23,205.00
A5142.419 Equipment Rental	5,200.00	9,200.00
A5142.445 Salt and Sand	14,575.00	39,575.00

A6772.481 Adult Services Contract	975.00	9,675.00
A7110.452 Park Maint-Woosters	2,000.00	4,322.00
A7110.471 Electricity	1,500.00	6,200.00
A7180.471 Beach Per. Ser.	1,350.00	17,125.00

SEWER FUND

<u>DECREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
G1910.400 Unallocated Ins.	2,500.00	7,243.00
G1990.400 Contingent Account	3,000.00	-0-
G8120.290 Misc. Equipment	8,000.00	4,000.00
G8130.120 Overtime	1,500.00	4,500.00
G8130.435 Uniforms	600.00	620.00
G9010.800 State Retirement	4,000.00	618.00

<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
G8110.100 Sewer Adm. Per. Ser.	\$ 600.00	\$109,275.00
G8120.120 Overtime	5,000.00	7,000.00
G8120.408 Equipment Maint.	6,000.00	13,600.00
G8120.471 Power For Utilities	8,000.00	28,000.00

Motion to adopt by Trustee Boedeker and seconded by Trustee Ozman. The vote was 5 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on May 14, 1996.

MAY BILL LIST - MAY 14, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-565	AL VALK'S GARAGE	269.73
A-566	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-567	AIR PRODUCTS & CHEMICALS, INC.	29.09
A-568	BELL HERRING, INC.	36.07
A-569	CHAMBERS FORD TRACTOR SALES	218.95
A-570	CIARDULLO PRINTING	350.00
A-571	COUNTRY HARDWARE	134.93
A-572	CHERRY TIRE SERVICE, INC.	15.00
A-573	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,166.66
A-574	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	60.00
A-575	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	538.54
A-576	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	721.60
A-577	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	125.28
A-578	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	103.64
A-579	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	63.90
A-580	GENERAL CODE PUBLISHERS	199.79
A-581	GEORGE'S AUTO PARTS	310.42
A-582	GEORGE'S AUTO PARTS	329.17
A-583	HART MARC	47.10
A-584	HOWLAND JOHN	68.56
A-585	HUMANE SOCIETY OF WALDEN	18.00
A-586	IRVING NESS COMPANY	74.00
A-587	JIM SMITH CHEVY	462.52
A-588	PAGE NEW YORK	25.00
A-589	MAYBROOK MATERIALS, INC.	974.79
A-590	MAYBROOK MATERIALS, INC.	162.05
A-591	MID HUDSON COMMUNICATIONS	126.12
A-592	MID HUDSON COMMUNICATIONS	167.50
A-593	MITCHELL NANCY	60.00
A-594	MORIE, CO.	1,315.32
A-595	McCOSKERY TOM	220.00
A-596	NEWBURGH ELECTRICAL SUPPLY	72.00
A-597	NYCOMCO	125.00
A-598	OR CO. SANITARY LANDFILL	544.05
A-599	PINE BUSH EQUIPMENT	150.00
A-600	PINE BUSH EQUIPMENT	70.50
A-601	PINE HILL TRAIWAY	994.00
A-602	PITNEY BOWES	1,001.94
A-603	PURE CORP	117.50
A-604	QUALITY SERVICE CENTER	45.00
A-605	SANWA LEASING CORP.	135.00
A-606	WICKES LUMBER	220.43

MAY BILL LIST - MAY 14, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-607	SIRCHIE FINGER PRINT LAB.	70.71
A-608	STIEFEL RESEARCH INSTITUTE	10.84
A-609	SYRACUSE RADISSON PLAZA	377.88
A-610	THRUWAY SHOPPING CENTER	42.98
A-611	THRUWAY SHOPPING CENTER	48.71
A-612	TIMES HERALD RECORD	45.36
A-613	WALDEN AUTO SUPPLY	36.68
A-614	WALDEN AUTO SUPPLY	51.28
A-615	WALDEN AUTO SUPPLY	85.65
A-616	WALDEN PLUMBING & HEATING	68.50
A-617	WALLKILL VALLEY TIMES	6.55
A-618	MID HUDSON OFFICE SUPPLY	31.95
A-619	MID HUDSON OFFICE SUPPLY	56.48
A-620	MID HUDSON OFFICE SUPPLY	42.95
A-621	MID HUDSON OFFICE SUPPLY	19.92
A-622	EXPANDED SUPPLY PRODUCTS, INC.	42.93
A-623	WILLIAMSON LAW BOOK CO	215.28

15,138.05

MAY BILL LIST - MAY 14, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-135	COUNTRY HARDWARE	137.59
F-136	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	416.67
F-137	PAGE NY	6.75
F-138	SHARE CORP	105.26
F-139	SURPASS CHEMICAL, CO.	1,140.00
		<u>1,806.27</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-138	CHAMPION SUPPLIES, INC.	55.00
G-139	CONKLIN ROBERT	125.00
G-140	F & G ELECTRIC MOTOR, INC.	375.00
G-141	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	514.65
G-142	WALDEN AUTO SUPPLY	6.98
G-143	WILLIAMS KYLE	7.05
G-144	COUNTRY HARDWARE	123.72
G-145	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
		<u>1,624.07</u>

MAY BILL LIST - MAY 14, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	RBI CONSTRUCTION MUNICIPAL BLDG	60,800.00
CAPITAL ACCOUNT #82	CANALE ELECTRIC	15,372.00
CAPITAL ACCOUNT #82	DEMBERG BROTHERS, INC.	13,050.00
CAPITAL ACCOUNT #82	CAPITAL SAFETY, INC.	3,899.71
CAPITAL ACCOUNT #82	LIEBMAN-HURWITZ & ASSOCIATION	1,000.00
CAPITAL ACCOUNT #82	ADVANCE TESTING CO.	190.00
CAPITAL ACCOUNT #82	ADVANCE TESTING CO.	150.00
CAPITAL ACCOUNT #82	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	51.73
CAPITAL ACCOUNT #82	IPPCO, INC.	550.00
CAPITAL ACCOUNT #82	NYSGE	165.89
CAPITAL ACCOUNT #82	THRUWAY MARKET	56.54
CAPITAL ACCOUNT #86	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	193.92
COMMUNITY DEV UDAG	SACCARDI & SCHIFF, INC.	950.00
SMALL CITIES - 92	R.W. MECHANICAL, INC. 144 WEST MAIN STREET	6,770.00
SMALL CITIES - 92	R.W.MECHANICAL INC 106 FIRST STREET	5,665.00

MAY BILL LIST - MAY 14, 1996

PERPAID BILLS

GERNERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	11.73
	BELL ATLANTIC NYNEX	26.74
	BELL ATLANTIC NYNEX	24.75
	COASTAL REFINING & MARKETING, INC.	276.36
	COASTAL REFINING & MARKETING, INC.	322.00
	COASTAL REFINING & MARKETING, INC.	166.83
	FRONTIER COMMUNICATIONS	28.31
	FRONTIER COMMUNICATIONS	466.14
	FRONTIER COMMUNICATIONS	353.78
	FRONTIER COMMUNICATIONS	338.73
	NYSEG	446.76
	NYSEG	2,196.77
	NYSEG	62.62
	NYSEG	5,534.98
	WAREX	1,493.90
	PETTY CASH	24.40
		<u>11,774.80</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	581.73
	COASTAL REFINING & MARKETING, INC.	123.94
	FRONTIER COMMUNICATIONS	78.17
	NYSEG	2,513.31
	POSTMASTER	79.60
		<u>3,376.75</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	53.56
	NYSEG	219.81
	NYSEG	4,584.30
	POSTMASTER	79.60
		<u>4,937.27</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, April 23rd, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 NYSEG Street Light Authorization - Maple Street Parking Lot
 - A.2 Resolution No. 17-95-96 Village Election Registration
 - A.3 Resolution No. 18-95-96 Adopting 1996-97 Annual Budget
 - A.4 Res. No. 19-95-96 Adopting 1996-97 Recreation Fee Schedule
 - A.5 Resolution No. 20-95-96 Surplus Village Equipment
 - A.6 Authorization to Exceed \$10,000 For Small Cities Projects (4)
 - A.7 Payment of Audited Bills For April 23rd, 1996
 - B. DISCUSSION ITEMS
 - B.1 Intro. Local Law I-2 Amending Chapter 148 - Zoning Code
 - B.2 Review of Village Code Chapter 47 - Abandoned Vehicles
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Request to Hold Fireman's Parade on August 24th, 1996
 - D.2 NYCOM Letter Re: Expansion of Notice of Defect
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
APRIL 23, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Martin Besdesky
Chris Forman
Roy Wynkoop

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of April 9th and 15th, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

NYSEG STREET LIGHT AUTHORIZATION - MAPLE STREET PARKING LOT

Trustee Ozman moved to authorize the NYSEG street light agreement for the Maple Street parking lot at an annual charge of \$288.06. Seconded by Trustee Besdesky. All ayes. Motion carried.

RESOLUTION NO. 17-95-96, VILLAGE ELECTION REGISTRATION

Trustee Forman stated that the village could have two registration days.

Trustee Ozman stated that he was always been troubled by the low voter participation in the village and he has always wanted to increase the voter participation not decrease it. He understands the issues that have been raised and he understands that there are some circumstances where people presented names and perhaps those names didn't correlate or were misspelled or there were problems personally, because he has always worked to increase the participation, he doesn't feel he could support the resolution. He understands the motivation for the resolution however, he also understands the fact that it may cause some difficulty or some extra work, but more than that accuracy of records

and he thinks that is the reason for the resolution. He would like to see this situation remain similar to how it remains in other small villages. He believes in most small villages you can register people. He doesn't like to see this registration being taken advantage of. He knows during the past election there may be a number of people registered at one time or another. The only question he had for the clerk was aside from this election year did she experience this problem repeatedly over the past ten years or so?

The clerk stated no.

Mayor Uszenski stated that he's gone out and gotten people registered, how do we know they are qualified voters.

Trustee Forman moved to adopt Resolution No. 17-95-96, Village Election Registration, (attached). Seconded by Trustee McGuckin. On roll call Trustees McGuckin, Forman, Besdesky, Wynkoop and Mayor Uszenski voted yes. Trustees Ozman and Ryan voted no. Motion carried.

RESOLUTION NO. 18-95-96 ADOPTING 1996-97 ANNUAL BUDGET

Mayor Uszenski stated that the Board of Trustees have held their public hearing and have had four work sessions. The final changes to the budget are; increase Board of Trustees salaries \$2640.00, total \$15,000, Mayor increase of \$410.00, total \$3,500.00, Election Inspectors, increase \$330.00, total \$875.00, service contract increase \$1,210.00, total \$4511.00, communications equipment increase \$26,069.00, total \$28,853.00, laborer increase \$105.00, total \$70,720, and Wesley Hall increase \$500.00, total adult services \$9,200.00. The decreases are; office equipment from \$500. to zero, laborer from \$23,588 to zero, dispatcher, full time, \$8,050, new total \$60,341, radio maintenance from \$18,300 to zero, equipment rental \$7,379 to zero, service contract \$390 to \$1,620, hospital and medical insurance \$5,500 to \$236,599, equipment rental \$1210 to \$225 and Village Justice \$841 to \$14,000. The real property tax rate for 1996-97 as result of the annual budget is hereby fixed at \$10.7783 per \$1,000 of assessed valuation.

Manager Kelly stated that the total of the changes is a reduction of \$34,494 which will represent a 1.2% tax increase over 1995-96.

Judge Meisel stated that three years ago he had an agreement with this board. This board is reneging on its agreement. The agreement was for parity with the Town of Montgomery. At that time they discussed it and the two main reasons for the parity was the Town of Montgomery with equal pay for equal work and to eliminate excess pressure from the board on the court through financial consideration. One member of the board, Trustee McGuckin, asked if the judge would wait for increments to be paid off by and the judge said fine, there is no problem whatsoever. However, he finds that the board is reneging on the agreement. Parity still wouldn't be reached with the Town of Montgomery, we'd always be a year behind. This would settle problems

with the board and undo influence over the court. There is one member of the board in particular that tries consistently to put undo influence on the court in one way or the other. He is the one who initiated this move. Its a matter of principal. He had an agreement with this board and he expects this board to live up to its agreements.

Trustee Besdesky stated that he was unable to be at last nights work session and he asked that the mayor brief him on the work session.

Mayor Uszenski stated that the manager researched the original letter that the judge had written to the board and the board reviewed that letter. The part of parity is in the letter, but there are some questions as to whether it was the \$14,000 that the board considered as parity, at that time and that was the limit.

Trustee McGuckin asked to have that explained again.

Mayor Uszenski stated that at the time when this was started the town judges were at the \$14,000, that was their salary three years ago. The board agreed to parity, parity is a little vague as to whether the \$14,000 was the parity mark that the board decided on or whether the judges interpretation of continual parity with what the town continues on further. Last night the board decided on the \$14,000 to be presented to the full board.

Mr. Meisel stated that if the parity was given in the first year, the amount would be exactly the same, matter of fact, the amount asked for is the same they are getting this year, they will have more next year, because they will be getting a raise.

Trustee Ozman stated that his understanding was a little bit different, but not entirely. He remembers they spoke about the \$14,000 figure.

Mr. Meisel stated no, we spoke about parity. The minimum mentioned, \$14000 was what the town was being paid at the time. The memo also mentioned that the Town of New Windsor judges at that time were being paid \$20,000 and \$22,000. The Town of Newburgh was being paid \$35,000 and \$42,000 and at that time he was being paid \$5,300.

Trustee Ozman stated that he thinks there was quite a variation between \$5300 and \$14000 and when they did have that discussion the board did decide to increase the salary.

Mr. Meisel stated that the board decided on parity with the town.

Trustee Ozman stated that the question he would have is should the board be obligated to continue parity if for some reason the one of the Town of Montgomery justices decided to resign and the Town Board decided to do away with that position and increase the single judge that remained to \$25,000, would...

Mr. Meisel interrupted, Mr. Ozman, if a star fell out of the sky and

hit us here today, what would happen, you're hypothetical is totally without foundation.

Trustee Ozman stated that, no judge its not without foundation, because his question is, is the...

Mr. Meisel interrupted, what makes you think the Town of Montgomery is going to raise their salary to \$25,000?

Trustee Ozman stated that he is just trying to present a reasonable hypothetical. If the judge was to present a hypothetical he would be happy to listen to him. His point is should the village be obligated to increase the position, this is personal between the board and himself, its between the board and the judges court, which is a coequal branch of government.

Mr. Meisel stated that some on the board don't realize this however.

Trustee Ozman stated that his point is, and he brought this up at a work session, the question is should the Village Board be obligated to increase the salary of the Village Justice proportionately with the increase that the town would give their Town Justice for an indefinite period of time. If the town decides to increase their justice position by \$5000 next year, should the Village Board be obligated to increase their Village Justice by \$5000?

Mr. Meisel stated that the board should do it, the board agreed last time on parity. Parity is a very simple word, with a very simple meaning. In addition, if the board of the Town of Montgomery decided to cut the salary in half, if the parity is agreement, the salary would be cut in half. Parity works that way. Principal involved is what bothers him more than anything. He had an agreement with this board and he feels this board is renegeing on its agreement. Mr. Wynkoop is not privy to what went on that time, being new on the board.

Mayor Uszenski stated that in all respect to the judge the board did raise his salary in three years from \$5500 to \$14000. He is still the Village Justice no matter what the work load, you're not a Town Justice. The board has heard it all before, the number of work load, the number of cases, the judge presented it all before.

Mr. Meisel stated, let me present it again. There is a police budget of one million dollars. The work done by the police comes to some place. It comes to the court, that is where it comes. You have a full time police department that is very active in this village. The town has no police force, a couple of part timers. The work load of both is the same, if not more in the village. The two principals, the agreement that was made was equal pay for equal work and to take the politicizing out of the court by having a set salary.

Mayor Uszenski stated that there are two opinions to that side and the village decided that parity was to that at this point.

Mr. Meisel asked if the mayor was speaking for the entire board now?

Mayor Uszenski stated that he is speaking for the entire board that was present at last night's meeting and what was decided unanimously.

Mr. Meisel stated that there was no sense of him addressing the board then if this is complete, which is what the mayor is indicating. In addition the attorney to the village was sitting in the chair, that is currently occupied by Mr. Dowd now, when the agreement was made.

Mayor Uszenski stated that he feels in all fairness to the taxpayers he thinks the judges increase over the past three years is fair.

Trustee Besdesky stated that there is something about this that bothers him, if both sides were sure of what was agreed to then he would vote for it accordingly, but from what he is gathering, there is no complete agreement as to what the agreement was. Was it parity ongoing or was it \$14,000 and quit. If it's that then okay.

Trustee McGuckin stated that is the point that he would like to make. His point with parity is parity. If that is what it is then it's equal pay.

Mr. Meisel stated especially for the fact of waiting to get it for years.

Trustee Besdesky stated that it's a question of what was agreed upon.

Trustee McGuckin stated that he truly agrees that the board agreed to parity. He doesn't know that \$14,000 was it.

Mr. Meisel stated that was his recollection, they discussed parity, the amount was insufficient.

Trustee McGuckin stated that \$14,000 was the amount discussed then.

Mr. Meisel stated that was their salary at that time, but we were talking to parity, not to salary.

Trustee Ryan stated that he would like to shed his recollections of the evening. He didn't like the term parity so he tried to be more specific with his questioning of when they were discussing what the goals were. His question at that time was, you're looking for \$14,000 over three years which would be at the end of the judges term. It was agreed upon then. He's not in favor of the scenario where another municipality controls our budget. He is not in favor of not having the ability of controlling our own budget. His recollection of the evening in question is clear. He asked a specific question, he got an answer in the affirmative and that is the number he is sticking to.

Trustee Besdesky asked where Trustee Ryan got the answer from?

Trustee Ryan stated the judge.

Mr. Meisel stated that he got no such answer from him. His whole point of the whole thing was parity. At the same time he offered to serve for nothing.

Trustee Ryan stated that he questioned the judge on that and he back tracked immediately.

Mr. Meisel stated that he did not backtrack.

Trustee Ryan stated that he throw in more things into the discussion.

Mr. Meisel stated that he said he would be happy to serve for nothing, if the entire board did the same. If the village was that hard up he would be happy to serve for totally nothing. Trustee Ryan called him two days later at his house and asked if the agreement still went and the judge said no problem at all, he'd be happy to, but the board serves totally for nothing too, including medical and retirement, which he does not receive.

Trustee Ryan stated that is where he changed his...

Mr. Meisel interrupted stating that at that time Trustee Ryan told him that would never fly.

Trustee Ryan stated that at this point the judges recollection is not the same as his and that the judges outlook was parity and his was never parity and he was asking for a specific dollar amount. He got a statement from the judge to say it was...

Mr. Meisel interrupted stating to Trustee Ryan that when the motion was passed and went around the table for parity Trustee Ryan voted against it.

Trustee Ryan stated yes, and that he wasn't in favor of increasing the judges fee at all. As an elected official he doesn't feel its proper.

Trustee Besdesky stated that his point is, what agreement was made and unless we can speak of complete assuredness. He was there but he can't say whether it was one or the other.

Trustee McGuckin stated that his recollection is they agreed to parity. That is not saying its the same for next year. His recollection is over a three year period of time to bring him up to what the town was going to present. If that agreement wants to differ in the fourth year that is something they can speak to.

Trustee Ozman stated that is a very important point and once again he will raise that point. That is what he attempted to raise at the work session and he thinks there should be a record of where this is going

to go in subsequent years and what the boards understanding is and there needs to be a record of that understanding, because this is something that doesn't make sense to go through every year.

Trustee McGuckin stated that he doesn't disagree that he doesn't want to be controlled by another municipalities budget, but what he recollects is the agreement that was made and they said they would do it over a three year period of time and the dollar amount he can't say, but he does remember the work parity.

Trustee Ryan stated that he remembers the word parity that year a lot.

Trustee Besdesky stated that this would be the third and last year of the term and we're talking about \$841.00 and that would complete the parity up to this time. He doesn't want someone walking out of here and say the board is renegeing and unless someone can show him 100% that the board is right and the person is wrong, then he has to be wrong with his recollection, which is parity. If it means \$800 to keep his honor than he wants to spend it.

Trustee McGuckin stated that what is done in year four is for the board to sit down and discuss at a later date.

Trustee Besdesky stated that his idea would be to go with the \$841. and complete the agreement.

Trustee Ozman stated that Trustee Besdesky's understanding is its a three year agreement, is that correct?

Trustee Besdesky stated yes.

Trustee Ozman asked if it was the judges understanding?

Mr. Meisel stated that his understanding is it was an agreement to parity to bring fruition in three years.

Trustee Ozman asked what the judges understanding was for the fourth year?

Mr. Meisel stated that this is the exact reason for this, to stop this type of thing. We have our property assessed by the town and nobody is upset with that. The Town of Montgomery isn't an irrational board, they're not going to do anything any different than any other rational board would do. What he was trying to do was take this board out of the political arena because of one member in particular who wants to manipulate the court and he will not permit it. This is a matter of principal of trying to avoid manipulation or attempted manipulation of the court.

Trustee Uszenski asked Mr. Meisel to answer Trustee Ozman's question.

Mr. Meisel stated that he did, he said his understanding if it was

parity to bring forth of fruition in three years.

Mayor Uszenski stated that the board does not have to adopt this budget tonight, they can have another work session and there can be a special meeting. The budget has to be adopted by May 1st. If a work session is held he would expect everyone to be there.

Trustee Ryan asked what the purpose of the special meeting would be?

Mayor Uszenski stated to discuss this single item and decide on what the board wants to do.

Trustee Ryan stated that he is not interested in coming back to discuss this same thing again.

Manager Kelly stated that last night he spent some time before the meeting going through the minutes to see if there was anything on the record which defined the term of the parity. The judge indicated to the manager that parity does not stop with a three year term. Parity continues forever. That is part of this discussion and that needs to be defined too, because two years ago the number was \$14,000, and it was an unknown as to what the town was going to do during the following two years, so you're dealing with an unknown. Now you have a known, because you know what the salary increases have been for the past two years, so the issue now is the \$841 which is the additional paid to the town during that two year period, is that part of what you're understanding was or not. The other issue is what happens from this point forward. You agreed to parity at the end of the term and the end of the term is this year. The judge should clarify, if he believes the position of the court, the salary should always be set by the Town Board then that is an issue that this board needs to be aware of too, because that is another issue that has become part of this whole point. He found nothing in the record except the resolution when the board restored the funding two years ago from the original recommended \$8000 and the board restored it to \$5600 plus whatever the 3% was. There is no written agreement which says this is what it means over the final two years. He doesn't know what the discussion was as to what happens in years two, three, four and ten years down the road. The point was never reached. The issue was what do you do to increase the salary and how many years do you phase it in. That was the extent of the discussion. The argument now is what is the definition of parity. The manager cannot give the board any other record as to what the board resolved that issue to be.

Trustee Ryan moved to adopt Resolution No. 18-95-96, Adopting 1996-97 Annual Budget, (attached). Seconded by Trustee Forman.

Trustee Ozman stated that if the consensus of this board is that parity was a three year issue, he will support parity as a three year issue and that this matter should be taken up next year. The board at that time will have to sit down with the judge and decide where to go at that point. He will support what the consensus of the board is

relative to parity.

On roll call Trustees Ryan and Forman voted yes. Trustees McGuckin, Ozman, Besdesky and Wynkoop voted no. Motion defeated.

Trustee McGuckin moved to bring the judges salary up to parity with the town over a three year period, \$14,841. Seconded by Trustee Besdesky. On roll call Trustees McGuckin, Ozman, Besdesky and Wynkoop voted yes. Trustees Ryan and Forman voted no. Motion approved.

Trustee Ozman stated that he needs to rebut a couple of comments. The judge had indicated openly that undo influence was placed upon the courts...

Mr. Meisel interrupted, attempted.

Trustee Ozman stated ^{or was} attempted to be placed upon the courts and he wants to say publicly that he has absolutely no knowledge of this board or himself individually placing any type of undo influence on the Village of Walden Justice Court. He thinks that is rebutted at this time of the meeting.

Mr. Meisel stated that he would like to contribute to whatever charity Mr. Kelly picks out for the village, the money in question. As far as he is concerned it is a matter of principal not a matter of money.

Manager Kelly stated that he doesn't know how he could do that.

Trustee Ryan stated that the judges comments do require a statement and he thinks it needs to come from the judge. If he has an allegation, state it, make it, and drop it or leave it alone.

Mr. Meisel stated that if he wished to name the person involved he would have named them right out.

Trustee Ryan stated that to beat around the bush and not shoot the bird does you no good. You influenced, or made peoples reputations, the whole boards slander, if he has a comment to a board member, make to their face in a public forum like this. He thinks it is showmanship.

Trustee Ozman stated that he agrees. The statement casts dispersion upon this entire board.

Mr. Meisel stated no, it casts dispersion on one particular member.

Trustee Ozman stated that since that member is not named it casts dispersion on this entire board and further more by not naming the member the member cannot have an opportunity to address both the judge, the public and the rest of the board members and defend ^{himself} ~~itself~~.

Mr. Meisel stated that he is also going to protect his position as far as being brought to court on either a liable or something like that.

He has no intentions of naming anybody specifically because of any legal ramifications, but there is one person particularly who in three particular instances within the past couple of months has attempted undo influence on the court.

Trustee Ozman stated, just so there are no legal improprieties the board will take that as the judges opinion and that way there won't be any legal ramifications to himself. ^{the} He further stated to the judge that if he really feels that someone has attempted to exert undo influence wrongfully or unlawfully, he thinks that should be addressed through the proper forum.

Mr. Meisel stated that Mr. Ozman is an attorney and he knows he has no right to grant the judge any type of immunity from any type of suit, so anything Trustee Ozman is saying to him is fallacious.

Trustee Ozman stated that he totally disagrees with the judge, he's talking about some legal issues and he is not going to address the propriety or impropriety, legality or illegality of those legal issues that the judge addressed. The issue he wants to address is that there should be no question in anyones mind as to the propriety of the conduct of this board. The allegation that the judge presented this evening raises that issue and he thinks it needs to be dealt with one way or another to put it to rest.

Trustee McGuckin suggested this be brought to the Ethics Board.

Mr. Dowd stated that the board doesn't know what the allegations are to refer to the Ethics Board.

Trustee Ryan stated that at times he has criticized the court, he has criticized after a public member came in and questioned an outcome and no response was given, properly, but the judge did make himself available and spoke to Trustee Ryan in private. The other item he questioned was the workmans compensation where he believes that added cost to the taxpayer and he asked why it can't be part of the fee for penalty of the decision of the court. To his knowledge those were the only two incidences of his attention towards the court. At no time has he ever sat in during court. He can't fathom an individual coming in here making an allegation against elected public officials and then hide behind that I'm afraid I may lose money on the deal. Say it straight or drop it.

Mr. Meisel stated that he said what he had to say.

AUTHORIZATION TO EXCEED \$10,000 FOR SMALL CITIES PROJECTS (4)

Mayor Uszenski stated that ten bids were received on this project and the lowest was \$11,475, which was even over the staff estimate.

Trustee Forman moved to authorize Small Cities Case Profile No. 94-46 to exceed \$10,000. Seconded by Trustee McGuckin. All ayes. Motion

carried.

Mayor Uszenski stated that the bid on this project cost is \$11,905 and the staff estimate was \$11,835.

Trustee Besdesky moved to authorize Small Cities Case Profile No. 94-12 to exceed \$10,000. Seconded by Trustee Forman. All ayes. Motion carried.

Mayor Uszenski stated that the project cost for Case Profile No. 94-32 is \$16,405 including the heating.

Mr. Barnes stated that this is a large house that just hasn't been maintained.

Trustee McGuckin moved to authorize Small Cities Case Profile No. 94-32 to exceed \$10,000. Seconded by Trustee Ryan. All ayes. Motion carried.

Mr. Barnes stated that Small Cities Case Profile No. 92-46 is a very deteriorated two family house. They are almost through the initial job. Looking at this job they realized the the homeowner has been living in what was the basement. The living conditions are bad. They look at this and said, what would it take to get her a safe furnace area, a real bathroom and a couple other things. You are going to push the job up to \$40,000. Right now we are up to \$28,410 and we will be receiving a change order for \$2,000 to \$3,000 for the plumbing and bathroom repairs, clearing the sewer line. The change order proposed by the contractor comes to another \$10,760.

Trustee Ryan asked how this effects the program for the area?

Mr. Barnes stated that they are just nearing the end of the 1992 program and this is one of the last cases. They might have to look at the HODAG money. It puts a lot of pressure on the remaining balance. He did an analysis of the HODAG funds. We have a little over \$107,000 as the balance and out of that the village has committed \$18,000. The village has committed \$80,000 to the project on Main Street so that gives the village \$9,000 to work with. The village is expecting a payment of \$20,000 some time in June. The other question on this is since this work is essentially discrete from the work that is being done now, perhaps it would be a good idea to bid this out rather than accepting an enormous change order.

Trustee Wynkoop moved to authorize Small Cities Case Profile No. 92-46 to go out to bid for the change orders. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mr. Barnes stated that Profile No. 93-61 is a two family house. They have just signed the contracts. This is a house that has caused numerous complaints. The homeowner has been in court for violations. While signing contracts they noticed that one of the items is

demolishing the garage and the garage is full to the rafters with junk and there is an enormous pile of junk next to the garage.

Manager Kelly stated that he feels the village should wait until the job is underway to determine the extent of any potential change orders before agreeing to these.

Trustee Ozman moved to move forward on Small Cities Case Profile No. 93-61 and to rebid the change orders. Seconded by Trustee McGuckin. All ayes. Motion carried.

RESOLUTION NO. 21-95-96, ADOPTING 1996-97 ANNUAL BUDGET

Trustee McGuckin moved to adopt Resolution 21-95-96, Adopting the 1996-97 Annual Budget, (attached) setting the tax rate at \$10.7783 per \$1,000 of assessed evaluation. Seconded by Trustee Besdesky. All ayes. Motion carried.

RESOLUTION NO. 21-95-96, FEES AND CHARGES

Trustee Besdesky moved to adopt Resolution No. 21-95-96, Fees and Charges, (attached). Seconded by Trustee Ozman. All ayes. Motion carried.

RESOLUTION NO. 19-95-96, ADOPTING 1996-97 RECREATION FEE SCHEDULE

Trustee Ozman moved to adopt Resolution No. 19-95-96, Adopting 1996-97 Recreation Fee Schedule, (attached). Seconded by Trustee McGuckin. All ayes. Motion carried.

RESOLUTION NO. 20-95-96, SURPLUS VILLAGE EQUIPMENT

Trustee Ryan moved to adopt Resolution No. 20-95-96, Surplus Village Equipment, (attached) and to set a minimum price of \$.50 per light fixture. Seconded by Trustee Ozman.

Mr. Clifford asked how old the light fixtures were and are they florescent?

Manager Kelly didn't know the age of the fixtures, but he did advise Mr. Clifford that they were florescent.

Mr. Clifford asked if they were PCB ballast?

Manager Kelly stated no.

Mr. Clifford stated that if they are they can't be sold.

Trustee Ozman stated that under the agreement with Fred Fayo he wanted to make sure that there was a clarification of the understanding that the village had with him. He saw his note in the board packet and the part about the chance for another door, he presumes that is for more

work.

Manager Kelly stated that the issue of the second door is the same, if we're going to surplus something and get little or no return on it, we can get labor out of the job.

All ayes. Motion carried.

AUDITED BILLS

Trustee McGuckin moved to pay the audited bills of April 23, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

INTRODUCTORY LOCAL LAW NO I-2 OF 1996 AMENDING CHAPTER 148-ZONING CODE

Mr. Dowd stated that after section one of the local law, section two is the church sign that the board was discussing at the last meeting. This is based upon the attorneys conversations with the village manager and the investigation of the church signs throughout the village. This will accommodate the request and also put most of the signs if not all the signs into compliance allowing them a twenty four square foot announcement sign, set back at least fifteen feet or mounted on the wall of the church and property that is abutting on two streets they would have twenty four square feet on each side. Section three, section four, section five are all the state legislative enactment's from 1992-93 on zoning boards and planning boards with all the new time limitations, all the new criteria for area and use variances and also creating a new section for special exception use public hearing procedures. Section six and seven are penalty provisions. For the variance provisions he took out the provision the village had in their code about posting a sign on the property that is seeking the variance. No one else has that section in their code. There may be other things in the zoning code that the board may want to look at at a later date.

Mr. Dowd further stated that this local law has to be referred to the Planning Board for their report and recommendation as well as the Orange County Planning Department.

Trustee McGuckin introduced Introductory Local Law No. I-2 of 1996, Amending Chapter 148, Zoning Code.

Trustee McGuckin moved to hold a public hearing on Introductory Local Law No. I-2 of 1996, Amending Chapter 148, Zoning Code on May 28, 1996 at 7:45 P.M. Seconded by Trustee Ozman. All ayes. Motion carried.

REVIEW VILLAGE CODE CHAPTER 47 - ABANDONED VEHICLES

Mayor Uszenski stated that a new thought was to issue permits to these vehicles.

Manager Kelly stated that one of the concerns with permits is it is record keeping to note where the car is, the current condition, whether

or not they are in compliance and there is a constant checking required to see if there is any progress. One of the items discussed was whether or not this might in fact help everybody if the criteria were established which allowed for unlicensed, unregistered vehicles that are in some state of disrepair for the purpose of restoration or other issues which are a concern. The village is more concerned with the unregistered or unlicensed vehicle that is in a state of total disrepair as opposed to the car parked in somebodys driveway with a for sale sign on it, that is otherwise in very good condition. Some type of permit for the purpose of registering these vehicles so that Mr. Stickles has away of checking on the status. Should it get to a point where enforcement is required or prosecution, this permit and the contents then become an instrument that could be used at that time both in support of the village having to prosecute for delinquency or violation of a permit. You may be able to use the existing code and add another provision that a permit is required or if you're not in compliance you give them thirty days or sixty days or whatever, subject to renewal, and violations of the permit would be handled as a penalty.

Trustee Besdesky moved to table review of Village Code Chapter 47, Abandoned Vehicles. Seconded by Trustee Ryan. All ayes. Motion carried.

REQUEST TO HOLD FIREMAN'S PARADE ON AUGUST 24, 1996

Mayor Uszenski stated that a letter was received from the parade committee of the Walden Fire Department requesting permission to hold the Fireman's Parade on August 24th. They are also requesting that the board waive the open container law and allow drinking both at line up and in Bradley Field.

Trustee Forman moved to grant permission to the parade committee of the Walden Fire Department to hold the fireman's parade on August 24, 1996. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Forman moved to deny the request of the parade committee to waive the open container law. Seconded by Trustee Wynkoop.

Trustee Ryan asked the attorney if in approving a one day incident at the park or a one day incident to allow the open container law to be waived is the village in any liability for accidents or personal injuries that are caused to any of the individuals?

Mr. Dowd stated that is why his advice was not to waive the open container law. There are concerns that he has as to liabilities when this board affirmatively takes an action that would allow the use of alcoholic beverages at a public place or the village dispensing alcoholic beverages at a specific place. The village code has an exception where the board can grant special permission for the use of alcoholic beverages. Section 112, under parks, you also have to give expressed permission for the use of alcoholic beverages in the parks. Many villages refuse to waive the open container law then they don't

VILLAGE OF WALDEN BOARD OF TRUSTEES MEETING
APRIL 23, 1996 - PAGE 15

enforce it, so they are not affirmatively waiving anything that encourages the activity.

All ayes. Motion carried.

Trustee Besdesky moved to grant the parade committee of the Walden Fire Department permission to serve or distribute beer to appropriately age individuals on the afternoon of August 24, 1996 until dusk in Bradley Park. Seconded by Trustee Ryan.

Trustee Forman stated that the village stopped giving permission to the fire department to serve alcoholic beverages at the fireman's fair for a reason and that is why he will be voting no.

On roll call Trustees Ryan, Ozman, Besdesky, Wynkoop and Mayor Uszenski voted yes. Trustee Forman voted no. Motion carried.

NYCOM LETTER RE: EXPANSION OF NOTICE OF DEFECT

Trustee Ryan moved that the village send a letter to our legislators to pass legislation in support of expansion of notice of defect. Seconded by Trustee Forman. All ayes. Motion carried.

PUBLIC PORTION

Mayor Uszenski informed the public that they will be limited to one item tonight because of the time.

Larry Sager, 78 Orchard Street stated that the judge gave the board a letter and in that letter he gave the impression that he was going to resign if he did not get brought up to parity to the Town of Montgomery. Does the board feel that what they did for the judge is justice for the people? He is an elected official, the village has no control over his work. He took an oath of office to serve the people, not to serve the Town of Montgomery based on their salaries. He has been to the judges court. Now, tell him how the board feel they've done justice to the tax payer. If it is true that he gave a letter of resignation he would have called him up on the carpet and told him to go. Its a shame that you are chicken.

Mr. Meisel read the letter that was sent to the board, which stated: Gentlemen, let me preface my forth coming comments with the fact that I've accepted an elected position and will fulfill it to the best of my ability regardless of the time required to accomplish this. In the three years that I have been Village Justice neither time expended, nor financial remuneration have been mentioned. I am sure that many of the board members think that the only time expended is a few hours, three times a month, while court is actually in session. However, nothing could be further from the truth. In addition to bench and jury trials several different types of hearings the court is responsible for criminal violations, misdemeanor code violations, as well as vehicle and traffic offenses. Additional time is also expended in

arraignments, issuances of arrest, search warrants, not to mention conferences, motions and response to motions with both defense and district attorney. Included ancillary research required for your aforementioned processes. Walden having a full time police department naturally increases the volume of work for the court. Knowing that a great deal of time was being expended I endeavored to keep the daily account of the time expended as part time justice from the 1st day of January up until and including February 28th, 1994. From January 1st, 1994 until January 31, 1994 the courts activities encompassed 29 out of the 31 days of January for a total of 124 hours. February 1st until February 28th, 1994 the court activities encompassed 25 out of the 28 days for a total of 88 hours. No other village in the area has a full time police department. In fact the Town of Montgomery has only one full time police officer, with the magistrate compensated at a rate of \$14,000 a year. The activities generated in Walden fall somewhere between the Town of Montgomery and the Town of Newburgh and New Windsor. For the edification of the board the following salaries for part time judges in respective communities: Town of Montgomery, 2 judges part time, \$14,000 each, one full time police officer, Town of New Windsor, two judges part time, \$20,000 and \$22,000 respectively, the police department is approximately one third larger than Walden, Town of Newburgh, two judges part time, compensation \$35,000 to \$42,000, the police department is twice the size of Walden, Village of Walden, one acting judge and one part time judge, part time judge \$5300 with a police department of 9 full time officers and 15 part time officers. In addition the judges in the aforementioned communities receive both medical coverage and retirement. I do not receive either and thereby resulting in additional savings to the village. Gentlemen, I cannot help but feel remuneration for the position of Walden Magistrate is inadequate and should at least be commensurate with the Town of Montgomery. The massive disparities in salary is probably mine in part from not having said anything and assuming the actions of the court will be recognized and the remuneration be brought into line with the other jurisdictions with similar work and activity levels. As in the past I will not put a dollar figure on the salary of village magistrate in the court budget but rather will let the salary be determined by the manager and the board. I would rather than you consider a raise make a total reevaluation of the village justice position with salary commensurate with the duties and responsibilities of same.

Mr. Sager stated that is not the way it was presented to the people. The impression the people got was...

Mr. Meisel interrupted stating that he knows and he took a beating in the paper like he was a money grubbing so and so.

Mr. Sager stated, that proves his point people, you need people in here.

REPORTS - MAYOR-

Mayor Uzenski stated that the board will schedule a work session in May to discuss goals for next year.

ADJOURNMENT-

Trustee Besdesky moved to adjourn. Seconded by Trustee Ozman. All ayes. Meeting adjourned at 9:55 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written over a horizontal line.

Nancy Mitchell
Village Clerk

RESOLUTION NO. 17-95-96

RESOLUTION offered by Trustee Forman,
seconded by Trustee McBuckin.

PURSUANT to Section 15-118 of the Election Law the Board of Trustees of the Village of Walden has determined that personal registration be required for Village Elections.

This resolution is adopted subject to permissive referendum.

This resolution was declared adopted on the 23rd day of April, 1996 and was carried by a vote of 5 ayes to 2 nays with 0 abstentions.

RESOLUTION NO. 18-95-96
ADOPTING THE 1996-97 BUDGET

WHEREAS, in accordance with Village Law, section 5-508, the Board of Trustees of the Village of Walden has held a public hearing on the 15TH day of April 1996 on the tentative budget as proposed and filed by the Village Manager on March 20TH, 1996, and

WHEREAS, the Village Board has conducted numerous work sessions to review the tentative budget and has made changes.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that it does hereby adopt as the 1996-97 Annual Budget of the Village of Walden, the recommended amounts as stated in the tentative budget with the following changes:

General Fund

<u>Increase</u>	<u>Object</u>	<u>Amount</u>	<u>Total</u>
A1010.100	Board of Trustees	2,640	15,000
A1210.100	Mayor	410	3,500
A1450.459	Election Inspectors	330	875
A1410.410	Service Contract	1,210	4,511
A3122.482	Communication Equipment	26,069	28,853
A5110.100	Laborer	105	70,720
A6772.481	Wessley Hall	500	9,200
<u>Decrease</u>	<u>Object</u>	<u>Amount</u>	<u>Total</u>
A1110.201	Office Equipment (Furniture)	500	0
A1640.100	Laborer	23,588	0
A3122.100	Dispatch (F/T)	8,050	60,341
A3122.425	Radio Maintenance	18,300	0

A3122.483	Equipment Rental	7,379	0
A3122.497	Service Contract	390	1,620
A9060.8	Hospital & Medical Insurance	5,500	236,599
A1410.409	Equipment Rental	1,210	225
A1110.100	Village Justice	841	14,000

BE IT FURTHER RESOLVED that the Real Property Tax Rate for 1996-97 as a result of the adoption of the annual budget is hereby fixed at \$10.7738 per \$1,000.00 of assessed valuation.

Motion adopted by Trustee Ryan and seconded by Trustee Foiman.

The vote was 2 ayes to 4 nays with 0 abstentions. The Mayor declared the resolution defeated on April 23, 1996.

**RESOLUTION NO. 19-95-96
ADOPTING 1996-97 RECREATION FEE SCHEDULE**

WHEREAS, administrative expenses, maintenance obligations, and general operational costs of the Village of Walden Recreation programs and facilities is provided for in the 1996-97 annual operating budget, and

WHEREAS, the Village recognizes that fees and charges associated with public participation and use of our recreation programs and facilities can subsidize the costs of operations, and that such fees and charges are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that the following fee schedule is adopted for the 1996-97 fiscal year.

Basketball Program	Resident	\$10.00
	Non-Resident	20.00
Soccer Program	Resident	\$10.00
	Non-Resident	20.00
Beach Fees	Individual Daily Pass (under 18)	\$ 1.00
	Individual Daily Pass (over 18)	2.00
	Individual Resident Season Pass	30.00
	Individual Non-Resident Season Pass	35.00
	Family Resident Pass	45.00
	Family Non-Resident Pass	50.00
	Swimming Lessons Per Session	20.00

Motion to adopt by Trustee Ozman and seconded by Trustee McBuckin.

The vote was 1 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on April 23rd, 1996.

RESOLUTION NO. 20-95-96

SURPLUSSING CERTAIN VILLAGE EQUIPMENT NOT NEEDED
OR
CURRENTLY IN USE BY THE VILLAGE OF WALDEN

WHEREAS, from time to time the Village accumulates equipment that is no longer of value to the Village or is no longer in use by the Village departments, and

WHEREAS, New York State Law requires that equipment of this nature be sold at fair market value and that in order to accomplish this it is necessary for the governing body to declare that equipment surplus and no longer of any value to the Village.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that it does hereby declare the following pieces of equipment surplus and no longer needed for Village use:

1. Four foot fluorescent light fixtures (47) from the Municipal Building Renovation.
2. Eight foot fluorescent light fixtures (12) from the Municipal Building Renovation.
3. Bicycles (29) impounded or abandoned to be sold at auction.
4. Garage bay door (1) from the municipal building renovation to be traded with the mason subcontractor in return for removing a 2x3'6" of brick and finish the sidewalk concrete at side door opening.

BE IT FURTHER RESOLVED by the Board of Trustees that the Village Manager is authorized to sell the above equipment to the highest bidder over the minimum bid set by the Board or at fair market value.

Motion to adopt by Trustee Ryan and seconded by Trustee Ozman.

The vote was 7 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on April 23rd, 1996.

RESOLUTION NO. 21-95-96
FEES AND CHARGES

WHEREAS, the Board of Trustees is empowered by local law to amend fees and charges by resolution, and

WHEREAS, the Board of Trustees recognizes the need to increase water and sewer charges to offset the cost of administrative, legal, and engineering fees associated with municipal operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Walden that beginning June 1ST, 1996 the following water and sewer charges will be in effect:

Water \$1.47 per 100 cubic feet

Sewer \$1.63 per 100 cubic feet

Motion to adopt by Trustee Boddesky and seconded by Trustee Ozman.

The vote was 7 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on April 23RD, 1996.

RESOLUTION NO. 22-95-96
ADOPTING THE 1996-97 BUDGET

WHEREAS, in accordance with Village Law, section 5-508, the Board of Trustees of the Village of Walden has held a public hearing on the 15TH day of April 1996 on the tentative budget as proposed and filed by the Village Manager on March 20TH, 1996, and

WHEREAS, the Village Board has conducted numerous work sessions to review the tentative budget and has made changes.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that it does hereby adopt as the 1996-97 Annual Budget of the Village of Walden, the recommended amounts as stated in the tentative budget with the following changes:

General Fund

<u>Increase</u>	<u>Object</u>	<u>Amount</u>	<u>Total</u>
A1010.100	Board of Trustees	2,640	15,000
A1210.100	Mayor	410	3,500
A1450.459	Election Inspectors	330	875
A1410.410	Service Contract	1,210	4,511
A3122.482	Communication Equipment	26,069	28,853
A5110.100	Laborer	105	70,720
A6772.481	Wessley Hall	500	9,200
<u>Decrease</u>	<u>Object</u>	<u>Amount</u>	<u>Total</u>
A1110.201	Office Equipment (Furniture)	500	0
A1640.100	Laborer	23,588	0
A3122.100	Dispatch (F/T)	8,050	60,341
A3122.425	Radio Maintenance	18,300	0

A3122.483	Equipment Rental	7,379	0
A3122.497	Service Contract	390	1,620
A9060.8	Hospital & Medical Insurance	5,500	236,599
A1410.409	Equipment Rental	1,210	225

BE IT FURTHER RESOLVED that the Real Property Tax Rate for 1996-97 as a result of the adoption of the annual budget is hereby fixed at \$10.7783 per \$1,000.00 of assessed valuation.

Motion adopted by Trustee Maguckin and seconded by Trustee Beckley.

The vote was 7 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on April 23RD, 1996.

