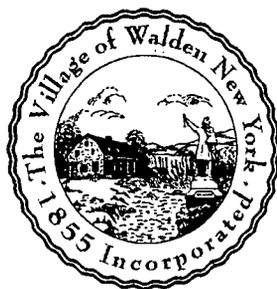


# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN



SPECIAL MEETING  
TUESDAY, DECEMBER 30, 1997 AT 7:00 P.M.  
VILLAGE OFFICES - ONE MUNICIPAL SQUARE

## THE AGENDA

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. BUSINESS OF THE BOARD OF TRUSTEES

ORANGE RECYCLING AND ETHANOL PRODUCTION FACILITY.

4. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES  
SPECIAL MEETING  
DECEMBER 30<sup>TH</sup>, 1997**

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

On roll call the following were:

**PRESENT:** Mayor Andrew Uszenski  
Trustees John McGuckin  
Mary Jean Norman  
Greg Raymondo  
Chris Forman  
Roy Wynkoop

**ABSENT:** Trustee Martin Besdesky

**ALSO PRESENT:** Darren Hernandez, Village Manager  
Kevin Dowd, Village Attorney

**RECORDING SECRETARY:** Nancy Mitchell, Village Clerk

**ORANGE RECYCLING AND ETHANOL PRODUCTION FACILITY**

Manager Hernandez informed the board that bids were received for village wide garbage collection. He explained the pros and cons of such a service to the village residents.

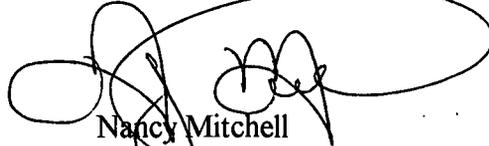
Kevin Dowd, Village Attorney explained the proposed agreement between the Village of Walden and the City of Middletown Industrial Development Agency to the board.

Trustee Raymondo moved to authorize the Village manager to sign a Municipal Waste Management Agreement, by and between the Village of Walden and the City of Middletown Industrial Development Agency, said to be approved of in form by the Village Attorney. Seconded by Trustee McGuckin. All ayes. Motion carried.

**ADJOURNMENT**

Trustee Raymondo moved to adjourn. Seconded by Trustee Forman. All ayes. Meeting adjourned at 7:45 PM.

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above the printed name.

Nancy Mitchell  
Village Clerk

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN



REGULAR MEETING  
TUESDAY, DECEMBER 9, 1997 AT 7:00 P.M.  
VILLAGE OFFICES - ONE MUNICIPAL SQUARE

## THE AGENDA

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES  
BOARD OF TRUSTEES MEETING OF NOVEMBER 25, 1997
4. BUSINESS OF THE BOARD OF TRUSTEES
  - A. ACTION ITEMS
    - 1: PAYMENT OF AUDITED BILLS FOR DECEMBER 9, 1997.
    - 2: CONSIDERATION OF THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CIVIL SERVICE EMPLOYEES ASSOCIATION AND THE VILLAGE OF WALDEN FOR THE PERIOD OF JUNE 1, 1997 TO MAY 31, 2000.
    - 3: CONSIDERATION OF A REQUEST BY MR. RAYMOND LOUIS ORTIZ OF 113 SCOFIELD STREET FOR PARTIAL RELIEF OF HIS WATER AND SEWER BILL.
    - 4: CONSIDERATION OF A RECOMMENDATION TO CANCEL THE BOARD OF TRUSTEES WORK SESSION MEETING OF TUESDAY, DECEMBER 23, 1997.
  - B. DISCUSSION ITEMS
    - 1: ORANGE RECYCLING AND ETHANOL PRODUCTION FACILITY.
  - C. CORRESPONDENCE:
    - 1: RECEIPT OF A REQUEST BY THE WINDING BROOK HOMEOWNERS ASSOCIATION, INC., TO CONSIDER ACCEPTING DEDICATION OF THE ROAD IN PHASE I OF THE PROJECT.
    - 2: RECEIPT OF A LETTER FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROVING THE REQUESTED AMENDMENT TO THE 1995 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT RELATED TO THE 11-17 MAIN STREET PROJECT.
    - 3: RECEIPT OF AN INVITATION FROM THE WALLKILL VALLEY HEALTH COALITION TO ATTEND THE SECOND ANNIVERSARY GALA & SILENT AUCTION OF THE WALLKILL VALLEY HEALTH CENTER.
  - D. INFORMATIONAL ITEMS:
    - 1: RECEIPT OF A MEMORANDUM REGARDING A SCHOOL CROSSING POST ON ORANGE AVENUE.
    - 2: THE RECYCLING CENTER WILL BE CLOSED THE WEEKEND OF DECEMBER 27, 1997.
5. PUBLIC PORTION
6. EXECUTIVE SESSION  
FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER WITH THE VILLAGE MANAGER.
7. MISCELLANEOUS COMMENTS BY BOARD MEMBERS
8. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
DECEMBER 9<sup>TH</sup>, 1997**

Mayor Andrew Uszenski called the regular 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
		Chris Forman
		Martin Besdesky
		Roy Wynkoop
		Mary Jean Norman
		Gregory Raymondo

Also Present:	Darren Hernandez, Village Manager
	Kevin Dowd, Village Attorney

Recording Secretary:	Nancy Mitchell, Village Clerk
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**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of November 25<sup>th</sup>, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

**AUDITED BILLS**

Trustee Norman moved to pay the audited bills of December 9<sup>th</sup>, 1997. Seconded by Trustee Forman. All ayes with the exception of Trustee McGuckin abstaining. Motion carried.

**RESOLUTION NO. 6-97-98, RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE VILLAGE OF WALDEN AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION FOR THE PERIOD OF JUNE 1, 1997 THROUGH MAY 31, 2000**

VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
DECEMBER 10, 1997

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Trustee McGuckin moved to adopt Resolution No. 6-97-98, Ratification of the Collection Bargaining Agreement by and Between the Village of Walden and the Civil Service employees Association for the Period of June 1, 1997 through May 31, 2000, (attached). Seconded by Trustee Besdesky. All ayes. Motion carried.

**RELIEF OF WATER/SEWER BILL**

Manager Hernandez stated that the Ortiz's had an unusually high water/sewer bill. The water meter has been checked twice and is fully functional and operating correctly.

Trustee Raymondo moved to deny Mr. Ortiz's request for relief of his water/sewer bill and that he is to contact the Village Treasurer to set up a payment plan without penalty. Seconded by Trustee McGuckin. All ayes. Motion carried.

**CANCELLATION OF BOARD MEETING**

Trustee McGuckin moved to cancel the December 23<sup>rd</sup>, 1997 Board of Trustees meeting. Seconded by Trustee Raymondo. All ayes. Motion carried.

**ORANGE COUNTY RECYCLING AND ETHANOL PRODUCTION FACILITY**

Manager Hernandez advised the Board that bids aren't due for village wide garbage collection until December 18<sup>th</sup> and the last day for a municipality to take action to authorize the signing of a contract with Masada is December 31<sup>st</sup>.

Trustee Forman moved to hold a special meeting on Tuesday, December 30<sup>th</sup>, 1997 at 7:00 P.M. for the purpose of discussing the bids for garbage collection. Seconded by Trustee McGuckin. All ayes. Motion carried.

**REQUEST OF WINDING BROOK HOMEOWNERS ASSOCIATION**

A letter was received from the Winding Brook Homeowners Association asking the Board to consider dedication of the road in Phase 1 of the project. The pump station was also never turned over to the village and before the village would even think about accepting the sewer pump station they will have to see what the maintenance schedule has been for the last several years. The water lines were also never offered for dedication. There is also the issue of the performance bond that was to guarantee that the roads in phase one were completed. The homeowners' association wants the village to go after the bond to pay for the improvements. Such bond is in the name of the Village of Walden.

VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
DECEMBER 10, 1997

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The request was referred to the village staff for review and recommendation.

## **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Correspondence was received from the U.S. Department of Housing and Urban Development approving the request for the amendment to the 1995 Small Cities Community Development Block Grant related to the 11-17 Main Street project.

## **WALLKILL VALLEY HEALTH COALITION GALA**

Trustee Wynkoop moved to authorize Trustees McGuckin, Raymondo and Norman and Manager Hernandez attend the Wallkill Valley Health Coalition Second Anniversary Gala and Silent Auction on January 17<sup>th</sup>, 1998 at a cost of \$25.00 each. Seconded by Trustee Norman. All ayes. Motion carried.

## **SCHOOL CROSSING GUARD**

There was a request to station a crossing guard at the corner of Grant Street and Orange Avenue. It is the recommendation of the Police Chief to locate a crossing guard at the intersection of Scofield Street and Orange Avenue. The Chief does not recommend having a crossing guard at the intersection of Grant Street and Orange Avenue, because the children would not be crossing to a side of a road that has a sidewalk and that would be dangerous. Funds are available to fund an additional post.

## **RECYCLING CENTER**

The recycling center will be closed the weekend of December 27<sup>th</sup>, 1997.

Mayor Uszenski requested that the leaf pick up be continued into December.

## **PUBLIC PORTION**

Raymond Ortiz inquired about his water bill.

Larry Sager explained the problem his friend on Sunset Drive had with a water/sewer bill.

Paula Johnson, 48 Winding Brook asked for clarification on the Winding Brook pump station, roads and water/sewer lines.

VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
DECEMBER 10, 1997

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Mike Buckley, 65 Capron Street asked the Board to reconsider their stand on public portion for work session meetings.

Mr. DeClerk, 36 Winding Brook asked who did the inspections when Winding Brook was built?

Debbie Frank, 55 Winding Brook gave the Manager information regarding the pump station and asked about the performance bond.

Becky Pearson thanked the Board for the tree that was planted in front of her house.

Mr. Sager stated that at the last meeting there was a comment made about Mr. Rose and how much it cost this village to go after him. Every cent was paid back to the Village.

Mr. Sager also asked about Orange Recycling and how much the village was going to get.

## COMMITTEE REPORTS

Trustee Raymondo stated that cars are parking on the sidewalks on Orange Avenue.

Trustee Norman advised the Manager that the street sign at the intersection of Gladstone and Millard is missing. Also, she has gotten complaints about the noise being emitted from NELCO.

Trustee Wynkoop stated that he is also getting complaints about the noise.

Trustee Besdesky complimented the Community Council for the holiday decorations.

Trustee Forman asked about the lower dam and getting rid of the debris.

Trustee McGuckin also received complaints about NELCO.

## EXECUTIVE SESSION

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

VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
DECEMBER 10, 1997

-5-

Trustee McGuckin moved to reconvene the regular meeting. Seconded by Trustee Forman. All ayes. Meeting reconvened.

**ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Village Clerk

RESOLUTION NUMBER 6-97-98

RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN  
THE VILLAGE OF WALDEN AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION  
FOR THE PERIOD OF JUNE 1, 1997 THROUGH MAY 31, 2000.

WHEREAS, the Village of Walden and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO are party to a collective bargaining agreement which expired on May 31, 1997; and,

WHEREAS, the parties have reached an agreement on the terms and conditions for a successor collective bargaining agreement for the period of June 1, 1997 through May 31, 2000; and,

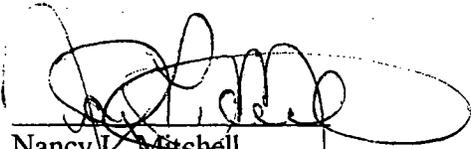
WHEREAS, the Village and the CSEA signed a Memorandum of Agreement on November 17, 1997, which memorializes the terms and conditions of the successor collective bargaining agreement; and,

WHEREAS, the Village has been advised that the CSEA has ratified the Memorandum of Agreement; now therefore,

BE IT RESOLVED, that the Board of Trustees of the Village of Walden does hereby ratify the November 17, 1997 Memorandum of Agreement by and between the Village and the CSEA; and,

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to sign the successor collective bargaining agreement on behalf of the Village.

Motion to adopt the resolution made by Trustee McGuckin and seconded by Trustee Besdesky. The vote was seven (7) ayes to zero (0) naves with zero (0) abstentions. The Mayor declared the resolution adopted on December 9, 1997.



Nancy L. Mitchell  
Village Clerk

DECEMBER BILL LIST -DECEMBER 9,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-577	ANNESE & ASSOCIATES, INC.	223.04
A-578	AL VALK'S GARAGE, LTD	20.00
A-579	AL VALK'S GARAGE, LTD	100.00
A-580	AL VALK'S GARAGE, LTD	2,650.07
A-581	AL VALK'S GARAGE, LTD	11.00
A-582	CHAMBERS FORD TRACTOR SALES	4,600.00
A-583	CHEMUNG SUPPLY	239.00
A-584	CIARDULLO PRINTING	560.00
A-585	DAN THE TREE MAN	2,150.00
A-586	COUNTRY HARDWARE	135.37
A-587	FUN SERVICES	55.00
A-588	DRAKE, SOMMERS, LOEB, TARSHIS & CANTANIA	3,333.33
A-589	DCJS	160.00
A-590	DOWNSTATE RECREATION CONFERENCE	53.00
A-591	FRONTIER COMMUNICATIONS	1,800.00
A-592	GEORGE'S AUTO PARTS	49.65
A-593	GLOBAL OCCUPATIONAL SAFETY	104.45
A-594	GROSSO MATERIALS, INC.	452.90
A-595	HARRY FORTUNIS	64.80
A-596	IKON OFFICE SOLUTIONS, INC.	1,246.30
A-597	IRA D. CONKLIN & SONS, INC.	691.50
A-598	LILLO'S	60.25
A-599	MANZA FAMILY FARM	44.10
A-600	MT ELLIS PAPER CO.	81.58
A-601	NATIONAL RECREATION & PARK ASSOCIATION	90.00
A-602	NYCOMCO	1,480.00
A-603	QUILL	124.13
A-604	QUILL	230.03
A-605	SANWA LEASING CORP.	135.00
A-606	SHARE CORP.	119.83
A-607	STIEFEL RESEARCH INSTITUTE	10.84
A-608	TIGER SOFTWARE	284.18
A-609	THRUWAY SHOPPING CENTER	228.99
A-610	THRUWAY SHOPPING CENTER	41.25
A-611	TOOL FACTORY OUTLET	199.99
A-612	TIMES HERALD RECORD	23.76
A-613	USA WASTE SERVICES	130.00
A-614	VESPO CONSTRUCTION & MATERIALS	699.76
A-615	VEN MAR SALES, INC.	77.30
A-616	WALDEN BAPTIST CHURCH	50.00
A-617	WALDEN ROTARY CLUB	85.00
A-618	WALKKILL VALLEY TIMES	5.01
A-619	ZEP MANUFACTURING CO.	92.85
A-620	BECKER BUSINESS SYSTEMS, INC.	58.00

DECEMBER BILL LIST - DECEMBER 8, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-621	AMERICAN CLEANERS	146.97
A-622	MID HUDSON OFFICE SUPPLY	167.35
A-623	TIMES HERALD RECORD	38.16
A-624	BELL HERRING	17.00
A-625	NYS DEC REGION #3	150.00
A-626	PINE BUSH EQUIPMENT	191.00
A-627	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	292.50
A-628	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	425.00
A-629	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	112.20
A-630	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	430.20
A-631	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	366.42
A-632	ARDEN HILL HOSPITAL	60.00
A-633	AWESCO	28.80
A-634	ENVIRONMENTAL PAPER TOWEL	150.30
A-635	DUTCHESS QUARRY & SUPPLY CO;, INC.	538.33
A-636	ORANGE COUNTY SANITARY LANDFILL	605.00
A-637	THRUWAY SPORTS CENTER	45.80
A-638	SHAWN BERRY	66.38
A-639	WALDEN AUTO SUPPLY	36.11
		<u>26,915.78</u>

DECEMBER BILL LIST - DECEMBER 9, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-57	COUNTRY HARDWARE	17.09
F-58	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	416.67
F-59	JOHN QUALITY CLOTHIER	93.58
F-60	HACH CO	19.50
F-61	ORANGE CO LABORATORY	240.00
F-62	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	527.50
F-63	ENVIROTEST LAB	455.00
F-64	DUTCHESS OVERHEAD DOOR	318.35
		<u>2,087.69</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-82	COUNTRY HARDWARE	55.60
G-83	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-84	JOHN QUALITY CLOTHIER	93.57
G-85	LAROE SAW MILLS CORP	42.00
G-86	GAINER WILBUR CONSULTING ENGINEERS	444.60
G-87	FOXCROFT EQUIPMENT	851.30
G-88	AL TURI LANDFILL, INC.	2,820.03
G-89	ENVIROTEST LAB	525.00
		<u>5,248.77</u>

CAPITAL ACCOUNT 82	LIEBMAN & HURWITZ	1,000.00
CAPITAL ACCOUNT 82	IPPCO	1,450.00
CAPITAL ACCOUNT 82	PRO RELO INC.	360.00
SMALL CITIES	REGGIE WARREN	3,900.00

PERPAID BILLS

GENERAL FUND  
VOUCHER

	<u>VENDOR</u>	<u>AMOUNT</u>
	DARREN HERNANDEZ	20.27
WATER FUND	POSTMASTER	58.31
SEWER FUND	POSTMASTER	58.31

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## WORK SESSION MEETING

TUESDAY, NOVEMBER 25, 1997 AT 7:00 P.M.

ONE MUNICIPAL SQUARE

### THE AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES  
REGULAR BOARD OF TRUSTEES MEETING OF NOVEMBER 4, 1997
4. BUSINESS OF THE BOARD OF TRUSTEES
  - A. ACTION ITEMS
    1. PAYMENT OF AUDITED BILLS FOR NOVEMBER 25, 1997.
  - B. INFORMATIONAL ITEMS
    1. RECEIPT OF A MEMORANDUM REGARDING THE APPOINTMENT OF MS. EDAN L. HOLMES TO THE PLANNING BOARD.
5. WORK SESSION ITEMS
  1. PROPERTY MAINTENANCE CODE.
6. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
NOVEMBER 25<sup>TH</sup>, 1997**

Mayor Andrew Uszenski called the regular 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
		Martin Besdesky
		Chris Forman
		Greg Raymondo
		Roy Wynkoop
		Mary Jean Norman

Also Present: Darren Hernandez, Village Manager

Recording Secretary: Nancy Mitchell, Village Clerk

***APPROVAL OF MINUTES***

Trustee Forman moved to adopt the minutes of November 4<sup>th</sup>, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

***AUDITED BILLS***

Trustee Besdesky moved to pay the audited bills for November 25<sup>th</sup>, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**PLANNING BOARD APPOINTMENT**

Edan Holmes was appointed to the Planning Board for a five year term.

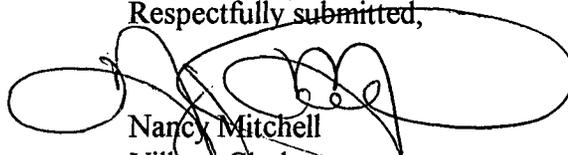
**WORK SESSION**

The Board held a work session to review the draft property maintenance code.

***ADJOURNMENT***

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

Respectfully submitted,



Nancy Mitchell  
Village Clerk

NOVEMBER BILL LIST - NOVEMBER 25, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
500	ALFI'S UNIFORMS	\$2,402.87
501	AMERICAN CLEANERS	178.97
502	AMERICAN POLICE HALL OF FAME	145.00
503	AMERICAN SEPTAGE SERVICE	1,500.00
504	AMTHOR'S WELDING	675.00
505	AMTHOR'S WELDING	71.84
506	ANNESE AND ASSOCIATES	223.04
507	ARCH	33.75
508	ARKEL MOTORS	109.96
509	AWESCO	29.76
510	BELL HERRING	51.50
511	CHARLES B. MERRILL	85.00
512	CHARLES B. MERRILL	215.70
513	CHERRY TIRE	102.50
514	CIARDULLO PRINTING	98.47
515	CIARDULLO PRINTING	155.00
516	CIARDULLO PRINTING	17.68
517	CITY PUBLISHING	102.60
518	CONSOLIDATED PLASTICS	171.08
519	COUNTRY HARDWARE	407.65
520	COUNTRY HARDWARE	25.00
521	COUNTRY HARDWARE	78.71
522	COUNTRY HARDWARE	264.00
523	COUNTRY HARDWARE	31.99
524	WILLIAMS BUSINESS MACHINES	50.00
525	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	159.80
526	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	417.20
527	ENVIROMENTAL PAPER TOWEL	171.10
528	ENVIROMENTAL PAPER TOWEL	106.40
529	EXPANDED SUPPLY PRODUCTS	90.91
530	GALL'S	239.86
531	GEORGE'S AUTO PARTS	99.95
532	GEORGE'S AUTO PARTS	55.30
533	GEORGE'S AUTO PARTS	87.89
534	GEORGE'S AUTO PARTS	129.49
535	GLOBAL	163.00
536	GLOBAL	113.60
537	HALTT SALES	104.60
538	HUDSON VALLEY AWARDS	55.84
539	ICMA SUBSCRIPTION RENEWALS	374.00
540	INTERANATIONAL SALT	8,949.30
541	JARVIS, BRIAN	1,892.54
542	JIM SMITH CHEVY	31.40
543	JIM SMITH CHEVY	201.88
544	KASBRAN	23.97
545	LAKE PLACID HILTON	689.00
546	MAYBROOK MATERIALS	289.65
547	MITCHELL, NANCY	10.99
548	NYCAL INDUSTRIES	150.09
549	NYCOMCO	1,480.00
550	NEWBURGH WINWATER	220.00
551	ORANGE AUTO ELECTRIC	125.00

NOVEMBER BILL LIST - NOVEMBER 25, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
552	ORLANDO MARRIOT	\$ 330.68
553	PINE BUSH EQUIPMENT	81.75
554	RISK MANAGEMENT	14.00
555	RUS OF MONTGOMERY	149.97
556	SARJO INDUSTRIES	86.84
557	SOMES UNIFORMS	239.00
558	THRUWAY SHOPPING CENTER	206.81
559	THRUWAY SHOPPING CENTER	99.00
560	THRUWAY SHOPPING CENTER	77.02
561	THRUWAY SPORTING GOODS	80.00
562	TIMES HERALD RECORD	22.32
563	UNITED LABORATORIES	152.75
564	VINCENT TOOMEY	3,168.89
565	WALDEN AUTO SUPPLY	52.63
566	WALDEN AUTO SUPPLY	55.96
567	WALDEN AUTO SUPPLY	127.20
568	WALDEN AUTO SUPPLY	34.15
569	WALDEN AUTO SUPPLY	91.08
570	WALDEN AUTO SUPPLY	27.99
571	WALDEN PLUMBING AND HEATING	579.99
572	WICKES LUMBER	461.43
573	WICKES LUMBER	284.40
574	QUILL CORP.	192.11
575	ORANGE AUTO	150.00
576	COUNTRY HARDWARE	73.96

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30,499.76

NOVEMBER BILL LIST - NOVEMBER 25, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F49	ARCH	\$ 6.75
F50	CIARDULLO PRINTING	40.08
F51	COUNTRY HARDWARE	108.14
F52	ORANGE COUNTY LABORATORY	120.00
F53	RAMSCO	380.00
F54	RAMSCO	893.00
F55	RAMSCO	11.92
F56	RAMSCO	112.50
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		1,672.39
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SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G70	ALL COUNTY RESOURCE MGMT.	\$1,950.00
G71	CHURCHVILLE FIRE EQUIPMENT	462.00
G72	CIARDULLO PRINTING	40.08
G73	COUNTRY HARDWARE	58.13
G74	ENVIROTEST LABORATORIES	765.00
G75	EXPANDED SUPPLY PRODUCTS	105.00
G76	NYS DEC	250.00
G77	NEWBURGH WINWATER	18.00
G78	RAMSCO	439.00
G79	THRUWAY SHOPPING CENTER	16.63
G80	WALDEN PLUMBING AND HEATING	189.70
G81	WATER ENVIROMENT FEDERATION	147.00
		<hr/>
		4,440.54
		<hr/> <hr/>

NOVEMBER BILLS

PREPAID BILLS

GENERAL FUND

VOUCHER

VENDOR

AMOUNT

AGWAY PETROLEUM \$ 135.22  
BELL ATLANTIC 213.63  
BELL ATLANTIC 48.00  
FRONTIER COMMUNICATION 637.53  
FRONTIER COMMUNICATION 296.59  
FRONTIER COMMUNICATION 103.87  
FRONTIER COMMUNICATION 169.10  
FRONTIER COMMUNICATION 139.46  
FRONTIER COMMUNICATION 301.89  
FRONTIER COMMUNICATION 90.21  
NYSEG 1,735.91  
NYSEG 5,592.16  
ORANGE COUNTY SANITARY LANDFILL 309.00  
PETTY CASH 43.93  
WALDEN ROTARY CLUB 75.00  
WAREX TERMINALS 576.24

10,467.74

WATER FUND

FRONTIER COMMUNICATIONS 114.36  
FRONTIER COMMUNICATIONS 209.74  
NYSEG 2,501.96  
NYSEG 76.33  
RAMSCO 7.20

2,909.59

SEWER FUND

FRONTIER COMMUNICATION 141.64  
FRONTIER COMMUNICATION 66.60  
NYSEG 482.05  
NYSEG 2,179.43

2,869.72

CAPITAL ACCT. 82

FRONTIER COMMUNICATION 475.97  
FRONTIER COMMUNICATION 339.28

COMM DEV

DICK'S CONCRETE CO., INC. 350.00

COMM DEV

RECLAMATION, INC. 12,100.00

CAPITAL ACCOUNT #37

GROSSO MATERIALS 250.64

CAPITAL ACCOUNT #82

LIEBMAN & HURWITZ 1,000.00

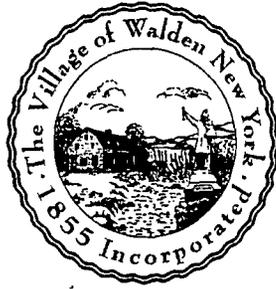
CAPITAL ACCOUNT #82

NYSEG 7.90

CAPITAL ACCOUNT #82

CONTRACTORS CASUALTY & SURETY CO 6,098.54

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN



REGULAR MEETING  
TUESDAY, NOVEMBER 4, 1997 AT 7:00 P.M.  
VILLAGE OFFICES - ONE MUNICIPAL SQUARE  
COMMUNITY ROOM - SECOND FLOOR

## THE AGENDA

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES  
BOARD OF TRUSTEES MEETING OF OCTOBER 28, 1997
4. BUSINESS OF THE BOARD OF TRUSTEES
  - A. ACTION ITEMS
    - 1: PAYMENT OF AUDITED BILLS FOR NOVEMBER 4, 1997.
    - 2: CONSIDERATION OF A REQUEST BY MARCIA A. JACOBOWITZ OF TENBROECK CORP. FOR A REFUND OF A \$25.00 FEE PAID TO OBTAIN A CONFIRMATION LETTER OF AN EXISTING CERTIFICATE OF OCCUPANCY WHICH WAS NOT NEEDED AND WAS NOT PROCESSED.
    - 3: CONSIDERATION OF A REQUEST BY THE VILLAGE MANAGER TO AUTHORIZE THE VILLAGE ATTORNEY, AT THE RATE SPECIFIED IN THE RETAINER AGREEMENT, TO PROSECUTE A VILLAGE CODE VIOLATION IN VILLAGE COURT.
  - B. DISCUSSION ITEMS
    - 1: ORANGE RECYCLING AND ETHANOL PRODUCTION FACILITY.
    - 2: LOAN AGREEMENT BETWEEN THE VILLAGE OF WALDEN AND LUXEMBOURG LTD FOR THE REDEVELOPMENT OF 11-17 MAIN STREET.
5. PUBLIC PORTION
6. MISCELLANEOUS COMMENTS BY BOARD MEMBERS
7. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
NOVEMBER 4<sup>TH</sup>, 1997**

Mayor Andrew Uszenski called the regular 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	Chris Forman
		Martin Besdesky
		Roy Wynkoop
		Mary Jean Norman
		Gregory Raymondo
Absent:	Trustee	John McGuckin, later present
Also Present:		Darren Hernandez, Village Manager
		Kevin Dowd, Village Attorney
Recording Secretary:		Nancy Mitchell, Village Clerk

***APPROVAL OF MINUTES***

Trustee Forman moved to adopt the minutes of October 28<sup>th</sup>, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

***AUDITED BILLS***

Trustee Besdesky moved to pay the audited bills of November 4<sup>th</sup>, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

***REQUEST FOR REFUND***

Trustee Forman moved to approve the request of Marcia Jacobowitz, to refund the \$25.00 fee paid to obtain a confirmation letter of an existing certificate of occupancy which was not needed and was not processed. Seconded by Trustee Wynkoop. All ayes. Motion carried.

PAGE 2

***AUTHORIZATION FOR VILLAGE ATTORNEY TO REPRESENT THE  
VILLAGE***

Trustee Besdesky moved to authorize the Village Attorney, at the rate specified in the retainer agreement to prosecute a village code violation in village court. Seconded by Trustee Forman. All ayes. Motion carried.

***HOLIDAY EXCHANGE***

Trustee Forman moved to approve the request of the Village Office employees to exchange Veterans Day, November 11<sup>th</sup> off for December 26<sup>th</sup> off. Seconded by Trustee Norman. All ayes. Motion carried.

***ORANGE RECYCLING AND ETHANOL PRODUCTION FACILITY***

David Webster, Masada Resource Group updated the Board on the progress of Middletown's proposed solid waste management project. He advised the board that twelve communities have signed contracts, which is enough garbage for them to plan ahead. They are giving communities until December 31<sup>st</sup>, 1997, which have not decided to participate, the opportunity to come on board with the City of Middletown. It will be two years before the plant goes on line accepting waste on a daily basis. He prepared for the Board cost estimates for municipal solid waste collection and disposal costs for single family households.

It was the consensus of the Board to authorize the Village Attorney and Village Manager to go out and get proposals for contracting out for municipal garbage collection.

***VILLAGE OF WALDEN AND LUXEMBOURG LTD LOAN AGREEMENT***

Mr. Gerald Jacobowitz, Jacobowitz and Gubits, representing Luxembourg, LTD, addressed the Board regarding any remaining issues there are with the proposed loan agreement between Luxembourg, LTD and the Village of Walden, so they will hopefully have a mutual agreement they will all feel comfortable with. Mr. Jacobowitz further advised the Board that Orange County Community Development has agreed to fund another \$75,000 for the project.

Trustee McGuckin made a motion to amend Resolution No. 16-95-96, Application for FY

1996 Single Purpose Small Cities Funding, adopted March 5, 1996 and amended June 24, 1997, to allow for the disbursement of funds on a pro-rata basis as follows:

1. For the first \$800,000 advanced for construction after all other private and public funding sources expended on the project funds will be disbursed at the rate of 60% by the Bank and 40% by the Village.
2. The next \$830,000 shall be disbursed at the rate of 40% by the Bank of its remaining loan and 60% by the Village of its remaining loan.

Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee Besdesky moved that the Board go into close session for attorney/client privileges. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee Besdesky. All ayes. The meeting was reconvened.

### ***NOTICE OF CLAIM AND SUMMONS***

A Notice of Claim was received by the Village Clerk, Charles and Denise Millsaps against the Village of Walden, and two summons were also received, Kenneth and Grace Evans against the Village of Walden and Frederick Imhoff against the Village of Walden. The notice of claim and summons was referred to the Village Attorney and insurance carrier.

### ***CHAMBER OF COMMERCE DINNER***

Trustee Forman moved to authorize the Mayor and Trustee Besdesky attend the Chamber of Commerce dinner for Tom Murray on November 22<sup>nd</sup>, and to authorize the purchase of a plaque for Mr. Murray. Seconded by Trustee McGuckin. All ayes. Motion carried.

### ***PUBLIC PORTION***

Mike Buckley, Capron Street asked if the village is required to hold a public hearing prior to the village going into trash removal?

Becky Pearson, Walnut Street addressed questions to Mr. Webster in regards to the

PAGE 4

proposed solid waste management project. She also asked about the cost for municipal trash pick-up.

Larry Sager, 78 Orchard Street stated that the Board received a letter before the last meeting and they never addressed it. He further stated that it is a shame the public has to suffer because of one person that the Board is trying to quiet. If you look back when the Village was incorporated the people were never left out of anything. He asked that the Board not take away from the public.

Mrs. Pearson also inquired about the work session meetings.

Mike Buckley asked about having a crossing guard on the corner of Grant Street and Orange Avenue. He further thanked Trustee Wynkoop and Manager Hernandez for planting trees.

Mr. Sager stated that he agrees with Trustee Besdesky, the more complicated you make the codes the harder they are to enforce. He suggested the Village do a seminar on property maintenance.

### ***LUXEMBOURG LTD CONTINUED***

Trustee McGuckin moved that the Board shall further amend Resolution No. 16-85-96, Application for FY 1996 Single Purpose Small Cities Funding, adopted March 5, 1996 and amended June 24, 1997, as follows:

Require any person, firm, partner, corporation, and/or joint venturer of the project who acquires an ownership interest in said project to guarantee the loan repayment to the extent of his/her ownership interest. This provision shall apply up to the point in time when the Village has advanced 60% of its loan proceeds to the project; however, subject to compliance with Federal law, the general contractor of the project shall be exempt from this provision.

Subsequent to the Village advancing 60% of its loan proceeds to the project any person, firm, partner, corporation and/or joint venturer of the project who acquires an ownership interest in excess of 49%, shall guarantee the repayment of the loan, to the extent of said ownership interest.

Notwithstanding the foregoing, the Village retains the option and the right to require Christos Spanos and/or Luxembourg, LTD to repay the entire outstanding balance of the loan upon transfer of more than 49% interest in the project, provided that said transfer is to an entity in which Christos Spanos does not own more than 50%. Seconded by Trustee Forman. All ayes.

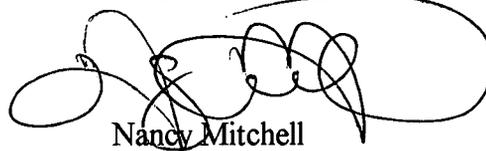
Motion carried.

Trustee Forman moved to authorize the Village Manager to sign a loan agreement, by and between the Village of Walden and Luxembourg Limited, said loan agreement to be consistent with adopted Village Board policy and approved as to form by the Village Attorney. Seconded by Trustee McGuckin. All ayes. Motion carried.

***ADJOURNMENT***

Trustee Besdesky moved to adjourn. Seconded by Trustee Forman. All ayes. Meeting adjourned at 10:51 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written over a horizontal line.

Nancy Mitchell  
Village Clerk

NOVEMBER BILL LIST - NOVEMBER 4, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
470	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	3,333.33
471	GRAPHIC DETAIL	400.00
472	GEORGE'S AUTO PARTS	288.17
473	INTERMEDIA DESIGN SYSTEMS, INC.	175.00
474	JIM SMITH CHEVY	229.96
475	MAYBROOK MATERIALS INC.	473.01
476	MAYBROOK MATERIALS, INC.	89.48
477	MID HUDSON OFFICE SUPPLY	156.00
478	NYS ASSOC OF TOWN SUPTS OF HWYS, INC.	40.00
479	ROBERT GREEN	42.50
480	WICKES LUMBER	144.60
481	WALTER P SWEED SR	34.58
482	WALDEN AUTO SUPPLY	26.07
483	ZEP MANUFACTURING	270.59
484	AGWAY	5.98
485	SHOWCASE OF AWARDS	152.56
486	EUSTANCE & HOROWITZ	20.00
487	KEITH MILLSPAUGH	22.40
488	NEWBURGH STEEL	22.50
489	VANDENBURGH CO.	103.80
490	THRUWAY SPORTING GOODS	60.00
491	THRUWAY SHOPPING CENTER	21.99
492	GOLDEN RULE CREATIONS	375.74
493	MCDONALD & MCDONALD, INC	777.74
494	ALFI'S UNIFORMS, INC	1,521.90
495	NEWBURGH STEEL PRODUCT	20.05
496	PRINTABLE SERVICES, LLC	130.21
497	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	717.50
498	GAINER-WILBUR CONSULTING ENGINEERS, P.C	212.47
499	GAINER-WILBUR CONSULTING ENGINEERS, P.C	747.90
		<u>10,616.03</u>

NOVEMBER BILL LIST - NOVEMBER 4, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-48	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-64	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-65	GANNON MUNICIPAL EQUIP	243.34
G-66	STEPHEN MOSER JR	1,200.00
G-67	WALDEN AUTO SUPPLY	41.97
G-68	WALDEN AUTO SUPPLY	25.47
G-69	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	286.45
		<u>2,213.90</u>

NOVEMBER BILLS

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	399.41

WATER FUND

	POSTMASTER	69.98
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SEWER FUND

	POSTMASTER	69.97
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CAPITAL ACCOUNT 90	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	695.35
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T & A	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	95.50
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# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## WORK SESSION MEETING

TUESDAY, OCTOBER 28, 1997 AT 7:00 P.M.

ONE MUNICIPAL SQUARE - SECOND FLOOR

### THE AGENDA

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES  
REGULAR BOARD OF TRUSTEES MEETING OF OCTOBER 14, 1997
4. BUSINESS OF THE BOARD OF TRUSTEES
  - A. ACTION ITEMS
    1. PAYMENT OF AUDITED BILLS FOR OCTOBER 28, 1997.
  - B. UNFINISHED BUSINESS
    1. REQUEST BY MS. GLORIA COLVINO, 9 POND ROAD, FOR RELIEF OF HER SEWER BILL.
  - C. INFORMATIONAL ITEMS
    1. RECEIPT OF A MEMORANDUM REGARDING FALL LEAF PICKUP.
5. WORK SESSION ITEMS
  - A. PROPERTY MAINTENANCE CODE.
6. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
OCTOBER 28, 1997**

Mayor Andrew Uszenski called the regular 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
		Martin Besdesky
		Chris Forman
		Roy Wynkoop
		Greg Raymondo
		Mary Jean Norman

Also Present:	Darren Hernandez, Village Manager
	Kevin Dowd, Village Attorney

Recording Secretary:	Nancy Mitchell, Village Clerk
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***APPROVAL OF MINUTES***

Trustee Besdesky moved to adopt the minutes of October 14<sup>th</sup>, 1997. Seconded by Trustee Forman. All ayes. Motion carried.

***AUDITED BILLS***

Trustee Raymondo moved to pay the audited bills of October 28<sup>th</sup>, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

***REQUEST FOR RELIEF OF SEWER BILL***

Trustee Besdesky moved to split the sewer charge on Mrs. Colvino's water/sewer bill and to waive the late fee. Seconded by Trustee Forman. On roll call Trustees McGuckin, Wynkoop, Norman, and Raymondo voted no. Trustees Forman and Besdesky voted yes. Motion defeated.

Trustee McGuckin moved to deny the request of Gloria Colvino for a reduction on her sewer bill, but to waive the late charge and that Mrs. Colvino has thirty days to pay the bill. Seconded by Trustee Raymondo. All ayes. Motion carried.

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
OCTOBER 28, 1997  
PAGE 2**

**FALL LEAF PICK - UP**

Fall leaf pick up will be the entire month of November. Leaves are to be bagged and at curb side. Also, DPW brush and leaf center will be open on Sundays from 12:00 noon until 4:00 P.M., for the month of November, in addition to Saturdays from 8:00 A.M. until 12:00 noon

**BOARD MEETING**

Trustee Norman moved to cancel the November 11<sup>th</sup> Board of Trustees regular meeting and reschedule the meeting for November 4<sup>th</sup>, 1997. Seconded by Trustee Raymondo. All ayes. Motion carried.