APRIL BILL LIST - APRIL 23, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-526	ACTIVE SEWER CORP.	550.00
A-527	AL VALK'S GARAGE	35.00
A-528	AL VALK'S GARAGE	108.00
A-529	AMERICAN SEPTAGE SERVICES, INC.	150.00
A-530	ANNESE & ASSOCIATES, INC.	223.04
A-531	COMPUTER CENTER	50.00
A-532	COUNTRY HARDWARE	143.62
A-533	CUSTOM MONITORING	418.50
A-534	ELECTRO-TERM, INC.	75.13
A-535	ENVIRONMENTAL PAPER TOWEL SERVICE	141.00
A-536	GALLS	250.80
A-537	GEORGE'S AUTO PARTS	213.04
A-538	GEORGE'S AUTO PARTS	24.15
A-539	GEORGE'S AUTO PARTS	77.36
A-540	CALVET RENTAL, INC.	195.00
A-541	CHERRY TIRE SERVICES	39.95
A-542	CHERRY TIRE SERVICES	69.95
A-543	ENVIRONMENTAL PAPER TOWEL SERVICE	95.10
A-544	EXPANDED SUPPLY PRODUCTS, INC.	84.00
A-545	GRAINGER, INC.	533.60
A-546	MAYBROOK MATERIALS INC.	312.65
A-547	MAYBROOK MATERIALS INC.	851.88
A-548	ORANGE COUNTY CLERK	3.75
A-549	PAGE NY	25.00
A-550	QUILL CORP.	103.22
A-551	RAMSCO, INC.	476.22
A-552	RISK MANAGEMENT	16.00
A-553	SHARE CORP.	85.09
A-554	SLATER'S POWER EQUIPMENT, INC.	5.00
A-555	SMITH'S COMMERCIAL TIRE SERVICE	213.92
A-556	TOWN SUPT. ASSOC. OF ORANGE COUNTY	30.00
A-557	WALDEN AUTO SUPPLY	53.96
A-558	WALDEN AUTO SUPPLY	108.15
A-559	WALDEN AUTO SUPPLY	40.93
A-560	WEINERT'S T SHIRT	9.50
A-561	WILLIAMSON LAW BOOK COMPANY	319.16
A-562	WOODARDS CONCRETE PRODUCTS, INC.	243.00
A-563	TOWN OF MONTGOMERY CHAMBER OF COMMERCE	50.00
A-564	GANNON MUNICIPAL EQUIPMENT	1,018.05
		<u>7,442.92</u>

APRIL BILL LIST - APRIL 23, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-130	COUNTRY HARDWARE	94.16
F-131	GLOBAL EQUIPMENT	517.54
F-132	PAGE NY	6.75
F-133	RAMSCO.INC.	381.00
F-134	SENUX TECH.,INC.	1,045.21
		<u>2,044.66</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-130	COUNTRY HARDWARE	122.63
G-131	CAIN CONTROL SYSTEMS	120.00
G-132	ENVIROTEST LABORATORIES, INC.	435.00
G-133	HACH CO.	24.00
G-134	HYDRA NUMATIC SALES CO.	315.58
G-135	SNYDER SCOTT	13.38
G-136	SHORTELL JAMES	20.00
G-137	STRANCO, INC.	168.40
		<u>1,218.99</u>

APRIL BILL LIST - APRIL 23, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	WICKES LUMBER MUNICIPAL BLDG	59.40
CAPITAL ACCOUNT #82	THE TUCKER CO LIBRARY SHELVING	7,159.20
CAPITAL ACCOUNT #86	PANTEL CONTRACTING CORP MAPLE ST PARKING LOT	10,944.00
SMALL CITIES -92	R.W MECHANICAL, INC. 48 ULSTER AVE	2,889.00
SMALL CITIES -92 HODAG	GOODSPEEDY CONSTRUCTION 7 PLEASANT AVE	2,350.00 4,330.00
SMALL CITIES -92	STRIDER CONSTRUCTION 78 MAPLE ST	8,600.00
SMALL CITIES -92	K&B CONSTRUCTION 25 BANK STREET	3,700.00
COMMUNITY DEV 95	KERRON BARNES SERVICES/FEB	880.00
COMMUNITY DEV 93	KERRON BARNES SERVICES/FEB	210.00
COMMUNITY DEV 94	KERRON BARNES SERVICES/FEB	180.00
CAPITAL ACCOUNT #82	CAPITAL SAFETY	2,393.57

APRIL BILL LIST - APRIL 23, 1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	BELL ATLANTIC NYNEX MOBILE	26.80
	BELL ATLANTIC NYNEX MOBILE	20.29
	COASTAL REFINING & MARKETING, INC.	503.23
	COASTAL REFINING & MARKETING, INC.	254.86
	COASTAL REFINING & MARKETING, INC.	1,066.02
	FRONTIER COMMUNICATION	38.80
	FRONTIER COMMUNICATION	7.71
	FRONTIER COMMUNICATION	4.00
	FRONTIER COMMUNICATION	50.09
	PETTY CASH	41.42
	WAREX	488.15
	WAREX	1,243.30
		<u>3,744.67</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AGWAY ENERGY PRODUCTS	10.03
	COASTAL REFINING & MARKETING, INC.	152.89
	FRONTIER COMMUNICATIONS	86.26
	PETTY CASH	2.59
		<u>251.77</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATION	12.07
	NYSEG	148.15
		<u>160.22</u>

APPROVED

VILLAGE OF WALDEN
1996-97 BUDGET HEARING
APRIL 15, 1996

Mayor Andrew Uszenski called the Village of Walden budget hearing to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
Martin Besdesky
John Ryan
Chris Forman
Roy Wynkoop

Also Present: John Kelly, Village Manager

Recording Secretary: Vicki Kurtz, Deputy Village Clerk

1996-97 BUDGET HEARING

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Posting Notice and the Notice of Hearing, which was read by the mayor.

Manager Kelly stated that on March 20th, 1996 his 1996-97 budget recommendations in accordance with the provision of the Village Code were transmitted to the Village Clerk and distributed to the Village Board. The proposed 1996-97 General Fund Budget of \$3,048,943 requires that \$2,061,478 be raised through real property taxes. The total tax levy would increase by \$58,324, while the tax rate would increase by 2.9 percent over 1995-96 to 10.9572 per thousand dollars of assessed valuation. The manager further stated that the proposed 1996-97 General Fund Budget represents an increase of \$93,597 (+3.2%) over the 1995-96 budget. The General Fund expenditures, salaries and wages which are budgeted at 42.5 percent of the total General Fund appropriations. The recommended budget represents an increase over the 1995-96 budget as modified of \$49,399. The proposed staffing levels includes the elimination of one full time account clerk position of the Village Offices handling assigned duties for the Building Department, Water and Sewer Departments, and Finance Department. The second major category of expenditures is equipment which is budgeted at 1.3 percent of the total General Fund appropriations for next year. The major purchases recommended include a copy machine for the Village Offices; personal computer for the Police Department; pavement breaker and small

VILLAGE OF WALDEN
BUDGET HEARING-APRIL 15, 1996, PAGE 2

sander for the Department of Public Works. Under contractual expenses which is 22.1 percent of the total General Fund appropriations for next year the budget represents a decrease of \$1705 from the current year as modified with the major change including a decrease in engineering services and Village Office rent. He has increased the contingency account by \$10,000. Employee benefits are 17.1 percent of the total General Fund appropriations for next year. The recommended budget represents a decrease of \$19,704 over the 1995-96 budget as modified. The major change being the decrease in the payment of the Police and Fire Retirement Systems. Debt service is budgeted at 12.5 percent of the total General Fund appropriations for 1996-97. The amount is a 3.8 percent increase over last year with the additional amount attributed to the debt payment for the Municipal Building Renovation Project which next year will be \$129,680. The final category is Interfund Transfer which is 4.5 percent of the total General Fund appropriations of 1996-97. This is the amount appropriated to the library fund and represents the difference between the projected total revenues and expenditures of the library for next year. This represents an increase of 15.1 percent. The increase funding will provide for additional staffing and services at the library which is expanding as part of the Municipal Building Renovation Project which is scheduled to be completed by August 1, 1996. Following the three budget work sessions that were conducted by the village board there are seven additional items that the manager presented tonight which were notes that the board had taken during those meetings for additional consideration. The first item under Account A1010.1, Board of Trustees shows an additional amount of \$2640 for a total new appropriation of \$15,000. Item #2, A1110.201, Office Equipment Furniture, decrease of \$500 for a new total of zero. Item #3, Account Number A1210.1, Mayor, increase of \$410, new total \$3500. Item #4, A1450.459, Election Inspectors, increase \$330.00 for a new total of \$875. Item #5, Account Number A1640.1, Laborer, one position, elimination of one full time position, \$23,483 savings, new total \$30,559. Item #6, Account Number A3222.1, Full Time Dispatcher, the reduction in the salary of \$8,050, new total of \$60,341. Item #7, Account Number A9060.8, Hospital and Medical Insurance a decrease of \$5500 for a new total of \$236,599. Total reduction \$34,153. If adopted the tax rate increase over 1995-96 will be 1.2 percent.

PUBLIC

Larry Sager, 78 Orchard Street asked for a copy of the list of reductions that the manager read.

Bob Lamancuso, 33 Gladstone Avenue stated that on page 56, #90, Pavement Breaker, \$6000., what type is that?

Manager Kelly stated that it would be a hydraulic attachment for the back hoe.

Mr. Lamancuso asked about the tamper for \$3000?

Manager Kelly stated that he doesn't have a description. He would have to ask the superintendent.

Trustee Ryan stated that its a replacement of one they already has that is starting to fail.

Audrey D'Angelo, Director of Wesley Hall Senior Center stated that she is here on behalf of the seniors of Wesley Hall. Senator Larkin had given them money two years in a row, \$10,000. They didn't get that last year. They were promised it but they didn't get it. They were told that this year their chances were slim, if at all. It did represent a third of their budget. They have done everything imaginable to raise money and it is very difficult. Without the help of the municipalities to keep them going, she doesn't know what is going to happen. Right now they are open four days a week and her and her assistant get paid for three days a week. They personally have brought food to the center, they have bought things to raffle, and people have donated things to be raffled. She hopes the village can understand their situation. The Town of Crawford raised their funding from \$3000 to \$5000. The Town of Montgomery gave them \$8000. She didn't take any pay for seven weeks so her assistant could get paid. She was told that the Village of Montgomery is giving them \$5750 in their new budget. Maybrook is an ongoing fight.

Mayor Uszenski asked where do the seniors come from besides the Town of Montgomery?

Mrs. D'Angelo stated that people come from the Town of Crawford. They have a very good showing from within the Town of Montgomery. The least is from Crawford. She further explained the programs that are available to the seniors. In regard to the 55 Alive Program, since she has been employed there only once was Wesley Hall used for 55 Alive class during the day. They need to do that two days in a row and because of their program its very difficult for them to do that. They are closed on Wednesdays. They did arrange for them to do it two days in a row. The problem was with 55 Alive itself. The center is available in the evening. They were not refusing anyone to come into the center.

Mayor Uszenski stated that Walden gave \$2000 last year to Wesley Hall and they are now asking for \$1000 more.

Trustee Ozman asked how the Walden residents get over to their center?

Mrs. D'Angelo stated that a lot of them drive and they also have the Dial-a-Bus.

Trustee Ryan asked how many, percentage wise, were from the Village of Walden?

Mrs. D'Angelo stated that she doesn't have that information. When they come is they sign a book. They don't require them to put down where

they are from.

Trustee Ozman asked when was the last time the Village of Walden increased the funding to Wesley Hall?

Mrs. D'Angelo stated that she believes its been two years.

Trustee Besdesky stated that he would like to see the village do better for the seniors.

Manager Kelly asked if the Village of Montgomery had a seniors club like Walden does?

Mrs. D'Angelo stated that they do and the village gives \$1500 for that.

Manager Kelly stated that the village gives \$3600 a year to the Walden Seniors. We pay the rent on the facility and \$3000 for trips.

Trustee Besdesky stated that in regard to 55 Alive he feels its critical to have a place closer than Middletown to go to.

Larry Sager asked if everyones increase is based on 4% except for the unions? Even the board's?

Mayor Uszenski stated his isn't based on 4%.

Manager Kelly stated that the original budget had no increase for the board.

Mayor Uszenski stated that everyone is getting approximately a \$400 raise. The trustees are getting a larger raise than the mayor. The trustees salary would be \$2500 and the mayor would by \$3500.

Bob Lamancuso asked if the Code Enforcement Officer is still being funded by the Community Development Board?

Manager Kelly stated yes, the community development fund.

Mr. Lamancuso asked, on this budget, are any of the taxpayers paying it up front first?

Manager Kelly stated no, there is an interfund transfer under revenues and \$20,000 a year is paid from the UDAG Fund to the General Fund and that is shown as a revenue, so there is no cost to the taxpayer.

Mr. Sager asked about the file cabinet and chair for the justice court, is that for the new building?

Manager Kelly stated that is where it would be put, so we deferred that until we get into the new building and take a look at what furniture we will need and where we are going to get it.

Mr. Sager asked if the village had a contingency fund for the new building?

Manager Kelly stated that there is a contingency and also a \$15,000 line item for furniture.

Mr. Sager asked why the village is buying this furniture now, when they are not even in the new building?

Manager Kelly stated that the village is not buying it, the money was taken out.

Lucille Raymondo, 200 Orange Avenue asked about the new copier, that is for the village office and you are also paying a copier rental fee for the police department, is the village considering buying the police department a new one?

Manager Kelly stated that they are entering their second year of a lease that they have with Becker Business for a smaller table top model. Their machine needed to be replaced a couple years ago and they decided to lease it instead of purchase. The village office machine was purchased in 1989 or 1991 and each of the last couple years we have looked to replace it and haven't been able to keep it into the budget. We looked at leasing it instead of purchasing it and it was a better value to purchase.

Mrs. Raymondo asked what the village was going to do with the old one?

Manager Kelly stated that at this point it will be surplussed. He doesn't know how many more years the company will extend the service contract.

Mr. Sager asked if the \$5500 medical benefit, that comes from the gentleman from DPW?

Manager Kelly stated that the village eliminated a full time position through attrition and with that the salary and benefits. The \$5500 represents the annual family coverage.

Mr. Sager asked how much are the employees getting for working on the Small Cities Program?

Manager Kelly stated \$9000.

Mr. Sager asked how many hours does that represent?

Manager Kelly stated that he would have to look at the voucher. There is a maximum administrative amount that the village can charge under Small Cities, so the village budgeted \$9,000 and next year we will budget \$9,000 again. The employees will get stipends of \$6000 and the other \$3,000 will go back to the village and that compensates the managers time or anybody else's time that works under Small Cities that

doesn't receive a stipend for that.

Mr. Sager asked, what is the benefit of them working there when you are taking away taxpayers time? We're not getting any productivity out of them when they are doing that.

Manager Kelly stated that they have assumed additional work.

Mr. Sager stated that is three hours a day that the village is losing out of production time. How do we make that time back to the taxpayers?

Manager Kelly stated that the village could hire someone else to do it and you would have less money for rehab.

Mayor Uszenski stated that the village is getting a great deal of public improvement to peoples homes out of this money.

Mr. Sager stated that it doesn't mean they can come in and take away from our production of work.

Mr. Sager asked, the total cost for trustees and mayor, that is what their compensation is?

Mayor Uszenski stated, that is our pay.

Lucille Raymondo asked about the benefits, \$5500 per employee, is that full time employees or full time and part time?

Manager Kelly stated that board policy now is not to offer part time employees benefits. There are two part time employees currently that get benefits. There is a provision in the police contract as well as the CSEA that deals with new hires paying a percentage of their health insurance. New hires at the police department pay 10% of the cost and the CSEA, individual is paid 100% and family they pay 25% up to a cap of four or five percent of their base salary.

Mrs. Raymondo asked if the existing employees on the payroll does the village pay their benefits?

Manager Kelly stated yes.

Bob Lamancuso stated that under community environment, shade trees, \$5100. He asked where the village was going to use the shade trees?

Manager Kelly stated that is to pay a tree service to come in and cut down and prune trees. That is to take down, not to put up.

Mr. Sager asked how many hours does the part time police represent, the \$93,000?

Manager Kelly stated that maximum a part time officer can work for the

village is 1,040 hours a year. There are four shifts that the full time officers work in their rotation, and this is projected out for three month periods. Every week there are seven open shifts which he fills with part time officers. There is a seven day a week foot patrol. So that is fourteen which would be 112 hours a week that he would fill. There is time off for vacations and sick time. Its not broken down by the total number of hours, except to say that there are seven shifts per week over a year is 364 shifts times eight hours. Between that and the foot patrol is 5800 hours for the year. There is another for jury trials, in service training, and vacations.

Mr. Sager asked, on foot patrol, that is coming out of their Fast Cop Program?

Manager Kelly stated that the grant that the village receives was a three year program under Cops Fast, where they pay 75% of the villages cost. The village has always budgeted foot patrol for several days a week, nine months out of the year. Now we're doing seven days a week, eight hour shifts. If we spent \$41,000 a year on foot patrol then a percentage of that would be paid for directly from the grant when we receive it.

Mr. Sager stated then why doesn't the village take the \$35,000, what the village is anticipating on getting this year, and give it back to the people you got it from?

Manager Kelly stated that if the village doesn't get it until after June 1st, then there is a problem, because he can't assume something is going to be in the budget at the end of May if he doesn't have it.

Mr. Sager asked if he could have a guarantee tonight that if it comes in after June 1st that next year it will be definitely used for the benefit of the tax person.

Manager Kelly stated that is up to the board. One of the things that the board would like to do is create a capital reserve account for equipment, so we don't have to bond it. When that money comes in and depending on when that money comes in, that is an option that can be considered. It can also be used to offset any tax increase by appropriating it as fund balance.

Mr. Sager stated that is a slush fund that was brought into the village and you people get it. He further stated that tomorrow he'll come with Chief Holmes and the manager have a schedule made up on foot patrol, seven days a week, from tomorrow until next year.

Manager Kelly stated that the chief has that now.

Mr. Sager stated that there's no foot patrol out there.

Manager Kelly stated that foot patrol is scheduled from 6:00 P.M. until 2:00 A.M.

Trustee Wynkoop stated that they are out there, because they found his shop opened the other night.

Trustee McGuckin stated that they walk down Oak Street and go into the apartment complex.

Manager Kelly stated that one of the things they tried to do is some nights of the week and some times of the year there aren't a lot of kids out and a couple of years ago the cause of having the foot patrol downtown was the kids on Main Street. At times we would have two officers on foot patrol. What we are trying to do is restoring a service we had for many years on Main Street and the surrounding area around Main Street. The Federal Government is paying to have that officer on the street. It is a reimbursement. We have to put the money out. We can't get the money in advance for the program. As long as the Federal Government is committed to reimbursing us, we will get that money back. Unfortunately he can't say when, we've had the voucher in for some time now. The money will come back to the village and it will be accounted for.

Mr. Sager stated that he's not saying its not going to be accounted for, what he's saying is don't use it as a slush fund, use it for the benefit that it was suppose to be used for. It was suppose to be a program that was low cost to the taxpayer, no matter what. If we didn't have it we wouldn't be doing this. It doesn't mean you get the money in and slush it over to something else. Its going to cost us for a car, then tell us its going to cost us for a car. Don't hide it in money that we spent \$35,000 for a \$17,000 car.

Manager Kelly stated that when you buy equipment or when you buy vehicles you have to pay for them some way. Its better to pay for them out of cash. You either have to raise the money or take it from somewhere else.

Mr. Sager stated that all salary raises should be based on 4%. That is what it should be straight across the board. If you don't like it, there is the door, hit the road. A lot of people out there want work. He ask what the judge was getting for an increase this year?

Mayor Uszenski stated his salary is up to \$14,800. His percentage rate has to do with the parity agreement that was arranged with the judge three years ago.

Mr. Sager stated that last July he asked this board to consider giving the money for the secretary to the planning board to the planning board.

Mayor Uszenski stated that his comment was taken under advisement and the board decided to do something else.

Mr. Sager stated that these people give this village service for zero.

A lot of them have been sitting on the board for quite awhile. Don't you think it would be courtesy of you as the mayor to at least ask them if they had an interest in doing that. None of them were ever asked. How do you say its fair that you gave him that stipend, when he's the village manager of this village. Look under Chapter 42 for him in the code book. He read his contract and it has been updated. What benefit do we get out of Mr. Kelly doing the minutes?

Mayor Uszenski stated that the village gets accurate minutes.

Mr. Sager asked why a planning board member couldn't do the minutes?

Mayor Uszenski stated that they wouldn't be able to do their job of doing the planning board because they would be busy taking notes.

Mr. Sager stated that he wants this board to look at it and take that stipend away from him.

Mayor Uszenski stated that the board will take that under consideration.

Mr. Sager asked if Mr. Kelly's raise came out to 4%?

Manager Kelly stated yes it did.

Mr. Sager stated that Cathy Forman retired, what happened to her position?

Manager Kelly stated that Vicki Kurtz was appointed to it and her position was eliminated.

Mr. Sager asked if that will cover hiring the part time court clerk?

Mayor Uszenski stated that is separate, that is a new position.

Manager Kelly stated that won't happen until we move to the new building.

Mrs. Raymondo asked about education for the water and sewer department, is that used to send them to their state courses to be certified?

Manager Kelly stated yes.

Bob Lamancuso stated that under the sewer and water, page 96 is a heading 9045.8, life insurance, he asked to have that explained to him.

Manager Kelly stated that the village provides all full time employees with a \$20,000 life insurance policy.

Mr. Lamancuso asked why the village pays for life insurance, that is not a standard operating procedure in most businesses.

Manager Kelly stated that it is in the union contracts and historically the village has always paid for the employees life insurance.

Mr. Lamancuso asked if maybe there will come a time when we will not be so historic. He asked in the future during negotiations to start weeding that cost out.

Trustee McGuckin stated that the village can definitely look at it.

Mr. Sager asked if the village gets any money for paying that premium, nothing back?

Mr. Sager stated that he thinks everyone in the village wants the board to look at the budget. Nobody is saying the increase is over. Look at what you are doing to us and ask yourselves, your doing it to yourselves too. He doesn't understand. You are giving out more to others than you are to others. A dissatisfied employee is never going to give you anymore than what he gave you before. When you go to the fast cops situation, you're deceiving us, because you're saying this is a benefit for us, but in the long run its a slush fund for youse, because you don't have to raise our taxes.

Mayor Uszenski stated that the village is not deceiving anyone.

Mrs. Raymondo asked about the budgeted overtime for just about every department in the village, is this budgeted based on past experience?

Manager Kelly stated that in the union contract if they get called in outside of their normal working hours, there is a minimum two hour pay. If we have snow in the middle of the night they get overtime. If there is a water break or sewer back up or a manhole cover off, that is all over time. Some if it is contractual, some is a necessity, because you can't expect them to work under the fair labor standards act and you can't expect them to work without compensating them for overtime. We budget to enable them to be paid for the work that they do.

Mrs. Raymondo asked if there was a way to compensate time for time?

Manager Kelly historically there may have been an option at the employees discretion.

Larry Sager asked about under capital accounts, there is a Streamside capital account of \$62,501, is that the performance bond?

Mayor Uszenski stated that is the money the village took from their performance bond to do the repairs to the project that the village engineer saw needed to be done before the years expiration.

Mr. Sager asked if the village had a contract with the engineer?

Manager Kelly stated that we have annual letter of agreement with their rates. We only pay them when we use them.

Mr. Sager asked about when Andy Barone attends planning board meetings?

Manager Kelly stated that he does get paid for that.

Mr. Sager asked, why can't you have him address the issues to the board right a way so that he's not sitting there for three or four hours?

Manager Kelly stated that he sits through each application. He is the engineer when he comes to planning board meetings for the board. He provides reports on each and every application, and he gives the board engineering advice on each application. He sits through the work sessions too. The applicant pays for his time. We pay the engineer when the building inspector is on vacation, if we have to do building inspections.

Mr. Sager asked, if the applicant pays, we should be able to save the \$15,000, why is it in the budget?

Manager Kelly stated that the applicant pays the village and the village pays the engineer. There is engineering in water and engineering in sewer which is projects the village does that they call the engineer to come and work for the village on something. We have to pay them. When they sit at the planning board we show what is coming in and what is going out for applications. There are times when there is an informal application and there is no fee paid and the village pays that tab. Its not 100% charged back.

Mr. Sager stated that he wants to know where the \$15,000 goes after it comes back. If we're getting reimbursed for it as taxpayers, what is it getting spent on after it leaves the engineers?

Manager Kelly explained that if you look at the cash report every revenue that we get for the general fund is put into a particular category and we show appropriations going out under every account in the general fund. There are times of the year where we will receive more than we budgeted or we will receive less than we've budgeted. Unless the board does a budget amendment you can't spend any more than what is in the budget. They would have to rectify that by doing a transfer in order to spend that money. We don't have direct accounts where every dollar coming in is paid directly back out to this particular account. The general fund revenue accounts show general revenue coming into the village. We use that money including taxes to pay all of the appropriations accounts, but we don't earmark each account coming in as paid each account going out. If we only take in \$10,000 in engineering fees and we have to pay out \$15,000 then the other five is a short fall that we would have to pay out of existing funds.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mayor Uszenski asked if the board would like to have another work session to finalize all of this?

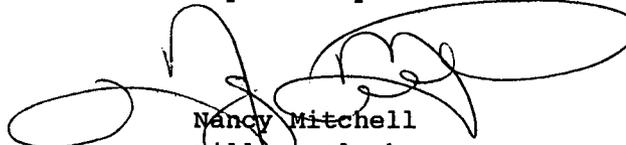
Trustee Ryan stated that he would like to discuss the judges salary. The village's agreement with him was for \$14,000 and it got thrown in this year to have parity up to the Town of Montgomery. That was the starting point two years ago and he specifically remembers asking the question, you're looking for \$14,000 and his answer was yes. He wasn't happy with an elected official essentially putting a gun to the boards head, but they agreed to it. He maintains that the number was \$14,000 even and he's prepared to go no higher. His recollection of that evening was clear. It stayed in his mind because of the emotion of the evening, there is no doubt in his mind. If this was a problem with parity he doesn't know when the town changed theirs. He had last year to afford himself the opportunity to start jumping up in numbers.

It was the consensus of the board to hold a budget work session on Monday, April 22, 1996 at 7:00 P.M.

ADJOURNMENT

Trustee Forman moved to adjourn. Seconded by Trustee Besdesky. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, April 9th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 NYSEG Street Light Modification Authorization
 - A.2 Payment of Audited Bills For April 9th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Review of Village Code Chapter 47 - Abandoned Vehicles
 - C. INFORMATIONAL ITEMS
 - C.1 Chapter 63 - Unsafe Buildings Code Compliance
 - D. CORRESPONDENCE
 - D.1 Little League Opening Day Parade Request
 - D.2 Chamber of Commerce 20th Anniversary Dinner
 - D.3 Request For Sign Ordinance Amendment
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

AUDITED BILLS

Trustee Forman moved to approve the audited bills of April 9, 1996. Seconded by Trustee Ozman.

Trustee Ryan asked about the bill for Saccardi and Schiff, Small Cities, they submitted their bill for the small cities application work, is the village going to be repaid from Luxembourg?

Manager Kelly stated that at this point in time the village has not resolved the issue of the application as to who is going to ultimately pay for that. If the grant is funded the village has suggested it be shown on their proforma as a fee to be included in the loan, but should the grant not be funded the village has not had a commitment from them to pay for that application fee.

Trustee McGuckin asked what would the village have paid if it went the other way?

Manager Kelly stated that he doesn't know at this time what the total bill will be, but the additional amount right now is \$5,600.

Manager Kelly stated that the bill for RBI Construction was reduced by him today in the amount of \$6800 for an item that was on the payment request by mistake. It was for carpentry work that had not been completed.

All ayes. Motion carried.

RETAINING ATTORNEY FOR UNION NEGOTIATIONS

Manager Kelly recommended to the board that the village continue to use Vince Toomey's services. His rate is the same as it was in the beginning of 1995 through the end of 1997. He's not posing any increase.

Trustee Ozman moved to retain Vince Toomey for PBA and CSEA negotiations. Seconded by Trustee McGuckin. All ayes. Motion carried.

REVIEW OF VILLAGE CODE CHAPTER 47-ABANDONED VEHICLES

Mayor Uszenski stated that the board has a copy of the Village of Montgomery's local law regarding abandoned vehicles.

Trustee Ozman stated that although he hasn't been able to ask the building inspector this question, he would like to ask him if he would be willing to attempt to enforce the law the village has now. His understanding is that an attempt has not been made to enforce that law in about two years, based upon the experience in the Village of Walden Justice Court with an unsuccessful prosecution. He thinks what the village has now is adequate. Looking at the Village of Montgomery's

local law on abandoned vehicles, which was drafted by a very prominent attorney in the Village of Montgomery who had everyone's interest at heart and probably that board when they decided to go forward with this legislation didn't want to completely close everything off. If you read through this carefully there are certain situations whereby someone can get around this particular law just like they can get around the Village of Walden's particular law. Anyone who reads it carefully can see that it's not a drafting error, there are just certain things in legislation that you can get around. It's not that much unlike what we have right now, that is why he is saying that we should keep what we have.

Trustee Besdesky stated that he would like to hear the village attorneys answer to that.

Mr. Dowd stated that they have not had any problems in the Village of Montgomery since 1991 when they changed the local law. There haven't been any loop holes in the village.

Trustee Ozman stated that he's not trying to make it difficult for the building inspector. His point is simply that he thinks the village can enforce the junk vehicle ordinance here in the village. If there is a junk vehicle, that can be enforced with what we have. If the intent is to close it out completely and not have any vehicles at all, whether it be junk, unregistered, any type of vehicle, and maybe we should expand that and look at whether that should include a boat, motorcycle or other types of vehicles. That is something else. To follow up on the intent that the building inspector has given the board he thinks the present law does the job.

Mayor Uszenski stated that there were probably times when everyone on the board had an unlicensed vehicle in their yard, for one reason or another. He thinks the board needs to be careful.

Trustee Forman suggested the village give out permits to have one unregistered vehicle with an expiration date.

Mr. Dowd stated that neither of the laws they are talking about prohibit unlicensed vehicles from being on your property. An unlicensed vehicle in and of itself is not subject to this statute. It has to be unlicensed and in a state of disrepair, inoperable or junked condition, which triggers the building inspector citing someone.

Mayor Uszenski stated that some of the lots in the village are too small to have an enclosure for a car.

Trustee Besdesky stated that he's not had the time to think seriously about this in the past two weeks. He was going to ride around with the building inspector and look at the situation and he hasn't had the time. He'd like this tabled until he's had that opportunity.

Trustee Ryan asked that the board keep in mind that the reason the

building inspector brought this to the attention of the board was the loss in the one case before the judge.

Trustee Ozman stated that it wasn't a valid defense. His feeling is that the court misunderstood the defense.

Besdesky moved to table any action on abandoned vehicles until April 23rd. Seconded by Trustee Ryan. All ayes. Motion carried.

INTRODUCTORY LOCAL LAW I-2 OF 1996 - ZONING

Mayor Uszenski stated that this is a follow up to the unsafe building law. This increases the fines up to \$1,000 or imprisonment of not more than 15 days or both.

Mr. Dowd stated that the change is you're going from \$250 to \$1000 and still allows 15 days in jail as an alternative. The last sentence of Section E is also a new additional,

Mr. Dowd suggested that the village do some house cleaning in the zoning code and do it as one comprehensive law.

Trustee Besdesky moved to table Introductory Local Law I-2. Seconded by Trustee Ozman. All ayes. Motion carried.

CHAPTER 63-UNSAFE BUILDINGS CODE COMPLIANCE

Mayor Uszenski stated that there is a list in the boards packet of the unsafe buildings that the building inspector will be going after.

Manager Kelly stated that what the building inspector did was to give the board a preliminary list of properties that are in some state of disrepair. The next step is a violation assessment and ranking in terms of what are the most pressing needs. Then present that to the board for further action.

LITTLE LEAGUE OPENING DAY PARADE REQUEST

Mayor Uszenski stated that there is a request from the Little League to hold opening day ceremonies on Saturday, April 20th.

Trustee Forman moved to hold Little League opening day ceremonies on April 20th, 1996. Seconded by Trustee McGuckin.

Trustee Ryan disclosed that he is a coach in the Village of Walden Little League.

All ayes. Motion carried.

CHAMBER OF COMMERCE 20TH ANNIVERSARY DINNER

Trustee Ryan moved to authorize the mayor and manager to attend the

Chamber of Commerce 20th Anniversary Dinner. Seconded by Trustee Besdesky.

Trustee Ryan recommended that the village clerk check her schedule to see if she would be available to attend.

All ayes. Motion carried.

REQUEST FOR SIGN ORDINANCE AMENDMENT

Mr. Dowd stated that Mr. Bartlett's letter says that St. Andrews Church wants to erect a twenty four square foot sign that will be approximately thirty five foot set back from the public street. Under the villages zoning law a church or other place of worship may have one announcement sign not over twelve square feet in area on each public street frontage of its property. It has to be either fixed to the main wall, or set back fifteen feet from the front property line and twenty five feet from all other property lines. Mr. Bartlett is pointing out that under the sign ordinance for businesses they can put the sign on the wall of their building and have a much larger sign than the churches are allowed to have. There is a question of fairness. The church did not want to go for an area variance because of the cost factor and the requirements of having to prove that they needed a twenty four square foot sign. Mr. Bartlett is asking the board to consider an amendment to that. Mr. Dowd checked other villages and towns in the county to see how they compare and the Village of Montgomery is exactly the same as Walden. The Town of Monroe allows only a six square foot sign affixed to the building, but then allows three on the building. The Town of Newburgh allows a twelve foot square sign and it has to be fifteen feet from each property line. The Town of Tuxedo doesn't regulate signs so much in its zoning code, it has a special sign ordinance that they established and there is nothing in there that even suggests how you would classify a church under the sign ordinance. The Village of Cornwall on Hudson allows twenty square foot signs, no higher than eight feet in height and with set back requirements. The Towns of Warwick and Chester also allow twenty foot square signs with certain setbacks from the street line. The Town of Chester also allows an addition to the twenty foot square sign a bulletin board to be placed on the church property with a maximum area of twelve square feet.

Trustee Ryan asked if the village should canvass the other churches and places of worship in the village to get input.

Mr. Dowd stated that there is a suggestion by Mr. Bartlett that there are churches that already have signs that are not in conformance with the zoning code. They might be preexisting.

Mayor Uszenski stated that Mr. Hart could check that out.

Manager Kelly suggested that he also check the size of the existing signs and if there was a need for an additional sign, what size would

they be looking at.

This was also tabled until clarification as to where the sign will be placed, what kind of sign it will be and what will be on the sign and the research is completed.

REQUEST TO PRUNE CHERRY TREES

Mayor Uszenski stated that a request has come in from Mr. Shipman to prune the cherry trees on Highland Avenue at no cost. He keeps the clippings for floral arrangements.

Manager Kelly stated that there is a liability concern here and also there is a concern as to what one considers pruning.

Trustee McGuckin moved to deny the request to prune the cherry trees on Highland Avenue and thank him for the interest in the village. Seconded by Trustee Forman. All ayes. Motion carried.

PUBLIC PORTION

Robert Lamancuso, 33 Gladstone Avenue asked about the value of a parking officer in the village. It appears that the shift for the parking officer begins at 9:00 am and works until 11:00 am and reappears at 1:00 P.M. and works until 3:00 P.M. He fails to see the logic of a parking officer, because the shift is two hours and the allotted time to park on the street is two hours. If this person goes around Main Street at 9:10 A.M. and puts the mark on the tires. In order for that vehicle to be in violation it would have to extend its parking until 11:10 A.M., which at 11:10 A.M. there is no officer to find a violation. In reality once a vehicle is parked outside this front door when the person exits this building and puts the first slash on that tire and walks completely around the building and comes back at 11:00 A.M. that vehicle is still legal. In all reality this person cannot issue any tickets within a two hour span. What is the value?

Manager Kelly stated that the parking officer has a split schedule, she works four hours a day, twenty hours a week. The parking enforcement officer is a twenty year employee of the village. As a part-time employee and the maximum they can work is twenty hours a week. The village writes approximately 1,000 tickets a year for parking, predominantly written by the parking enforcement officer. If the maximum number of hours that the person can work in any given day is four, he believes the practice of splitting the shift has been to accommodate a period in the morning and a period in the afternoon. If that employee is not there in the afternoon a full time police officer would have to walk in the lot and write tickets.

Jesse Dallas, 56 East Avenue asked if the skate bowl at Bradley Field could be added on to? They did talk to DeGroodt Paving and they were advised to come to the village and see what happens and he'll try to help them out.

Trustee Ozman advised Mr. Dallas to give him his name, address, and phone number and exactly what they would like to add on and he will take it back to the recreation committee. He could also attend the meeting.

Nick Hadden asked about the cars speeding up Oakland Avenue. The children play in the road and the cars speed up the street making them move to the sidewalk.

Mayor Uszenski stated that this is an ongoing problem. He suggested that Mr. Hadden get the license plate of the car and turn it into the police department. The mayor further advised him that children shouldn't be playing in the streets.

Richard Hadden, 53 Oakland Avenue explained to the board that there is a piece of property in the development behind Oakland Avenue, its about eight acres. The map he had indicated that this piece of property was to be dedicated to the village for general municipal purposes. Does that still stand?

Manager Kelly stated that the village has not accepted that and it is listed as Tinbrook Associates, which is privately owned. All of the open spaces they were originally looking to deed to the village, they have retained ownership of.

Mr. Hadden stated that he was thinking of making this a passive park which would give the kids a place to play besides in the street.

Manager Kelly stated that the developing stopped and they are now selling off lots. Ownership has changed several times. Anthony Costa is the person the village deals with. The manager will be in contact with Mr. Costa and he can ask him if they have any intentions of doing anything with that property.

Mr. Hadden stated that he will do some leg work and get back to the village.

Greg Raymondo, 240 Orange Avenue stated that Nick Hadden was told that he could get the license plate number of a speeding car and turn it into the police department. That is a sore subject with him. The Village of Walden has a full time police force and the Village of Montgomery has a part time police force and nobody breaks the speed limit in Montgomery. He can give 100 license plate numbers a day. He asked the board to think of a solution.

Trustee Besdesky stated that the village has two or three officers on a shift, at the most. How are you going to know what is happening on every street in a three square mile village?

Mr. Raymondo suggested that the village set examples.

Trustee Besdesky stated that it is a very serious problem, but also a very difficult problem.

Mr. Raymondo asked if the village was going to do something with the Pond Road park?

Trustee Besdesky advised Mr. Raymondo that the village is working on it.

Larry Sager, 78 Orchard stated asked if there was a bill for the recount of the village election?

The village clerk stated yes.

Mr. Sager stated that he wouldn't care if it cost this village \$10,000. It wasn't done properly.

Mayor Uszenski stated that the county came in and did a count.

Mr. Sager stated that it wasn't done in a proper format. The way they did it was wrong. Why all of a sudden for the interest from Trustee Ryan to double the inspectors pay?

Mayor Uszenski stated that the board felt the inspectors were being paid below what minimum wage is.

Mr. Sager stated that he would like to see the inspectors changed next year.

Trustee Besdesky asked why?

Mr. Sager stated because he personally knows a fact of people going to vote and being told who to vote for.

Trustee Besdesky stated that Mr. Sager should be careful with those accusations.

Mr. Sager stated that its not an accusation. He has them, but he doesn't have enough of them that have the guts to come before this board.

Trustee McGuckin stated that if the board had hard facts that an election official was doing that then they wouldn't be brought back.

Trustee Besdesky stated that Mr. Sager always accuses this board of improprieties. For the last year Mr. Sager has been saying that this board is harboring money that they could be putting into the municipal building, they are taking it away from the poor people. The state comes down and says there is no improprieties of handling. That is damaging to everybodys image.

Mayor Uszenski stated that if Mr. Sager has proven facts, someone is

willing to come in and say that happened, then the board will proceed.

REPORTS - COMMITTEE

Trustee Ryan stated that he has been following the notes and minutes regarding the renovations of the municipal building. He feels it may be appropriate to call a meeting between the board, architect and clerk of the works to discuss the direction of the building and completion dates.

Mr. Dowd stated that he did have that conversation this afternoon, the manager, himself and the clerk of the works. He will advise him after the meeting and he will speak about the appropriate form to discuss a lot of this stuff.

Trustee Forman stated that about two years ago the board had a priorities meeting. He suggested the board have one again.

Trustee McGuckin stated that there is the old street sweeper problem again and how they are not advising people when and where they will be sweeping. Streets should be posted.

Manager Kelly stated that the sweeper was down and it is on the road again and one of the items on the budget is to put some money into it this year.

Trustee McGuckin stated that he was getting gas at the Mobil Station the other day and they have the repair garage sign up.

Manager Kelly stated that he will have the building inspector look into that and the Big Saver property too.

EXECUTIVE SESSION

Trustee Ozman moved to hold an Executive Session pursuant to 105-(f&d) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

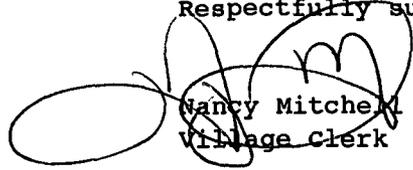
BOARD OF ETHICS

Trustee McGuckin moved to reappoint David O'Connor to the Ethics Board for a five year term through April 2001. Seconded by Trustee Besdesky. All ayes. Motion carried.

ADJOURNMENT

Trustee Besdesky moved to adjourn. Seconded by Trustee Ozman. All
eyes. Meeting adjourned.-

Respectfully submitted,-



Nancy Mitchell
Village Clerk

APRIL BILL LIST - APRIL 9,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-471	AIR PRODUCTS & CHEMICALS	29.09
A-472	AMTHOR'S WELDING	58.16
A-473	AMTHOR'S WELDING	87.75
A-474	AUTO SUPPLY	53.27
A-475	BARTON CHEVROLET, INC.	23.98
A-476	CHERRY TIRE SERVICE	21.00
A-477	CIARDULLO PRINTING	55.00
A-478	COMMISSIONER OF AGRICULTURE & MARKETS	30.00
A-479	COUNTRY HARDWARE	44.70
A-480	DANIELS AGENCY, INC.	200.00
A-481	DIVISION OF CRIMINAL JUSTICE SERVICES	48.15
A-482	DIVISION OF CRIMINAL JUSTICE SERVICES	120.00
A-483	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C. 3,	166.66
A-484	EASTERN NY CORRECTIONAL FACILITY	21.96
A-485	FLOWERS BY ANITA	220.50
A-486	FROEHLICH JOANN	60.00
A-487	GEORGE'S AUTO PARTS	22.48
A-488	GEORGE'S AUTO PARTS	141.10
A-489	GEORGE'S AUTO PARTS	73.69
A-490	HUDSON VALLEY AWARDS	120.07
A-491	IRA D CONKLIN & SONS, INC.	256.00
A-492	JIM SMITH CHEVY	72.39
A-493	JIM SMITH CHEVY	122.02
A-494	JOHN T REARDON AGENCY	1,173.48
A-495	MID HUDSON COMMUNICATIONS	22.75
A-496	MID HUDSON CRIME PREV. ASSOCIATION	20.00
A-497	MITCHELL NANCY	202.00
A-498	NYCOMCO	125.00
A-499	NATIONAL MAINTENANCE SUPPLY, INC.	61.92
A-500	NYS ASSOC. OF CHIEFS OF POLICE	50.00
A-501	NYS DIV. OF CRIMINAL JUSTICE SERVICES	100.00
A-502	NY RECREATION & PARK SOCIETY, INC.	113.00
A-503	OR CO. SANITARY LANDFILL	368.85
A-504	PITNEY BOWES	62.25
A-505	PALUMBO RICHARD	60.00
A-506	SANWA	135.00
A-507	SLATER'S POWER EQUIPMENT, INC.	5.00
A-508	STIEFEL RESEARCH INSTITUE	10.84
A-509	THRUWAY SHOPPING CENTER	30.85
A-510	THRUWAY SHOPPING CENTER	52.72
A-511	THRUWAY SHOPPING CENTER	108.38
A-512	THRUWAY SHOPPING CENTER	69.93
A-513	THRUWAY SPORTING GOOD	31.90
A-514	TIMES HERALD RECORD	22.32
A-515	TIMES HERALD RECORD	26.64
A-516	TIMES HERALD RECORD	71.28

APRIL BILL LIST - APRIL 9,1996

GENERAL FUN D

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-517	TOWN OF MONTGOMERY	5,071.50
A-518	WALDEN AUTO SUPPLY	89.99
A-519	HAIGHT FIRE EQUIPMENT	76.75
A-520	THRUWAY SHOPPING CENTER	27.15
A-521	VALLEY CENTRAL SCHOOL DISTRICT	356.96
A-522	WALDEN PLUMBING & HEATING	193.75
A-523	MID HUDSON COMMUNICATIONS	167.50
A-524	MID HUDSON COMMUNICATIONS	126.12
A-525	SACCARDI & SCHIFF, INC.	125.00
		<u>14,206.80</u>

APRIL BILL LIST - APRIL 9, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-126	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-127	HAIGHT FIRE EQUIPMENT SUPPLY	36.00
F-128	SCHMIDT'S WHOLESALE	1,710.90
		<u>2,163.57</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-124	ADCO ELECTRIC	336.00
G-125	COUNTRY HARDWARE	64.75
G-126	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-127	HAIGHT FIRE EQUIPMENT	97.00
G-128	THRUWAY SHOPPING CENTER	15.51
G-129	WILLIAMS KYLE	6.24
		<u>936.17</u>

APRIL BILL LIST - APRIL 9,1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT # 82	LIEBMAN & HURWITZ MUNICIPAL BLDG	1,000.00
CAPITAL ACCOUNT #82	IPPCO, INC. MUNICIPAL BLDG	1,000.00
CAPITAL ACCOUNT #82	THRUWAY SHOPPING CENTER MUNICIPAL BLDG	70.25
CAPITAL ACCOUNT #82	RBI CONSTRUCTION MUNICIPAL BLDG	26,125.00
CAPITAL ACCOUNT #82	DEMBERG BROTHERS, INC. MUNICIPAL BLDG	9,350.00
CAPITAL ACCOUNT #82	JEFF LOWE PLUMBING, HEATING & AIR MUNICIPAL BLDG	14,998.98
CAPITAL ACCOUNT #82	CANALE ELECTRIC MUNICIPAL BLDG	29,518.00
CAPITAL ACCOUNT #89	L.DEGROODT PAVING, INC. MUNICIPAL BLDG	1,522.25
CAPITAL ACCOUNT #82	NYSEG MUNICIPAL BLDG	1,155.31
SMALL CITIES - 92	R.W.MECHANICAL, INC. 48 ULSTER AVE	4,125.00
SMALL CITIES - 92	CRESCENT CONSTRUCTION 42 ULSTER AVE	6,900.00
UDAG	SACCARDI & SCHIFF, INC. WALDEN SMALL CITIES	14,168.75

APRIL BILL LIST - APRIL 9, 1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	83.47
	FRONTIER COMMUNICATIONS	184.06
	FRONTIER COMMUNICATIONS	109.14
	FRONTIER COMMUNICATIONS	368.47
	FRONTIER COMMUNICATIONS	37.72
	FRONTIER COMMUNICATIONS	415.24
	NYSEG	5,501.02
	NYSEG	3,943.95
	POSTMASTER	700.00
	PETTY CASH	24.03
		<u>11,367.10</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	75.04
	NYSEG	2,803.74
	POSTMASTER	74.81
		<u>2,953.59</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	54.48
	NYSEG	6,650.04
	POSTMASTER	74.80
		<u>6,779.32</u>

VILLAGE OF WALDEN
ORGANIZATIONAL MEETING
APRIL 1, 1996

Mayor Andrew Uszenski called the Village of Walden Board of Trustee organizational meeting to order at 6:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
Chris Forman
Martin Besdesky
John Ryan
Roy Wynkoop

Also Present: John Kelly, Village Manager

Recording Secretary: Nancy Mitchell, Village Clerk

VILLAGE ATTORNEY

Trustee Besdesky moved to appoint Drake, Sommers, Loeb, Tarshis and Catania as Village Attorneys. Seconded by Trustee McGuckin. All ayes. Motion carried.

OFFICIAL DEPOSITORIES

Trustee Forman moved to appoint Key Bank and Feet Bank as official depositories for the Village of Walden. Seconded by Trustee Ozman. All ayes. Motion carried.

OFFICIAL NEWSPAPER

Trustee McGuckin moved to designate the Times Herald Record and the Wallkill Valley Times official newspaper for the Village of Walden. Seconded by Trustee Ozman. All ayes. Motion carried.

BOARD MEETINGS

Trustee Ozman moved that Board of Trustees meeting be held on the second and fourth Tuesday of each month at 7:30 P.M. Seconded by Trustee Forman. All ayes. Motion carried.

MANAGERS APPOINTMENT

Manager Kelly appointed Conrad Flickenschild as Acting Village Justice.

BOARD APPOINTMENTS

Trustee Ryan moved to appoint Trustee Besdesky as board member to the IDA Board. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Besdesky was appointed to the Planning Board.

John Ryan was appointed as board member to the Zoning Board of Appeals.

Raynard Ozman was appointed to the Parks and Recreation Board.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee Forman. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, March 26th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Proposal For Municipal Building Facade Modification
 - A.2 Schedule 1996-97 Budget Work Sessions and Public Hearing
 - A.3 Schedule April 1st, 1996 For Village Organizational Meeting
 - A.4 Payment of Audited Bills For March 26th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Review of Village Code Chapter 47 - Abandoned Vehicles
 - C. INFORMATIONAL ITEMS
 - C.1 1996 Small Cities Program Application
 - C.2 Mailbox Replacement on Utopian Place
 - D. CORRESPONDENCE
 - D.1 Permission to Hold Annual Easter Sunrise Service
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
MARCH 26, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John Ryan
Raynard Ozman
Chris Forman
Martin Besdesky

Absent: Trustees John McGuckin
Antonio Garcia

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of March 5th and March 12th with the following corrections to the March 12th minutes, page 4, 8th paragraph, change posed to proposed and page 6, 6th paragraph, change to: Trustee Ozman stated that he would like to see some remedy to the issue. He doesn't want anyone to ever feel that since no one has the right to put the box there perhaps the village doesn't really have to exercise any standard care as it relates to the box itself. The homeowners are really in a tight situation here. Seconded by Trustee Forman. All ayes. Motion carried.

PROPOSAL FOR MUNICIPAL BUILDING FACADE MODIFICATION

Mayor Uszenski stated that RBI would like \$17,275 to put the second doorway in.

Craig Maslik, Clerk of the Works stated that what the village is asking for in this proposal is a dormer, slab and a couple columns. There are a couple windows which will be swapped out for some doors. That will be an even swap. What the village would be paying extra for is a footing and slab and the dormer. He suggested this be done at the end of the project or not at all. It would be cheaper at the end of the project.

MARCH 26, 1996

Trustee Ryan moved to reject the proposal for the municipal building facade modifications. Seconded by Trustee Ozman. All ayes. Motion carried.

Dean Stickles, Building Inspector stated that in the clerks office two windows were blocked due to the fire escape being there. He suggested that at the end of the project to reinstall the windows.

Mr. Maslik stated that they are progressing with construction and the issue of adding windows is somewhat critical. We need to make a decision right a way if we are going to include this work in the contract. He asked that the board give the manager the authority to act on a reasonable bid.

Trustee Ryan stated that the manager already has the authority.

Manager Kelly stated that the fire escape in the back of the building is adjacent to the clerks office on the third floor. The second floor windows have fire shutters. In the alternative of fire shutters the architect designed the clerks office to sheet rock the inside of the window and paint the back of the sheet rock black so from the outside it still looks like a window. The sheet rock would make it a fire rated window. For a cost savings measure that was the way it was designed. What is being discussed is the village has asked the contractor to provide the village with an alternative, which would be to remove the existing window frame, entail a metal framed window with the mesh in the glass, which would be a fire rated window. The question is can you get a reasonable bid. The windows should cost between \$1,000 and \$1,500 each installed. If the bid is in that realm it would be a reasonable bid. If it is consistent with other bids it will be two or three times that price.

Manager Kelly further stated that the village has another offer of a barter with one of the subcontractors. The apparatus bay floors have been poured with concrete and the village installed the footing in front of the bays based on the existing elevation of the old floor. That elevation is an inch and one half different now. We have a level floor that is an inch and a half lower. The mason is willing to grind down an inch and a half on the front footing in return for one of the bay doors. When the village removes them and discards them as surplus he would like to do that in fair exchange.

Trustee Forman moved to declare the municipal building bay door surplus in exchange for grinding down the footing. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee Besdesky moved that upon completion of the municipal building renovations that the board revisit the facade concept. Seconded by Trustee Forman.

MARCH 26, 1996

Manager Kelly stated that the village may be able to design a different facade that could give the visual impact and leave the windows and make very little alternation for less money.

All ayes. Motion carried.

Trustee Ryan stated that he is concerned about the schedule.

Mr. Maslik stated that the construction contractors for the most part have done a very good job. The contractor that is leading the other contractors did not start working responsibly until recently. They have tripled their crew the last three or four weeks. They need to double those efforts again in order to get back on schedule.

Manager Kelly stated that there was great difficulty at the beginning of the contract with the sequencing of the work. The village had originally wanted them to proceed in the certain fashion that the village felt was the most advantageous to the village in terms of existing operations as well as safety for anyone that may be in the building. The contractor originally did not want to do that. They wanted to complete the unoccupied portions of the building first. That completion is upon us right now. They realize they cannot complete the unoccupied portions and are now redirecting their efforts to the sequence that the village originally wanted them to do, which was the police department first and the library last. This will enable the library to continue in its existing facility until the end of the job and then move upstairs when there is no construction going on and all the code requirements as well as the staircases and the elevator will be fully functional. There is no elevator in the building at the present time and at the current progress that they are going it will be another sixty days before the elevator is in. July 31st is the deadline for completion of the general construction on the project.

Trustee Ryan asked if there was still a problem with the asbestos?

Mr. Maslik stated, none whatsoever. He does expect the project to be close to on time.

Trustee Ryan asked if the electrical bill was resolved?

Mr. Maslik stated that it has been resolved. They haven't figured a formula for back charging the contractors.

Manager Kelly stated that the bill was for \$1100.00 and that was from October 15th through March 15th.

Mr. Maslik stated that considering construction didn't start, on a large scale, they can expect that to at least double or triple by the end of the contract.

Manager Kelly stated that each of the contractors have agreed to sign a deduct change order in order to allow to charge the bill back.

Trustee Ryan asked who the bill was made out to?

Manager Kelly stated that the bill is made out to the Village of Walden. The village believes the contract required the general construction contractor to foot the bill. They balked at that stating that they didn't have to pay the bill. When it was resolved by the architect as an issue of interpretation there were several other passages in the contract which used the description of general contractor. So the general construction contractor chooses to be the general contractor when it is advantageous to them and chooses not to be the general contractor when it means additional work.

SCHEDULE 1996-97 BUDGET WORK SESSIONS AND PUBLIC HEARING

Trustee Ryan moved to hold the budget work sessions for the 1996-97 budget on April 2nd, April 8th and April 10th at 7:00 P.M. and to hold the public hearing on April 15th at 7:30 P.M. Seconded by Trustee Ozman. All ayes. Motion carried.

SCHEDULE APRIL 1ST, 1996 FOR VILLAGE ORGANIZATIONAL MEETING

Trustee Ozman moved to hold the organizational meeting on April 1, 1996 at 6:30 P.M. Seconded by Trustee Forman. All ayes. Motion carried.

AUDITED BILLS

Trustee Ryan stated that there is a bill from Winwater for an eight inch valve and stainless steel flanges. There was no reason for the purchase and it was a sizable charge.

The manager will provide an explanation.

Trustee Ryan stated that something happen to the recreation coordinators computer and had to be repaired. Was that still under warrantee?

Manager Kelly stated that machine is two or three years old and not under warrantee.

Trustee Ryan asked about the small cities paperwork that was faxed in.

Mr. Stickles stated that he always waits for the original paperwork before releasing payment.

Trustee Forman moved to pay the audited bills of March 26, 1996. Seconded by Trustee Ozman. All ayes. Motion carried.

MAPLE STREET PARKING LOT LIGHTING

MARCH 26, 1996

Manager Kelly stated that the Maple Street parking lot lighting is scheduled to begin installation on April 4th and April 5th if the weather and work doesn't allow it to be completed on the 4th. The manager requested that the Maple Street lot be closed on April 4th and April 5th if needed. The lot will be posted twenty four hours in advance.

Trustee Forman moved to close the Maple Street Parking lot April 4th and 5th if needed in order to do the lighting. Seconded by Trustee Ozman. All ayes. Motion carried.

REVIEW OF VILLAGE CODE CHAPTER 47 - ABANDONED VEHICLES

Dean Stickles stated that he would like to insert a section into the village code similar to what the Village of Montgomery has concerning storage restrictions and remove the last paragraph, 47-6B where you are allowed to have one unlicensed vehicle. He took a ride around the village today and he found 59 vehicles without license plates on them. He would like to see the vehicles stored in an enclosed structure or garage.

Trustee Ozman stated that when he spoke to the building inspector they spoke more on the eye sore vehicles. He thinks one of the reasons why this came about again was because of a problem in the past with enforcement with an eye sore vehicle. What he would like to clarify is the intent behind the law and he thinks the intent was to remove anything that is an eye sore, hazard or danger or in a fire zone. He doesn't want to create something that is unduly restrictive and at the same time he doesn't want to hinder the building inspectors ability to enforce what he needs to enforce. The last time he tried to do that he disagreed with the results that were obtained. He thinks that as the law was written for that particular case, the village had a very good case. He is referring to the case that Mr. Stickles prosecuted for the village some time ago. There was an abandoned vehicle with parts off of it and because the defense was raised saying that the person was restoring it. The court found in favor of the defendant in the action.

Trustee Ryan stated that he considers these vehicles as being an eye sore. On Pleasant Avenue there are several unlicensed vehicles.

Mr. Dowd stated that he sent the Montgomery codes provisions to the manager to have for comparison.

Trustee Ozman stated that he thought the village might be able to add a definition section spelling out more clearly what is junk, what is abandoned, narrowing it down some.

Trustee Forman stated that he doesn't want it so restrictive that someone couldn't take the car off the road for a short period of time.

Mr. Dowd suggested the village also define what a structure is.

MARCH 26, 1996

Trustee Besdesky stated that unless its clearly defined you're coming up on the second snow ordinance. He sees so many loop holes.

Mr. Dowd stated that the code allows one unlicensed vehicle on the premises so long as its not in disrepair.

Trustee Ozman stated that has to be very narrow to include no dismantling, no broken glass, or no flat tires. The vehicle has to be an entire vehicle. Not an eye sore.

The board tabled review of Village Code Chapter 47, Abandoned Vehicles until the first meeting in May.

1996 SMALL CITIES PROGRAM APPLICATION

Mr. Barnes stated that they have the remaining piece of information. Most critical is the financial commitment from two banks. There is a letter that expresses interest from Walden Federal Savings and Wallkill Valley Savings and Loan. There will be a further letter from the second bank on April 2nd. The commitment isn't that strong, but it is the best you're going to get. There was also a further revision to the proforma. There is an explanation to the \$100,000 brokerage fee. It breaks down into a lender origination fee or what would be called points on a home mortgage of \$21,000, lender fee of \$20,000, a developer fee of \$44,000, which essentially is money being borrowed by the developer to pay himself. Then organization expenses of \$10,000, and bank application fee of \$5,000. He's not so sure that when the village makes a, in terms of a loan, to this particular developer that the village would want to be involved in lending money for basically an up front fee to the developer. He was advised by Mr. Smith that the eligible basis in this project for tax credits was \$2,360,215.00, which is higher than he thought it would be. The missing piece here, which they were encouraged to apply for is to apply directly to the Housing Finance Agency in New York City for the \$1.1 million dollars with an interest rate of 7%. The bank loan would be 9%. He doesn't now why they wouldn't want to do that. They are also applying for a grant from the Federal Home Loan Bank under a program they have for affordable housing. That application will go in on or before the 15th of April. They have asked for some commitments as to the villages \$280,000 in existing financing. That could be a hazard to the village in the sense that you don't want to pledge more in supporting that application than you have pledged in generating the small cities application. The U.S. Senate passed Tuesday the omnibus appropriation bill which includes HUD. Senator D'Amato put an amendment into the bill which would require HUD to go back to the 1995 announcement of the small cities program as the one to be used, rather than the 1996 announcement. The difference is the grant limit in 1995 was \$400,000. This amendment passed did pass both the senate and the house and it is headed to a conference committee. He is attempting to find out which members of the senate and house that have been named and see if this can be headed off. If its not headed off it could mean a lower grant.

MAILBOX REPLACEMENT ON UTOPIAN PLACE

Manager Kelly advised the board that he spoke to the superintendent of public works about this mailbox and that is a cul de sac and the plow did hit the mailbox when they were backing up. The driver erred when backing up. He recommended that the Youngman's submit a claim to the village for payment.

Trustee Besdesky moved that the homeowner replace the mailbox and send the bill to the village. Seconded by Trustee Ozman. All ayes. Motion carried.

EASTER SUNRISE SERVICE

Trustee Ryan moved to grant permission to hold Easter Sunday Services in the municipal square on April 7, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

ORANGE COUNTY CONFERENCE OF MAYORS

Mayor Uszenski stated that the Orange County Conference of Mayors sent a letter to the village in reference to the sales tax. They would like the village to choose one of the options.

Manager Kelly stated that there is a five year sales tax distribution agreement that the three cities and the county. The agreement is scheduled to be up for re-negotiation at the end of this year. During that final year the cities can preempt the county and opt out of the sales tax agreement. The concern now is the school districts now want a piece of the sales tax revenue. That would mean it would have to come from the share of the cities, the towns and villages or the county. The conference of mayors wants to canvass the members of the conference as to whether or not they want to stay with the current formula or do you want to share the sales tax revenues with the school districts or re negotiate a new a more favorable contract which will raise the share of the sales tax.

Trustee Besdesky moved that the Village of Walden stay with option one and authorize the mayor to respond to the letter choosing option one. Seconded by Trustee Ozman. All ayes. Motion carried.

SUMMONS

The village clerk advised the board that a summons was received by the village from Walden Federal Savings and Loan Association.

PUBLIC PORTION

Daniel Stalley, 1-5 Orange Avenue stated that he was before this board about a year and a half ago on behalf of his children who were arrested

by the police department. His children except for one was exonerated of all charges. He read the following statement, his son Danny was arrested for standing in the doorway of his own home. Since he was a minor at that time, he was not entitled to have a jury trial, which we requested, and was denied. He is asking for this board to take advisement and exonerate his son. All he was doing was sitting in front of his own house and then the police rounded up everybody and arrested everybody. What happened here was an outrage. His brothers were found innocent under the court of the law and he was found guilty because he was a minor and had to go before the judge. Officer Barry signed an oath of telling the truth. There were enough witnesses here saying that Officer Barry did not tell the truth. He signs an oath and then he perjured himself. They want something done about this. They want him on trial. The village needs officers that tell the truth. Officer Barry deliberately lied in the court. There were enough witnesses to say that he lied. The officers never came forward with any witnesses that surrounded the whole entire scene. They came in with witnesses that said that everything he did say was a lie. He and his family came before the board a year ago and told the board what happened that night. The board told him to go to the police chief with his complaints. He did go to the police chief and he was sent out of his room. They call him up in the middle of the night and ask him where somebody is. This is 4:00 A.M., 3:00 A.M.. He went to them and asked them to stop harassing him. He was told he couldn't use the word harassing and he was asked to leave. He left and it happened again. He was also threatened with jail. These aren't the kind of people we need in the town. The judge, he has nothing against the judge, although the judge sits on the court bench and was once an officer himself. He heard the explanation his son said and he disregarded them. This isn't the kind of person we need to represent the town. We tell a fifteen year old kid that he is guilty of something that he had no control over whatsoever, except they busted down his door to his house and arrested him. Then he comes before the court and is found guilty because of Mr. Barry's statement. This is not the kind of person we need in the town. While on trial the district attorney, at the end of the trial, she used foul language, which she accused his kids of saying the same thing. The police were wrong in the situation and its the towns responsibility to make sure that this kind of action doesn't happen again. If someone signs an oath of telling the truth and its proven to be a lie, a police officer especially, something has to be done. He asked that the officer be removed and his son be exonerated.

Mayor Uszenski stated that this is a court matter and advised the board not to comment.

Trustee Ozman stated that the only question he has is whether or not Mr. Stalley made a complaint and followed the proper procedure and if that complaint was investigated. He's not interested in discussing a personnel matter in a public setting. His question at this point is whether or not a complaint was made and whether or not an investigation ensued and if there was a finding.

Manager Kelly stated that he will ask the chief.

Larry Sager, 78 Orchard Street stated that this Orange County tax. A few years ago they doubled it. What kind of safety net did the village put in the budget to show the people that if this thing happens to fall down.

Mayor Uszenski stated that at this point there is no safety net. The village still has a guarantee its coming. We are still covered by the agreement.

Tony Marengo, 3 Hillcrest Avenue stated that now that the fire station is no longer in the municipal square, how long are we going to leave the sign on the corner of Scofield and Main Streets saying no right hand turns on red?

Mayor Uszenski stated that the no right hand turn has to do with the pedestrian crossing.

Tony Marengo stated that the \$380,000 that the county is giving to the various towns and villages, what did the village earmark this money for?

Manager Kelly stated that money goes into the general fund.

Mr. Marengo asked if the amount has increased or decreased in the past years?

Manager Kelly stated that in the last two years the village has exceeded the projection by \$10,000.

Wenda Heaney, Ridge Avenue stated that she has some comments about the abandoned vehicles. One thing that came to mind when they discussed an enclosure is the amount of properties in the village that don't have garages. There is a lot of non access to back yards. Unless there is a completely dilapidated wreck, she feels people should be allowed to have one unlicensed vehicle. A lot of her friends have children who are at the age group where they are getting vehicles, and if they can get a good buy they put it in the yard until they can get the money for insurance. That would be an option you would be taking away from the kids. Adults do the same thing. Someones vehicle can also break down and they might take it off the road until they can afford to fix it. She asked that all this be kept in mind.

Trustee Forman stated that if the board decides to change the law there will be a public hearing.

Greg Raymondo, 240 Orange Avenue asked about the junk dealer on Route 52, isn't that an eye sore. If you are forced to put the vehicles in an enclosure, the assessor will tax us on it. He asked about boats, snow mobiles and motorcycles. They can also be considered eye sores.

Mr. Marengo stated that there is an eye sore across the street from the village office. That isn't right.

Larry Sager stated that he came in to see the code enforcement officer about the house across the street and he was told that the owner is away a lot. You can see the porch is cracking. Its starting to move. He's concerned about the children walking by there on their way to school.

Bob Lamancuso, 33 Gladstone Avenue stated that late in the fall the village took down a tree on Gladstone Avenue and left a fourteen inch stump and children are tripping over it. He would appreciate it if the village had the stump removed.

Tony Marengo stated that with the spring coming up he is sure he will be smelling the sewer at the bottom of the hill again. There should be a permanent cure.

Manager Kelly stated that he will see if the cover can be changed.

Dorothy Weisblatt stated that last week when the mailboxes were brought up it was more than one mailbox that was knocked down. The village is only planning to replace one mailbox?

Mayor Uszenski stated that the village is not taking responsibility for mailboxes in the right of way. This mailbox the board dealt with tonight was a special exception, because it was backed into.

Mrs. Weisblatt asked when she can expect to see Wooster Grove put back into order?

Mayor Uszenski stated when the ground is dry and the construction crew can get in there to work.

Trustee Ozman advised Mrs. Weisblatt that he didn't forget about the graffiti and the cleaning up along the stream area. The recreation committee hasn't met and its a weather item.

Bob Lamancuso asked if the village had a certified DARE Officer?

Manager Kelly stated that the village does have a DARE Officer.

Mr. Lamancuso asked if the village receives any funds from the state because of the certification.

Manager Kelly stated that there is a portion of money that the department gets for DARE. The village has been trying to work with the town on the sharing of the cost. The town has never fulfilled that obligation. The officer the village uses is a part time officer. He is also a full time officer in the Town of Marlboro. He has agreed to continue to do the program at least into the fall.

Mr. Lamancuso asked what the amount was that the state gives out?

Manager Kelly stated its approximately \$500.00. The manager further stated that when this DARE Officer leaves the village has no replacement.

Mr. Lamancuso asked if the village has any intention of replacing him?

Manager Kelly stated that several of the current full time officers, including the chief, at one time were youth officers. The down side of using a full time officer is a considerable cost. Not only for his salary, but he has to be pulled out of the rotation. Then you would have to fill that slot with a part timer or with overtime of another officer. When the village was originally looking at a probable program without a DARE Officer, the village does not have an existing officer who they would be confident in having trained. The other two officers were trained from another community.

Mr. Raymondo stated that once 911 goes into effect the village won't have any need for dispatchers.

Manager Kelly stated that when the program is finally ironed out so you know how many ducks you're going to have and how many indians you're going to have. One of the things the village has always been in the position of having is a secondary PSAP. Some of the police departments aren't full time and some don't handle their own dispatch now and those will be handled directly through the Orange County Sheriffs Department. Walden, because it has always had a full time dispatching and a full time police department we were always in line for a secondary PSAP status, what means a call would go in and be relayed to Walden and Walden would handle its own dispatching.

Mr. Raymondo stated that he got harassed when this village, because of his house number, he got a letter from the county where they threatened not to deliver his mail anymore. His wife went to the post office and they weren't aware of this. His wife came to the village and the code enforcement officer had to do some paper work and send it to the post office. You don't have any idea how much trouble it was to change his address.

Manager Kelly stated that the village did not receive a copy of the counties letter.

Mr. Sager asked if the village was going to put the cost of the mailbox on the villages insurance?

Manager Kelly stated that this board can pay it as a claim. We would not send a \$50.00 bill to the insurance company.

Mr. Sager asked what fact does the village have that they didn't knock those mailboxes down on Oakland Avenue, outside of the word of the

MARCH 26, 1996

driver? A year ago we had a blizzard and no mailboxes were knocked down on Oakland Avenue.

Manager Kelly stated that he doesn't know how many mailboxes were knocked down in 1992.

Mr. Sager stated that he watched the guy back over the light in the Orchard Street parking lot.

Mr. Sager asked if the new assessment came in for the village?

Manager Kelly stated no.

Mr. Sager asked if the village works with the old assessment when doing this years budget?

Manager Kelly stated the new assessment won't go into effect for another year.

Mrs. Heaney asked if the village would adopt the new assessment of the town next year or has an option of doing their own assessment.

Manager Kelly stated that the Village of Walden in 1992 resolved to no longer be an assessment unit under state law. In the past the village adopted the town roll and had the option of modifying the town roll, updating it for the current construction and then we would adopt a revised town roll. When we ceased to be an assessment unit we thereby adopt the town roll with whatever assessments the town assessor, and what ever exemptions the town adopts we automatically have in place at the village roll. In January the village gets the preliminary roll and that is the roll the village uses when they have their taxes go out the following June.

REPORTS - COMMITTEE-

Trustee Forman stated that the sign is still on the Saccardi building on East Main Street. Also, the medical arts building there has several broken windows.

Manager Kelly stated that the building inspector has not resolved who the current broker of the property is.

Trustee Forman stated that the cinder block building, on the second floor, also has broken windows.

Manager Kelly stated that he will have the building inspector notice the owner.

Trustee Forman stated that Mr. Millspaugh asked him to mention the pothole on the corner of High Street and Bank Street. There was the same type of problem at the bottom of Highland Avenue and they did some kind of drainage and solved that problem.

Trustee Forman asked if the library received any satisfaction from the town board.

Manager Kelly stated that he doesn't believe so. The library will continue to press the town on that issue.

Trustee Forman asked if there was a cost to the village for a recount on the elections?

Manager Kelly stated there was a cost of \$120.00.

Trustee Ryan stated that the election inspectors are in need of a raise. What they are given for the day is inadequate right now. To double the amount would not be a lot for the amount of hours spent.

Trustee Ryan asked if Mr. Howland has gotten a chance to get down to Bradley Park?

Manager Kelly stated that he was up there today and he saw both planters now have to be repaired. The rules and regulations sign is also down. He will speak to Mr. Sweed tomorrow.

Trustee Ryan stated that he questioned when the plantings went in at Bradley Park as to why guarantees weren't bought on the plants put in. The cost was deemed to be prohibitive. He asked Mr. Howland to do a count of how many trees were still existing as opposed to what he bought. A guarantee on the plants would have been money well spent. Several of the pine trees have been lost, greater than 50%.

Manager Kelly stated that the nursery the village bought the trees from was substantially less than the commercial nursery that would have come with a one year warrantee.

Trustee Ryan asked if the attorney was working on the other part of the unsafe building local law?

Mr. Dowd stated yes. The unsafe buildings is a different process than the zoning violations and increased penalties. The village can move on the unsafe buildings. The second local law would be addressing other than unsafe buildings.

Trustee Ryan asked about the Hill Street bridges, are they ever going to be done?

Manager Kelly stated that he feels they are waiting to do an over lay when the asphalt plant opens.

Trustee Ryan stated that in regard to unsafe buildings the code is in place and we can start to move on it. He can think of a substantial list of buildings to start off with. He asked that be put on a calendar.

Manager Kelly stated that he will have Mr. Stickles draw up a list of buildings that currently do not comply or are in need of addressing.

EXECUTIVE SESSION

Trustee Besdesky moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Forman. All ayes. Motion carried.

ADJOURNMENT

Trustee Forman moved to adjourn. Seconded by Trustee Ryan. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk

TOWN BOARD MEETING - MARCH 26, 1996 7:30 pm

COMPLAINTS:

1. DANNY:

My son Danny was arrested for standing in the doorway of his own home. Since he was a minor at that time, he was not entitled to have a jury trial; which we requested, and was denied. Daniel Stalley, testified to the fact, that he was only standing in the doorway and not causing any problem. His brother, who also testified for Danny during his trial, testified that Danny had nothing to do with anything that went on, and yet, the judge found Danny guilty and not believing the truth after hearing the false statements from Officer Barry.

Since his brothers were found not guilty, I am requesting that my son Danny be exonerated of all charges and my monies returned.

2. OFFICER SHAWN BARRY:

Officer Barry should be prosecuted for committing perjury, by testifying and signing a statement, and under oath, that the facts were true, however, by the testimony of many witnesses stating his testimony was false. I request that the town take the appropriate measures in prosecuting Officer Barry for perjury.

3. POLICE CHIEF'S ATTITUDE:

The police chief's attitude was unconcerned, when I voiced my complaints about police officers calling my residence in the early morning hours and threatening me with an arrest for not cooperating with the officers, for the whereabouts of people, whom I would not have had any idea as to their whereabouts or to their activities.

4. DISTRICT ATTORNEY:

Her unprofessionalism was enhanced by stating after the jury was leaving, "She had been here all fucking week." Those very words were the instruments that they prosecuted my children for saying.

5. JUDGE MIZZELL:

I feel that we need a judge that is more sympathetic to the community; since the judge himself was a police officer ~~in~~ I feel he does not have the community in his best interest.

MARCH BILL LIST - MARCH 26,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-407	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-408	AMERICAN ALLIANCE FOR HEALTH	125.00
A-409	ANNESE & ASSOCIATES, INC.	446.08
A-410	B. & C. FUEL OIL CO., INC.	111.40
A-411	BERRIAN SADIE	85.00
A-412	CENTRAL PARTS WAREHOUSE	130.90
A-413	COMMISSIONER OF FINANCE	8.00
A-414	COUNTRY HARDWARE	34.19
A-415	DAN THE TREE MAN	675.00
A-416	DEMPSEY STEELPIPE CO., INC.	11.97
A-417	DUTCHESS OVERHEAD DOORS	419.00
A-418	EXPANDED SUPPLY PRODUCTS, INC.	396.90
A-419	FROEHLICH JO ANN	60.00
A-420	GALLAGHER TRUCK CENTER, INC.	189.07
A-421	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	849.25✓
A-422	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	92.25✓
A-423	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	249.40✓
A-424	GEORGE'S AUTO PARTS	49.91
A-425	GEORGE'S AUTO PARTS	47.94
A-426	GOULD PUBLICATION	28.45
A-427	GROSSO MATERIALS, INC.	641.43
A-428	HART MARC	71.40
A-429	HERMAN RALPH CO., INC.	18.96
A-430	HUDSON VALLEY CODE ENFORCEMENT OFFICIALS	135.00
A-431	LENNON MARY	95.00
A-432	MATISE EVELYN	85.00
A-433	MID HUDSON COMMUNICATIONS	167.50
A-434	MID HUDSON COMMUNICATIONS	126.12
A-435	MIDWEST MICRO	202.45
A-436	NORCO CONTAINER	62.04
A-437	NYCAL INDUSTRIES	< 48.25 > Paid
A-438	OFFICE SUPPLY STORE	30.35
A-439	OMNIFAX	176.96
A-440	PAGE NEW YORK	26.00
A-441	PETERSON ROBERT	50.00
A-442	PITNEY BOWES	234.00
A-443	QUAKER STATE	25.43✓
A-444	QUILL CORPORATION	35.98
A-445	SARJO	114.03
A-446	SHARE CORP.	66.39
A-447	SLATER'S POWER EQUIPMENT, INC.	202.40
A-448	SMITH'S COMMERCIAL TIRE	444.90
A-449	TIMES HERALD RECORD	73.44
A-450	TIMES HERALD RECORD	17.28
A-451	TIMES HERALD RECORD	51.84
A-452	THRUWAY PHARMACY	5.46

MARCH BILL LIST - MARCH 26, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-453	THRUWAY SHOPPING CENTER	55.16
A-454	THRUWAY SPORTING GOODS, INC.	3.59
A-455	WALDEN ANIMAL DELI	15.98
A-456	WALDEN AUTO SUPPLY	62.47
A-457	WALDEN AUTO SUPPLY	55.96
A-458	WALDEN AUTO SUPPLY	120.34
A-459	WEINERT'S T SHIRTS, INC.	104.50
A-460	WOODARDS CONCRETE	243.00
A-461	MID HUDSON OFFICE SUPPLY	31.90
A-462	ENVIRONMENTAL PAPER TOWEL SERVICE	110.40
A-463	GAINER-WILBUR CONSULTING ENGINEERS	242.40 ✓
A-464	ORANGE COUNTY CLERK	3.50
A-465	DAN DOELLINGER	150.00
A-466	TIMES HERALD RECORD	20.88
A-467	NEWBURGH WHITE GMC TRUCK CENTER	15.00
A-468	WALDEN BAPTIST CHURCH	600.00
A-469	BRIAN JARVIS	1,329.91
A-470	POLUMBO RICHARD	60.00

10,456.56

10,438.31

MARCH BILL LIST - MARCH 26,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-122	COUNTRY HARDWARE	24.99
F-123	J.G. POLLARD CO.	89.95
F-124	PAGE NY	6.75
F-125	RAMSCO	958.00
F-126	ORANGE COUNTY LABS	<u>120.00</u>
		<u>1,199.69</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-119	ENVIROTEST LAB	545.00
G-120	F & G ELECTRIC MOTOR	375.00
G-121	NEWBURGH WINWATER	1,117.00
G-122	TOOL FACTORY OUTLETS	187.94
G-123	NEWBURGH WINWATER	68.40
		<u>2,293.34</u>

CAPITAL ACCOUNT #82	GAINER-WILBUR CONSULTING ENGINEERS,P.C. MUNICIPAL BLDG	346.00
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SMALL CITIES-95	POWER CONSTRUCTION 15 ORCHARD STREET	2,050.00
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MARCH BILL LIST - MARCH 26,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	BELL ATLANTIC NYNEX MOBILE	26.76
	COASTAL REFINING & MARKETING, INC.	871.94
	COASTAL REFINING & MARKETING, INC.	337.64
	FRONTIER COMMUNICATIONS	38.80
	FRONTIER COMMUNICATIONS	7.71
	FRONTIER COMMUNICATIONS	50.09
	NYSEG	846.40
	NYSEG	576.23
	NYSEG	2,996.50
	NYSEG	263.09
	NYSEG	5,489.11
	POSTMASTER	700.00
	WAREX	1,375.78
	WAREX	651.54
		<u>14,231.59</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	691.95
	COASTAL REFINING & MARKETING, INC.	115.19
	FRONTIER COMMUNICATIONS	86.26
	NYSEG	3,063.87
	NYSEG	232.61
		<u>4,189.88</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	12.07
	NYSEG	5,241.21
	NYSEG	415.87
		<u>5,669.15</u>

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
MARCH 12, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden, Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Antonio Garcia
Martin Besdesky

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Forman moved to adopt the minutes of February 27, 1996 and March 4, 1996 with the following corrections: February 27th, Page 4, 6th paragraph, change barring to bearing, Page 27, 5th paragraph, change stand to grant and Page 31, 6th paragraph, change our to are. March 4, Page 6, 2nd paragraph omit, we are in the sense, and omit very, Page 13, 4th paragraph omits the s off of sorts in the second sentence, omit the word they in the third sentence and change upon to up, add the word questions after unanswered in the fourth sentence and change the word flush to flesh in the last sentence. Seconded by Trustee Besdesky. All ayes. Motion carried.

AUTHORIZATION TO PURCHASE NEW LIBRARY FURNITURE

Manager Kelly stated that the expansion in the library required two separate purchases, one for the shelving, which has been awarded, and this is a revised shelving list which there will be a change order issued. There were some changes required because of the field conditions with the layout and there was a finish change on a couple of the units. The original purchase order was \$28,000. He spoke with Leslie Myers today and the library board had a meeting last night, the library has been awarded a grant for \$8,000 through the state education department. What the library is offering, because the original proposal was \$33,000 for all the furniture, and at the last meeting the manager advised the board that they were looking for \$6,000 and the

estimate was rounded to \$8,000. Based upon the actual quote you are looking at \$9900.00. The library has told the manager that they will pay for the difference in the cost of the furniture and the shelving over and above what the construction budget had in it. The village will not be asked to make up the difference.

Trustee Ryan moved to authorize the purchase of the new library furniture. Seconded by Trustee Forman. All ayes. Motion carried.

AUTHORIZATION TO ATTEND ANNUAL RECREATION CONFERENCE

Mayor Uszenski stated that Mr. Howland is requesting permission to attend the annual recreation conference from April 28th until May 1st in Syracuse, New York for education and enrichment. The cost is \$105.00 for the conference, \$226.00 for lodging, and \$120 for travel.

Trustee Ozman moved to authorize John Howland to attend the annual recreation conference. Seconded by Trustee McGuckin. All ayes. Motion carried.

STOP - DWI

Trustee Besdesky moved to authorize the mayor to sign the letter for the agreement with Orange County and the Village of Walden Police Department for funding. Seconded by Trustee Garcia. All ayes. Motion carried.

AUDITED BILLS

Trustee Forman moved to pay the audited bills of March 12, 1996. Seconded by Trustee Ryan. All ayes. Motion carried.

SNOW REMOVAL POLICY AND REPLACEMENT OF MAILBOXES

Mayor Uszenski stated that the village has had problems in the past when the plows didn't plow curb to curb. The village has received comments about that. Now that the department of public works has been asked to plow curb to curb there are some areas where the homeowners have to have mailboxes on the curb, its a requirement of the post office. The village law says that no one can put anything in the village right of way without permission.

Trustee Garcia asked where the post office gets off dictating what they are going to have in this village.

Manager Kelly stated that there is a bit of a dilemma even in the instructions from the post office. In order to deliver the mail the post office wants the box in a location where the driver can reach it with their arm. They give the people instructions on where they want the box, but the last item on the instructions says that the boxes must conform with state laws and highway regulations. They are telling the homeowner that it is up to them to make sure they comply but where they

are telling them to put the boxes is in direct contradiction to the village code. The homeowner is stuck because if they don't put the box where the post office wants it they won't have their mail delivered. The homeowner is caught in the middle.

Trustee Garcia suggested they write to their congressman and legislators and have them come here and tell the village what they have to do.

Manager Kelly stated that the problem is half the village has front door delivery and half has mail box delivery. The issue here is that it has not been a problem and the law has been on the books for a long time, but until or unless something happens to bring light to it it goes uneffected until there is a situation that warrants action.

Trustee Garcia stated that if the village has a rule to plow curb to curb, you plow curb to curb and if the mail boxes are knocked down its not the villages worries.

Mayor Uszenski stated that some of the boxes aren't installed properly, they are beyond the curb, that is not in every instance. The only other option people would have is to get a post office box.

Manager Kelly stated that the problem is in the newer subdivisions that have a sidewalk and the mall between the curb and the sidewalk is two foot or less, it doesn't allow the mailbox to be pushed back far enough off the curb to get it out of the way. Oakland Avenue is one of the streets they have a problem with and the mall is a foot wide. There is no way you're going to be able to fit an eighteen inch mailbox in that small area. The manager has talked to each of the people who are effected. The village has never replaced a mailbox. The manager denied their request and they are appealing to the village board.

Trustee Ozman asked if the post office has sufficient amount of empty boxes if these people were to come in.

Mayor Uszenski stated that there is a fair amount. Every new development and delivery is going to be required either to have a curb side box in front of their house or a general area where there would be a group of mailboxes.

Trustee Ryan asked, the placement of the mailboxes, the placement of the sidewalks, the placement of the curbs, were these all considered at the planning stages when the developments went in?

Mayor Uszenski stated that some were. Now it is a requirement.

Trustee Ryan asked, the curb placement, sidewalk placement and the grass area were all established at the planning board stages?

Manager Kelly stated that he is not sure he's seen that happen. The planning board is concerned with the metes and bounds of the road, the

placement of the road within the right of way and there is usually it is a thirty foot wide road or a thirty five foot wide road into fifty foot right of way, you have 7 1/2 to 10 feet on the other side of the curb. He hasn't seen the planning board get so detailed as to say they want the placement of a sidewalks four feet off the curb. Often the sidewalks are placed where they can fit, bearing in mind the utilities and the other things.

Trustee Ryan stated that he's trying to confirm that the limited space was due to planning board revisions and suggestions, or was it done by the developer placing to fit the best needs of either topography or ease of installation.

Mayor Uszenski stated that some mailboxes are improperly installed and as the years go by they tip and fall forward.

Trustee Ryan asked if the mailboxes were wiped out in a row?

Manager Kelly stated that Oakland Avenue was the one where a half a dozen mailboxes were hit, not in a row. In some instances the plow flag hit the mailbox in other instances the weight of the snow hitting the mailbox just right knocked it down. There were individual mailboxes hit on Linden Drive and Streamside.

Trustee Ryan stated that Streamside is still ongoing, maybe that can be corrected.

Manager Kelly stated that Maplebrook the village only took half of the development as dedication. The other half will be some time next year.

Trustee Ozman stated that the way he sees it, because of conflicting information received by the homeowner and the fact that this wasn't addressed at the planning board stage and because there has never been an effort by any code enforcement officer to have those boxes removed, he would like to see some kind of concession. He posed that the village provide the labor to repair the box and the homeowner provide the material and more formal notification goes out to the residents based upon the fact the damage was presumed to have been done by the village vehicle in most cases.

Trustee Garcia stated that he is against that, he doesn't want to provide any labor at all. That is what causes taxes to go up.

Trustee Ozman stated that because the village doesn't enforce a code doesn't mean that the code isn't a valid code.

Trustee Ozman suggested the post office expand their area of boxes.

Mayor Uszenski stated there isn't any more room for expansion

Trustee Ozman asked if the post office will deliver to a box that is mounted on the residence in that area?

Mayor Uszenski stated no, if you're required to have curb side delivery it has to be curb side.

Trustee Ozman asked, if the people can't get a post office box at the Walden Post Office, what would be the alternative?

Mayor Uszenski stated that they would have a certain amount of time to put a box curbside or they wouldn't receive delivery.

Trustee Ozman stated that these people can't get delivery because the village code says they can't have a curbside box.

Manager Kelly stated that there is a liability issue here too, if someone trips over a mailbox that is on village property, is the village responsible? If the mailbox is knocked over, not by the village and there is a post that is exposed and someone is impaled on the post, is the village responsible. You also have underground gas lines, and underground electric in the right of way.

Trustee Ozman stated that this is something that needs to be addressed at the planning stage.

Trustee Garcia suggested more mail carriers.

Manager Kelly stated that the most recent subdivisions were approved in the 1970's. The village does have a standard street specification guide, which is used for the engineering practices to be employed in all subdivisions. He would have to look to see if there was any requirement.

Trustee Ozman moved that the village provides the labor and the homeowner provides the materials to fix the nine mailboxes on Oakland Avenue, Linden Avenue and Streamside.

Mr. Dowd stated that there is a question of legalities of spending public monies to what is essentially a private responsibility, unless the board determines that its not a private responsibility, in the context of a law suit or something to that effect.

Trustee Garcia suggested that the mailboxes be put on the side of the road that doesn't have sidewalks.

Trustee Ozman stated that he feels something at the planning board stage has to be addressed. Even with that being addressed we still have the problem of putting anything in the median, even if it was wider than it is on Oakland Avenue.

Trustee Ozman asked how many mailboxes were involved?

Manager Kelly stated that in his report it was nine and he thinks there were two more since then. It may be eleven.

Trustee Ozman stated that he would like to see personal notification go out the beginning of next winter on our channel 8 broadcast, notifying the residents of their responsibility of placement of mailboxes.

Trustee McGuckin suggested that be done in the spring, so it can be done before winter.

Trustee Ozman stated that he would still like to see something done, and taking in account the advice from counsel, he would still hazard to say that it is within the responsibility of the village to provide some labor to repair those mailboxes and to repair them in accordance to the way they were originally built. Those that did not have concrete footings don't get concrete footings.

Trustee Ozman remade his motion that the village provide the labor to repair the mailboxes and that based upon the homeowner providing the proper materials and that for this year 1996 any correspondence regarding mailboxes has to be delivered to the village office by April 1, 1996 regarding any damage.

Manager Kelly stated that there are instances where if we are rebuilding sidewalks and our vehicle hits a retaining wall, we do accept responsibility for that. On many streets homes are right up to the sidewalk.

Trustee Ozman stated the he would like to see some remedy to the issue. He doesn't want anyone to ever feel that no one has the right to put the box there and perhaps we don't really have to exercise any real care as it relates to the box itself. The homeowners are really in a tight situation here.

Manager Kelly stated that if the village doesn't plow curb to curb the same owner doesn't get mail delivered, because the mailman can't get close enough to the curb.

There was no second to Trustee Ozman's motion.

Trustee Garcia suggested the village attorney start a little battle with the postal department and get some regulations changed. All we're taking is the word of the postal department.

Mayor Uszenski stated that there are ways of correcting these problems.

Trustee Garcia moved that the villages policy of not replacing mailboxes stand and in early spring notify village residents of the proper location of their mailboxes.

Trustee Ozman stated that he would like to see correspondence go to the planning board asking them to look their issue over carefully when they do their site plan review.

Seconded by Trustee Besdesky. All ayes. Motion carried.

1996 SMALL CITIES PROGRAM APPLICATION EXTENSION TO APRIL 3RD

Mayor Uszenski stated that the 1996 Small Cities Program application deadline has been extended until April 3rd. The board has a copy of the memorandum from Saccardi and Schiff regarding the final punch list that Luxembourg has to get to Saccardi and Schiff by Friday, March 22nd.

Mr. Barnes stated that he did receive official notification of the extension.

Trustee McGuckin stated that the memo speaks about a financial gap. He thought when they met that that gap was closed.

Mr. Barnes stated that his understanding is that the C.P.C. was going to loan them \$600,000 and they were getting the rest from local banks. The problem developed that each bank wanted to have first mortgage. Mr. Barnes advised them to go to the Housing Finance Agency. Its a lower interest rate.

Mayor Uszenski stated that if all this information and with Saccardi and Schiff's approval of everything that is submitted, what is needed, if they don't get this to them by the 22nd the board has to make the decision as to whether to go with this or not. If this gap isn't filled this project is dead, as far as the grant application.

Trustee Ryan stated that what concerns him is this letter was received today and item number eight is the one they said they would have to them today. He doesn't have a time as to when this was faxed over, but obviously it wasn't there when they said it would be.

Mr. Barnes stated that you may not want to put the appraisal in the application.

Trustee Ryan stated that he would like Saccardi and Schiff to determine that.

Manager Kelly advised the board that this board has not taken a formal action on the commitment to cover the application cost relative to the preparation of the small cities application for a private developer. The cost of this application will exceed the original proposal because of the fact that we started on one project and we went to another and the amount of time that is being spent trying to pull this together. There is still a question as to whether or not that is in his proforma, they've never stated whether or not they will pay the village, whether or not the application is funded.

Trustee Ryan asked if C.P.C. dropped out?

Mayor Uszenski stated yes.

Mr. Barnes stated that they are interested, but only if they can be first mortgage.

LETTER REGARDING ROLLER BLADE HOCKEY RINK

Mayor Uszenski stated that the village received a letter from Mr. John Law regarding the roller blade hockey rink at Woosters Grove. He is asking what the village's commitment for the rink is and will the village permit the program to start up this year. The last time Mr. Law came before the board they asked him to do the organization part of it and they haven't accomplished that. The board said they would help and gave them a site at Bradley Park and they were to get commitments from the town. The village hasn't received anything from the town that they will be doing anything with this. They can't meet the insurance requirements for Woosters Grove. A four foot snow fence isn't adequate for safety.

The manager suggested Mr. Law write to the village because he advised him he couldn't use Woosters Grove. The problem the village has had in the past is they have not done unorganized events in Woosters Grove like they were supposed to. They have been running organized games. He doesn't believe the village's insurance carrier would allow them to use a snow fence as a safety barrier.

Mayor Uszenski stated that the board requested them to organize and they haven't.

Trustee Ryan stated that they are interested in Bradley Field. He told them that the village would provide the drainage, but they have to demonstrate the ability to organize. Their biggest problem is coming up with legal fees and registration fees for the state to put in their corporation papers and their not for profit status.

Trustee McGuckin asked if this has been brought up to the recreation committee.

Trustee Ozman stated that it hasn't come up because last year when Mr. Law came before the recreation committee he didn't have a lot of the same things in place that aren't in place right now and since that time it hasn't come up as an agenda item. In regard to his letter, under the village's commitment he doesn't think the village has established any commitment above and beyond the fact that the village would allow the use of the area at Bradley Field based upon the inline hockey organizations formation and insurance's and things like that being in place. He asked that when the manager responds, is he going to respond to each of the items in his letter?

Manager Kelly stated that he will respond however the board wants him to respond.

Trustee Ozman stated that he would like to respond also to the question Mr. Law raises regarding the villages specific intentions. He doesn't think it was the villages intent, he thinks the board was behind the program if Mr. Law was able to organize his end of it.

Trustee Ozman moved to authorize the manager to respond to Mr. Law's letter regarding the roller blade hockey rink, that the village is still interested in helping the program develop, it is up to them to organize and raise funds and that they are not authorized to use Woosters Grove for organized games, they can use it for strictly pick up games. Seconded by Trustee McGuckin. All ayes. Motion carried.

PUBLIC PORTION

Greg Youngman, 6 Utopian Place stated that his mailbox was hit. Its not over the curb. It was hit again on Friday. It wasn't hit by the plow it was hit by the truck backing up to turn around. Both times they were told by the driver that it will be taken care of. They said it was their fault.

Pat Youngman, 6 Utopian Place stated that her husband fixed the mailbox the first time and then there was another snow storm and it was hit again. They live in the middle of the block, she doesn't know why they are turning around there. The truck came over the curb and hit the mailbox.

Trustee Garcia stated that was a little different than what they were discussing.

Manager Kelly stated that he spoke to Ms. Youngman after the second incident. Thats not what he was told.

Mrs. Youngman stated that the driver came back after she spoke to the manager and told her he would be back Friday or Monday and he never did.

Manager Kelly stated that the drivers are told that if anything happens they are to call DPW or the village office. They are not authorized to tell the residents they will fix their mailboxes.