**WORK SESSION - PROPERTY MAINTENANCE**

The Board held a work session on property maintenance. Sample legislation regarding property maintenance from the Village of Cornwall on Hudson, Village of Mount Morris and Village of Manorhaven was distributed to the Board.

The Board members would like to see the following considered for the update of the Village of Walden Code regarding property maintenance; regulating restaurant garbage containers, having licenced vehicles and equipment from auto repair shops not stored or left in the open, better control of dumpsters and litter, addressing issues of exterior paint and business signs, having no more than one unregistered vehicle stored on the premises, and said vehicle capable of passing a New York State motor vehicle inspection, no materials or stock-in-trade or other wares stored or displayed in a front or exterior or interior side yard, responsibilities of occupants, owners, and persons considered to be owners and tractor trailers being driven over village streets which are not making local deliveries. There was also discussion as to who would be enforcing such codes.

**ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Village Clerk

OCTOBER BILL LIST - OCTOBER 28, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
419	AGWAY	23.94
420	COUNTRY HARDWARE	26.50
421	ADAMS POWER	320.65
422	ADAMS POWER	45.83
423	ARKEL MOTORS	5,482.51
424	AWESCO	28.80
425	BELL HERRING , INC	92.50
426	COUNTRY HARDWARE	29.87
427	DAIRY MARK	5.96
428	DUTCHESS OVERHEAD DOORS	87.00
429	EXPANDED SUPPLY PRODUCTS, INC	88.70
430	EXPANDED SUPPLY PRODUCTS, INC	47.65
431	GALL'S	105.95
432	GEORGE'S AUTO PARTS	135.00
433	GOOSETOWN COMMUNICATION	319.76
434	GOOSETOWN COMMUNICATION	495.00
435	JIM SMITH CHEVY	63.62
436	JOHN QUALITY CLOTHIER	533.40
437	MAYBROOK MATERIALS	835.86
438	MAYBROOK MATERIALS	58.86
439	PLAZA MATERIALS CO.	140.56
440	QUAKER STATE CORP	1,214.64
441	RALPH C. HERMAN CO., INC	11.58
442	RALPH C. HERMAN CO., INC	685.69
443	JOHN REARDON AGENCY	1,203.96
444	COUNTRY HARDWARE	94.90
445	QUILL	199.33 9333
446	SCOTT JENNINGS	100.00
447	SLATER'S POWER	49.95
448	THRUWAY SHOPPING CENTER	56.99
449	TIMES HERALD RECORD	169.00
450	TIMES HERALD RECORD	23.04
451	THRUWAY SHOPPING CENTER	270.97
452	WALOR AUTO BODY	2,277.35
453	WALDEN AUTO SUPPLY	59.99
454	WALDEN AUTO SUPPLY	20.00
455	WALDEN AUTO SUPPLY	24.91
456	WALDEN AUTO SUPPLY	96.47
457	WALDEN AUTO SUPPLY	26.03
458	WALDEN AUTO SUPPLY	44.98
459	TIMES HERALD RECORD	74.00
460	USA WASTE SERVICE	65.00
461	FIRESTONE TIRE & SERVICE CENTER	336.74
462	ENVIRONMENTAL PAPER TOWEL SERVICE	150.30
463	RAYNARD OZMAN	20.00
464	CIARDULLO PRINTING	589.50
465	KACEY'S COMPUTER WAREHOUSE	375.00
466	FRANKLIN GUNERATNE, M.D.	81.00
467	MCBEE SYSTEM	399.03
468	THRUWAY SHOPPING CENTER	105.13
469	WORLD MAINTENANCE SUPPLIES, INC.	80.00

17,767.40

OCTOBER BILL LIST - OCTOBER 28,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-45	C T S MASONRY	2,174.50
F-46	DUSO CHEMICAL	331.60
F-46	HACH CO	76.40
F-47	CIARDULLO PRINTING	294.75
		<u>2,877.25</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-57	ADCO	112.00
G-58	ADCO	625.00
G-59	AIR POWER HOUSE, INC.	600.00
G-60	C T S MASONRY	2,174.50
G-61	ENVIROTEST LAB	635.00
G-62	RAMSCO	643.00
G-63	CIARDULLO PRINTING	294.75
		<u>5,084.25</u>

CAPITAL ACCOUNT #88	ADCO ELECTRIC	2,072.00
CAPITAL ACCOUNT #82	FRONTIER COMMUNICATIONS	550.00
CAPITAL ACCOUNT #82	ADCO	505.00
COMM DEV	ADCO	563.20
COMM DEV	DICK'S CONCRETE	1,472.00

OCTOBER BILL LIST - OCTOBER 28, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	2.98
	AGWAY PETROLEUM	302.50
	AGWAY PETROLEUM	697.77
	BELL ATLANTIC NYNEX	48.69
	BELL ATLANTIC NYNEX	107.25
	BELL ATLANTIC NYNEX	34.29
	FRONTIER COMMUNICATION	5.00
	FRONTIER COMMUNICATION	459.94
	FRONTIER COMMUNICATION	28.12
	NYSEG	979.40
	TOWN OF MONTGOMERY CHAMBER OF COMMERCE	50.00
	NYSEG	98.54
	PETTY CASH	46.16
	WAREX	442.74
		<u>3,303.38</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	683.26
	NYSEG	37.75
		<u>721.01</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	207.82

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## REGULAR MEETING

TUESDAY, OCTOBER 14, 1997 AT 7:00 P.M.

VILLAGE OFFICES - ONE MUNICIPAL SQUARE

COMMUNITY ROOM - SECOND FLOOR

### THE AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

Regular Board of Trustees meeting of September 23, 1997

4. BUSINESS OF THE BOARD OF TRUSTEES

A. ACTION ITEMS

1: Consideration of a resolution requesting real property tax exemption of Village-owned property devoted to water system facilities located outside the Village (Resolution 4-97-98).

2: Consideration of a request to create an additional full-time, permanent laborer position in the Department of Public Works and eliminate two full-time, temporary laborer positions in the Department of Recreation, and to transfer funds \$9,100 from A3620.100 to A51110.100 (Resolution 5-97-98).

3: Consideration of a request to close the following streets from 5:00 p.m. to 7:00 p.m., October 31, 1997, for the purpose of conducting the Halloween Parade: Municipal Square; Maple Street from Pine to Walnut; Orchard Street from Pine to Walnut; and, Walnut Street from Orchard Street to Maple Street; and, to designate "Trick or Treat" hours as 6:00 p.m. to 8:00 p.m., on Friday, October 31, 1997.

4: Payment of Audited Bills for October 14, 1997.

B. CORRESPONDENCE

1. Receipt of a letter from Ms. Gloria Calvino of 9 Pond Road regarding her quarterly sewer bill.

2. Receipt of a letter from the Office of Children and Family Services (formerly Division for Youth) regarding the Youth Center proposed to be constructed at Wooster Grove.

5. PUBLIC PORTION

6. MISCELLANEOUS COMMENTS BY BOARD MEMBERS

7. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
OCTOBER 14<sup>TH</sup>, 1997**

Mayor Andrew Uszenski called the regular 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  
Martin Besdesky  
Chris Forman  
Roy Wynkoop  
Mary Jean Norman  
Gregory Raymondo

**ALSO PRESENT:** Darren Hernandez, Village Manager  
Kevin Dowd, Village Attorney

**RECORDING SECRETARY:** Vicki Kurtz, Deputy Village Clerk

A moment of silence was observed for Richard Tenney.

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of September 23<sup>rd</sup>, 1997. Seconded by Trustee McGuckin. On roll call Trustees McGuckin, Besdesky, Forman, Raymondo and Mayor Uszenski voted yes. Trustees Wynkoop and Norman abstained.

**RESOLUTION NO. 4-97-98 REQUEST FOR REAL PROPERTY TAX EXEMPTION OF THE VILLAGE OWNED PROPERTY DEVOTED TO WATER SUPPLY FACILITIES**

Trustee McGuckin moved to adopt Resolution No. 4-97-98, Request for Real Property Tax Exemption of the Village Owned Property Devoted to Water Supply Facilities, (attached). Seconded by Trustee Besdesky. All Ayes. Resolution adopted.

**PERSONNEL CHANGES**

Trustee Besdesky moved to create an additional full time permanent laborer position in the Department of Public Works and to eliminate two full time temporary laborer positions in the Department of Parks and Recreation and to adopt Resolution No. 5-97-98, Budget Transfer, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

***HALLOWEEN PARADE AND "TRICK OR TREAT"***

Trustee Norman moved to permit the closing of the Municipal Square, Maple Street, from Pine to Walnut Streets; Orchard Street from Pine to Walnut Streets and Walnut Street from Orchard to Maple Streets from 5 P.M. to 7 P.M. on October 31<sup>st</sup> for the Halloween Parade and to designate "Trick or Treat hours from 6 P.M. to 8 P.M. on Friday, October 31<sup>st</sup>". Seconded by Trustee McGuckin. All ayes. Motion carried.

***AUDITED BILLS***

Trustee Forman moved to pay the audited bills of October 14<sup>th</sup>. Seconded by Trustee McGuckin. On roll call Trustees Forman, Besdesky, Wynkoop, Norman, Raymondo and Mayor Uszenski voted yes. Trustee McGuckin abstained.

***CORRESPONDENCE***

A letter was received from Ms. Gloria Calvino, 9 Pond Road asking for relief of her sewer bill.

After a brief discussion this was tabled until the next board meeting.

A letter was received from the Office of Children and Family Services stating that in the 1997-98 budget there is \$392,000 for the youth center proposed at Wooster Grove.

A letter was received from Al Fusco, Orange Recycling and Ethanol Production Facility asking to come before the board.

After a lengthy discussion it was the consensus of the board to get figures on the cost of municipal garbage collection and invite Mr. Fusco to the November 11<sup>th</sup> Board meeting.

An invitation to the Chamber of Commerce Annual Fall Dinner was extended to the board.

Trustee Besdesky moved to authorize the Mayor and Manager attend the Chamber of Commerce Annual Fall Dinner on October 17<sup>th</sup>, 1997. Seconded by Trustee Wynkoop. All ayes. Motion carried.

***PUBLIC PORTION***

Bob Lamancuso, 33 Gladstone Avenue brought up the following concerns, the necessity of the fire horn, assessing a homeowner for garbage collection. He also asked about the parking enforcement officer and how the village enforces the law.

Becky McNally expressed her concerns about the street light in front of her house which

goes off and on all the time. She also asked what can be done this winter to insure that her mail box doesn't get damaged?

Mike Buckley asked if the village could have the recycling center open on Sundays for the acceptance of brush and leaves. He also stated that he is concerned about the village not having a crossing guard in the area of Grant Street. Mr. Buckley further asked about the village policy regarding the filling of pools and being charged a sewer rate. He was also concerned about the board eliminating public portion at the first meeting of the month.

Becky Pearson, 167 Walnut Street stated that she feels the fire horn is part of the history of this village and she is in favor of it. She asked about the parking enforcement officer and also about the public portion being eliminated at the first meeting of the month.

Larry Sager, 178 Orchard Street commented about the parking markings on Orchard Street, and stated that there is no crossing guard at the corner of Pine and Orchard Streets. He suggested Pine and Maple Streets be made one way. Mr. Sager also asked about the agenda for the first meeting of the month, no public portion with a work session. He also asked that the board look at the Village Code regarding multi family housing, family style.

### ***REPORTS-COMMITTEE***

Trustee Norman advised the board that she and Trustee Besdesky will be meeting with the Fire Commissioners regarding the fire horn. She further stated that its been three weeks since she's asked Mr. Howland for a recreation report and she still hasn't received it.

Trustee Wynkoop stated that the property on Valley Avenue is piling up garbage again.

Trustee Raymondo stated that there is garbage between the Gridley building and the old Eagle Hotel.

Trustee Norman stated that there are couches on Ulster Avenue.

Trustee Forman thanked Mr. Lamancuso for the idea of marking Orchard Street, which he feels can be extended in other areas of the village.

Trustee Wynkoop asked if anything can be done about the noise coming from NELCO?

### ***EXECUTIVE SESSION***

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

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee

Forman: All ayes. Meeting reconvened.

Trustee Besdesky made a motion to authorize the settlement of the Related Housing tax certiorari proceedings. Seconded by Trustee Forman. All ayes. Motion carried.

***ADJOURNMENT***

Trustee Forman 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 in a cursive style.

Nancy Mitchell  
Village Clerk

**RESOLUTION NO. 4-97-98**

**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:

<b>SECTION</b>	<b>BLOCK</b>	<b>LOT</b>
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 and 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 from Orange County real property taxes commencing for calendar year 1999 for the parcels of real property identified as follows in the Town of Montgomery:

<b>SECTION</b>	<b>BLOCK</b>	<b>LOT</b>
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, Chair Orange county Legislature  
Hon. Joel Kleiman, Chair 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 McBuckin and seconded by  
Trustee Besdokey. The vote was 7 ayes to 0 naves with 0  
abstentions. The Mayor declared the resolution adopted on October 14<sup>th</sup>, 1997.

RESOLUTION NO. 5-97-98

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

<u>DECREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A3620.100 Personal Ser.	\$9,100.00	\$37,286.00

<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A5110.100 Personal Ser.	\$9,100.00	\$176,432.00

Motion to adopt by Trustee Bordowicz and seconded by Trustee Wynkoop.  
The vote was 1 ayes to 0 nays with 0 abstentions. The Mayor  
declared the resolution adopted on October 14, 1997.

OCTOBER BILL LIST - OCTOBER 14, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
399	ANACONDA -KAYE SPORTS, INC.	395.70
340	AGWAY	99.80
341	ANNESE & ASSOCIATES	223.04
342	AGWAY	59.88
343	COUNTRY HARDWARE	386.85
344	AL VALK'S	30.00
345	AMTHOR'S WELDING	70.00
346	AMTHOR'S WELDING	54.32
347	AL VALK'S	50.00
348	BARTON CHEVROLET	126.00
349	AMERICAN ALARM CO	1,146.00
350	ARKEL MOTORS, INC.	495.69
351	CHARLES B MERRILL	201.28
352	CHARLES B MERRILL	401.95
353	CHERRY TIRE SERVICE, INC	46.80
354	CHAMBERS FORD TRACTOR SALES	126.51
355	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,333.33
356	EXPANDED SUPPLY PRODUCTS, INC.	73.00
357	FEDERAL BLOCK CORP	18.60
358	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	944.35
359	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	65.25
360	GLOBAL DIRECT	310.90
361	GLOBAL DIRECT	33.00
362	JEFFRY HOLMES	100.00
363	HUDSON VALLEY AWARD, INC	52.86
364	JAMES REED SALES, INC.	2,305.08
365	JANICE SMALLING	66.00
366	JENNIFER CIMORELLI	135.62
367	KURTZ VICKI	103.53
368	KURTZ VICKI	100.00
369	LYNN PEAVEY CO.	58.80
370	MAYBROOK MATERIALS INC.	60.57
371	MAYBROOK MATERIALS INC.	1,229.78
372	MID HUDSON OFFICE SUPPLY	34.18
373	MIDWEST MICRO	2,143.00
374	MIDWEST MICRO	1,063.36
375	MUNICIPAL ADMINISTRATORS ASSOCIATION	35.00
376	NYCAL INDUSTRIES	144.02
377	NEW YORK COMMUNICATIONS CO., INC.	1,480.00
378	NEWBURGH WINWATER	1,155.00
379	SARJO INDUSTRIES	168.77
380	ORANGE AUTO ELECTRIC	40.00
381	OUTDOOR AFFAIR, INC.	328.00
382	ARCH (PAGE NY )	33.75
383	P B C C (PITNEY BOWES)	2,504.85
384	PITNEY BOWES	69.00
385	POWERPHONE, INC.	258.00

*Pd on Voucher  
23377  
Check # 9003*

OCTOBER BILL LIST - OCTOBER 14,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
386	QUARTER MASTER	320.15
387	QUARTER MASTER	508.45
388	ROBERT GREEN	261.05
389	ROGO FASTENER CO.,INC.	65.59
390	SANWA LEASING CORP.	135.00
391	SMITH COMMERICAL TIRE	949.56
392	TREADWAY GRAPHICS	15.00
393	THRUWAY SPORTING GOODS	90.00
394	THRUWAY SHOPPING CENTER	45.67
395	THRUWAY SHOPPING CENTER	37.95
396	THRUWAY SHOPPING CENTER	25.26
397	TIGER SOFTWARE	408.97
398	TIGER SOFTWARE	321.87
399	TIMES HERALD RECORD	25.92
400	VINCENT TOOMEY	600.00
401	WALDEN AUTO SUPPLY	61.51
402	WALDEN AUTO SUPPLY	28.62
403	WALDEN AUTO SUPPLY	38.30
404	WALDEN AUTO SUPPLY	40.89
405	WALLKILL VALLEY TIMES	40.00
406	WALOR AUTO BODY	2,277.35
407	OR CO.SANITARY LANDFILL	499.60
408	WICKES LUMBER	157.82
409	TIMES HERALD RECORD	22.32
410	CENTRAL LEWMAR	906.30
411	JAN WEINER	130.00
412	NANCY MITCHELL	283.00
413	COMPUTER WAREHOUSE	982.00
414	FRANKLIN QUEST	40.30
415	AMERICAN CLEANERS	268.71
416	JIM'S GREENHOUSE	999.00
417	THRUWAY SHOPPING CENTER	262.35
418	MID-HUDSON OFFICE PRODUCTS	74.85
		<u>33,108.63</u>

OCTOBER BILL LIST - OCTOBER 14, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-36	ORANGE COUNTY LAB	135.00
F-37	RAMSCO	685.00
F-38	WILLIAMSON LAW BOOKS	68.16
F-39	COUNTRY HARDWARE	18.93
F-40	DRAKE SOMMERS LOEB	416.67
F-41	ARCH PAGE NY	6.75
F-42	MID HUDSON OFFICE SUPPLY	8.00
F-43	OCL ANALYTICAL LAB	<395.00>
		<u>11,212.60</u>

pd.  
Check # 8945

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-47	ALLIED UNIVERSAL	249.00
G-48	GRAPHIC CONTROLS	93.01
G-49	GEORGE MATHEWSON	782.76
G-50	GEORGE MATHEWSON	545.00
G-51	GEORGE MATHEWSON	425.10
G-52	HUDSON AUTO & INDUSTRIAL FASTENERS	211.85
G-53	WILLIAMSON LAW BOOK	68.15
G-54	COUNTRY HARDWARE	55.20
G-55	DRAKE SOMMERS LOEB	416.67
G-56	THRUWAY SHOPPING CENTER	20.01

2,866.75

CAPITAL ACCOUNT #82	IPPCO, INC.	550.00
CAPITAL ACCOUNT #82	CONTRACTORS CASUALTY & SURETY CO	13,827.91
CAPITAL ACCOUNT #82	DEMBERG BROTHERS, INC.	5,967.00
CAPITAL ACCOUNT #82	LIEBMAN - HURWITZ	1,000.00
CAPITAL ACCOUNT #82	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	138.25
COMM DEV	GROSSO MATERIALS, INC.	282.69
SMALL CITIES 95	HUDSON VALLEY BLACK PRESS	84.00
SMALL CITIES 92	HUDSON VALLEY HOME IMPROVEMENT SERVICES	8,000.00
COMM DEV	JIM'S GREENHOUSE	1,796.00

Corn

wish

11,945

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## WORK SESSION MEETING

TUESDAY, SEPTEMBER 23, 1997 AT 7:00 P.M.  
VILLAGE OFFICES - ONE MUNICIPAL SQUARE

### THE AGENDA - REVISED 9/22/97

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

Regular Board of Trustees meeting of September 9, 1997

4. BUSINESS OF THE BOARD OF TRUSTEES

A. ACTION ITEMS

1: Consideration of a proposal by Nugent & Haeussler, P.C. to audit the funds of the Village of Walden for the period of June 1, 1996 through May 31, 1997, at an estimated cost of \$7,650.00.

2: Consideration of Budget Transfer (Resolution 3-97-98) for the purpose of purchasing computer equipment for the Court Clerk and for paying costs associated with the removal of underground fuel storage tanks at the Department of Public Works garage.

3: Payment of Audited Bills for September 23, 1997.

B. CORRESPONDENCE

1. Receipt of a letter from Frank and Linda Glynn requesting annexation into the Village.

5. EXECUTIVE SESSION - ATTORNEY/CLIENT DISCUSSION

6. WORK SESSION ITEMS

1. Various vehicle and traffic issues.

2. Village Code revision.

7. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
SEPTEMBER 23<sup>RD</sup>, 1997**

Mayor Andrew Uszenski called the regular 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  
Chris Forman  
Martin Besdesky  
Greg Raymondo

**ABSENT:** Trustees Roy Wynkoop  
Mary Jean Norman

**ALSO PRESENT:** Darren Hernandez, Village Manager  
Kevin Dowd, Village Attorney

**RECORDING SECRETARY:** Nancy Mitchell, Village Clerk

**ADOPTION OF MINUTES**

Trustee Besdesky moved to adopt the minutes of September 9<sup>th</sup>, 1997. Seconded by Trustee Forman. All ayes. Minutes adopted.

**PRESENTATION OF OLD PHOTOS**

R.J. Smith presented the Board with old photos of Walden to be hung in the newly renovated municipal building.

Trustee Forman moved to accept the donation of old photos from R.J. Smith to the Village of Walden. Seconded by Trustee McGuckin. All ayes. Motion carried.

**PROPOSAL FOR FISCAL YEAR 1996-1997 AUDIT**

Trustee McGuckin moved to accept the proposal to do the Fiscal Year 96/97 audit from Nugent and Haeussler, P.C. at an estimated cost of \$7,650.00. Seconded by Trustee Besdesky. All ayes. Motion carried.

***RESOLUTION NO. 3-97-98, BUDGET TRANSFER***

Trustee McGuckin moved to adopt Resolution No. 3-97-98, Budget Transfer. Seconded by Trustee Forman. All ayes. Resolution adopted.

***AUDITED BILLS***

Trustee Besdesky moved to pay the audited bills of September 23<sup>rd</sup>, 1997. Seconded by Trustee Forman. All ayes with the exception of Trustee Raymondo abstaining. Motion carried.

***CORRESPONDENCE***

A letter was received from Frank and Linda Glynn requesting annexation into the Village of Walden. This was referred to the Village Attorney.

***ADJOURNMENT-ATTORNEY CLIENT PRIVILEGES***

Trustee Besdesky moved to adjourn the regular meeting for attorney client privileges. Seconded by Trustee McGuckin. All ayes. Meeting adjourned.

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

***WORK SESSION***

The Board of Trustees held a work session to discuss vehicle and traffic issues and Village Code revisions. The following concerns were raised: getting building permit issues cleared up in a timely manner, homes that the paint is peeling and porch railings that are falling down, looking at residential properties first then looking at commercial properties, having repair shops park cars in the rear of their property, the condition of business signs, business districts not having garbage out on the street, restaurants having two days to have their garbage removed, looking at health and safety issues first, condition of rental properties, commercial vehicles in residential areas, inspection of multi family homes, licensing rental properties, unlicensed vehicles and having indoor furniture outdoors.

The Board further discussed shortening the Board meeting minutes, having one full agenda meeting a month and one shortened with a work session.

**ADJOURNMENT**

Trustee Besdesky moved to adjourn. Seconded by Trustee McGuckin. All ayes. The meeting was adjourned at 9:25 PM.

*Respectfully submitted,*

A handwritten signature in black ink, appearing to read "Nancy Mitchell". The signature is fluid and cursive, with a large loop at the end of the last name.

*Nancy Mitchell  
Village Clerk*

RESOLUTION NO. 3-97-98

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

<u>DECREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1110.100 Village Justice	\$400.00	\$51,828.00
A1990.400 Contingent Account	\$7,317.00	\$21,268.00

<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1110.201 Office Equipment	\$400.00	\$ 950.00
A2989.460 Other Education-DARE	\$500.00	500.00
A1640.210 Fuel Storage Tanks	\$6,817.00	16,817.00

Motion to adopt by Trustee McGuirk and seconded by Trustee Folman.  
The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on September 23, 1997.

SEPTEMBER BILL LIST - SEPTEMBER 23,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
344	AWESCO	29.76
345	AMSTERDAM PRINTING	37.10
346	CIARDULLO PRINTING	42.00
347	COUNTRY HARDWARE	84.99
348	DANIELS AGENCY, INC.	250.00
349	ENVIRONMENTAL PAPER TOWEL SERVICES	95.10
350	EXPANDED SUPPLY PRODUCTS	50.62
351	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	95.50
352	GROSSO MATERIALS, INC.	244.02
353	RALPH C. HERMAN CO., INC.	210.37
354	HUDSON AUTO & IND FASTENERS	43.51
355	MAYBROOK MATERIALS	295.97
356	MAYBROOK MATERIALS	420.44
357	NYCOM	110.00
358	NATIONAL FIRE PROTECTION	455.00
359	OR CO. SANITARY LANDFILL	682.75
360	OR AUTO ELECTRIC	40.00
361	SCHMIDTS WHOLESALS	43.04
362	SMITH'S COMMERICAL TIRE SERVICES	125.50
363	VINCENT TOOMEY	341.53
364	WALLKILL VALLEY TIMES	261.00
365	WEINERT'S T SHIRTS	1,200.50
366	E.A. MORSE	77.60
367	CCP INDUSTRIES	99.00
368	DAIRY MARK	7.45
369	ENVIRONMENTAL PAPER TOWEL SERVICE	141.60
370	EXPANDED SUPPLY PRODUCTS, INC.	204.00
371	FLAG GUYS	94.00
372	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	58.50
373	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	65.25
374	GEORGE'S AUTO PARTS	200.00
375	GEORGE'S AUTO PARTS	359.14
376	GEORGE'S AUTO PARTS	22.68
377	THRUWAY SHOPPING CENTER	119.00
378	WALDEN AUTO SUPPLY	215.60
379	WALDEN AUTO SUPPLY	43.20
380	WALLKILL AUTO SALES CORP	168.46
381	WALDEN AUTO SUPPLY	36.26
382	BECKER BUSINESS SYSTEMS	133.00
383	CIARDULLO PRINTING	195.00
384	GLOBAL DIRECT	3,817.98
385	THRUWAY SPORTING GOODS	33.00
386	TREADWAY	51.00
387	SANWA LEASING	135.00
388	STIEFEL RESEARCH INSTITUTE	10.84-
389	TREADWAY GRAPHIC	437.33
390	FRED PERNA	10.80-
391	THRUWAY SHOPPING CENTER	77.43
392	THRUWAY SHOPPING CENTER	99.99
393	SOHN'S MUSIC SHOP	24.95

SEPTEMBER BILL LIST - SEPTEMBER 23, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
394	MANZA FAMILY FARM	26.50
395	DEVITTS SUPPLY, INC.	325.00
396	WALTER SWEED	58.98
397	MID HUDSON OFFICE PRODUCTS	400.00

12,907.24

SEPTEMBER BILL LIST - SEPTEMBER 23,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-32	ORANGE COUNTY LABORATORY	200.00
F-33	HACH CO	118.25
F-34	JONES CHEMICALS	612.25
F-35	JOSEPH G POLLARD CO., INC.	298.11
		<u>1,228.61</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-42	AMTHOR'S WELDING	200.54
G-43	ENVIROTEST LABORATORIES, INC.	810.00
G-44	GEORGE MATHEWSON CO., INC.	2,107.75
G-45	NEWBURGH STEEL PRODUCTS	22.33
G-46	RAMSCO, INC.	495.28
		<u>3,635.90</u>

CAPITAL ACCOUNT #82	NYSEG MUNICIPAL BLDG	7.90
CAPITAL ACCOUNT #82	CANALE ELECTRIC MUNICIPAL BLDG	689.73
CAPITAL ACCOUNT #82	COUNTRY HARDWARD	119.14
COMM DEV	MAYBROOK MATERIALS	345.66
COMM DEV	MAYBROOK MATERIALS	31,427.48
SMALL CITIES	NUGENT & HAEUSSLER	7,500.00

SEPTEMBER BILL LIST - SEPTEMBER 23,1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	9.10
	BELL ATLANTIC NYNEX	17.09
	FRONTIER COMMUNICATIONS	317.29
	FRONTIER COMMUNICATIONS	362.32
	AGWAY PETROLEUM	56.56
	BELL ATLANTIC NYNEX	76.84
	COASTAL REFINING & MARKETING.	117.84
	CL & EJ GRIDLEY	971.48
	FRONTIER COMMUNICATIONS	73.35
	FRONTIER COMMUNICATIONS	717.89
	FRONTIER COMMUNICATIONS	171.50
	NYSEG	1,072.51
	NYSEG	5,817.68
	NYSEG	387.50
	PAGE NY	35.76
	WAREX	1,479.84
	POSTMASTER	600.00
		<u>12,284.55</u>

WATER FUND

	FRONTIER COMMUNICATIONS	82.05
	FRONTIER COMMUNICATIONS	211.57
	NYSEG	2,483.26
	PAGE NY	6.75
	POSTMASTER	58.79
		<u>2,842.42</u>

SEWER FUND

	FRONTIER COMMUNICATIONS	52.71
	FRONTIER COMMUNICATIONS	96.19
	NYSEG	2,231.41
	POSTMASTER	58.79
		<u>2,439.10</u>

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## REGULAR MEETING

TUESDAY, SEPTEMBER 9, 1997 AT 7:00 P.M.  
VILLAGE OFFICES - ONE MUNICIPAL SQUARE

### THE AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

Regular Board of Trustees meeting of August 12, 1997

4. BUSINESS OF THE BOARD OF TRUSTEES

A. ACTION ITEMS

1: Consideration of a request by the Walden Day Committee to close Municipal Square and Main Street (from Bank Street to Oak Street) on Saturday, September 27, 1997, from 7:00 A.M. to 6:00 P.M., for the purpose of conducting Walden Day activities.

(Recommendation: Authorize street closure)

2: Consideration of a request by Orange County Police Academy to use the Village of Walden Pistol Range on September 13, September 20, September 27, October 4 and October 18, 1997, pending receipt of a certificate of insurance. (Recommendation: Grant conditional approval)

3: Payment of Audited Bills for September 9, 1997. (Recommendation: Authorize payment)

B. DISCUSSION ITEMS

1. Placing a stop sign at Jessup on Highland and Wileman Avenues.

2. Creating a "Rail Trail" on the Conrail right of way.

3. Suggestion to purchase 17 Oak Street.

C. INFORMATIONAL ITEMS

D. CORRESPONDENCE

5. PUBLIC PORTION

6. MISCELLANEOUS COMMENTS BY BOARD MEMBERS

7. EXECUTIVE SESSION

For the purpose of discussing collective bargaining negotiations with the CSEA.

8. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
SEPTEMBER 9<sup>TH</sup>, 1997**

Mayor Andrew Uszenski called the regular 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  
Martin Besdesky  
Chris Forman  
Roy Wynkoop  
Greg Raymondo  
Mary Jean Norman

Also Present: Darren Hernandez, Village Manager  
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

**PRESENTATION**

Mayor Uszenski presented Village Clerk Nancy Mitchell and Village Treasurer Jan Weiner with plaques for their hard work during the period the village was without a village manager.

**APPROVAL OF MINUTES**

Trustee McGuckin moved to adopt the minutes of September 9, 1997. Seconded by Trustee Forman. All ayes with the exception of Trustee Wynkoop abstaining. Motion carried.

**WALDEN DAY COMMITTEE REQUEST**

Trustee Besdesky moved to approve the request of the Walden Day Committee to close Main Street on Saturday, September 27<sup>th</sup>, 1997 from 7:00 A.M. until 6:00 P.M. and to close Municipal Square from 7:00 A.M. until 11:00 P.M. Seconded by Trustee Norman. All ayes. Motion carried.

**ORANGE COUNTY POLICE ACADEMY REQUEST**

Trustee Raymondo moved to allow the Orange County Police Academy to use the Village of Walden pistol range on September 13<sup>th</sup>, September 20<sup>th</sup>, September 27<sup>th</sup>, October 4<sup>th</sup> and

October 18<sup>th</sup>, 1997. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **AUDITED BILLS**

Trustee Besdesky moved to pay the audited bills of September 9<sup>th</sup>, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

### **STOP SIGN AT JESSUP STREET ON HIGHLAND AND WILEMAN AVENUES**

After a brief discussion action was tabled until the next board meeting regarding the stop sign at Jessup Street on Highland and Wileman Avenues in order for other stop sign considerations throughout the village be researched.

### **CREATING A "RAIL TRAIL"**

Manager Hernandez stated that he wrote to Congressman Gilman for more information on the abandoned Conrail property. There is a small portion of property to be bought. The Town of Montgomery owns from the Pierce property to Osiris.

### **17 OAK STREET**

Manager Hernandez stated that he has been in touch with the County Commissioner of Finance and the County Executive regarding 17 Oak Street. The listed price for the property is \$30,000. There is approximately \$24,000 in outstanding taxes. He asked that the county do some remedial work to the exterior of the building and he was told that it's not the county's policy for properties that they had gotten through tax reversion to do any improvements.

It was the consensus of the board to wait and see if the county gets a buyer for the property rather than burden the taxpayers of Walden.

### **TREE PROGRAM**

Trustee Wynkoop informed the board that he has spoken to a representative of Cherokee Tree Service who says that there are 22 trees in the group of trees that are missing throughout the village. The tree service recommended the village plant cherry trees or crab apple trees. They also recommended the village remove the bricks because its hindering the growth of the trees and damages them. Trustee Wynkoop would like to get some volunteers to help with the program.

Mrs. Pearson suggested that the village purchase metal grates to be put around the bottom of the trees.

### **PUBLIC PORTION**

Bob Lamancuso suggested the village bring in a three-foot curtain at the entrance to Wooster Grove so the transition from the old asphalt where the plow blade goes across doesn't

allow the plow to drop and dig up the new material.

Steve Sabine, New York State Electric and Gas offered the services of their forester to help out with the tree program. He also offered to contribute trees. He further advised the board that N.Y.S. E & G. rates will be frozen through the year 2002. They are also reinstating the community watch program.

Mayor Uszenski asked Mr. Sabine about hanging Christmas lights on the electric poles.

Mr. Sabine advised the Mayor that the village has a pole attachment agreement with NYSE&G. They can work out an agreement to bill the electricity at a flat rate.

Liz Mroczkowski, 3 Hidden View Drive asked if there was anything new on the paving of Hidden View Drive?

Manager Hernandez advised Mrs. Mroczkowski that the decision to pave Hidden View Drive would be done next year during budget preparation.

Mary Huber, South Montgomery Street stated that 17 Oak Street has been that way for fifteen years, why not let it hang around for another fifteen.

Larry Sager, 78 Orchard Street asked what was happening with 11-17 Main Street. The owner is putting his material behind the building.

#### **REPORTS - COMMITTEE**

Trustee Norman thanked the manager for getting the property on Valley Avenue cleaned up.

Trustee Besdesky stated that he is very pleased with the paving of Wooster Grove.

Trustee Forman asked that a barrier be put in front of the municipal building to delineate the sidewalk from the street.

Trustee McGuckin stated that the auto body shop on East Main Street emptied their dumpster and he is under the impression that a lot of the stuff is now behind the building. He would like the building inspector to look into that.

Trustee McGuckin further stated that last week there was a dead skunk on Oak Street and everyone kept running over it. He would like the police to report something like that and advise the DPW Superintendent.

#### **REPORTS - MAYOR**

Mayor Uszenski asked that a street sign survey be done to try and cut down on the

number of signs throughout the village.

Mayor Uszenski further asked that fall flowers be planted in the wooden barrels around the village. The plantings for the entrance sign on Route 208 need to be fixed.

Mayor Uszenski stated that the next board meeting he would like a light agenda so the Board can hold a work session to discuss codes. He would also like the Judge and Building Inspector present.

#### **REPORTS -MANAGER**

Manager Hernandez advised the Board that he was in contact with the cable company regarding Mrs. Garcia's complaint and they advised him that they were aware of the problem and were working to correct it.

Manager Hernandez further advised the Board that the paving program went very well and 238 children were sign up for the soccer program.

#### **EXECUTIVE SESSION**

Trustee McGuckin moved to hold an executive session pursuant to 105-(e) 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**

Trustee Norman moved to adjourn. Seconded by Trustee Besdesky. All ayes. Meeting adjourned at 8:20 P.M.