Mrs. Youngman stated that the first time her mailbox was knockdown she called the superintendent and told him that she was told it would be replaced and he said it would not be replaced.

Trustee Ryan asked the manager to go out and look at the site and find out who the driver was.

Manager Kelly stated that the first time it was hit by the front end loader and the mailbox was buried in the snow and they couldn't see it. He doesn't know who the driver was the second time.

Trustee McGuckin stated that plowing curb to curb is one thing and

backing into something is another.

Trustee Garcia asked if that was leaving the scene of an accident?

Mrs. Youngman stated when she called the village office the first time she was asked if she filled out an accident report.

Trustee McGuckin stated that he would like the manager to take a closer look at this situation.

Mayor Uszenski stated that he will also take a look at this with the manager.

Trustee Garcia stated that if knocking down the mailboxes is the fault of the driver then these boxes should be replaced.

Susan Countryman, Wallkill Valley Times stated that she spoke with Gerald Jacobowitz shortly before coming to the meeting and he informed her that all the money for the funding of the Wooster Building was in place. If all their funding is in place are they still going to be required to contact HFA and provide all of the information regarding funding from them as additional funding if everything is taken care of?

Mayor Uszenski stated that if they have guarantees with bank commitments, then they won't be required.

Manager Kelly stated that HFA was another option that was suggested they contact. As of right now the village has not been given any commitment letters that they had found the additional \$600,000 after CPC dropped out.

Dorothy Weisblatt, Gladstone Avenue asked what is going to happen to Woosters Grove now that the money is not coming forth?

Mayor Uszenski stated that the parking area will be completed and the sewer will be completed in the spring.

Mrs. Weisblatt stated that Woosters Grove also needs to be cleaned up. There are a lot of leaves and dead trees.

Trustee Ozman stated that he will bring that up at the next recreation committee meeting.

Mrs. Weisblatt asked about the graffiti on the building?

Trustee Ozman stated that is another request he can make and it can be taken care of during the summer.

REPORTS - COMMITTEE

Trustee Garcia stated that he would like to say something about the shoveling of sidewalks. A lot of sidewalks weren't shoveled after the

last storm.

Manager Kelly stated that he will check with the code enforcement officer. The code says they have twenty four hours after an accumulation. The procedure is that if the snow is on the sidewalk during the weekend on Monday morning the code enforcement officer, if it has been twenty four hours since the snow has fallen, will make a tour of the village and every condition he notes he mails a notice of violation to the homeowner and then they have seven days. You have to send them a certified letter and give them a certain amount of days to correct the condition or within seven days of that the dpw will go out and do it and the village will assess the property. Its not an immediate cure.

Trustee Garcia stated that if there is a problem with enforcement then we should forget the sidewalks. There is something wrong with our system.

Manager Kelly stated that if we don't follow the procedure we can't recoup the cost.

Trustee Garcia stated, then leave the snow there.

Trustee Ozman suggested using personal service for people who live in the village.

Manager Kelly stated that you can also post the door.

Trustee Ryan stated that there was an item in the job meeting regarding a letter written to NYSEG requesting a bill be sent directly to the village, are they arguing over who is paying for the electric?

Manager Kelly stated yes, the village is not paying for the electric, but there is a semantics game being played by the general construction contractor to decide when and in what context they will consider themselves the general contractor, so the issue of utilities has been a sticking point since the project began. Canale Electric was required under their contract to pay for the temporary service installation. It was the villages position all along that RBI was required to pay that utility bill during construction for the temporary electric. RBI refused and then appealed to the architect for a determination and several instances in the contract specifications referred to the general contractor within each of the trades. In order to remedy the matter the architect resolved that the proportion of the trades, individual trades, the value of their work for the total job they pay the portion of the electric. Unfortunately we've never had a bill since the service was turned on. We are concerned now if no one has been paying for that temporary service that the service could get turned off. The village called NYSEG with the meter numbers on the temporary meter and have been told that is not a working meter. the village is now asking Canale to go back to their original application and follow up with NYSEG to see where that bill was sent. They think

it might have been sent to RBI and RBI is either paying it or sitting on it. The issue is the village is not going to pay that bill.

Trustee Ryan stated that the recreation department had a line in their budget for a back stop. The back stop hasn't been put in.

Manager Kelly stated that it was ordered today. There is a four to five week delivery. The recreation coordinator met with the president of Little League and Mr. Penney. They measured the back stop that is up there and because the one in the catalogue is smaller than the old one they will be having a custom one built. There is a cost difference of \$1100.00. They want to have it in prior to opening day.

Trustee Ryan stated that he would like to revisit the building inspectors abandoned vehicle request. He would like the building inspector at the next meeting and have this as a discussion item.

Trustee Ozman stated that he spoke briefly with the building inspector and they were going to do a survey of the village at some point, to see what is out there and needs to be cleaned up. The intent was to get rid of junk, not necessarily something that wasn't an eye sore. That survey hasn't been completed.

The manager will ask the building inspector if he is available or put his thoughts in writing as to whether or not the issue of interpretation has been resolved.

Trustee Ozman stated that there were some concerns raised with the Big Apple Circus facility and whether or not it might impact the Wanderling Park swim area. Those thoughts were communicated to the planning board some time ago. The recreation coordinator also spoke to Peter Cawley of the Big Apple Circus asking him to look into the situation and asked for voluntary compliance, because many of these items have already been taken up and passed upon at the planning board stage. There was a comment period with DEC regarding a similar situation and during that comment period the recreation coordinator submitted a copy of the letter that the recreation board had directed initially to the planning board so the DEC could also consider whether or not the contaminants might pose a problem.

Trustee Ozman further stated that the recreation committee also discussed the youth center. It appears that there is no funding in the 1996-97 budget and there may have not been funding in the last budget. The question was raised, since the recreation coordinator is being questioned on a fairly regular basis as to the status of the project and he knows the manager has sent correspondence, the question was raised as to whether or not further correspondence would be sent by one of the village officials or a meeting requested.

Manager Kelly stated that he spoke with Mr. Howland today and the village did get a letter from Patricia Woodworth who is the budget director for the State of New York who indicated that though the money

is not in next years budget it has been in this years budget all along and it is clear that the Division for Youth never intended to go forward with the project. Mr. Howland is concerned because the recreation committee wants to put a press release out that certainly will not play out very well as far as the perception to the public. His concern with that is that Senator Larkin who has been pushing on our behalf not be portrayed in a negative light as a result of that press release. He feels there is a game being played in Albany in the Division for Youth. The manager would like to write a letter to Senator Larkin enclosing Patricia Woodworth's letter and ask if there is any way the State of New York can commit that money that is already in the budget for this project regardless of whether its built this year or not.

Trustee Ozman stated that the committee discussed the sewer line and the roadway at Woosters Grove. They ask that this be a priority item as soon as the weather breaks.

Manager Kelly stated that they were planning to do it before the latest foot of snow. They are waiting for delivery of the tanks for the pump station.

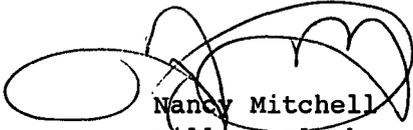
REPORTS - MAYOR

Mayor Uszenski stated that budget time is coming near. He advised the board to be ready.-

ADJOURNMENT

Trustee Besdesky moved to adjourn. Seconded by Trustee Ozman. All ayes. Meeting adjourned at 9:25 P.M.

Respectfully submitted,


Nancy Mitchell
village clerk

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING
MARCH 5, 1996

APPROVED

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees Raynard Ozman
John Ryan
Chris Forman
Antonio Garcia
Martin Besdesky

Absent: John McGuckin, later present

Also Present: Kevin Dowd, Village Attorney
John Kelly, Village Manager

Recording Secretary: Nancy Mitchell, Village Clerk

SMALL CITIES APPLICATION

Mayor Uszenski asked for final updated status on the small cities application for Luxembourg?

Mr. Nichol stated that his office spoke with Saccardi and Schiff earlier this morning and he was told they are fully satisfied in terms of the arrangements made to get everything in. The appraisal, the real key is that they have the number and the commitment is that they will have the actual document, which they will put on as an attachment by the 11th or 12th. The letter is confirming that. He was told they are satisfied with that. There is one item that has to flow from what they decide here tonight, because it will determine how the commitments are apportioned between C.P.C., and the banks here in town. They got an updated letter from Walden Federal, stronger and more direct in terms of where their limit is, in terms of their \$500,000 participation. The real key is how that will be divided up. That flows from what they are doing tonight. Just trying to follow up and get the sense of, its obvious that the board had some concerns last night that they wanted to address, they wanted this structured in a certain way, a loan, not a grant. They did get the message. They wanted to be able to give the village a firmer proposal. He was on the phone with Mr. Dowd who was in contact with other folks regarding that. He thinks they have something that he hopes the village will find acceptable. He thinks its directed at meeting the concern that they heard. First, the funds from the village will be structured as a loan, rather than a grant. That was something he clearly heard from the board. That meets the

boards intent. In terms of what they did and when he first talked to Mr. Dowd he didn't have a direct idea in terms of where the village was. He said why don't you try a bunch of options. They literally ran many different options and what they end up with is so many numbers. They tried to hone in on something that fits the village's requirements and their requirements. The interest on the loan would be variable in the extent that a portion of it would be deferred. What is important here is that we keep certain cost low for the initial critical years of the project. The interest would accrue so the village wouldn't be losing anything and the principal would be repaid over the period. What he is talking about is a tiered loan in terms of the rate of pay back would be lower in the first ten and higher in the next ten and then either another third tier for the total of thirty years or a balloon in that period. The private financing they expect to be over that twenty year period, so they are a little more flexible in that final period. In terms of the interest rate, what they would like to do is to take it with a payment that would take them out to the thirty years, but they can work with that. In terms of the interest rate what they would like to see, that seems to work, is a rate between 1 and 3 percent, 0 and 3, but he doesn't think the village will go to zero, but that is certainly the range they would be looking for. Again, the interest would be accruing on the project, but deferred for the first period of time and then paid in full, all of it as it accrues later on. What this does for them is they need to keep the cash flow during those, early years at a level that encourages the private financing. Kerron is asking why do they have the differential in what they are willing to loan on the project depending on what the villages terms are, that is directly related to the cash flow that generates from the project. Obviously if its a grant there is a greater cash flow generated, therefore they are more willing to participate. If it were a 10% interest rate there would be less cash flow that they would be paying to the village, in those payments, for the interest and they would be less willing to participate at that level. That is the reason they are calling for that and that is the reason they are looking for that deferral of the interest alone during that first ten year period. They would like to make this flexible in the sense that they do want to be looking at the tax credit possibilities with the project. One of the questions that was posed to them last night, will tax credits reduce what they would need from the village? The answer is yes. He can say it more definitely. Yesterday he said yes, but he was hedging. They would have follow through on that. That seems to be where they can go and yes it will reduce those requirements. That is something at this point for this application that they don't want to get into, but they will be agreeing as one of their points here, that if they get tax credits and qualify they will go in here so they can reduce the villages participation, based on getting tax credits. They want to get the tax credits, it makes it a better project. What they need to do is set up one that will go with this application that works, so they are not going to discuss it in terms of this application. They are committing that if they get them that they will then reduce the villages participation as permitted by the tax. By paying the interest and principal they are providing that fund that that money can

recirculate in the community. It will be coming in and you know it will be coming back to the village and coming back with interest. He thinks that there was some request from the village that could be a variable type of thing to protect the villages position. They are willing to agree to that in terms of a variable interest rate, so the village is protected in that way. He thinks this satisfies all the concerns that the board addressed to them which were legitimate concerns, and it still makes this a viable project.

Mr. Dowd stated that he had extensive conversations today with Mr. Nichol, Mr. Protter and Mr. Cappello in relation to this idea of a loan and interest rates and pay backs and repayments and all that. He asked then originally to start out with a 3%, thirty year and see where those number come out and what it does to the project. The numbers they ran said that the return of their investment is at a crucial point at that certain point of time and their average cash flow is down to a certain point where the project is doable, but its becoming less and less attractive. They talked about shortening the program to 20 years and lowering the interest rate down to maybe 0%, that would be a problem with C.P.C. and the commercial lenders who want to see their money come back to them first. They talked about balloon and a number of different variations and the tax credit came up as well.

Mr. Nichol stated that for the tax credit deal a higher interest rate is doable. He mentioned one to three, but if they get the tax credits, that range goes from one to six. They can work with a higher range of interest if they get the tax credit deal. That is where they want to go.

Mr. Dowd stated that tax credits reduce the villages share of this to about \$350,000 to \$400,000, almost in half, which then freezes up the extra money the village has for other projects in the village. Now we're talking about the fact that they start out with say a 6% interest rate, perhaps they only pay 2% of that interest over the first ten years where the other 4% gets pushed back to the second ten years and the third ten year period. Ultimately the money still comes back to the village from day one in some smaller amount and get bigger and bigger as the project gets unto its feet and can run with itself. There is a concern that a balloon payment at the end would be affordable to his client. All the specifics of the pay back schedule would have to be arranged in a much more formal way and hammered out and certainly everything the board commits to would be a contingent commitment.

Mr. Nichol stated that the proposal he would prefer to see is that they have it very clear in terms of that it works with this. They will have the commitment to the village to go with the tax credit. They don't have enough contact with the state in terms of the tax credits to be as firm as they want to be. At least the impression in his office was at this point they would be creating more questions in HUD's mind by not having that honed in. They are willing to go either way. They want to present the application from the village in the strongest light

VILLAGE OF WALDEN-PAGE 4
BOARD OF TRUSTEES SPECIAL MEETING - MARCH 5, 1996

possible.

Mr. Dowd stated that they had several conversations over an extensive period of time today trying to have them come to the board with some proposal not unlike other things they've done in the past that satisfied the villages need to get money back as quickly as they can or some money back on this loan so you can begin to roll it into other projects in the village that they were concerned about. That is basically the ideas they came up with.

Mayor Uszenski asked about the position?

Mr. Dowd stated that there are other scenarios here. Obviously the community lenders and C.P.C. are going to want to have priority over the village as far as a mortgage is concerned. He thinks the village will be in third or fourth position and we will probably be beyond the appraisal value of the building of 1.5. There has to be other security involved in this. They talked about personal guarantees. They talked about other mechanisms for trying to guarantee that your going to get paid back the full boat on this. That would have to be hammered out at a later day, but for the perimeters the board needs tonight to give to Saccardi and Schiff for this application there may be enough ground work here where you can put enough contingencies into this commitment that you can either back away any particular time if they don't meet those criteria or reduce your exposure for any number of different things or put additional hooks into the loan program so that you can guarantee this money is coming back to you.

Mr. Barnes stated that he hasn't seen the proposed financing arrangements they are talking about.

Mr. Nichol showed the board the proforma. The proforma shows the first five years. It shows that it works in a range of the rate of return that will be satisfactory. The first floor will be commercial leases which will be a net net style where they will have to pick up taxes, so they've adjusted that down. They took 3/4's of the figure they ended up with. They show the income coming in, they show the operating expenses amount available for debt service. What that will cover and how that coverage ratio is. They show the village portion and pay back of principal only, because this is for the first ten years and how that effects the rate of return.

Mr. Dowd stated that in year two the property taxes went up to \$40,950 and exhilarate after that. Is that one of the changes made after their conversation?

Mr. Nichol stated that they made an adjustment to the second year. They are assuming a 3.5% increase in taxes annually. That is reflected how it keeps going up.

Mr. Dowd stated that in their proforma its \$20,000.

Mr. Nichol stated that they don't have an answer because the person who did it isn't here.

Mr. Nichol further stated that they had a calculation that can in indicating, that of \$65,000 for total buildings. That was based on the 1.5 figure. What they did was do the adjustments for the equalization rate, which brings it down to 90% of that, about \$54,000. He has four floors, area wise the first floor is commercial and they with their leases will be picking up the tax payment, so that doesn't reflect in their proforma because they're all obligated to it directly. They don't show it as an income, they are just showing \$10.00 a foot, net. They will be paying that in addition to the \$10.00 a foot, so they subtracted that from the \$54,000, that bring it to \$40,000.

Mr. Dowd asked, what about the tax abatement?

Mr. Nichol stated that he is not sure that this, there could be for the commercial portion. He doesn't think they did adjust any for that.

Mr. Dowd stated that when he talked to Mr. Protter today, Mr. Nichol was not part of that conversation and he asked Mr. Protter about the \$20,000 figure and that is when the word tax abatement came out and then he said.

Mr. Nichol interrupted saying the \$40,000 doesn't include any tax abatement. It appears that there could be possible some tax abatement related to the commercial under 45B. At a net, net that is taking care of by the person occupying the building so it doesn't show in the proforma because its neither income to them nor expense. Either way it doesn't effect what the proforma is and what they've done is excluded from the proforma.

Mr. Dowd stated that keeping in line with their conversation this morning, you're showing a principal of \$845 in the village, 30 years at 0%. In the years 1,2,3,4, and 5 would be your monthly payments on principal.

Mr. Nichol stated that he assumes that is the number.

Mr. Dowd stated that he's looking at the year two on, for their return investment of \$15,260 all the way up to the year five of 25.14. That is why they were talking about if the village wants a percentage as an interest rate, what that 0% would be and how it would effect that return on investment for your client.

Mr. Nichol stated that this again goes assuming they are asking for the deferment, not that they are getting it. Only for the first ten years, zero is not the full thirty, because that will pick up at that point.

Mr. Dowd stated that he is saying based in the year five a return investment of 25.14. He would think they could phase it in sooner than the ten years, based upon these numbers.

VILLAGE OF WALDEN-PAGE 6
BOARD OF TRUSTEES SPECIAL MEETING - MARCH 5, 1996

Mr. Nichol stated that he doesn't think they are adverse to that. He thinks its just a question of how much, in a way that works with all the pieces that come together. This is one of these type of things that it has to jell, you don't build piece by piece and one that neatly fits on top of the other because they are all interdependent. It has to come together after they know where the village is and then it all fits and then suddenly its there as posed to they built it. They did build it in some way, but then there is only that point that comes together. This allows the private guys to come in.

Mr. Dowd asked Mr. Barnes if this was the proforma they send to HUD as part of the application, showing 0%, with the understanding between both parties.

Mr. Nichol stated that we have a note in terms of the.

Mr. Dowd interrupted stating that as far as what the interest rate would be and when it would kick in. He wants to make sure if that would require to be a change in the application, if there was not a foot note for instance.

Mr. Barnes stated that they'd probably confirm with them to see if they would consider it a minor change or beyond. He thinks the problem HUD would have in looking at the proforma, he sees two rated cash flows in some of those years. Year one is not only, because presumably your taxes are lower in that year, but you would have to get this at the edge where the developer is making enough to make it worth his wild, but not so much HUD says you're over subsidizing to that building. He thinks Mr. Dowd's comment is correct that maybe there should be some, even some small interest the first year. This is not necessarily going to be worked out now.

Mr. Nichol stated that he thinks what they need, the way he would tend to show it is with a foot note indicating that they intend to have that variable, they had discussed the variable rate, deferring in the earlier years to encourage the investment. He thinks that if you put that note, that gives you the flexibility to do what you need to do, to make it work.

Mr. Barnes stated that he wouldn't show the fifth year that high a return. We are trying to make as competitive a product as possible.

Manager Kelly stated that the principal they show being repaid to the village for the first five years, \$2,300 a year. He asked Mr. Nichol to go back over how he broke that out.

Mr. Nichol stated that he didn't prepare this. Mr. Dowd knows he didn't. H was told it was straight line principal only and over thirty years.

Manager Kelly pointed out that it was ninety years at that rate.

Mr. Dowd questioned \$2300 a year?

Manager Kelly stated that they show \$2300.

Mr. Nichol stated that to the best of his knowledge that wasn't intended. The decimal point might be wrong. He's showing the monthly rate. He does think that is a mistake. His understanding when he asked the question that was showing the annual principal only. There would be deferment on interest or part of the interest, depending on what rate they are using. If they use a regular amortization table they would have a sliding rate if they took the interest only. When he looks at this and sees the magnitude that will give them a problem in year one, two and three, they might look for that curve where that increases like principal normally would in a normal conventional loan.

Mr. Dowd stated that if in fact the \$2,237 is the monthly, we said it was \$28,000. Then in year two your net cash flow is going to be over \$20,000 a month.

Mr. Nichol stated that is why he started saying they need, because it eliminates their problem of having too much of a rate return in the years four and five. Maybe to curve that rate, to the amortization rate over a normal thirty year loan where your principal to interest ratio shows a low principal. You're still going to be accruing the interest, but that rate will climb to fit the curve they need to show. Two thousand dollars in terms of available cash flow beyond debt is not going to make anybody happy. HUD, the private investors or what not. He thinks they need to get it in this range which he thinks they will have to by adjusting how that curve goes.

Trustee Ozman stated that plus your proforma shows a gap of \$845,000, but the funding sources total \$860,000.

Mr. Nichol stated which shows that we don't need everything out of that. Its showing \$860,000 from the beginning and that was in terms of what would be potentially available when they first asked what would be potentially available. They can adjust that, but it shows the village has flexibility in terms of needing that.

Trustee Ozman stated that he had a comfort level, he was somewhat uncomfortable utilizing the full amount of HODAG and UDAG, village revolving loan fund for this project, based upon the fact they are used for other sources presently. He feels that has to be resolved now. That would be the two funding sources at the end, \$80,000 and \$30,000 as shown here respectively.

Mr. Nichol stated that he thinks the answer is that this works with this application. They know the village would prefer to have more fund available for other projects. They would prefer to go to the tax credit thing, it works better for them. This is the one think they were chasing today, following up from the questions of last night.

Ultimately that is where they would go. That would reduce their need from the village. Its between three and four. He asked what would they need form the village on the tax credit scenario? He thinks it was in the range of 350 to 400.

Mr. Dowd stated that he thinks he said about \$345,000, \$350,000 to around \$400,000.

Mr. Nichol stated that is where they ultimately want to end up. He thinks in terms of what they are showing here tonight is something that is intended to be approvable and show your best foot forward in terms of that application. Yes, as its shown it doesn't resolve the problem in terms of the HODAG and UDAG funds. What he thinks will happen would give the village the flexibility.

Trustee Ozman stated that he understands what Mr. Nichol is saying. He's just concern if it doesn't work out on their end, certainly those programs won't work out on the villages end. Its a question he's trying to hammer down now.

Mr. Nichol stated that at least fifteen of that you can see right off the bat isn't needed.

Mr. Dowd stated that they reduced the HODAG from \$80,000 to \$65,000.

Trustee Ozman stated that unless his client is in a position to come up with the difference.

Mr. Nichol stated the he doesn't really think so. They're obviously not going to discuss Mr. Spanos's personal finances in an open setting. He's looked at it and he's showing his heart is in it, by the amount of his commitment as to his personal finances, he thinks that could be demonstrated in a private setting. It's not really shown here, because it doesn't effect his proforma but there is a commitment of \$65,000 in terms of the property. That is on top of the \$200,000, \$265,000 commitment.

Trustee Ozman asked the manager if he is correct in saying the UDAG account, that is the exclusive funding source for the code enforcement officer?

Manager Kelly stated that is correct.

Trustee Ozman stated that what he wants to say is personally he doesn't want to commit the entire account. He realizes that the entire account may not be used, but he doesn't want to commit to the fact that they will use the entire account, potentially wiping out the code enforcement officer for the village. He doesn't want that to be a contingency. That account is used for other things that can be picked up elsewhere. That is something the village needs.

Mr. Nichol asked, are we talking a \$15,000 swing, because he thinks

VILLAGE OF WALDEN-PAGE 9
BOARD OF TRUSTEES SPECIAL MEETING - MARCH 5, 1996

that could be worked in here. We're talking from the private guys \$600,000 from one and \$500,000 locally is in that package is doable in terms of shifting that around.

Trustee Ozman asked the manager if it is UDAG that is also eligible for sidewalks?

Manager Kelly stated yes, UDAG has the most flexibility. HODAG must be used strictly for rental housing rehab.

Mr. Nichol stated that UDAG is confined by the program itself of \$15,000 per lot and there are two lots. That is where the \$30,000 limit comes from.

Manager Kelly stated that the original conversation was your request would basically take 50% of all available village funds, combined HODAG and UDAG, based upon their request.

Mr. Nichol stated that the trustees concern is is there still enough funding for that code enforcement program.

Trustee Ozman stated that the village is in a squeeze play in regard to budget constraints. This year we have to consider that we are going to have debt repayment on the municipal building. He would like the village to consider maintaining the infrastructure of the village and the infrastructure maintenance is coming out of his account and if it doesn't come out of this account it will have to come from the taxpayers and it will mean an increased tax rate above and beyond the increased rate its going to be this year.

Manager Kelly stated that has been a source the board has talked about using for capital improvements.

Kerron Barnes stated that the origin of these numbers was a hasty estimate on his part, while in the middle of a meeting on the back of a piece of scrap paper as to what he thought might be available, but subject to further the investment. They are now set in quick drying concrete.

Mr. Nichol stated that hopefully they won't stick because they would like to pursue a scenario. What they want to do is make sure that they have gotten this application in, in the best way possible. He's trying to think in meeting this particular concern relates to making sure the village has particular funds that are available for code enforcement and capital projects. There is \$15,000 over already. That means they can be down to \$15,000 from UDAG. That is a new gap. If they want to make that a zero number tonight of \$15,000 that they would try and get. He hasn't been the contact with each of the banks and the private guys, but in terms of a one one commitment he would hope they could get \$15,000 extra, that would clear that from the get go. He expects that not to be a problem at all. That concern can be resolved as of tonight. He thinks they can chase that and find that extra that would

make that work.

Mr. Barnes stated that the origin was that \$30,000 was the figure he picked knowing they had two separate building lots and could under the existing guidelines apply for a loan at a maximum of \$30,000.

Mr. Kelly stated that they changed the guidelines. Its not per lot, its per owner. Originally what the concept was would the village consider exceeding their original guidelines. That is when this discussion went back fifteen months ago. This was something that was originally proposed to the village, would we consider more than what the current maximum was. That is where the \$30,000 came from.

Mr. Barnes stated that was what was his seat of the pats guess as to what was in that account at that time. Understand the HODAG money is not only used for, its used to supplement some of the programs. Two hundred was a guess as to what was in the 93-94 grant. Five hundred fifty thousand was the absolute ultimate maximum they could pull out of a new \$600,000 grant. It should be adjusted down to \$540,000 or \$530,000.

Trustee Ozman stated that he's not as concerned with the total number that is shown on the proforma. He's concerned with the use of the funds out of the particular program.

Mr. Barnes stated that the way he gave it to them to try to preserve to use the least money from UDAG because that is your most flexible money source.

Trustee Ozman stated that at some point the board could resolve to use some of those funds. He is not certain that they need to do that tonight to make this go forward. What he would be concerned about tonight is to resolve to commit a significant portion of funds from the UDAG account. A commitment to him means a promise to utilize those funds if necessary.

Mr. Nichol stated that he thinks they are talking about \$15,000. They show they are asking for \$860,000 and they only need \$845,000. His honest guess is if push comes to shove they can provide \$15,000 extra from the private sector. That resolves that question and leaves that flexibility for code enforcement, sidewalks and capital construction. What he's hearing that line comes out and they will show, they will have to reduce their gap somehow to \$830,000 and eliminate the last line entirely.

Trustee Ryan asked if there was available funds from HODAG?

Manager Kelly stated they would be there based on this as of the current balance. One of the things the village has been using is to supplement the existing small cities and we have had some projects that have had funding from three different village sources. HODAG has been used with greater frequency to make some small city projects work.

Right now there would be an available balance to cover what is shown in the proforma.

Trustee Ryan stated that he wants to be direct. Your application is into Saccardi and Schiff? He asked the manager if he had a chance to talk to them and have they had a chance to evaluate what the application might be rated or what the strength might be, with the information that might be available by the 11th or 12th?

Manager Kelly stated that he spoke to Mr. Smith and Mr. Schiff and Ann Orfinger at 2:30 P.M. and he spoke to Mr. Smith again at 5:00 P.M. What Mr. Nichol is indicating is basically the same information. Right now the strength of the application and the quality of the application will be contingent upon the commitment letters, the phrasing of the commitment letters, the packaging of the financing to show that it fits and it works. There were several commitment letters that needed to be reworked. One was the local banks, one was the letter from C.P.C., and one is a commitment letter of the owner equity. There was also the issue regarding the appraisal and the issue at that point is its going to be a judgment call based upon the appraisal and he understands they are discussing it with their appraisers as to the final number, is it 1.5 million or more. That will be a judgment call. There is concern that if you include that number HUD will see a project that is risky. It shows a 2.1 million with only 1.5 million in equity upon completion. That point the recommendation might be to leave it out. That way your not clouding the issue of can the project work. The other issues that they spoke about was item #8, just a separate cost as far as the construction, new verses rehab, so that some is eligible, some is not.

Mr. Nichol stated that there was one letter already and its being rewritten.

Manager Kelly stated that everything else is in, in terms of the application. If those commitment letters are strong and they are phrased in a manner that shows that there is a more than just, we'll take a look at it at a later date, if they meet our underwriting requirements. They are looking for a package. The quality of the application will hinge on these commitment letters. They believe its doable if the information can be presented. The proforma was the last piece of that.

Trustee Ryan asked if C.P.C. will redo their letter based upon the discussion tonight?

Mr. Nichol stated yes, it will reflect exactly what was discussed.

Trustee Ryan asked with the tax credits the best the village can be is third and we could be as distant as 17th in the financial scheme. If the tax credits come in, his interest would be to pay off the village first.

Mr. Nichol stated that the reason the public money is important is to

VILLAGE OF WALDEN-PAGE 12
BOARD OF TRUSTEES SPECIAL MEETING - MARCH 5, 1996

make it attractive for the commercials. They are talking the loan to value in the appraisal. They were told by C.P.C. they would consider that, but that is secondary consideration. First consideration to any of the private guys is the cash flow. They see the cash flow is there on a sufficient amount they know its there to pay their debt service. If they pay the village off first it reduces that and reduces the attractiveness. They could adjust earlier where the village would get all its money back with interest. If they get the tax credits they can bring the rate up in terms of that return.

Trustee Ryan stated that his understanding is the tax credit increases their cash flow. If your cash flow is increased you're not changing what would be your original cash flow, but it could improve their ability to pay the village back sooner and still make their commitment to the commercial.

Mr. Nichol stated that in concept he doesn't have a problem doing it. The only concern he has is it still has to show on the proforma that with the tax credit it works. If it works he doesn't have a problem with that, because of the tax credits they are going to attract more private side money into the project. He can't tell the board at this moment they can do exactly what Trustee Ryan wants to do there.

Trustee Ryan stated that the reason our money makes it so attractive is it fills in the gap between the 2. and the 1. Them stepping ahead of us could leave the village holding the bag. If other funds become available that we would be reduced first. In the event of a failure they will be reduced first and the village would be holding nothing.

Mr. Nichol stated that one of the interesting things your going to see here, part of the evaluation process comes from comparables that you have here. The comparables are actually devalued right now because they are sitting next to derelict building. When this gets done you'll see this turned into something everyone can be proud of. As the time goes on the secondary effects in terms of the value of the neighborhood, the value of this property is going to go up and you'll still have that coverage rate. The coverage in terms of the value to the loan is important in foreclosure situation. Really where you want a project like this is to make sure the cash flow is there in the quantity that makes it clear that they have a cushion to meet expenses and pay the debt service. That is the importance of that rate of return, making sure that is built in. That is where the village has to look at this and say yes its there and we can work with that rate of return. That we will be sure that we get because the rate of return here is it economically produces the cash to pay the village. If it does that then we don't have to worry about the foreclosure sale.

Trustee Ryan asked if they were directly dealing with C.P.C. or are they going through a local bank?

Mr. Nichol stated that they are working directly with C.P.C., but he believes that Walden Savings made the contacts.

Trustee Ryan stated that he wants to be sure that they are handling the financial end of it and its not going to a second party, so when the letters are drafted and brought in they say this isn't exactly what I thought and you have to go back a second time.

Mr. Nichol stated that he's not the guy in the office that is doing the work on this project. His understanding is they put the letters together and said this is what we want and their contact has been over the phone with Mr. Alcott.

Manager Kelly stated that Mr. Alcott is the former community development director for Orange County. He is familiar with this area.

Mr. Nichol stated that it is his understanding is they worked out language in terms of strengthening them up so they are phrased as strong as they can be for the application.

Trustee Ryan stated his strong words for them the last couple of times they met is that if we put all our eggs into one basket with them a lot of it is out of the villages hands, the village can't talk to them similar as they would to Mr. Barnes or Saccardi and Schiff when things go wrong. Its all in their corner and if there is a hole in the program for a year it effects the whole village for a long period of time. He wants the project to go ahead, he wants the building rebuilt. He doesn't want to see it the way it is and he doesn't want to see a gap between buildings also. He's not comfortable about having a lot of control over this. A lot of people see money coming from the federal government as pennies from heaven but they are not, they are tax dollars, that is money that has come in from different parts of the country and they are to be administered just as diligently as if it was money coming off of any street in the Village of Walden.

Mr. Nichol stated that is why the villages commitment is going to be a contingent commitment. The final word is the villages.

Trustee Garcia stated that what bothers him with all this talking, what are they doing to the planning board for. If the board approves this that is more or less forcing the planning board in to giving in and relenting on some of the obstacles they have to meet. To him this is the cart ahead of the horse.

Manager Kelly stated that they were in front of the planning board last night at a work session. There is a number of interpretations and variances required from the zoning board. There is site plan approval and special exception use permit. The manager has discussed this with the chairman. He thinks the planning board is comfortable in their role as the review agent for this project and they will look at it objectively, but they also understand that the village board needed to make a commitment as far as their application and the deadline. Unfortunately it would have been nice to have the plans two months ago in front of the planning board so those issues could have been resolved

VILLAGE OF WALDEN-PAGE 14
BOARD OF TRUSTEES SPECIAL MEETING - MARCH 5, 1996

and this board would have had a comfort level knowing the outcome has been reviewed.

Trustee Garcia stated that when he sees stuff like this coming through on negativism against this board. He doesn't want these people to think that is the reason he would vote for anything like this. All the things they had favorable have been people that would benefit by this, but the people up at 5 Westwood Drive and in that area aren't benefiting as much as these locals are. He's always fought that. He thinks the rest of the taxpayers should be thought of just as much as the negative people.

Manager Kelly stated that in terms of whatever the outcome of the planning board and or zoning board, because the planning board cannot ultimately act unless the zoning board grants the relief sot. If the plan were to change as a result of that review then the application would also be amended to reflect that. The board hasn't necessarily tied their hands. From a timing and a sequencing standpoint Trustee Garcia is correct, in that the village board is out front, supporting a project. The details of which have to be worked out by the planning board.

Mr. Dowd stated that the board has to first make a decision of what the village commitment is going to be, taking into consideration the UDAG funds of \$30,000. Then you can start putting in your other contingencies and commitments for lending that money out. You have a proforma that is fairly complete.

Trustee Ryan asked about the use of the \$200,000 out of the 1995 small cities program, how does that effect the rest of the target area?

Mr. Barnes stated that its not moving that fast. He would be comfortable with the \$200,000 assuming HUD gives the village an amendment. Mr. Barnes pointed out that in the proforma there is an item on the first sheet which is the development budget, which \$100,000 is there for brokerage fees. No one could figure out why that was there. Now they have multiple financing lined up he's not sure they need to budget \$100,000 for brokerage fees. That might help the developer.

Mr. Barnes further suggested that the village may want to leave some UDAG there just to show that the village is making an effort to use every possible source, but not enough to cripple the program.

Mr. Nichol stated that he will look into what the brokerage fee is.

Trustee Ozman stated that his opinion is that the village should aggressively pursue other projects in the village utilizing that funding. He heard Mr. Barnes say it might make the application look better if there is some funding in there. If its not going to hurt the application, that we don't utilize the UDAG funding. He will leave that up to the village consultant for a final determination.

Mr. Dowd stated that one of the numbers has to be modified by \$15,000.

Trustee Ozman stated that his personal position is not to touch UDAG funds.

Trustee Ozman moved that the Village of Walden resolves to authorize the use of funding from the following sources, 1996 Small Cities Grant, 1995 Small Cities Grant, and HODAG Loan repayments, in an amount to be determined by the village and to be repaid as a low interest loan. Any funds provided herein are intended to be supplemental to any other financing that may be available to the developer and said funds shall be secured by a mortgage of no less than second position, personal guarantee(s) or other acceptable security to the Village of Walden with final contract documents and loan agreements subject to legal council and village board approval and subject to:

1. The owner having good title to the property.
2. That adequate commercial financing be made available and verified by the village that it is available to do the project.
3. That a note and mortgage be executed on behalf of the Village of Walden securing the amounts of the loans.
4. That personal guarantees be signed by the owners of the property for that loan.
5. That any tax credits shall be used to offset the Village of Waldens involvement in this project and that the applicant shall apply the tax credits towards repayment of funding secured through the Village of Walden and that this commitment will be in an amount of \$830,000 at a variable interest rate, it will be a loan and the rate will be between 0% and 3% and if there is a tax credit available the interest rate will be between 0% and 6%, to be decided at a later date.

Seconded by Trustee Ryan. All ayes. Motion carried.

RESOLUTION NO. 16-95-96 - VILLAGE OF WALDEN APPLICATION FOR FY 1996 SINGLE PURPOSE SMALL CITIES FUNDING

Trustee Besdesky moved to adopt Resolution No. 16-95-96, Village of Walden Application for FY 1996 Single Purpose Small Cites Funding, (attached). Seconded by Trustee Ozman. All ayes. Motion carried.

Mr. Nichol thanked the board for the time and effort they've put into this.

Trustee Ryan moved to authorize the mayor to sign whatever commitment letters are necessary in support of the application based upon the resolution of the board in terms of financing. Seconded by Trustee

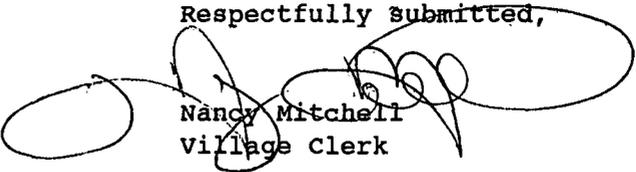
VILLAGE OF WALDEN-PAGE 16
BOARD OF TRUSTEES SPECIAL MEETING - MARCH 5, 1996

Ozman. All ayes. Motion carried.

ADJOURNMENT

Trustee Ryan moved to adjourn. Seconded by Trustee Forman. All ayes.
Motion carried.

Respectfully Submitted,



Nancy Mitchell
Village Clerk

RESOLUTION NO. 16-95-96

VILLAGE BOARD OF TRUSTEES
VILLAGE OF WALDEN - APPLICATION FOR FY 1996
SINGLE PURPOSE SMALL CITIES FUNDING

WHEREAS, the Housing and Community Development Act of 1974 as amended, authorizes the availability of federal funds to eligible units of local government for the purpose of implementing Community Development Block Grant Programs, so as to give maximum feasible priority to activities which will provide benefits to low and moderate income persons or aid in the prevention of elimination of slums and blight, and

WHEREAS, the Village of Walden is eligible to submit an application to the U.S. Department of Housing and Urban Development for funding under the Small Cities Community Development Block Grant Program, and

WHEREAS, the Village Board of Trustees of the Village of Walden deems it necessary in the public interest to apply for a single purpose Small Cities Grant in the amount of up to \$600,000 for the purpose of meeting its residential rehabilitation needs in its designated target area, and

WHEREAS, to ensure sure financial assistance it is necessary to submit an application with the U.S. Department of Housing and Urban Development, and

WHEREAS, the Act also requires the municipality to give certain assurances, and to adopt a residential anti-displacement and relocation plan and require certifications including a drug-free work place, prohibiting the use of federal funds for lobbying and a policy prohibiting the use of excessive force with respect to non violent civil rights demonstrators in order to permit village acceptance of community development funding.

NOW, THEREFORE, BE IT RESOLVED by the village Board of Trustees of the Village of Walden that the Mayor as the Chief Elected Officer is hereby authorized and directed to submit the aforementioned application to the U.S. Department of Housing and Urban Development, in accordance with regulations, guidelines and requirements of the Small Cities Program and to execute any agreements which may be necessary to receive these funds.

Motion to adopt by Trustee Besdesky and seconded by Trustee Ozman. The vote was 7 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on March 5, 1996.

VILLAGE OF WALDEN
BOARD OF TRUSTEES
SPECIAL MEETING
MARCH 4, 1996

APPROVED

Mayor Andrew Uszenski called the special meeting of the Village of Walden Board of Trustees to order at 6:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John Ryan
Raynard Ozman
Chris Forman
Antonio Garcia
Martin Besdesky

Absent: Trustee John McGuckin

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

EXECUTIVE SESSION

Trustee Forman moved to hold an executive session pursuant to 105 - () of the Public Officers Law. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the special meeting. Seconded by Trustee Garcia. All ayes. Motion carried.

Mayor Uszenski stated that tonight's meeting is to further discuss the 1996 Small Cities application.

Mr. Nichol gave an update on the status of the 11-17 Main Street project. He stated that they have basically responded to all the items. Mr. Smith required site plan, floor plans and architectural and engineering studies, they couldn't report on the structural integrity, those were submitted directly from their architect. It has been confirmed that they have been received. An appraisal of the after rehab value of the market, that came in late this afternoon. A cost estimate based on the Davis Bacon is in. There was a question regarding a detailed construction proforma identifying all sources of funds including the small cities. There is a proforma that has been developed and the consultants have it and have reviewed it. It shows basically it is a workable project. Item number 9, documentation of the commercial portion, fourth floor expansion, has private financing

to cover the cost. The private financing, they have letters of interest showing from the Community Preservation Corp.

Mr. Cappello stated that a letter expressing their interest was submitted today and setting the terms. That was faxed to David Smith of Saccardi and Schiff. He spoke to Mr. Smith this afternoon and he did have the letter. He also believes it was faxed to Mr. Barnes.

Mr. Barnes stated that he hasn't seen it.

Mr. Cappello gave Mr. Barnes a copy to look at. Also, Walden Savings has authorized them to let the village know that they have expressed interest. They have initiated the contact with the Community Preservation Corp. and they said by the end of tomorrow they will have a letter expressing their interest also.

Mr. Nichol stated that the village already has an indication of interest from Walden Federal Savings and Loan. In terms of tax credits they don't have anything right now. The proforma shows this works without tax credits. They have some indication in strong desire expressed among the members of the village board to keep this a senior project. That may be a question related to tax credits. They got some indication that depends on the source of financing that that may not be possible if they are going to have just an all senior project. They are following up on that and they are trying to get some sort of response from them indicating how that will work, but the proforma shows that the project works even without that in place. He thinks the importance of it is to keep it an all senior project as the applicant wants it to be and certainly the village board has expressed their desire to keep it that way. The documentation, Number 8, the commercial portion and fourth floor expansion has private financing, he already mentioned that. Financial commitment letters, you have one from Walden Federal, we have the one from the Community Preservation Corp. and we expect something from Walden Savings Bank. The other question relates to what terms they would be getting from the village, that is something obviously that is within the village's control and they don't have an answer because it has to come from the village. They do have the detailed operating proforma, that has been submitted and being reviewed. Photos are already there and available and letters of support, most of them are there.

Mr. Cappello stated that there are quite a few additional ones that he was just handed tonight. They are originals. He will forward them to Mr. Smith tomorrow to be included with the application.

Mr. Nichol stated that he's sure there are some ironing out of details to be done yet, but they are certainly well under way of doing that.

Mayor Uszenski asked if the board had any questions?

Mr. Dowd stated that it is his understanding that the board should give them until tomorrow to have everything in their offices, all the

information to make that application complete and competitive.

Mr. Cappello stated that he spoke to Mr. Smith^{*} this afternoon and they went down through the list and as he said, most everything that Mr. Nichol mentioned has been submitted. Some came under separate cover from Mr. Burbs office. The rest was faxed Friday afternoon. There were a couple minor revisions and a couple additional letters of support, that Mr. Smith required. Those aren't really major items that are involved in the nuts and bolts of preparing the application and he thinks Mr. Smith said that if they got letters of support in after Tuesday, that wouldn't be a big deal, you'd be able to provide it.

Mr. Nichol stated that its in, he's sure there will be questions going forward, but they will be responding to them as they come forward. They hope to be continuing to generate those letters of support from the community, because he thinks there is a large reservoir of support for this project.

Mayor Uszenski stated that basically the purpose of this meeting is to make sure that we have the best grant application as possible. That is his concern. He asked if the board members had any questions on this part of the discussion?

Mr. Dowd stated that he has the letter they received from Value Appraisals and this is in fact not an appraisal so much as it is a cost estimate of what the appraisal should come out to be. He noticed the second paragraph says the appraisal is underway. It says the appraisal is not complete yet, he is coming up with a value of \$1.5.

Mr. Cappello stated that they went through the proforma with the appraiser and reviewed it and he is now compiling the actual report, so the full appraisal report may take a bit of time to come up with the information.

Mr. Dowd asked Mr. Barnes if Saccardi and Schiff need the actual appraisal or will they accept a letter like this, where it says the appraisal is being done, but based upon everything he's seen its come out to 1.5.

Mr. Barnes stated that he doesn't know, he thinks they would like to see, the actual document makes it stronger.

Mr. Nichol stated that they are pushing the appraiser to do that and prepare that, but he's giving them the necessary in order to show how the numbers work, to show that the proper justifications of the project are there. The report itself is one of those that does support the application and they expect to get it.

Trustee Ryan asked, what is the time table on that?

Mr. Nichol stated that is something that for the formal parts of the project, that has to be in by March 13th. In terms of putting it

together, the writing and draftsmanship and normal writing of the grant, he doesn't think that is a critical document. The number is the critical factor, because that explains how the project works and typically what you will do then is the next formal report that exhibit.

Trustee Ryan stated, a simple answer, when will the appraisal be done?

Mr. Cappello stated that they don't have the exact date, but certainly they will try and get it in by the 13th and be submitted as an appendix to the document.

Trustee Ozman asked if they could detail the disparity between the 1.5 appraisal and the construction cost which total came in at on or about \$2.1 million dollars?

Mr. Nichol stated that of course they don't have the final appraisal, but essentially its based upon the revenues that are generated. With keeping this project affordable the senior citizens and the rents that you can get and need to have in order to perform that purpose, you're only derive at a certain income stream.

Trustee Ozman asked, so is the 1.5 million dollar appraisal based upon the income stream?

Mr. Nichol stated yes, its an income approach.

Trustee Ozman stated that one of the concerns is whether or not there is enough equity in the project to secure the loans that are going to be going against the project.

Mr. Nichol stated that in terms of the private side of the financing they end up with 73% of loan to value rate. That is reasonable commercially. Obviously as they said all along, the project doesn't work without the government side of the project, but on the commercial side we're talking about a 1.5 million value supporting a 1.1 million in private loans. Between C.P.C. and the local banks they are talking about 1.1 millions, so that is 73%. What he understands to be a reasonable coverage rate.

Trustee Ozman asked, that is 73% loan to value from the private side?

Mr. Nichol stated yes. On the government side you are not always working from that, the government side you're saying what works for the community and they are calling that this is money being made available in order to make things that would otherwise not work, if it all worked privately then there wouldn't be such programs.*

Trustee Ozman asked, if you're successful in terms of obtaining tax credits, what is the proposal to utilize the tax credits toward this project, how would those tax credits be applied?

Mr. Nichol stated that he doesn't know if he is the one who could give

good detail on that, but his belief is that it effects where the equity would go and he would presume it would effect the relationship between the village and the project as to how they want to characterize how money is applied.

Trustee Ozman asked, does that mean that you would not need as much loan money from the village?

Mr. Nichol stated that his expectation is that would be true if they were here, if we had the tax credits. The answer is, if we had them that makes the project more attractive, if you will, in that regard, but he doesn't think they can believe or count on them for purposes of where they are, particularly for the application. The word they got is if this is a senior project only that reduces the likelihood of having the tax credits for the project, in which case it makes what they are asking from the village that much more important. The proforma is based entirely without consideration of those. They are looking into those and clearly if they occur that is something for the village to consider and they will work out whatever arrangements at that point. This time their main concern is this particular application and the March 13th deadline.

Mayor Uszenski stated that the second item is the commitment of the projected funding for the Village of Walden for the following sources. Obviously with a proforma, you have monies from the village, at this point we do not have those monies, we don't have the 1996 grant, also on the 1995 grant would have to go to HUD for a transfer of the loan from the original application.

Mr. Nichol stated that he thought they were in the targeted area.

Mayor Uszenski stated that they are in the targeted area, but we need to do a program amendment. So, that is not totally guaranteed at this point.

Mr. Nichol stated that typically making those amendments is a lot easier than getting the grant. They obviously know that 1996 is not in place.

Mr. Barnes stated that it would be an amendment because they promised HUD that they would do x number of housing units with their grant and if we spend \$200,000 of that on this building we lower our goal, our normal is \$7500 per unit or we try and average \$10,000, but with a multiple dwelling is \$7500.

Mayor Uszenski stated that what wasn't discussed at the public hearing was that the village considered this a grant to the village and it will be a loan to Luxembourg. It will have to be repaid. Its not an all out grant to the project. It would have to be repaid so it would reflect into the proforma. Not that it has to be all at once, but the village feels that something would have to be arranged.

Mr. Nichol stated that they understand that and in terms of where you want to go with that he thinks there are several approaches that can be taken. One of their concerns in looking from C.P.C. and he thinks if the board gets a chance to look at that letter, they will lend a greater percentage to the project, depending on how the village characterizes it, if its a direct grant its a higher figure, if its a thirty year loan its another figure, a twenty year loan a lower figure. They'd hoped to be in that thirty year category. Preferably if they can figure a way that they can structure this so its a grant for their writing purposes, so they can maximize the amount of private financing they get with them. One of the thoughts in terms of how to do that, and he thinks it may work with the program objectives and its to give the village an option or two in terms of how to do it. Part of the repayment or the payment could be put into, in terms of a rent stabilization related to the senior housing, in order to keep those rates at a regular basis in spite of tax increases, fuel increases and those type of things, and to establish a repair reserve fund for the project. That would be accomplishing your program goals in terms of them keeping their housing and particularly your orientation and what you want to accomplish in terms of senior citizens in stabilizing that. Obviously the final say so is the villages', but it does effect the proforma. He thinks there is some room in there, but they want to make it look as good as possible for purposes of the application. In reality he doesn't know if they're constrained to make that decision tonight.

Trustee Ozman stated that he thinks ~~we are in the sense~~ that its going to come up later on and then we will be in a very tough position at that point. It is very important that this become a very low interest loan because it is part of a revolving loan program that the village offers and if its not a low interest loan to your client you'll never be able to effectively help other residents of the village. He thinks there is a clear distinction between a loan and a grant and its not just semantics, its clearly a distinction that they have to come to terms with.

Mr. Nichol stated that in terms of where the village is, everybody has a different basis under which they are operating in terms of how their program works and he can't say that he knows how CPC, this is a company that started out of New York City and they are underwritten by insurance companies and banks and they go around looking for projects of this type that restore and rehabilitate a downtown area. That is why they are very interested in this particular project and they have indicated their own preference that it be a grant. He doesn't know what they find as opposed to a loan. He can't say they have all the answers. The real question in his mind is, and he thinks for the villages' purposes, are you if you put this application in to HUD tonight strengthening or weakening your application by characterizing it and if you put it in as at this moment as a grant, are you constrained from later working out the details and what the repayment would be? If you're not, he thinks you have some flexibility in terms

of putting it in and if it has a salutary effect of making the proforma stronger, good.

Mr. Dowd stated that he understands that they want to make the application to HUD as attractive as possible and one way you do that is by saying that this is going to be a grant from the village and that would incur C.P.C. then pledge private funding of approximately \$835,000 to the project, but when you file federal grant applications he would be very, very concerned that if after the loan would come through or the grant would come through to the village that suddenly our application becomes, for lack of a nice word, fraudulent, in that we now change and say we want a 0% or a 1% loan repayment plan. C.P.C. relied upon it when they put their financing packet together, all of which went into the Federal HUD package that the village is filing and he doesn't want anybody from the U.S. Attorney's office coming to this village saying why did you submit affidavits and applications for a grant and all along.

Mr. Nichol interrupted stating that you are saying, are you constrained? Preferably you want to make this look as good as you can, within the guidelines we have to work with as long as we're staying within the guidelines and can accomplish it.

Mr. Dowd asked, how do you do what you want to accomplish, by putting the right picture of it and grant, you just heard from this board that they want to use it as a loan not as a grant. How do you call anything else but a loan?

Mr. Nichol stated that he doesn't know enough about C.P.C.'s definition of those terms to give that answer, he thinks it started out saying, one thing he does know in terms if you want to get to a cut to the chase type of thing, is that on the thirty year program C.P.C. indicates that they'll go \$600,000 in their financing. Walden Federal has expressed an interest up to \$500,000, that is their 1.1 there. That is a program that works in terms of where the village, according wouldn't want to be in terms of that.

Mr. Dowd stated that he is looking at the letter from Doug Alcott of C.P.C. and its says, based on the information that you have submitted, our preliminary review indicates the following possible loan scenario. That is from C.P.C. to the applicant, \$835,000 C.P.C. loan, assuming \$860,00 Village of Walden grant. The \$600,000 C.P.C. assuming \$860,000 village loan at 0% for thirty years, \$450,000 C.P.C. loan, assuming \$860,000 village owing 0% at twenty years. He doesn't know how they can, grant is grant, loan is loan and when you start putting percentages and interest rates over years, its a loan and when you don't include that, its a grant. He's not too sure how you color that any other way and he doesn't think this letter is coloring it any other way. Mr. Nichol just said something about Walden Federal being committed to this for about \$500,000.

Mr. Nichol stated that he believes that is what they expressed.

Mr. Dowd asked, if they had a letter?

Manager Kelly stated that the letter he has just expresses an interest of helping if you meet the underwriting requirements, but there is no commitment to money. One of the concerns he had in talking with Dave Smith is letters of interest are much different than financial commitments. He asked Mr. Nichol if he expected financial commitment tomorrow?

Mr. Cappello stated, no and they spoke about that with Mr. Smith and they also spoke about it with Mr. Alcott, is that, to get a final commitment from any bank is just not doable and he doesn't think it is out of the ordinary that banks express their interest and that is what the HUD application goes through. They can get a little more clarification from Walden Federal as to what their limits would be and what the perimeters would be, but a commitment from anybody he doesn't think would be coming. He spoke to Mr. Alcott in length today, from CPC and he advised Mr. Cappello that the letter submitted, C.P.C. typically does programs such as this and HUD has given grants based on those types of letters.

Manager Kelly stated, they put dollar amounts. At least when you're trying to build a packet you need to show.

Mr. Cappello stated that he understands they want a little more specificity and they will try and get that.

Manager Kelly stated that it will make the application stronger.

Mr. Cappello stated that the issue that Mr. Nichol was hitting on when they talked about the revolving funds and how they characterize it, one of the reasons the village has done a revolving loan is to make sure people can do repairs to their homes, people can get these low interest loans to keep the character of the village up, so if the payments on this grant money goes into a fund that was going to go to repairs and upkeep of the Wooster Building over this thirty year period, you would be benefiting the residents of Walden for two reasons, one, the senior citizens rents would be stabilized, so you know they can't be raised based on a rise in taxes, because it would be a fund to cover that amount. Two, to make sure the building is repaired, not only for the residents that use it, but also for the business community, because you can see from the letters of support that this is a corner stone of the community, so by having what is substantially a loan, but revolving back into the upkeep of that building will serve the purposes that he thinks the village has been trying to do, because instead of taking the money out of that building and then the building going disrepaired and give it to somebody out of the building, it would just be a revolving fund within that building to make sure that corner stone and that view will at least for thirty years be in repair, be attractive.

Mr. Dowd stated that they are talking about \$800,000. You need

\$800,000 to keep and repair 24 units? When is that \$800,000 going to come back to the village? He can't imagine 24 units needing upkeep of \$800,000 under any circumstances.

Mr. Cappello stated that the other part is that money is going into the fact that you are making the project go, your getting the project plus you are getting kept for 30 years and there is value in that.

Mayor Uszenski stated that they would be taking the choice of village away from the village.

Mr. Cappello stated that he's asking the village to consider this as an option.

Mayor Uszenski stated that this is a HUD loan that the village gets that we take target areas and pick. This is the first time we are going for a specialized loan and to say we're going to take that money and keep turning it back into your building and not considering the rest of the village in that target area or other project he feels is totally unfair.

Mr. Cappello stated that he is saying you can consider it in context of that revolving in that target and in that building.

Mr. Nichol stated that they are thinking in terms of trying to maximize the participation of C.P.C. which they are trying to see if they can do. He thinks this is one of those things that bridges the gap between what is granted and what is loaned. Obviously the final decision in terms of how he's applying and how the terms work sits with the board, they understand that.

Mr. Dowd asked how they propose for the village to secure its loan?

Mr. Nichol stated that he assumes the village will have the typical second mortgage type of document.

Mr. Dowd stated that the village may have third or fourth.

Mr. Nichol stated that it is certainly in the line and that is not a typical for these types.

Mr. Dowd stated that except where this board has a policy of not being any worse than second position on all these grants.

Manager Kelly stated, and an 80% debt to value ratio.

Mr. Dowd stated that they are talking about Walden Federal, which any bank wants to be first in line. Then you have C.P.C. and he doesn't know what their policy would be as far as what protection they want. Then you have the village and you may have Walden Savings involved. You're talking about four entities who will be lending money to this project and each one wants to insure repayment of their loans. And you

have a building that is basically 1.5 million dollars appraised value with a 2.1 million dollar construction loan. That raises some questions to this board that they are concerned about and rightfully so.

Mr. Nichol stated that he understands and he thinks they all understand from the get go with this project that it requires this type of funding to make it go and that is the reason they are considering it. There is room in terms of the proforma in terms of having some sort of schedule. Its clear that is the case. Obviously from their perspective is that they want that proforma to look strong and viable in terms of the application process and obviously they want to ask the villages help to do that. The effects of this go well past the particular project. You're talking about a project that is not on of the tax exempt ones, so its going to be paying in the water and sewer and all those type of things. He thinks the secondary effects on the downtown area is what really makes it for the village. If you were doing this in isolation and it didn't have those secondary effects he doesn't think they'd be talking at all.

Mayor Uszenski asked Mr. Barnes if all the proper paper work is submitted do they think Saccardi and Schiff will have enough time? If they are asking for one paper and they say they can't submit it, and they will have to submit something else, does this strengthen or weaken the grant application?

Mr. Barnes stated that it probably weakens it. How much is hard to say. Other people may have weak applications. Its not so much, how weak is yours, but how weak is yours in relation to others. It certainly doesn't help it. He thinks the question here is that Mr. Dowd brought up, you state to HUD you're going to do this loan and this loan plus this grant and then go back and change that, that may be possible but he rather wouldn't, you would have to do a program amendment. The other thing he would like to say is the reason these folks are dealing with C.P.C. now is because that is lender that specializes in housing and they can have a letter of interest on short notice. He thinks if they are going to borrow 1.1 million dollars on a commercial side, you should go to the State Housing Finance Agency and get it all from one place at 7%, your fees will be about 3% and that would increase the cash flow. What you end up with here as your lender maybe different than what you start out with as long as you through notices to HUD and don't change the goal. The State Housing Finance Agency can also assist in marketing and getting the tax credit part done.

Mr. Nichol stated that obviously they want to make those things better as they go along. His focus right now is March 13th in making sure they have the application that works. That is why C.P.C. is involved.

Mr. Barnes stated that he thinks the mayors point is well taken. You can apply to HUD and say I want your money to buy an elephant and they come out and find out you've really bought a rhinoceros. The other question is HUD, when you're lending to a commercial or a for a profit

developer that there is a seemingly innocuous word in their guidelines that use to say you have to show that the loan is necessary and appropriate. Now they have changed that to simply saying appropriate. If HUD were to see a cash flow projected at \$58,000 with no particular repayment to the village they would say why. They would say, is that appropriate to put that much in that fashion that it doesn't come back, is that appropriate. He would be very careful of running a fowl of the determination of appropriateness.

Mr. Nichol stated that one of the points they made and you want to consider here is establishing something that covers reserve for repairs going forward, which should be reflected in the proforma and hopefully they will try to keep senior citizen housing here, that they do keep that stabilized over a period of time. Those were things that he feels should be put in that formula.

Mr. Barnes asked, if necessary is there more equity on the part of the developer, does he have his pockets turned out or is there a little more there if he has to make a go?

Mr. Nichol stated that they have already asked Mr. Spanos to put some more in and he thinks that is getting difficult if not impossible.

Mr. Cappello stated that he understands the villages point and everybody's point if you want to get this building rehabilitated, but now if you start talking about you're showing too much income stream that would be used to repair the building and then reduce the income stream, you are going to up the equity, then you are starting to make it look nice on the grant application, but you're not going to find anybody who will ever rebuild that building. There is a balance here that has to be done to make sure the job is undertaken.

Mr. Barnes stated that he's only saying you have to be really careful about appropriateness determination, that it doesn't go too thin.

Trustee Ozman stated that he would like to address the issue of the revolving loan, he feels its unfair to even consider having the loan revolve into the building. He feels the building should take care of itself in terms of what comes from it. Beyond that the mechanics of the application itself, he asked to pinpoint the items that are necessary to get the application off the ground: the appraisal, the commitment letters, and in terms of the engineering report, although he didn't physically see it, his understanding is that there are some concerns in that report. He would question whether or not that report is a viable report.

Mr. Nichol stated that he spoke to Mr. Smith today and they went through each of the items and he raised no concerns.

Mr. Cappello stated that he did express concerns regarding Walden Federal and requested more letters of support.

Trustee Ozman stated that obviously there are concerns with the building. He doesn't know what type of effect that will have on the application in totality of the scheme of the application. What he is concerned with is the appraised value is 1.5 million dollars, the applicant is looking for about \$800,000, more than half of what the appraised value will be. He would be concerned that the equity is not there to support the interest of what the village will have. There is insufficient equity at \$800,000 to support the villages interest.

Mr. Nichol stated that is one of these questions, they were just a second ago saying looks slightly too rich on the proforma. His view and he said earlier that he thinks there is room to provide, in terms of some sort of a plan, he thinks that is what they really have to be narrowing down is what is your plan in terms of any of the monies that come from the village and the final determination of that is here.

Trustee Ozman stated that he thinks the board, in speaking for himself, he believes its the consensus, that the board would like to see this as a loan, a repaid loan at a designated interest rate. The question would be, is that your understanding of how this project would go together? If these monies came through they would be repaid to the village at a loan rate to be agreed upon?

Mr. Nichol stated that he believes that that can be accomplished here and ultimately the control of that rests in this board. If he gets to say so he might say one thing, but he doesn't think he gets to say so. He thinks the numbers allow for something. His thought is, his main concern is is that the village get a grant and we put together the project that does what they all want it to do. He thinks they will see better at a later date exactly how the numbers shake out. He would prefer that the village in terms of where they're saying where they want to be would be something that would be most supportive to the application, but within the bounds that they work for the village either under a program amendment or what they can do in terms of the final documents once they have everything finalized.

Trustee Ozman stated that it is going to be difficult to finalize everything if we can't agree on some of the basics of the loan. He rephrased his question to make it more simple. Trustee Ozman asked, are we in agreement that it is in fact a loan and not a grant?

Mr. Nichol stated that he doesn't think there is a question of agreement, if you say its one thing, then he can't say its the other and he thinks it works in the project. There is room there that some sort of repayment plan can work. He prefers it to be a grant.

Trustee Ozman rephrased this question one more time. If it is the boards' desire that this be a loan, would Mr. Nichol ask his client if he or the corporation would agree to repay the loan?

Mr. Nichol stated that he thinks the answer is that there is room for some type of repayment plan in the proforma. The final answer becomes

how much? That final answer has to be given by the client, not him.

Trustee Ozman asked, when Mr. Nichol gets that answer from his client will he share it with the village?

Mr. Nichol asked if the board had a proposal? In his view it is a very pre-natic one.

Trustee Ozman asked to let him move on a little bit further, because there is a purpose. There is no hidden agenda here of any sort. The purpose is to move the project along, but if we don't answer some of the pertinent and important questions that they will be coming upon down the road, we're going to be in a bind again. Just like we're in a bind now because we're under the gun and we're under the gun because the application was submitted and the village didn't have time to work with it. There are a lot of unanswered ^{and there are going to be a lot of unanswered questions later.} questions later. He doesn't want to be in that position again if he remains on the board. This is a very difficult position that we are in right now. It is very difficult to work with the information they have and he doesn't want to have to be in this position in a future date and that is why they need to flush out some of these facts, if we are ever going to move forward. ^{flush} flush ^{pleah} pleah

Mr. Nichol asked if it would make sense to have someone designated from the board to sit down and go through the numbers and see what they can come up with that works.

Trustee Ozman stated that even then it would be a board work session, where they could sit with the whole board. He asked if that would be correct?

Mr. Dowd stated that except for the fact that there might be some personal financial information that Mr. Spanos might not want to make to the general public.

Trustee Ozman stated that he understands and he respects the privacy issue.

Mr. Nichol stated that it really becomes the question of making something that works for everybody and there is room there to make it work. We have to know where he is coming from and get that decision. He will give his preference real easy, but then the board will say no to that, so then the question is what is next, so he thinks they need to have that. This isn't a great forum here to do this because you really need to be sitting around a table and have the ability without privacy and confidentiality issues to say, this is where we are and this what we can do on this, this is how this item works and he thinks the best way would be to get together with a member or two of the board and the consultants and them and sit and hammer that with the village knowing or having some guidance from the board as to where you want to be.

Trustee Ozman stated that he thinks its clear that a concern would be, if this project went forward, you've indicated a number of times that it lies with the board as to how they would like to control the funds that come to the village, but in fact once those funds become available and if in fact those funds become available and the board chooses to grant, to use them for your project at a 3% interest rate, if that is not acceptable with yourself or your client then its going to come back to the board for determination. Then it will lie with the board and the question is going to be raised, why isn't the board cooperating and why can't this project go forward. He feels the board has an obligation to make sure the funds are used for the widest purpose and certainly it is important to use them for that building if possible, but they have to be used for other things as well.

Mayor Uszenski stated, and to add to that he thinks that has to be part of this application which puts it within tomorrows deadline. He really feels this is all part of it.

Mr. Nichol stated that he doesn't know if this is necessary for the technical details of the application that certainly he thinks if its that important they should try and sit down and do it. He has had his ears open and he's heard something and they can run back and run their proforma based on what he overheard and see how it works. He thinks its best if they have that ability to be discussing it. He has to run that number and run a new proforma and see how it works and see if it fits and meets the liability requirements and then at that point he can say yes or no based on what he over heard. He can do that and he can do that tomorrow, fairly quickly. He can't do it standing here. The question is, if he heard the board right, and he does that, how does he respond. That is the practicalities of it. Obviously the village is not going to sign the line in terms of making the funds available to this project until they are satisfied. His initial concern he admits to having a limited focus is the application and the deadline, because he knows that if they get to that point then they have something to get the details on. He doesn't particularly feel pressured at that point. He thinks there is more pressure for the deadline. He understands wanting to feel comfortable and all you have to do is to tell him what is the way they can do that in terms of the communications.

Trustee Besdesky stated, take out the word grant and put in the word loan. Its as simple as that. The thing he sees is that the money we are talking about is a revolving type of fund which should over the years benefit as many people as possible and putting that in there as an outright grant, you're locking that up forever and its depriving the other people of money that they might be able to use too, and certainly putting it in there to be an upkeep type of thing, he sees a lot that is wrong with that. Certainly it makes the application look better, but he doesn't think its what the village intended. To help yes, to get it back over a period of years, yes, with very low insignificant interest.

Mr. Cappello stated that one of the things the C.P.C. mentioned in

their letter was position. Obviously they said they wanted this grant and thinking of what they can do quickly is thirty years at 0%, taking into consideration getting the interest back so that it leaves that interest when you talk about what they are going to repair of that building, because this is something a little more than your usual revolving fund is. You have a building that has been there for 2 1/2 years that people are driving by, that he drives by on his way to work, every day and its not the first thing you want to see when you enter the Village of Walden. It doesn't benefit* anybody. It benefits everybody to get this fixed. So, when you're talking that percentage rate as being taken from the village to make it happen a little quicker and making it happen maybe even period, he thinks that is a decent compromise. At least we might have commitment that the C.P.C. is interested in granting \$600,000 based on that type of calling it a loan, but calling it a 0% interest loan. So we've addressed one of the concerns here, and certainly compromised because their position from their first application is showing it as a grant and their meeting as they go through was discussing it as a grant, so that might be at least a middle ground position here.

Trustee Ryan asked Mr. Spanos if he's seen the letter from Saccardi and Schiff dated February 29, 1996, that was sent to Howard Protter?

Mr. Cappello asked, letter or memorandum?

Trustee Ryan stated memorandum.

Mr. Nichol stated that was the list he worked from at the beginning of this presentation in terms of what was there and what was submitted.

Trustee Ryan stated that the first paragraph, he identifies it as complete and in his office tomorrow. Your date is not the 18th, your date is tomorrow.

Mr. Nichol stated that he understands and virtually everything is in.

Trustee Ryan stated not virtually, no, everything must be in.

Mr. Spanos stated that he has the financial information needed for tomorrow.

Trustee Ryan stated that Mr. Spanos won't have his appraisal, this gentleman said he'd have it by the 18th, you're dead in the water.

Mr. Nichol stated that the letter with the value in the number, he thinks that is what they need tomorrow and he's been on the phone in terms of making sure the clarification's are.

Trustee Ryan read, the appraisals of the after rehab value of the project.

Mr. Nichol stated that he understands. The ultimate thing of any

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING - PAGE 16

appraisal is the number and then there is supporting documentation. The number is done. That is there and that came in late today and he assumes it has been faxed down to them as well.

Trustee Ryan stated that they are hurting in a couple areas, your commitment and your appraisal. If you don't have them tomorrow you've hurt yourself.

Mr. Cappello stated consider that letter was received by their office on Thursday afternoon.

Trustee Ryan stated that the board met Tuesday. Misplanning on your part is now, your asking our consultants to jump through hoops. You came to the board last Tuesday. That building has been in that shape for two years. You have been in possession of that building for two years. We were not the one that ate up time. Time is still ticking. You have until tomorrow. He told them they didn't convince him the other night, but they voted to go along with it. If they are expecting to leave this meeting and go home, its not going to happen.

Mr. Cappello stated that he spoke to Mr. Smith today. He spoke to lenders and people who have been involved with HUD who have said that the information requested was the best case scenario. He asked Trustee Ryan if he had that letter in front of him when he voted on Tuesday, to say those were all the items they had to beat. Those were the items would make this a drop dead, wonderful application. They wish they could have had them all in. Mr. Smith has been doing a great job. He spoke to him and advised him of everything that could be in and he made comments on the materials that they would have in to come up with the best application you can have. You can't always get perfect and they may not be able to get perfect, but they made a hell of a lot of progress from Thursday afternoon until Monday afternoon. They are continuing to make progress. They got the letter stating exactly what documentation they needed on February 29th which is Thursday afternoon.

Trustee Ryan stated that this gentleman sat here and told us he knew what was needed on that application.

Mr. Cappello stated that they immediately got what they believed was needed on that application. Its like the chicken and the egg, is the bank going to commit before they get any response from the village, so when they got that letter they did the best they could do, they have letters of interest, similar letters of interest that a lot of applications have been granted to before. They will continue to work on the financing to get it as much additional information. A full appraisal is very tough to get within a day and a half, but they did sit down with an appraiser for significant amount of time on Thursday. They came up with an amount, they reviewed it, they obviously gave an honest interpretation, because if they were able to talk to him they would have given 2.2 million. If it wasn't a valid appraisal they would have given the board 2.2 million. It is a valid number, now that report will be gotten together. Its not like effort hasn't gone into it

and that these question haven't been addressed. They have been working with Mr. Smith. You want drop dead perfect he doesn't think the village is ever going to get an application, and if you look back at your previous applications, if every single T was crossed before you submitted, more power to you, but he thinks if you go back and look back there is always going to be a little something, that is why they have ratings. They are doing their best to get the best rating that they can possibly get.

Trustee Ryan stated that he thinks Mr. Barnes that night went through several items that needed to be identified. He was not happy. He wasn't comfortable with what was happening. The plan they showed was dated November. He assumes that was the plan they used for the appraisal, so your appraisal could have been done back in November, but your appraisal was just done this week, shame on you. Your pushing this very hard. He wants them to know that these items must be done. Mr. Barnes said he's gotten five for five. He wants another one, but he's not very confident with their application and the more holes that are in it, the likelihood it diminish more and more.

Mr. Nichol stated that they understand. They called and got hold of Saccardi and Schiff pretty promptly on Wednesday and he can't give the exact time because he didn't make the call. There was some time in terms of the details, because there was some, they thought on their part, that he thought they provide stuff and what details do they need and there was a little time to sort it out and say, yea this is what you need of this, but we need a little more of this and you gave us this, but we need a little more of that.

Trustee Ryan stated that the other word of caution, Saccardi and Schiff works for us, not for you.

Mr. Nichol stated that he understands, but they need to know exactly what they are looking for for the application to give exactly what they want. That took a bit, but the stuff is very well in and he thinks the application can go with what they have in. They will do as much as they can to put the other pieces, or whatever frosting they can put on the cake.

Mr. Barnes stated that he would like to make one comment relating to a previous issue, which was the financing. Your lender will want to achieve a certain rate of income over expenses. We were at about 1.25% of that debt coverage or income expense ratio before, its much higher now. He thinks in terms of asking how much the payment would be on the village funds that were loaned at say 0%, you probably think have to be guided by first the lenders requirements, somebody thats lending 1.1 million they may say we want a 1.15 or 1.20 debt coverage ratio, so you make sure that is there. Then the cash above that which in this case is \$58,000 the first year. Lets say \$30,000 of that its above the banks minimum requirement. Then that could become whats available to make payments to the village. It might work for the thirty year at 0% and it might work for the twenty five year at 0%. He doesn't think it

would work for the 10 year at 3%. There isn't enough cash to pay that. That is kind of what is going to help to determine the structure of the repayments.

Manager Kelly asked how the board was going to have the response for tomorrow so they could go forward? Whatever the board chooses in terms of your payment schedule, if this is a loan, will reflect in the proforma, which also effects each of the commitment letters they have in this point in time and they may have. It would seem that the overriding issue right now is whether or not this is a grant or a loan and whether or not there is any interest payment pending on that.

Mr. Dowd stated also, whether or not, is all that \$860,000 there to commit to.

Trustee Ozman stated that he was under the impression that we were going to try to retain the revolving loan program and not wipe it out in its entirety. If we commit the 1996 application, if that is granted, the 1995 Small Cities HODAG and UDAG repayments, we're going to wipe out that entire program. He asked if that was correct?

Manager Kelly stated you will probably use 50% of the available funding. The combined HODAG and UDAG.

Trustee Ozman asked which funds were used for sidewalks and our code enforcement officer?

Manager Kelly stated that UDAG has the flexibility or that capability.

Trustee Ozman asked if the village presently uses UDAG for our code enforcement officer?

Manager Kelly stated yes.

Trustee Ozman stated that he certainly doesn't want to jeopardize that.

Mr. Barnes stated that is the smallest, that is the \$30,000 item.

Trustee Ozman asked, and sidewalks?

Manager Kelly stated that we haven't used UDAG, but UDAG would be eligible for capital improvements that benefit infrastructure.

Manager Kelly stated that his only concern is if this board has to take formal action in terms of any commitment letters that are indicated in the application, including whether or not these funds are available. In order for the board to do that, or in order for the mayor to sign any application, he must be authorized by this board and formally resolve under what terms he can do that. If the board does not resolve tonight whether or not this is a grant or a loan, he believes the board must have another special meeting for that purpose, for accepting whatever terms are agreed to, prior to the mayor being able to sign the

VILLAGE OF WALDEN
BOARD OF TRUSTEES SPECIAL MEETING - PAGE 19

application. The longer this is delayed the more you get to the eleventh hour of the application, having to resolve that issue. Trustee Besdesky moved that the board meet back here again tomorrow night, March 5, 1996 at 6:30 P.M. Seconded by Trustee Forman. All ayes. Motion carried.

Manager Kelly stated that he is expecting to have a call tomorrow afternoon to make sure all the requirements, Mr. Smith is comfortable with and the quality of the application will be the issue. He further stated that the issue of CPC's letter is conditioned upon 0% financing over 30 years or 20 years for an outright grant. If that term is altered then that letter would also have to be redrafted. The manager asked Mr. Barnes what does that do to any other option at this point in terms of the application, what does that do to the narrative?

Mr. Barnes stated that it would help the developer and everybody if CPC wrote a letter expressing interest and specifying eight hundred and some thousand and not going into those other details, because that just raises questions.

ADJOURNMENT-

Trustee Ozman moved to adjourn. Seconded by Trustee Garcia. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, February 27th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Municipal Building Renovation Project Change Order (2)
 - A.2 Public Hearing Local Law I-1 of 1996 - Unsafe Buildings
 - A.3 Public Hearing 1996 Small Cities Program Application
 - A.4 Audited Engineering Bills Re: Walden Federal Savings & Loan
 - A.5 Payment of Audited Bills For February 27th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Snow Removal Policy and Replacement of Mailboxes
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
FEBRUARY 27, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Antonio Garcia
Martin Besdesky

Also Present: John Kelly, Village Manager
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of February 13, 1996. Seconded by Trustee Besdesky. All ayes. Motion carried

MUNICIPAL BUILDING RENOVATION PROJECT CHANGE ORDER

Mayor Uszenski stated that the first change order for the municipal building renovation project is for \$550.00 for the drop ceilings in the hallways.

Manager Kelly stated that this is the change that came about from a suggestion of the general contractor to change the hallway ceiling and the initial concept was reviewed and found to be in the villages best interest because it now gave us concealed chases for much of the conduit. It does require an additional \$500.00 for a change order because the electrician does have to change the type of fixture which will require more lights that are smaller in size.

Trustee Ozman moved to approve the change order for the municipal building hallway ceilings. Seconded by Trustee Forman. All ayes. Motion carried.

Manager Kelly stated that he spoke to the architect this evening. The board asked to have the general construction contractor bid on two alternate designs for the facade, one was a replication of the main entrance over the third bay and the other was a smaller eye brow effect

and window treatment effect to give the facade a balance in appearance. One of the alternates is already designed in the bid and the contractor can bid on that. The second alternate will require additional rendering and specifications to be designed in order for the contractor to bid. This is outside the scope of the contract of the architect and the manager was told it will take his staff up to forty hours to design at \$75.00 per hour, so this will require an additional fee of \$3,000 in order to put that drawing together. It will also require the louvers for the hvac to be changed in front of the building.

Trustee Garcia stated that the drawings were on display for a long time and this board went along with the original design. He doesn't see why they should change because someone comes in and wants it changed.

Manager Kelly stated that the board could ask for a price on the one alternate which would be in essence making another doorway in the chiefs office. That would be the more expensive of the two because that is the one that would require footings, full columns and the full overhead. That would be the more expensive one to construct but that is the only one right now without spending money you can get a proposal for.

Trustee Besdesky moved to approve the change order for the detail for window treatments for the municipal building, not to exceed \$3,000. Seconded by Trustee Ozman.

Trustee Ryan stated that when the board was reviewing architects he put the question to all the architects as to what their charge would be for extras, Mr. Liebman stated zero.

On roll call Trustee Ozman and Besdesky voted yes. Trustees McGuckin, Ryan, Forman and Garcia voted no. Motion defeated.

It was the consensus of the board to get a cost on the other alternate which would put a doorway in the chiefs office.

AUDITED BILLS-

Trustee Forman moved to pay the audited bills of February 27, 1996. Seconded by Trustee Forman. On roll call Trustees Ryan, Ozman, Forman, Garcia, Besdesky and Mayor Uszenski voted yes. Trustee McGuckin abstained. Motion carried.

PUBLIC HEARING INTRODUCTORY LOCAL LAW I-1 OF 1996 - UNSAFE BUILDINGS

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Posting Notice and Notice of Hearing which was read by the Mayor.

Mayor Uszenski further stated that the adoption of this local law would be updating the village code so the village can have better control of unsafe buildings.

Larry Sager, 78 Orchard Street asked the mayor to read the law and give the meanings.

Mayor Uszenski read the local law.

Mr. Sager asked how long a period of time will the village be letting people to have to repair?

Mayor Uszenski stated that is already in the village code. There is no actual time. Its up to the board on a case by case basis.

Mr. Sager stated that he feels something should be in writing. He would like to see everyone on an equal basis.

Steve Garcia asked about the changes.

Kevin Dowd stated that there were changes in the kinds of notification that are to be done. The code says you mail a notice by registered mail and it is going to be changed to certified mail, return receipt requested. There is a mandatory provision now that these notices be filed in the county clerks office and we are making it non mandatory.

June Garcia, 5 Westwood Drive stated that she is interested in any of the defunct buildings, non usable buildings and she is concerned about how taxes are regulated downward.

Mayor Uszenski stated that the town does the assessing.

JoAnne Clifford, 171 Walnut Street asked about the buildings that are boarded up, will the village just let them stay there as long as they are boarded up and secure?

Mayor Uszenski stated that if the building is still deemed safe within these new twelve steps it can stay boarded up.

Mr. Dowd stated that the idea is to expand the definition of what an unsafe building is so that you can then have your building inspector do structural engineering surveys and perhaps find some of those buildings, which passed the first time around, will maybe not pass the second time around.

Steve Garcia asked, what is to say someone can't make it just safe enough for code, and allow it to continue to degrade. We are doing them a favor by saying you don't have to pay as much taxes. He asked if there would be any recourse there. Mr. Garcia further asked if the existing buildings will be grandfathered under the old clause.

Mr. Dowd stated that there is no grandfathering provision in this law.

Dorothy Weisblatt, 28 Gladstone Avenue asked if there was a chance for putting a fine against the landlord after they have received notification from the village?

Mayor Uszenski stated that is a zoning issue which will be the next local law revision.

Trustee McGuckin moved to close the public hearing. Seconded by Trustee Garcia. All ayes. Motion carried.

Trustee Forman moved to designate the Board of Trustees lead agency of an unlisted, uncoordinated action and issue a negative declaration under SEQRA in regard to Introductory Local Law I-1 of 1996, Unsafe Buildings. Seconded by Trustee Garcia. All ayes. Motion carried.

Trustee Ozman stated that his understanding is that the local law was reviewed by both the code enforcement officer and the building inspector and he would be concerned if they had any comments on the local law. They are the people who will be dealing with it.

Manager Kelly stated that the building inspector is in favor of it.

Trustee Ozman asked if the building inspector is in favor of it, does he have any questions about subsection c, regarding the load bearing *bearing* capacity of the floor or roofs?

Mr. Dowd stated that he did speak to Mr. Stickles and he was in favor of it.

Manager Kelly stated that the village has typically used the village engineer in issues of structure where Mr. Stickles needs an additional opinion of someone with a P.E. license. The village will continue to do that.

Trustee McGuckin moved to adopt Introductory Local Law I-1 of 1996, Unsafe Buildings as Local Law No. 2 of 1996. Seconded by Trustee Besdesky. All ayes. Motion carried.

PUBLIC HEARING 1996 SMALL CITIES PROGRAM APPLICATION

Mr. Dowd stated that for the record there is a stenographer next to him, Charlene Kolor who has been asked by Mr. Nichol representing Mr. Spanos to be present tonight and taking the stenographic minutes of this hearing. He asked Mr. Nichol if his client had any objection to supplying the village with a copy of the transcript?

Mr. Nichol stated not at all and he hoped it would be in support of with the application that would be submitted.

Kerron Barnes stated that the purpose of this public hearing in reference of submission of an application to HUD under the Community Development Block Grant Small Cities Program. The village has applied for HUD funding over the last five years and all those applications have received approval. They have all been for rehabilitation of owner occupied and rental housing in various target areas throughout the

village. Each year HUD announces the availability of funds. The application process is highly competitive. On average HUD will award funding to about 45% of the applications that are received. Your program must first be eligible. It must meet one of the three national objectives and it must benefit 70% low or moderate income persons. Your application must compete against other applications submitted by municipalities each of which are trying to make the strongest possible program. In the ranking of the application which is done by the HUD staff, the key factor in determining whether funds are awarded is in fact the strength of the program. They have control over the impact of the program by the way they design it. This year they are permitted to apply for a grant of up to \$600,000 as a single purpose grant or \$1.2 million as a comprehensive grant. They have not considered a comprehensive grant on the basis that they must do several activities including housing and the competition is such that HUD has enough money because of their regulations to fund only two comprehensive grants in the down state New York region. The village has a much better chance of being funded under the single purpose grant which can contain more than one project. At this point the board has directed him and the consultant working with him to investigate and follow through on a single purpose application for rehabilitation of housing at the northern end of the village. This includes the northern end of Ulster Avenue including Squire Village Apartments, the Northgate Townhouses, Bradley Lane, Ivy Hill Road as well as the contiguous area across the river including the northern end of Montgomery Street including the mobile home park. Following the village board directions Saccardi and Schiff surveyed the area and did some preliminary indications of the housing conditions in those areas based solely on an exterior inspection. They are in the process of serving these homes door to door to see if there are internal problems. Assuming 100% of the apartments are in good condition they come up with an area that is 45% substandard which would be a competitive application. If they drop Area D out they would wind up with an area overall with 63% substandard housing which would be very competitive in terms of a HUD application. The percentage might go higher once they get into some of the homes. The particular area that would warrant addressing would be the mobile home park. The application deadline is extremely near and they will have to work around the clock to produce an application on time.

Chris Spanos, Luxembourg Ltd. Corp., 19 Main Street stated that his goal is to rehabilitate the Wooster Building, 11-17 Main Street to restore the original facade to 1907, to restore businesses that once existed on the ground floor and to develop the upper floors into a viable senior citizen community. He has taken great hardship and financing to come to this decision. He has had three engineers come to the site for consultation and draw structural plans for the Wooster Building. He has interviewed seven architects to find the right man to design the exterior and interior of the Wooster Building. He has spent \$25,000 from the day Luxembourg took ownership of the building in 1994 until the present. His plan will eliminate blight on the central part of Main Street. It will create community well being. It will create jobs and it will restore the integrity of what Main Street use to be

before the collapse of 11-17 Main Street. For this to become a reality he needs financing. The village officials indicated to him they would help his team of professionals work diligently with the village and Kerron Barnes, the village consultant. His attorneys, architects, and engineers met all deadlines. The village lead him to believe that Luxembourg would be on the 1996 Small Cities Program. At the meeting of February 13, 1996 the village decided to start a new housing rehabilitation program that is secondary to the Wooster project. The Wooster project should be top priority. This is the second year the Wooster project has been turned down by the village trustees for the Small Cities Program. Its not fair to decide beforehand the fate of the Wooster project. The village let him believe that he was in the application for the 1996 Small Cities Program. He spent thousands of dollars to meet the requirements. The Wooster project should be placed on the 1996 Small Cities Program. Its the boards decision tonight that will set the course for the Wooster project.

Trustee Garcia asked who will be occupying the apartments?

Mr. Spanos stated that those apartment will be occupied by senior citizens.

Trustee Garcia asked, strictly senior citizens?

Mr. Spanos advised him, strictly senior citizens. He will have no other tenants other then senior citizens. They have in another company other tenants with families and they have had their problems with that. He won't build an apartment community with those families. His target is senior citizens and that is it.

Trustee Garcia asked the attorney if they could be held to that?

Mr. Dowd stated that the village would be applying for a grant program from the federal government based upon a representation that there was going to be senior housing in that. He's not sure that just because its in the loan program where funds are granted that it would tie the hands of this particular owner to do senior housing. There is a general policy about not tying the hands of property owners. He doesn't believe the village would be able to control who goes into those units.

Trustee Garcia stated that he doesn't see how the board can support this unless they have some assurance. By bringing the low income families into that area our school taxes and everything takes a beating. With senior citizens the village won't have to worry about parking. There aren't that many seniors with automobiles. There has to be a restriction before he will ever approve this.

Don Nichol, 158 Orange Avenue stated that there are methods of dealing with this. He is here as a fill-in tonight, he's not one of the team members out of his office. He doesn't know if this particular discussion has come up between the village and the applicant before.

They have indicated that is all they want to do. When he gives his presentation he will show that is how they meet one of the criteria that makes it more likely that the village would get the grant, because they meet a targeted group that is presumed to be in the low to moderate income category that this program is targeted for. He intends to go through a presentation that shows how we meet all the categories that the program is titled for increasing the chances that this grant money will come into the village to benefit all of the community. Have a senior community downtown is one of the things that brings life to a downtown community where you will have people stop at a restaurant or go across the street to a store. This is the type of community that you will find that will probably lessen the need for police coverage because of the age of the people that would be occupying it. If that is an issue they would be happy to sit down and work out whatever details the village would want with respect to that. He doesn't think that had been addressed between the village and the applicant in detail.

Trustee Garcia stated that he has brought this up before and he never got a clear cut answer.

Mr. Nichol stated that they are proposing an application that targets a particular group as the basis of getting the grant and its one of the groups that is specifically recognized in the regulations as furthering the purpose of this federal program. He thinks it is a benefit. Its the type of thing they would like to have here. He would like the opportunity to address the legal mechanism. He doesn't think that needs to be done at the public hearing, but they could do that very quickly and promptly in order to meet application deadlines.

Mr. Nichol went forward with his presentation. He stated that he is from the office of Jacobowitz and Gubits. Their office is here in the village. He wanted to start with a little background. This project is one he thinks is really vital and urgent to the village. There is nothing worse then having for the life and vitality of a downtown then having a closed up, boarded up building. You can see how its not just a building that collapsed, but it creeps down the street in terms of the effect on the neighborhood. He thinks you will find that there a lot of members of the business community who strongly support a program that will help to bring some business, some life to the community. We are talking about the south side of Main Street in Walden. He showed an old print that shows the location. Mr. Nichol passed around pictures of the area and stated that Exhibit C is a modern day photograph and its in the same street from the same angle as the old picture. You see the same buildings until you get to what is left of the Wooster Building, what had been there in a collapsed portion. You can see now what it looks like, its all boarded up, just made stable and safe for the time being, but not for all the time. That gives a very bad impression because when you're coming down Route 52 coming into the village you directly see and the first thing you see is the Wooster building and a couple of buildings right next to it that are also boarded up. Your not going to have vibrant business next to

something that is just a boarded up shell. It demonstrates the importance of having a project at this location that will bring that vitality to the village. He showed a series of photographs of the Wooster Building from different directions. Looking along Main Street toward the main stop lights you see the closeness and the proximity to the heart of the village showing how this is a significant spot or location within the village. Again, very clearly you see the look that is shown in this collapsed building boarded up and what it looks like. From the other angle, from the main intersection looking past the Walden Federal building you can see that view from there and how right from the bank there itself you notice that blighted area. This last one is sort of a very fortuitous photograph, because he's looking from that main intersection, there happens to be a pick up truck in that main intersection, its Walden Auto Parts. Just an example of a job and jobs that are not in the Village of Walden anymore because of the collapse of this building and the inability to have proper commercial space. This really demonstrates one of those other items that are major concerns in terms of putting together a grant that is going to be your most competitive. He knows the village has seemed to have selected a priority for another program, but he notes that it was only two weeks ago that the village asked for the investigations to be done in terms of the areas, in terms of the qualifications. He thinks that puts a very short time period on that. When he was taking a small sample of community response there were those who said some of the people living in that area your designating would be insulted that you are saying their housing is among a lower class stock that it needs the work and rehabilitation. Surely there are some that do need that work. He doesn't think there is any project that meets the criteria as much as this and this is a project that, this applicant has been in front of the board and seeking the board's cooperation. There are, and the board can check with their planning and zoning boards, there are complete applications filed for site plan review, and he will note that for the record.

Mayor Uszenski asked Mr. Nichol to mention the date.

Mr. Nichol stated dated February 23rd, now remember the amount of work that goes into putting together a fairly complete application. You'll note the size and scope of the application and you probably, if you check in your files you will see the magnitude of the application fee required by the village to submit an application like this. He thinks that demonstrates the amount of work and effort that has already gone into this project which includes in terms of the variance applications very detailed financial information demonstrating the need for assistance through this community development block grant program in order to make this a viable project and get the kind of reasonable rate of return that will cause a financial institution to provide the backing so necessary for the program. Those applications are in. There is a rendering that comes from, in a smaller scale, from the site plan application and you will see what is proposed here is something that is very fitting in terms of the historical nature of the Village of Walden, very fitting with the architecture, the four story building

where the old opera house is on the other part of Main Street doesn't quite have the same look as this. The architect is Harvey Burg. His office has worked with Harvey on a project in the City of Middletown. He suggests its a project that the village should take a look at. Its the brewery project, which took an old brewery, old factory building and remodeled it into a housing project. Some of the very concerns that Trustee Garcia raised regarding the project were raised. He remembers at the city counsel meetings in Middletown about that, but of course now that the project is there there was not one City of Middletown official who did not show up when they opened the project and it was an award winning project that received that award along with the architect and the design team. He thinks that is a fitting kind of thing and what they would like to see here in downtown Walden that he thinks is a real boost for the community. He thinks it is important to see how this fits and how this will help the village in terms of the application process. Housing stock in older villages has a certain amount of deterioration. He thinks you can find almost in any village or town an area where you can create a project like that that you are proposing tonight. He thinks its hard to distinguish the Village of Walden from other communities in that regard. Here we have something that really directly meets all of the criteria and fittingly so in terms of what makes an application like this to be a good one. Mr. Nichol went through the regulations, 24CFR, Section 570-280, which is entitled, Criteria for the National Objectives. Those are the three national objectives that the village consultant indicated are those things that they are looking for in judging these projects. He thinks the village will see that this particular project far and away meets those objectives and makes this a much more desirable project to put in the application. These are those criteria, first is activities benefiting low and moderate income persons. There is where we get into the question, these programs are for that. Even to get your house rehabilitated in this program you have to meet those classifications. Indeed they drew the lines in the village to get areas where you would need a 51% qualification in terms of those living in the area. So they had to carefully draw a line. Among those in one of the options in meeting that criteria is to meet a, what is called, a limited clientele activity. An activity which benefits a limited clientele, at least 51% of whom are low or moderate income persons. Now to qualify, this is where the issue of the senior citizens fits in, to qualify you can benefit a clientele who are generally presumed to be principally low and moderate income persons. Specifically listed are elderly persons. That is the target range they have that specifically meets the criteria that the federal government has set up in judging and ranking these types of projects. Among the things you can do to make sure you meet that are to require information on the family size and income, so it is clear they meet the criteria or have income eligibility requirements that relate or be of that nature where it is concluded the activity would primarily be of that class. He thinks this project meets it. It meets the housing needs, not of families, because there's not the room to have a family in the size of apartments that are proposed for this project. Its that that meets the needs of an elderly person on that fixed income where they won't have the house, the yard, all those other

activities we as homeowners get to love and hate at the same time. Another one of those items that they meet is in relation to this being a housing activity, specifically referenced in this section are rehabilitation of property or conversion of non residential structures and new housing construction. This project again meets that criteria to meet in this category of serving the low and moderate income folks and indeed it has another subsidiary benefit in job creation and retention activities. Obviously there will be some jobs in any of these rehabs no matter which project you do in terms of doing the work on the project at the time. This however proposes commercial space which will give permanent jobs here in the village that will again meet this criteria that your other proposed project won't be capable of meeting, won't be ranked as high on those rankings. The second national criteria are those activities which aid in prevention or elimination of blight. The photographs that Mr. Nichol showed are a clear indication of blight. You can see the blight spreading down the street. One of the reasons his client has gone forward with this project and acquired it is they have a business next door, John the Tailor, that shop has been there as long as he can remember. There is an indication from someone right there who doesn't want to be part of the blight that has spread down the street in the opposite direction. Its only by doing a project like this that we eliminate that and bring that vitality and by doing so specifically meet one of the criteria in ranking the project. Indeed what they do is they list as an activity to address the blight on what they call spot basis by building rehabilitation activities which eliminate specific conditions of blight or physical decay in a designated area. That is exactly what they have proposed here. You know the location, you know what happened to that building, you know what it looks like now and you know that when the project is done you'll have something that will be a credit to downtown Walden. A third of those national objectives that these projects are ranked on will be activities designed to meet community development needs having a particular urgency. He thinks there is a particular urgency here. Unless you eliminate this type of blight you're going to have a building that is going to deteriorate. Its going to be a building that is going to fall at some point, subject to the codes the village is adopting tonight in terms of being able to deal with problem buildings. That demonstrates the urgency. That building has only been secured on a temporary basis, so that urgency is there and necessary with this program and that is a ranking component. He thinks the village definitely sees that they meet those national criteria and the ranking for the project to renovate some of the homes in the designated area, that doesn't have the same amount of urgency, it won't give you the same ranking and basis in terms of that. They have complete applications in, at least they do, the village doesn't have any applications in with respect to this rehabilitation program. Only two weeks ago did you ask the consultants to go out and try to define the area. He thinks the village will be able to demonstrate the need much more clearly here. He expects there are folks present tonight that would like to speak, particularly businessmen who have an interest in making sure something gets done here. Anybody who has a business or investment in Walden doesn't want this kind of blight to continue, they

want something done at this site. In this modern day and age where we have to meet very stringent building codes and requirements where we have to have elevators in the building, meet handicapped requirements and provide for disabled persons, the cost of a particular project gets difficult to deal with without a helping hand from the village in terms of making these applications and doing the necessary. In terms of the zoning board application you will see all the financial figures and show that demonstrates that this help is needed to make this project viable. There is interest from property owners. Mr. Nichol presented letters from AM Associates, MJL Realty, Gerald Jacobowitz who is a property owner in the village. They got an indication from the Walden Federal Savings and Loan that they not only support the project which is across the street from them, directly effects them in their neighborhood, but also a willingness to go forward in terms of financing. He also presented a letter from Jeff Sohns in support of this project. He thinks this is one project the business community will support, one that in putting in the application you're going to be able to show that there is support of the community behind this. Lots of times these meetings for these projects are just a formality where you've held the hearing in order to meet the requirements and demonstrate that here. Here tonight we show the urgency of the project and the community support that will help make this a project that wins that ranking you need to bring these grant dollars into Walden where they can be well used.