Respectfully submitted,



Nancy Mitchell  
Village Clerk

SEPTEMBER BILL LIST = SEPTEMBER 9, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
280	AL VALK'S GARAGENINC.	10.00
281	AMERICAN CLEANERS	169.74
282	AWESCO	46.01
283	CHARLES B MERRILL	276.42
284	BARTON CHEVROLET, INC.	96.75
285	COUNTRY HARDWARE	248.80
286	COUNTRY HARDWARE	289.93
287	CUSTOM MONITORING	84.00
288	CUSTOM MONITORING	55.50
289	DRAKE SOMMERS LIEB TARSHIS & CATANIA P.C.	3,333.33
290	GOR-DUN'S CO.	138.85
291	HERNANDEZ DARREN	56.73
292	GOOSETOWN COMMUNICATIONS	68.50
293	HODGSON FARMS	30.00
294	I A C P INTERNATIONAL ASSOC OF CHIEF OF POLICE	160.00
295	JARVIS BRIAN	1,158.39
296	L DEGROODT PAVING	450.00
297	MCBEE SYSTEM, INC.	96.78
298	MEADOWLANDS CASTLE, INC.	675.50
299	MID VALLEY OIL CO.	86.75
300	OMNIFAX	156.00
301	PLAYLAND GROUP SALES	435.00
302	QUAKER STATE COPP	230.58
303	SARJO INDUSTRIES	31.76
304	SARJO INDUSTRIES	30.29
305	NYSDCJS	150.00
306	SANWA	135.00
307	WEST PUBLISHING PAYMENT CENTER	29.35
308	SWANK MOTION PICTURES	248.00
309	THRUWAY SHOPPING CENTER	78.19
310	THRUWAY SHOPPING CENTER	109.46
311	THRUWAY SHOPPING CENTER	82.88
312	THRUWAY SHOPPING CENTER	26.51
313	THRUWAY SHOPPING CENTER	134.62
314	THRUWAY SPORTING GOODS	15.98
315	USA WASTE SERVICES	65.00
316	WALDEN AUTO SUPPLY	167.56
317	WATER SAFETY PRODUCTS	216.18
318	WALDEN PLUMBING & HEATING	203.40
319	WEST GROUP	29.35
320	WINDOWS NT MAGAZINE	39.95
321	WILLIAMSON LAW BOOK	287.52
322	WINWATER WORKS CO.	215.00
323	ZOOM FLUME WATER PARK	996.00

SEPTEMBER BILL LIST - SEPTEMBER 9, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
324	GEORGE AUTO SUPPLY	5.12
325	NYS ASSOC OF CITY & VILLAG CLERKS	35.00
326	WALLKILL VALLEY TIMES	4.62
327	GODEFFROY CAR CO., INC.	2,590.00
328	ANNESE & ASSOCIATES, INC.	223.04
329	IRA D COMKLIN & SONS	7,450.00
330	WALDEN SENIOR CITIZENS	600.00
331	NYCOMCO	1,480.00
332	QUILL	302.40
333	QUILL	616.87
334	QUILL	137.67
335	QUILL	78.48
336	NYS SOCIETY MUNICIPAL FINANCE OFFICE	65.00
337	IRA D CONKLIN & SONS, INC.	9,366.45
338	MID HUDSON OFFICE	598.00
339	SUTTON AG ENTERPRISES, INC.	177.75
340	CHARLES B MERRILL	149.57
341	CHARLES B MERRILL	451.00
342	COUNTRY HARDWARE	360.21
343	BRIAN JARVIS	45.00
		<hr/>
		36,381.74
		<hr/> <hr/>

SEPTEMBER BILL LIST - SEPTEMBER 4, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-22	COUNTRY HARDWARE	69.86
F-23	COUNTRY HARDWARE	83.79
F-24	DUSO	337.80
F-25	MID HUDSON OFFICE	74.00
F-26	DRAKE SOMMERS LOEB TARSHIS & CATANIA	416.67
F-27	ORANGE COUNTY LAB	195.00
F-28	DUSO	658.80
F-29	AMERICAN ALARM CO	28.00
F-30	COUNTRY HARDWARE	35.77
		<u>1,899.69</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-27	ALLIED UNIVERSAL CORP	498.00
G-28	COUNTRY HARDWARE	16.18
G-29	COUNTRY HARDWARE	114.61
G-30	ENVIRO-ZYME	1,350.65
G-31	MID HUDSON OFFICE	74.00
G-32	DRAKE SOMMERS LOEB TARSHIS & CATANIA	416.67
G-33	MIDDLETOWN ELECTRIC MOTOR	62.00
G-34	NEWBURGH WINWATER	906.50
G-35	PINE BUSH EQUIPMENT	49.04
G-36	REGULATORY FEE DETERMINATION UNIT	7,500.00
G-37	SHARE CORP	229.63
G-38	SLATER'S	37.95
G-39	THRUWAY SHOPPING CENTER	279.99
G-40	COUNTRY HARDWARE	50.86
		<u>11,586.08</u>

SEPTEMBER BILL LIST - SEPTEMBER 9, 1997

CAPITAL ACCOUNT

CAPITAL ACCOUNT #53	COUNTRY HARDWARE	39.44
CAPITAL ACCOUNT #82	CHARLES MERRILL	1,761.00
CAPITAL ACCOUNT #82	MID HUDSON OFFICE	913.40
CAPITAL ACCOUNT #37	L DEGROODT PAVING	7,584.22
CAPITAL ACCOUNT #78	L DEGROODT PAVING	2,415.78
CAPITAL ACCOUNT #82	CHARLES MERRILL	538.00
COMM DEV	COUNTRY HARDWARE	53.50
COMM DEV	COUNTRY READI MIX	393.25
COMM DEV	COUNTRY READI MIX	357.50
COMM DEV	WICKES	68.45
COMM DEV	DICK'S CONCRETE	1,115.00
COMM DEV	MAYBROOK MATERIALS	168.72
COMM DEV	HARRIS & SON	40.90
COMM DEV	L DEGROODT PAVING	3,400.00
SMALL CITIES	CHARLES MERRILL	309.00
COMM DEV	COUNTRY HARDWARE	28.72
CAPITAL ACCOUNT #82	JEFF LOWE PLUMBING AND HEATING	6,577.71
CAPITAL ACCOUNT #82	FRONTIER COMMUNICATIONS	3,539.85

SEPTEMBER BILL LIST - SEPTEMBER 9, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	1.43
	AT & T	10.40
	BELL ATLANTIC NYNEX	151.45
	BELL ATLANTIC NYNEX	104.55
	FRONTIER COMMUNICATIONS	318.22
	FRONTIER COMMUNICATIONS	72.77
	FRONTIER COMMUNICATIONS	5.00
	FRONTIER COMMUNICATIONS	47.13
	GOR-DUN'S INC	10.00
	NYSEG	5,605.54
	NYSEX	129.35
	PETTY CASH	48.16
	PETTY CASH	34.69
	POSTMASTER	600.00
	WAREX TERMINAL CORP	647.46
		<u>7,786.15</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	232.80
	CENTRAL HUDSON	631.99
	FRONTIER COMMUNICATIONS	109.29
	FRONTIER COMMUNICATIONS	84.25
	NYSEG	8.27
		<u>1,066.60</u>

SEWER FUND

<u>VOUCHER</u>	<u>VEDDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	57.95
	FRONTIER COMMUNICATIONS	58.70
	NYSEG	50.08
	NYSEG	154.39
		<u>321.12</u>

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

REGULAR MEETING

TUESDAY, AUGUST 12, 1997 AT 7:00 P.M.

VILLAGE OFFICES - 8 SCOFIELD STREET

## THE AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

Regular Board of Trustees meeting of July 22, 1997

4. BUSINESS OF THE BOARD OF TRUSTEES

### A. ACTION ITEMS

1: Consideration of the proposed 1997 Paving Program. This program includes reclaiming and repaving Grant, Railroad and John Sts., and the parking lot of Wooster Grove. A \$15,000 grant has been received from the State for the reconstruction of Grant. The net cost to the Village for this program is \$49,661. UDAG funds would be used to finance this program.

(Recommendation: Authorize staff to commence the proposed 1997 Paving Program)

2: Consideration of a recommendation to transfer \$1,415 from A1990.4 (Special Items - Contingent Account) to A1410.2 (Village Clerk - Equipment) for the purpose of purchasing a computer, keyboard and monitor for the Village Clerk. (Recommendation: Approve transfer)

3: Consideration of a request by Ms. Maureen McNamee to close Maple Street, between Scofield and Walnut, on Sunday, August 17, 1997, from 2:00 P.M. to 5:00 P.M., for the purpose of conducting a "Celebration of Life" 98th birthday party for Mr. George Cowal.

(Recommendation: Approve street closing)

4: Payment of Audited Bills for August 12, 1997. (Recommendation: Authorize payment)

### B. PUBLIC HEARING

Proposed amendment to the Program Year 1995 Small Cities grant.

### C. DISCUSSION ITEMS

1. Police Department Bicycle Patrol Initiative

2. Village of Montgomery General Montgomery Day Parade

3. Proposed Wooster Grove Youth Center

### D. INFORMATIONAL ITEMS

1. Business Incubator update

2. Status Report on various code enforcement issues and briefing of the Building Permit process.

### E. CORRESPONDENCE

5. PUBLIC PORTION

6. MISCELLANEOUS COMMENTS BY BOARD MEMBERS

7. EXECUTIVE SESSION

For the purpose of discussing collective bargaining negotiations with the CSEA.

8. ADJOURNMENT



Board of Trustees Meeting  
August 12, 1997

Seconded by Trustee Besdesky. All ayes. Motion carried.

### **REQUEST TO CLOSE A PORTION OF MAPLE STREET**

Mrs. McNamee requests the closing of Maple Street between Scofield Street and Walnut Street, on Sunday, August 17<sup>th</sup>, 1997 from 2:00 P.M. until 5:00 P.M. for the purpose of conducting a "Celebration of Life" 98<sup>th</sup> birthday party for Mr. Cowal.

Trustee McGuckin moved to approve the request to close Maple Street between Scofield Street and Walnut Street, on Sunday, August 17<sup>th</sup>, 1997 from 2:00 P.M. to 5:00 p.m. to celebrate the 98<sup>th</sup> birthday of Mr. Cowal. Seconded by Trustee Norman. All ayes. Motion carried.

### **AUDITED BILLS**

Trustee Forman moved to approve the audited bills of August 12<sup>th</sup>, 1997. Seconded by Trustee Raymondo. All ayes with the exception of Trustee McGuckin abstaining.. Motion carried.

### **POLICE DEPARTMENT BICYCLE PATROL**

Chief Holmes gave the board an update of the bike patrol. He stated that he budgeted \$1500.00 for training. They've been looking at doing a bike patrol for the past three years, which is made up of part time officers and using it as a supplement to the existing foot patrol. Right now they are using their own equipment. Down the road they would like to put some moneys into it, if it works out well. Right now the village is just paying for the training and the time of the officer.

Trustee McGuckin asked what the area would be?

Chief Holmes advised him that the approximate area would be the current foot patrol area. They will expand the area to include all three parks and Maple Street.

Trustee Raymondo asked what the schedule would be?

Chief Holmes advised him that right now the foot patrol is scheduled from 6:00 PM until 2:00 AM. During the week the schedule is 6:00 P.M. to 12:00 midnight. Its just to supplement the current patrol, not to replace a scheduled patrol detail.

Trustee Raymondo asked what the cost would be?

Chief Holmes stated that your looking at \$600.00 for a bike, and uniforms, \$200.00.

Board of Trustees Meeting  
August 12, 1997

Trustee McGuckin asked when the program will begin?

Chief Holmes advised him no later than September.

#### **AMENDMENT TO 1995 SMALL CITIES**

Mayor Uszenski presented the Affidavit of Publication.

Mr. Barnes stated that back in April he wrote to HUD with a proposal to amend the village's 1995 Small Cities Program. What they proposed to do was to take \$200,000 out of the total grant of \$400,000 and use the \$200,000 on part of the work of 11-17 Main Street. This would slightly reduce the goal that the village originally promised HUD we would accomplish with the \$400,000. Their interpretation was different. What they said was, if you spend \$200,000 of this money for those sixteen units and you spend your 1996 grant for those sixteen units you can't count the same units as part of the goal in both program years. That being the case the goal of taking that money out of 1995 would reduce the village's goal from thirty three units rehabilitated down to thirteen. He feels if you reduce the goal that drastically you might not score high enough to get funded. The treasurer has given him a report on how much money there is in the account of repayments from the Thruway Market which is a UDAG Grant to the village and also Walden View Apartments which was a housing development grant to the village. The village has in uncommitted funds in the UDAG repayments approximately \$100,000. In the HODAG Grant there is \$50,000. He suggested to the Board instead of removing \$200,000 from the 1995 grant to remove only \$50,000 and instead of using that money for the Main Street building the village use the money from the HODAG and UDAG accounts. That will reduce the goal in terms of units rehabilitated from thirty three to twenty nine. In addition, as part of being part of the Urban County Consortium for the HOME Program we are allowed to use up to \$50,000 a year in rehabilitation money in any one grant year. He recommends the village substitute that money for the final \$50,000 that we were going to move from the 1995 into the Main Street building, so that our goal for 1995 has no change and there wouldn't really be an amendment except the use of some county money instead of our money. The negative impact is that the cupboard is bare for awhile.

Mayor Uszenski opened the public hearing for the 1995 Small Cities Grant Program amendment.

Elizabeth Mroczkowski, 3 Hidden View Drive asked about the 11-17 Main Street project, is the village fixing that up?

Mayor Uszenski advised Mrs. Mroczkowski that the village is giving them a loan to fix the building.

Board of Trustees Meeting  
August 12, 1997

Mrs. Mroczkowski asked if this was the money for the paving program?

Mayor Uszenski stated that the paving money has been separated out.

John Cappello stated that he would like to be able to meet with Mr. Barnes or a village representative to explore possible alternatives. He is a little confused because HUD saw that this \$200,000 was earmarked for the project when they approved the 1996 Grant. He asked if the village would still have the \$200,000 and when would the village have to use it by?

Mr. Barnes advised Mr. Cappello that HUD approved our 1996 project for 11-17 Main Street building. They said yes we approve it, but you have to give them an acceptable amendment to the 1995 Grant. The idea they proposed would appear not to be acceptable, so he is looking for a substitute for that. This transfer of funds does not change the village's total into the project, its still \$830,000. Its just that the \$830,000 comes from a different place. If we don't need to use the 1995 Grant as a source of funding and that is an obstacle, this might be easier. He feels this is a better option.

John Kovalsky, 16 Hidden View Drive asked about the money allocated for paving that could possibly be used as a cushion for other moneys as they were moved around?

Mayor Uszenski stated that is UDAG money and it has nothing to do with the 1995 Grant.

Steve Ryno, 11 Hidden View Drive asked if there was any way to apply for less HUD money to go toward 11-17 Main Street?

Mayor Uszenski stated no, that this is specifically earmarked for rehab for housing.

Mr. Ryno asked why the village doesn't take \$100,000 from the 1995 Grant?

Mayor Uszenski stated that its not just a dollar amount its based on the number of apartments.

Mr. Ryno asked when the target area was going to be expanded?

Mayor Uszenski stated in six months.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Forman moved to amend the 1995 Small Cities Grant, transferring \$100,000 from UDAG, \$50,000 from HODAG and ask for a \$50,000 amendment to the 1995 Small Cities Grant with the possibility of replacing this with the 1995 grant from the county. Seconded by Trustee

Board of Trustees Meeting  
August 12, 1997

Norman. All ayes. Motion carried.

### **GENERAL MONTGOMERY DAY**

Mayor Uszenski informed the board that General Montgomery Day is September 6<sup>th</sup>, 1997 and the Village of Montgomery is inviting the board to march in the parade.

### **WOOSTER GROVE YOUTH CENTER**

John Howland advised the Board that he has been in touch with the Division For Youth regarding the Wooster Grove Youth Center and changing the location of the building. The Division for Youth advised Mr. Howland that they had a meeting of prospective architects and they have chosen one, and if the village requests a change they are really saying that they don't want the grant and take your chances at another time. Mr. Howland also went to Albany and spoke to our legislators and they advised him that it was going through and they would be voting for it. The status right now is its been passed in the budget and they have an architect and they would like to go into design and construction phase.

### **BUSINESS INCUBATOR UPDATE**

A memo was received from Kerron Barnes regarding the business incubator project which states that he is working on the project and he has made site visits to various incubator projects in other states and cities around New York. Mr. Barnes is also making contacts with area colleges to see if they are interested in partnering. Through his research he has found that other communities that have developed successful business incubator projects have been pioneered by hospitals, so he is looking to see if there is partnership potentials there as well. He remains very interested in working on this project. The manager will be setting up a meeting with Mr. Barnes and Carl Helstrom because it does involve the town building.

### **PUBLIC PORTION**

Elizabeth Mroczkowski, 3 Hidden View Drive asked about the paving of Hidden View Drive, why isn't it being paved this year?

Mayor Uszenski advised Mrs. Mroczkowski that Hidden View is not on the list to be paved this year.

Manager Hernandez further explained that the funds the village is using for paving are UDAG funds and they have to be used in a particular area, the target area. There was a list of streets put together by the Superintendent of Public Works and he and the manager selected the streets off of this list. The village is receiving \$15,000 from the State of New York that needs to be used quickly to repave Grant Street. The total project will be \$30,000. John Street is similarly

Board of Trustees Meeting  
August 12, 1997

in very bad shape. They also picked these streets because they are in close proximity to each other. They can be done quicker, and because of that they can be done cheaper.

Mrs. Mroczkowski asked when the village proposes to do Hidden View Drive?

Manager Hernandez stated that he feels it should be done as soon as possible, but it can't be done this year. Its subject to the availability of funds and next years budget approval.

Mrs. Mroczkowski further stated that the sidewalks are all chewed up.

Manager Hernandez stated that he has asked that the DPW crew get down to Hidden View as soon as possible to do patching.

Robert Jurgens, 9 Hidden View Drive informed the board that they have had their street patched already. You patch it and it doesn't look good and the plows plow it back up. He'd rather the village do nothing.

Gerald Walsh, 4 Hidden View Drive asked who is responsible if someone gets hurt on the sidewalk?

Trustee McGuckin advised Mr. Walsh that it is the homeowners responsibility to keep the sidewalk clear.

John Kovalsky, 16 Hidden View Drive stated that he's been calling the village for three years regarding the condition of Hidden View Drive.

Mr. Walsh stated that the only reason the residents are here is because they feel they are being neglected.

A. Sanchez, 218 E. Main Street stated that he spoke to the Village Manager regarding the surface water run off over running sidewalks causing a possible electrical hazard in the basement of 218 E. Main Street. He would like to schedule an appointment to further confer on this matter.

June Garcia stated that she is here representing the New York Federation of Women's Club and the Conservation Department and they are going to try and inform the public that batteries do not belong in landfills. She would like to start a depository at the village garage for batteries. This does not include car batteries. Its hearing aid batteries and toy batteries. She would like permission from the board to go public with this.

Mrs. Garcia further stated that she is having trouble with Channel 2, there is total inference. She would like the village to look into this.

Board of Trustees Meeting  
August 12, 1997

Mayor Uszenski asked the manager to draft a letter to the cable company regarding this problem.

Trustee McGuckin moved to place a container at DPW for batteries and to allow Mrs. Garcia to inform the public of this need. Seconded by Trustee Raymondo. All ayes. Motion carried.

Steve Ryno, Hidden View Drive asked if the village was dumping at the end of their street?

Mayor Uszenski stated that is private property, the village isn't dumping there.

Mr. Jurgens stated that NYSE&G deposited a lot of construction debris there. He asked that the Superintendent of Public Works look at it.

Mayor Uszenski stated that it would be the code enforcement officer and he will arrange for him to look at it.

Maria VanLeuwen, 2 West Main Street asked about the lights on the entrance signs when will they be installed?

Mayor Uszenski stated that the money has been put aside, but nothing has been started.

Mrs. VanLeuwen asked if the bushes, by the entrance signs, could be trimmed into squares?

Patricia Holbert, First Street asked about the Alfred Place Park?

Manager Hernandez informed Mrs. Holbert that the plan for the park is to remove one of the backboards and make it half court basketball and to make full court basketball at Wooster Grove.

Mrs. Mroczkowski requested a speed limit sign on Hidden View Drive, there is a lot of speeders.

Mr. Kovalsky asked the Village Manager to meet with them?

Manager Hernandez stated that he will keep them informed.

David Lustig, 54 Oakland Avenue stated that he counted in the paper 13 private apartments for rent in the village, and one from Squire Village and a couple from Walden View Apartments. Now we have a project that will put another twenty eight apartments. What he is

Board of Trustees Meeting  
August 12, 1997

getting at is something the board should think about, perhaps the people at Hidden View don't realize that the land around the pond is zoned for multiple family development. This development is in foreclosure and he was wondering if it would be appropo to rezone the property back to a less dense residential.

Mrs. VanLeuwen asked about the Christmas lights on the poles?

Mayor Uszenski stated that the cost is \$1,000 per pole.

Mrs. VanLeuwen asked if the signs in the Municipal Square could be lowered to the bush level?

Trustee Raymondo stated that the board talked about removing them.

Mrs. VanLeuwen asked if the village could stripe the parking spaces on Main Street?

Mayor Uszenski stated that the village is going to experiment with Orchard Street.

#### **REPORTS - COMMITTEE**

Trustee Raymondo stated that he saw the note from Dean Stickle notifying the people for tall grass, trees and garbage. Some people you're giving them more than ample time, one request is sufficient. Also, a work session needs to be set to revamp some of the village codes.

Trustee McGuckin stated that the board decided to meet in September.

Trustee Raymondo stated that he would like someone to check and see if there is a storage building on Grove Street. The truck they are using is way over the weight limit.

Trustee Besdesky stated that 17 Oak Street has not been sold and it is still available at \$30,000.

Trustee Besdesky moved that the village investigate the purchasing of 17 Oak Street. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee McGuckin stated that regarding Item #4, yard debris and things like that, no letter at this time will notify, that has been an eyesore and he thinks its time those individuals be brought to justice on it.

**Mayor**

Board of Trustees Meeting  
August 12, 1997

Mayor Uszenski stated that someone suggested putting stop signs at Jessup on Highland and Wileman Avenues. He would like this on the next agenda.

Mayor Uszenski stated that he would like the village to purchase the Conrail property and turn it into a nature trail and walkway. He asked the board to think about this and also have it on the next agenda.

#### **EXECUTIVE SESSION**

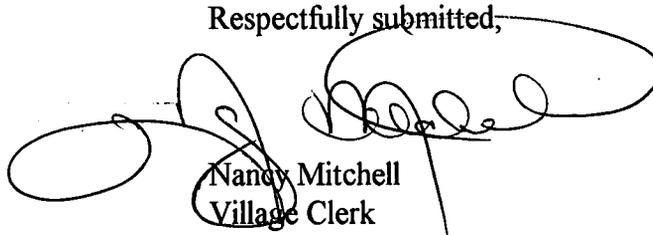
Trustee Forman moved to hold an Executive Session pursuant to 105-(e&f) of the Public Officers Law. Seconded by Trustee Raymondo. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. 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

RESOLUTION NO. 2-97-98

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

<u>DECREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1990.400 Contingent Account	\$1,415.00	\$28,585.00
<u>INCREASE</u>	<u>AMOUNT</u>	<u>AMENDED TOTAL</u>
A1410.201 Office Equipment	\$1,415.00	\$ 1,415.00

Motion to adopt by Trustee Forman and seconded by Trustee Raymond  
The vote was 6 ayes to 0 naves with 0 abstentions. The Mayor  
declared the resolution adopted on August 12, 1997.

AUGUST BILL LIST - AUGUST 12,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-198	A.C.MOORE	108.24
A-199	ANACONDA -KAYE SPORTS, INC.	88.70
A-200	ANACONDA -KAYE SPORTS, INC.	206.72
A-201	ASHCRAFT'S LOCK & DOOR HARDWARE	7.50
A-202	BERT'S SPORT PLEX	821.60
A-203	CHAMPION SUPPLIES	914.41
A-204	CHAMPION SUPPLIES	25.00
A-205	AMIMAL DELI	10.49
A-296	CHERRY TIRE SERVICES	39.95
A-207	CHERRY TIRE SERVICES	69.95
A-208	CIARDULLO PRINTING	28.00
A-209	COLONIAL INN	625.32
A-210	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	(218.65) SEWER
A-211	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,333.33
A-212	ELECTRO-TERM INC	62.42
A-213	ENVIRONMENTAL PAPER TOWEL SERVICES	115.90
A-214	ETHEL ECKERT	40.00
A-215	EXCUTIVE OFFICE PRODUCTS	2,288.40
A-216	FIRESTONE TIRE	440.77
A-217	FIRESTONE TIRE	258.07
A-218	FIRESTONE TIRE	258.07
A-219	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	37.00
A-220	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	17.70
A-221	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	127.81
A-222	GENERAL CODE PUBLISHERS	271.00
A-223	GEO ELECTRONICS	103.00
A-224	GEORGE'S AUTO PARTS	199.99
A-225	GEORGE'S AUTO PARTS	222.75
A-226	GEORGE'S AUTO PARTS	151.53
A-227	GOR-DUM'S INC.	54.64
A-228	J-S SERVICENTER	78.00
A-229	HOLMES JEFFRY	57.32
A-230	JIM SMITH CHEV	234.11
A-231	KIMBA TRANSMISSIONS	1,125.00
A-232	MID HUDSON OFFICE SUPPLY	24.70
A-233	MID HUDSON OFFICE SUPPLY	8.45
A-234	NYCOMCO	1,480.00
A-235	NYCOMCO	1,480.00
A-236	NEWBURGH STEEL PRODUCTS, INC.	99.58
A-237	OR.CO. PLANNING FEDERATION	100.00
A-238	OR CO.SANITARY LANDFILL	623.15
A-239	PAGE NY	26.00

AUGUST BILL LIST - AUGUST 12,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-240	PINE BUSH EQUIPMENT	78.63
A-241	PINE BUSH EQUIPMENT	200.00
A-242	PINE BUSH EQUIPMENT	51.60
A-243	PROTECTIVE APPAREL CORP OF AMERICA	3,149.02
A-244	QUILL CORP	450.68
A-245	QUILL CORP	206.60
A-246	REED STEVEN	65.14
A-247	SHAFFER ED	104.00
A-248	SHOWCASE OF AWARDS	306.04
A-249	SMITH'S COMMERCIAL TIRE SERVICES	103.06
A-250	STANDARD FUSEE CORP	131.52
A-251	STIEFEL RESEARCH INSTITUTE	10.84
A-252	TAYLOR RECYCLING FACILITY LLC	1,096.00
A-253	THRUWAY SHOPPING CENTER	68.52
A-254	THRUWAY SHOPPING CENTER	30.80
A-255	THRUWAY SPORTING GOODS	1,616.00
A-256	TIMES HERALD RECORD	28.80
A-257	TOWN TINKER TUBING RENTAL	232.83
A-258	USA WASTE SERVICES	65.00
A-259	UPSKATE	650.00
A-260	WALDEN AUTO SUPPLY	67.92
A-261	WALDEN AUTO SUPPLY	76.87
A-262	WEINERT T SHIRTS	500.00
A-263	WILLIAMSON LAW BOOK CO.	288.22
A-264	ZEE MEDICAL	61.15
A-265	WEINERT T SHIRTS	735.75
A-266	HOWLAND JOHN	124.50
A-267	WALDEN AUTO SUPPLY	51.18
A-268	GLOBAL COMPUTER SYSTEM	1,414.14
A-269	SNYPJOA	605.00
A-270	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	120.00
A-271	TIMES HERALD RECORD	34.56
A-272	VINCENT TOOMEY	285.00
A-273	NEWBURGH WINWATER	200.00
A-274	U S TENNIS ASSOCIATION	25.00
A-275	QUARTER MASTER	559.20
A-276	COUNTRY HARDWARE	26.54
A-277	ANNESE & ASSOCIATES, INC.	223.04
A-278	PALISADES INTERSTATE PARK COMM	50.00
A-279	ALFI'S UNIFORMS, INC.	1,967.00

32,324.72

AUGUST BILL LIST - AUGUST 12, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-19	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	416.67
F-20	ARCH (PAGE NY)	6.75
F-21	CAIN CONTROL SYSTEM	150.00
		<u>573.42</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-20	DRAKE, SOMMERS, LOEB, TARSHIS & CANTANIA	416.67
G-21	MIDDLETOWN ELECTRIC MOTORS	4,909.00
G-22	MOSER STEPHEN JR.	275.00
G-23	ENVIROTEST LABORATORIES, INC	2,285.00
G-24	WALDEN AUTO SUPPLY	11.75
G-25	ISCO	215.00
G-26	GAINER	218.65
		<u>8,331.07</u>

AUGUST BILL LIST - AUGUST 12, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CL & EJ GRIDLEY	971.48
	BELL ATLANTIC NYNEX	101.42
	FRONTIER COMMUNICATIONS	1,049.75
	FRONTIER COMMUNICATIONS	318.22
	NYSEG	1,051.67
	NYSEG	1,022.80
	NYSEG	1,331.18
	NYNEX	77.40
		<u>5,923.93</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	POSTMASTER	75.69
	NYSEG	2,819.62
		<u>2,895.31</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	POSTMASTER	75.68
	NYSEG	2,684.04
		<u>2,759.72</u>

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## REGULAR MEETING

TUESDAY, JULY 22, 1997 AT 7:00 P.M.

VILLAGE OFFICES - 8 SCOFIELD STREET

### THE AGENDA - REVISED

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

Regular Board of Trustees meeting of July 8, 1997

5. BUSINESS OF THE BOARD OF TRUSTEES

A. ACTION ITEMS

1: Consideration of a recommendation of the Village Clerk to abolish voter registration day in the Village of Walden, pursuant to the New York State Election Law, Section 15-188, and to authorize the use of the certified list of registered voters provided by the Orange County Board of Elections. (Recommendation: Adopt Resolution #1-97-98)

2: Consideration of a recommendation to authorize staff to execute, if necessary, a one (1) month extension of the lease of 8 Scofield Street, for the period of August 1, 1997 through August 31, 1997, at the same terms and conditions as the lease which expires on July 31, 1997. (Recommendation: Authorize staff to execute a one (1) month extension)

3: CONSIDERATION OF A RECOMMENDATION TO SCHEDULE A PUBLIC HEARING ON TUESDAY, AUGUST 12, 1997 AT 7:00 P.M. REGARDING A PROPOSED AMENDMENT TO THE PROGRAM YEAR 1995 SMALL CITIES GRANT. (RECOMMENDATION: SCHEDULE PUBLIC HEARING)

4: ACCEPTANCE OF PUBLIC IMPROVEMENTS - SELENA COURT. (RECOMMENDATION: ACCEPT IMPROVEMENTS).

5: Payment of Audited Bills for July 22, 1997. (Recommendation: Authorize payment)

B. DISCUSSION ITEMS

C. INFORMATIONAL ITEMS

D. CORRESPONDENCE

6. PUBLIC PORTION

7. EXECUTIVE SESSION

For the purpose of discussing collective bargaining negotiations with the CSEA.

8. MISCELLANEOUS COMMENTS BY BOARD MEMBERS

ADJOURNMENT

Following the Regular Meeting, the Board and the Village Manager will meet in a Work Session to discuss and define performance objectives for the Village Manager related to the proper operation of the Village and the attainment of the Board's policy objectives during the current fiscal year.

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
JULY 22, 1997**

Mayor Andrew Uszenski called the regular 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  
   Martin Besdesky  
   Chris Forman  
   Gregory Raymondo  
   Mary Jane Norman  
   Roy Wynkoop

Also Present:                    Darren Hernandez, Village Manager  
   Kevin Dowd, Village Attorney

Recording Secretary:            Nancy Mitchell, Village Clerk

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of July 8<sup>th</sup>, 1997. Seconded by Trustee Norman. On roll call Trustees Forman, Wynkoop, Norman, Raymondo and Mayor Uszenski voted yes. Trustees McGuckin and Besdesky abstained. Minutes adopted.

**RESOLUTION NO. 1-97-98 - ABOLISHING VOTER REGISTRATION DAY**

Trustee McGuckin moved to adopt Resolution No. 1-97-98, Abolishing Voter Registration Day, (attached). Seconded by Trustee Raymondo. All ayes. Resolution adopted.

**EXTENDING LEASE FOR VILLAGE OFFICES**

Trustee Besdesky moved to extend the lease for 8 Scofield Street for the period of August 1, 1997 through August 31, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

**PUBLIC HEARING - 1995 SMALL CITIES GRANT AMENDMENT**

Trustee Forman moved to hold a public hearing on the amendment to the 1995 Small Cities Grant on Tuesday, August 12<sup>th</sup>, 1997 at 7:15 P.M.. Seconded by Trustee Norman. All ayes. Motion carried.

### **SELENA COURTS - PUBLIC IMPROVEMENT**

Trustee Raymondo moved to accept the public improvements at Selena Courts. Seconded by Trustee McGuckin. All ayes. Motion carried

### **AUDITED BILLS**

Trustee McGuckin moved to pay the audited bills of July 22, 1997. Seconded by Trustee Forman.

Trustee Raymondo questioned the bill for the bicycle training. He would like to know how much its going to cost for the equipment.

Manager Hernandez advised the board that he will have a report on the cost for the next meeting. He further stated that the Chief plans to do this within the existing budget and it will be a one time cost.

All ayes. Motion carried.

### **CORRESPONDENCE**

Mayor Uszenski stated that correspondence was received from Mrs. Stimitz thanking the people from Walden who helped her when her car broke down.

### **PUBLIC PORTION**

Mark Powell, 9 Selena Courts thanked the manager and village clerk for all the help they have been in getting the public improvements at Selena Courts accepted.

Bob Lamancuso, 33 Gladstone Avenue asked if the village has not learned anything in the past with the white elephant experiment with the motorcycle? He does not believe the residents of the village should be experimenting. The geography of this village does not allow for bicycles. The motorcycle was wasted money. You cannot use a motorcycle in the winter and rain. The same goes for a bicycle, its wasted funds.

Mike Buckley, 65 Capron Street asked what benefit the village will get from the bicycles?

Mayor Uszenski informed that he hasn't discussed the process with the chief. He

suggested the chief come to a board meeting to explain his reasons why he's considering this.

Manager Hernandez explained that the bikes would be used by the foot patrol in the downtown area.

Becky Pearson, 167 Walnut Street asked how much the village paid for the training?

Mayor Uszenski informed Mrs. Pearson that the cost was \$300.00.

Mrs. Pearson asked why the training took place before it was in the process of being done?

Mayor Uszenski stated that this is part of the process.

Mrs. Pearson asked if there is a reason why there are so many police officers in this village?

Mayor Uszenski stated that is how many officers it takes to cover the twenty-four hours, seven days a week shifts.

Rebecca McNally, 52 Oakland Avenue asked about the light on the sign at Wooster Grove?

Manager Hernandez stated that the light is on order.

David Lustig suggested the youth center be relocated to the Oak Street parking lot. He further suggested the village purchase 17 Oak Street. He has been in touch with the owner's broker who advised him that the minimum bid the county will accept is \$30,000, but he thought the village could purchase the property for \$25,000. If the grant could be rewritten and the village considers putting the youth center there he hopes the village buys this property and removes the building. Removing the building would give sixty more feet of frontage for the parking lot.

Trustee McGuckin suggested that this be put on the agenda as a discussion item for the August 12<sup>th</sup> meeting.

Becky Pearson gave an update on the tree project. Last year Jim Pursutti trimmed the cherry trees on Main Street for Walden Day and he has volunteered to work on the tree committee and also trim the trees again this year. Mr. Pursutti gave Becky a list of small trees that could be planted under low hanging utility wires. He can also get the village the trees. He can also get root barriers.

Bob Lamancuso thanked the village for the repair of the drain in front of the school and he further stated that he hopes the village finishes it.

Becky McNally asked about the Town of Montgomery building and the incubator program for small businesses.

Mayor Uszenski advised Mrs. McNally that Mr. Barnes is still doing research on it.

## **REPORTS - COMMITTEE**

Trustee Raymondo brought up the following concerns: the yellow cone in front of the senior citizen building, when is the curb going to be fixed, the street sign at the corner of Orange and Old Orange Avenues is still missing, the bank on the corner of Scofield Street and Orange Avenue still needs to be cleaned up, having building permits expire if the job isn't completed within a certain amount of time, the dumpster at the body shop on East Main Street has been full for over a year, the fence at the mini mall, and repairs at the Walden Community Park, i.e., mens room, there is a fuel tank not labeled and its close to the building and there is fuel spilt on the ground, where the flag pole is the cement is deteriorating, the water fountain doesn't meet state code and no one could drink from it. He presented the board with pictures of the needed repairs.

Trustee Norman asked about the house on Valley Avenue with all the garbage on the porch?

Manager Hernandez stated that the building inspector is taking enforcement action on that property.

Trustee Besdesky asked about the repairs to the Walnut House, he's had a building permit for three or four years. Isn't there any way the village could force him to do the outside? In regard to 17 Oak Street he would like to see that building torn down.

Mr. Dowd stated that he's discussed this with the manager, to make building permits expire and/or have to renew with new fees involved. The building across the street was before the planning board a few months ago for site plan and special permit use as well as architectural review and it went through the process and was approved for all those uses and there were specific time limitations put into those approvals. Within six months of the approvals he has to have the outside finished.

Trustee Besdesky stated that he was very unhappy with the general way the Times Herald Record did the editorial today. It was a cheap shot at a lot of situations and he resents it.

Trustee McGuckin stated that he is concerned about the other article regarding the local chiropractor, the comment about little has been done to confront the attacks by the Wolf. He'd like to let him know that four years ago the village went as far as getting Ben Gilman involved. The village also filed objection to their FCC renewal.

## **REPORTS - MAYOR**

Mayor Uszenski suggested the second meeting in August be canceled.

Trustee Norman moved to cancel the August 26<sup>th</sup> regular Board of Trustees meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mayor Uszenski asked that the building inspector contact the owners of the right of ways and vacant lots at Streamside to get these properties mowed.

#### **EXECUTIVE SESSION**

Trustee Raymondo moved to hold an executive session pursuant to 105-(e) 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.

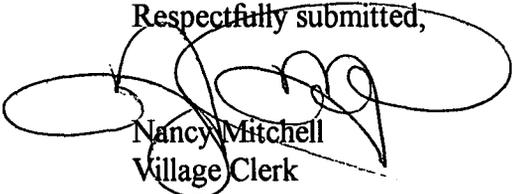
Trustee McGuckin moved to go into a closed session for the purpose of attorney/client privileges. Seconded by Trustee Raymondo. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee McGuckin. All ayes. Meeting reconvened.

#### **ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Village Clerk

RESOLUTION NO. 1-97-98

ABOLISHING VOTER REGISTRATION DAY  
IN THE VILLAGE OF WALDEN

BE IT RESOLVED, that pursuant to the State of New York Election Law, Section 15-118 Voter Registration Day in the Village of Walden is abolished, and

BE IT RESOLVED, that on Election Day the village uses the certified list of registered voters which is furnished by the Orange County Board of Elections.

On motion to adopt by Trustee McGuerin and seconded by Trustee

Raymond. The vote was 7 ayes to 0 nays with 0 abstentions.

The Mayor declared the resolution adopted on July 22, 1997.

JULY BILL LIST - JULY 22,1997GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-133	AMERICAN ALARM CO.	1,182.00
A-134	ANNESE & ASSOCIATES, INC.	223.04
A-135	A.E.MOORE	352.62
A-136	ANACONDA -KAYE SPORTS, INC.	114.62
A-137	AWESCO	28.80
A-138	BELL HERRING , INC.	124.50
A-139	CDW COMPUTER CENTERS, INC.	597.23
A-140	CHAMBERS FORD TRACTOR SALES	2.50
A-141	COMMISSIONER OF FINANCE	12.00
A-142	CIARDULLO PRINTING	45.00
A-143	COMPUTABILITY	136.70
A-144	DATAKOM WAREHOUSE	357.10
A-145	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	230.40
A-146	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	97.30
A-147	DUTCHESS OVERHEAD DOORS, INC.	67.00
A-148	EXPANDED SUPPLY PRODUCTS, INC.	39.24
A-149	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	130.50
A-150	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	452.50
A-151	GEORGE'S AUTO PARTS	80.49
A-152	GLOBAL COMPUTERS	340.86
A-153	GOOSETOWN COMMUNICATIONS, INC.	1,512.00
A-154	GOOSETOWN COMMUNICATIONS, INC.	495.00
A-155	HAIGHT FIRE EQUIPMENT SUPPLY	95.00
A-156	LAW ENFORCEMENT BICYCLE ASSOC.	300.00
A-157	MAYBROOK MATERIALS	298.06
A-158	NORTH AMERICAN CAD	1,384.00
A-159	PITNEY BOWES CREDIT	1,108.35
A-160	PITNEY BOWES CREDIT	80.85
A-161	PITNEY BOWES	69.00
A-162	PINE BUSH EQUIPMENT	67.29
A-163	WALDEN AUTO SUPPLY	30.87
A-164	WALDEN AUTO SUPPLY	256.82
A-165	SHAFFER ED	30.00
A-166	SLATER'S POWER EQUIPMENT	99.00
A-167	RALPH C. HERMAN CO., INC.	65.50
A-168	SWEED WALTER SR	100.00
A-169	THRUWAY SPORTING GOODS	24.40
A-170	THRUWAY PHARMACY	42.63
A-171	THRUWAY SHOPPING CENTER	185.90
A-172	THRUWAY SHOPPING CENTER	41.00
A-173	THRUWAY SHOPPING CENTER	43.98
A-174	THRUWAY SHOPPING CENTER	89.55
A-175	THRUWAY SHOPPING CENTER	143.85

JULY BILL LIST - JULY 22,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-176	VEN MAR SALES	107.00
A-177	VINCENT TOOMEY	300.00
A-178	WALDEN AUTO SUPPLY	35.27
A-179	WALDEN AUTO SUPPLY	22.49
A-180	WALDEN AUTO SUPPLY	84.89
A-181	WALDEN AUTO SUPPLY	77.61
A-182	WALDEN AUTO SUPPLY	100.55
A-183	WALDEN AUTO SUPPLY	26.97
A-184	WALDEN AUTO SUPPLY	271.72
A-185	WEINERT T SHIRTS,INC.	1,820.20
A-186	WILLIAMS BUSINESS MACHINES	125.00
A-187	WALDEN AUTO SUPPLY	67.30
A-188	MEHLON TRUCKING SAND & GRAVEL	448.00
A-189	CIARDULLO PRINTING	75.00
A-190	CUSTOM MONITORING	103.50
A-191	CUSTOM MONITORING	84.00
A-192	SPORT WORLD	570.00
A-193	AMERICAN CLEANER	118.00
A-194	GALL'S,INC.	94.87
A-195	WALDEN BAPTIST CHURCH	300.00
A-196	WALDEN DAY CENTER	3,500.00
A-197	JOHN T REARDON AGENCY	1,127.76
	<u>TOTAL GENERAL FUND</u>	<u>20,637.58</u>

JULY BILL LIST - JULY 22, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-16	AMERICAN ALARM CO.	28.00
F-17	PRINTABLE SERVICES	336.54
F-18	ORANGE COUNTY LABORATORY	180.00
		<u>544.54</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-12	ENVIROTEST LABORATIONES, INC.	625.00
G-13	FISHER SCIENTIFIC	113.01
G-14	NEWBURGH WINWATER	178.40
G-15	PRINTABLE SERVICES	336.54
G-16	SHARE CORP	131.03
G-17	WALDEN AUTO SUPPLY	27.23
G-18	WALDEN PLUMBING & HEATING	68.50
G-19	WALDEN AUTO SUPPLY	8.84
		<u>1,488.55</u>

CAPITAL ACCOUNT #82	THE TUCKER COMPANY MUNICIPAL BUILDING	21,394.95
CAPITAL ACCOUNT #53	AH HARRIS & SON, INC. SIDEWALKS	47.65
CAPITAL ACCOUNT #53	AGWAY SIDEWALKS	100.00
CAPITAL ACCOUNT #82	GAINER-WILBUR CONSULTING ENGINEERS, P.C. MUNICIPAL BLDG	286.73
COMM DEV	DICK'S CONCRETE CO., INC.	1,087.50
COMM DEV UDAG	KERRON BARNES ASSOCIATES	1,475.00
COMM DEV 94	KERRON BARNES ASSOCIATES	120.00
COMM DEV 95	KERRON BARNES ASSOCIATES	160.00
GRIDLEY	RENT VILLAGE OFFICE	971.48

JULY BILL LIST - JULY 22,1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AGWAY PETROLEUM CORP.	608.16
	AT & T	8.32
	BELL ATLANTIC NYNEX	24.47
	BELL ATLANTIC NYNEX	21.49
	FRONTIER COMMUNICATIONS	51.73
	FRONTIER COMMUNICATIONS	80.02
	FRONTIER COMMUNICATIONS	371.44
	FRONTIER COMMUNICATIONS	298.51
	FRONTIER COMMUNICATIONS	236.80
	FRONTIER COMMUNICATIONS	133.86
	NYSEG	5,595.25
	NYSEG	708.83
	NYSEG	981.75
	NYNEX	94.96
	ORANGE COUNTY LANDFILL	457.60
	POSTMASTER	600.00
		<u>10,273.19</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	630.84
	FRONTIER COMMUNICATIONS	109.23
	FRONTIER COMMUNICATIONS	81.41
	NYSEG	2,560.40
	POSTMASTER	64.15
		<u>3,446.03</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	62.13
	FRONTIER COMMUNICATIONS	58.70
	FRONTIER COMMUNICATIONS	235.66
	NYSEG	2,672.65
	POSTMASTER	64.14
		<u>3,093.28</u>

# BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

## REGULAR MEETING

TUESDAY, JULY 8, 1997 AT 7:00 P.M.

VILLAGE OFFICES - 8 SCOFIELD STREET

### THE AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

Regular Board of Trustees meeting of June 24, 1997

5. INTRODUCTION OF GUESTS

Mr. John Schmoll, former Principal of Walden Elementary School

6. BUSINESS OF THE BOARD OF TRUSTEES

A. ACTION ITEMS

1: Consideration of a recommendation to rename the street immediately north of the Municipal Building and south of the Civil War Monument "Municipal Square" and to change the address of the Municipal Building to "One Municipal Square."

Recommendation: Approve street name change and address change.

2: Consideration of a request by the Department of Recreation and Parks to use the following streets for the 15th Annual Road Race on Saturday, August 9, 1997: Sherman Avenue; Elm Street; John Street; Railroad Avenue; East Main Street from Railroad Avenue to Orchard Street; Orchard Street; Cedar Street; North Montgomery Street from Cedar Street to Oak Street; Oak Street down to Thruway and up to Main Street; Main Street from Oak Street to Ulster Avenue; Ulster Avenue; Highland Avenue; Woodruff Street; East Main Street from Woodruff Street to East Avenue; and, East Avenue.

Recommendation: Grant approval for the closing and use of these roads.

3: Consideration of a recommendation to authorize staff to execute a one (1) month extension of the lease of 8 Scofield Street, for the period of July 1, 1997 to and including July 31, 1997, and at the same terms and conditions as the lease which expired on June 30, 1997.

Recommendation: Authorize staff to execute a one (1) month extension of the lease of 8 Scofield Street for the period of July 1, 1997 to and including July 31, 1997.

4: Consideration of a request by Sohns Music & Appliance Center, Inc. to waive the parking regulations on Orchard Street July 23, 24, 25 and 26, 1997, in order to hold their Annual Truckload Sale.

Recommendation: Grant request.

5: Payment of Audited Bills for June 24, 1997.

Recommendation: Authorize payment of audited bills.

B. DISCUSSION ITEMS

1: Setting a date and time have a Work Session with the Village Manager to discuss goals, objectives and expectations of the Village Manager for Fiscal Year '97 - '98.

C. INFORMATIONAL ITEMS

1: Receipt of memo from the Village Manager regard Alfred Place Park.

D. CORRESPONDENCE

7. PUBLIC PORTION

8. ADJOURNMENT

VILLAGE OF WALDEN BOARD OF TRUSTEES  
JULY 8TH, 1997

VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
JULY 8, 1997

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

On roll call the following were:

Present: Mayor Andrew Uszenski  
Trustees Chris Forman  
Roy Wynkoop  
Mary Jean Norman  
Gregory Raymondo

Absent: Trustees Martin Besdesky  
John McGuckin, later present  
Kevin Dowd, Village Attorney

Also Present: Darren Hernandez, Village Manager

Recording Secretary: Nancy Mitchell, Village Clerk

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of June 24, 1997. Seconded by Trustee Wynkoop. All ayes. Motion carried.

**PRESENTATION**

Mayor Uszenski and John Howland presented John Schmoll, Walden Elementary School Principal, with a plaque to thank him for all the help he's given the to the village's basketball program.

**RENAMING THE STREET IN FRONT OF THE MUNICIPAL BUILDING  
& CHANGING THE ADDRESS OF THE MUNICIPAL BUILDING**

Trustee Forman moved to rename the street immediately north of the Municipal Building and south of the Civil War Monument to "Municipal Square" and to change the address of the Municipal Building to "One Municipal Square". Seconded by Trustee Norman. All ayes. Motion carried.

VILLAGE OF WALDEN BOARD OF TRUSTEES  
JULY 8TH, 1997

**15th ANNUAL ROAD RACE**

Trustee Raymondo moved to permit the use of the following streets for the 15th Annual Road Race on Saturday, August 9, 1997: Sherman Avenue, Elm Street, John Street, Railroad Avenue, East main Street from Railroad Avenue to Orchard Street, Orchard Street, Cedar Street, North Montgomery Street from Cedar Street to Oak Street, Oak Street down to Thruway and up to Main Street, Main Street from Oak Street to Ulster Avenue, Ulster Avenue, Highland Avenue, Woodruff Street, East Main Street from Woodruff Street to East Avenue and East Avenue. Seconded by Trustee Wynkoop. All ayes. Motion carried.

**EXTENDING LEASE AT 8 SCOFIELD STREET**

Trustee Forman moved to authorize a one month extension of the lease of 8 Scofield Street, for the period of July 1, 1997 to and including July 31, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**SOHNS MUSIC & APPLIANCE CENTER TRUCK LOAD SALE**

Trustee Forman moved to waive the parking regulations on Orchard Street July 23, 24, 25 and 26, 1997, in order to hold their Annual Truckload Sale. Seconded by Trustee Norman. All ayes. Motion carried.

**AUDITED BILLS**

Trustee Raymondo moved to pay the audited bills of July 8, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**WORK SESSION**

A work session with the Village Manager to discuss goals, objectives and expectations for the Fiscal Year 97-98 was scheduled for July 22, 1997 immediately proceeding the regular board meeting. ~~Seconded by Trustee. All ayes. Motion carried.~~

**ALFRED PLACE PARK**

Mayor Uszenski stated that the manager sent letters to all those involved with the Alfred Place Park.

Manager Hernandez stated that developing the Wooster Grove basketball courts may or may not occur depending on the cost.

VILLAGE OF WALDEN BOARD OF TRUSTEES  
JULY 8TH, 1997

Mayor Uszenski suggested that there be additional lighting at Wooster Grove so that if leagues were developed there would be sufficient lighting.

**32 SEELY STREET**

Manager Hernandez informed the board that the major debris at 32 Seely Street, is gone. It is no longer considered an unsafe building.

**17 OAK STREET**

Manager Hernandez stated that he was told that 17 Oak Street will be mowed and the property owner will be assessed.

**69 MAIN STREET**

Manager Hernandez informed the board that 69 Main Street will be mowed by village forces and the property owner will be assessed.

**PUBLIC PORTION**

Larry Sager, 78 Orchard Street asked if there was a complaint regarding the Alfred Place Park regarding a lady over hearing children talking about spray painting her house?

Manager Hernandez stated that he is not aware of that complaint.

Rebecca McNally, 52 Oakland Avenue stated that in regard to the manager's letter which was an update of the meeting he had with the people concerned with Alfred Place Park, she would like to say there are solutions to the problem, and the steps to the solutions are very considerate of both sides of the problem. Some of her neighbors on Oakland Avenue said it would be nice to see the Wooster Grove Park utilized.

Becky Pearson, 167 Walnut Street asked if the public was allowed to attend the work session on July 22nd, 1997?

Mayor Uszenski informed Mrs. Pearson that the public is allowed to attend.

Mike Buckley asked for an update on the bird problem on Capron Street?

Manager Hernandez stated that he has been working with the Police Chief on

VILLAGE OF WALDEN BOARD OF TRUSTEES  
JULY 8TH, 1997

that and they have been in touch with the fire district to secure their aid in dealing with the problem. The fire district requests a letter from DEC indicating suggestions from them, so they're not criticized by any animal rights activists for spraying the birds with water. He has also spoken to the superintendent of public works to assure that this would not tax the water system.

Mrs. Pearson asked what happened to the basketball courts at Wooster Grove?

Mayor Uszenski stated that the basketball hoops are there, but they are in bad shape.

Manager Hernandez stated that it is his recommendation to get solid equipment for the Wooster Grove basketball courts.

Mrs. McNally suggested that the village put up some kind of outdoor bathroom facilities at Wooster Grove.

Mrs. Pearson asked about the water situation in the village?

Manager Hernandez stated that the well levels are fine.

Larry Sager asked about the payment for Mr. Sweed's retirement? He also asked about the \$27,000 surplus that the village bought the police car with.

Mayor Uszenski informed Mr. Sager that they are two separate issues.

Mr. Powell thanked the new manager for his assistance with getting Selena Court public improvements dedicated.

Mrs. McNally asked if any decision has been made regarding certificates for business improvements?

Mayor Uszenski stated that letters have been sent and if the board would like to give out certificates that could be reinstated.

Bob Lamancuso, 33 Gladstone Avenue asked about the storm drain in front of the elementary school, has there been an assessment of the repair needed and a date set?

Manager Hernandez stated that he has looked at that, and he doesn't know when it will be fixed and how much it will cost.

VILLAGE OF WALDEN BOARD OF TRUSTEES  
JULY 8TH, 1997

Mr. Lamancuso further asked if someone from the village goes around and scans what needs to be repaired in the village or do they wait for someone to complain?

Mayor Uszenski stated that there is a list. The list is lengthy and the money is short. The most necessary repairs are done first.

Manager Hernandez also stated that recently the department of public works has suffered from several employees being out with various work related injuries and its not a big department to begin with.

Mr. Lamancuso stated that he feels its very important to fix that drain because it is in front of the elementary school and children do step off that curb.

Mrs. Pearson informed the board that she has had a pylon in front of her house for the past month.

Larry Sager stated that he hopes Trustee Wynkoop brings up the subject of trees he discussed with him, and he hopes Trustee Raymondo will bring up building permits, and he would like the Village Manager to look into how many hours are represented in the police departments part time budget, because the citizens don't know and he feels some hours should be taken out of there and given to the department of public works so some people can be hired in order to get work done in the village.

**REPORTS - COMMITTEE**

Trustee Raymondo brought up the following concerns; Main Street needs to be cleaned; the empty lot by Lillio's Pizza needs attention; there is garbage by 83 W. Main Street; there is a catch basin at the corner of Main and Walnut Streets that is totally collapsed; there are lose bricks by the senior citizen building; Old Orange Avenue and Orange Avenue the street sign is missing and the embankment on the corner of Scofield Street and Orange Avenue needs to be trimmed back so you can see. He asked why it takes so long to hire an electrician to put in the new pipe for the lighting at Wooster Grove?

Trustee Raymondo further stated that what Mr. Sager was talking about was revising the building permit code and ask for a start date and give them a time period and if the improvement is not finished within that period of time then the the permit doesn't get renewed.

Trustee Norman asked if anything has been done with the garbage problem on Valley Avenue?

VILLAGE OF WALDEN BOARD OF TRUSTEES  
JULY 8TH, 1997

Manager Hernandez stated that he will find out what enforcement action has been taken.

Trustee Wynkoop stated that there are other properties in the village that also need to be cleaned up.

Trustee Forman stated that the stop sign at the foot of Oakland Avenue was laying on the ground. There is also a large pot hole on North Montgomery Street.

Trustee Forman also stated that the backside of Main Street buildings need to be fixed up.

**REPORTS - MAYOR**

Mayor Uszenski stated that residents at Streamside are requesting the vacant lots be mowed. Also, there are two tractor trailers parking on Highland Avenue and Oakland Avenue.

**ADJOURNMENT**

Trustee Raymondo moved to adjourn. Seconded by Trustee Forman. All ayes. Motion carried.

Respectfully submitted,

Nancy Mitchell  
Village Clerk

JULY BILL LIST - JULY 8, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-91	ACE FINGER PRINT EQUIPMENT	27.00
A-92	AGWAY	19.98
A-93	ALFI'S UNIFORMS	226.00
A-94	AMTHOR'S WELDING	46.64
A-95	ARCH (PAGE NY)	25.00
A-96	CALVET TOOL RENTAL	120.00
A-97	COMMISSIONER OF FINANCE	41,151.00
A-98	COMMISSIONER OF FINANCE	70.00
A-99	DAN THE TREE MAN	1,775.00
A-100	DATABASE TECHNOLOGIES, INC.	2.88
A-101	DON MAGILL	17.50
A-102	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	3,333.33
A-103	E.A. MORSE CO., INC.	100.63
A-104	ENVIRONMENTAL PAPER TOWEL SERVICES	205.50
A-105	EMPIRE ENGINE	2,955.55
A-106	CL & EJ GRIDLEY	971.48
A-107	DARREN HERNANDEZ	42.70
A-108	HODGSON'S FARM	97.50
A-109	HUDSON VALLEY AWARDS	77.61
A-110	IKON OFFICE SOLUTIONS	62.25
A-111	INTERNATIONAL ASSOC OF CHIEF OF POLICE	972.00
A-112	JIM SMITH CHEVY	241.60
A-113	MT ELLIS	120.05
A-114	MITCHELL NANCY	170.00
A-115	ARCH (POLICE DEPT.)	178.56
A-116	PAPER DIRECT	57.80
A-117	PINE BUSH EQUIPMENT	16.16
A-118	PINE BUSH EQUIPMENT	327.00
A-119	SANWA LEASING CORP.	135.00
A-120	SLATER'S POWER EQUIPMENT	43.80
A-121	THRUWAY SHOPPING CENTER	596.23
A-122	TIMELESS TECHNOLOGIES	137.00
A-123	ALL WASTE SERVICES	65.00
A-124	WALDEN ANIMAL CLINIC	49.50
A-125	WALDEN PLUMBING & HEATING	319.75
A-126	WALLKILL AUTO SALES	6.42
A-127	WICKES LUMBER	21.09
A-128	SHOWCASE OF AWARDS	510.04
A-129	RYAN PHILIPS	14.10
A-130	MAYBROOK MATERIALS	176.51
A-131	EXPANDED SUPPLY PRODUCTS, INC.	26.21
A-132	DARREN HERNANDEZ	147.52

TOTAL GENERAL FUND

55,613.25

JULY BILL LIST - JULY 8,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-13	ARCH	6.75
F-14	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-15	DARREN HERNANDEZ	147.52
	<u>TOTAL WATER FUND</u>	<u>570.94</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-8	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-9	GEORGE MATHEWSON CO., INC.	4,554.80
G-10	JOHN CRANE, INC.	270.36
G-11	DARREN HERNANDEZ	147.52
	<u>TOTAL SEWER FUND</u>	<u>5,389.35</u>

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #53	AGWAY MONTGOMERY SIDEWALKS	39.99
CAPITAL ACCOUNT #53	COUNTRY HARDWARE SIDEWALKS	48.76
CAPITAL ACCOUNT #37	COUNTRY READI MIX ROAD PROGRAM	1,301.25
CAPITAL ACCOUNT #37	GROSSO MATERIALS, INC. ROAD PROGRAM	872.26
CAPITAL ACCOUNT #82	LIEBMAN - HURWITZ MUNICIPAL BLDG	1,000.00
SMALL CITIES 94	ECONOMIC CONSTRUCTION 71 SCOFIELD ST	1,950.00
SMALL CITIES 94	RAY COX CONTRACTING 37 GLADSTONE	2,774.00
COMM DEV 95	R.W.MECHANICAL, INC. 15 EAST MAIN STREET	2,850.00
PREPAID BILL		
GENERAL FUND	POSTMASTER	600.00
CAPITAL ACCOUNT #82	CONTRACTOR CASUALTY & SURETY CO.	10,230.00

BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN

REGULAR MEETING

TUESDAY, JUNE 24, 1997 AT 7:30 P.M.

VILLAGE OFFICES - 8 SCOFIELD STREET

THE AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. APPROVAL OF MINUTES  
Regular Board of Trustees meeting of June 10, 1997
6. BUSINESS OF THE BOARD OF TRUSTEES
  - A. Action Items
    - A.1: Acceptance of Public Improvements - Selena Court.  
Recommendation: Table until such time as appropriate documents are received by, and approved by, the Village Attorney.
    - A.2: Consideration of a request by Ms. June M. DeBates to have the mortgage held by the Village subordinated to a mortgage by Walden Savings Bank.  
Recommendation: Grant subordination and authorize the Mayor to sign the Subordination Agreement on behalf of the Village.
    - A.3: Unsafe Structure - Removal of Garage at 32 Seeley Street.  
Recommendation: Request property owner appear before Board to explain why debris from demolition of garage has not been removed.
    - A.4: Consideration of Requests for Sewer Use Law Waivers.
      - a: Joseph and Eve Bidesky, 30 Richardson Street.
      - b: George A. H. Heitz, 50 Hill StreetRecommendation: Grant waivers contingent upon successful completion of, and payment for, an inspection by the Village Engineer.
    - A.5: Consideration of a request by Mr. Ron Weller for a building permit fee refund in the amount of \$524.00; project has not commenced as originally expected.  
Recommendation: Grant refund for building permit in the amount of \$524.00.
    - A.6: Consideration of a request by the Department of Recreation and Parks to use the Municipal Square, Walnut Street, Orchard Street, Pine Street, Maple Street and Westview Drive for the 29th Annual Road Races on Friday, July 4, 1997.  
Recommendation: Grant approval for the closing and use of these roads.
    - A.7: Payment of Audited Bills for June 24, 1997.
  - B. Discussion Items
    - B.1: Name of street immediately in front of the Municipal Building.
    - B.2: Time of the Regular Meeting of the Board of Trustees.
    - B.3: Format of the Public Portion of Board meetings.
    - B.4: Personal guarantees of financing of 11-17 Main Street project.
  - C. Informational Items
    - A.1: Receipt of the Village's Summer Recreation Program Schedule.
    - A.2: Receipt of a memo announcing the appointment of Mr. Evan Panagiotopoulos to the Josephine-Louise Public Library Board of Trustees.
  - D. Correspondence
7. PUBLIC PORTION
8. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
JUNE 24<sup>TH</sup>, 1997**

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 Chris Forman  
Martin Besdesky  
Mary Jean Norman  
Gregory Raymondo  
Roy Wynkoop

Absent: Trustee John McGuckin, later present

Also Present: Darren Hernandez, Village Manager  
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of June 10th, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**ACCEPTANCE OF PUBLIC IMPROVEMENTS - SELENA COURT**

Mr. Dowd stated that there is a water leak and it has been determined that it is in the improvement that was installed by the developer. They were informed that this leak has to be fixed before the village takes the road. Also, the paperwork has not been completed.

Trustee Besdesky moved to table acceptance of public improvement for Selena Courts until everything is in order. Seconded by Trustee Forman. All ayes. Motion carried.

**SUBORDINATION AGREEMENT - JUNE DEBATES**

Trustee Besdesky moved to approve the subordination agreement and authorize the Mayor to sign on behalf of the Village. Seconded by Trustee Norman. All ayes. Motion carried.

## UNSAFE STRUCTURE - REMOVAL OF GARAGE AT 32 SEELY STREET

Mayor Uszenski stated that there is still some debris that has to be removed at 32 Seely Street.

Trustee Besdesky moved that all the debris has to be removed from 32 Seely Street by July 2nd, 1997 or the village can go in and remove it and assess the cost to the property. Seconded by Trustee Raymondo. All ayes. Motion carried.

## SEWER USE WAIVERS - BIDOSKY AND HEITZ

Trustee Raymondo moved to grant sewer use waivers for 30 Richardson Street and 50 Hill Street contingent upon the engineers inspection and all fees being paid. Seconded by Trustee Wynkoop. All ayes. Motion carried.

## BUILDING PERMIT REFUND

Trustee Norman moved to refund Mr. Ron Weller \$524.00 for a building permit, because the project never commenced. Seconded by Trustee Forman. All ayes. Motion carried.

## 29TH ANNUAL ROAD RACE

Trustee Besdesky moved to approve the Department of Parks and Recreation to use the municipal Square, Walnut Street, Orchard Street, Pine Street, Maple Street and Westwood Drive for the 29th Annual Road Races on Friday, July 4th, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

## AUDITED BILLS

Trustee Raymondo asked about the bill for the change order for 37 Gladstone Avenue regarding the amount of time they charged for spackling and painting. The bill doesn't state what material was purchased and how many square feet of painting and spackling they were doing. He also inquired about the bill for Empire Engine, for the replacement of the engine on car #3, they charged for a new water pump, transmission fluid and \$24.00 for a gas filter. Usually if you change an engine you wouldn't change the water pump or the transmission fluid, unless the car was in an accident.

Trustee Forman moved to pay the audited bills of June 24th, 1997 with the exception of Voucher A-70 Empire Engine in the amount of \$2,955.55 and the Small Cities voucher for Ray Cox in the amount of \$2,774.00, until more information is received. Seconded by Trustee Raymondo. All ayes. Motion carried.

## NAME OF STREET IN FRONT OF THE MUNICIPAL BUILDING

Mayor Uszenski suggested that the street in front of the municipal building be changed to, 1 Municipal Square. This will be on the next agenda as an action item.

## TIME OF REGULAR BOARD OF TRUSTEES MEETING

Trustee Forman moved to change the starting time of regular Board of Trustees meetings to 7:00 P.M. Seconded by Trustee Besdesky. All ayes. Motion carried.

## FORMAT OF THE PUBLIC PORTIONS AT BOARD MEETINGS

Mayor Uszenski suggested that the format of the public portion be changed to up to five minutes per person, one time.

## PERSONAL GUARANTEES OF FINANCING OF 11-17 MAIN STREET

Mayor Uszenski informed the Board that they have to decide tonight on the personal guarantees for the financing of 11-17 Main Street. Is the Board going to accept Chris's single signature, are they going to require anything in addition, and is the Board going to determine when the grant monies will be released?

It was the consensus of the Board to hold an attorney/client session to discuss this further.

## RECEIPT OF VILLAGE'S SUMMER RECREATION PROGRAM SCHEDULE

The summer recreation program schedule has been completed, the playground will begin on July 7th, the road race will be July 4th, August 9th is the 8k race, and the soccer program will be announced.

## APPOINTMENT OF EVAN PANAGIOTOPOULOS TO THE LIBRARY BOARD

Mayor Uszenski informed the Board that Evan Panagiotopoulos was appointed to the Library Board.

## RETIREMENT PARTY

Mayor Uszenski stated that there will be a retirement party for Verda Martin on Thursday, June 26th, 1997.

## RECREATION MEETING-RE: ALFRED PLACE PARK

Manager Hernandez stated that the one suggestion to help with the problem at the Alfred Place Park was to redevelop the basketball hoops at Wooster Grove. There presently is no money budgeted for that purpose. There were several suggestions dealing with the concerns of the residents in the neighborhood of Alfred Place Park, including lowering the hoops to six feet and if that is not possible, removing one of the hoops and making it half court. The lowering of the hoops might be difficult because of the construction of the poles. He will be taking a look at the park with village staff and see what can be done. The elimination of one hoop was recommended by the neighboring property owners. It was something that one or two of the parents of the basketball players indicated they would be willing to do if that was a way to compromise.

## BOARD WORK SESSION

Mayor Uszenski stated that he would like to schedule a work session some time in July to meet with the manager and set goals for the next year.

## PUBLIC PORTION

Mike Buckley asked for the village's help in eliminating the problem he has with the large population of birds in his back yard. He spoke to DEC who suggested hitting the birds with fire hoses for a period of one week, or using sound projections.

Manager Hernandez suggested that the village contact Cornell University who may have some ideas.

Becky Pearson stated that in regard to the public portion, most of the time if there is a big crowd and there is something very important being discussed and someone may want to comment which might take more than five minutes. For the three to seven people who show up for the regular board meeting, if someone has their five minutes and then someone else says something that that person who had their turn wants to comment on, you can't speak and you're not interacting with anybody. She feels interaction is a good thing. She further suggested that the public be able to comment during the Board's discussion items.

Larry Sager, 78 Orchard Street asked if Mr. Howland showed the Board the charter he received from the senior citizens.

Mayor Uszenski advised Mr. Sager that he hasn't seen it.

Mr. Sager further stated that he knows there was a meeting and he would like to know what was said.

Mr. Buckley stated that he feels the same as Mrs. Pearson does about limiting public portion. Being limited to only speak once can cause problems. He suggested being allowed to speak earlier.

Larry Sager stated that he hopes the board is looking at the fact that the money for 11-17 Main Street is strictly for construction purposes and he is not receiving this grant money to put in his pocket.

Mr. Cappello stated that there are a lot of communities that start their meetings at 7:00 P.M. and from 7-7:15 they have a general comment period and they allow people to speak on an agenda item and leave early. Then when 7:15 comes the meeting starts and the public have to wait until public portion.

Mr. Cappello further stated that in regard to Mr. Sager's statement the Board's attorney will tell you that HUD will oversee every disbursement made and there are strict procedures. On the issue of guarantees, they did submit to each Board member a letter setting forth the facts which it was their belief that this issue had been resolved a long time ago. Mr. and Mrs. Spanos are well into their

eighties, the one percent ownership, if you look at the proformas for the first ten years the rate of return, the one percent of that rate of return is about \$400-\$500 dollars over each year that would go to Mr. and Mrs. Spanos to have that guarantee. All their earnings would just be a very ownerous requirement and would discourage people to go ahead in assisting the village when the village submitted the HUD grant the only financials they asked for were Chris Spanos's personal financials. He submitted a letter to the Board today because they hadn't heard anything regarding the inquiries as to what HUD's requirements are.

Larry Sager stated that he can understand the frustrations the residents are going through with the Alfred Place Park. Something should be done now, you shouldn't wait.

Mike Buckley suggested the village go back to once a week street sweeping, especially the Main Street area.

Mr. Buckley further stated that the board discussed opening the meetings up at 7:00 P.M. and the concern he has is one of the highest votes for board member was Trustee McGuckin and right now he is having a problem getting here at 7:30 P.M. and he needs to be here. He would like the meetings kept at 7:30 P.M. so Trustee McGuckin can be present.

Becky Pearson asked what the purpose of lowering the baskets would be?

Mayor Uszenski advised Mrs. Pearson that it would allow the younger people to play.

Larry Sager stated that he is not in favor of limiting the public portion. He would also like the Village Manager to look back and see what time the street sweeper is out. There is no need for it to go down Orchard Street at 1:00 P.M. when school is in session,

Mr. Buckley asked what the status of the Municipal Building was?

Manager Hernandez stated that they are working. There was a problem with the subcontractor.

#### REPORTS - COMMITTEE

Trustee Norman stated that the tennis program this year had 120 participants. She went down to the beach and everything looked great.

Trustee McGuckin stated that the village needs to get in touch with the owners of 17 Oak Street, the grass and weeds are overgrown again.

Trustee McGuckin further stated that he also has a concern regarding street sweeping and he feels the schedule should be in the paper and the Community Bulletin Board.

Manager Hernandez advised Trustee McGuckin that he has some suggestions which he will be discussing with the DPW Superintendent.

## REPORTS - MAYOR

Mayor Uszenski stated that the Little League contacted him and they've received a donation of five telephone poles to be used to light the ball field and they would like permission to store them at Bradley Park.

## ATTORNEY/CLIENT PRIVILEGES

Trustee Besdesky moved that the Board go into closed session under attorney/client privileges. Seconded by Trustee McGuckin. All ayes. Motion carried.

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

## EXECUTIVE SESSION

Trustee Forman moved to go into executive session pursuant to 105-(f) of the Public Officers Law to discuss the personal or credit history of a specific entity and person and Mr. Barnes, Grant Administrator was invited to stay. Seconded by Trustee Norman. All ayes. Motion carried.

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

Trustee McGuckin moved to amend Resolution No. 16-95-96, Application for FY 1996 Single Purpose Small Cities Funding, adopted March 5, 1996, to the extent that the village will not require personal guarantees from John and Katrine Spanos for the village's financing of this project. In lieu thereof, in order to secure the loan proceeds, the village will require the personal guaranty of Christos Spanos, evidenced by his present and future personal assets, the guaranteeing of any person, firm, partner or joint venture of the project who may acquire an ownership interest in said project to the extent of that ownership interest and that village funds shall not be expended until all other private and public funding sources are expended on the project. Seconded by Trustee Forman. All ayes. Motion carried.

## ADJOURNMENT

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

Respectfully submitted,

  
Nancy Mitchell  
Village Clerk

JUNE BILL LIST - JUNE 24,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDER</u>	<u>AMOUNT</u>
A-61	AMTHOR'S WELDING	12.90
A-62	AWESO	28.80
A-63	CLEAN LAKES, INC.	550.00
A-64	DCJS	40.00
A-65	DAIRY MART	7.45
A-66	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C	62.70
A-67	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C	101.20
A-68	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	18.50
A-69	ETC DATA PROCESSING SERVICE	669.19
A-70	EMPIRE ENGINE	2,955.55
A-71	GEORGE'S AUTO PARTS	7.10
A-72	GLOBAL COMPUTER SUPPLIES	37.20
A-73	HODGSON'S	285.00
A-74	MATTHEW BENDER & CO., INC.	118.48
A-75	MID HUDSON OFFICE SUPPLY	92.12
A-76	MITCHELL NANCY	10.00
A-77	MITCHELL NANCY	22.00
A-78	MID HUDSON OFFICE SUPPLY	33.10
A-79	ORANGE COUNTY MUNICIPAL PLANNING FED	120.00
A-80	VINCENT TOOMEY	493.50
A-81	WALOR AUTO BODY & GLASS	198.22
A-82	WICKES LUMBER	77.00
A-83	JAN WEINER	10.00
A-84	WESLEY HALL SENIOR CITIZEN CENTER	2,500.00
A-85	WEST GROUP	190.00
A-86	EHRlich PEST CONTROL, INC.	175.00
A-87	OFFICE FOR THE AGING COUNTY OF ORANGE	2,600.00
A-88	CHAMBER OF COMMERCE TOWN OF MONTGOMERY	25.00
A-89	MUNICIPAL MANAGEMENT ASSOCIATION	100.00
A-90	PHILIP KAPUSTA	140.00
	<u>TOTAL GENERAL FUND</u>	<u>11,680.01</u>

JUNE BILL LIST - JUNE 24,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-11	RAMSCO	1,440.00
F-12	DUSO CHEMICAL CO.,INC.	185.80
	TOTAL WATER FUND	<u>1,625.80</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-6	ENVIROTEST LABORATORIES, INC.	635.00
G-7	GEORGE A MATHEWSON COMPANY, INC.	392.70
	TOTAL SEWER FUND	<u>1,027.70</u>

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #82	CONTRACTORS CASUALTY & SURETY CO. MUNICIPAL BLDG	13,455.61
CAPITAL ACCOUNT #88	VAUGHAN CO. INC.	21,447.00
COMM DEV	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C	19.80
SMALL CITIES 94	RAY COX CONTRACTING	2,774.00

JUNE BILL LIST - JUNE 24,1997

PERPAID BILLS

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	COASTAL REFINING & MARKETING, INC.	27.02
	FRONTIER COMMUNICATIONS	228.41
	AGWAY PETROLEUM	404.43
	WAREX	971.10
		<u>1,630.96</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	109.23
	COASTAL REFINING & MARKETING, INC.	40.70
		<u>149.93</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	58.70
		<u>58.70</u>

# NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, June 10<sup>th</sup>, 1997 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 Selena Courts - Acceptance of Public Improvements
    - A.2 32 Seeley Street
    - A.3 Sager/Yerks Subordination Agreement
    - A.4 Payment of Audited Bills for June 10<sup>th</sup>, 1997
  - B. DISCUSSION ITEMS
    - B.1 Alfred Place Park
    - B.2 Street Markings - Orchard Street and Municipal Square
    - B.3 Grass Cutting - Set Work Session
  - C. INFORMATIONAL ITEMS
  - D. CORRESPONDENCE
5. PUBLIC PORTION
6. EXECUTIVE SESSION - (105-F) Personnel
7. ADJOURNMENT

VILLAGE OF WALDEN  
BOARD OF TRUSTEES  
MEETING  
JUNE 10, 1997

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 Chris Forman  
Martin Besdesky  
Roy Wynkoop  
Mary Jean Norman

Absent: Trustees John McGuckin, later present  
Greg Raymondo

Also Present: Darren Hernandez, Village Manager  
Kevin Dowd, Village Attorney

Recording Secretary: Nancy Mitchell, Village Clerk

Mayor Uszenski introduced the new Village Manager, Darren Hernandez.

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of May 27th, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**SELENA COURTS**

Kevin Dowd explained to the board that the attorney for Selena Estates did not present to the clerk's office the letters of credit, one for the maintenance bond and one for the \$2,000 performance bond. He was also to deliver an updated title report. He suggested this be tabled until the next board meeting.

Trustee Besdesky moved to defer the acceptance of public improvements for Selena Courts until the next board meeting, June 24th, 1997. Seconded by Trustee Forman. All ayes. Motion carried.

**32 SEELY STREET**

Mayor Uszenski stated that the owner of 32 Seely Street was to have torn down the garage by May 31st, 1997.

VILLAGE OF WALDEN  
BOARD MEETING-JUNE 10, 1997

Mr. Dowd stated that he spoke to the building inspector who advised him that the garage is down, but not removed from the premises.

Trustee Wynkoop moved to table action on 32 Seely Street until the next board meeting, June 24, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**SAGER/YERKS SUBORDINATION AGREEMENT**

Mr. Dowd stated that last year the board approved the subordination of the villages mortgage to a mortgage by the New Jersey Mortgage and Investment Corporation. That was never recorded by the mortgage company. They now want to subordinate to a mortgage that is higher than the previous mortgage. The board has set as a guideline that the mortgages shall not exceed 80% of the appraised value of the home. With the new mortgage amount, as well as the amount of the village mortgage that percentage comes out to 80.68%.

Trustee Forman moved to authorize the Mayor sign the Sager/Yerks subordination agreement. Seconded by Trustee Norman. All ayes. Motion carried.

**AUDITED BILLS**

Trustee Besdesky moved to pay the audited bills of June 10, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**LUXEMBOURG LTD.**

Mayor Uszenski informed the board that the financing committee for 11-17 Main Street met last night and Mr. Cappello is requesting that the board make a decision on the issue of the guarantees of the principals of Luxembourg Ltd. They have said that only Chris Spanos will sign and not his parents. This issue will be on the agenda for the next board meeting.

Mr. Dowd stated that there is also the issue as to when the village money would come into the mix of all the other monies available and whether the village would make the funds available immediately or would it be the last source of money into the project after all the private financing has been used.

**ALFRED PLACE PARK**

Mayor Uszenski stated that the subject of the Alfred Place Park had come before the board and the board referred it to the Recreation Committee and the meeting has not been scheduled.

Trustee Norman advised the board that she spoke to Mr. Howland and they were to meet with the families that are concerned about the park. She has spent some time at the park, during the day and at night. The only problem she sees is the foul language of the basketball players. That was one of the complaints.

Mayor Uszenski stated that he feels the Recreation Committee should be handling this issue.

VILLAGE OF WALDEN  
BOARD MEETING-JUNE 10, 1997

**STREET MARKINGS**

Trustee Besdesky moved to authorize the Department of Public Works to mark parking spaces on Orchard Street. Seconded by Trustee Forman. All ayes. Motion carried.

**LAWN MOWING OF VILLAGE OWNED PROPERTIES**

The Board directed the new Village Manager, Darren Hernandez to get a working policy for the mowing of village owned properties.

**NOTICE OF CLAIM**

The Village Clerk received a notice of claim, Frederick Imhoff against the Village of Walden.

**CORRESPONDENCE**

A letter was received from James Rahm, 17 Highland Avenue, requesting repairs to the sidewalk on the west side of Woodruff Street.

A letter was also received from Frances Pierce who owns the property along side of the Orchard Street parking lot and she is asking that the village erect a barrier between her property and the parking lot to keep people from crossing her property.

Mayor Uszenski suggested a living fence.

Village Manager Hernandez stated that he will look into the matter of the Pierce property and report back to the board.

**PUBLIC PORTION**

Mark Powell, 9 Selena Court, inquired as to what needs to be done to get the public improvements dedicated to the village?

Mr. Dowd informed Mr. Powell that what is required is a letter of credit for unfinished work of \$2,000, a maintenance bond in the amount of \$10,900, which stays in place for one year, from the date of dedication and a title report. He spoke to the attorney for Selena Courts last week and yesterday and the updated letters of credits were to be delivered to the village office today, but haven't been.

Mr. Powell stated that he was also told that a leaky valve was also holding up the dedication and come to find out it wasn't on Selena Courts property.

Marie DiMartini asked about the meeting regarding the Alfred Place Park, how will the community be informed as to when the meeting will take place?