Larry Sager, 78 Orchard Street stated that he's never seen the board work so diligently towards the effort of deciding which way this grant should go. You have even held up the decision on how you were going to do it. Mr. Barnes has worked very diligently trying to get Luxembourg to get him the information so they could present you with that information. For Mr. Nichol to walk in here and say the village gave him that impression that he would be the applicant. He feels it should be the other way around, where was he.

June Garcia, 5 Westwood Drive stated that she has a comment to make regarding the comment Mr. Nichols' made about the people in those two areas that were sited by Mr. Barnes, that they would feel badly about someone calling their homes not 100%. What do you think they are going to say if they say we've been turned down because someone wants to build twenty seven apartments on Main Street? Also, it is her understanding and maybe things have changed, but when you build any kind of a dwelling you have to provide parking spaces and she also feels its not right to assume that a senior citizen will not have a car and there are no parking spaces there especially since the village has eliminated parking on that side of the street and she doesn't see where the taxpayers have to provide parking spaces for these people on Main Street. Low and moderate income does not necessarily mean senior citizens, it can mean subsidized housing all the way down the line. That is what Trustee Garcia was referring to also. She was very upset that the county superseded something that the village had done so that your laws aren't totally in tact. When the apartments on Oak Street were given funds they were told they had to have some many apartments

for low income and so many for senior citizens. They turn around and get more money and they are allowed more low income and that is not bringing business into Walden.

Al Orndorff, 8 Orchard Street stated that he thinks the village committee tonight should allow the project to go forward to be considered for the loan that is requested. He has lived in Walden all his life and he thinks investing in the heart of the town where you represent a symbol of a thriving community creates some new jobs, creates some living spaces for an elderly community and he thinks that if you look at the village as a living being, the best way to cure most of its illnesses is to get to the heart of the matter, this building certainly being in the heart of town. He feels the village should go forward and allow the Spanos's to apply for their project.

Marc Sperry, 11 Westwood Drive stated that he would like to know what is going in the top three floors of the building?

Mayor Uszenski stated that is where the twenty four apartments would go.

Mr. Sperry asked, how many bedrooms?

Mr. Nichol stated that none are more than one bedroom.

Mr. Spanos stated that they are all one bedroom.

Mr. Sperry stated that it sounds very good, but as Trustee Garcia has said and Mrs. Garcia and other people have mentioned, if you have senior citizens, fine, but as everyone in this room knows Walden has overboard low income housing. We don't need anymore and if there is anyway legally that the village can receive the grant for Senior Citizens solely, because we have a great need for, he would be in favor for. Another project for low income housing we would be hurting ourselves as a village. The fact that Don made a elegant presentation with regards to the blight in the village, there is no doubt about it. We have to make sure when this project goes forward its for the benefit of the total village, all the citizens of the village.

Alice Gutter stated that she just wants to reinforce some of the ideas that have been presented. Actually they say you judge a civilization by how you treat your older people and your younger people. There is a genuine need for more senior housing in Walden. There is a long list of people waiting. In conclusion she would like to say that the present housing on Main Street is an asset to the village.

Nancy Orndorff, 193 Walnut Street stated that she also supports Mr. Spanos's project for the aesthetics of the village because its the first thing she sees when she leaves the village in the morning and the last she sees when she enters Walden at night. She also supports the apartments for the elderly. As a registered nurse healthcare is changing the HMO's and insurance changes, and it will cost a lot of

older people their homes, so it will increase the need for more low income housing for the elderly especially.

Greg Raymondo, 241 Orange Avenue suggests the board approve this. If the board doesn't approve this what other alternatives is there for that building?

Mr. Barnes stated that there was a discussion of some of the alternative funding sources for this property. They could use programs that are federal and/or state, HUD 108 Loan Guarantee Assistance, which allows you to finance up to five times your average Small Cities Grant over the last three years for a project. There is a program called HOME, which funds are available to the village through Orange County. That is also a HUD Program. There is a state program, New York State Housing Trust Fund, which provides grants and there is the Low Income Housing Tax Credit, which would provide funding. There is also the Community Preservation Corporation, which is a specialized housing bank and the New York State Housing Finance Agency, which provides lending at a below market rate. Those singly or in combination would be potentially available to the developer as alternate funding.

Mr. Raymondo stated that his question was not about financing it was what other alternative that the village has in developing that site. If the village disapproves Mr. Spanos that building will stay that way for who knows how long.

Mr. Barnes stated not necessarily if you look at the other financing sources. The Small Cities is not the only available resource.

Mr. Raymondo stated that the question right now is what the building is going to be used for. Isn't that the objection, having apartments that may be occupied not solely by senior citizens. If the village doesn't approve Mr. Spanos's project the way he is presenting it, what else are you going to do with that building?

Trustee Ozman stated that right now we're not necessarily talking about approving the project, that is a planning board function. We are talking about designating the project through the Small Cities Program.

Becky Pearson, 90 Wallkill Road asked about the other programs that are available, are they not also available for the target area that is proposed? Can't the village do the funding for the Main Street project and turn the other people to what you have on the map? Are they not available for everyone in the area?

Mr. Barnes stated that generally most of them would not work with single family or with smaller rehabilitation projects.

Mrs. Pearson asked, don't you have them with groups, you're not going to do them with one house, its a group area you have designated.

Mr. Barnes stated that the village receives a block grant which is

parceled out into pieces to individual houses. Many of those programs would not work in a rehabilitation mode. In single family rehabilitation they provide financing to a homeowner, a deferred loan at 0% interest. The loan is paid off when that person sells the house, which might be in thirty years. By using the Section 8 Loan Guarantee that money comes with an interest rate, therefore he could not offer assistance to that owner because they wouldn't be able to afford to repay a loan with interest.

Mrs. Pearson asked, then its okay for a business person to repay a loan with interest? A homeowner is different then a business person trying to bring business into the area.

Mr. Barnes stated, because we lend the money to, in some cases, very low income homeowners who cannot afford to repay, where as this project is a business venture or commercial project which has the ability to generate a cash flow to repay debt service.

Steve Garcia, 110 Wait Street stated that he doesn't think there is anyone more then himself that would like to see Walden become more vitalized. We have a rich history as being an industrial village. He thinks projects like this on Main Street we are almost hitting ourselves in the foot if 24 senior citizens move in there and they all own a car, you have a parking problem. The traffic situation on Main Street is horrendous. He comes home every night at 5:00 PM its not good conditions for a business to be on Main Street. People need a place to access the business. We may be a little premature with some of this if we can't service a business. We want to get some kind of a grant from HUD to revitalize the village. Maybe we want to look at the type of business on Main Street. Maybe a commercial venture that is business only without apartments. That may not impact the traffic or the parking problem so much. How many people are going to say I'm going to Main Street in Walden to buy something if they can't park anywhere and if they have to fight that traffic that we have. We have to give ourselves the best shot at getting some grant money. Maybe next year would be a better time.

Mayor Uszenski stated that is one of the concerns. This project has just been presented to the planning board. It has to go through the full site plan process and approval. The planning board has just received this information. There work session is March 4th. That will be the first time the planning board has looked at this application.

Mr. Garcia asked, what would happen if the HUD grant went through and then the planning board said, no you can't do it, for what ever reason?

Mayor Uszenski stated, then we probably wouldn't get the grant, unless something was changed in the plan and they reapplied and the finally got approval.

Mr. Garcia stated that he feels the village has to work at what the best chance is at getting the HUD money in the village.

Mr. Nichol stated that he's worked with this village over a long period of time and he remembers when the planning board could work on a project like this and get it from one end to the other and out the door very quickly. This is the situation where you're working in a downtown lot, if you took every building in downtown Walden and made them apply to today's standards in terms of overall parking, we wouldn't be able to build a single building in downtown Walden and we would have a ghost town. The code clearly allows you to demonstrate in terms of increasing parking needs over what you otherwise would have had. There is a whole demonstration of these criteria in the applications that were presented. They are very complete and very detailed and address these issues. That is part of the complication, but we are talking about a \$2.3 million dollar project for downtown. We're not just talking about this grant money, because this grant money is only that seed that causes the rest of the investment to take place. A lot of the revitalization will happen, you'll notice senior citizens living there. They are not going to get in their car and drive somewhere else to do their shopping, like they do if they are in the suburbs or in a place outside and they come downtown through the intersection. They are not going to do that they're going to go down the elevator, walk down the street and into the store. That traffic will be there and help this village without creating those problems of traffic if you built this outside the village. He thinks it's important to consider that in the process.

Carol Garcia, 110 Wait Street stated that she would like to take a position for the advancement of the center of town. She feels there are senior citizens at 55 Main Street, how did we insure that it would be senior citizens only? Could we not use the same means to insure there are senior citizens only here. Secondly, the fact that perhaps there would be increased parking needs or increased traffic needs, isn't that the price of any further industrial advancement, don't we have to address that as it arises and hope that this arises. The fact that there is increased business there, increased need for parking more people there using the businesses, using the street there. She feels that is an asset to the community, not a detriment and she feels that can be dealt with on an ongoing basis and should be.

Mayor Uszenski stated to answer Mrs. Garcia's first question, he doesn't remember the exact loan term of how 55 Main Street was built, but they were guaranteed the rent money for fifteen or twenty years, so that company could go to the bank and get a loan on those guaranteed monies coming in every year to construct that project. The project is no longer available to be applied for.

Trustee McGuckin stated, that was tied specifically to senior citizens.

Mayor Uszenski stated that was a federal program and it's no longer available. The other part of it is the next step of them going to the site plan approval and planning board questions, that is not village board matters at this time.

Roy Wynkoop, 83 Hill Street stated that he is also a businessman and own property at 19 Orchard Street. As far as he is concerned they should be the number one project in Walden. This is everyones impression of Walden when they come into town on Route 52 and you see this bombed out shell of a building that looks like the south Bronx. If the village can do anything to help these gentlemen get this done in this village to him its a Grade A project. He's known John Spanos all his life and Chris Spanos all his life and if they say it is senior citizen housing he believes it will be senior citizen housing.

Paul Roosa, Roosa Jewelers stated that he would like to reiterate everything that Mr. Wynkoop said, he said that very well. Not once a day, but probably a dozen times a day he has people come into his business and ask what is going to happen there and he's had to throw his shoulders up every time and throw out the scuttlebutt that he's heard. Granted that these other two projects haven't been in the offering too long, but he hasn't heard anyone ask about those, he's not trying to belittle the urgency of these other things, but what he sees is everybody wants the general public, people from out of the village, people from in the village want something done with that building, anything. Like Mr. Wynkoop said, he's known these gentlemen all his life too and he takes them for their word. If some sort of a legal contract can be drawn between the Spanos's and the village that would guarantee we would have senior citizen housing and not low income housing, then fine. He has three apartments also, if they have low income housing he probably wouldn't be able to rent an apartment, so its very important to him that it is not low income housing, but he feels we have to do something with that building, from a safety standpoint, and from an aesthetic standpoint. Unfortunately 99% of Walden shoppers are K-Mart and Wal-Mart shoppers because most of the businesses don't get a fair share of our own villages residents. He has more Wallkill phone numbers then he has Walden phone numbers in his register. He gets a lot of business from the senior citizens building. He feels the best thing for this village, if we do something with that building, put monies into that building and improve Walden, then the rest of Walden will follow. The more this building looks like heck, the more you are going to get negative responses from everybody and the stupid radio stations and everything else. The more we can do the better.

Robert Kimble, 6 Field Lane stated that he would just like to reinforce what Mr. Wynkoop and Mr. Roosa just said. He has been a Walden supporter for many, many decades and still feels a very strong attachment to Walden. He thinks that the position of any board in a subject like this is a very difficult position and two things have come out without any argument tonight, one is there is still a need for further senior citizen housing in the Village of Walden and number two there is unanimous feeling that the number one problem in Walden is that Wooster Building has been a blight on the village for over two years. He's sure the village has spent many hours discussing looking at the pros and cons, but also sometimes you can get bogged down in

details and forget the main problem. The main problem is that looks terrible and that is the opinion people have of Walden when they drive into it, what a terrible village to leave that standing for how long now, two, three years? We all agree, that looks terrible. The village board can't be experts in everything that comes before them. Right now you are just concluding a season of tremendous snow fall, now you're being faced with the problems of pot holes, so you have to have your experts advise you how to handle these different problems. You have three experts here tonight, your village manager, your village attorney and Mr. Barnes, your village advisor. The experts look at this as the number one problem, its been the number one problem for three years now, you experts figure out how we're going to get this straightened out. He supports the Spanos plan. You can figure out the details, you can figure out the parking, you can figure out the HUD or any of the other groups you have to go through, but tell your experts we want it done, you people get it done.

Tag Williamson, 140 High Meadows stated that he supports the Spanos's and evidently the whole business community in the Village of Walden supports the Spanos project. He doesn't see how the board members can go against them. Its an eye sore. People look at it and they shake their heads and walk away. He really thinks the pressure is on you fellows to make the decision like the doctor said to get this job done and get it done right. Start in the center of the village and work out. You're spending over one million dollars across the street which is a nice thing, keep on doing it, keep on getting the downtown area put together.

Dale Gerard, 7-9 Main Street stated that his building is the only building on Main Street that has windows between the boarded up buildings. His wife and himself have invested money into this and opened a business. When the building fell down he lost his tenant. The building has been empty for three years. They could not rent it to anyone because of the surrounding building, so they elected to start a business and they opened up two weeks ago and they would like to see their building and the one next to them, all of them opened up. When that building fell down in 1993 you knew at that time it was going to be a problem and it had to be rebuilt. He is surprised that it lasted this long, and it should have been addressed before this. He supports the project too as an investor having land next to it.

Sam Phelps, Walden, NY stated that he is mad at the press for one thing. You are talking two or three years now and this is suppose to be a progressive township, the Town of Montgomery is progressive. The Village of Walden, according to the chairman there, these guys here said in the paper last week we have a lot of things going and we want to keep them going, but this building has been sitting here for three years and nothing has been done and he was here a year ago and he opened his mouth and he thought he was going to get something done, and still nothing is done. He can't see where we are getting any progress. We got a grant to put a recreation center in the mud hole when it should be up there on the parklands. We've done away with skiing, so

there are two things, as far as he's concerned, are going backwards and now they are going to try and put this thing off for another year and maybe the building will fall down. He really thinks the village has drug their feet long enough and its time to bury the hatchet and get this job done. Taking from experience senior citizens aren't going to fill a school bus with any kids, so there is another taxpayers thing that you aren't going to have to worry about. He would like to see Chris get what he's got coming to him and let this village get straightened out here. He comes in from Newburgh every other day and he looks down the end of Main Street and here's this big blob here. He felt like painting a sign on it. Lets do something with this building. You talk about the trailer park, who let those buildings go, the people in the trailer park let them buildings go. You talk about the development on the other side of town, those properties were raped. Who built those things, carpet baggers? The people who own them or do the carpet baggers own them. If the carpet baggers own them make them fix them. We have a building in the middle of town that needs fixing and we're going around to fix something up in the boondocks, and the boondocks you drive right by them and you don't see anyone of those places.

Tom Gibney, President Walden Federal Savings Bank stated that he sent a letter to the board, which was read by Mr. Gibney, (attached). he further stated that he hasn't known John or Chris as long as some other people, but if they say its going to be senior citizen housing it will be senior citizen housing.

JoAnne Clifford, 171 Walnut Street asked how much money are we talking about?

Mayor Uzenski advised Mrs. Clifford that from the village they are requesting at this point \$200,000 from the 1995 Small Cities Grant, \$550,000 of the 1996 Small Cities Grant, \$80,000 from the HODAG funds and \$30,000 from the revolving loan fund.

Mrs. Clifford stated that she hopes they get it, because something has to be done there, we don't need another Walnut building. That thing has been sitting there for years and nothing is being done with that and she would hate Main Street be the same way.

Larry Sager, 78 Orchard Street asked where the people get the impression the village never wanted to help Mr. Chris, because he has attended meetings, Mr. Barnes has made a tremendous effort in trying to get information from them so the village could put this forth as a grant. Its not the village to blame, because they didn't do their work properly. His question to Mr. Spanos is, who is behind him, behind the corporation?

Mr. Spanos stated that he is the president of the corporation, he owns 98% of the stock, his father is vice president and owns 1% and his mother is secretary and she owns 1%.

Mr. Sager stated that its a family business?

Mr. Spanos stated that is correct.

Mr. Sager asked if anyone has approached him to put something in there relating to the medical center we have in the village?

Mr. Spanos stated no, he's had people approach him and he's turned them down. One person offered him \$100,000 cash to open a bar. Another person asked him to put a restaurant in and he turned that down. He feels there are enough restaurants in the village and he doesn't see having another bar considering all the problems the village has had in the past with what a bar attracts.

Mr. Sager asked Mr. Barnes if this has to impact the whole village residents to show it will make a tremendous impact on the village?

Mr. Barnes stated not specifically, they have to demonstrate the viability, the feasibility, the project, they have to demonstrate its readiness to move forward, they have to demonstrate the presence of all the various funding that is necessary as well as meeting the HUD guidelines. Later he will respond to some of the presentation.

Mr. Sager asked if Spence Engineering would be qualified to come to a grant like this if they had intentions of expanding?

Mr. Barnes stated yes. Any business which either is relocating to Walden or expanding its business in Walden creating new jobs which will be held by lower income persons could be the subject of an application under this program under economic development.

Mr. Sager asked Mr. Barnes if he's spoken to them?

Mr. Barnes stated no.

John Spanos stated that 19 Main Street in Walden is his business, he would like to say two things, is Walden better off with Spanos family or the other way. Its up to you people.

Mr. Wynkoop stated that no one is blaming the village board for any of this. They are just saying that their interest as far as business people and village people, they think this project should go through. That is all they are saying, they're not blaming anyone.

Lucille Raymondo, 241 Orange Avenue stated that she has only two things to say, one, she feels the village should give them a chance, that is an excellent project. It will enhance our downtown area. It is something that we need. Speaking as a Village of Walden resident, as a mother of a future Village of Walden resident and as a daughter of a senior citizen she thinks we owe the senior citizens in this village a little helping hand. Lets show them that we care and we want them to stay.

Jim Ryan, 72 Sherman Avenue stated that he is a businessman in the village too. He wants to point out something, John Spanos he's known 40 years and he's never heard him do or say anything that would be detrimental to the Village of Walden. The first store that is always decorated at Christmas time or any other season is John Spanos's store. He's already demonstrated for forty years how he would keep his property, so he doesn't think there is any question, if they said they were going to build something there that is going to be outstanding, they are telling the truth. If they say its going to be for senior citizens, he would take them at their word, he would even ask them for a document. We have fallen over backwards for some of these other places to come into the town using federal monies and everything else. Hudson Wire is a prime example. They stayed ten years, they take our money and they get the hell out when the money is gone. These people have been all their life and he's sure they will be here for the rest of their life. He feels the village should support them.

Beck Pearson complimented the Spanos for keeping the building the way it should be kept in the village and a lot of the other buildings that have been built there used to be a board that kept stringent rules on how things were built and rebuilt in that is no longer around, as far as she knows and she really likes the way he kept the building and she feels its an asset to the village itself.

Mr. Nichol stated that the village just has to remember that this is bringing, not just this grant money to the village, because he thinks it qualifies better then the other proposal. You have the consultants who are capable of putting the application together. The minutes in terms of investigating the other rehabilitation program that was two weeks ago. There is a lot of information that you have in terms of financial, etc., he thinks the village has it if they need to go forward, but remember its not just bringing that in its bringing an investment of \$2.3 million dollars that goes right into the downtown heart of this village. He doesn't think that any other possibility for this application could have the favorable impact this project has.

Mr. Phelps asked the gentleman from the Walden Federal Savings and Loan if he was building a new building around the corner?

Mr. Gibney stated yes.

Mr. Phelps asked, and we're working on this one over here, whats to stop us from working on this one? That is his question.

Trustee Besdesky stated that as a citizen he would like to follow up on what Roy Wynkoop said. He doesn't think there isn't anyone that knows the Spanos family as long as he has, who wouldn't say they had an impeccable reputation and there is no one sitting on this board that hasn't wanted to help them for the last two years that he knows. This has been discussed hundreds of times. There have been other technicalities that have held it up from the day it collapsed until it

was purchased. Time goes fast and a couple of years have gone by and the board sees the blight too and they are ashamed of it, but it isn't that they've sat here callused and not seeing the blight, not caring about the Spanos family, he wants to see them have it more than anybody in the world. This whole thing has come up very quickly and very recently. There has been a great hold up in the technical work that has brought us to this point and with the deadline of the grant coming close and the chance of losing it and not having their materials this is why this came up in the way it did, but if it had been a choice six months ago on whether they would do one project or the other, he's pretty sure he knows how it would go. He's not saying its over now, but he kind of took this evening in a very resentful fashion, because he almost felt guilty, ashamed to be told that he doesn't want that family to do that project and he's sure there are other board members that feel the same way. There are a lot of things that haven't come out yet and that has held this up and has put the village in this position and he doesn't want people coming in here and going out and saying look at that board if they don't have enough common sense to see that there is a mess out there, somebody wants to build it and they're not willing to do it. As far as the senior citizens, and he doesn't have a solution to this at this moment, its very difficult in the business world, in a government world to say I know that they won't change it, because things change, owners change, boards change, mayors change, managers change and the whole thing changes. There have been times when the village has had developers come in here and the board has been very trusting about what they had left to do and that they would do it and they stuck us and the village was left holding the tab. Now we have learned to be more careful about what we are going to do with a developer that still has a punch list and is trying to bug out, because once he leaves you're never going to see him again. You can't trust anyone, because life changes and times change, ownership changes and things change and what we don't want to do is have a situation which has happened where the village thought they were getting one thing and they got another. He thinks he speaks for a lot of the board when he says they're not blind to what is going on, they can hear and they can see. The village wasn't to blame for a lot of this, this came up like a roaring freight train, really quick, so quick that there is a question as to whether they can make it in time.

Chris spanos stated that their store has been in business for forty-four years and they built and rehabilitated nineteen Main Street and it was a burned out shell. They completely rehabilitated that building and made it into a modern interior with original facade front. As for 11-17 Main Street they plan to rehabilitate that building, the front facade and modernize the interior. They also plan on staying here for another forty four years.

JoAnne Clifford asked how can we get the housing applications in on time?

Mr. Barnes stated that it is in process.

Becky Pearson asked when did the village start that?

Mayor Uszenski stated that at last years Small Cities Grant they came in the same way on a meeting night not having done anything previous and did the same thing to the village last year as they are doing this year.

Mrs. Pearson asked where last years money went?

Mayor Uszenski stated that it went to the targeted area and this building is in that area. The village did receive that grant and we have that money available for part of this project.

Mr. Nichol stated that Mrs. Pearson was asking about when did the village start on the rehab that was noticed for tonight. He saw in the minutes of February 13th an indication that the village was authorizing a study to see if the area would qualify.

Mayor Uszenski stated that the village started working on this area and this project last year, on last years grant.

Mr. Barnes stated that the village received notice from HUD as to the availability of funds approximately January 9th, 1996. At that time HUD was shut down. The budget had been vetoed. The application forms were not available. The instructions for the new consolidated plan were not available. The briefing that HUD normally has had not been held because HUD had no travel budget and they were somewhat delayed in starting. They did begin their planning work, preliminary activities that go into this application almost immediately. The process was somewhat different this year simply because HUD was issuing regulations while the agency was actually shut down. Regulations were issued December 28th, he obtained a copy through the internet on January 5th. They immediately advised the board and the developer of the announcement of funding and held off a little bit in moving one way or the other in order to see if the information they required to submit an application would be forth coming.

Mrs. Pearson asked what type of percentage does the village get from this type of money? Does the village get a percentage of funds from any money that is received from HUD?

Mr. Barnes stated that the village applies for a grant, the village gets all the money. The village is the applicant.

Mrs. Garcia stated that she feels a great deal of public sentiment in favor of the Spanos's project. She asked why there was such a delay to submit an application, so it would seem to cast doubt upon the board?

Mr. Nichol stated that one of the problems in terms of going forward with this was the the capital, they needed to draw the plans, hire the engineers, hire the architect and then submit the application fee. They have something in the neighborhood of \$5,000 just to hand the

application to the village, so they can begin that review. They are doing that on the faith that there will be support. That is money that without the support the project can't go forward and it is money that they had to take directly out of their pocket. Its a considerable expense and that is one of the things that has to be realized in terms of this.

Mrs. Garcia asked why the application wasn't brought in sooner, so the board could review it more thoroughly?

Mr. Nichol stated that this board is concerned with the financing part of it. They don't review the zoning or planning aspects of it. Those don't have to be presented in terms of this boards' ability to support the project. If the project doesn't make the grade or whatever they won't be committed at that time.

Trustee Ryan moved to close the public hearing. Seconded by Trustee Forman. All ayes. Motion carried.

Mayor Uszenski stated that he does feel all the village board members are in favor of restoring 11-17 Main Street. That has always been their objective to help in any way possible with this project. You also have to remember that the board is a government entity and they have limitations and they have to watch out for the entire village and all its residents and they have guidelines that they have to follow. This small cities program, the village has been very fortunate to have been awarded five successful grants. This would be our sixth. When the board originally met on a Thursday evening at 5:00 PM, they had hired a firm, Saccardi and Schiff and they had two items on the agenda, first was picking a target area and they also discussed this project. They have had some problems in working with Mr. Spanos in his timeliness of getting information and facts to the village. They want to get the grant. The village was asking them questions and they wouldn't give answers or it took considerable amount of time to get answers. Mr. Barnes has put together a chronology of 11-17 Main Street going back to last years small cities application. The village has been working with them diligently, sometimes the village has been the lead asking them and pulling facts from them so that we could request this project as our number one priority. They discussed this with the village consultants and they brought up questions that HUD would ask, is this project going to work? Can they put \$2.3 million into this project and will all the people who are investing into this program be covered? Will they be protected? Will the village get its \$800,000 back? Will HUD be repaid this money? If something happened to their family and they had to walk away from this project, is there enough money in this project to protect the loans? Do they have a mortgage commitment at this time? Do they have their personal finances organized so they can go for funding? Do they have planning and zoning board applications presented and approved? At the point the village met they hadn't even filed a site plan to the planning board or anything to zoning. Nothing had been started, so the village had a serious concern, since we only had thirty days to compile the

information and get it to HUD. Things just started coming together on February 23rd. This has to be in by March 13th. Tonight was the first real sincere effort that they have presented to the board and to the public. What happens if the planning board doesn't approve this or some of the business people come out and say they don't want to give up all the parking. They need possibly forty spaces that they don't have on site. We have thirty some parking spaces on Maple Street, fifty or sixty on the Orchard Street lot. The height requirement has to be dealt with by the zoning board with the fourth floor going on. This will require several variances. Next Wednesday will be the first time the planning board will see this application at their work session. The cost of the project is a concern. They talk about spending \$2.3 million down on Main Street. Is the project worth it? There is no guarantee that all twenty seven of those apartments will be filled with senior citizens. There is a big question, do they have enough money coming in every month so they have a 10% profit margin to cover their costs and pay their bills. What happens if they walk away from this project due to unforeseen circumstances. Those are some of the reasons the village went to the target area. That it was a safer more assured grant. The mayor asked Mr. Barnes to review what he has done in working with Luxembourg.

Mr. Barnes stated that the question deals more with the technicalities of feasibility, timing, and financing. Realizing that this was a complicated and difficult project they wrote HUD a letter last year to determine if it was eligible under the small cities guidelines, because some parts are and some are not. They were told by HUD that new construction of the fourth floor would not be eligible as a small cities activity and the facade would be eligible only under certain conditions, so would interior work on the commercial portion. They received an answer from HUD on August 10, 1995. About that time they began discussion with Mr. Protter and there were earlier discussions with Mr. Quackenbush to try and resolve some of the financial issues. There was a meeting on August 9, 1995 and went over the various eligibility and the various needs of the small cities and other programs. They followed up with requests for information, discussions. They provided the developer with a copy of the HOME Program guidelines in September and a copy of the application document. They had other meetings throughout the fall leading to a meeting of all parties on the 29th of November in which the various approvals were discussed and the strategy and the timing and at that time Mr. Barnes advised them that if we don't have the information right away he feels they would miss the deadline for small cities for 1996. They were able to have a preliminary look at the financing structure on February 8th. There are a number of questions to that financing structure, many of which are unanswered.

Trustee Garcia stated that we keep talking about getting rid of the blight, he looks at that as being the same as the flu, you get rid of one strain of flu and then in six months to a year another strain comes through. What would happen if we get a different blight then what we have now? Look what happened to Newburgh. He is all for senior

citizens, but he will not support anything that brings low income in from outside this village.

Trustee Forman stated that the mayor expressed it very well and brought up the points that he had.

Trustee Ryan asked if the application that has to be submitted to small cities, do the approvals have to be in hand when it is submitted?

Mr. Barnes stated that the guidelines don't really speak to that. What they do is they are in the process of competing against communities. While that is not stated that that is not necessary it is very helpful to prove to HUD that the project is ready to go. The real obstacle here is that all the financing is not in place, we do not have a commitment for the mortgage at \$722,000. We do not have an assessment of the value of the potential tax credit. When he heard they had trouble getting \$5,000 in permit fees, he wonders where the \$200,000 is coming from that is suppose to be in place when it goes to HUD.

Trustee Ryan stated that anyone that has ever driven through Walden would like that cleaned up. There are so many questions. What are our chances of getting the HUD grant when we have another viable area? Mr. Barnes is our expert and he is not comfortable. He was the one who told Mr. Barnes two weeks ago to start looking at the other area and they have not changed his mind tonight.

Trustee Ozman stated that a lot has been said about the concern for the village. He has lived here his entire life. He went away for his schooling and came back to establish a practice here in the village. Speaking for himself and for most of the board the concern to erase the blighted condition on Main Street exists and it exists no more strongly then right in this seat. He is in favor of the project, what disappoints him is the timing sequence. He reached out to Chris Spanos on two separate occasions and he's not sure if he received the messages or if he was busy at time, but he made himself available then and he is available now for his calls. He would like to see the project move forward, but what concerns him and more than a concern, he's disappointed that the village and the board is now put in a position whereby we have to jeopardize a possible successful grant application because of the time window. That is the situation we face now. Neither area in the village is a guarantee, but if everything was in place at an earlier date they would have a better opportunity. The planning board and zoning board are all in place for a purpose. One of the things that concerns him is side stepping that process in an effort to put this project together. Those board take sometime to work. They could work at a quickened pace or meet more often but they still take time. Without those approvals in place we're jeopardizing the approval of this grant. He thinks that is where their efforts should lie at this point, determining what the planning and zoning boards have to say about this project. To some degree he feels it necessary to defer to the grant expert in determining what our odds are at getting the grant.

Trustee McGuckin stated that his only comment is he as one is very much for the project. The board's decision at this time is what grant they go for. He doesn't think by the board choosing one over the other it dismisses the fact that they don't support the project. The fact is they will continue to give Mr. Spanos as much support as they possibly can to look for other grants. He agrees with what has been said, they can't afford to let the window of opportunity go away and not get a grant at all.

Mayor Uszenski stated that his main concern is the village receives its 1996 small cities grant request. They have to chose one of the two projects that they feel will be accepted by HUD. One concern he has with Mr. Spanos's project is at the rate that he has been proceeding, it is now February 27th and it was February 23rd when he filed his site plan approval. How much longer is it going to take to get all the paper work, financing and all the other things in order for the project to start? Will it even start in 1996 or possibly 1997? At this rate we don't know. Zoning and planning could take two or three months. During that time he has to get financing. There is a half million dollar gap in this plan. This has to work before this board can say yes we can go for this this year. If the village goes for the other project that is not saying they can't do this project in 1997. There is other funding they can do now. This is a private project where they will be making a profit. To put the village in a corner that you have to give us \$800,000 this year or the project is not going to fly is unfair, especially coming at the last minute. If they were this diligent back in July this wouldn't have happened. He's not happy at the way they came to the board.

Mayor Uszenski further stated that the board has to be fair to the entire village and try and get this grant money for the village to improve the entire housing of all of our lower income. Not all senior citizens are lower income and maybe some may have two cars. There are many seniors who need reasonable housing. He is for the project and he wants to see it done, but he has very serious concerns if the 1996 Small Cities Program should be delegated to this one project at this time. We do have money in the 1995 Small Cities Program. If things are in order that we can commit to them we have the UDAG money and the revolving loan money. That is there and we can start.

Mr. Barnes stated that he hung for so long in terms of working here because he feels its a good project and its important and it makes a difference for Walden. The small cities process is unlike any other. He wants this village to have the best application it can have.

RESOLUTION NO. 15-95-96, APPLICATION FOR THE 1996 HUD SMALL CITIES PROGRAM FAIR HOUSING

Trustee McGuckin moved to adopt Resolution No. 15-95-96, Application for the 1996 HUD Small Cities Program Fair Housing, (attached). Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Ozman stated that in terms of the Main Street project if the village applies for the funding and the project doesn't go forward, is there any mechanism to transfer that funding without a complete revision of the application, to other areas of the village?

Mr. Barnes stated that if you apply for this and it failed for some reason, you would have the option of saying to HUD, this project didn't work and you would have to submit a full program amendment for another project. The other project would be ranked and scored by HUD and you would have to achieve a score at least high enough to have competed amongst the ones that you originally competed with to receive funding.

Trustee Ozman asked Mr. Barnes if in his opinion would the Spanos project rank at the same or similar level as the comprehensive project?

Mr. Barnes stated that he thinks it would compete.

Trustee Ozman asked Mr. Barnes if we did not apply under a single purpose ^{grant} stand for the Spanos project, but rather for the comprehensive project and were awarded based upon that project, is there a mechanism to then transfer funds to the Spanos project?

Mr. Barnes stated that you could transfer that element. The problem is that whether you apply for single purpose or comprehensive you have the same questions that have to be answered, is the financing in place? HUD would ask the questions in their application review. They would look at the pro-forma and ask, do you have a bank commitment for \$722,000, do you have a commitment for the tax credits? The best chance would be if you apply for something else as they suggested in the 1995 application, its possible to transfer some money later into this project. If your rehab program isn't working if the residents don't want it or you have fixed up all the units and you still have money, then you can say to HUD we would like to amend this grant and this other project is ready to go, will you let us transfer. Its easier to get permission to change then it is to get the money in the first place. You still have to compete.

Trustee Ozman asked Chris Spanos how close is he to obtaining commitments for the other funds for this project?

Mr. Spanos stated that they are 99.9%.

Trustee Ozman asked if that was a hand shake? Is a local institution involved in that?

Mr. Spanos stated yes.

Trustee Ozman asked if that was a combination of commitments?

Mr. Spanos stated that its an institution, and personal account.

Trustee Ozman asked if it would be something whereby they would be able to generate some documents to be submitted with an application? His point being if HUD doesn't see the funding in place they're not going to approve the grant? He asked Mr. Barnes if that was correct?

Mr. Barnes stated that is his general impression. They would say how do you know this is feasible.

Mr. Nichol stated that he thinks the question before was if the indication would be conditional upon fulfilling the commitments. If you're ranked higher and the commitments can't be filled you have the option of switching out to another project. He spent the time going through what the regulations said the criteria to try and show urgency of this. This fits the criteria better than the other program. One of the things he's always seen in terms of these programs is the government wants to believe they're making the difference. Indeed they are. It becomes the chicken and the egg. You're asking the guy to pull lots of money out of his pocket when he doesn't know the necessary grant component in there. That is tougher than the village taking, saying we're willing to risk the conditional commitment that we may be able to switch out later. He thinks the village really has to think of it in that way, otherwise he doesn't think it will go forward.

Mayor Uszenski asked Mr. Nichol how many of these grants has he been involved with with any other clients? Has he been in any other small cities applications like this before?

Mr. Nichol stated, me personally, I haven't done this particular work in probably five years. When the Village of Walden was in the Urban County Program he worked on it on an annually basis and the village did very well. The county has stolen documents that he put together in terms to those things. He's had that experience in the background, mostly in the Community Block Grant Program. With the Urban County Program he's worked with a half a dozen municipalities. One of their villages does similar to this village in terms of now finding their own small cities and doing it very well. He's here tonight because the regular project staff had other commitments in other parts of the county. They do have the background and experience in this type of work and they can even do the necessary to put this thing together.

Mr. Barnes stated that in terms of Mr. Nichol's reading of the regulations, he is confusing the eligibility criteria of an entitlement grant to a small cities grant. Small cities is competitive therefore some of the activities that would be easily eligible under an entitlement are not. Secondly, when you talk about the three national objectives, they are simply thresholds. You must meet those before you go to the next step. The project obviously meets the threshold of all low and moderate income persons, and it meets the threshold, depending on the activity of preventing or eliminating slums of blight, it does not meet an urgent need criteria. The HUD Small Cities NOFA (Notice of Fund Availability), and its accompany regulation go into some greater detail in terms of the requirements. The firmer he can make the grant

with everything in place the better he can compete. He's not saying this wouldn't compete well, he's not saying its not a good project. His problem is he doesn't have the information in the sense that these commitments have to be in and then himself and other people have to weave pages of narrative around this, put together maps, charts and various other documents and pages and that is within two weeks. If we had been where we are now with the proforma in place, back in August or September and submissions to the planning board, then they would say great this is just what we need.

Trustee Ozman asked, if the funding commitments were in place as of the date of the applications, and the planning board, zoning board and special exceptions, etc. were pending, would the application be likely to be granted?

Mr. Barnes stated he thinks it would have a chance. It weakens the application. The funding commitments can't arrive on their desk the day of the application deadline.

Trustee Besdesky moved to apply for the 1996 Small Cities Program with the Main Street project. Seconded by Trustee Ozman. On roll call Trustee Ryan votes yes and stated that they did not convince him, but he is willing to take a chance to change that building. Trustee Ozman voted yes. Trustee Forman voted yes stating that he would have preferred to take the safe bet, but he'll take a shot at the building. Trustee Garcia voted yes and stated that he would like it understood that he does not want low income families in there. He wants senior citizens. Trustee Besdesky voted yes. Trustee McGuckin and Mayor Uszenski voted no. Mayor Uszenski stated that he feels that it does put the grant in jeopardy. Motion carried.

Mr. Dowd asked Mr. Barnes when does he need the information from Mr. Spanos and his consultants by, as far as everything that is missing?

Mayor Uszenski stated tomorrow.

Mr. Nichol stated that they have to do it now and they appreciate the boards taking that risk and chance. He asked Mr. Barnes to get hold of him first thing in the morning. He will alert his office about the urgent need to do this. Chris and John will have to run and do the things. He hopes all those who are supporting this will help them to do that and they will run as fast as they can.

AUDITED ENGINEERING BILLS RE: WALDEN FEDERAL SAVINGS AND LOAN-

Mayor Uszenski stated that this is in reference to the settlement with Walden Federal Savings and Loan decision.

Mr. Dowd stated that one of the parts of the courts decision in the Walden Federal case was that the village is required to reaudit the engineers consultant bills to Walden Federal. The court upheld the fee schedule and just said that based upon some of the work that was put in

by the bank that perhaps the village should reaudit those bills. What the board has before them is a detailed billing information from Gainer-Wilbur Consulting Engineers outlining all the work they did on this project for the duration of this project. The boards job now is to review those bills for their applicability and there appropriateness to be charged back to the bank, which has already paid these bills. If you find anything in those bills that should not be charged to the bank you would have to refund that money. The attorney has spoken to the engineer and has reviewed the bills and he has written a letter to the board which sets forth a policy change if the village wants to adopt as to charging back applicants for the engineers time while sitting at planning board meetings. Its one of their practices when they bill and when their time is billed to applicants that when they sit at a planning board meeting where there are numerous applications it is basically a cost that the village is doing business to have the consultants there and therefore that is not chargeable back to any one particular applicant. They are there for the boards benefit. There are some time in those bills that are attributable to work sessions and regular general board meetings, which the board may want to consider not charging to the applicant and from here on in not charging to other applicants, which would require a refund if the board so chooses. There is also instruction from the court that none of the fees charged to the applicant should be related to a review of the village drainage system for the sake of the village drainage system, only as it pertains to this particular application. He believes there was at least one specific reference to a review of January 6, 1994 by one of the people in Ron Gainer's office which was a clear review of just the village drainage system as it presently existed with one hour of time which would appear to be contrary to the little guidance the court gave the village in this instance. It is the attorney's suggestion that that 1/6/94 entry for one hour be refunded to the bank and then it would depend whether the village wanted to charge them for the time that your engineers sat at the regular work sessions and planning board meetings. It is important to look at each one of those entries to make sure they are appropriate charges from the engineers directly related to the project in review of the project and therefore charged properly to the bank.

Manager Kelly stated that he asked Ron Gainer to specifically break out the planning board time in five entries of bills which there was several activities performed by Andy Barone. If the board was to consider what Mr. Dowd is suggesting regarding planning board meeting time, it would be a total of twelve hours of Andy Barone's time. The billing rate at that time was \$50.00 per hour for a total of \$600.00. John Hager's rate is \$35.00 per hours total \$50.00. The board is looking at approximately \$650.00 if the board resolved to move in that direction.

Mr. Dowd stated that this is just a suggestion by him as a possible policy decision to make, the village isn't required by anything in the case decision to refund this money.

Trustee Ryan stated that to change the policy would be to raise the taxes, because if you don't have the income coming from the applicant you have to have it come from the taxpayers.

Manager Kelly recommended that in light of that when the engineer sits at the table if we're going to be billed for that time that the village board then as a policy also begin to charge for the attorney's time in preparation and review of applications prior to attending meetings. In that respect the applicant will probably see the same total amount that he has always seen, but the village will now be recouping monies to credit towards our retainer, so that we will see a revenue coming back in which will still be paid back out but at least we will be receiving additional fees.

Trustee Ryan asked how often does the planning board handle multiple cases?

Manager Kelly stated that there are a couple of issues, right now if an applicant comes in front of the planning board at a work session and doesn't submit a formal application, but just has a concept. There is no fee charged. The other issue is putting the matter to rest with the bank. The question is will this do that or won't it.

Mayor Uszenski suggested that this one item be taken care of tonight and that this be put on as a discussion item for next meeting.

Trustee Ozman stated that if the board is putting this on as a discussion item to determine the policy issue and whether or not we are going to make a policy change, ^{or} we in fact enacting a policy change by making this decision tonight.

Mr. Dowd stated that this is being done in the context of a law suit, which there was a decision of the court requiring the auditing of the bills and of course making a good faith effort in auditing those bills in a fair way that hopefully the end of litigation.

Trustee Besdesky moved to reimburse Walden Federal Savings and Loan for engineering fees for all meetings of the planning board attended by Andy Barone at twelve hours total time and one hour of drainage review on 1/6/94 by John Hager, the amount to be calculated and refunded. Seconded by Trustee Forman. All ayes. Motion carried.

SNOW REMOVAL POLICY AND REPLACEMENT OF MAILBOXES

Trustee Besdesky moved to table the snow removal policy and replacement of mailboxes until the next regular board meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mayor Uszenski thanked Mr. Sager for supporting the board.

SECTION 1.

Section 63-2 of the Code of the Village of Walden entitled "Definitions" is hereby amended by deleting the definition of "UNSAFE BUILDING OR STRUCTURE" and adding a new definition for "UNSAFE BUILDING OR STRUCTURE" as follows:

UNSAFE BUILDING OR STRUCTURE - Any building or structure or portion thereof which:

- A. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base.
- B. Exclusive of the foundation, shows thirty-three percent (33%) or more of damage to or deterioration of the supporting member or members of fifty percent (50%) damage to or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Has improperly distributed loads upon the floor or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.
- D. Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Walden.
- E. Has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Has light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- G. Has inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, fire escapes or other means of communication.
- H. Has parts thereof which are so attached that they may fall and injure members of the public or property.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1996 of the (County)(City)(Town)(Village) of WALDEN was duly passed by the BOARD OF TRUSTEES on Feb. 27 1996, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

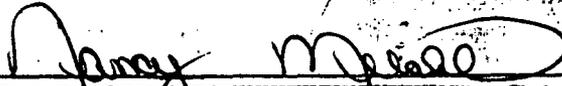
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

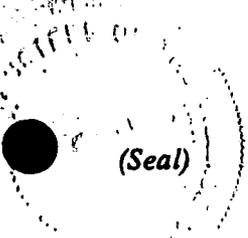
~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph--1-----, above.