A sign up sheet was passed around for those who wanted to be notified of the

VILLAGE OF WALDEN  
BOARD MEETING-JUNE 10, 1997

meeting.

Mrs. DiMartini further asked if all the parks were going to be monitored for what kind of language is used? The kids are very polite when she is at the park.

Larry Sager, 78 Orchard Street, asked about the marking of the parking spaces on Orchard Street and stated that he doesn't understand why the village is doing it.

Becky McNally complimented the people who did the stone work on the Wooster Grove sign. She asked when the lighting will be done? She also asked about the Highland Avenue bridge.

Mayor Uszenski stated that the town is in the process of replacing that bridge.

Theresa Bleichner stated that she drives a school bus for the City of Newburgh and if you know the city you know what she has to deal with. At least she knows where her children are when they are at the Alfred Place Park, they are not roaming the streets. She wants to fight to keep this park.

Mr. Torres asked if the problem at the park is something the police can take care of? Is it going to be the answer to close the parks because the kids are rowdy?

Becky Pearson asked if the village knows when the offices will move into the municipal building?

Mayor Uszenski stated that there is a meeting tomorrow morning regarding the municipal building.

Mrs. Pearson asked why there would be a difference with parking whether the offices are in this building or that building?

Mayor Uszenski informed Mrs. Pearson that its because the front of that building has never been used for a main pedestrian entrance and for public safety the village is going to have to look at what is involved with people crossing the streets.

Mrs. Pearson asked where the village employees will park?

Mayor Uszenski informed Mrs. Pearson that employees will park behind the building.

Mrs. Pearson asked if the bank where the basketball courts use to be at Bradley Park, could that grass be mowed?

Trustee Wynkoop stated that that has been done.

Larry Sager suggested that the street markings on Orchard Street be put off

VILLAGE OF WALDEN  
BOARD MEETING-JUNE 10, 1997

until September, because this is the end of the school year. He further informed the board that he has written a letter to the Board of Education about the basketball players at the elementary school.

Mrs. McNally suggested that the village give a certificate to the owner of the mini mall for the improvements he's done to his property.

Mrs. Pearson welcomed the new manager to the village and further asked if he is required to live in the village?

Manager Hernandez stated that it is a requirement in his contract with the village to reside in the village by November 1st.

Mr. Sager asked about the correspondence regarding the use of language by a police officer, he brought it up to the chief too. Is there any further correspondence on this?

Mayor Uszenski stated that he gave the letter to the chief and he is to take care of the matter.

Mr. Sager asked if it would be possible to get a summer basketball program together?

Trustee Norman advised Mr. Sager that she will take that suggestion back to the Parks and Recreation Committee.

Becky Pearson asked the status of the grant for the recreation building at Wooster Grove?

Mayor Uszenski stated that the village is waiting for the State budget to be passed.

**EXECUTIVE SESSION**

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

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

**REPORTS - COMMITTEE**

Trustee Norman stated that Mr. Howland approached her regarding a certificate for Mr. Schmoll and Valley Central District for allowing the village to use the gym for the basketball program.

Trustee Wynkoop stated that at 62 Pleasant Avenue there is an empty house that has trash from one end of the porch to the other.

VILLAGE OF WALDEN  
BOARD MEETING--JUNE 10, 1997

Trustee Norman stated that there is also a house at 34 Valley Avenue with a lot of trash on the porch.

Trustee Besdesky stated that Mrs. Huber's situation is going out of control. The property is the worse its ever been.

Trustee Wynkoop stated that 132 Walnut Street there is about nine cars in the yard.

Trustee Besdesky stated that he received a complaint from a resident on Capron Street who said the starlings are back.

Trustee Forman stated that the pot hole at 48 Walnut Street still hasn't been fixed.

Trustee McGuckin stated that he wasn't at the last meeting when street sweeping every other week was discussed, he doesn't know that he would have voted for that. He is happy there is a schedule, and it should be posted.

Manager Hernandez suggested alternate side of the street parking.

Trustee McGuckin asked about Winding Brook subdivision, what needs to be done for dedication of the streets and the pump station?

Mr. Dowd stated that there is a homeowners association and those streets were never intended to be dedicated. The water and sewer lines were suppose to be. There is a pump station that has never been dedicated because it has not been maintained very well. He doesn't believe the streets would meet specifications.

**REPORTS--MAYOR**

Mayor Uszenski stated that he feels the street in front of the Municipal Building should be 1 Municipal Square.

Trustee McGuckin asked what happened to the discussions regarding the park in front of the municipal building?

Mayor Uszenski stated that has to be looked at again.

Mayor Uszenski further stated that he found two horseheads at 129 W. Main Street. They look close to the ones at the Firemen's Park. He suggested the owners be contacted to see if they would be interested in selling them to the village.

Trustee McGuckin asked about the status of the Municipal Building renovations?

Mr. Dowd briefed the board on the project.

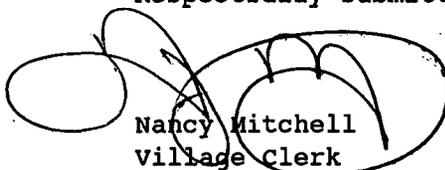
VILLAGE OF WALDEN  
BOARD MEETING-JUNE 10, 1997

Mayor Uszenski stated the K&H Corrigated has to be contacted for boxes for the library move.

**ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Village Clerk

JUNE BILL LIST - JUNE 10, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A1	AGWAY	139.98
A2	CALVET TOOL	195.00
A3	COUNTRY HARDWARE	205.16
A4	COASTAL REFINING & MARKETING	171.91
A5	COUNTRY HARDWARE	238.00
A6	CUSTOM CLAY & SOIL	2,502.12
A7	EXPANDED SUPPLY	46.03
A8	GAINER-WILBUR	138.00
A9	GAINER-WILBUR	204.75
A10	GAINER-WILBUR	429.66
A11	GAINER-WILBUR	117.00
A12	GAINER-WILBUR	582.00
A13	GAINER-WILBUR	130.50
A14	GAINER-WILBUR	706.69
A15	GAINER-WILBUR	185.04
A16	GROSSO MATERIALS	88.77
A17	FRONTIER COMMUNICATIONS	5.00
A18	FRONTIER COMMUNICATIONS	32.59
A19	FRONTIER COMMUNICATIONS	76.30
A20	FRONTIER COMMUNICATIONS	244.15
A21	FRONTIER COMMUNICATIONS	315.19
A22	FRONTIER COMMUNICATIONS	114.87
A23	HUDSON VALLEY AWARDS	21.41
A24	IKON OFFICE SOLUTIONS	249.00
A25	NATIONAL RECREATION & PARK	90.00
A26	NYSEG	1,178.95
A27	NYSEG	868.24
A28	NYSEG	5,582.18
A29	MANZA FAMILY FARM	104.00
A30	MAYBROOK MATERIALS	28.47
A31	OR. CO. SANITARY LANDFILL	418.60
A32	PITNEY BOWES	65.25
A33	SARJO INDUSTRIES	243.52
A34	SLATER'S POWER EQUIPMENT	360.70
A35	THRUWAY SHOPPING CENTER	42.99
A36	THRUWAY SHOPPING CENTER	207.74
A37	THRUWAY SHOPPING CENTER	49.22
A38	WALDEN AUTO SUPPLY	23.49
A39	WALDEN PLUMBING & HEATING	206.90
A40	WALLKILL VALLEY TIMES	280.64
A41	WICKES LUMBER	14.06
A42	WORLD MAINTENANCE SUPPLY	80.96
A43	MONTGOMERY AGWAY	23.31
A44	AT & T	3.13

JUNE BILL LIST - JUNE 10,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A45	JOHN DEERE, INC	15,998.00
A46	AGWAY	49.90
A47	ARCH	25.00
A48	ANNESE & ASSOCIATES	223.04
A49	DANIELS AGENCY	61,614.44
A50	DRAKE SOMMERS LOEB TARSHIS & CATANIA	3,333.37
A51	MID HUDSON OFFICE SUPPLY	650.00
A52	NYCOMCO	1,480.00
A53	NYCOMCO	2,340.00
A54	PITNEY BOWES	65.25
A55	SANWA LEASING	135.00
A56	SARJO INDUSTRIES	50.75
A57	WALDEN AUTO	75.27
A58	WALDEN AUTO	21.65
A59	WICKES LUMBER	80.25
A60	WOODARD'S	328.00
	TOTAL	103,481.39

JUNE BILL LIST - JUNE 10, 1997

WATER FUND

<u>VOUCHER NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F1	COUNTRY HARDWARE	\$205.16
F2	FRONTIER COMMUNICATION	77.51
F3	GAINER - WILBUR	190.62
F4	NYSEG	3,039.11
F5	ORANGE CO. LABORATORY	120.00
F6	RAMSCO	15.00
F7	CIARDULLO PRINTING	37.50
F8	DRAKE SOMMERS LOEB TARSHIS	416.63
F9	DANIELS AGENCY	13,410.00
F10	ARCH	6.75
	TOTAL	17,518.28.

SEWER FUND

<u>VOUCHER NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G1	CIARDULLO PRINTING	\$37.50
G2	FRONTIER COMMUNICATION	56.97
G3	NYSEG	3,856.83
G4	DRAKE SOMMERS LOEB TARSHIS	416.63
G5	DANIELS AGENCY.	9,408.00
	TOTAL	13,775.93

JUNE BILL LIST - JUNE 10, 1997

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #37	GROSS MATERIALS	\$377.11
	COUNTRY READI MIX	\$2,967.25
CAPITAL ACCOUNT # 37	COUNTRY READI MIX	\$393.25
CAPITAL ACCOUNT #82	NYSEG	\$ 7.90
	LIEBMAN-HURWITZ	\$1,000.00
	INMAC	\$99.39
CAPITAL ACCOUNT #88	GAINER-WILBUR	\$113.68
CAPITAL ACCOUNT #91	GAINER-WILBUR	\$295.62
COMMUNITY DEVELOPMENT	KERRON BARNES	\$87.50
	94 SMALL CITIES	
	KERRON BARNES	\$180.00
	95 SMALL CITIES	
	KERRON BARNES	\$1,980.00
	UDAG	
	VERNON SPENCER	180.00
	UDAG	
	R.W. MECHANICAL	12,320.00
	95 SMALL CITIES	
TRUST AND AGENCY	GAINER-WILBUR	42.00

# NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, May 27<sup>th</sup>, 1997 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. 26-96-97, Capital Reserve Fund
    - A.2 Resolution No. 27-96-97, Budget Amendment
    - A.3 Payment of Audited Bills for May 27<sup>th</sup>, 1997
  - B. DISCUSSION ITEMS
    - B.1 Retirement Retroactive Repayment Plan
  - C. INFORMATIONAL ITEMS
  - D. CORRESPONDENCE
    - D.1 Request for Sign - "Deaf Child in Area"
5. PUBLIC PORTION
6. EXECUTIVE SESSION
7. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
MAY 27, 1997**

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   Chris Forman  
   Martin Besdesky  
   Roy Wynkoop  
   Mary Jean Norman  
   Gregory Raymondo

Absent:            Trustee    John McGuckin

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

Mayor Uszenski thanked everyone in the village who participated in the Memorial Day Ceremonies. Everyone did a good job and it was a very nice service.

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of May 13, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

**RESOLUTION NO. 26-96-97 CAPITAL RESERVE FUND HIGHWAY EQUIPMENT**

Trustee Forman moved to adopt Resolution No. 26-96-97, Capital Reserve Fund Highway Equipment, (attached). Seconded by Trustee Besdesky. All ayes. Motion carried.

**RESOLUTION NO. 27-96-97 BUDGET AMENDMENT**

Trustee Besdesky moved to adopt Resolution No. 27-96-97 Budget Amendment, (attached). Seconded by Trustee Raymondo. All ayes. Motion carried.

**RESOLUTION NO. 28-96-97, BUDGET AMENDMENT, LIBRARY**

Trustee Wynkoop moved to adopt resolution No. 28-96-97, Budget Amendment, Library, (attached). Seconded by Trustee Forman. All ayes. Motion carried.

**AUDITED BILLS**

Mayor Uszenski stated that the bill for top soil was for Wooster's Grove and it was county bid.

Trustee Norman moved to pay the audited bills of May 27, 1997. Seconded by Trustee Wynkoop. All ayes with the exception of Trustee Raymondo abstaining. Motion carried.

**RETIREMENT RETROACTIVE REPAYMENT**

Mayor Uszenski stated that this is in reference to Walt Sweed, DPW Superintendent who when starting employment with the village in 1970 was to be in Tier I and he was put in Tier II. It took a number of years to get this problem corrected. The village has to pay for retroactive membership. The treasurer advises the village pay a five year payment schedule.

Trustee Besdesky moved to pay retirement retroactive membership on a five year schedule. Seconded by Trustee Forman. All ayes. Motion carried.

**NEW YORK STATE DIVISION OF PAROLE**

Mr. Dowd stated that after the last board meeting the next day he received a signed agreement back the Division of Parole. He called their attorney and advised him that the board had turned down their request to use the Police Department. They are asking for reconsideration.

Trustee Raymondo stated that he stands by his vote, no.

Trustee Norman stated that she also stands by her vote, no.

It was the consensus of the board not to allow the New York State Division of Parole to use the Police Department to conduct parolee reports.

**STREET SWEEPER**

Mayor Uszenski stated that the Department of Public Works is short employees due to someone being out on worker's compensation and Mr. Rissmeyer being the foreman for the sidewalk crew. The superintendent is asking that the village go to bi-weekly street sweeping instead of every week.

It was the consensus of the board to sweep the village streets bi-weekly on a trial basis.

**POLICE MEMO - BEES**

Mayor Uszenski stated that the board has received a memo regarding a situation involving honey bees which fell off the back of a pick up truck and the police had to call in a exterminator.

Mr. Dowd stated that he is not sure if the village will be able to recoup that cost.

**TREES**

Trustee Wynkoop stated that he received information that you can buy seedlings from DEC and set it up with the prison where they will take care of them for five years. He will check to see if these trees will be suitable to plant on village streets.

Mayor Uszenski stated that next the committee will have to meet and decide what areas they will begin with. He assigned Becky Pearson to the committee.

**REQUEST FOR SIGN - DEAF CHILD IN AREA**

Mayor Uszenski stated that correspondence was received from Laura Benson who has a five year old little boy who is totally deaf. She asks that the village put up a sign at the corner of Coldenham Road and Edmunds Lane stating that there is a deaf child in area.

Trustee Forman moved to authorize a sign be put up on the corner of Edmunds Lane and Coldenham Road reading, "Deaf Child In Area". Seconded by Trustee Norman. All ayes. Motion carried.

**PUBLIC PORTION**

John Cappello stated that based on the last meeting with the finance committee there were a few issues raised. They are trying to move towards finalization of this whole matter. June 3<sup>rd</sup> is their public hearing with the Planning Board. Harvey Berg is preparing the final construction drawings to give to the building inspector and the board to prepare the bid package. There are a few issues regarding preparation of the final financing agreement, fulfilling all the conditions so HUD can release the money. What they have in their letter is some of their responses to some of the comments and information requested by the finance committee. They will continue to be submitting some information and working with the finance committee. They have a proposed schedule which has been amended. They are looking to do this all as quickly as possible so they can begin construction late August early September. The issues he'd like the board to focus on prior to the next meeting is the policy issue for this board to decide is the timing of the release of funds. They would like to see all the funds when they are obtained from private sources and the public sources, to the extent that they can be put into a pot and construction be drawn down on a pro-rata basis from each funding source. Kerron Barnes is going to look into HUD requirements to see where the timing requirements are. That is one policy issue the board has to consider. The board will be working with the village attorney to prepare the actual documents that will be the agreement between the village and the developer. They hope to be involved. The committee will be meeting again on June 9<sup>th</sup>.

Becky Pearson 167 Walnut Street asked about where the police cars are parked, why do they park in front of Gridley's taking up public parking? They are out there right now.

The Interim Village Manager stated that she will speak to the Police Chief.

Mr. Clifford asked when the stumps were going to be ground?

Mayor Uszenski stated that they usually wait to schedule the stump grinder when they get a certain amount of stumps. He will ask Mr. Sweed.

Mrs. Pearson asked if the board wanted to discuss the committee on the trees?

Mayor Uszenski stated that when Trustee Wynkoop gets enough information together they will meet. He will supply her with the list of trees recommended.

Bob Lamancuso 33 Gladstone Avenue stated that the barrels with the flowers in them look very nice.

Mrs. Pearson thanked the village for coming up and cleaning her drain.

Mr. Lamancuso asked if the village could fix the drain in front of the elementary school? He further asked if it was possible to delineate the parking spaces on Orchard Street in front of the school. Too many people are taking up spaces.

Trustee Forman stated that there is a similar situation in front of the village offices.

Mayor Uszenski asked that the Police Chief and DPW Superintendent research this.

Trustee Besdesky stated that with the municipal building being renovated he feels the municipal square should be striped too.

It was the consensus of the board to have the subject of line striping of Orchard Street and the Municipal Square researched by the Police Chief and the DPW Superintendent.

Becky McNally, 52 Oakland Avenue stated that the sign at Wooster Grove is tremendous and she has been waiting for the stone work to get finished so she can plant flowers there.

Mayor Uszenski stated that the slate and the lighting has to be finished.

Becky Pearson asked if anyone got to read Sam Phelps article in the paper regarding the trees at Bradley Park. These trees were planted for the veterans and they were to have name plaques on them. The trees have been cut down. She asked if the village would be interested in putting new trees up there?

Mayor Uszenski stated that this can be included in the tree committee project.

Bob Lamancuso stated that about two and one half years ago there was \$1500 set aside to have the horse heads worked one. He asked what happened to that project?

Trustee Besdesky stated that it was \$1100 for the mold and the board decided not to go forward.

Mayor Uszenski stated that the board did discuss redistributing the remaining horse heads and relocate the poles. The sidewalk crew may be able to do that.

#### **REPORTS - COMMITTEE**

Trustee Norman stated that she was approached by a resident of Highland Avenue regarding the condition of the sidewalk in front of 32 or 36 Highland Avenue.

Trustee Norman further stated that she met with John Howland and some of the residents of Harvard Drive were at the last Parks and Recreation Meeting. The village did replace the swing at Harvard Drive Park. The residents will be at the next Village Board meeting.

Trustee Besdesky stated that he and Trustee Norman are going to start working on the fire horn project.

Trustee Forman stated that he's received a lot of comments on how nice the flags and the planting barrels look.

Trustee Forman stated that the pot hole at 48 Walnut Street needs to be filled in.

#### **REPORTS - MAYOR**

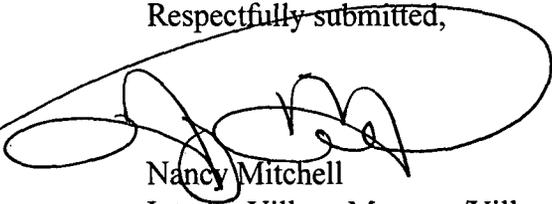
Mayor Uszenski stated that he noticed the county put the stripe down South Montgomery Street. He asked who gave permission to do that?

Interim Village Manager Mitchell stated that its a county road.

#### **ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Interim Village Manager/Village Clerk

RESOLUTION NO. 26-96-97  
CAPITAL RESERVE FUND  
HIGHWAY EQUIPMENT

**RESOLVED**, that pursuant to Section 6-c of the General Municipal Law, as amended, this Village of Walden Board of Trustees does hereby establish a Capital Reserve Fund to finance the cost of acquisition of highway equipment.

The Village Treasurer is hereby directed to deposit moneys of this reserve fund in a separate bank account to be known as the "Highway Equipment" Reserve Fund.

The Village Treasurer is authorized to invest, from to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law.

No expenditure shall be made from this fund, except upon authorization of this board pursuant to Section 6-c of the General Municipal Law, and subject to permissive referendum if required by law.

Motion to adopt by Trustee Forman and seconded by Trustee

Boodary. The Mayor declared the resolution adopted on May 27, 1997 after a vote of 1  
ayes to 0 nays with 0 abstentions.

**RESOLUTION NO. 27-96-97  
BUDGET AMENDMENT**

**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 amendment be approved:

**GENERAL**

<b>DECREASE</b>	<b>AMOUNT</b>	<b>AMENDED TOTAL</b>
7110.100 Parks Personal Serv.	\$4,000.00	\$14,360.00
7180.100 Beach Personal	2,000.00	17,250.00
7310.100 Youth Program	750.00	25,470.00
1230.100 Managers	8,000.00	13,350.00

**INCREASE**

7110.433 Fuel	600.00	2,745.00
7110.449 Lawn Mower Repairs	200.00	1,549.00
7110.451 Park Maint-Bradley/Alfred	2,000.00	6,690.00
7110.452 Park Maint-Wooster	1,200.00	23,661.00
7110.453 Park Maint-Walden	750.00	8,499.90
7110.471 Electricity	2,000.00	6,500.00
9950.9 Transfer to Cap. Funds	8,000.00	8,000.00

Motion to adopt by Trustee Beedoxy and seconded by Trustee

Raymondo. The Mayor declared the resolution adopted on May 27, 1997

after a vote of 6 ayes to 0 naves with 0 abstentions.

RESOLUTION NO. 28-96-97  
BUDGET AMENDMENT

WHEREAS, the Village of Walden has received additional revenue from the Town of Montgomery for Library Services, and

WHEREAS, the Josephine Louise Library Board is requesting to purchase library books.

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

LIBRARY FUND

INCREASE	AMOUNT	AMENDED TOTAL
L2360 Library Services	\$6,557.00	\$17,557.00
L7410.410 Library Books	\$6,557.00	\$21,407.00

Motion to adopt by Trustee Wynkoop and seconded by Trustee Forman. The vote was 5 ayes to 0 nays with 0 abstentions. The mayor declared the resolution adopted on May 27, 1997.

MAY BILL LIST - MAY 27, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A1223	COUNTRY HARDWARE	72.74
A1224	ENVIROMENTAL PAPER TOWEL SERVICE	114.40
A1225	CUSTOM MONITORING	166.50
A1226	CUSTOM MONITORING	252.00
A1227	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	112.90
A1228	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	15.00
A1229	ENVIROMENTAL PAPER TOWEL SERVICE	150.30
A1230	MID HUDSON OFFICE SUPPLY	68.29
A1231	MID HUDSON OFFICE SUPPLY	96.00
A1232	MID HUDSON OFFICE SUPPLY	89.95
A1233	MID HUDSON OFFICE SUPPLY	241.77
A1234	POSITIVE PROMOTIONS	399.20
A1235	QUILL CORPORATION	402.51
A1236	QUILL CORPORATION	1,181.32
A1237	THRUWAY SHOPPING CENTER	155.69
A1238	THRUWAY SHOPPING CENTER	100.56
A1239	TIMES HERALD RECORD	116.40
A1240	UNIMIN CORP.	666.20
A1241	WALDEN PLUMBING AND HEATING	167.50
A1242	WALLKILL VALLEY TIMES	40.41
A1243	WILLIAMS BUSINESS MACHINES	80.00
A1244	GENERAL CODE PUBLISHERS	854.96
A1245	CIARDULLO PRINTING	178.50
A1246	BECKER BUSINESS SYSTEM	58.00
A1247	HODGSON'S	201.50
A1248	WALDEN ANIMAL DELI	539.70
A1249	L. & B CLEANING	75.00
A1250	MAYBROOK MATERIALS	57.55
A1251	FLAG GUYS	60.00

6,714.85

MAY BILL LIST - MAY 27, 1997

WATER FUND

VOUCHER

VENDOR

AMOUNT

F153

FLOYD S. SALSER JR. & ASSOC.

\$ 71.20

F154

RAMSCO

435.60

506.80

SEWER FUND

VOUCHER

VENDOR

AMOUNT

G147

GRAPHIC CONTROL

\$ 91.91

G148

PINE BUSH EQUIPMENT

81.75

G149

SHORTELL, JAMES

50.87

G150

PINE BUSH EQUIPMENT

16.80

G151

MIDDLETOWN ELECTRIC MOTORS

1,900.00

G152

CAIN CONTROL SYSTEMS

650.00

2,791.33

MAY-BILL-LIST - MAY 27, 1997

CAPITAL ACCOUNTS

CAPITAL ACCOUNTS #53

COUNTRY HARDWARE \$59.57

MAYBROOK MATERIALS \$86.60

CAPITAL ACCOUNT #53

WICKES LUMBER \$49.92

CAPITAL ACCOUNT #37

VERN SPENCER \$4,500.00

COMMUNITY DEVELOPMENT

GROSSO MATERIALS \$954.26

SMALL CITIES

RW MECHANICAL INC \$6,615.00

GENERAL FUND

VOUCHER

VENDOR

AMOUNT

22245

NYS CONFERENCE OF MAYORS

2,150.00

23620

PITNEY BOWES

62.25

293

AMERICAN ALARM

36.00

WATER FUND

VOUCHER

VENDOR

AMOUNT

293

AMERICAN ALARM

28.00

MAY-BILL LIST - MAY 27, 1997

PREPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AGWAY PETROLEUM CORP.	578.10
	COASTAL REFINING & MARKETING	126.49
	NYNEX	82.91
	NYSEG	442.26
	PETTY CASH (POLICE)	42.05
	PETTY CASH (OFFICE)	38.52
	WAREX TERMINALS	408.58
	BILL SIMIONE & ASSOC.	8.12
	NYSEG	132.56
		<u>1,859.59</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	325.24
	NYSEG	35.69
	NYSEG	241.77
		<u>602.70</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	153.71
	CENTRAL HUDSON	632.96
		<u>786.67</u>

MAY BILL LIST -- MAY 27, 1997

SPECIAL BILL LIST

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1252	BARTON CHEVROLET	58.70
A-1253	RUS OF MONTGOMERY	554.76
A-1254	TRI-COUNTY CHAPTER	25.00
A-1255	JOHN HOWLAND	102.89
A-1256	THRUWAY SHOPPING CENTER	63.97
A-1257	WALDEN AUTO SUPPLY	110.26
		<u>915.58</u>

WATER FUND

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-155	GRAINGER	172.68

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-153	GEORGE MATHEWSON	53.58
G-154	ALLIED UNIVERSAL CORP	490.00
		<u>543.58</u>

PERPAIR BILL

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
459	BELL ATLANTIC NYNEX	43.04

## NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, May 13 1997 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. 23-96-97, Levying Village Taxes for FY 1997-98
    - A.2 Resolution No. 24-96-97, Budget Amendment
    - A.3 Summer Hours - Village Office
    - A.4 Police Training Conference
    - A.5 Taxi License Renewal
    - A.6 Girl Scout Peace Pole Project
    - A.7 Agreement between Village of Walden & N.Y.S. Div. of Parole
    - A.8 Payment of Audited Bills for May 13<sup>th</sup>, 1997
  - B. DISCUSSION ITEMS
    - B.1 Art in the Park
    - B.2 Walden Estates - Letter of Credit
    - B.3 Sidewalks
    - B.4 Library
  - C. INFORMATIONAL ITEMS
    - C.1 Notice of Claim - Maria Jeltsch agst. Village of Walden & Village of Walden Police Department
    - C.2 Resignation - Water Meter Reader
  - D. CORRESPONDENCE
5. PUBLIC PORTION
6. EXECUTIVE SESSION
7. ADJOURNMENT

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
MAY 13<sup>TH</sup>, 1997**

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	Chris Forman
		Martin Besdesky
		Roy Wynkoop
		Mary Jean Norman
		Greg Raymondo

Absent:	Trustee	John McGuckin, later present
		Nancy Mitchell, Interim Village Manager

Also Present:	Kevin Dowd, Village Attorney
	Vicki Kurtz, Deputy Village Clerk

**APPROVAL OF MINUTES**

Trustee Norman moved to adopt the minutes of April 22<sup>nd</sup> and April 29<sup>th</sup>, 1997. Seconded by Trustee Wynkoop. All ayes. Motion carried.

**VILLAGE MANAGER'S CONTRACT**

Mr. Dowd stated that he has two signed contracts by the candidate for Village Manager. He had sent a letter to the board summarizing that there are no legal issues outstanding as to the contract. There are three issues that are different from the prior manager's and prior managers' contracts with the village and he throw that out to the board as to what those differences were and they are strictly policy decisions that the board has to make.

Trustee Raymondo moved to hold an executive session pursuant to 105-(f) of the Public Officers Law to discuss the contract for the new Village Manager. Seconded by Trustee Besdesky. All ayes. Motion carried.

**RESOLUTION NO. 23-96-97 LEVYING VILLAGE TAXES FOR FY 1997-98**

Trustee Forman moved to adopt Resolution No. 23-96-97, Levying Village Taxes for FY 1997-98, (attached). Seconded by Trustee Besdesky. All ayes. Motion carried.

**VILLAGE MANAGER CONTINUED**

Mayor Uszenski stated that it was just confirmed by telephone the one discussion item and the new manager is agreeable to it verbally and he will Fed Ex the amendment.

Trustee Wynkoop moved to authorize the Mayor sign the amended contract for the Village Manager. Seconded by Trustee Norman. All ayes. Motion carried.

Mayor Uszenski announced that Darren Hernandez who is the assistant to the City Manager in Kalamazoo, Michigan has accepted the position of Village Manager for the Village of Walden at a salary of \$55,000 per year. He will start on June 9<sup>th</sup>, 1997.

**RESOLUTION NO. 24-96-97 BUDGET AMENDMENT**

Trustee Besdesky moved to adopt Resolution No. 24-96-97, Budget Amendment, (attached). Seconded by Trustee Raymondo. All ayes. Motion carried.

**SUMMER HOURS**

Trustee Norman moved to approve summer hours for the Village Office, 7:00 AM to 3:30 PM from June 1<sup>st</sup> until September 1<sup>st</sup>. Seconded by Trustee Forman. All ayes. Motion carried.

**POLICE TRAINING CONFERENCE**

Mayor Uszenski stated that Chief Holmes is asking to utilize his education account monies on training conferences for the next year.

Trustee Besdesky moved to approve the police training conferences for the upcoming year. Seconded by Trustee Raymondo. All ayes. Motion carried.

**TAXI LICENSE RENEWAL**

Trustee Norman moved to approve the renewal of B & D Taxi's taxi license. Seconded by Trustee Besdesky. All ayes. Motion carried.

**PEACE POLE**

Trustee Raymondo moved to approve the request of the Girl Scouts to put a peace pole at the Girl Scout Cabin on Albany Avenue. Seconded by Trustee Norman. All ayes. Motion carried.

**AGREEMENT BETWEEN THE VILLAGE AND N.Y.S. PAROLE**

Mr. Dowd stated that this a request from the Chief of Police that the State Division of Parole wants to be able to interview some of their parolees from the immediate area of Walden in the police station. The chief has no problem with doing it, and he's reviewed the agreement that the attorney drew up. This agreement can be terminated at any time.

Trustee Forman moved to authorize the Interim Village Manager sign the agreement between the village and the State Division of Parole. Seconded by Trustee Wynkoop.

Trustee Raymondo stated that he's not comfortable with this.

On roll call Trustees Forman, Besdesky and Wynkoop voted yes. Trustees Norman and Raymondo voted no. Motion defeated.

### **AUDITED BILLS**

Trustee Forman moved to pay the audited bills of May 13, 1997. Seconded by Trustee Norman.

Trustee Raymondo asked about the bill for eighty tons of top soil, what is that used for?

Mayor Uszenski stated that they use some of it for between the curbs and sidewalks. He suggested this bill be held until verification is given.

Trustee Raymond asked if it was screened top soil?

Trustee Forman amended his motion to hold the bill for top soil until verification is received. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **ENTERPRISE STEAMER REQUEST**

Mayor Uszenski stated that two letters were received from Enterprise Steamer Company for their 125<sup>th</sup> Anniversary held on June 14, 1997. They would like permission to release 125 balloons and the second request is to hang the banner on the municipal building.

Trustee Norman moved to grant permission to Enterprise Steamer Company to release 125 balloons and to hang the banner on the municipal building, contingent upon it not interfering with the construction of the building. Seconded by Trustee Besdesky. All ayes. Motion carried.

### **ART IN THE PARK**

Mayor Uszenski stated that the board was approached earlier this year regarding the Hudson Valley P.O.P.S. to use Wooster Grove on June 7, 1997 at 1:00 P.M. to 6:00 P.M. They have the insurance certification. They are asking for the village to leave a dump truck the Sunday before to clean up the debris. They are also asking to put signs up along Route 208 and Route 52.

Mr. Dowd stated that if the signs are in the State right of way they need State approval. The village can't grant permission to put something in the State right of way.

Mayor Uszenski asked that the Deputy Clerk check to see what the Fire Company does when they put their signs up.

## WALDEN ESTATES LETTER OF CREDIT

Mayor Uszenski stated that the engineers have been down to Walden Estates and made their final review and recommend the village hold \$9,000 of their letter of credit to finish the project.

Trustee Forman moved to authorize the maintenance bond for Walden Estates be reduced from \$63,352.83 to \$9,000. Seconded by Trustee Norman. All ayes. Motion carried.

## SIDEWALKS

Mayor Uszenski stated that two laborers have been hired to do the sidewalk program. George Rissmeyer will be the foreman. There is a list in the board packet of the streets where the sidewalks are going to be done. Mr. Sweed is asking if the board has any preferences. The Mayor would like the East Main Street boulevard area added.

## LIBRARY

Mayor Uszenski stated that this is in reference to the letter from the library dated May 2<sup>nd</sup>, 1997 regarding their budget. The Mayor stated that the library wasn't the only department that didn't get approvals on their budget. During the budget work session with Ms. Myers and some of the Library Board members, the Trustees asked how much money they needed, the library said that the \$136,500 was good for the upcoming year and the board agreed.

Mrs. Plato stated that how she sees it happened, they had a proposed budget and the recommended budget from the board came back exactly as their proposed budget was.

Mayor Uszenski stated that the Treasurer left the amounts the same and left it for the board to decide.

Mrs. Plato stated that they assumed they were all looking at the same information. They thought they were getting what they asked for. When did it change?

Mayor Uszenski stated it changed during the work session when the library said they could live with the \$136,500.

Mrs. Plato said they said they could live with the budget that was presented to the board.

Mayor Uszenski stated that he asked the library board a couple of times if that was the \$136,000 and they said yes. The Mayor further stated that it was totally unfair for the library to go to the newspaper before they even met with the Board.

Trustee Wynkoop stated that at the work session the library stated that they had \$7200 left over from last years budget which would bring them up to the \$144,000 level. It was discussed and the board said they would give the library the \$136,500 and the \$7,000 that they had gives them the \$144,000.

Mrs. Plato stated that next year they will either have to close the library an extra day or ask for the extra money. They need the money for the extra person that will be on.

Ms. Myers stated that when surplus money is used that is put into the appropriation to make the total budget. She had a misunderstanding at the work session also. In the past they go over the line item, they go over the recommended. Usually prior to that meeting there has been some communications with the department heads from the village if there needs to be a budget cut. She feels a responsibility because she misguided the library board. When she had to notify the board she didn't see a change in the appropriations that they needed. The bottom line is this is what they need to operate the library. They cannot open the new library without the salary they requested. It is a misunderstanding, but it is at the expense of the library. They did not mean to go behind the Village Board's backs to the paper. They had an emergency meeting on Friday, when they read the library budget was cut. She read the minutes that validated what was in the paper. She immediately called a trustee, she didn't want it in the paper before hand. They put it to be mailed, Friday evening thinking the board would get it Monday morning so they could have some kind of communication before the paper came out Wednesday. This was all done prior to the paper coming out. It wasn't meant to stir anybody up. The people that were stirred up was because they read it in the paper, not from their doing. She hopes this clarifies it.

Mayor Uszenski stated that as it is now there is approximately a \$7,000 surplus in the library budget. They only plans to use that money would be for the library move. He asked if that can be transferred back to the library fund, instead of the general fund?

Mr. Dowd stated that it could be reappropriated the next fiscal year.

Mrs. Plato stated that their concern is that they will not be able to keep the library open as much as they would like to.

Mayor Uszenski stated that at the beginning of the new fiscal year the treasurer will write a check from the general fund to the library fund and which the library board authorizes draw downs. The Village Board has nothing to say as to how they do that. The only time they will realize a short fall is at the end of the year.

Mrs. Plato stated that when they first discussed the idea of giving the library the appropriations for the entire year they were lead to believe that their appropriation would not be reduced or that they would get the same increase everyone else would get. That is their biggest concern.

Mayor Uszenski stated that he doesn't see a problem with transferring the surplus in next year, if the board agrees.

Pat Eisley stated that it would appear that the surplus that the board is talking about is a separate amount of money. It is not included in what the library has requested in the new budget. It looks like the new budget is being reduced because of this money that is sitting out there. Its a surplus from this year to apply to expenses.

Mayor Uszenski stated that every year the surplus from the library budget is automatically rolled back into the general fund and all the library board members should know and understand that.

Ms. Myers stated that is not legal. The library fund always remains separate. It never goes back to the village. This should be looked into. The reason there is surplus this year is because of the Town giving them more money.

Trustee McGuckin stated that the reason they have surplus is because of the additional staff that they never used. It was used for an emergency purposes.

Mr. Fowler asked if its his understanding that the Village Board agrees to appropriate \$7,500 to the library at the beginning of this fiscal year?

Mayor Uszenski stated that it would be the remaining balance, whatever is left in this years budget.

Craig Maslik stated that his perception of this issue is that its very difficult for the library to become creative if every year they are down to a set amount of money, they can't save anything to benefit a later time.

Trustee McGuckin stated that the village cannot continue to constantly give large increases for creativity. In 1995-96 the library budget was \$108,000-\$110,000 and 1996-97 it jumped to \$136,000 because of the additional staff and technology needed. It has to come to a point that other funds are looked at outside of the village. If toward the end of the year there became a problem he doesn't think this board would have a problem appropriating money toward the end of the year.

Ms. Myers stated that she would also like to talk to the board about the shelving and lighting in the new section. They submitted a quote to change the shelving that was installed incorrectly.

Mrs. Plato stated that the shelving people came in early and did the shelving right over where electrical work had been done, so the light switch is behind the shelf. They don't know who is responsible for this. The village is paying for this and it isn't correct.

Mayor Uszenski stated that there are two problems, one being the shelving on the outside wall, because the wall was built out to prevent asbestos abatement, the shelving extends past into the window trim a couple inches, and the middle room light switch is in the bookshelf.

Mrs. Plato stated that this is something that someone did wrong.

Mayor Uszenski stated that the shelving move would be \$1,000.

Ms. Myers stated that the problem as she sees it is the shelvees were allowed to come into the building and put up the shelving without supervision.

Trustee McGuckin stated that he would like someone to look into this.

## NOTICE OF CLAIM

A notice of claim was received Maria Jeltsch against the Village of Walden and Village of Walden Police Department.

## LETTER OF RESIGNATION

Walt Zychowicz has resigned as water meter reader effective May 15<sup>th</sup>, 1997.

## CORRESPONDENCE

Mr. Dowd stated that he received a letter from Mr. Johnson, Attorney for Walden Savings Bank in reference to a subordination agreement for a Small Cities project. The owner of 14 Walker Street is refinancing and Walden Savings wants the village to subordinate. Mr. Barnes has spoken to the attorney and it seems that with the new mortgage amount and the amount of the village second mortgage would be more than 90% of the assessed evaluation, which puts it over the villages guidelines of 80%. There will be further discussions with Mr. Johnson and the bank.

Mr. Barnes stated that that village loan is for \$7500. The house was appraised at \$69,000.

Mr. Dowd stated that he will bring the new subordination agreement for Orchard Street project to the next board meeting.

## PUBLIC PORTION

Gerald Jacobowitz representing Luxembourg Ltd. stated that the purpose of him being at the meeting tonight is to bring the board up to date on the project and secondly there are some things the village is still involved with that they need to go forward. From Luxembourg standpoint they will be before the Planning Board at their next regular meeting. The application is there for site plan approval. The village's consulting engineers have reviewed the plan and he has no substantial comments to make with respect to the plan, so there is really no issue that needs to be addressed of any significance. He doesn't mean of any environmental significance, he means of any significance. They are hopeful that the Planning Board will decide not to call a public hearing. They have the descretion on that. This is a project that is now older than two years and has been before every board in the village at least three times and they don't see the need for a public hearing. If they do decide to hold a public hearing then it would be in June and it would depend in June. It could be June 3<sup>rd</sup> and if they don't do it that night then it would be three weeks later than that and that means a further delay in the financing, which is not in the interest of the project, not in the interest of the Village of Walden. They hope they see their way clear to make a decision without the need for a public hearing. They expect their building and construction plans to be done about the 10<sup>th</sup> of July and they will then go into a thirty day bidding period and bids will come in on August 11<sup>th</sup> and they have a tentative date for their finance closing of August 21<sup>st</sup>. Construction will start immediately after that. They have not yet seen any agreement with the Village Board for the financing that the village is involved in. They would like very much to get a copy of the draft of that agreement so they can start reviewing it and work out the problems, so they can run in parallel with everything he just described as far as the financing with the village. He thinks that needs action by the Village Board to specifically authorize the village consultants to undertake and

prepare and provide a draft of the agreement that will be between Luxembourg Ltd. and the village. Without that authority there is no one willing to undertake what is needed to be done on the village's end.

Mayor Uszenski stated that the village's position is they would like to go to their committee to meet and get this process going.

Mr. Barnes stated that there is no basic agreement on some of the terms so its hard to write a contract without those terms being in place.

Mr. Jacobowitz stated that he is not sure he knows what terms are not in place.

Mr. Barnes stated that guarantees on the financing are not in place.

Mr. Jacobowitz stated that they have answered that question, Mr. and Mrs. Spanos will not guarantee this debt. If that is the issue the committee is not going to resolve that. He thinks the board should get their heads together and decide whether they want the project or not without the Spanos's personal guarantees. If that is absolutely needed from the village tell them so they can stop all the wasted money.

It was decided that the committee meet on Friday, May 16<sup>th</sup>, 1997 at 4:00 PM. or Wednesday, May 21<sup>st</sup>, 1997 at 4:00 PM depending on Mr. Dowd's schedule.

Mr. Barnes stated that in the letter to them of September 26<sup>th</sup>, HUD wanted the village to present to them documentation that financing was in place. As he understands it that is not yet the case. There is all but \$300,000. They want some assurances.

Mr. Jacobowitz stated that can be in the agreement.

Mr. Barnes stated that they need the financing in place before construction starts.

Mr. Jacobowitz stated that is why the Planning Boards' schedule is very important.

Mr. Barnes stated that they need all the permanent financing in place. They basically want a commitment letter as soon as possible.

Mr. Jacobowitz stated that they are working towards that. The lenders want to know what the village is doing.

Mr. Barnes stated that the other thing HUD said, which is crucial, is that if there are tax credit proceeds here then the villages grant is reduced by the amount of tax credit proceeds which exceed the developers equity.

Mr. Jacobowitz stated that you can put that in the agreement. They won't know about tax credits for a long time because of the delay of getting the site plan approval. Whatever HUD says make it part of the agreement.

Mr. Barnes advised the board that if the grant is approved and tax credits exceeds the equity by \$200,000 the village is going to forfeit \$200,000 of its money. The other crucial things are in terms of going out to bid, the bid package has to conform to HUD requirements as well as the usual bidding practice. No bid package should be issued unless the village sees it and makes sure it has the federal documents in it.

Mr. Jacobowitz stated that is why we need an agreement. They don't disagree with any of this. They are well aware of it all.

Mayor Uszenski asked Mr. Barnes for a list of what would be needed in the agreement.

Mr. Barnes stated that he will put together as much as they can think of at this point and something may come to them at a future time.

Mr. Jacobowitz stated that until the agreement is signed they can ask for anything they want. He further asked if its the intention of the board not to authorize anything be done until after they have the next meeting and go through the list?

Mayor Uszenski advised him yes.

Becky Pearson, 167 Walnut Street asked about the police training conferences, is that in the budget or is this more funds?

Mayor Uszenski stated that this has been budgeted in next years budget. This has been planned for. He needs permission to expend the funds.

Mrs. Pearson stated that she has a problem with the helium balloons, they do kill turtles and other animal life in the ocean.

Mrs. Pearson asked which sidewalks are going to be done?

Mayor Uszenski gave Mrs. Pearson a copy of the list of sidewalks to be done.

Mrs. Pearson asked about the sidewalk in front of the municipal building, can the sidewalk crew do that?

Mayor Uszenski advised her no.

Mrs. Pearson further stated that the culvert in front of her house needs to be cleaned.

Mayor Uszenski stated that DPW will be advised.

Mrs. Pearson asked if someone wants to build in the village, do they have to go to the Planning Board to get plans approved? Changing a barn into a house do they have to go before the Planning Board?

Mr. Dowd stated that only site plan approval is for commercial property.

Mrs. Pearson stated that the road that connects that is not a village street, he has to take sewer and water from either Walnut Street or Riverview Street, does he have to come before the board to connect to that?

Mr. Dowd stated that he has to apply for a connection permit.

Becky Pearson asked about trees.

Trustee Wynkoop stated that he just received the list and he has to make copies for the board.

Mayor Uszenski stated that money was put in the budget for trees and once they decide where to plant them they will start a planting program.

Mrs. Pearson asked if she can plant a tree?

Trustee McGuckin stated that it can't be in the village right of way. He asked Mrs. Pearson to wait two weeks.

Mayor Uszenski stated that the village can plant the tree where Mrs. Pearson is requesting.

Mrs. Pearson asked if she is going to purchase the tree or is the village?

Trustee Wynkoop stated that there is a program where the village can buy seedlings and the prison takes care of them for five years and when you want them they ball them for you and you pick them up and plant them.

Bob Lamancuso asked about the men's room at Bradley Field, he asked several months ago for it to be checked out because of the mold and water leaks. He was down there this evening and it appears the mold was cleaned at one time, but it is growing back. He suggested the board be cut out and replace it with shower stall sheetrock. He suggested a twelve by twelve ditch be dug in front of the doorway and fill it with small stone and gravel and divert the water around the building. Also, there needs to be a privacy stall in the men's room.

Mayor Uszenski stated that Mr. Sweed will be advised.

Mrs. Pearson asked if the trees will be planted now or next spring?

Mayor Uszenski stated that they are planning to do it now.

Trustee Wynkoop stated that some trees are better planted in the spring and some in the fall.

Mrs. Pearson asked if they know where the trees will be planted.

Trustee Wynkoop stated that he didn't review the report yet.

### **RESOLUTION NO. 25-96-97 - BUDGET AMENDMENT**

Trustee Forman moved to adopt Resolution No. 25-96-97, Budget Amendment, (attached). Seconded by Trustee Besdesky. All ayes. Motion carried.

### **EXECUTIVE SESSION**

Trustee Forman moved to hold an executive session pursuant to 105-(f) personnel, of the Public Officers Law to discuss the financial credit history of Luxembourg, Ltd.. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Forman moved to reconvene the regular meeting. Seconded by Trustee Norman. All ayes. Meeting reconvened.

Kerron Barnes stated that in regard to the financial agreement for Luxembourg, his sense is its a little premature because some of the major things haven't been agreed to yet. He would like the board to understand that when HUD approved this they asked for evidence of financial commitment of the rest of the money. Mr. Jacobowitz wants to put that in the contract that they will get it. That doesn't solve the problem with HUD that they want to see the money all in place before they start. Normally when you construct a building like this the developers money comes first, then the bank, then other grants and the last money that is spent is the Small Cities and the village's money. If you spend the village's first and something happens you may not get to the end of the building. They talk about going to bids and unless they have the standard federal boiler plate, wage rates and things like that the bid means nothing.

Mayor Uszenski stated that the biggest problem he sees now is the signing of all the parties. If we don't have that and we're not in agreement then we might as well cancel everything.

Mr. Barnes stated that when this board on March 5<sup>th</sup>, 1996 voted that they would have signed personal guarantees, all the partners, they didn't say we're not going to do that.

### **REPORTS - COMMITTEE**

Trustee Raymondo asked about the street sweeper, is there a schedule?

Mayor Uszenski stated that Mr. Sweed advised the board that he doesn't have a schedule.

Trustee Wynkoop stated that they should post streets before they sweep. It should be in the paper each week as to where they will be sweeping.

Mayor Uszenski asked the Deputy Clerk to advise the DPW Superintendent that they want a schedule, posted and a notice in the local paper.

Trustee McGuckin stated that it should also be on the television.

Trustee Raymondo stated that the catch basins between Church Street and Scofield Street on Route 208 need to be repaired and cleaned.

Trustee Raymondo asked if Woosters Grove was going to get cleaned up?

Mayor Uszenski stated that volunteers will be doing it.

Trustee Raymondo stated that he knows of some people that would also help.

Trustee Raymondo stated that he was called about an officers fowl language.

Mayor Uszenski stated that he received a letter and referred it to the chief.

Trustee Raymondo stated that in regard to street signs, there are a lot of them with grass growing around them. He asked if the village could cut the grass and assess the homeowner. He asked if something could be put on the television.

Trustee Raymondo suggested that the Interim Village Manager be recognized for the good job she has done.

Trustee Norman stated that the swings were put in at the Alfred Place park. The residents are still upset with the basketball court. They will be meeting with the Recreation Committee on Monday night. She asked if the board wanted her to bring up the adult recreation Monday night?

Mayor Uszenski stated yes.

Trustee Wynkoop stated that the bridge rail at the bottom of Hill Street has been fixed.

## **REPORTS - MAYOR**

Mayor Uszenski informed the board that people from Wesley Hall will be at the next meeting to ask for more money.

Trustee McGuckin asked that a new name plate be bought for him

## **ATTORNEY / CLIENT PRIVILEGES**

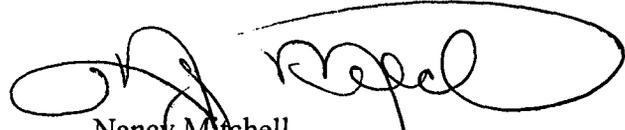
Trustee Norman moved to go into closed session under attorney/client privileges for legal advice. Seconded by Trustee McGuckin. All ayes. Motion carried.

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

## **ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy Mitchell", enclosed within a large, hand-drawn oval.

Nancy Mitchell  
Interim Village Manager/Village Clerk

RESOLUTION NO. 23-96-97

LEVYING VILLAGE TAXES FOR FISCAL YEAR 1997-1998

WHEREAS, this Board by resolution dated April 22, 1997 has adopted a budget and made appropriations for the conduct of the Village Government for the fiscal year 1997-1998, and

WHEREAS, the Village Clerk has this date presented a certificate to the Collector of water and sewer rents indicating on May 13, 1997 the amount of unpaid water and sewer including penalties thereon and a description of real property affected thereby.

NOW, THEREFORE, on motion by Trustee Foxman and seconded by Trustee Beckers 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 1997-1998 is \$2,117,000 to be levied against each parcel of taxable property at the rate of \$10.8920 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, 1997, the total amount of \$16,114.23 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, 1997, 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 \$2,117,000 at the rate of \$10.8920 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 1997-98 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, 1997 specified in said certified list, in the total amount of \$16,114.23 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 \$877.20 by the same hereby are included in the annual tax levy for 1997-1998 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 \$30,900.00 be and the same hereby are included in the annual tax levy for 1997-1998 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 \$4,773.07 be and the same hereby are included in the annual tax levy for 1997-1998 and levied respectively upon the parcels of real property set forth on the list.

The vote was 6 ayes to 0 naves with 0 abstentions.  
The Mayor declared the resolution adopted May 13, 1997.

**RESOLUTION NO. 24-96-97  
BUDGET AMENDMENT**

**WHEREAS,** THE Village of Walden has received revenue from Orange County Risk Management for reimbursement for a workers compensation case, and

**WHEREAS,** the Village of Walden has received revenue from the Federal Government for the purchase of police equipment.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Walden that the following amendment be approved:

**GENERAL**

<b>INCREASE</b>	<b>AMOUNT</b>	<b>AMENDED TOTAL</b>
A2680 Insurance Rec.	\$20,710.00	\$25,710.00
A4389 Other Public Safety Aid	10,840.00	35,840.00
A3121:100 Personal Services	20,710.00	114,277.00
A3120:201 Personal Services	2,659.00	23,034.00
A3122:201 Office Equipment	8,181.00	12,048.00

Motion to adopt by Trustee Wyn Hoo and seconded by Trustee

Raymonds The Mayor declared the resolution adopted on May 13, 1997

after a vote of 6 ayes to 0 nays with 0 abstentions.

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:

DECREASE	AMOUNT	AMENDED TOTAL
A1010.460 Education	50.00	-0-
A1210.460 Education	100.00	-0-
A1230.402 Reproductive Exp	100.00	-0-
A1230.430 Travel	200.00	-0-
A1230.431 Mileage	50.00	-0-
A1230.460 Education	100.00	400.00
A1410.401 Office Expense	500.00	3,500.00
A1410.402 Reproductive Exp	600.00	400.00
A1410.409 Equipment	225.00	-0-
A1410.410 Service Contracts	400.00	1,411.00
A1410.460 Education	85.00	-0-
A1490.460 Education	780.00	-0-
A1490.430 Travel	75.00	-0-
A1620.120 Overtime	250.00	250.00
A1620.433 Fuel	800.00	1,695.00
A1620.471 Electricity	2,000.00	23,450.00
A1640.120 Overtime	400.00	400.00
A1640.201 Misc. Equip.	500.00	6,375.00
A1640.435 Clothing	1,800.00	-0-
A1640.440 Building Maint.	3,000.00	11,650.00
A1990.400 Contingent Acct.	35,000.00	735.00
A3120.438 Uniform Allowance	7,200.00	-0-
A3120.100 Police	8,100.00	383,107.00
A3121.438 Uniform Allowance	3,150.00	-0-
A3122.482 Com. Equip.	1,500.00	27,353.00
A3620.495 Engineering	1,000.00	-0-
A3650.120 Overtime	500.00	-0-
A3650.416 Demolition of Bldgs.	1,000.00	-0-
A5110.490 Street Maint.	5,000.00	25,030.40
A5142.120 Overtime	1,000.00	14,000.00
A5182.471 Street Lights	2,500.00	67,500.00
A6772.481 Adult Services	500.00	8,700.00

A3120.469 Ammunition	500.00	2,500.00
A7550.479 Walden Day	150.00	850.00
A8010.401 Office Expense	100.00	-0-
A8010.407 Advertising	200.00	-0-
A8010.460 Education	100.00	-0-
A8010.484 Municipal Dues	50.00	-0-
A8020.401 Office Expense	200.00	-0-
A8020.409 Publications	100.00	-0-
A8020.430 Travel	50.00	-0-
A8020.460 Education	400.00	-0-
A8560.290 Tree Removal Equip.	150.00	350.00
A9050.800 Unemployment Ins.	1,000.00	4,000.00
A3620.401 Office Exp.	250.00	1,400.00
A3620.431 Mileage	300.00	200.00
A3520.459 Service Contracts	200.00	-0-
A3620.460 Education	150.00	150.00
A3510.492 Veternarian Fees	178.00	22.00

INCREASE

A1620.100 Personal Services	200.00	23,788.00
A1640.100 Personal Services	200.00	28,759.00
A3320.100 Personal Services	220.00	6,904.00
A4020.459 Registrar of Vital Stat.	100.00	850.00
A3121.100 Personal Services	75,723.00	190,000.00
A3121.120 Overtime	5,300.00	8,700.00
A5110.100 Personal Services	800.00	160,000.00

Motion to adopt by Trustee Forman and seconded by Trustee Reed. The vote was 1 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on May 13, 1997.

MAY BILL LIST - MAY 13, 1997

*Judy Held Soil Off Bill*

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1159	ALL COUNTY RESOURCE MANAGEMENT	900.00
A-1160	AMERICAN LEGION	144.39
A-1161	ARCH (PAGE NY)	25.00
A-1162	BILL SIMIONE & ASSOC., INC.	205.00
A-1163	CHERRY TIRE SERVICE	65.00
A-1164	CIARDULLO PRINTING	166.00
A-1165	COUNTRY HARDWARE	59.57
A-1166	COUNTRY HARDWARE	366.17
A-1167	COUNTRY HARDWARE	170.98
A-1168	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C	3,333.33
A-1169	DIVISION OF CRIMINAL JUSTICE SERVICES	160.00
A-1170	EAGLE POINT GUN	1,781.80
A-1171	EXPANDED SUPPLY PRODUCTS, INC.	343.29
A-1172	FEDERAL BLOCK	360.80
A-1173	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	58.50
A-1174	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	597.92
A-1175	GALLAGHER TRUCK	83.17
A-1176	GALL'S	67.94
A-1177	GALLAGHER TRUCK CENTER	101.77
A-1178	GANNAN MUNICIPAL	9,901.98
A-1179	GEORGE'S AUTO PARTS	78.62
A-1180	GEORGE'S AUTO PARTS	275.00
A-1181	GEORGE'S AUTO PARTS	31.04
A-1182	GRAINGER	262.40
A-1183	HAIGHT FIRE EQUIPMENT	119.00
A-1184	KING TREE SAWMILL	10.40
A-1185	HUDSON VALLEY AWARDS	128.86
A-1186	DON MAGILL	25.00
A-1187	MARLU COSTUMES	55.00
A-1188	MAYBROOK MATERIALS INC	173.96
A-1189	MAYBROOK MATERIALS INC	429.52
A-1190	MITCHELL NANCY	70.00
A-1191	MOTOROLA	899.50
A-1192	NYCOMCO	1,480.00
A-1193	NEWBURGH AUTO GLASS	65.00
A-1194	PAUL VINCI	40.00
A-1195	SANWAA LEASING	135.00
A-1196	SARJO INDUSTRIES	82.30
A-1197	SLATER'S POWER EQUIPMENT	17.00
A-1198	MASTER'S LOCKSHOP	46.00
A-1199	SMITH'S COMMERCIAL TIRE SVC., INC.	375.14
A-1200	THRUWAY SHOPPING CENTER	43.98
A-1201	THRUWAY SHOPPING CENTER	109.95
A-1202	THRUWAY SHOPPING CENTER	69.99
A-1203	TIMES HERALD RECORD	130.95
A-1204	VINCENT TOOMEY, ESQ.	1,387.32

MAY BILL LIST - MAY 13, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1205	VEN MAR	133.20
A-1206	WALDEN AUTO SUPPLY	81.66
A-1207	WALDEN PLUMBING & HEATING	175.00
A-1208	WALOR AUTO BODY	1,227.50
A-1209	WALLKILL VALLEY TIMES	6.16
A-1210	WILLIAMSON LAW BOOK COMPANY	220.78
A-1211	GEORGE'S AUTO PARTS	160.98
A-1212	HOWLAND JOHN	139.30
A-1213	SAMUELES DRAGONE	29.70
A-1214	STIEFEL RESEARCH INSTITUTE	21.68
A-1215	BFI	65.00
A-1216	AWESCO	28.80
A-1217	OR CO. SANITARY LANDFILL	300.95
A-1218	AMTHOR'S WELDING	213.92
A-1219	PINE BUSH EQUIPMENT	86.24
A-1220	MCBEE SYSTEMS	174.78
A-1221	LAKE PLACID HILTON	366.99
A-1222	WALDEN BAPTIST CHURCH	850.00

29,716.18

MAY BILL LIST - MAY 13, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-145	ARCH	26.75
F-146	COUNTRY HARDWARE	320.00
F-147	DRAKE, SOMMERS, LOEB, TARSHIS & CANTANIA	416.67
F-148	DUSO CHEMICAL	461.80
F-149	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	127.08
F-150	ORANGE COUNTY LAB	120.00
F-151	RAMSCO	26.24
F-152	RAMSCO	552.00
		<u>1,730.54</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-135	COUNTRY HARDWARE	64.34
G-136	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA	416.67
G-137	GEN-TECH LTD	187.00
G-138	LAWRENCE LOWY ASSOCIATES	1,141.20
G-139	NEWBURGH STEEL PRODUCTS	402.50
G-140	SCHMIDT'S WHOLESALE	161.00
G-141	SLATER'S POWER EQUIPMENT	20.95
G-142	WALDEN AUTO SUPPLY	14.49
G-143	GEORGE MATHENSON CO.	2,955.03
G-144	ENVIROTEST LABORATORIES, INC.	415.00
G-145	ADCO ELECTRIC	146.00
G-146	F & G ELECTRIC MOTOR	500.00
		<u>6,424.18</u>

MAY-BILL-LIST - MAY 13, 1997

CAPITAL ACCOUNTS

CAPITAL ACCOUNT #53	A.H. HARRIS & SON, INC.	72.06
CAPITAL ACCOUNT #82	CANALE ELECTRIC	7,977.00
CAPITAL ACCOUNT #82	CAPITAL SAFETY INC.	314.45
CAPITAL ACCOUNT #82	IPPCO, INC.	550.00
CAPITAL ACCOUNT #88	ROYAL CRANE, INC.	460.00
CAPITAL ACCOUNT #53	WICKES LUMBER	397.27
CAPITAL ACCOUNT #82	CONTRACTORS CASUALTY	15,497.48
CAPITAL ACCOUNT #82	CONTRACTORS CASUALTY	5,200.00

COMM DEV SC 93 4,000.00	GENERAL FUND	9,000.00
SC 94 3,000.00	ADMINISTRATIVE SERVICES	
SC 95 2,000.00		

COMM DEV GROSS COSTS	GROSSO MATERIALS, INC. TOP SOIL	954.26
COMM DEV 95	KERRON BARNES ASSOCIATES	580.00
COMM DEV UDAG	KERRON BARNES ASSOCIATES	855.00

CLL & EJ GRIDLEY	RENT FOR VILLAGE (JUNE 97)	971.48
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MAY BILL LIST - MAY 13, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT&T	3.83
	COASTAL REFINING & MARKETING, INC.	109.85
	COASTAL REFINING & MARKETING, INC.	180.96
	FRONTIER COMMUNICATIONS	237.42
	FRONTIER COMMUNICATIONS	37.56
	FRONTIER COMMUNICATIONS	5.00
	FRONTIER COMMUNICATIONS	200.34
	NYNEX	49.40
	FRONTIER COMMUNICATIONS	37.80
	FRONTIER COMMUNICATIONS	236.91
	FRONTIER COMMUNICATIONS	369.38
	FRONTIER COMMUNICATIONS	240.96
	NYSEG	109.78
	NYSEG	512.50
	NYSEG	1,612.05
	NYSEG	5,582.18
	NYNEX	112.52
	WAREX TERMINALS CORP.	512.80
		<hr/>
		10,151.24

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	COASTAL REFINING & MARKETING, INC.	100.55
	FRONTIER COMMUNICATIONS	85.58
	CENTRAL HUDSON	687.67
	FRONTIER COMMUNICATIONS	109.23
	FRONTIER COMMUNICATIONS	159.91
	NYSEG	75.15
	NYSEG	2,958.37
	POSTMASTER	68.55
		<hr/>
		4,245.01

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	58.70
	FRONTIER COMMUNICATIONS	61.74
	FRONTIER COMMUNICATIONS	58.70
	NYSEG	149.87
	NYSEG	4,653.85
	POSTMASTER	68.54
		<hr/>
		5,051.40

## NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a special meeting on Tuesday, April 29, 1997 at 7:00 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

### AGENDA

1. PLEDGE/ROLL CALL
2. SPECIAL EXCEPTION USE PERMIT - WOOSTER BUILDING
3. ADJOURNMENT

# APPROVED

VILLAGE OF WALDEN  
SPECIAL  
BOARD OF TRUSTEES MEETING  
APRIL 29, 1997

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 Martin Besdesky  
Roy Wynkoop  
Chris Forman  
Mary Jean Norman  
Gregory Raymondo

Absent: Trustee John McGuckin

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

## **SPECIAL EXCEPTION USE - WOOSTER BUILDING**

Mayor Uszenski stated that the Planning Board consented to the Village Board of Trustees being lead agency in the environmental review of the proposed action.

Mayor Uszenski opened the public hearing.

There were no comments from the public.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Wynkoop moved that the Board of Trustees be the lead agency and to declare an unlisted, uncoordinated action under SEQRA in regard to the special exception use permit for the Wooster Building, 11-17 Main Street. Seconded by Trustee Wynkoop. All ayes. Motion carried.

**RESOLUTION NO. 22-96-97, GRANTING A SPECIAL EXCEPTION USE PERMIT TO LUXEMBOURG LTD TO CONSTRUCT A 24 UNIT LOW INCOME SENIOR CITIZEN DEVELOPMENT OVER FIRST FLOOR NON-RESIDENTIAL USES AT 11-17 MAIN STREET**

Trustee Forman moved to adopt Resolution No. 22-96-97, Granting A Special Exception Use Permit to Luxembourg, LTD to construct a 24 unit low income senior citizen development over first floor non residential uses at 11-17 Main Street, (attached). Seconded by Trustee Besdesky.

Mayor Uszenski stated that Trustee McGuckin was unable to attend this meeting and he would like it on record that he is in favor of this project. He would like a yes vote cast for him, but that can't be done.

All ayes. Motion carried.

### **EXECUTIVE SESSION**

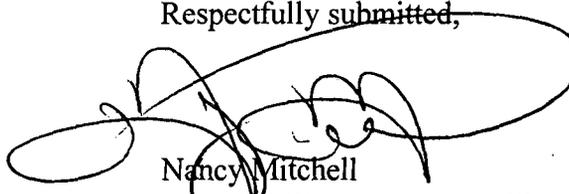
Trustee Forman moved to hold an Executive Session pursuant to 105-(f) of the Public Officers Law to discuss the Village Manager position. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the special meeting. Seconded by Trustee Norman. All ayes. Meeting reconvened.

### **ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Interim Village Manager/Village Clerk

**Marriott Management Services****Boehringer Ingelheim**

900 Ridgebury Rd.

Ridgefield, Ct. 06877

(203) 798 - 4711

(203) 791 - 6491 Fax

**Fax Number: (914) 778 - 2170****To: Nancy Mitchell / Drew Uzinski****From: John McGuckin, General Manager****Date: 4/29/97****Subject: Tonight's Meeting**Number of Pages Including the Cover Sheet: 1

Since the meeting will be starting at 7:00 and will probably be short in length, I will not be able to make it till 7:30- 7:45. If you should vote on whether to allow the Special exception for 11-17 Main St. Please cast a "yes" vote for me, as I want to see this project move forward as soon as possible. If I get home later than that, I'll call you (Drew) at home as I want to speak to you about other matters.

Thanks,

John

**RESOLUTION GRANTING A SPECIAL EXCEPTION USE PERMIT TO LUXEMBOURG LTD TO CONSTRUCT A 24 UNIT LOW INCOME SENIOR CITIZEN DEVELOPMENT OVER FIRST FLOOR NON-RESIDENTIAL USES AT 11-17 MAIN STREET.**

**WHEREAS**, Luxembourg Ltd. has made application to the Board of Trustees of the Village of Walden for a special exception use permit to construct a 24 unit low income Senior Citizen Development over first floor non-residential uses at 11-17 Main Street in the Village of Walden; and

**WHEREAS**, the applicant has submitted a site plan prepared by Brady Engineering dated August 12, 1996, last revised March 21, 1997, consisting of two pages, an application for special exception use permit and a full environmental assessment form under cover page dated March 25, 1997, and Front and Rear Elevations and Floor Plans prepared by Harvey Allen Berg & Associates, dated March 14, 1997, consisting of four pages; and

**WHEREAS**, the site is located in a B-3 Central Business Zoning District where Senior Citizen Developments over first floor non-residential uses are permitted by special exception use permit; and

**WHEREAS**, on April 8, 1997, the Board of Trustees declared its intent to be lead agency for the purpose of conducting a coordinated review of an unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, on April 23, 1997, the Village Planning Board, as the only other involved agency, consented to the Board of Trustees being lead agency; and

WHEREAS, on April 8, 1997, the Board of Trustees conducted a public hearing at which all interested persons were given the opportunity to speak on the application, which public hearing was continued on April 22, 1997 and April 29, 1997; and

WHEREAS, on April 29, 1997, the Board of Trustees determined that the proposed action would not adversely affect the environment and issued a negative declaration on the project; and

WHEREAS, the Board of Trustees does now wish to grant a special exception use permit to the applicant to construct a 24 unit low income Senior Citizen Development over first floor retail uses on the aforementioned site.

NOW, THEREFORE, be it resolved as follows:

1. That the Board of Trustees makes the following findings pursuant to §148-50 of the Code of the Village of Walden:

a. That the proposed use is in harmony with and promotes the general purposes and intent of the Zoning Code of the Village of Walden.

b. That the site is sufficient, appropriate and adequate in size for the use.

c. That the use of the premises will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.

d. That the present site is suitable for the location of low income senior citizen dwelling units in the community.

APR 25 1987 10:00 AM DRAKE SOMMERS 10 448-2170 4:04

e. That the characteristics of the use are not such that they would be unsuitably near a church (houses of worship), school, theater, recreational area or other place of public assembly.

f. That the proposed use has adequate access facilities for the estimated traffic from public streets and sidewalks so as to assure public safety and avoid traffic congestion.

g. That there are sufficient off street parking and truck loading spaces as required by the Village Code. The applicant must reserve the 10 parking spaces on the site for residential use. To the extent the site cannot accommodate off street parking for the non-residential component uses, the Board determines that there are sufficient parking spaces available in the Maple Street municipal parking lot adjoining the site for such non-residential uses.

h. That adequate provisions are made for the collection and disposal of storm water runoff, sanitary disposal and removal of garbage as required by law.

i. That adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.

2. In addition to the foregoing, the Board of Trustees also finds the following:

a. The location of the Senior Citizen Development supports and is consistent with downtown revitalization.

b. The Senior Citizen Development is adequately served by convenient off street parking.

c. The Senior Citizen Development is in harmony with and complements the other uses in the downtown area of Walden.

d. The Senior Citizen Development is not within 350 linearfeet of another such use as measured along the primary road system serving the development.

3. That the Board of Trustees does hereby grant a special use permit to the applicant to construct a 24 unit low income Senior Citizen Development over first floor retail uses in accordance with the plans and specifications heretofore submitted to the Board upon the following special terms and conditions which special terms and conditions shall be deemed material conditions of the approval:

a. The minimum floor space per dwelling unit must meet or exceed 500 square feet.

b. The applicant shall receive approval from the Architectural and Community Appearance Review Board.

c. The applicant shall provide .4 parking spaces per dwelling unit on site and in accordance with Village specifications.

d. The applicant shall receive site plan approval from the Village Planning Board.

e. The applicant shall pay all outstanding fees for the review of this application.

Upon motion made by Trustee Forman , seconded by Trustee Besdesky , the foregoing Resolution was adopted as follows:

Mayor Andrew Uszenski	<u>Aye</u>	Nay
(absent) Trustee John McGuckin	Aye	Nay
Trustee Martin Besdesky	<u>Aye</u>	Nay
Trustee Chris Forman	<u>Aye</u>	Nay
Trustee Roy Wynkoop	<u>Aye</u>	Nay
Trustee Gregory Raymondo	<u>Aye</u>	Nay
Trustee Mary Jean Norman	<u>Aye</u>	Nay

Dated: April 29, 1997  
Walden, New York

153624

# NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, April 22, 1997 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. PUBLIC HEARING - 7:45 PM, Budget Hearing
4. BOARD'S BUSINESS
  - A. ACTION ITEMS
    - A.1 Resolution No. 21-96-97, Budget Amendment
    - A.2 Resolution No. 20-96-97. Adopting FY1997-98 Village of Walden Budget
    - A.3 Special Exception Use - 11-17 Main Street
    - A.4 Payment of Audited Bills for April 22nd, 1997
  - B. DISCUSSION ITEMS
    - B.1 Walden Community Council Beautification Committee Request
    - B.2 Sunday Recycling, Grass and Brush - 12 noon to 4PM
    - B.3 Community Development Funds - Park Projects
  - C. INFORMATIONAL ITEMS
    - C.1 Notice of Claim - Sanchez v. Village of Walden
  - D. CORRESPONDENCE
    - D.1 Water/Sewer Bill - James Lloyd
    - D.2 Ambassadors of N.Y. Senior Drum and Bugle Corp.
5. PUBLIC PORTION
6. EXECUTIVE SESSION
7. ADJOURNMENT

# APPROVED

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
APRIL 22, 1997**

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 Martin Besdesky  
Roy Wynkoop  
Mary Jean Norman  
Greg Raymondo

Absent: Trustees John McGuckin  
Chris Forman

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

## **APPROVAL OF MINUTES**

Trustee Norman moved to adopt the minutes of April 8<sup>th</sup>, 1997. Seconded by Trustee Raymondo. All ayes. Motion carried.

## **RESOLUTION 21-96-97, BUDGET AMENDMENT**

Trustee Besdesky moved to adopt Resolution No. 21-96-97, Budget Amendment, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

## **PAYMENT OF AUDITED BILLS**

Trustee Raymondo moved to pay the audited bills of April 22<sup>nd</sup>, 1997. Seconded by Trustee Norman. All ayes. Motion carried.

## **WALDEN COMMUNITY COUNCIL BEAUTIFICATION COMMITTEE REQUEST**

Mayor Uszenski that the Board received a request from the Walden Community Council who is petitioning the Board to purchase 30 wooden barrels to plant flowers in and also purchase flags.

Trustee Besdesky moved to authorize the purchase of barrels for the planting of flowers with a cost not to exceed \$600.00. Seconded by Trustee Norman. All ayes. Motion carried.

### **SUNDAY RECYCLING, GRASS AND BRUSH - 12 NOON TO 4 PM**

Trustee Wynkoop moved to have the recycling center open on Sundays for the month of May from 12 noon until 4pm for the acceptance of grass and brush. Seconded by Trustee Raymondo. All ayes. Motion carried.

### **COMMUNITY DEVELOPMENT FUNDS - PARK PROJECTS**

Mayor Uszenski stated that Mr. Howland brought to the budget work sessions, community development projects that he would like completed with UDAG Funds. The projects are Phase II of the Wooster Grove road, insulation, storm windows and drain pipes of the building, lighting for street entrance signs, and resurfacing tennis courts at Bradley Park.

Trustee Besdesky suggested the village go out for estimates for the insulation, storm windows and drain pipes in Wooster Grove building.

Trustee Raymondo moved to do the following projects with UDAG Funds: Phase II of the Wooster Grove entrance road, lighting for entrance signs and the insulation, storm windows and drain pipes for the Wooster Grove building. Seconded by Trustee Besdesky. All ayes. Motion carried.

### **LIQUIDATORS REQUEST**

Mayor Uszenski stated that the owners of the Walden Liquidators is asking permission to locate a directional sign on the corner of Pine and W. Main Street.

It was the consensus of the board not to allow Walden Liquidators to put a directional on the corner of Pine and W. Main Street. The Board did suggest a directional sign on the top of the street sign.

### **PUBLIC HEARING - 1997-98 VILLAGE OF WALDEN BUDGET**

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

Mayor Uszenski further stated that when the budget first started out it was at a 7% raise and after hard work by the Treasurer it was brought down to a 2.68% raise and now it is at a 1.05% raise. To a homeowner who has an assessment of \$100,000 it means an \$11.00 increase on their taxes. Employees have received a 4% increase with the exception of one employee who had a larger increase because of an agreement with the board for a parity raise. This is the third and final year for that raise. The cost of the interest and principal is \$130,000 for the municipal building. That represents 6 ½%. He feels the Treasurer and Interim Village Manager have done a good job, they worked hard.

Larry Sager, 78 Orchard Street asked why there is no budget available for the people to look at or a budget statement?

He was advised that the budget has been available for review by the public since March 20<sup>th</sup>.

Mr. Sager stated that there was no budget message. He further asked how much of an increase does Mr. Howland get?

Mayor Uszenski stated he is the employee that gets the parity raise of \$2,400.

Mr. Sager asked how the village can credit him for eight hours a day in this village for recreation programs?

Mayor Uszenski stated he doesn't keep track of those records. He submits a weekly work sheet.

Mr. Sager stated that no one seems to know what he does for eight hours a day. The teen center is only open two days a week and basketball programs are at night and the actual recreation programs don't start until mid summer. You can't keep basing figures on what other communities are paying.

Mr. Sager asked how the police department can go over \$45,000 in their budget with part time help?

Mayor Uszenski stated that the department was out two full time officers.

Mr. Sager questioned the tractor bought by the Parks and Recreation Department..

Mayor Uszenski stated that it cost \$15,000 on state bid.

Mr. Sager stated that he feels some kind of agenda should be shown for Mr. Howland's hours. People wonder why there are no programs for children after school, or programs for senior citizens.

Mr. Sager further stated that the Mayor's compensation is \$3,600, why aren't the medical benefits shown in the budget?

Mayor Uszenski advised Mr. Sager that it is listed in the budget.

Mr. Sager asked why its not actually shown under the Trustees salaries that this board is costing the people \$35,000?

Trustee Besdesky stated that he is not under that.

Mayor Uszenski stated that the board is entitled to medical benefits. Its listed under medical benefits.

Mr. Sager asked about the Police Department, what is being done so the cost will go down?

Mayor Uszenski stated that they are not going to go down. A grant to hire two full time officers was discussed, then we can save on part time officers.

Mr. Sager stated that no one wants to keep the costs down. The taxpayers deserve a break. Most of the money in this village is going into pockets. Its not going out for the street to make it look better or putting in new sewer and water lines. It has to stop.

Mr. Sager stated that a stipend is given to people of this village, why isn't it put on a 1099?

Jan Weiner, Treasurer stated that its part of their salaries and it has to go onto the W-2's.