Clerk of the County of _____, or Village Clerk
or officer designated by local legislative body
NANCY MITCHELL, VILLAGE CLERK

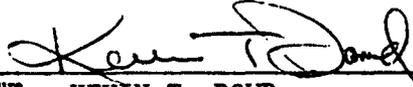
Date: Feb. 28 1996



(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature KEVIN T. DOWD

Title ATTORNEY

~~CITY~~
~~TOWN~~ of WALDEN
Village

Date: Feb. 28 1996

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

~~Town~~

Village

of WALDEN

Local Law No. 2

of the year 19 96

A local law amending Chapter 63 of the Code of the Village of Walden

(Insert Title)

entitled "Unsafe Buildings"

Be it enacted by the Board of Trustees

(Name of Legislative Body)

of the

County

~~City~~

~~Town~~

Village

of WALDEN

as follows:

M

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

RESOLUTION NO. 15-95-96

VILLAGE OF WALDEN

APPLICATION FOR 1996 HUD SMALL CITIES PROGRAM

FAIR HOUSING

WHEREAS, the Village of Walden is eligible to apply for funding under the U.S. Department of Housing and Urban Development (HUD) Small Cities Community Development Program, and

WHEREAS, the Village of Walden may claim 20 bonus points towards the ranking score of its application for Outstanding Housing Performance by the formal adoption and initiation of a Fair Housing Program that is equivalent to a New Horizons Program, and

WHEREAS, the Village of Walden is committed to the concept of fair housing and to the prevention of housing discrimination.

NOW, THEREFORE, BE IT RESOLVED that the Village of Walden does hereby again adopt the accompanying Fair Housing Program, considered to be equivalent to a New Horizons Program, and including the appointment of a Fair Housing Officer, establishment of a Referral and Complaint System, and the distribution of Fair Housing information to the appropriate institutions in the area, and that the Village of Walden hereby will claim eligibility to receive the 20 bonus points in the FU 1996 HUD Small Cities Application.

Motion to adopt by Trustee McGuckin and seconded by Trustee Ryan. The vote was 7 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on February 27, 1996.

ADJOURNMENT

Trustee McGuckin moved to adjourn. Seconded by Trustee Ozman. All ayes. Motion carried.

Respectfully submitted,



Nancy Mitchell
Village Clerk

RICHARD W. HOYT
ATTORNEY AT LAW
43 ORCHARD STREET
POST OFFICE BOX 402
WALDEN, NEW YORK 12586

(914) 778-1800
FAX: (914) 778-1859

March 4, 1996

Village of Walden Board of Trustees
Village Hall
Scotfield Street
Walden, New York 12586

Re: Wooster Building
11-17 Main Street
(Luxembourg Ltd.)

Dear Mayor and Board Members:

Please consider this letter in support of the application for HUD funds to renovate the subject premises for retail space and senior citizen housing.

As a member of the business community in the Village and as a property owner concerned with the present condition of the subject premises, I urge you to take whatever action necessary to improve this present situation.

Thank you.

Respectfully submitted,



RICHARD W. HOYT

RWH:lv
cc: Luxembourg Ltd.

March 2, 1996

Village Board of Trustees:

We, Ruth Hartman and
John Hartman are in full support
of Leupemburg LTD.

Housing for senior citizens
would be welcomed in Walden.

We're not only shop keepers on
Main street - but own our
home here too.

Thank you for your consideration

Yours Truly,

Ruth Hartman

John Hartman

40 N. Montgomery Street
Walden, N.Y.

FANCY FLEA SHOPPE
60 Main St.
Walden, NY 12586
(914) 778-2505



Flowers By Anita

Designed Especially For You

19 ORCHARD STREET WALDEN, N.Y. 12586

(914) 778-1157

3/02/96



Teleflora

MEMBER

SAF



Village Board of Trustees, Village of
Walden

Dear Sirs:

We are writing on behalf of the rehabilitation of the Wooster Building, Main St., Walden, N.Y. As you are aware, in addition to beautifying our community, it will provide much needed Senior Citizen Housing.

As business owners and concerned residents of this community, we urge you to support Luxemborg, Ltd. and the Spanos family with their application for HUD Assistance. We further urge you to cooperate with them so that this project will be completed as soon as possible and in a timely manner.

This building has been a blight to our village in excess of two years and its revitalization in an expeditious manner is necessary for the welfare of our entire community.

Sincerely,

Ray D. Wynkoop
Anita L. Wynkoop

GRIDLEY'S

FRED C. GRIDLEY & SONS, INC.

Municipal Square - - Walden, N.Y. 12586

914-778-5435

March 1, 1996

Board of Trustees
Village of Walden
8 Scofield St.
Walden, New York 12586

Gentlemen:

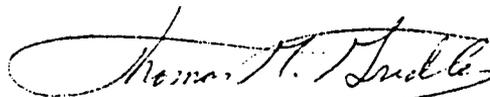
This letter is being sent in support of the proposed renovations, with HUD money, of the building at 11--17 Main Street, Walden that is owned by Luxembourg Ltd.

In its present condition, this building is offensive, not only to Walden residents, but to anyone passing through the village and is a detriment to growth.

Sincerely,

FRED C. GRIDLEY & SONS, INC.

Richard C. Gridley



Thomas G. Gridley

RCG/TGG:mjm

Mark T. Mitchell, D.D.S.
10 Orchard Street, Box 49
Walden, NY 12586
(914) 778-1835

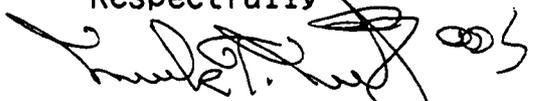
March 4, 1996

Village of Walden
Scofield street
Walden, NY 12586

Dear Sirs:

I support the Luxembourg Ltd. project for 11-17 Main Street. As a Main Street health professional, the improvement of the Main Street area is important to me. I hope that you will be instrumental in seeing this project become a reality. This eyesore needs immediate attention to bring Walden back to a more respectable place to not only do business in, but to live in. Please do all that you can to make this project happen.

Respectfully



Mark T. Mitchell D.D.S.

Millspaugh Furniture House Inc.

Home of Fine Furniture Since 1858

52 Main Street, Walden, New York 12586

(914) 778-1500
Facsimile 778-7212

March 4, 1996

Village of Walden
Scofield St.
Walden, NY 12586

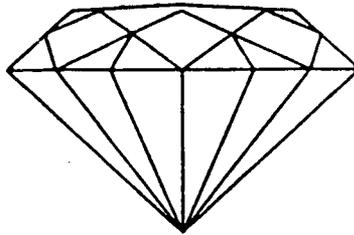
Dear Sirs:

I support the Luxembourg Ltd. project for 11-17 Main St. As a Main St. merchant perhaps the improvement of Main St. is more significant to me. I write this to encourage your influence in this matter to assist in bringing it to a reality. Main St. is the heart of every community and therefore should reflect the image of the whole community. For two years we have lived with a terrible eyesore at 11-17 Main St. Now the opportunity is at hand to help rebuild our Main St., please do all you can to make it happen.

Respectfully,


Keith Millspaugh
President

Roosa Jewelers



21 Main Street
WALDEN, NEW YORK 12586
914-778-7286

March 2, 1996

Village of Walden Board of Trustees and H.U.D.:

We would like to take a moment of your time to impress upon those concerned, how much we support the adoption of any funding that could improve the state of the Wooster Building on Main St. in Walden.

As a local business being situated only 50' away, we see the devastation that this building brings to the business community on a daily basis. It is an eye sore and a public safety hazard as it stands now in its current state of dis-repair.

What better thing to do with such a structure than to transform it into senior citizen housing. It is central to all conveniences for those unable to drive as far as grocery, convenience items, doctors and churches.

There is a great need for more senior citizen housing in this village and we support this project one-hundred percent.

Thank you very much for your time and consideration.

Paul D. Rocsa
Roosa Jewelers



**ID
UDSON
FFICE
RODUCTS**

Mar 1, 1995

Village of Walden
Mr. John Kelly, Village Manager
Walden, N.Y. 12586

RE: Luxembourg Ltd.
Renovation Project, Main Street

I would like to go on record as a strong supporter of the concept for the renovation of 121-127 Main Street into senior citizens apartments.

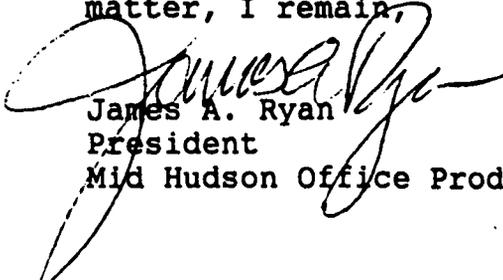
This is the ideal spot for this type of activity in the Village of Walden, in the heart of the community, and within walking distance of the Banks, Post Office, Doctors Office and Convenience Stores.

This building, long an anchor of our Main Street, has been idle far too long, and has added and abetted the demise of our downtown area.

Walden has a long and proud history in Orange County and the Town of Montgomery, and a project of this size and magnitude will, without a doubt, start to swing the pendulum back to the revival of this Village.

Please add Mid Hudson Office Products to the growing list of merchants and residents who desire to have our Village once again become the focal point for decent and affordable housing for our aging population.

Thanking you in advance for your cooperation in this urgent matter, I remain,


James A. Ryan
President
Mid Hudson Office Products Inc.

702C BROADWAY
KINGSTON, NY 12401
914-338-0450



61-63 MAIN STREET
WALDEN, NY 12586
914-778-5033

Walkkill Valley Publications, Inc.

P.O. Box 446, Walden, NY 12586 • (914) 778-2181 • (914) 561-0170

WALKKILL VALLEY TIMES
MID HUDSON TIMES
Community Newspapers

Walkkill Graphics
Design Services

March 4, 1996

Village of Walden
8 Scofield
Walden, N.Y.

Dear Mayor and Trustees:

I am writing to express my support for the renovation of the Wooster Building on Main Street, utilizing funds through the Small Cities Community Development Program.

As a property and business owner in the village, I believe the project to be in the best interest of our community. It provides for removal of an eyesore on Main Street and provides new housing and retail space in Walden.

Sincerely,


Carl J. Aiello
Publisher

Organized 1919



Walden Federal

February 26, 1996

Honorable Mayor and Board of Trustees
Village of Walden
8 Scofield Street
Walden, New York 12586

Re: Wooster Building - Luxembourg, Ltd. Project
1996 Small Cities Application

Dear Honorable Mayor and Board of Trustees:

On behalf of the Walden Federal Savings and Loan Association, we would like the Village to note our strong support for this project. We urge the Village to make this the subject of its 1996 Small Cities Application.

In connection with our support for this project, Walden Federal's Board of Directors have adopted the following resolution at its regular meeting held February 22, 1996:

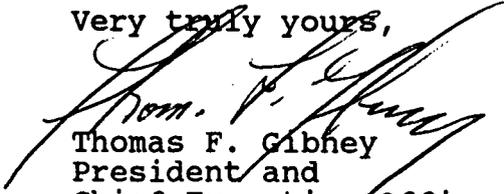
Be it resolved that the Board of Directors of the Walden Federal Savings and Loan Association urge the Village of Walden to make the Luxembourg, Ltd. Project (Wooster Building) the subject of its 1996 Small Cities Application.

The positive effect that this project can have on the revitalization of the heart of Main Street cannot be overstated. There is clearly a need in our community for modern housing and the 24 units that are proposed will help meet that need. The restoration of the commercial space and its contributions to the overall tax base of the Village will help reduce the tax impacts on residential properties otherwise necessary to maintain our quality of life in the Village.

I, Thomas F. Gibney, President and CEO of the Walden Federal Savings and Loan Association, certify that the above resolution is an official record of the Association.

We urge you to join with us in supporting this project and making it a reality for the benefit of the entire Village.

Very truly yours,


Thomas F. Gibney
President and
Chief Executive Officer



12 Main Street • Walden, New York 12586-0072 • 914/ 778-2171 • FAX 914/ 778-3125

MEMBER
FDIC

Sohns Music Shop & Appliance Center, Inc.

"KNOWN FOR RELIABILITY SINCE 1907"
RCA - ZENITH - GE - MAYTAG - FRIGIDAIRE
23-25 MAIN ST. P.O. BOX 323 WALDEN, NEW YORK 12586
(914) 778-7124

Exhibit P
CAX
2/27/96

Feb 27, 1996

TO: WALDEN Village Board, Mayor, & Village Manager:

I'm sorry for this hastily written note but I fully INTENDED to be at this hearing tonight. In my absence, I hope this LETTER with EXPRESS to you the support I have for the Spanos project to rebuild the former WOOSTER Building on MAIN ST into SENIOR HOUSING and retail spaces. I urge the Board to do everything in your power to SEE that this project becomes reality.

No town can survive without a good business base to support the TAXES required to run a community. Since the UNFORTUNATE collapse of this building two years ago -- it has been a blight on MAIN ST. to the detriment of the other businesses.

You as the Village Board have an obligation to the tax payers to preserve the real estate values in WALDEN. Now fortunate we

AM ASSOCIATES
152 Orange Avenue
Walden, New York 12586

February 23, 1996

Village of Walden
Board Hearing
8 Scofield Street
Walden, New York 12586

Re: Community Development Fund Hearing
February 27, 1996

Gentlemen:

We have been for many years owners of real property in Walden. The Spanos family has been a long time part of our business community. They are willing to invest their capital on Main Street. They took the white elephant off of the hands of the Village where the Village received payment of all its taxes. Now they need help from the Village to rehabilitate this badly damaged property.

It is the fitting and proper thing for the Village to now support his project and designate it as the preferred project for the application going to the Department of Housing and Urban Development.

You will be letting down not only the business district, but all property owners in the Village by failing to provide your support.

Very truly yours,

AM ASSOCIATES

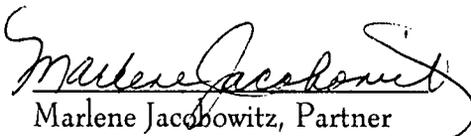
By: 
Marlene Jacobowitz, Partner

Exhibit M
CAK
2/27/96

MJL REALTY
P.O. Box 366
Walden, New York 12586

February 23, 1996

Village of Walden
Attention: HUD Hearing
8 Scofield Street
Walden, New York 12586

Re: HUD Hearing - CDF
February 27, 1996

Dear Sirs:

We are owners of property in Walden and have been for many years. We fully support inclusion of the Spanos-Wooster Building project as the prime project for the community fund development application. The property is located at the intersection of two State highways in the middle of our downtown business district. The property is badly in need of rehabilitation. It will be a boost for the property values of all of Main Street. It will provide new affordable housing for our citizens.

Please designate this project as prime.

Very truly yours,

MJL REALTY

By:

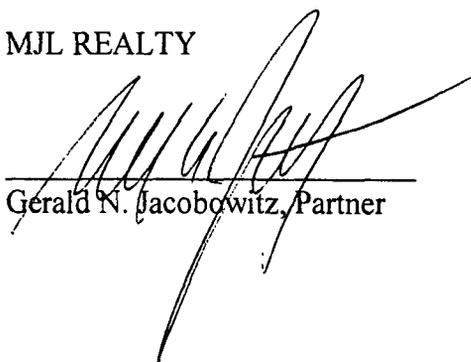

Gerald N. Jacobowitz, Partner

Exhibit N
2/27/96
CAK

February 24, 1996

Village of Walden
8 Scofield Street
Walden, New York 12586

Re: Community Development Fund Application
Hearing, February 27, 1996

Dear Sirs:

I am a substantial property owner in the Village of Walden. I grew up in this community and lived here for most of my life. I have a substantial investment in the future and welfare of the community. I earn my living in my law practice in this community.

I am sending this letter to provide support to the request by the Spanos family for designation of its Wooster Building rehabilitation project for the CDF application you are about to submit. There is no more worthwhile project. The Spanos family have been in our community for many years and have always contributed in a positive way. They undertook the responsibility to rehabilitate the Wooster Building that was destroyed by snow caused roof collapse. That property immediately adjoins their clothing store.

If you will look over the records of the Village of Walden you will see that rehabilitation of Main Street properties has always been a major part of the Village's policies and master plan. Further, you will see that rehabilitating Main Street properties is a very expensive type of project because of the nature of Main Street, the desire to protect and preserve historic buildings, the tight space limitations and its location along main State highways. To be successful these projects require the full support of the local government. You now have that opportunity to show that you really support Main Street and the business community as well as all taxpayers in the Village by designating this project for CDF funding. The project meets the criteria. The project is needed. There is no better project.

Thank you for your attention and positive decision.

Very truly yours,

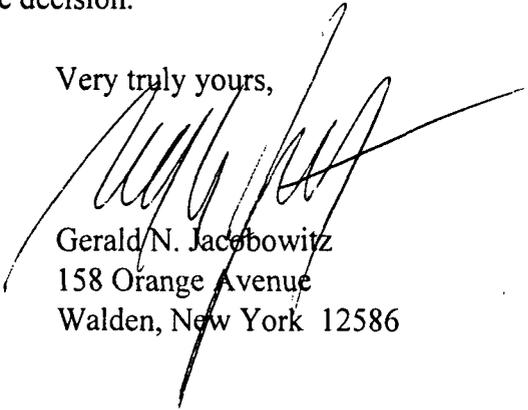

Gerald N. Jacobowitz
158 Orange Avenue
Walden, New York 12586

Exhibit O
2/27/96
(AK)

FEBRUARY BILL LIST - FEBRUARY 27, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-296	ADCO ELECTRIC	439.00
A-297	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-298	ALL SPORTS PUBLISHING	48.00
A-299	AL VALK'S GARAGE, LTD	50.00
A-300	AL VALK'S GARAGE, LTD	100.00
A-301	AMTHOR'S WELDING	58.59
A-302	ANNESE & ASSOCIATES, INC.	223.04
A-303	BARTON CHEVROLET	63.60
A-304	BELL HERRING, INC.	149.45
A-305	CALVET RENTAL, INC.	135.00
A-306	CARGILL, INC.	10,373.23
A-307	COMMISSIONER OF FINANCE	10.00
A-308	ENVIRONMENTAL PAPER TOWEL SERVICES	95.10
A-309	GEORGE'S AUTO PARTS	90.93
A-310	GEORGE'S AUTO PARTS	232.12
A-311	HERMAN RALPH	20.44
A-312	HAIGHT FIRE EQUIPMENT	109.25
A-313	IIMC	80.00
A-314	IDA D CONKLIN & SONS, INC.	213.11
A-315	MID HUDSON COMMUNICATIONS	< 165.00 > Paid
A-316	MID HUDSON TRUCK EQUIPMENT	156.00
A-317	HUDSON AUTO INDUSTRIAL FASTENERS PROD. INC.	62.00
A-318	MID HUDSON TRUCK EQUIPMENT	630.00
A-319	MITCHELL NANCY	18.60
A-320	MOBILMEDIA	< 310.50 > Cash DS
A-321	NYCOMCO	108.20
A-322	NYS RECREATION & PARK SOCIETY	50.00
A-323	NORTHERN SAFETY, CO.	308.52
A-324	ORANGE COUNTY CLERK	6.50
A-325	ORANGE CO MAGISTRATES ASSOCIATION	80.00
A-326	OTSEGO IRON & METAL CO.	362.00
A-327	OTSEGO IRON & METAL CO.	404.62
A-328	QUAKER STATE CORP.	618.75
A-329	QUAKER STATE CORP.	208.45
A-330	QUILL	350.39
A-331	QUILL	177.83
A-332	QUILL	69.98
A-333	RADIO CITY MUSIC HALL PRODUCTIONS	1,969.00
A-334	ROMAN ESTHER	25.00
A-335	SETON NAME PLATE	509.95
A-336	SUPERIOR SIGNALS, INC.	78.95
A-337	TERRENE INSTITUTE	21.95
A-338	THRUWAY SHOPPING CENTER	71.98

FEBRUARY BILL LIST - FEBRUARY 27,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-339	TIMES HERALD RECORD	5.76
A-340	TIMES HERALD RECORD	94.32
A-341	VINCENT TOOMEY,ESQ.	159.80
A-342	WALDEN AUTO SUPPLY	25.16
A-343	WALDEN PLUMBING & HEATING	312.40 ✓
A-344	WEINER JAN	20.00
A-345	ZEP	811.55
A-346	TIMES HERALD RECORD	25.92
A-347	HUMANE SOCIETY OF WALDEN	18.00
A-348	McCOSLERY THOMAS	25.00
		<u>20,767.19</u>
		<u>2475.50</u>
		<u>20,291.69</u>

FEBRUARY BILL LIST - FEBRUARY 27,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-107	COUNTRY HARDWARE	53.99
F-108	COUNTRY HARDWARE	31.49
F-109	DUSO CHEMICAL	627.00
F-110	NY RURAL WATER ASSOCIATION	310.00
F-111	NEWBURGH WINWATER	14.30
F-112	RAMSCO	580.50
		<u>1,617.28</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-105	ENVIROTEST LABORATORIES	465.00
G-106	METRO WATER TECH	238.00
G-107	SCALETRON INDUSTRIES	1,050.00
G-108	SHARE CORP	221.38
		<u>1,974.38</u>

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	CAPITAL SAFETY	12,934.68
CAPITAL ACCOUNT #82	V M I	550.00
SMALL CITIES - 92	K & B 25 BANK ST	11,240.00
SMALL CITIES -92	MICHAEL STANCO 45 HIGH ST	2,536.24
SMALL CITIES - 94	O'KEEFE & CLEVELAND CONTRACTING 29 GLADSTONE AVE	3,115.00
SMALL CITIES - 92	CRESCENT CONSTRUCTION 42 ULSTER AVE	5,540.00
SMALL CITIES -94	RPM PLUMBING 5 GLADSTONE	5,175.00

FEBRUARY BILL LIST -FEBRUARY 27,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	326.06
	FRONTIER COMMUNICATIONS	40.14
	FRONTIER COMMUNICATIONS	392.21
	FRONTIER COMMUNICATIONS	158.77
	FRONTIER COMMUNICATIONS	71.10
	FRONTIER COMMUNICATIONS	31.58
	PETTY CASH	21.44
	PETTY CASH	24.10
	NYSEG	3,420.00
	NYNEX	44.94
	COASTAL REFINING & MARKETING,	69.16
	COASTAL REFINING & MARKETING, INC.	641.40
	AT&T	12.38
	COASTAL REFINING & MARKETING, INC.	230.55
		<u>5,483.83</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	154.92 ✓
	NYSEG	281.23 ✓
		<u>436.15</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	55.61
	NYSEG	975.48
	NYSEG	264.59 ✓
	NYSEG	581.70
		<u>1,877.38</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, February 13th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
 2. APPROVAL OF MINUTES
 3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Resolution No. 13-95-96 Designating Place and Time of Election
 - A.2 Designation of Project For 1996 Small Cities Application
 - A.3 Authorization to Exceed \$10,000 - Small Cities Rehab Project (2)
 - A.4 Correction to January 9th, 1996 Board Minutes
 - A.5 Payment of Audited Bills For February 13th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Intro. Local Law I-1 Amending Chapter 63 - Unsafe Buildings
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Request For Bulk Pickup and Waiver of Fee
 4. PUBLIC PORTION
 5. EXECUTIVE SESSION
 6. ADJOURNMENT
- 

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
FEBRUARY 13, 1996

Mayor Andrew Uszenski called the Village of Walden Board of Trustees regular meeting to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Antonio Garcia
Martin Besdesky

Also Present: John Kelly, Village Manager

Absent: Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

PRESENTATION

Mayor Uszenski presented Chris Payne with a certificate for his heroic efforts of saving two lives during the fire on Bergen Street.

APPROVAL OF MINUTES

Trustee Ryan moved to adopt the minutes of January 23, 1996. Seconded by Trustee Forman. All ayes. Motion carried.

RESOLUTION NO. 13-95-96 DESIGNATING PLACE AND TIME OF ANNUAL ELECTION

Trustee Forman moved to adopt Resolution No. 13-95-96, Designating Place and Time of Annual Election, (attached). Seconded by Trustee McGuckin. All ayes. Motion carried.

RESOLUTION NO. 14-95-96, DESIGNATING REPLACEMENT ELECTION INSPECTOR

Trustee Ryan moved to adopt Resolution No. 14-95-96, Designating Replacement Election Inspector, (attached). Seconded by Trustee. All ayes. Motion carried.

DESIGNATION OF PROJECT FOR 1996 SMALL CITIES APPLICATION

Kerron Barnes stated that the board has to select a project for the 1996 Small Cities application. There has been some discussion in the

past two weeks regarding two potential projects one of which is the rehabilitation of the building at 11-17 Main Street and the other potential project is a small rehabilitation area at the northern edge of the village. Mr. Barnes further stated that he has been working with the owner of 11-17 Main Street and his attorneys' since early August to produce information about the cost in regard to that project. They were able to get information in terms of the cost. It is a draft but it will be enough to evaluate that project. Its a good project in terms of the small cities program. The draw backs are the developer is at this point still making decisions as to how to approach and what kind of plans and goals to come before the approval boards. They have a month to submit the application. The planning approvals are not only not in place but not yet started. The financing is the second question and that has to be in place for HUD to consider an application. On the basis of that they considered what other activities might be eligible which meet the villages needs. Looking at rehabilitation the area it contains a few single family homes, it contains a fairly large size apartment complex at the northern end of the village, it contains the town houses at Northgate and it contains a trailer park on the west side of the river. Two public hearings have been set up, Thursday, February 15th at 4:00 P.M. and February 27th at 8:00 P.M.

Trustee Ryan asked in regards to 11-17 Main Street have they identified who are the owners of Luxemburg?

Mr. Barnes stated that when they obtained information about that it was incorporated by an agency in Albany. They didn't get names of board of directors. That is not required when incorporated.

Trustee Ryan stated that since they will be borrowing public money they should identify who the owners are.

Mr. Barnes stated that at some point they would have to come forward with that information. Part of the hesitance with the application is that there is a tremendous amount of information, detail, financial records which haven't been made available.

Mayor Uszenski stated that this area that was suggested for rehab is the last possible area in the village to get a grant for.

Mr. Barnes stated that he can't do any system wide improvements in Walden because beneficiaries are only 48% low income. The only public improvement would be 3000 feet of water line that serves people who are connected to that water line were at least 51% low income.

Mayor Uszenski stated that the village is under a tight time constraint this time because of the federal government closing.

Mr. Barnes stated that there is no budget in place, no application kits, no forms, no guidance on what is contained in the abbreviated consolidated plan and the funding amount. The only thing in place is the deadline.

Trustee McGuckin asked if 11-17 Main Street could be combined with the target area?

Mr. Barnes stated that it could be a single purpose application with two projects. The costs involved in that building are such that he doesn't know if it would make a lot of since to say we are going to spend \$400,000 on this and \$200,000 on the targeted area. He suggested not splitting it.

Trustee McGuckin stated that something has to be done with that building, it is such an eye sore in town. If there is anything the village can do to help that project along they should, providing its a worthy project.

Mr. Barnes suggested the village continue their discussions with the developer and attempt to identify resources for funding.

Trustee Garcia stated that the village shouldn't let what happened with the Oak Street apartments happen to 11-17 Main Street. He doesn't want low income in that building at all.

Mr. Barnes stated that he hasn't seen anything in terms of his discussion with the developers that they are looking at anything other then seniors.

Trustee Ryan moved that the village take Mr. Barnes' proposal to investigate the area that is highlighted on the map to see if it meets the criteria. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee McGuckin moved to hold the Small Cities Project public hearing on February 27, 1996 at 8:00 P.M. Seconded by Trustee Forman. All ayes. Motion carried.

AUTHORIZATION TO EXCEED \$10,000-SMALL CITIES REHAB PROJECT (2)

Trustee Ozman moved to authorize Small Cities Project No. 93-61 to exceed \$10,000. Seconded by Trustee Ryan. All ayes. Motion carried.

Trustee Ozman moved to authorize Small Cities Project No. 94-28 exceed \$10,000. Seconded by Trustee Besdesky. All ayes. Motion carried.

CORRECTION TO JANUARY 9TH, 1996 BOARD MINUTES

Trustee Forman moved to authorize the correction of the January 9th, 1996, page 2, fifty paragraph, to read: Trustee Ozman moved to approve the subordination agreement for 77 Capron Street contingent upon the village being in second position on the mortgage, that within six months the Bliss's start making monthly payments, that a personal guarantee is signed, mortgage on the second property, that a title search is done and that the subordination agreement is reviewed by the

village attorney. Seconded by Trustee Forman. All ayes. Motion carried. Seconded by Trustee McGuckin. All ayes. Motion carried.

AUDITED BILLS

Trustee Ryan moved to approve the audited bills of February 13, 1996. Seconded by Trustee Garcia. All ayes. Motion carried.

INTRODUCTORY LOCAL LAW I-1 OF 1996 AMENDING CHAPTER 62-UNSAFE BUILDINGS

Manager Kelly stated that this local law is identical with what he gave the board at the last board meeting. There will be another local law drafted regarding the penalty provision in the zoning code. This local law being introduced tonight will amend the definition section and two of the existing paragraphs in the code.

Trustee Ryan introduced Introductory Local Law I-1 of 1996, Unsafe Buildings.

Trustee McGuckin moved to hold a public hearing on Introductory Local Law I-1 of 1996 Amending Chapter 62 - Unsafe Buildings on February 27, 1996 at 7:45 P.M. Seconded by Trustee Ozman. All ayes. Motion carried.

REQUEST FOR BULK PICKUP AND WAIVER OF FEE

Mayor Uszenski stated that a request has come in from the ambulance corp requesting the village provide them with bulk pickup and to waive the fee.

Trustee Ozman moved to grant the request of the ambulance corp to provide them with bulk pickup and to waive the fee. Seconded by Trustee McGuckin. All ayes. motion carried.

PUBLIC PORTION

Thomas Mathews, 57 Second Street stated that he would like to make a comment on the handling of the snow emergency situation. He was one of many people that were ticketed. He parked on a street that was beautifully cleared, and that is why he thought he could park there. He was told he was ticketed because dpw asked to have the cars moved. It was toward the end of the snow emergency that ended on a Wednesday evening at 9:27 P.M. in January. He is a little disturbed at the way it was handled. Part of the village code says that if a driver who can move the car is there its not considered parked. He was in the house, just inside the door changing his shoes. He also realizes that on the 9th of December he was going to go to 4:30 P.M. Mass at Most Precious Blood. When he got down to the church it was still snowing and parking wasn't good, there was no room in the lot, so he went home. People were ticketed that night because dpw wanted them moved so they could plow the streets. He understands that those people were found guilty and allowed to serve community service time at Most Precious Blood

Church. He has a problem with that. He finds it to be inequitable, when other residents are paying \$75.00 for a few minutes of parking. He would like the board to address this and ask the village attorney when are we going to get equitable treatment.

Trustee Garcia informed Mr. Mathews that the board has no control over what the judge does.

Mr. Mathews further stated that dpw never came back and plowed his street. The reason he parked on the street was because he came home from work and parked on a perfectly clean piece of pavement, went and got the shovel to shovel out the snow that was in the driveway and his mistake was not moving the car into the driveway immediately, he went and changed his shoes first because they were soaking wet.

Mayor Uszenski stated that the village is trying to educate everyone, when it snows to get their cars off the street and stay off until the snow emergency is over.

Mr. Mathews stated that it is working because dpw is doing a terrific job. With regard to the equity of treatment, the public service question and fines, he would like the board to ask the village attorney for an explanation of that.

Trustee Ryan stated that when the board drafted this law some of it was drafted in mind of the judges decisions on snow ordinances. They put a \$75.00 minimum. He doesn't believe the board allowed any latitude in that. If they are guilty they must at least pay \$75.00.

Manager Kelly stated that he spoke to Mr. Mathews who wanted to speak to the village attorney. The manager advised him that the village attorney is not available to give legal advice to residents, but if he wanted to approach the board then it would be up to the board to refer the question to the attorney. Community service is something that the judge does use with wide discretion, not only in traffic tickets but in criminal matters. The question becomes is that an optional fine outside of the scope of the code and that is what the question is.

Trustee McGuckin stated that he has the same question, if the board sets a minimum and that is our code.

Trustee Ozman stated that he is of the opinion that community service is a sentencing option that lies in the sole discretion of the judge and in the use of that discretion the judge looks at each case on a case by case basis and if the judge thinks there is a hardship or if there is a request for a fine waiver then the judge might in his ultimate discretion sentence to a period of hours in community service.

Mr. Mathews stated that the other question is what constitutes community service.

Mayor Uszenski suggested Mr. Mathews write a letter to the board with

his concerns and it will be referred to the village attorney.

Larry Sager, 78 Orchard Street asked, during the last snow storm was it reported that tow trucks were just coming in towing vehicles?

Manager Kelly stated that to his understanding there is a list maintained at the police department and they have a call service and the police dispatch the tow trucks to each place a car is to be towed. There is a system they use to make sure its done in an equitable fashion. He doesn't have a written policy. The car is ticketed first and the officer stays there until the car is towed.

Mr. Sager stated that the last snow storm we had at about 3:30 A.M. a tow truck pulled up across the street and picked up the car. There was no police officer out there. It came over the scanner that tow trucks are coming into the village because they know its a snow emergency and just picking up cars.

Manager Kelly stated that is the first time he's heard that.

Mr. Sager further stated that a department of public works employee lives by him. His truck was out in the road. It took the man across the street an hour to get a police officer over there to give him a ticket. The gentleman with the plow stopped at the dpw workers house and knocked on his door. Can we all get personal calls from the dpw department to wake up and move our cars?

Manager Kelly stated that this is the first he's heard of this and he'll have to talk to the police chief.

Mr. Sager stated that he's concerned about this.

REPORTS - COMMITTEE-

Trustee Ryan stated that oversize rental and real estate signs are showing back up. There are oversize signs at Star Glass, State Farm and on the Sacari property. He feels if the building inspector cites them right away maybe it will be the last large sign they put up in the Village of Walden.

Trustee Ryan asked if the manager was aware of how many violations were given out for sidewalk snow removal?

Manager Kelly stated that he will ask the code enforcement officer for a count.

Trustee Ryan stated that he would also like a count of repeat offenders.

Trustee Ryan stated that on Pleasant Avenue in site of his house there were four homes that never shoveled during the whole winter. It didn't appear that an effort was made by the village to clear these walks. In

the past the village would go after the property owners, wait the prescribed time and then the village would shovel. That hasn't been done.

Manager Kelly stated that the village shoveled in front of Sassy's and in front of 17 Oak Street.

Trustee Garcia stated that he counted five areas from his house to the Thruway Market that wasn't done. He came into the office and complained and he was told the code enforcement officer was on vacation and it couldn't be taken care of.

Trustee Ryan stated that at the end of last week his porch was littered every morning with a newspaper from Kingston. The vacant house across the street still have the newspapers on their front lawn. He will give the name and phone number to the manager so he can contact them and ask them to come back and pick up every piece of paper that is in the village and cite them for littering.

Manager Kelly stated that you won't be able to cite them for littering unless a police officer saw them do it. He will call them and let them know that we are not very happy and if they are seen doing it again we will arrest them for littering.

Trustee Ryan stated that he is looking forward to the successful completion of the municipal building. He would like a letter sent to Congressman Gilman asking for a flag that was flown over the capital for our opening ceremony.

Trustee Ryan asked the manager to write to Judge Meisel asking for a response as to how many of the summons for snow parking he gave out as community service or if it was only the people from Most Precious Blood Church that were given the option. He asked that the court clerk identify those individuals so we can ascertain if there was a financial hardship. He is annoyed because the board spent great pains in redrafting that law so we would be legal on how to measure it, where to measure it, when to measure it, who to measure it and then to be sure a stiff enough fine to grab peoples attention would be given, but not so bad as to cripple, only to find that there is latitude.

Trustee McGuckin stated that he told Mr. Mathews he would bring this up. He had a discussion with Mr. Mathews last week regarding the snow emergency and the communication thereof. Is there a way there can be some line that can be called to see if the snow emergency is on rather than calling the dispatcher?

Manager Kelly stated that the message on the television is what radio stations to listen to for updates and they are asked to call 778-5595 for additional information.

Trustee McGuckin asked if the message states when the emergency is over?

Manager Kelly stated no. When the municipal building is completed the chief has asked for access at the dispatchers area for the capability of putting messages on the screen.

REPORTS - MAYOR-

Mayor Uszenski stated that he attended the zoning board meeting on February 1, 1996. Richard Hurd is the new member. The first order of business was the chairman had been advised that there possibly was a conflict of interest on him voting on the tattoo parlor because the firm of Jacobowitz and Gubits was involved in representing the owner. The chairman felt he only worked for the private individuals and he has not had any direct association and he reserved the right to vote. When the vote came it was three to one in favor of the interpretation of allowing the tattoo shop to be in the B-3 district. The chairman did not have to vote. The owners of Star Glass were before the board for an interpretation. Star Glass is in a B-4 zone and they have always been a retail business and retail is not allowed in a B-4 zone. They asked for an interpretation to allow them to continue the retail business usage. Star Glass will be allowed to be sold as a retail business.

ADJOURNMENT-

Trustee McGuckin moved to adjourn. Seconded by Trustee Ryan. All ayes. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Nancy Mitchell
Village Clerk

RESOLUTION NO. 13-95-96

DESIGNATING PLACE AND TIME OF ANNUAL ELECTION

At a meeting of the Board of Trustees of the Village of Walden, held on the 13th day of February, 1996 on motion by Trustee Joiman and seconded by Trustee McGuckin, it is hereby

RESOLVED that the next annual election of the Village of Walden be held at the Walden Elementary School, Orchard Street, Walden, New York on Tuesday, March 19, 1996 between the hours of 9:00 a.m. and 9:00 p.m. by voting machines.

The vote was 1 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on February 13, 1996.

RESOLUTION NO. 14-95-96

DESIGNATING REPLACEMENT ELECTION INSPECTOR

WHEREAS, Resolution No. 12-95-96 designated Emma Smith as Election Inspector for the March 19, 1996 Village Election, and

WHEREAS, Emma Smith is unable to fulfill the obligation, and

WHEREAS, Robert Peterson has expressed interest in replacing Mrs. Smith as Election Inspector for the March 19, 1996 Village Election.

NOW, THEREFORE BE IT RESOLVED by the Village of Walden Board of Trustees that Robert Peterson replaces Emma Smith as Election Inspector.

Motion to by adopt by Trustee Ryan and seconded by Trustee Daman. The vote was 1 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on February 13, 1996.

FEBRUARY BILL LIST - FEBRUARY 13,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-857	A & A AMERICAN ALARM	36.00
A-858	ANACONDA-KAYE SPORTS, INC.	62.00
A-859	AMTHOR'S WELDING	350.60
A-860	ARKEL MOTORS, INC.	492.62
A-861	BRODERBUND SOFTWARE-DIRECT	33.95
A-862	CHERRY TIRE SERVICE, INC.	149.00
A-863	CHERRY TIRE SERVICE, INC.	245.85
A-864	COMMISSIONER OF FINANCE	36,457.00
A-865	COMMISSIONER OF FINANCE	14.00
A-866	COUNTRY HARDWARE	87.67
A-867	COUNTRY HARDWARE	25.16
A-868	COUNTRY READI-MIX CORP.	171.75
A-869	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	3,166.66
A-870	DELONG	14.00
A-871	ENVIRONMENTAL PAPER TOWEL SERVICE	181.50
A-872	FEDEX	15.50
A-873	FEDEX	13.00
A-874	GEORGE'S AUTO PARTS	72.36
A-875	GEORGE'S AUTO PARTS	163.10
A-876	GEORGE'S AUTO PARTS	66.24
A-877	GROSSO MATERIALS, INC.	131.39
A-878	J-S SERVICENTER	13.50
A-879	JOHN'S TRUCK PARTS	2,250.00
A-880	KIMBA TRANSMISSIONS	850.00
A-881	MID HUDSON COMMUNICATIONS	130.40
A-882	MID HUDSON COMMUNICATIONS	165.00
A-883	MID HUDSON OFFICE SUPPLY	29.85
A-884	MID HUDSON OFFICE SUPPLY	43.26
A-885	MID HUDSON OFFICE SUPPLY	80.78
A-886	MID HUDSON OFFICE SUPPLY	72.26
A-887	NYCOMCO	125.00
A-888	NYCOMCO	146.40
A-889	NYCOMCO	95.00
A-890	NANCY MITCHELL	150.00
A-891	MT. ELLIS PAPER CO., INC.	132.66
A-892	NYS MAGISTRATES ASSOCIATES	50.00
A-893	NYS MAGISTRATES ASSOCIATES	40.00
A-894	NYCAL INDUSTRIES	50.68
A-895	NY TECH SUPPLY	88.40
A-896	OR CO. SANITARY LANDFILL	317.20
A-897	PAGE NY	57.00
A-898	QUILL CORP.	180.83

FEBRUARY BILL LIST - FEBRUARY 13, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-899	SANWA LEASING CORP.	135.00
A-900	SARJO INDUSTRIES	200.83
A-901	SONNY'S DINER	75.75
A-902	SONNY'S DINER	52.85
A-903	SPECIALTY AUTOMOTIVE EQUIPMENT	5,300.00
A-904	THRUWAY SHOPPING CENTER	3.54
A-905	TIMES HERALD RECORD	14.40
A-906	TIMES HERALD RECORD	28.08
A-907	TIMES HERALD RECORD	46.80
A-908	STANDARD COPY	202.55
A-909	WALDEN AUTO SUPPLY	77.50
A-910	WALDEN AUTO SUPPLY	49.31
A-911	WALDEN AUTO SUPPLY	44.92
A-912	WALDEN AUTO SUPPLY	52.67
A-913	WALDEN AUTO SUPPLY	75.69
A-914	WALDEN AUTO SUPPLY	39.16
A-915	WALDEN PLUMBING & HEATING	202.95
A-916	WEINERT T SHIRTS	12.00
A-917	WICKES LUMBER	31.11
A-918	WEST PUBLISHING CORP.	345.30
A-919	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	640.80
A-920	THOMAS McCOSKERY	95.53
A-921	AAMCO	950.00
A-922	CALVET TOOL RENTAL	195.00
A-923	HEIGHTS LUMBER CENTER, INC.	208.80
A-924	GAINER-WILBUR CONSULTING ENGINEERS	223.50
A-295	ICMA	65.00
		<u>56,386.61</u>

FEBRUARY BILL LIST - FEBRUARY 13, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-89	AMERICAN ALARM	28.00
F-90	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-91	MID HUDSON OFFICE SUPPLY	5.00
F-92	JONES CHEMICAL CO., INC.	12.25
F-93	MERRILL CHARLES	99.80
F-94	RAMSCO, INC.	75.50
F-95	PAGE NY	15.00
		<u>652.22</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-90	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-91	MID HUDSON OFFICE SUPPLY	1.59
G-92	THRUWAY PHARMACY, INC.	9.90
		<u>428.16</u>

FEBRUARY BILL LIST - FEBRUARY 13,1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ ASSOCIATES MUNICIPAL BLDG	1,000.00
CAPITAL ACCOUNT #82	ADVANCE TESTING CO MUNICIPAL BLDG	4,056.50
CAPITAL ACCOUNT #82	ADVANCE TESTING CO MUNICIPAL BLDG	5,415.50
CAPITAL ACCOUNT #82	ADVANCE TESTING CO MUNICIPAL BLDG	7,557.25
CAPITAL ACCOUNT #82	THRUWAY SHOPPING CENTER MUNICIPAL BLDG	25.98
CAPITAL ACCOUNT #82	MID HUDSON OFFICE SUPPLY MUNICIPAL BLDG	50.17
CAPITAL ACCOUNT #86	GAINER-WILBUR CONSULTING ENGINEERS,P.C. MUNICIPAL BLDG	55.50
CAPITAL ACCOUNT #82 ANSWERING MACHINE	THRUWAY SHOPPING CENTER	66.69
COMMUNITY DEV UDAG	KERRON BARNES	262.50
COMMUNITY DEV 92	KERRON BARNES	1,768.75
COMMUNITY DEV 93	KERRON BARNES	668.75
COMMUNITY DEV 94	KERRON BARNES	2,360.00
COMMUNITY DEV-95	KERRON BARNES	1,065.00
COMMUNITY DEV-94 MEMBERSHIP 96-97	NYS RURAL HOUSING COALITION	140.00
COMMUNITY DEV SMALL CITIES	NYSARHO	150.00
SMALL CITIES-92 144 WEST MAIN STREET	R.W.MECHANICAL, INC.	4,600.00
SMALL CITIES-92 72 ULSTER AVE	D.S.L.WOODWORKING	6,025.00
COMMUNITY DEV-92 48 ULSTER AVE	R.W.MECHANICAL	4,000.00
SMALL CITIES-92 25 BANK STREET	K&B CONSTRUCTION	2,193.00
SMALL CITIES-93 10 SECOND ST	R.W. MECHANICAL, INC.	3,800.00
COMMUNITY DEV-92 6-8 CEDAR STREET	WILLIAM FYKE	7,499.00

FEBRUARY BILL LIST - FEBRUARY 13, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	RBI CONSTRUCTION CORP. MUNICIPAL BLDG	18,525.00
CAPITAL ACCOUNT #82	CANALE ELECTRIC MUNICIPAL BLDG	15,093.00
CAPITAL ACCOUNT #82	DEMBERG BROTHERS, INC. MUNICIPAL BLDG	11,700.00
CAPITAL ACCOUNT #82	JEFF LOWE PLUMBING & HEATING MUNICIPAL BLDG	35,516.48

COMMUNITY DEV	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C. PROFESSIONAL SERVICE	195.00
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FEBRUARY BILL LIST - FEBRUARY 13,1996

PERPAID BILLS

GENERAL FUND

VOUCHER

VENDOR

AMOUNT

AT & T	5.19
BELL ATLANTIC NYNEX MOBILE	22.33
BELL ATLANTIC NYNEX MOBILE	26.78
BELL ATLANTIC NYNEX MOBILE	26.76
COUNTRY HARDWARE	10.00
COASTAL REFINING & MARKETING, INC.	347.96
COASTAL REFINING & MARKETING, INC.	229.25
COASTAL REFINING & MARKETING, INC.	520.87
COASTAL REFINING & MARKETING, INC.	132.74
COASTAL REFINING & MARKETING, INC.	1,043.42
COASTAL REFINING & MARKETING, INC.	90.94
COASTAL REFINING & MARKETING, INC.	157.21
NYSEG	1,825.95
NYSEG	5,639.93
NYNEX	65.25
OR CO. SANITARY LANDFILL	291.20
WAREX TERMINAL CORP	635.11
WAREX TERMINAL CORP	553.70
WAREX TERMINAL CORP	704.77
WAREX TERMINAL CORP	1,578.54
CL & EJ GRIDLEY	2,464.44

16,372.34

WATER FUND

VOUCHER

VENDOR

AMOUNT

AGWAY ENERGY PRODUCTS	2.20
CENTRAL HUDSON	564.17
COASTAL REFINING & MARKETING, INC.	101.58
COASTAL REFINING & MARKETING, INC.	84.65
NYSEG	2,410.57
POSTMASTER	80.01

3,243.18

SEWER FUND

VOUCHER

VENDOR

AMOUNT

JOHN CRANE, INC.	3.70
NYSEG	1,797.26
NYSEG	7,207.95
POSTMASTER	80.01

9,088.92

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, January 23rd, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Municipal Building Renovation Project Change Order
 - A.2 Request For Proposals 1996 Small Cities Application
 - A.3 Authorization to Exceed \$10,000 For Small Cities Rehab Project
 - A.4 Payment of Audited Bills For January 23rd, 1996
 - B. DISCUSSION ITEMS
 - B.1 Request For Zoning Change - Walden Mobil Station Property
 - B.2 Housing Regulation
 - C. INFORMATIONAL ITEMS
 - D. CORRESPONDENCE
 - D.1 Request For Insurance Renewal Quotation
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEES MEETING
JANUARY 23, 1996

Mayor Andrew Uszenski called the regular meeting of the Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John McGuckin
Raynard Ozman
John Ryan
Chris Forman
Antonio Garcia
Martin Besdesky

APPROVAL OF MINUTES-

Trustee Ozman moved to adopt the minutes of January 9, 1996 with the following corrections to page 2 and 3: Page two, second paragraph change the word differentiate to distinguish, page three, second paragraph, last sentence, change to; Trustee Ozman further stated that regarding the yield sign at Cross Street, the chief believes its more prudent to place as top sign on the one side and a yield sign at Cross Street and South Montgomery. Seconded by McGuckin. All ayes. Motion carried.