Trustee Besdesky stated that he can't sit by idly and listen to what Mr. Sager proposes. He says things to someone that just comes off the street and it sounds right, it sounds like Mr. Sager is the man that knows, but he is wrong. The books are financially correct, they are audited by the State of New York. We have received commendations for the way these books are coming out. We're not doing anything as Mr. Sager implies. The second thing is, we have so much money to work with according to our tax base, its got nothing to do with pockets. It is how much we can get from taxes to pay. See what your dealing with when you deal with union contracts. Mr. Sager says we shouldn't compare with other communities, why not. If a person can work for a department in Montgomery or somewhere else and make more, why would they work in Walden. He doesn't know where Mr. Sager gets his information from. He'd loved to find out, because they are all off base. He likes Mr. Sager but he feels he should stop proposing this information. The Mayor is not a computer, he doesn't have the facts and figures in his head. It can be found, traced and done, but he doesn't have it tonight. Trustee Besdesky further stated that he's sat here for years listening to Mr. Sager put the Board's down, making everybody think the Board isn't doing a good job, they're doing a good job. This village is in better financial shape than our neighbors and there is a lot less horsing around. Mr. Sager sits there and implies that the village is doing everything wrong, that we're messing up the people. Trustee Besdesky pays taxes in this village too. He's paid them since 1951. He doesn't feel he's being taken by this village. To bring this tax rate up 1% was a feat. When the Mayor praises these two women he has the right to. We have some very good fiscal people in this office and good help in this office. He's not as unhappy with the village as Mr. Sager is and he doesn't know where he's getting the unhappiness from. We constantly take a beaten from Mr. Sager. He says when someone puts you down, like the Wolf on WPDH, some people believe it, even though its wrong. There is always someone that will listen to the negative and swallow the hook. People come in to this village and come to a meeting they never hear anything positive. A couple people sit there and say, you guys are doing this, you guys are doing that. We've had a heck of a time with the municipal building keeping it going and he doesn't hear anyone commending the Board for it. We are going to come out with a nice project and the Board didn't sock it to the people. Don't we ever do anything right? Why put the Board down? These are good honest people who put a lot of time in and he doesn't see why Mr. Sager is putting them down all the time. You're just poisoning the minds of people that come into this village that want to move into a community and first thing they hear are negative things. There has to be something good about Walden, its lasted a long time. It takes money to make the wheels go around. We're not putting it into peoples pockets. If an officer works he wants to get paid. You want the protection or don't you. We can have the State Police protect us or the sheriffs, and we'll have no protection and we'll save a lot of money, but you better lock your doors up.

Maria VanLewen, 82 W. Main Street asked how much is in the budget for the Police Department and how many officers are there?

Mayor Uszenski stated that there are nine full time officers, which includes the Chief, two sergeants and six officers. Part timers vary, anywhere from 15 to 20.

Mrs. VanLewen asked how much of the tax dollar is going for police? She heard 51%.

Mayor Uszenski stated that its a quarter to a third of the budget.

Mrs VanLewen asked if the village needs that many officers?

Mayor Uszenski stated to run a twenty four hour, seven day a week department we are short officers. There is a dispatcher at the desk seven days a week, and there are five cars which require maintenance.

Mrs. VanLewen asked if there was anything that can be done with the Police Department to have a better relationship between the officers and teens?

Mayor Uszenski suggested Mrs. VanLewen speak to the Police Chief.

Mrs. VanLewen asked that a sign be put up telling people where the teen center is located.

Carol Petliski, Harvard Drive stated that in all fairness to the police, she likes the police around and they do a good job.

Larry Sager asked what capital projects are going to be done this year?

Mayor Uszenski stated that the village will have a sidewalk program, and at least three streets.

Diane Muntzer, 93 West Main Street stated that the sidewalk in front of her house needs to be repaired. She has seen people trip on it and fall.

Maria VanLewen asked if there was any money in the budget for Bradley Park for the smaller children? She took her grandson there and there was nothing there for him.

Mayor Uszenski suggested next time she go to the Walden Community Park, there is more for the little ones there. Trustee Norman will refer her request to the Recreation Committee.

Janet Pulubjuk, 5 Harvard Drive asked if there was anything budgeted for the park on Harvard Drive?

Mayor Uszenski stated that what is budgeted would be for maintenance.

Mrs. Pulubcjuk asked if it was a public park or a Walden park?

Mayor Uszenski stated that the village doesn't have the right to restrict anyone from the park.

Eric Kastberg, 27 Alfred Place stated that since they are comparing other villages with salaries he feels they should compare other villages with the rates of increases they are having on their budgets this year. He would like to commend the board and the two ladies for the job they've done. One percent increase in phenomenal in light of the fact we are dealing with 4% salary increases for the employees. The question he has is there are several people here tonight because of problems at the Alfred Place Park and is this the board they should come to or go to the parks and recreation committee.

Mayor Uszenski suggested they set up a time that they can come before the recreation board and they could hear the concerns and make recommendations.

Trustee Norman stated that she did go up and looked at the Alfred Place Park and the problem is there is nothing there for little ones.

Mr. Kastberg stated that when he moved in, twelve years ago, that park was strictly for small children and then the basketball court appeared and he feels its an experiment gone bad. Its a park in a residential area that really doesn't belong there.

Mrs. Petliski stated that the police are up there at least once or twice a week. The bigger kids tell the smaller children to go home.

Mr. Gheller stated that they urinate right in front of people.

Mayor Uszenski stated that the parks and recreation committee meets on the third Monday of the month at 7:00 PM.

Trustee Raymondo moved to close the public hearing. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Besdesky moved to adopt Resolution No. 20-96-97, Adopting FY 1997-98 Village of Walden Budget, (attached). Seconded by Trustee Norman.

Mayor Uszenski thanked Mrs. Weiner, Treasurer and Mrs. Mitchell, Interim Village Manager for their hard work on the budget.

All ayes. Motion carried.

#### **SPECIAL EXCEPTION USE PERMIT - 11-17 MAIN STREET**

Mayor Uszenski stated that the Planning Board meeting is tomorrow night. At this time he opened the public hearing for comments.

Larry Sager, 78 Orchard Street asked what are the chances of Mr. Spanos getting his tax credits without the special exception use being granted.

Mr. Dowd stated that certainly if they don't have their zoning in place it decreases their chances of getting tax credits. They didn't get it the first go around.

Trustee Wynkoop moved to adjourn the public hearing for the special exception use permit on 11-17 Main Street until April 29, 1997 at 7:00 PM. Seconded by Trustee Norman. All ayes. Motion carried.

### **NOTICE OF CLAIM**

Mayor Uszenski stated that the village received a notice of claim, Sanchez against the Village of Walden.

### **LITTLE LEAGUE PARADE**

Interim Manager Nancy Mitchell advised the Board that the Little League Parade has been rescheduled for May 3<sup>rd</sup>.

### **WATER/SEWER BILL - JAMES LLOYD**

Mayor Uszenski stated that a letter was received from James Lloyd in reference to a high water/sewer bill and he is requesting an adjustment.

Mr. Dowd stated that based on what he believes may be a faulty meter but no one can be sure why its faulty at all. He admits he doesn't know what is causing the problem.

Mayor Uszenski stated that a new meter was installed.

The Interim Manager advised the Board that the old meter is going to be tested.

It was the consensus of the Board to have Mr. Lloyd's old water meter tested and if it is found to be defective then the water/sewer bill be adjusted.

### **AMBASSADORS OF N.Y. SENIOR DRUM AND BUGLE CORP.**

Lawrence Eckert representing the Ambassadors of New York Senior Drum and Bugle Corp. stated that they would like to put on a concert in the Municipal Square, free of charge, on August 17<sup>th</sup>, 1997. He has a committee already working on this if the village is not interested in doing it. He asked that a committee be set up. Last year they provided them with one breakfast and one dinner, which was held at the Montgomery Fire House. The show is an hour and one half to two hours. They would need the square closed for that time. He needs to know before June 1<sup>st</sup> if the village would be interested. With the recommendation of the board he would like to send a letter to Valley Central asking for use of their facilities.

Mayor Uszenski advised Mr. Eckert that if he needs a letter from the village he would be glad to give him one.

### **USE OF THE FIRING RANGE**

Mayor Uszenski stated that the National Guard is requesting permission to use the village's firing range.

Trustee Raymondo moved to allow the National Guard to use the village's firing range providing a certificate of insurance is received. Seconded by Trustee Besdesky. All ayes. Motion carried.

### **PUBLIC PORTION**

Diane Muntzer asked where the bench be the Town Hall went to? People enjoyed sitting there.

Mayor Uszenski advised her that someone took one of them. There use to be two of them.

Maria VanLewen stated that the village needs benches.

Larry Sager stated that the Masonic Lodge, this Saturday at 3:30 PM, is giving out an award to the Food Pantry of the Town of Montgomery and they would like participation from the Board.

Mr. Sager asked what can be done to prevent Walden Liquidators from bringing the fork lift up the sidewalk?

Mayor Uszenski asked they have the Building Inspector look into that.

Maria VanLewen stated that she would like the Boards presence at the Walden Community Council meeting.

Mayor Uszenski stated that quite often the evening meeting coincide with Village Board meetings.

Maria VanLewen stated that at this mornings meetings they discussed the 125<sup>th</sup> Anniversary of the Walden Savings Bank celebration.

Mayor Uszenski informed Mrs. VanLewen that the Board was invited by Mr. Garrison.

Mary Huber stated that a couple years ago she had a problem with one or two officers and she had a meeting with the Village Manager, Police Chief and the officer in question and the problem was solved. Also, she has seen many officers chase people who make left hand turns at the top of Oak Street and they stop them in front of her house. She has sat on her porch and seen people get nasty with the officers. She further stated that she has lived in this village for over twenty years and she finds it no worse than any other places. She lost a house in a fire and she didn't leave this village, she bought another house.

## REPORTS - COMMITTEE

Trustee Raymondo asked about the bill for dog food.

Mayor Uszenski stated that the village has an agreement with the animal shelter.

Trustee Raymondo asked if the village painted the whole DPW truck?

Mayor Uszenski stated that it was just the dump body.

Interim Village Manager Nancy Mitchell stated that she hasn't been told if its back.

Trustee Raymondo asked about the bathroom leaks at Bradley Field, has anything been done?

Trustee Raymondo asked about the street sweeper repairs and further stated that he would like to see a list of streets that will be done.

## MUNICIAPL BUILDING PROJECT

Mr. Dowd stated that he spoke to the attorney for Contractor's Casualty, after he wrote them a letter this morning, the takeover agreement has been signed, but he hasn't gotten it back. They are accumulating several documents to send. The money is still being held in escrow until they satisfy all the conditions of the escrow agreement.

## ADJOURNMENT

Trustee Wynkoop moved to adjourn for attorney/client advice. Seconded by Trustee Norman. All ayes. Motion carried.

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

Trustee Wynkoop moved to offer the owners of 55 Oak Street the average of the quarterly usage and charge them a sewer bill on that rate. Seconded by Trustee Raymondo. All ayes. Motion carried.

## ADJOURNMENT

Trustee Norman moved to adjourn. Seconded Besdesky by Trustee. All ayes. Motion carried.

Respectfully submitted,

Nancy Mitchell  
Interim Village Manager/Village Clerk

RESOLUTION NO. 20-96-97  
ADOPTING THE 1997-98 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 22<sup>nd</sup> day of April 1997 on the tentative budget as proposed and filed March 20<sup>th</sup>, 1997, 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 1997-98 Annual Budget of the Village of Walden, the recommended amounts as stated in the tentative budget with the following changes:

Increase	Object	Amount	Total
A7020.460	Education	200	500
A7310.434	Entertainment	300	3,500

Decrease	Object	Amount	Total
A1010.496	Audit	7,000	-0-
A1210.401	Office Expense	50	-0-
A1210.434	Travel	25	-0-
A1210.460	Education	100	-0-
A7110.251	Recreation Equipment	20,000	-0-
A9950.9	Transfer to Library	7,590	136,863

LIBRARY

Decrease	Object	Amount	Total
L5031	Interfund Transfer	7,590	136,863
L7410.410	Library Books	7,590	7,410

BE IT FURTHER RESOLVED that the Real Property Tax Rate for 1997-98 as a result of the adoption of the annual budget is hereby fixed at \$10.8920 per \$1,000.00 of assessed valuation.

Motion adopted by Trustee Beobsky and seconded by Trustee Norman.

The vote was 5 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on April 22<sup>nd</sup>, 1997.

RESOLUTION NO. 21-96-97  
BUDGET AMENDMENT

WHEREAS, equipment is needed for maintenance and operations of our parklands,

WHEREAS, it is beneficial to purchase a compact utility tractor with a mounted mower at this time.

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

GENERAL FUND

INCREASE	AMOUNT	AMENDED TOTAL
A599 Appropriated Fund Balance	\$15,998.00	

INCREASE		
A7110.251 Recreation Equipment	\$15,998.00	\$17,498.00

Motion to adopt by Trustee Bendak and seconded by Trustee

Wyntrop. The vote was 5 ayes to 0 nays with 0

abstentions. The Mayor declared the resolution adopted on April 22, 1997.

APRIL BILL LIST - APRIL 22, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1114	AWESCO	27.00
A-1115	BECKER BUSINESS SYSTEMS	75.00
A-1116	BFI	65.00
A-1117	DUTCHESS QUARRY & SUPPLY CO., INC.	271.83
A-1118	CIARDULLO PRINTING	94.00
A-1119	COUNTRY HARDWARE	157.48
A-1120	COUNTRY HARDWARE	89.99
A-1121	DANIELS AGENCY, INC.	186.00
A-1122	DIVISION OF CRIMINAL JUSTICE SERVICES	150.00
A-1123	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA,	97.50
A-1124	ENVIRONMENTAL PAPER TOWEL SERVICE	207.50
A-1125	EXPANDED SUPPLY PRODUCTS, INC.	99.75
A-1126	GALLS	24.98
A-1127	GEO ELECTRONICS	125.60
A-1128	GEORGE'S AUTO PARTS	38.70
A-1129	GEORGE'S AUTO PARTS	25.30
A-1130	GEORGE'S AUTO PARTS	100.94
A-1131	GEORGE'S AUTO PARTS	40.40
A-1132	JOHN FALVELLA FENCE CO.	692.00
A-1133	JOHN FALVELLA FENCE CO.	1,800.00
A-1134	HUDSON VALLEY AWARDS	126.29
A-1135	JOHN T REARDON AGENCY	1,158.24
A-1136	MAYBROOK MATERIALS INC.	80.46
A-1137	MEHLON TRUCKING SAND & GRAVEL CO.	120.00
A-1138	MITCHELL NANCY	125.00
A-1139	O.C. POLICE ACADEMY AT BOCES	90.00
A-1140	RISK MANAGEMENT	16.00
A-1141	SHARE CORP.	201.11
A-1142	SLATER'S POWER EQUIPMENT	358.00
A-1143	SOFCO, INC.	288.40
A-1144	SONNY'S DINER	35.80
A-1145	TIMES HERALD RECORD	27.36
A-1146	UNIMIN CORPORATION	1,342.69
A-1147	WALDEN AUTO SUPPLY	46.74
A-1148	WALDEN AUTO SUPPLY	60.78
A-1149	WALDEN AUTO SUPPLY	25.40
A-1150	WALDEN AUTO SUPPLY	24.02
A-1151	WEST POINT TOURS, INC.	860.00
A-1152	WALDEN ANIMAL DELI	114.14
A-1153	ANNESE & ASSOCIATES, INC.	223.04
A-1154	BARTON CHEVROLET	58.70
A-1155	TIMES HERALD RECORD	101.85
A-1156	SCOTT JENNINGS	200.00
A-1157	SLATER'S POWER EQUIPMENT	177.05
A-1158	WICKES LUMBER	37.64

10,267.68

APRIL BILL LIST - APRIL 22, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-142	COUNTRY HARDWARE	110.12
F-143	JONES CHEMICAL	732.22
F-144	ORANGE COUNTY LABORATORY	90.00
F-145	PINE BUSH EQUIPMENT	75.00
		<u>1,007.34</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-132	COUNTRY HARDWARE	177.69
G-133	AL TURI LANDFILL	845.25
G-134	SLATER'S POWER EQUIPMENT	11.40
		<u>1,034.34</u>

CAPITAL ACCOUNT #82	NEW YORK STATE POLICE MUNICIPAL BLDG	208.75
CAPITAL ACCOUNT #82	WALOR AUTO BODY MUNICIPAL BLDG	495.11
CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ MUNICIPAL BLDG	1,000.00
CAPITAL ACCOUNT #82	WALOR AUTO BODY MUNICIPAL BLDG	100.00
CL & EJ GRIDLEY	OFFICE RENT	971.48
COMMUNITY DEV.	KERRON BARNES ASSOCIATES UDAG	2,767.50
COMMUNITY DEV.	KERRON BARNES ASSOCIATES 95	240.00
COMMUNITY DEV.	COSTAS STAVRIDES 92	3,200.00

APRIL BILL LIST - APRIL 22, 1997

PERPAID BILLS

GENERAL FUND

VOUCHER

23679

<u>VENDOR</u>	<u>AMOUNT</u>
AIG	2,500.00
AT & T	14.52
BELL ATLANTIC NYNEX	48.41
COASTAL REFINING & MARKETING, INC.	688.96
COASTAL REFINING & MARKETING, INC.	582.03
CL & EJ GRIDLEY	971.48
FRONTIER COMMUNICATIONS	245.36
FRONTIER COMMUNICATIONS	368.73
FRONTIER COMMUNICATIONS	3.34
FRONTIER COMMUNICATIONS	266.01
AYWAY PETROLEUM CORP.	395.34
NYSEG	289.17
NYSEG	823.48
NYSEG	2,429.54
NYSEG	816.65
NYSEG	5,274.87
NYNEX	71.98
OR CO. SANITARY LANDFILL	318.10
POSTMASTER	600.00
WAREX	937.62
	<u>17,645.59</u>

WATER FUND

VOUCHER

<u>VENDOR</u>	<u>AMOUNT</u>
CENTRAL HUDSON	629.70
COASTAL REFINING & MARKETING, INC.	118.69
FRONTIER COMMUNICATIONS	92.61
NYSEG	3,461.40
	<u>3,302.40</u>

SEWER FUND

VOUCHER

<u>VENDOR</u>	<u>AMOUNT</u>
FRONTIER COMMUNICATION	53.22
NYSEG	6,406.62
	<u>6,459.84</u>

# NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, April 8, 1997 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. PUBLIC HEARING - 7:45 PM, Special Exception Use Permit-11-17  
Main Street
4. BOARD'S BUSINESS
  - A. ACTION ITEMS
    - A.1 Resolution No. 19-96-97, Budget Amendment
    - A.2 Little League Opening Day Parade
    - A.3 PBA Contract
    - A.4 Payment of Audited Bills for April 8th, 1997
  - B. DISCUSSION ITEMS
    - B.1 Thruway Center Associates - UDAG Loan
    - B.2 Town of Montgomery Chamber of Commerce Dinner
    - B.3 Municipal Building Takeover Agreement
    - B.4 Amendments to Introductory Local Law I-2, Zoning
  - C. INFORMATIONAL ITEMS
  - D. CORRESPONDENCE
5. PUBLIC PORTION
6. EXECUTIVE SESSION - (105-d) Litigation
7. ADJOURNMENT

# APPROVED

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
APRIL 8, 1997**

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  
Martin Besdesky  
Roy Wynkoop  
Mary Jean Norman  
Gregory Raymondo

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

## **APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of March 25<sup>th</sup>, April 1<sup>st</sup>, and April 7<sup>th</sup>. Seconded by Trustee Norman. All ayes. Motion carried.

## **RESOLUTION NO. 19-96-97, BUDGET TRANSFER**

Trustee Forman moved to adopt Resolution No. 19-96-97, Budget Transfer, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

## **LITTLE LEAGUE PARADE**

Mayor Uszenski stated that the Little League is requesting permission to hold their annual parade on Saturday, April 19<sup>th</sup>, 1997.

Trustee Besdesky moved to give permission to hold the Little League Parade on Saturday, April 19<sup>th</sup>, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

**PBA CONTRACT**

Interim Village Manager Nancy Mitchell stated that the PBA ratified the contract on Monday night.

Trustee Raymondo moved to authorize the manager to sign the collective bargaining agreement with the Patrolmen's Benevolent Association for the period commencing June 1, 1996 - May 31, 1999. Seconded by Trustee McGuckin. All ayes. Motion carried.

**AUDITED BILLS**

Trustee Forman moved to pay the audited bills of April 8, 1997. Seconded by Trustee McGuckin. Motion carried.

**THRUWAY CENTER ASSOCIATES - UDAG LOAN**

Mayor Uszenski stated that a letter was received from the Thruway Center Associates asking to release Andrew Concors as a guarantor of their UDAG Loan. There is also a letter from Richard Drake, Attorney stating that the village should ask for a letter from the other guarantors, their consent of releasing Andrew Concors because they will have to assume the additional obligation.

Trustee McGuckin moved to release Andrew Concors as a guarantor of the Thruway Center Associates UDAG Loan subject to the conditions stated in Mr. Drakes letter, that the village get a consent and reconfirmation of the existing guarantors on the UDAG Loan.

Trustee Forman stated that he would like the letter to meet the approval of Mr. Dowd or Mr. Drake.

Seconded by Trustee Besdesky. All ayes. Motion carried.

**TOWN OF MONTGOMERY CHAMBER OF COMMERCE DINNER**

Mayor Uszenski stated that the Town of Montgomery Chamber of Commerce is holding their annual Business of the Year dinner, Friday, April 18, 1997, honoring Walden Federal Savings and Loan.

No one from the board is available to attend the dinner.

**MUNICIPAL BUILDING TAKEOVER AGREEMENT**

Mr. Dowd stated that he made the final changes to the takeover agreement this afternoon, after discussing it with the attorney from the surety company. He has an agreement which the board can feel confident in. It has a schedule of progress of the work that is proposed for the next twelve weeks. As soon as the agreement is sign some of the funds can be released pursuant to the agreement.

This was tabled until after the public hearing.

**PUBLIC HEARING - SPECIAL EXCEPTION USE - 11-17 MAIN STREET**

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Regularity, which was in order, Affidavit of Posting Notice, determination from the County Planning Department, and Notice of Public Hearing.

John Cappello, Jacobowitz and Gubits, representing Luxembourg, Ltd., the applicant for the special exception use. He stated that the purposes set forth in Chapter 148-50 of the Zoning Code is to guide and regulate the orderly growth, development and redevelopment of the municipality in accordance with a comprehensive plan and with long term objectives, principles and standards deemed beneficial to the interest and welfare of the people. The applicants propose to reconstruct and renovate the Wooster Building. The roof on the building collapsed during the blizzard of the winter of 1993. The front elevation on the site plan depicts a building designed to be compatible with the historic and architectural qualities of the existing buildings in the downtown Walden Business area. As is typical of most buildings located in the downtown area, the first floor will be devoted to commercial uses and the upper floors will contain multiple residential units. If the applicants are allowed to reconstruct the building according to the plans submitted, the results will be that, a significant eyesore to the community will be transformed into an attractive building compatible with the historic and architectural features prevalent in the downtown Walden area. Twenty-four (24) centrally located residential dwelling units for senior citizens will be provided. The proposed development is, compatible with the development and growth pattern in the Village. For the reasons stated above, this development will substantially benefit the interests and welfare of all the citizens of the community. To protect the well established character and the social and economic well being of both private and public property. The applicants propose to transform this currently uninhabitable, boarded up and dilapidated building into a vital resource for the community. Approximately 20 new senior citizen residents to the area, who will shop at the local stores and obtain essential services all within a short walking distance of their home. The proposed construction of the Wooster Building will removed an existing blight from the downtown area and provide modern, convenient and necessary senior citizen housing for village residents. The building as reconstructed will comply with all New York State Building and Fire Prevention Code Regulations. The dwelling units proposed will be offered only to senior citizens. It is vitally important that they have all vital services offered within a short distance. Access to the building will not be from Main Street but from Orchard Street. A parking area will provide ten parking spaces to serve the residential units. The parking area is immediately adjacent to a municipal parking area on Maple Street containing twenty spaces and within 500 feet of a larger municipal parking lot on Orchard Street containing more than 40 parking spaces. The proposed use fits in the definition of senior citizen housing development as defined in Local Law No. 2 of 1997. The reconstruction of the Wooster Building to provide senior citizen housing is as suitable a use as can be found to be located near a church, a school or any other uses. That the proposed are particularly in the case of non-nuisance industry, does conform to the Chapter definition of the special exception use where such a definition exists, or with a generally accepted definition of such use where it does not exist in the chapter. The building is located in the downtown area in the Village where no side yards are required. The applicant does intend to provide landscaping within the outer courtyard area. The project will connect to all Village wide systems for stormwater runoff, sanitary sewage and water supply. It should be noted that the footprint of the building will not be expanded, therefore, there will be no additional stormwater runoff created. All 24 dwelling units shall exceed such standard as shown

on the floor plans. The Village Board of Trustees in its 1996 CBDG Small Cities Program Grant application prepared by Saccardi & Schiff, the authors of the Village's Comprehensive Plan, stated in discussing the proposed 24 unit four story develop, "the Village continues to make a concerted effort on overall rehabilitation and revitalization efforts. The FY 1996 Program will be integral component to this endeavor. In regard to parking standards for senior citizen multi-family residential developments, a report was submitted to the village from the planning consultant Saccardi and Schiff and that all studies recognizes that the provision of the approximately .4 spaces per senior citizen dwelling unit was sufficient for a federally assisted process for low income senior citizen housing units. The senior citizen development receives approval by the Architectural and Community Appearance Board of Review. They have submitted their site plan application to the Planning Board. The Planning Board has given architectural review board approval for the three story development. The architectural treatment is going to be exactly the same, they are just adding one story. The senior citizen development is not within 350 linear feet of another senior citizen development within the B-3 district as measured along the primary road system serving development. The off street parking requirements for low income senior citizen development shall be .4 spaces per dwelling unit. Based on the presentation, there is ample evidence submitted and ample reasons that the board can adopt this special exception use, so they can move ahead with this project.

Trustee McGuckin asked if there was any access in this for rear delivery for the commercial properties.

Mr. Spanos stated that there is a rear entrance for the commercial deliveries.

Mayor Uszenski opened the hearing for public comment.

Larry Sager, 78 Orchard Street asked if the planning board fees were not paid are those approvals still in effect?

Mr. Dowd stated that the fees were paid. The comment that was made at the last meeting that the approvals had expired because of the passage of time, if the calculations are correct and more than six months have passed then they have expired for the sixteen unit project.

Mr. Sager asked how the board can legally act upon this applicant when they illegally passed the law last week?

Mayor Uszenski asked Mr. Sager how they illegally passed the law?

Mr. Sager stated that it wasn't paid for. The village is holding a check and one of those checks was in protest. According to the Village Code this application has to be paid for in full.

Mr. Dowd stated that the applicant paid the \$350. charge for the zoning amendment request and submitted a check for the additional fees of the village planners, so he has tendered payment although one of the checks is being held at the consent of the village board. The village board has the discretion to accept the check that it did accept under the conditions they did accept it. The applicant did in fact tender payment and the board has allowed him to hold that payment until a specific date.

Mr. Sager stated its also their right to close out the public. The minutes state that the public hearing was adjourned. He further asked if the board has any surprises that they want to give the public like they did at the last meeting, that they couldn't act on the law because of the county?

Mayor Uszenski stated that the county has responded. The SEQRA process has to still be done. The board has to declare lead agency and this has to be referred to the Planning Board.

Mr. Dowd stated that the Board is going to establish itself as lead agency. They can do that tonight by passing a motion for that intent, however there is a thirty day statutory period that they must wait unless other involved agencies agree that they will be the lead agency. The only other involved agency is the Planning Board, because they have site plan approval. The Board will have to wait until the Planning Board either consents to the lead agency status or the thirty days expires before they then can be lead agency and take the SEQRA action that they have to take before they take the action on the special permit. That is all statutory State law under the SEQRA regulations.

Mr. Cappello stated that this is not a type 1 action so the board could under go an uncoordinated action.

Mr. Dowd stated that you then run the risk of the other involved agency making a different finding and having two lead agencies reviewing the same project is not the best way of doing it. He would not recommend the board do that at all.

Mr. Sager asked what effect the zoning amendments are going to have on this project now? Will it make this project a non conforming use?

Mayor Uszenski stated that the zoning amendments is on the agency only for discussion tonight and it would not have any effect on this project, because this project is covered by Local Law 2 of 1997 as it was passed.

Mr. Sager stated that if the board was going to make any amendments they should have done them in the beginning, not after they passed the law.

Mayor Uszenski stated that the board made the decision to pass the local law as it was written.

Mr. Sager asked if they were going to tailor their application as they stated they would, to the amendment?

Mayor Uszenski stated if it conforms to the local law.

Mr. Sager asked if they were going to put that on the special exception use that they must tailor their application?

Mr. Cappello stated that they did state, and the two amendments that were discussed were the definition of senior citizen which they stated that this development would meet and the other one that would apply to this approval was the prohibition of the use of a bar or tavern on the first floor and if that were made a condition of this special exception use, he doesn't think that would be a use that

would be marketable. He does have a concern about the board acting, because he does have time problems here and he doesn't know what the Planning Boards schedule is. If they meet on April 16<sup>th</sup> then the next application deadline is the 15<sup>th</sup> of the Federal Home Loan Bank.

Trustee McGuckin stated that since this project has been done the village has had their time lines that the Board has always had to follow and have done a decent job of following them, so if the Board needs to follow their legal advice then they will do it.

Mr. Sager asked if the new amendment to this law had any effect on the parking regulations in the B-3 area?

Mayor Uszenski stated that the law requires .4 spaces per apartment.

Mr. Sager asked if it brings any other building in conformity of this law?

Mayor Uszenski stated that this is only for senior housing in the B-3 District.

Mayor Uszenski stated that it has been recommended to keep the public hearing open until the SEQRA process is complete.

Mr. Barone stated that he can confirm that the village was kind enough to furnish them a site plan a week ago and he can confirm that is the plan that the Planning Board did look at and reviewed with the few note changes, but they haven't changed any of the physical layout of the plan itself, so that is the site plan that they reviewed. You have new criteria under the new law, but from the review they've made so far it appears they have complied with every requirement.

Mr. Dowd asked the applicant how they were going to insure that the occupants are 60 years of age or more?

Mr. Cappello stated like any other senior citizen development. They had that requirement from HUD. HUD would be monitoring, the village would be monitoring and they would be monitoring. A roster could be provided. The annual report could be provided to the village.

Mayor Uszenski stated that the only thing is if there was a new tenant come in in-between the annual report, just notification that the person is qualified.

Mr. Dowd asked how they were going to enforce the limited parking they have on site for the number of units? Suppose the first ten units they rent all have cars, what do you do to make sure they don't go over the ten spaces required.

Mr. Cappello stated that the eleventh person would know they would have to find parking elsewhere.

Mr. Dowd stated that what the Board doesn't want to happen is that if in the event that happens that the other people don't park in the municipal parking lots and take up the spaces. That is why he asked the developer the question how are they going to comply with the zoning law as well as with all

the other requirements that the village isn't in the business of counting spaces and occupants and age limits of the occupants so they are guaranteed the developer is going to comply with the zoning.

Mr. Cappello stated that the age limit is easy and the parking is just like any other development. You have parking standards and that is how many parking spaces that are providing. If they park in the village lot and break the rules they will be ticketed like anyone else.

Trustee Besdesky moved to adjourn the public hearing until April 22<sup>nd</sup>, 1997 at 7:30 PM. Seconded by Trustee Forman. All ayes. Motion carried.

Mr. Dowd explained to the board that because they want to be lead agency on the review of SEQRA and there is another agency that has to give a permit out which is the Planning Board, they must give site plan approval. They can't act before there is a SEQRA designation and the Village Board can't act before there is a SEQRA designation. So the question is, who is going to be the agency that makes the determination as to whether to give a negative declaration to this project or not. The law says you wait thirty days for everybody to reply. If they don't answer after thirty days then the Village Board can take action on their own. If they answer that they object then you have two agencies trying to be lead agency for SEQRA. If they don't object they send a letter saying they consent to the Village Board being lead agency. Then the thirty days can stop and the board can take action at their next meeting to be lead agency and declare a negative declaration. Then you're free to give the permit and the Planning Board will be free to conduct their proceedings on the site plan. He suggests the Village Board try and coordinate this.

Trustee Besdesky moved to hold a special meeting on Tuesday, April 29, 1997. Seconded by Trustee Forman.

Mr. Cappello stated that he has to submit an application to the Federal Home Loan Bank and he asked the Board to authorize a letter be written stating that an application has been submitted and it appears that it meets the mandates of the new local law that was adopted, that the village is in the process of coordinating SEQRA, but anticipates a favorable reaction.

Trustee McGuckin stated that the law has been passed and he feels that is indication where this board wants to go with this project.

Mr. Dowd asked if the application that they are submitting can be amended?

Mr. Cappello stated that the deadline is the 15<sup>th</sup> and obviously when he gets the approval he will fax it there and hope they consider it.

Mr. Dowd asked how long does it take for them to make the decision?

Mr. Cappello stated that it takes a long time for a decision.

Mr. Dowd stated that if the board was to enact this law or adopt the application and give a special permit on the 29<sup>th</sup> Mr. Cappello could send a letter right over on the 30<sup>th</sup> to the bank and amend the application.

Mr. Cappello stated that its fine to wait two weeks, but whatever they can do to make their applications stronger will be a benefit to the project. Two weeks could mean six months.

Mr. Dowd asked Mr. Cappello if his client was willing to sign a letter to the board stating that they would hold them for no responsibility for any content of any letter written on his behalf?

Mr. Cappello stated that Mr. Dowd could qualify the letter to his satisfaction.

Mr. Dowd stated that he does not like to ask his client to put in writing a position that could come back and haunt them. He asked Mr. Cappello again if his client was willing to indemnify and hold the board harmless from any representation from that record so that if in fact something were to go wrong that this village would not get sued by his client for making a representation and falling back on it.

Mr. Cappello stated that if something goes wrong the village may get sued regardless if they give him the indemnification. He thinks that letter is not going to commit. He's not going to give up his clients rights.

It was the consensus of the board not to write a letter for Mr. Cappello to include in his application.

All ayes. Motion carried.

Mr. Cappello asked that a list of any recommendations that they discuss on the local law be sent to him.

#### **MUNICIPAL BUILDING RENOVATIONS**

Mr. Dowd stated that what they are trying to do is to try and put in writing an agreement between the surety company who is now the contractor on the Municipal Building and the village to summarize all the past transactions that have occurred since RBI was defaulted off the job September, 1996. Mr. Dowd further stated that he is satisfied with the agreement that the board has before them. He went on to review the takeover agreement with the board. He suggested the board authorize the signing of this agreement.

Trustee McGuckin moved to authorize the Interim Village Manager sign the takeover agreement for the municipal building renovations. Seconded by Trustee Forman. All ayes. Motion carried.

#### **ZONING LAW AMENDMENT**

Mayor Uszenski stated that the board has talked about amending Local Law No. 2 of 1997. They talked about amending the age factor, the first floor being commercial and rather than have the 350 linear feet to have a percentage and they would have to determine how many senior citizen apartments they would have in a B-3. He stated that the board might want to leave the law as is for a while and see what happens.

Trustee Forman stated that the height requirement was also discussed to be changed.

It was the consensus of the board to leave the law as is and if they want they can amend it at a later date.

### **CORRESPONDENCE**

Mayor Uszenski stated that a letter was received from Mr. and Mrs. Dragone who live at 61 Oakland Avenue stating that during the last snow storm the village plow damaged their mailbox and they would like the village to buy them a new mailbox. The Mayor stated that it looked like the plow jumped the curb and hit the mailbox. Only the front of the box was damaged.

Trustee McGuckin moved to repair Mr. and Mrs. Dragone's mail box as it was before it was damaged. Seconded by Trustee Forman. All ayes. Motion carried.

### **PUBLIC PORTION**

Beck Pearson, 162 Walnut Street asked if the board would consider allowing the public to speak during the board's discussion items? Someone from the public may have an idea that the board might not think about.

Mr. Dowd advised her that the board could amend their motion.

Mayor Uszenski stated that the policy can be changed if the board chooses to change it.

Trustee Wynkoop stated that the public has their time to voice their opinions during public portion.

Mrs. Pearson asked about the lawyers fees that were mentioned in the takeover agreement, \$150 per hour, are they ever more?

Mr. Dowd stated that is his firms municipal rate when they are involved in litigation.

Mrs. Pearson asked if there will be a final inspection on the municipal building and who would do it?

Mayor Uszenski stated that there is a final punch list drawn up between the building inspector and the architect.

Mr. Dowd stated that the architect would walk through with the building inspector and come up with any punch list items and depending on what those items were before the architect would issue a document called a substantial completion document certain things have to be done.

Becky Pearson stated that is not in the agreement.

Mr. Dowd stated that it is and it reflects back on the original contract with RBI which is what the surety company is operating under, the original construction contract.

Larry Sager, 78 Orchard Street stated that on the municipal building they agreed to pay for the clerk of the works for a certain period of time.

Mr. Dowd stated that they are agreeing to pay Craig Maslik's salary from September until he resigned and Dean's overtime.

Mrs. Pearson stated that she sees two lawyers sitting here, are we paying for both?

Mr. Dowd stated no.

Mrs. Pearson asked if its a definite not allowing the public to speak during the discussion time?

Mayor Uszenski stated that board is saying no.

Trustee Besdesky stated that its a no because its unweilding. People run for the board so they can become policy makers and enact laws. If you're going to let the public do it, then you don't need the trustees.

Bob Lamancuso 33 Gladstone Avenue, asked what the difference was between a part time employee and a full time employee, hours wise.

Mayor Uszenski stated part time is 20 hours a week.

Mr. Lamancuso asked if the Building Inspector was part time?

Mayor Uszenski stated that he is full time.

Mr. Lamancuso asked if he was the building inspector for the Village of Montgomery?

Mayor Uszenski stated part time. He is here from 7AM until 3PM and he attends planning and zoning board meetings.

Mr. Sager stated that awhile ago the village had the library pay for refinishing their furniture, didn't you get payment from the insurance company for that?

Mayor Uszenski stated that the village got paid for the flood damage.

**APPOINTMENTS**

Mayor Uszenski appointed Trustee Norman liaison to the Parks and Recreation Committee and Trustee Raymondo liaison to the Zoning Board of Appeals.

**REPORTS - COMMITTEE**

Trustee Wynkoop stated that the DPW did a great job with the markers at the bottom of Pine Street, it serves the purpose.

Trustee Wynkoop stated that there is a section of rail on Hill Street by NELCO that sticks out and its dangerous.

Trustee Besdesky stated that he wants the fire horn back.

Mayor Uszenski stated that the village is waiting for a response from the fire district.

Trustee Besdesky stated that the fire district is waiting for the village. He feels that the village is throwing away a significant part of Walden. He volunteered to be the person to meet with the fire district and report back to the village.

**REPORTS - MAYOR**

Mayor Uszenski stated that he brought to the attention of the interim manager the Streamside Development, he doesn't see any progress on the bond items. Nothing has been done with the lighting.

Mr. Dowd stated that he received a letter from Ron Gainer who said that all the punch list items have been finished except one.

Mayor Uszenski disagreed. There are parts of the blacktop that caved in.

Mr. Dowd will contact Mr. Gainer again.

**EXECUTIVE SESSION**

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

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

**ADJOURNMENT**

Trustee Besdesky moved to adjourn. Seconded by Trustee Raymondo. All ayes. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Nancy Mitchell', written over a large, loopy scribble.