MUNICIPAL BUILDING RENOVATION PROJECT CHANGE ORDER

Mayor Uszenski stated that this change order is to install the roof drains in the municipal building at a cost of \$4,087 to Jeff Lowe Plumbing and \$2,700 to RBI Construction. This is part of the boards approved additional list.

Manager Kelly stated that the board had reserved the right to approve this at a later date and its the recommendation of the architect to proceed with those alternates at this time. The alternates are P-3 and GC-12.

Trustee Ozman moved to approve change orders P-3 to Jeff Lowe for \$4,087 and GC-12 to RBI Construction for \$2,700. Seconded by Trustee Besdesky. All ayes. Motion carried.

REQUEST FOR PROPOSALS 1996 SMALL CITIES APPLICATION

Mayor Uszenski stated that Monday night the review committee consisting of Trustees Garcia, McGuckin, the Mayor and the Manager met. The committee received one proposal from Saccardi and Schiff. Six RFP's were mailed out and a legal notice was published in the paper. The committee rated Saccardi and Schiff 100% for their past work. It is the recommendation of the committee to accept the proposal.

Trustee Ozman moved to accept the review committees recommendation of Saccardi and Schiff for the 1996 Small Cities Application. Seconded by Trustee McGuckin. All ayes. Motion carried.

AUTHORIZATION TO EXCEED \$10,000 FOR SMALL CITIES REHAB PROJECT

Trustee McGuckin moved to approve Small Cities Project No. 94-42 to exceed \$10,000. Seconded by Trustee Forman.

Mr. Barnes stated that the application kits and information for the 1996 Small Cities isn't available yet and he may have to ask for an extension.

All ayes. Motion carried.

AUDITED BILLS

Trustee Forman moved to approve the audited bills of January 23, 1996. Seconded by Trustee McGuckin. All ayes. Motion carried.

REQUEST OF REFUND

Mayor Uszenski stated that a request for a basketball program refund has been received from Mrs. Michella. Mrs. Michella's son signed up for basketball but never attended the games and she is asking for a \$12.00 refund.

Trustee Besdesky moved to approve the \$12.00 refund to Mrs. Michella. Seconded by Trustee Garcia. All ayes. Motion carried.

REQUEST FOR ZONING CHANGE - WALDEN MOBIL STATION PROPERTY

Mayor Uszenski stated that this request is a continuation from the last meeting.

Manager Kelly stated that there is a letter from Wallace Oil in support of the request for a zoning change. The manager spoke with Dave Smith after the last meeting regarding why the village opted to delete as a permitted use in a B-3 a filling station. Mr. Smith's response to that was that the type of use is considered to be a significant generator of traffic, which is typically an inappropriate use in a business core area and that traffic patterns within the business core lead to substantial congestion, auto dependent uses should be encouraged in those areas outside the business core. This was the recommendation that was made to the master plan committee upon which the board enacted

a local law in 1993. The manager also gave the board copies of the planning board minutes of November 15, 1995 where Dean Stickles advised the planning board that he had received correspondence from the new owners. This property has never been a permitted use as a repair garage. According to Mr. Stickles the current owner of the Walden Mobil was advised of that prior to signing a lease. It appears they have a self created hardship that they are now looking for relief from.

The building inspector, Dean Stickles stated that motor vehicle regulations clearly state that they have to comply with local zoning before they can be a registered motor vehicle repair garage or inspection station.

Manager Kelly stated that motor vehicles does not have a definition of a filling station. The village code has a definition of a filling station but not for a repair garage.

Trustee Ozman stated that he would be concerned as to whether or not there was any reliance upon what was in the village code and he would think that there was not reliance upon that. The discrepancy in the code is what he is referring to and he doesn't think there was reliance upon that based upon the statements from the building inspector and based upon the notice that Mr. Stickles had given to the applicant at the time. He believes the applicant had clear knowledge as to the use.

Trustee McGuckin asked the building inspector if he explained the code to the applicant or gave them a copy of it?

Mr. Stickles advised him that he gave them four letters that were written to Wallace Oil in relation to the repair garage that was not allowed.

Trustee Ozman stated that he thinks its interesting to take a look at the master plan committees recommendation based upon the fact that its a traffic hazard, it would seem to him that the use the master plan would recommend is more of a traffic situation then a repair facility, because you have oil changes that deal more in volume than repair. He thinks the board has to look beyond what they have in front of them based upon the master plan committees' evaluation.

Trustee Ryan asked if they were at the right board? Should they be before the planning or zoning board, if their application is still open?

Manager Kelly stated that they were given the choice of going for a use variance. The owner of the business indicated that she had consulted with an attorney and she wanted to proceed on her own in front of the village board in terms of a zoning amendment as opposed to going for a use variance. The manager did advise her that a use variance is very difficult to prove based upon a hardship to the property. The manager strongly advised her to consult an attorney no matter what she does. Whether she was advised or not that she would have very little chance

of getting a use variance considering that that property has operated as a filling station for many years and it can continue to operate as a filling station, so there is an issue as to whether or not there is a financial hardship to the property, but if she feels a zoning amendment is an easier route to take ultimately she will end up in front of the planning board for site plan approval. The question before the board now is whether or not they would consider the request at which point they should be required to submit a formal application and all the necessary documentation to go along with that, which will have to be provided by the owner of the property not the owner of the business. The owner of the business was advised of that.

Trustee McGuckin moved to deny the request of the Walden Mobil Station property and to recommend them to the Zoning Board for a use variance. Seconded by Trustee Garcia. All ayes. Motion carried.

HOUSING REGULATION

Kevin Dowd stated that he has provided the board with a sample code regarding housing regulations. He has looked through several codes of municipalities in the area to see how they handle unsafe buildings, and property maintenance. There aren't very many communities that have as many provisions in the code as the Village of Walden has now. What he was looking for was a way of trying to expedite and or be more inclusive in some of the structures that concerned has been expressed. Where you have had a fire and the structure may not have been structurally unsafe verses Waldens code, but yet sits there not being done. He found that in the Village of Cornwall on Hudson as well as some other municipalities have used the approach of where they have defined an unsafe building or structure much more expansively then what Walden has. Walden has five basis for declaring a building unsafe where Cornwall on Hudson has twelve. He feels this is a start in trying to gather in some of the buildings that have been left vacant, that have had fire damage where you can begin the process immediately upon the fire being put out and try to get the jurisdiction over the owners and or the tenants when its still fresh in ones memory and try to get the process moving as soon as you can, giving the owner a reasonable period of time to do something to repair it. He recommends that the village try to find more ways of making your unsafe building code stronger more pervasive and more expansive to get some of those buildings under your auspices. The second part of the attorney's letter refers to other instances of stricter enforcement, more stringent enforcement in zoning matters. As Walden's code reads right now there is a provision that would seem to indicate that if a person is in a violation of a zoning ordinance that the building inspector issues a notice to remedy and there has to be a ten day wait in order for him to remedy. That is very common in many codes and it is a problem when you need to close someone down immediately for acting without building permits, certificates of occupancy or in violation of fire and building code violation or approvals of planning boards, etc. He suggests the village amend their law to give the building inspector the ability to issue notices to remedy with immediate impacts, close

down immediately and to increase the fines and the structure of the fines from \$250.00 per occurrence to \$1,000.00 per occurrence. Making it from a violation under the penal law to an unclassified misdemeanor of the penal law. He is also looking at the section of the village code that would indicate you can make continuing violations, new violations every week that they occur. There is some evidence that he has found in case law that would indicate that you can supersede that state penal law section when you do these kinds of enforcement procedures to make it every day an additional violation so you can compound your potential fines on a daily basis. There are probably several other old provisions in the code that need to be reviewed as to beefing up enforcement and perhaps making the code more user friendly.

Mr. Stickles stated that he would like the board to contact Social Services and make them accountable for the places that they just place people and never come back and see the conditions they live in but they continue to pay for them.

Mr. Dowd stated that there would be nothing improper about village personnel notifying Social Services about the conditions of a building.

Mr. Stickles stated that he has tried to contact Social Services and he gets no answer.

Trustee Ryan stated that he is very interested in changing the code.

Mayor Uszenski stated that the other section of the code he would like to see changed is snow removal on sidewalks because of the safety hazard.

Trustee Garcia stated that he'd like to see the sidewalks shoveled more than one shovels width.

Trustee Besdesky stated that 17 Oak Street is a defeat as far as he's concerned. Why can't we change it? That properties shouldn't be that way. Its a blight in the midst of the village.

Mr. Dowd stated that since each local law can address one subject matter. We will be doing this in two separate local laws, one for zoning and one for unsafe buildings.

Trustee Ozman stated that he would like to kick around a draft of the proposed local laws for a couple of meetings.

REQUEST FOR INSURANCE RENEWAL QUOTATION

Mayor Uszenski stated that Marshall and Sterling has contacted the village requesting they be permitted to quote on the villages renewal policies. The village is happy with the Daniels Agency.

Manager Kelly stated that the village has shopped around for carriers and we will shop around again next year, always with the intent of the

best service for the best premium. The issue of a broker has not been in question since we've had the Daniels Agency. Its been a marked improvement in claims management. They are as responsive as anyone the village has ever dealt with. Once you sign an agency of record with on behalf of a carrier you cannot shop brokers. You are locked into that one broker.

Trustee McGuckin moved to accept the managers recommendation of the Daniels Agency for our insurance broker. Seconded by Trustee Besdesky. All ayes. Motion carried.

RECEIPT OF NOTICE OF CLAIM

The Village Clerk, Nancy Mitchell stated that a notice of claim was received, George Jones against the Village of Walden Police Department and the Department of Public Works.

PUBLIC PORTION

Anthony Pavlick, 33 Oak Street stated that in regard to the issue of unsafe buildings, you have to work with the owners, they pay the taxes.

Doug Vantran, Westwood Drive thanked the board for taking up the housing problem issue. He believes its the number one issue in the village.

Larry Sager, 78 Orchard Street stated that on Locust Street, Mr. Richards says that the sewer is backing up in his shed. The village says there is nothing they can do about it.

Manager Kelly stated that the only thing he is aware of is with the tremendous amount of rain that we've had it overloaded the sewer system and there is nothing we can do about it. What happens is treatment plants are over flowing with the heavy rains. There is nothing we can do short of replacing the entire system and finding every house in the village that has an illegal roof drain hooked into the sanitary sewer, every home that has a sump pump connected to the village sewer are all illegal, but it happens. Its a very difficult problem.

Greg Raymondo, 241 Orange Avenue stated that the simple answer to Mr. Sager was, we will send someone there tomorrow to look at it.

Mr. Pavlick suggested that the village make their drains as close to the stream and have the water go into the stream.

Mr. Vantran suggested that the village do a reverse assessment, as properties go down hill the assessments go up.

Mr. Sager stated that on January 19, 1995 their were people here that were interested in hockey skating. He's never seen them come back. The village gave them exclusive use of the basketball court and he thinks the village should rescind that because they never came back.

Trustee Ryan advised Mr. Sager that they are working towards it.

Mayor Uszenski stated that they have to organize just like the Little League.

Bob Lamancuso asked who maintains the ice skating rink at Wooster Grove?

Manager Kelly stated the village maintains it.

Mr. Lamancuso stated that the plowing of the rink is disgusting. There are also expansion cracks and someone could get hurt. The rink should be resurfaced with a thin layer of water.

Mr. Sager asked suppose an organization wanted to come in and use that basketball court and redo it? That's his principal behind saying he should do something about it. They've been given over a year.

REPORTS - COMMITTEE

Trustee Besdesky complimented the department of public works for their snow removal job.

Trustee Forman stated that he's heard more compliments than complaints about the snow removal.

Trustee Ozman informed the board that the recreation committee met and they discussed budget items, plowing issue and maintenance at the park. Carl Monte has been in touch with the manager and discussing the new roadway. The manager is going to put Mr. Monte in touch with the village engineer.

Trustee Ozman further stated that he would like the board to recognize Mr. Monte for all the work he has done for the village.

REPORTS - MAYOR

Mayor Uszenski stated that the sign in front of Roosa's Jewelers says no parking and no standing, it should read, no parking here to corner.

Mayor Uszenski stated that in regard to snow removal, he was instructed not to deliver the mail wherever boxes weren't cleared out. In certain streets there is a problem with its plowed one or two feet from the curb on one side and your our six feet on the other side. Some of the streets with that problem are Oakland Avenue, Westwood Drive and Donner Drive and Linden Drive. Both sides should be treated equally.

Trustee Garcia stated that he would like the village to write to the post office and complain about the service they are getting. He has heard complaints that the mail is delivered late and when social security checks come on a Friday there is no way they can get to the

bank.

Mayor Uszenski stated that the post office is aware of the problem and they are working on straightening that out.

Mayor Uszenski stated that he would like the board to authorize the manager to do a certificate and he would like to do a ceremony for the heroic action of Chris Payne.

EXECUTIVE SESSION

Trustee Besdesky moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee Garcia. All ayes. Motion carried.

Trustee Ryan moved to authorize the Village Attorney to place the architectural firm of Liebman-Hurwitz and Associates on notice for potential claims under their professional liability policy covering errors and omissions on the Municipal Building Renovation Project. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Ozman moved to initiate an appeal of the New York State Department of Labor variance petition decision file number 1569-95. Seconded by Trustee Forman. All ayes. Motion carried.

ADJOURNMENT-

Trustee McGuckin moved to adjourn. Seconded by Trustee Garcia. All ayes. Meeting adjourned.

Respectfully submitted,



Nancy Mitchell
Village Clerk

JANUARY BILL LIST - JANUARY 23, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-809	AIR PRODUCTS & CHEMICALS, INC.	14.25
A-810	AL VALK'S	20.00
A-811	AL VALK'S	102.00
A-812	AMTHOR'S WELDING	177.00
A-813	AMTHOR'S WELDING	198.24
A-814	AMTHOR'S WELDING	45.92
A-815	AMTHOR'S WELDING	72.22
A-816	AMTHOR'S WELDING	22.90
A-817	AMTHOR'S WELDING	72.22
A-818	AMTHOR'S WELDING	243.58
A-819	AMTHOR'S WELDING	72.22
A-820	AMTHOR'S WELDING	195.22
A-821	AMTHOR'S WELDING	87.20
A-822	AMTHOR'S WELDING	95.04
A-823	AUGUST G STIEFEL RESEARCH INSTITUTE	10.50
A-824	CIARDULLO PRINTING	243.00
A-825	CIARDULLO PRINTING	35.00
A-826	CITY OF KINGSTON POLICE DEPT	500.00
A-827	COUNTRY HARDWARE	120.28
A-828	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	1,250.80
A-829	EVERSON ROSS	415.28
A-830	HOWLAND JOHN	58.38
A-831	HUME DON	105.40
A-832	JIM SMITH CHEVY	109.00
A-833	KRIEGER BODY CO	196.00
A-834	KRISTI'S	19.04
A-835	KRISTI'S	27.90
A-836	MASTER'S LOCKSHOP	38.00
A-837	MID HUDSON COMMUNICATIONS	26.50
A-838	NYCAL INDUSTRIES	95.48
A-839	ORANGE AUTO ELECTRIC	160.00
A-840	ORANGE COUNTY CLERK	9.50
A-841	PAGE NY	57.00
A-842	PIROG & GARVEY	1,050.00
A-843	PIROG BROTHERS EXCAVATING	6,950.00
A-844	PITNEY BOWES	62.25
A-845	SCHMIDT'S WHOLESALE	298.18
A-846	SHARE CORP	53.83
A-847	THRUWAY SHOPPING CENTER	75.23
A-848	THRUWAY SPORTING GOODS, INC.	9.95
A-849	TIMES HERALD RECORD	71.28
A-850	TOOL FACTORY OUTLET	325.00
A-851	WEINERT'S T SHIRTS, INC.	9.50
A-852	WALDEN PLUMBING & HEATING	78.85
A-853	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	881.01
A-854	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	94.75
A-855	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	121.20
A-856	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	2,473.97
		<u>17,450.07</u>

JANUARY BILL LIST - JANUARY 23,1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-89	COUNTRY HARDWARE	112.30
F-90	PAGE NY	15.00
F-91	PRINTABLE SERVICE	602.07
F-92	RAMSCO	1,232.00
F-93	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	98.10
		<u>2,059.47</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-90	ADCO	532.00
G-91	COUNTRY HARDWARE	76.25
G-92	ENVIROTEST LAB,INC.	475.00
G-93	PRINTABLE SERVICE	602.07
G-94	SCHMIDT'S WHOLESALE	49.60
G-95	THRUWAY SHOPPING CENTER	12.86
		<u>1,747.78</u>

JANUARY BILL LIST - JANUARY 23, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	CALVET TOOL RENTAL, INC. MUNICIPAL BLDG FOOTING	71.00
CAPITAL ACCOUNT #82	CAPITAL SAFETY, INC. ASBESTOS ABATEMENT	23,549.18
CAPITAL ACCOUNT #82	THRUWAY SHOPPING CENTER SUPPLIES	3.39
CAPITAL ACCOUNT #82	GAINER-WILBUR CONSULTING ENGINEERS, P.C. FURNITURE	755.62
CAPITAL ACCOUNT #86	GAINER-WILBUR CONSULTING ENGINEERS, P.C. MUNICIPAL PARKING LOT	230.40
T&A	GAINER-WILBUR CONSULTING ENGINEERS PLANNING BOARD SERVICES	290.93
COMMUNITY DEV-92	KERRON BARNES ASSOCIATES PROFESSIONAL SERVICES	822.50
COMMUNITY DEV-93	KERRON BARNES ASSOCIATES PROFESSIONAL SERVICES	227.50
COMMUNITY DEV-95	KERRON BARNES ASSOCIATES PROFESSIONAL SERVICES	720.00
COMMUNITY DEV-94	KERRON BARNES ASSOCIATES PROFESSIONAL SERVICES	1,560.00

JANUARY BILL LIST - JANUARY 23,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	BELL ATLANTIC NYNEX	23.83
	BELL ATLANTIC NYNEX	26.78
	COASTAL REFINING & MARKETING, INC.	520.87
	FRONTIER COMMUNICATIONS	370.03
	FRONTIER COMMUNICATIONS	97.75
	FRONTIER COMMUNICATIONS	77.78
	FRONTIER COMMUNICATIONS	171.29
	FRONTIER COMMUNICATIONS	40.40
	FRONTIER COMMUNICATIONS	396.77
	FRONTIER COMMUNICATIONS	50.63
	NYSEG	92.26
	NYSEG	3,029.23
	NYSEG	519.45
	NYSEG	5,562.82
	OR CO.SANITARY LANDFILL	291.20
		<u>11,274.39</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	162.61
	NYSEG	3,420.45
	NYSEG	312.85
	POSTMASTER	73.30
		<u>3,969.21</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	59.43
	NYSEG	673.42
	NYSEG	880.64
	POSTMASTER	73.29
		<u>1,686.78</u>

NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, January 9th, 1996 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. PLEDGE/ROLL CALL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
 - A. ACTION ITEMS
 - A.1 Subordination Agreement For Small Cities Loan Refinancing
 - A.2 Resolution No. 12-95-96 Voter Registration For Village Election
 - A.3 Public Hearing L.L.I-5 Amending Chapter 141-Vehicle & Traffic
 - A.4 1996 Small Cities Grant Application Request For Proposals
 - A.5 Payment of Audited Bills For January 9th, 1996
 - B. DISCUSSION ITEMS
 - B.1 Request For Zoning Change - Walden Mobil Station Property
 - C. INFORMATIONAL ITEMS
 - C.1 Walden Youth Center Funding Status
 - C.2 NYCOM Response to Issue of Housing Regulations
 - C.3 Notice of Extension For Site Plan of Cedar Cliff Realty
 - D. CORRESPONDENCE
 - D.1 Request For Waiver of Sewer/Water Bill Late Charges
 - D.2 American Legion Memorial Day Parade Request
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

APPROVED

VILLAGE OF WALDEN
BOARD OF TRUSTEE MEETING
JANUARY 9, 1996

Mayor Andrew Uszenski called the regular meeting of the Village of Walden Board of Trustees to order at 7:30 P.M.

On roll call the following were:

Present: Mayor Andrew Uszenski
Trustees John Ryan
Raynard Ozman
Chris Forman
Antonio Garcia
Martin Besdesky

Absent: Trustee John McGuckin, later present
Attorney Kevin Dowd

Also Present: John Kelly, Village Manager

Recording Secretary: Nancy Mitchell, Village Clerk

APPROVAL OF MINUTES

Trustee Ozman moved to adopt the minutes of December 12, 1995 with the following correction to Page nine, eleventh paragraph: change attorney to Trustee Ozman. Seconded by Trustee Forman. All ayes. Motion carried.

SUBORDINATION AGREEMENT FOR SMALL CITIES LOAN REFINANCING

Kerron Barnes stated that the homeowner is refinancing their home for the purpose of purchasing a home across the street and fix it up as a rental property. Mr. and Mrs. Bliss are asking the board to consider a subordination proposal from Walden Federal Savings and Loan. Mr. Barnes further stated that the board may wish to require the owner to do one or more additional things to improve the villages security. One is a personal guarantee, second would be an additional mortgage on the rental property being purchased so the village would be covered for its \$9500 in the event either property was sold. We would be in second position on the mortgage behind the bank on that property. In addition to that the board might wish to suggest small monthly payments so the villages loan will be reduced over ten to fifteen years. He strongly recommended the personal guarantee.

Mr. Bliss stated that he doesn't mind signing a guarantee, but the

agreement when they took that loan was they didn't have to make payments as long as they didn't sell the property and they have no intentions of selling the property.

Trustee Ozman stated that he is in favor of the subordination agreement. He is concerned about the continuity issue. He believes there were times the board did not grant a subordination agreement, not necessarily with the small cities program. He's concerned how those situations differ with this situation and if the village could either reconcile the two or differentiate them for some sort of policy guideline that the board could follow. *distinguish*

Manager Kelly stated that the issue the board dealt with before was the commercial loan program. One of the things he asked Mr. Barnes was, since this is a standard mortgage form it indicates in the mortgage form that any refinancing automatically triggers repayment. In the instances before you did not agree to subordinate because the individuals were currently in default and the board did not feel that because they had not been current that the board could not anticipate them becoming current if they subordinated. The manager further stated that presently the village is listed as third on the mortgage and this would strengthen our position, but greater debt.

Manager Kelly stated that if the village attorney is going to be asked to draft anything then any related fee should be paid by the applicant.

Trustee Ozman moved to approve the subordination agreement for 77 Capron Street contingent upon the village being in second position on the mortgage, that within six months the Bliss's start making monthly payments, that a personal guarantee is signed, *that a title search is done and that the subordination agreement is reviewed by the village attorney. Seconded by Trustee Forman. All ayes. Motion carried.*

RESOLUTION NO. 12-95-96 VOTER REGISTRATION FOR VILLAGE ELECTION

Trustee Ozman moved to adopt Resolution No. 12-95-96, Providing for Registration of Voters for the 1996 Election, (attached). Seconded by Trustee Ryan. All ayes. Motion carried.

PUBLIC HEARING LOCAL LAW I-5 OF 1995, AMENDING CHAPTER 141- VEHICLE AND TRAFFIC

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Posing Notice and Notice of Hearing which he read.

Mayor Uszenski asked for any comments from the public. There was no response.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Forman moved to designate the board of trustees lead agency of

an unlisted, uncoordinated action and issue a negative declaration under SEQRA. Seconded by Trustee Garcia. All ayes. Motion carried.

Trustee Ozman stated that the area on Scofield Street between Gladstone Avenue and Ridge Avenue where the board seeks to enforce a no parking zone, upon closer examination one should note that there is a grass median between the roadway and the sidewalk. He brings this up because if this poses a problem later on and the board has to revisit the issue the parking situation is easily remedied by the removal of the grass median backing the street up to the sidewalk and installing a curb along that line. The grass median is the approximate width of a normal full size vehicle and it would take the parking out of the driving lane and it would put the parking adjacent to the curb line. He feels the board should consider that on Scofield Street. Trustee Ozman further stated that the ^{requesting} yield sign at Cross Street, the chief believes its more prudent to place a stop sign on the one side and a yield sign at Cross Street and South Montgomery.

Chief Holmes stated that he would like a stop sign at Cross Street and South Montgomery. The reason to have a stop sign there is to have a stop bar, you can't put a stop bar at a yield sign. This way traffic coming up there has a point to stop and look down the road and look up the road. This is also with no parking on the Ardon's by the Bridge side.

Trustee Ozman stated that the last issue he wanted to address was the no parking signage on South Montgomery and West Main Streets. Basically we are falling under somewhat of a quasi mandate, its not mandated but it is requested. He would like the village to start requesting that the state remove certain signs around the village. There is a large yellow rectangular arrow sign in front of the insurance company on South Montgomery Street pointing the direction of Route 52. In his opinion that is an unnecessary sign. He asked if the signage on South Montgomery is going to indicate no parking and standing or just no parking?

Manager Kelly stated our code is entitled no parking/standing or stopping, but its no parking. We don't have a separate section for no standing. The sign will read no parking.

Trustee Ryan moved to adopt Introductory Local Law I-5 of 1995, Amending Chapter 141 of the Code of the Village of Walden Entitled, "Vehicles and Traffic as Local Law No. 1 of 1996. Seconded by Trustee Garcia. All ayes. Motion carried.

1996 SMALL CITIES GRANT APPLICATION REQUEST FOR PROPOSALS

Kerron Barnes stated that the dead line for the 1996 small cities grant application is March 13, 1996. The limit for a single purpose grant is now \$600,000. That number is tentative because the appropriation is not yet in place. The board has to start considering what to apply for. We have pretty much used up the target areas in the village for

rehab. The one remaining possibility is a non target program and he has been trying to set up a meeting with HUD to make absolutely certain that we can do that. The other possible project would be some sort of public works project in a target area or the building at 11-17 Main Street. Their feeling was the village would have to have the financial commitments in place at the time of the application and as much as possible of the site plan, variance and other reviews, which they have not started. They suggested that if we don't have the information from the developer as of February 1st we would have to go with another project. He was told by the developer as of late this evening that the village will have some cost estimates tomorrow. He asked the developer to consider eighteen housing units as well as twenty four. As of this time Mr. Barnes does not have any solid numbers on which to base any kind of application.

Trustee McGuckin moved to authorize the legal notice for the request for proposals for the preparation of the small cities application and set a subcommittee consisting of Trustees McGuckin, Garcia and Mayor Uszenski and to set the return date of January 22, 1996 for the responses. Seconded by Trustee Forman. All ayes. Motion carried.

PAYMENT OF AUDITED BILLS

Trustee Forman moved to pay the audited bills of January 9, 1996. Seconded by Trustee Garcia. All ayes with the exception of Trustee McGuckin abstaining. Motion carried.

REQUEST FOR ZONING CHANGE - WALDEN MOBILE STATION PROPERTY

Mayor Uszenski stated that the current lease holder of the Walden Mobil Station property is asking for consideration of a change in zoning to permit a repair garage.

Manager Kelly stated that they have come to the planning board for an interpretation as to what they were currently zoned for, what the current operation was and to understand what they could do. They wanted to replicate what Hudson Valley Tire is doing, which is a repair garage. The problem is that repair garage is located in a B-4. Hudson Valley Tire will have to come back to the planning board for a special exception use permit, which they don't have at the present time. The issue here is that Walden Mobil went ahead and signed a lease on the property anticipating being able to replicate the identical operations that the Hudson Valley Tire has. Given the current zone a repair garage is not permitted at all in a B-3 zone. When the master plan did recommendations in 1993 for rezone a filling station was no longer a permitted use in a B-3. His letter to Walden Mobil was that they have two options. One would be to present their case to the zoning board of appeals for a use variance and if a variance was granted then they would have to go to the planning board for site plan approval. They could also petition the board for a zone change and that would be referred to the planning board for a report prior to the village board holding a public hearing. The manager did suggest the applicant

consult an attorney for proper guidance.

Trustee Ozman stated that he would like to know when the master plan committee looked at this area if they specifically excluded that location. He would like to know the exact reasoning.

Manager Kelly stated that he went through the narrative in the master plan, but he hasn't had a chance to call Dave Smith. The master plan redacted as a permitted use filling stations in a B-3 and left the other zones and business uses consistent with allowing filling stations. The central business district they excluded that as a future use which at that point created a non-conformity.

Trustee Ozman asked if this can be referred back to the planning board to let them investigate as to the nature of the exclusion.

Manager Kelly stated that he will get input from Dave Smith.

Manager Kelly stated that they can continue to operate at that facility as they are now without any change, without any approvals. They cannot increase it and they cannot change the use without a zoning change or a variance.

Mayor Uszenski suggested the owner of the property be contacted to see if they are interested in doing this.

Manager Kelly stated that the owner of the property should be the one petitioning the board.

This was tabled until the next meeting when more information can be received.

WALDEN YOUTH CENTER FUNDING STATUS

Mayor Uszenski stated that Senator Larkin has sent a letter to Patricia Woodworth requesting formal notification be sent to the village. Nothing has been received yet.

Manager Kelly stated that he would like to write to Senator Larkin thanking him for his assistance and ask him for a meeting upon receipt of the report so that we can have clarification as to what the result of the correspondence means. If we are going to go forward we need a commitment and we need a commitment that they can't withdraw.

NYCOM RESPONSE TO ISSUE OF HOUSING REGULATIONS

Manager Kelly stated that this is in regard to a letter he sent to NYCOM on regulating one and two family dwellings. The village attorney will be researching our penalties being under the penal section the fact of can you go six months and not give them a window beyond six months without it being deemed a taking. The village was hoping that we could model legislation consistent with state law but what we are

being told is even federal pre-empts state law so that without consent of the owner or the tenant granting access you are not in a strong position and you have to get an administrative search warrant and have probable cause.

Trustee Ryan asked that this be kept on the agenda for the next meeting as a discussion item. He also requested the building inspector be at the next meeting.

NOTICE OF EXTENSION FOR SITE PLAN OF CEDAR CLIFF REALTY

Mayor Uszenski stated that this is a notice of extension for site plan of Cedar Cliff Realty for another five years until June 13, 2003. This property is on Edmunds Lane.

REQUEST FOR WAIVER OF SEWER/WATER BILL LATE CHARGES

Mayor Uszenski stated that Quality Cleaners is requesting a waiver of late charges on a sewer/water bill. Mayor Uszenski stated that he personally delivered that bill on time.

Trustee Forman moved to deny the request of Quality Cleaners for a waiver of sewer/water bill late charges. Seconded by Trustee McGuckin. All ayes. Motion carried.

AMERICAN LEGION MEMORIAL DAY PARADE REQUEST

Mayor Uszenski stated that the American Legion is requesting permission to hold their Memorial Day Parade on May 27, 1996 with line up at 8:30 A.M. and kick off at 9:00 A.M..

Trustee Ryan moved to grant the American Legions request to hold the Memorial Day Parade on May 27, 1996. Seconded by Trustee Garcia. All ayes. Motion carried.

PROBLEM STREETS

Manager Kelly stated that we are only three weeks into the winter and we have a third of our streets getting to the point where they are almost too narrow to allow parking.

Trustee Ryan stated that he would like to commend the department of public works for the work that they have done.

Manager Kelly stated that the snow emergency was lifted earlier tonight and with the cars parking back on the streets you will soon know which streets you're going to have a major problem with. It may come down to the village board supporting the police chief in any action he might take to ban parking in certain sections.

Trustee Ozman suggested that when there is a lull between snow storms, after the Main Street area is cleaned up, the village crew go around

and make up a list of hazardous areas and they go through and widen those areas out.

Trustee Garcia stated that the argument you are going to have is whose street are you going to do. He feels you don't do any of them and treat everyone the same.

Trustee Ozman explained that he is talking about safety conditions.

PUBLIC PORTION

Larry Sager, 78 Orchard Street stated that he is glad Senator Larkin sent the village a letter because he went to visit him in Albany. They said he was going to have it investigated.

Mr. Sager stated that his wife would like to know, when the board signs vouchers for the small cities project does the board read what is in them. She requested something and the correspondence she got back was very poor. She is wondering if anybody who reads them to at least question them as trustees and mayor of this village, to see that the consumer is not getting ripped off.

Mayor Uszenski stated that before that voucher is brought before the board the homeowner is suppose to sign off.

Manager Kelly stated that once the homeowner has signed off and payment is to be made based upon a contract. The village is basically administering a program that is a contract between the owner and the contractor and the village administers the payments when the owner signs off on payment. If someone was unhappy with a contract provision you don't sign the voucher.

Mr. Sager advised the board that his wife's next question will be why no one saw her note.

Mr. Sager stated that we all know the snow has to be pushed back, but when the snow is pushed back four feet and there are new four foot wide sidewalks and its pushed back that far, that you have to go out and do the complete sidewalk, that isn't funny. The big loader doesn't go straight and when it gets to certain houses it goes in a little bit more.

REPORTS - COMMITTEE

Trustee Forman stated that there could be a problem with the children walking in front of the municipal building and with the snow they have to go out in the street. He asked if there will be sidewalks in front of the municipal building?

Manager Kelly stated that the sidewalks will be done by the village at a later date. He would like to have a raised sidewalk with a curb so you have a separation from the traffic.

Chief Holmes stated that they are going to clear that area and see what can be done with putting horses in front of the building.

Trustee Forman also stated that the sidewalk around the firemen's monument hasn't been shoveled.

Chief Holmes stated that the department of public works will be removing snow tomorrow.

Trustee Ryan asked for a report on the sidewalks that have been done in past years.

Manager Kelly stated that he will get Trustee Ryan a breakout on cost and what was done.

Trustee Ryan stated that the deli sign is under the snow bank on the corner of Cherry Street and Orange Avenue.

Trustee Ryan stated that the gray village car was suppose to be Mr. Howland's and the blue car was for Mr. Hart. He asked if Mr. Howland can drive standard? Maybe we can switch cars.

Manager Kelly stated that the gray car is not suitable to drive. He doesn't know if Mr. Howland can drive a standard. He would like to talk to the board about purchasing a new vehicle for the superintendent of public works and giving the recreation coordinator the brown station wagon. We will be looking at the gray car in the spring. The building inspector is still using the blue car.

Trustee Ryan suggested that if the gray car is not safe, get rid of it.

Trustee Ryan asked that buildings that have gone through some sort of disaster be put on the next agenda, along with inspections.-

Trustee Ozman stated that two suggestions came into his office this afternoon about snow removal. In front of Walden Elementary School the suggestion was to clean that area a little more thoroughly, and the other suggestion was when the plows comes down Oakland Avenue to continue on into Wooster's Grove rather than leaving that until the end.

Trustee McGuckin stated that the intersections need to be cleared, they are extremely hazardous.

REPORTS-MAYOR

Mayor Uszenski suggested that the mechanic at the department of public works be sent to inspection school and we can then inspect our own vehicles.

Chief Holmes stated that you also have to be a registered shop.

BOARD OF TRUSTEES MEETING
JANUARY 9, 1996 - PAGE 9

Mayor Uszenski stated that he watched one of our department of public works trucks go up and down East Avenue on the wrong side of the road. Is this normal policy?

Manager Kelly stated that normal policy is you stay on the right side of the road. There are times you can't plow up Hill Street on the right side of the road and you have to plow going down.

EXECUTIVE SESSION

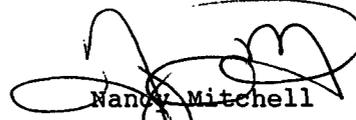
Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Garcia. All ayes. Motion carried.

Trustee Ryan moved to reconvene the regular meeting. Second by Trustee Garcia. All ayes. Motion carried.

ADJOURNMENT

Trustee Ozman moved to adjourn. Seconded by Trustee Ryan. All ayes. Meeting adjourned.

Respectfully submitted,


Nancy Mitchell
Village Clerk

RESOLUTION NO. 12-95-96
VILLAGE OF WALDEN
1996 GENERAL VILLAGE ELECTION
PROVIDING FOR REGISTRATION OF VOTERS FOR THE 1996 ELECTION

WHEREAS, the Election Law Sec. 15-118 provided for registration of voters for the General Village Election, and

WHEREAS, the Board of Trustees is required to make certain determinations and provisions therefore.

NOW, THEREFORE, it is hereby on motion by Trustee Ozman and seconded by Trustee Ryan.

RESOLVED that the following four persons are appointed inspectors of the single election district comprising the entire village, and the first named is designated Chairperson thereof:

Mary Lennon
Emma Smith
Sadie Berrian
Evelyn Matise

Ethel Eckert is named as an alternate inspector and the compensation for each inspector is fixed at \$35.00 a day for Registration Day and \$50.00 a day for Election Day. Chairperson to be compensated \$5.00 extra each day, and it is further,

RESOLVED that there be only two (2) inspectors to serve on Registration Day to wit Mary Lennon and Emma Smith and in the event of the absence or inability to either or both, such other inspectors from the above named as chairperson shall designate, and it is further,

RESOLVED that the inspectors of the Election appointed shall within ten days take, subscribe and file their oath of office and thereafter assume the duties to preside at the Village Election and to prepare such days as the chairperson shall determine, but not to exceed two persons for two days, and it is further,

RESOLVED that the Board of Election shall meet to commence the preparation of the register for the forthcoming election and for registering qualified voters on March 9, 1996 at the Village Offices, 8 Scofield Street, Walden, New York commencing at 12:00 o'clock noon until 5:00 o'clock in the evening of that day which shall be the place for holding the election, and it is further

RESOLVED that the designated inspectors of the election shall copy from the registration poll records for the last preceding general election and names appearing thereon of all persons qualified to vote and add thereto the names of all persons know or shown to their satisfaction to be then or at the time of the election qualified to vote, and it is

further

RESOLVED that no person shall be entitled to vote at any village election whose name does not appear on the register.

RESOLVED that a certified copy of this resolution be published and posted by the Village Clerk in accordance with the law.

The vote was 6 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on January 9, 1996.

JANUARY BILL LIST -JANUARY 9,1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-740	A J M SAND & STONE	2,083.19
A-741	AIR PRODUCTS & CHEMICALS	220.36
A-742	ARKEL MOTORS, INC.	50.95
A-743	AMTHOR'S WELDING	2,280.00
A-744	ANNESE & ASSOCIATES, INC	446.08
A-745	AUTOMOTIVE BRAKE CO.	205.58
A-746	BRIAN JARVIS	17.50
A-747	CALVET TOOL RENTAL	288.90
A-748	CHERRY TIRE SERVICE, INC.	133.95
A-749	CHEMUNG SUPPLY CORP	396.00
A-750	CIARDULLO PRINTING	158.00
A-751	COUNTRY HARDWARE	27.61
A-752	COUNTRY HARDWARE	47.18
A-753	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,166.66
A-754	DICTAPHONE	288.10
A-755	ENVIRONMENTAL PAPER TOWEL SERVICE	107.30
A-756	EXPANDED SUPPLY PRODUCT. INC.	750.00
A-757	GEORGE'S AUTO PARTS	67.02
A-758	HVLSA	15.00
A-759	HART MARC	45.25
A-760	HERMAN RALPH, CO., INC.	95.80
A-761	ICMA	294.00
A-762	INTERMEDIA DESIGN SYSTEMS, INC.	175.00
A-763	MCCOSKERY T	24.95
A-764	MID HUDSON COMMUNICATIONS	252.24
A-765	MID HUDSON COMMUNICATIONS	335.00
A-766	MID HUDSON OFFICE SUPPLY	111.60
A-767	NATIONAL CASUALTY CO.	(185.79) PD 11/16/95 6827
A-768	NATIONAL FIRE PROTECTION ASSOC.	95.00
A-769	NEWBURGH TRUCK	93.00
A-770	NYS-GROA	140.00
A-771	ORANGE COUNTY CLERK	4.00
A-772	QUILL CORPORATION	29.98
A-773	RAMSCO	1,247.50
A-774	SMITH'S COMMERCIAL TIRE SERVICE	149.62
A-775	THRUWAY SHOPPING CENTER	40.48
A-776	THRUWAY SHOPPING CENTER	87.84
A-777	TIMES HERALD RECORD	28.08
A-778	TIMES HERALD RECORD	51.30
A-779	TRI-COUNTY CHAPTER NYSBOC	25.00
A-780	WALDEN AUTO SUPPLY	54.14
A-781	WALDEN AUTO SUPPLY	24.04
A-782	WALDEN AUTO SUPPLY	61.33
A-783	WALDEN AUTO SUPPLY	151.47
A-784	WALDEN AUTO SUPPLY	42.69

JANUARY BILL LIST - JANUARY 9, 1996

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-785	WALDEN AUTO SUPPLY	21.38
A-786	WEINERT'S T SHIRTS, INC.	1,078.25
A-787	WEINERT'S T SHIRTS, INC.	1,155.25
A-788	WICKES LUMBER	51.73
A-789	JOHN REARDON AGENCY	1,188.72
A-790	NYCOMCO	125.00
A-791	WALDEN AUTO SUPPLY	99.99
A-792	WALDEN AUTO SUPPLY	99.00
A-793	WALDEN AUTO SUPPLY	21.98
A-794	WALDEN AUTO SUPPLY	24.99
A-795	WALDEN AUTO SUPPLY	32.23
A-796	WALDEN AUTO SUPPLY	73.93
A-797	WALDEN AUTO SUPPLY	36.21
A-798	WALDEN AUTO SUPPLY	49.54
A-799	WALDEN AUTO SUPPLY	53.13
A-800	WALDEN AUTO SUPPLY	66.98
A-801	WALDEN AUTO SUPPLY	28.98
A-802	WALDEN PLUMBING & HEATING	68.50
A-803	SARJO INDUSTRIES	68.24
A-804	WILLIAMSON LAW BOOK CO	325.28
A-805	NYS ASSOCIATION OF MAGISTRATES COURT	10.00
A-806	SANWA LEASING	135.00
A-807	PIROG BROTHERS EXCAVATORS	1,580.00
A-808	MID HUDSON OFFICE	142.95

21,131.64
~~(135.00)~~
20,945.85

grand total

JANUARY BILL LIST - JANUARY 9, 1996

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-80	DRAKE, SOMMERS, LOEB, TARSHIS & CANTANIA	416.67
F-81	DUSO CHEMICAL	597.00
F-82	ORANGE COUNTY LAB	120.00
F-83	RAMSCO	151.00
F-84	RAMSCO	275.00
F-85	RAMSCO	839.00
F-86	SCHMIDT'S WHOLESALE	1,473.05
F-87	SENSUS TECHNOLOGIES	407.95
F-88	CONSOLIDATED RAIL	297.50
		<u>4,577.17</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-85	AL TURI LANDFILL	3,173.31
G-86	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-87	JOHN CRANE, INC.	106.00
G-88	WALDEN AUTO SUPPLY	59.88
G-89	CONSOLIDATED RAIL	297.50
		<u>4,053.36</u>

JANUARY BILL LIST - JANUARY 9, 1996

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #88	JWC ENVIRONMENTAL SEWER SYSTEM	19,976.00
CAPITAL ACCOUNT #82	COUNTRY READI MUNICIPAL BLDG	879.50
CAPITAL ACCOUNT #82	WICKES LUMBER	216.45
CAPITAL ACCOUNT #82	ADVANCE TESTING CO.	3,295.00
CAPITAL ACCOUNT #82	NEWBURGH STEEL	68.20
CAPITAL ACCOUNT #82	PREMIER CLEANING SERVICE	150.00
CAPITAL ACCOUNT #82	ST GERARD PRINTING	370.85
CAPITAL ACCOUNT #82	VMI	800.00
CAPITAL ACCOUNT #82	WILLKIE FARR & GALLAGHER	7,070.00
CAPITAL ACCOUNT #82	RAMSCO	236.00
CAPITAL ACCOUNT #82	LIEBMAN HURWITZ	1,000.00
CAPITAL ACCOUNT #82	CANALE	20,254.00
CAPITAL ACCOUNT #82	RBI CONSTRUCTION	23,750.00
CAPITAL ACCOUNT #82	DEMBERG BROTHERS, INC	16,650.00

COMMUNITY DEV SMALL CITIES - 92	ORANGE CO SHERIFF'S DEPT	3,010.00
COMMUNITY DEV -92	R.W.MECHANICAL 48 ULSTER AVE	5,020.00
COMMUNITY DEV - 92	R.W.MECHANICAL 78 ORCHARD	8,464.00
COMMUNITY DEV - UDAG	ADCO ELECTRIC GIRL SCOUT	662.00

JANUARY BILL LIST - JANUARY 9,1996

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	10.11
	COASTAL REFINING & MARKETING, INC.	90.94
	COASTAL REFINING & MARKETING, INC.	157.21
	COASTAL REFINING & MARKETING, INC.	229.25
	FRONTIER COMMUNICATIONS	199.25
	FRONTIER COMMUNICATIONS	41.93
	FRONTIER COMMUNICATIONS	314.82
	FRONTIER COMMUNICATIONS	125.13
	FRONTIER COMMUNICATIONS	394.39
	FRONTIER COMMUNICATIONS	34.12
	NYSEG	1,465.47
	NYSEG	531.35
	NYSEG	5,591.45
	NYNEX	69.45
	PETTY CASH	5.85
	POSTMASTER	170.00
	POSTMASTER	600.00
	WAREX	1,005.05
		<u>11,035.77</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AGWAY ENERGY PRODUCTS	12.40
	CENTRAL HUDSON	614.80
	FRONTIER COMMUNICATIONS	160.82
	COASTAL REFINING & MARKETING, INC.	77.72
		<u>865.74</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	60.53
	NYSEG	82.06
	NYSEG	539.34
		<u>681.93</u>

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of WALDEN
~~Town~~
Village

Local Law No. 1 of the year 1996.

A local law amending Chapter 141 of the Code of the Village of Walden
(Insert Title)
entitled "Vehicles and Traffic" to provide for additional stop
intersections and no parking zones.

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~
~~City~~ of WALDEN as follows:
~~Town~~
Village

SECTION 1.

Section 141-13 of the Code of the Village of Walden entitled "Stop Intersections" is hereby amended to add the following:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
Princeton Drive	North	Harvard Drive
Cross Street	South	South Montgomery St.

SECTION 2.

Section 145-15 of the Code of the Village of Walden entitled "Yield Intersections" is hereby amended to delete the following:

<u>YIELD SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
Cross Street	South	South Montgomery St.

SECTION 3.

Section 141-18 of the Code of the Village of Walden entitled "No Parking At Any Time" is hereby amended to add the following:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Scofield Street	Southwest	Between Gladstone Ave. and Ridge Ave.
South Montgomery St.	East	Between Cross Street and West Main Street
South Montgomery St.	West	Between South Street and First Street
South Montgomery St.	East	Beginning at the southerly end of the parking lane near Oak St. to a point opposite the southerly line of Walker Street
West Main Street	North	Beginning at the westerly end of the parking lane opposite Cross St. to a point opposite the southerly line of Walker Street.

SECTION 4.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1996 of the ~~(County)(City)(Town)~~(Village) of WALDEN was duly passed by the Board of Trustees on Jan. 9 1996, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

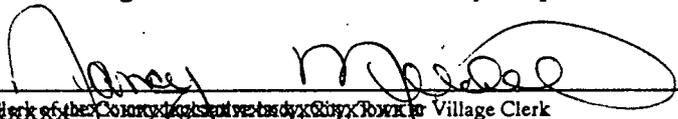
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



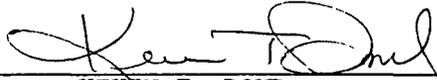
Clerk of the County Legislature, City, Town or Village Clerk
or officer designated by local legislative body
NANCY MITCHELL
Date: Jan. 16, 1996

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature KEVIN T. DOWD

Title ATTORNEY

~~COUNTY~~
~~TOWN~~ of WALDEN
~~VILLAGE~~

Date: Jan. 16, 1996
(3)