Nancy Mitchell  
Interim Village Manager/Village Clerk

RESOLUTION NO. 19-96-97  
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
A1010.496 Audit Expense	\$ 7,000.00	-0-
A1110.100 Justice-Per. Services	6,000.00	\$43,018.00
A1410.410 Service Contracts	1,500.00	1,811.00
A1910.400 Unallocated Insurance	1,500.00	60,400.00
A3620.100 Building Insp.-Per. Ser.	2,900.00	45,920.00
A3650.120 Demolition-Overtime	2,000.00	500.00
A3650.416 Demolition of Buildings	6,500.00	1,000.00
A3320.100 On Street Parking-Per. Ser.	2,500.00	6,684.00
A9015.800 Fire & Police Department	5,645.00	36,452.00
A9045.800 Life Insurance	9,800.00	74.00
A9050.800 Unemployment Insurance	10,000.00	5,000.00
A9040.800 Worker's Compensation	1,200.00	77,009.00
A1640.120 Central Garage-Overtime	1,200.00	800.00
A5142.419 Equipment Rental	3,000.00	1,000.00
A8020.495 Engineering	3,000.00	12,000.00
A5110.290 Street Equipment	620.00	10,155.00
A1990.400 Contingent Account	1,900.00	38,235.00
INCREASE	AMOUNT	AMENDED TOTAL
A1420.401 Legal Miscellaneous	\$12,000.00	\$24,000.00
A1620.452 Office Rent	3,900.00	12,840.00
A1620.471 Electricity	14,000.00	25,450.00
A1640.411 Auto Maintenance	7,000.00	16,910.00
A1640.412 Truck Maintenance	7,000.00	19,719.39
A1640.413 Equipment Maintenance	4,000.00	13,400.00
A4020.459 Registrar of Vital Stat.	250.00	750.00
A3123.100 Crossing Guards-Per. Ser.	4,000.00	23,000.00
A5110.120 Overtime	5,000.00	16,625.00
A5142.445 Salt and Sand	6,115.00	36,115.00
A8560.412 Tree Removal Services	3,000.00	8,000.00

Motion to adopt by Trustee Foiman and seconded by Trustee

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

The Mayor declared the resolution adopted on April 8, 1997.

APRIL BILL LIST - APRIL 8,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1070	ALL COUNTY RESOURCE MANAGEMENT CORP.	600.00
A-1071	AL VALK'S GARAGE,LTD	25.00
A-1072	AL VALK'S GARAGE,LTD	10.00
A-1073	BECKER BUSINESS	58.00
A-1074	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA,	3,333.33
A-1075	BARRY SHAWN	122.67
A-1076	ELECTRO-TERM,INC.	13.19
A-1077	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA	420.70
A-1078	DRAKE,SOMMERS,LOEB,TARSHIS & CATANIA	82.50
A-1079	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	70.84
A-1080	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	340.79
A-1081	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	429.75
A-1082	GALL'S INC.	598.95
A-1083	GEORGE'S AUTO PARTS	23.40
A-1084	GEORGE'S AUTO PARTS	85.24
A-1085	GEORGE'S AUTO PARTS	30.06
A-1086	HUDSON VALLEY CODE ED CONFERENCE	150.00
A-1087	ICMA	130.62
A-1088	MAYBROOK MATERIALS INC	169.04
A-1089	MID HUDSON CRIME PREVENTION ASSOC.	20.00
A-1090	NYS RECREATION & PARK SOCIETY INC	123.00
A-1091	ORANGE AUTO ELECTRIC	100.00
A-1092	PAGE NY	25.00
A-1093	PURE CORP.	95.00
A-1094	QUAKER STATE	196.14
A-1095	SANWA LEASING	135.00
A-1096	SCHMIDT'S WHOLESALE	83.52
A-1097	THRUWAY MARKET	23.94
A-1098	TIMES HERALD RECORD	28.08
A-1099	WALDEN AUTO SUPPLY	29.55
A-1100	WALDEN AUTO SUPPLY	29.75
A-1101	WALDEN AUTO SUPPLY	31.89
A-1102	WALDEN AUTO SUPPLY	65.50
A-1103	WALDEN AUTO SUPPLY	15.21
A-1104	WALDEN AUTO SUPPLY	31.61
A-1105	WALDEN PLUMBING & HEATING	68.50
A-1106	WALLKILL VALLEY TIMES	12.32
A-1107	HOWLAND JOHN	51.75
A-1108	VINCENT TOOMEY	697.00
A-1109	ZEB MFG.CO.	80.09
A-1110	NYCOMCO	1,480.00
A-1111	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	430.67
A-1112	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	540.78
A-1113	GAINER-WILBUR CONSULTING ENGINEERS,P.C.	153.25
		<u>11,241.63</u>

APRIL BILL LIST - APRIL 8, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-136	GAINER-WILBUR CONSULTING ENGINEERS	635.40
F-137	GAINER-WILBUR CONSULTING ENGINEERS	451.78
F-138	MID HUDSON COMMUNICATIONS	85.50
F-139	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-140	SENSUS METERS	384.96
F-141	PAGE NY	6.75
		<u>1,981.06</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-124	ENVIROTEST LAB	394.00
G-125	HILTI	287.43
G-126	PEAK POWER SYSTEMS	150.00
G-127	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-128	WALDEN PLUMBING & HEATING	284.05
G-129	WALDEN AUTO SUPPLY	4.68
G-130	ZEB MFG. CO.	74.81
G-131	GAINER-WILBUR CONSULTING ENGINEERS	<u>300.00</u>
		<u>1,911.64</u>

CAPITAL ACCOUNT #82	AMERICAN ALARM CO. MUNICIPAL BLDG	1,146.00
CAPITAL ACCOUNT #82	ADVANCE TESTING MUNICIPAL BLDG	1,384.50
CAPITAL ACCOUNT #88	GAINER-WILBUR CONSULTING ENGINEERS, P.C. SEWER SYSTEM	42.00
CAPITAL ACCOUNT #88	GAINER-WILBUR CONSULTING ENGINEERS, P.C. SEWER SYSTEM	478.22
COMM DEV UDAG	SACCARDI & SCHIFF, INC.	489.60

## NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a special meeting on Monday, April 7th, 1997 at 7:00 PM at the Village Offices, 8 Scofield Street, Walden, New York.

## AGENDA

1. Reorganizational Meeting

# APPROVED

VILLAGE OF WALDEN  
BOARD OF TRUSTEES  
REORGANIZATIONAL MEETING  
APRIL 7, 1997

Mayor Andrew Uszenski called the reorganizational meeting to order at 7:00 PM.

On roll call the following were:

Present: Mayor Andrew Uszenski  
Trustees John McGuckin  
Chris Forman  
Martin Besdesky  
Roy Wynkoop  
Mary Jean Norman  
Gregory Raymondo

Also Present: Nancy Mitchell, Interim Village Manager/Village Clerk

## PRESENTATION

Mayor Uszenski presented Ray Ozman with a plaque for his dedicated service to the people of the Village of Walden as trustee from 1993-1997.

## APPOINTMENTS

Mayor Uszenski made the following appointments:

Nancy Mitchell - Village Clerk  
Jan Weiner - Village Treasurer  
Nancy Mitchell - Registrar of Vital Statistics  
Drake, Sommers, Loeb, Tarshis & Catania - Village Attorney's  
Wallkill Valley Times & Times Herald Record - Official Newspapers  
Key Bank & Fleet Bank - Official Depositories  
2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month - Board Meetings  
John McGuckin - Deputy Mayor

Trustee Besdesky moved to approve the Mayor's appointments. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Interim Village Manager Nancy Mitchell made the following appointments

Jan Weiner - Collector of Taxes  
Gainer/Wilbur - Village Engineers  
Fred Gorss - Acting Justice

Trustee Forman moved to approve the Interim Manager's appointments. Seconded by Trustee McGuckin. All ayes. Motion carried.

The following appointments were also made by Nancy Mitchell as Village Clerk Appointments:

Victoria Kurtz - Deputy Village Clerk  
Jan Weiner - Deputy Registrar

Trustee Norman moved to approve the Village Clerk's appointments. Seconded by Trustee McGuckin. All ayes. Motion carried.

#### **ADJOURNMENT**

Trustee Forman moved to adjourn. Seconded by Trustee Besdesky. All ayes. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written over the printed name.

Nancy Mitchell  
Interim Village Manager  
Village Clerk

VILLAGE OF WALDEN  
BOARD OF TRUSTEES SPECIAL MEETING  
APRIL 1, 1997

Mayor Andrew Uszenski called the special 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  
John Ryan  
Chris Forman  
Martin Besdesky  
Roy Wynkoop

Absent: Trustee Raynard Ozman, later present

Also Present: Nancy Mitchell, Village Clerk  
Thomas Tracy, Attorney

**INTRODUCTORY LOCAL LAW I-2 OF 1997, "ZONING"**

Mayor Uszenski stated that tonight's meeting is a continuation of the discussion of Introductory Local Law I-2 of 1997, "Zoning". The village received the response from the County of Orange Department of Planning stating that their determination, its a local action and referred it back to the village. At the last meeting the board discussed passing this law and immediately amending it with the changes that were discussed. If the board does do that this project would be strictly controlled by this local law and not grandfathered into the new local law.

Trustee Forman stated that the changes that were considered were the age?

Mayor Uszenski stated that the board wanted a better definition of the possible residents under age 60 that would live with the tenant. The planning board stated that the board could eliminate Section 4-9, minimum lot area. The other concern was Section F, rather than using the 350 linear feet, the possibility of going with a percentage.

Trustee Forman stated that the only item that would effect this project would be the age.

Trustee Ryan stated that the other blanket of security was the actual HUD requirements. He asked Mr. Barnes what safety net is there in the HUD requirements?

Mr. Barnes stated that they are not very great. They simply proposed in the application that they would be building senior housing. The definition is strictly a local decision.

Trustee McGuckin asked if the guidelines for HUD were 62?

Mr. Barnes stated that it varies, 60 to 62.

Trustee Ryan stated that he is in agreement with James Rahm's comments from the last meeting, that this would be the best use for this building, lot size and location. The applicants for 11-17 will be intermingled with the HUD process which would key them into senior citizens only. The enforcement would be difficult with any law. Our own planning board comments should be taken into consideration, but at a later time. The board does not want to be the one slowing this up, but if the fee has not been paid then the board would not be the one holding up the process.

Mr. Tracey stated that before passing this local law the fees should be paid up front by the applicant.

Trustee Ryan stated that for the record, the fees have not been paid?

Interim Village Manager Nancy Mitchell stated, that is correct.

Trustee Ryan asked when was the applicant given an itemized bill?

Interim Village Manager Nancy Mitchell stated that it was mailed on March 27<sup>th</sup>.

Trustee Ryan asked Mr. Spanos if he did receive the bill?

Mr. Spanos stated yes.

Trustee Ryan stated that Mr. Dowd indicated at the last meeting that the fees could be paid either prior to adoption of the local law or prior to filing of the local law with the state. He asked Mr. Spanos if he had a check?

Mr. Jacobowitz stated that they will be paying the \$1381.75, and \$350.00 and the \$2264.50 is something they would pay prior to the special exception use permit approval.

Trustee McGuckin stated that the review by Saccardi and Schiff was done for the zoning amendment and he feels it should be paid as well. If the board is going to pass the local law then the fees should be paid in full.

Trustee Ryan stated that its not uncommon to amend local laws, maybe its uncommon to amend it the following week. He doesn't think, should this be amended it won't be that quickly.

Mr. Tracey stated that the concern he has is that the application has already been submitted. In the event the board passes the law and they are going to amend it, will their application be governed by the law the village has now, minus the amendments. Maybe the board wants to make sure the application gets filed the day of the amendments.

Trustee Ryan stated that is why the board tried to itemize the issues that would be considered for the amendment, the only one was H and since the HUD grant is involved in this it locks you into seniors to start out with. The space requirement says you can put up to three people in there, so its conceivable he may have someone less than 60 or 62 years of age.

Trustee McGuckin stated that the distance requirement would be for future applications as well.

Mayor Uszenski stated that any change would not effect this project.

Mr. Jacobowitz stated that Mr. Spanos will give the board two checks tonight, one for the \$1381.75 and \$350.00 and the other check will be for the \$2264.50 with the understanding that its not going to be negotiated until after April 9<sup>th</sup>.

Trustee Ryan asked if they were going to give the village a post dated check?

Mr. Jacobowitz stated that it will be dated today, but funds are not going to get transferred until April 9<sup>th</sup>. If the village doesn't want to hold it until the 9<sup>th</sup> then they will wait and give it to the village on the 9<sup>th</sup> or they will give a check dated April 9<sup>th</sup>.

Trustee Ryan stated that a post dated check is not legal.

Mr. Jacobowitz stated that its not a post dated check.

Trustee Ryan stated that he doesn't want to hold a check when the fees are to be paid in full.

Mr. Tracey asked what the purpose of holding the check until April 9<sup>th</sup> was?

Mr. Jacobowitz stated so the funds are in the account. Mr. Spanos has carried this project for two years now, he's paid the village fees for zoning board, planning board, the village board and these now are additional charges, he never budgeted for, he never thought he would have to expend these moneys on this project, he's made arrangements for this money and its not here tonight. What the board is doing tonight is passing a law to let them do what the law said they could do before they interpreted it so that they couldn't and now the village is making them pay for it.

Trustee Forman moved to close the public hearing. Seconded by Trustee Ryan. All ayes. Motion carried.

Mr. Sager stated that you never closed, you never opened.

Mayor Uszenski asked Mr. Sager to be quiet or he will have to ask him to leave.

Mr. Sager stated, have me removed I have the right to talk, I didn't do anything to be removed for, I have the right to talk, its my first amendment right.

Trustee McGuckin stated, but not interrupt a meeting.

Mayor Uszenski asked Mr. Sager to leave if he couldn't be quiet.

Mr. Sager stated you can't make me, I didn't do anything wrong, I can talk to my friend if I want to.

Mayor Uszenski stated, not in a public meeting.

Mr. Sager stated that its not a public meeting, because they didn't have the right to talk.

Mayor Uszenski again asked Mr. Sager to leave.

Mr. Sager stated, no, I pay my taxes. Press me with a charge this time.

Mayor Uszenski explained to Mr. Sager that he is interrupting a public meeting.

Mr. Sager stated that he has a right to talk to his friend.

Mr. Tracey explained to Mr. Sager that he has a first amendment right to express his opinions in a public forum, but at this point in time its a village meeting and its not open for public discussion.

Mr. Sager stated that he would like to talk to his friend. If its over heard, so what, its nothing secret.

Mr. Tracey advised Mr. Sager that he can't disrupt the meeting.

Mayor Uszenski asked the interim manager to call the police and have Mr. Sager escorted out of the meeting.

Trustee Ryan asked that the meeting be adjourned for ten, fifteen minutes so Trustee Ozman can be present.

Trustee Ryan moved to adjourn the meeting for fifteen minutes, until Trustee Ozman could attend the meeting. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Wynkoop moved to reconvene the special meeting. Seconded by Trustee Forman. All ayes. Meeting reconvened.

Trustee Ryan stated that if this law is passed and the board keeps to the letter of the law, that when the check becomes due the law will be delivered to the State of New York. That is his recommendation.

Trustee Forman moved that all fees be paid in the amount of \$3996.25 and the check for \$2264.50 be held until April 9th. Seconded by Trustee Wynkoop.

Trustee Ryan stated that if this law is passed and the board keeps to the letter of the law, that when the check becomes due the law will be delivered to the State of New York. That is his recommendation.

All ayes. Motion carried.

Trustee McGuckin moved that the Board of Trustees be lead agency and to declare an unlisted, uncoordinated action under SEQRA. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee McGuckin moved to adopt Introductory Local Law I-2 of 1997 as Local Law No. 2 of 1997, "Zoning". Seconded by Trustee Forman. All ayes with the exception of Trustee Ozman voting no. Motion carried.

Mr. Jacobowitz asked if it was the intention of the board to call a hearing on the special use permit?

Mayor Uszenski stated that the board was instructed by their attorney to hold off.

Mr. Tracey stated that the application should not be put in until at least the date the law was filed.

Mr. Jacobowitz stated then consider it being filed as of the date that the law is filed which would be Thursday and call the meeting for next week. The reason he is asking for this is that the tax credit applications had to be filed yesterday and the Federal Home Loan Bank application must be filed the 15<sup>th</sup>. If they do not have that approval they will not be able to secure the funding. He doesn't know what the board invisions as the hearing on the special use permit, because basically the plan satisfies the conditions they lost. Its possible to have this hearing the same night they meet for other purposes.

Trustee Besdesky moved to hold a public hearing for Special Exception Use for 11-17 Main Street on April 8, 1997 at 7:45 PM. Seconded by Trustee Ryan. All ayes. Motion carried.

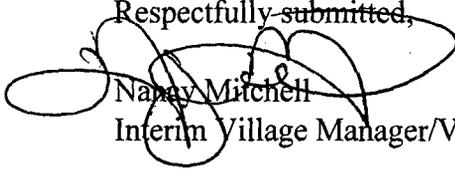
Trustee Forman moved to go into a closed session for attorney client privileges to discuss the municipal building. Seconded by Trustee McGuckin. All ayes. Motion carried.

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

## ADJOURNMENT

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

Respectfully submitted,

  
Nancy Mitchell

Interim Village Manager/Village Clerk

# 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~~

of Walden

~~Town~~

Village

Local Law No. 2 of the year 1997

A local law amending Chapter 148 of the Code of the Village of Walden entitled  
(Insert Title)  
"Zoning" to establish and permit senior citizen housing developments  
in the B-3 (central business) district.

Be it enacted by the Village Board of Trustees of the  
(Name of Legislative Body)

~~County~~

~~City~~

of Walden

~~Town~~

Village

as follows:

See annexed

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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 1997 of the ~~(County)~~(City)(Town)(Village) of Walden was duly passed by the Board of Trustees on April 1, 1997, 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 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 \_\_\_\_\_, above.

~~Chief of the County Legislative Body or Village Clerk  
or officer designated by local legislative body~~

NANCY MITCHELL

Date: \_\_\_\_\_

4-1-97

(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

Village Attorney

Title

County

City

Town

Village

of Walden

Date: \_\_\_\_\_

4-2-97

INTRODUCTORY LOCAL LAW I-2 OF 1997

A LOCAL LAW AMENDING CHAPTER 148 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED "ZONING" TO ESTABLISH AND PERMIT SENIOR CITIZEN HOUSING DEVELOPMENTS IN THE B-3 (CENTRAL BUSINESS) DISTRICT.

BE IT ENACTED by the Board of Trustees of the Village of Walden as follows:

**SECTION 1. Legislative Intent.**

It has been determined that there is a need for housing projects located and designed to meet the special needs and habits of older people to be known as "senior citizen developments." Such housing projects will tend to contribute to the dignity, independence and meaningful activity of older people in retirement years. It is recognized that housing projects for the elderly, if not properly located, constructed and maintained, may be detrimental to the general welfare, health and dignity of the occupants of such projects and to the Village of Walden at large.

It has also been determined that senior housing developments are best suited to locations of the Village where services and activities are easily accessed and readily available to the elderly population. It is therefore the intent of this local law to allow senior housing developments by special exception use permit granted by the Board of Trustees of the Village of Walden in the B-3 (Central Business) District in accordance with the standards and conditions contained in this local law and the Zoning Code of the Village of Walden.

**SECTION 2.**

Section 148-3 of the Code of the Village of Walden entitled "Definitions" is hereby amended to add, in proper alphabetical order, the following terms:

**SENIOR CITIZEN DWELLING UNIT** - A dwelling unit in a senior citizen development occupied by one or more persons at least sixty (60) years of age which may also be occupied by one or more members of such person's immediate family.

**SENIOR CITIZEN DEVELOPMENT (B-3 District)** - A building containing street level non-residential uses with upper floors dedicated solely for use as senior citizen dwelling units. The building must be located within 500 feet of a municipal parking lot and may not exceed a maximum of 27 senior citizen dwelling units managed by a single management entity. The dwelling units must be arranged so as to accommodate the needs of senior citizens and must contain elevator service, a community room and an outdoor courtyard area.

**SECTION 3.**

Section 148-5 of the Code of the Village of Walden entitled "Use Regulations" is hereby amended to add the following to the Table of Use Regulations, Business, Mixed Use and Industrial Districts (Part 1):

<b>Use Classification</b>	<b>B-3</b>
<b>A. Residential Uses</b>	<b>Central Business</b>
<b>5. Senior Citizen Development</b>	<b>SE</b>

**SECTION 4.**

Section 148-6 of the Code of the Village of Walden entitled "Dimensional Regulation" is hereby amended to add the following to the Table of Dimensional Regulations, Business, Mixed Use and Industrial Districts:

**9. Senior citizen development in the B-3 Central Business District shall comply with the following:**

- a) Minimum lot area, 10,000 square feet
- b) Lot coverage (percentage) 80
- c) Lot width, none required
- d) Front yard, none required
- e) Side yard, 12 feet, if provided
- f) Rear yard, 20 feet or equivalent in outdoor courtyard
- g) Height, 45 feet

**SECTION 5.**

Section 148-27 of the Code of the Village of Walden entitled "Off Street Parking For Nonresidential Uses" is hereby amended to add, in proper alphabetical order, the following:

<b>Uses</b>	<b>Requirement: Number of spaces</b>
<b>Senior citizen developments (B-3 District)</b>	<b>.75 per dwelling unit plus requirement of component non - residential use</b>

**SECTION 6.**

Section 148-50.C. of the Code of the Village of Walden entitled "Special conditions and safeguards for certain special exception uses" is hereby amended to add a new subparagraph (31.2) as follows:

**§148-50.C.**

**(31.2) Senior citizen development (B-3 District).**

(a) The minimum floor space per dwelling unit must meet or exceed 500 square feet.

(b) The location of the senior citizen development supports and is consistent with downtown revitalization.

(c) The senior citizen development is adequately served by convenient off street parking.

(d) The senior citizen development is in harmony with and complements the other uses in the downtown area.

(e) The senior citizen development receives the approval of the Architectural and Community Appearance Board of Review.

(f) The senior citizen development is not within 350 linear feet of another senior citizen development within the B-3 district as measured along the primary road system serving the development.

(g) The off street parking requirement for low income senior citizen developments shall be .4 spaces per dwelling unit. "Low income" means the income levels as defined by the Department of Housing and Urban Development under the Section 8 program or 80% of the median income for Orange County as adjusted for family size.

**SECTION 7.**

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in Albany.

# NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, March 25<sup>th</sup>, 1997 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. PUBLIC HEARING 7:30 PM- FY 1995 Small Cities Proposed Changes
4. PUBLIC HEARING 7:45 PM - Introductory Local Law I-2 - "Zoning"
5. BOARD'S BUSINESS

### A. ACTION ITEMS

- A.1 Accepting Bids for Surplus Equipment
- A.2 Fire Department Certificates of Appreciation
- A.3 Easter Services
- A.4 Budget Work Sessions
- A.5 Setting Reorganizational Meeting - April 7<sup>th</sup>
- A.6 Recreation Coordinator's Conference
- A.7 Authorize the Signing of Police Contract
- A.7 Payment of Audited Bills for March 25<sup>th</sup>, 1997

### B. DISCUSSION ITEMS

- B.1 Courtesy Parking Notices

### C. INFORMATIONAL ITEMS

- C.1 Well No. 3
- C.2 Notice of Claim

### D. CORRESPONDENCE

6. PUBLIC PORTION
7. EXECUTIVE SESSION
8. ADJOURNMENT

**APPROVED**

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
MARCH 25, 1997**

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/Village Clerk  
Kevin Dowd, Village Attorney

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of March 11<sup>th</sup> and 18<sup>th</sup>, 1997. Seconded by Trustee Ozman. All ayes. Motion carried

**PUBLIC HEARING - SMALL CITIES FY 1995 PROPOSED CHANGES**

Kerron Barnes stated that the board is holding a public hearing for the purpose of getting public comment on an amendment to the FY 1995 Small Cities Grant. That grant was made for a target area which includes Scofield Street, Hill Street, Sherman Avenue, parts of South Orange Avenue, Church Street and the Wooster Building. As part of the 1996 application the village agreed to earmark \$200,000 from the 1995 grant for the Wooster Building. The village would like to amend the FY 1995 Small Cities Grant in two ways. One by committing \$200,000 to the Wooster Building, 16 dwelling units, \$12,500 per unit. Instead of completing a minimum of 33 units as was promised to HUD we would complete 29, so we have to amend the application. At the same time the Village has had inquires from residents on East Main Street and East Avenue for assistance under the 1995 grant. Since that area is small and not large enough to be a target area the village will amend the target area to include those two streets. Mr. Barnes will submit both amendments in one packet.

Larry Sager, 78 Orchard Street asked what is going to be so beneficial for the people?

Mayor Uszenski stated that we will be increasing the target area and \$200,000 will be going towards the blighted building.

Bob Lamancuso, 33 Gladstone Avenue asked if the orange area on the map is an increase to the target area and you are proposing to take \$200,000 and put it towards the Wooster Building, what is left?

Kerron Barnes stated that there will be approximately \$135,000 left, which would be 13 units.

Trustee Besdesky moved to close the public hearing. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mr. Barnes stated that written comments will be accepted until April; 2<sup>nd</sup>, 1997.

### **PUBLIC HEARING - INTRODUCTORY LOCAL LAW I-2 OF 1997, "ZONING"**

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

John Cappello of Jacobowitz and Gubits, representing Luxembourg, Ltd. gave a summary of the Wooster Building project to the board and public and further explained that in regard to the parking, this building will be the lowest parking generator that you could have in a downtown area. It is also adjacent to a municipal lot so waivers could be granted. The other concern was the height of the building, which would be forty three feet, eight inches. The two concerns that drove the board to reduce the height in 1993 were safety concerns due to fire. Mr. Ryan, Fire Commissioner advised the board that due to location of wires it would be safer to have four stories due to the pitch of the ladder. Mr. Cappello further stated that the local law would include the possibilities that buildings within 350 feet of this building may also take advantage of the proposed zoning law and it would bring the Related Management project into conformity with the village code.

Trustee McGuckin read the attached letter from the Planning Board regarding their recommendations, including changes or additions to the local law.

Jim Rahm, 17 Highland Avenue urged the board to pass this local law. He believes this project will have the lowest volume of parking in that square footage of ground. You will need more parking for the renovated municipal building. He takes exception to the comment by the Planning Board that they only had seven days to review the local law. They have known about this for a long time.

Larry Sager stated that Mr. Spanos petitioned the village to change the law and under 148-61 of the village code it states that the petitioner is responsible for all costs relating to the change.

Mr. Dowd stated that this is a zoning amendment and there is a fee. Under 6.6 of the code, entitled, "Fees", it says, whenever, in connection with an application or petition, a local law is necessary or appropriate to implement the benefit or relief sought or to regulate conditions occasioned by the granting of an approval or approvals, the total actual expenses incurred by the village in connection with the preparation and consideration of a proposed local law shall be borne by the applicant. The minimum fees established by resolution shall be paid by the applicant upon the earlier of submission of a petition, if applicable, prior to the endorsement of an approved subdivision plat or

site plan, the issuance of any building permit or the filing of any applicable local law with the Secretary of State. The minimum fee is \$350.00 for a zone change.

Larry Sager, stated that 148-56, Site Plan Approval states that according to this application he has 180 days to pay his fees or to file for an extension. No extension has been done. his time ran out March 10<sup>th</sup>. Mr. Sager asked how the board can act on a plan that is void.

Mr. Dowd stated that if in fact the 180 days has expired from the time of approval for a sixteen unit, 3 floor building, so be it. You can always renew your application, pay your fees and get a new approval. However, what is being proposed is a local law which will allow the project to change from a sixteen unit, three floor, to a twenty four unit, four floor building. This would require a whole new application for site plan and special permit.

Mike Buckley, 65 Capron Street asked what Mr. Cappello's response was to the fees being paid?

Mr. Cappello stated that he would pay the fees as long as they were reasonable.

Raymond Boyle, 4 Brook Court stated that Mr. Cappello verbally agreed to Trustee Ryan that any additional expenses incurred by the village they would pay.

Paul Roosa, Roosa Jewelers, stated that his only concern, being a neighbor of this project with regard to the Planning Board letter, he does agree with the age questions. He'd like to see children kept out.

Jim Rahm stated that he also agrees with that.

Keith Millspaugh, 418 Drexel Drive, Pine Bush, Millspaugh Furniture, stated that as the Planning Board said the project has been around for ever and there always seems to be something new thrown in to prolong this. There is a new question every time there is a meeting. This building has been collapsed for more than three years. How many years is the village willing to have it looking as it is looking. He is proponent of good planning. He is also a proponent of efficient meetings and that something gets done in a reasonable period of time and he doesn't want to rush into something, but the Planning Board did have time knowing all these things. He's not sure why the village has to have this law, but its taking far too long. Something has to be done now.

Mrs. Diolia, 4 Northgate Drive asked, other then parking and height, what are the other concerns?

Mayor Uszenski stated that the concerns are parking and the fourth story.

Trustee Ozman stated that it's a question of density.

Mr. Rahm stated that density is not a problem. This is the best use for this piece of property. The only other use that could create less of a density problem is a warehouse and that lot is not suitable. To him this is the best use of that building.

Mr. Cappello stated that there were a couple comments in the Planning Board's letter that confused him. One is that there was no substantiation of the parking rates. He doesn't know how many more studies they could have submitted, including Saccardi and Schiffs. As for to what this will benefit the community or present to the revitalization he quoted Mr. Ryan, the Fire Chief, who also runs a business around the corner from Related Management, who testified at one of the joint meetings that he had initial concerns about the Related Management project and after being a neighbor he said the residents there shop, not a lot, but do frequent the shops. This building will remove a blight and bring \$600,000 of money in investment into the village. He feels that comment is out of line. The last comment about the height being out of character, he pointed out at least five buildings that are taller than this and he pointed to the elevation that this building will be not much taller than the eyescape with the Talk of the Town. He further stated that the newly renovation village offices will be taller. The comment of banning the uses of night clubs or bars, nobody in their right mind would do a senior citizen development and have people paying rent if he put a bar or night club on the first floor.

Becky Pearson, 167 Walnut Street asked about the Planning Board letter that the Planning Board had a problem with the Saccari and Schiff parking survey, where the Planning Board thought it was an educated guess. The village paid thousands of dollars to do the survey and they come up with an educated guess. She doesn't feel that is a very good statement. They probably did some studies.

Mr. Sager stated that Saccardi and Schiff didn't do the parking survey.

Mayor Uszenski stated that the count was done by village employees and Saccardi and Schiff did the analysis.

Mr. Sager asked why in 1971 the business district had a special assessment assessed to them just for that parking lot? What was the purpose of building that parking lot?

Mayor Uszenski stated to increase the public parking.

Mr. Sager stated for the growth of the community they spent \$24,000 and it was split up 60%,35%, and 15%. Why did they do it to give it away to senior citizens?

Trustee Wynkoop stated that the village is not giving any parking away in that lot to the senior citizens, they have ten spaces of their own.

Mr. Sager asked why the village extended the parking lots?

Mayor Uszenski stated to increase parking for the business district.

Mr. Sager asked why the taxpayers are paying for that?

Mayor Uszenski stated that the lot was done with the Urban County Grant.

Bob Lamancuso, 33 Gladstone Avenue stated that it appears that the village wants to keep everything as 1910, where the facade of this building represents that. The height requirement is

irrelevant in relation to other structures in the main area. Parking is irrelevant, there are plenty of parking spaces. He thinks its time to stop chit chatting and wasting peoples time and get along with the vote and show your true colors.

Paul Roosa stated that as far as parking goes there is no one that is going to be hurt more by over flow parking than himself, but he still supports this project. He further stated that there is an important deadline, its use it or lose it and you all have to go with your gut feeling.

Mayor Uszenski asked Mr. Barnes what kind of time factor are we talking about?

Mr. Barnes stated that its hard to tell. HUD keeps saying get your amendment in. He thinks they are running out of time.

Mr. Rahm stated that you've set a precedent on parking, with the municipal building there is limited parking. You've set a precedent, you have to eat the parking situation there. Get it done.

Greg Raymondo stated that he agrees, its time to vote on it.

Keith Millspaugh stated that when Mr. Roosa said use it or lose it he heard Trustee McGuckin say, there is no use it or lose it.

Trustee McGuckin stated that the board is not aware there is a specific time frame for losing the grant. It we were to keep it at sixteen units the village had to submit an amendment and then there was the possibility of losing it.

Mr. Cappello stated that they have a deadline Thursday when they have to submit a low income housing tax credit application. Points are scored for zoning.

Mr. Rahm stated that fees can be waived by the board and he feels they should be.

Mr. Sager asked how much money does the village have tied up in this?

Mayor Uszenski stated that he does not have the figures.

Mr. Sager asked about the cost to amend the law?

Mayor Uszenski stated that he doesn't have the figures for that yet.

Mike Buckley recommended the board approve the law to get proceeding on this.

Mayor Uszenski stated that the village is still waiting for the response from the county planning department and the board cannot vote on the law without that.

Mr. Cappello stated that if the board does adopt this law they will have to hold a special meeting on the special exception use permit. Its within the ability of the village to call the public

hearing. He requested that the Mayor write a letter of support to be included with their tax credit application.

Trustee Ryan stated that the fee schedule that resident Sager pointed out, Mr. Dowd read that fees must be paid prior to consideration?

Mr. Dowd stated that its either the earlier to two things, the filing of the petition or the actual filing of the local law in the Secretary of States office.

Trustee Ryan asked how long it would take to do the itemized accounting so Luxembourg can pay all necessary fees?

Interim Manager Nancy Mitchell stated that it will be ready tomorrow.

Mr. Millspaugh asked if it was the feeling of the board that they are for this project as it is now, or is there going to be a change in the law?

Mr. Lamancuso stated that in ten days there will be two new members on the board, do they have to go through this whole agenda again to bring the two members up to speed?

Mayor Uszenski stated that both members are here tonight, so hopefully not.

Mr. Lamancuso stated that he would like the public to know that there will be a definite change.

Mr. Cappello stated that if the board is going to adopt any of the amendments from the Planning Board letter he suggested it be included in the law, so it can be renoticed. April 15<sup>th</sup> is a real deadline.

Mr. Sager asked if the Planning Board had a concern about the three hundred and fifty feet?

Mayor Uszenski stated that they suggested this kind of project together as a group.

Trustee Ozman moved to adjourn the public hearing until April 1<sup>st</sup>, 1997 at 7:30 PM. Seconded by Trustee Forman. All ayes. Motion carried.

Mayor Uszenski asked what the boards pleasure was with the request of the applicant about the special exception use?

Mr. Dowd stated that the board has a local law that is not adopted, and therefore the application they filed is legally meaningless, because there is no authority for filing an application for that use. To then refer something to the county and set public hearings before the law is passed and before the law is filed with the Secretary of State and before there is any legal meaning to the filing of an application is an exercise that isn't an appropriate one.

Mr. Cappello stated that there is a regular board meeting on April 8<sup>th</sup>, he asked that the public hearing be set so notices can go out. If on April 1<sup>st</sup> the board doesn't adopt the law they can rescind it.

It makes sense that while the county is reviewing the law that they have the special exception use application in front of them so they can give comments on both of them. They are the exact same issues.

Mr. Dowd stated that it may be redundant, but its the law and its state law.

Mayor Uszenski stated that the main concern that he has is with Section 2 and the ages, in the definitions.

Trustee McGuckin stated that he has the same concerns. He' d be willing to also look at 148-f regarding the percentage of uses verses a linear feet.

Trustee Besdesky also agrees with those two.

Trustee Forman stated his concern is with the definition of the age.

Trustee Ozman asked about consideration given to the use of the retail space?

Mr. Dowd stated that he doesn't think the Planning Board was so concerned about the fact that the market would not drive a new development where the seniors are coming in with an existing lower floor commercial. The situation they are concerned about is that if there is a retail store on the ground floor and seniors move into it and then the owner changes the down stairs to something that is not a retail, 9 to 5 operation, but is a bar. He further asked the board about the Planning Board comments about all buildings maximum height being forty five feet as opposed to just senior citizen buildings?

Trustee Forman stated that he concurs with the height comment.

Trustee McGuckin stated that he doesn't find the parking a problem.

Mr. Barnes suggested the board pass the law as its written now, realizing that what they are adopting is perhaps flawed, adopt that, and that they will get Mr. Spanos his start and then come back to adopt the law, send it to Albany and then take a month to amend it.

Mr. Dowd stated that he doesn't know what will be accomplished by that.

Trustee McGuckin asked why the village would have to notice HUD?

Mr. Barnes stated you don't. They just want to know if the project is going to do or not.

Mr. Dowd stated that the amendments are more than technical, they are substantial in nature based upon the kind of changes made. If the board is really afraid of losing it then that is one way of doing it, its not going to get the applicant moving along the process any faster, as far as the application for the special permits.

Mr. Cappello stated that they would make the application for special permit tailored to comply with what they heard was the amendment. They have no problem with the refining, as long as it is constitutional, the definition of senior citizens. They have no problem with the distance requirement

and restriction of the uses for the first floor. There is nothing in their application that while the board was considering a special use permit that they couldn't make it conditioned on the permit, when they granted it, that they would make it comply with the amendment.

Trustee McGuckin stated that they would still need zoning and planning board approvals. He further asked Mr. Barnes what HUD's regulations were regarding spousal age?

Mr. Barnes stated that he will contact HUD and find out.

Trustee Ryan asked Mr. Dowd, if this project was allowed to go ahead prior to any amendments and any substance change in the law happens they would be blanketed, the use under the original accepted law and it would be a non conforming use should something be contrary to guidelines that were already set up?

Mr. Dowd stated that if the board changes the law and then you amend the law, it could end up being non conforming. He's not sure that will happen.

Mr. Cappello stated that the board does have the ability to place conditions on the special permit.

Mr. Dowd stated that the problem is you couldn't propose a special permit condition which is contrary to the law that you are working under. He advised that the board not do that.

Trustee Wynkoop stated that he doesn't want to risk losing the grant. If the board passes something temporarily and gets something started on the grant and then the board could amend it.

Trustee Besdesky agreed.

Trustee Forman stated that as far as he can see the two big sticking points are the definition of the age and the retail uses on the ground floor. He doesn't think there will be a problem with the retail uses and he can live with the age.

Trustee Ozman stated that he feels the board needs to address the age consideration. He's seen a lot of apartments where you have a few people that are problematic. Its not the right size and people make do with it.

Trustee Ryan stated that some of the planning board comments he takes to heart. He has no problem in segmenting it. There is an additional burden, financially, to the village. The general principle he is in favor of.

Trustee McGuckin stated that he will go along with the rest of the board. He does have a concern with the ages. We have this planning board for a reason and he feels their recommendations should be listened to.

Trustee Ryan asked the Mayor to lend his name to a letter that there is support from the board.

Mayor Uszenski stated that with review of the village attorney he will sign the letter.

### **ACCEPTING BIDS FOR SURPLUS EQUIPMENT**

Mayor Uszenski stated that bids were received on March 19<sup>th</sup> for the surplus equipment. Everything with the exception of the 1986 Chev. Celebrity was bid on.

Trustee Ozman suggested the 1986 Chev. Celebrity be utilized.

Interim Manager Nancy Mitchell stated that the car needs too many repairs in order for it to pass inspection

Trustee Ozman then suggested that when other items go out to bid this car be put back out with a lower reserve on it.

Trustee Ryan moved to accept the bids received on March 19, 1997 for surplus equipment. Seconded by Trustee Forman. All ayes. Motion carried.

### **FIRE DEPARTMENT CERTIFICATES**

Mayor Uszenski stated that there is a request from the fire department asking the village to recognize their fifty year members. The mayor will be attending the dinner on April 5<sup>th</sup>.

Trustee Besdesky moved to approve the presentation of certificates of appreciation at the firemen's dinner on April 5<sup>th</sup>, 1997. Seconded by Trustee Ryan. All ayes. Motion carried.

### **EASTER SUNRISE SERVICES.**

Mayor Uszenski stated that the Walden Baptist Church is asking permission to hold Easter sunrise services on March 30<sup>th</sup> in the municipal square.

Trustee Ryan moved to approve the request by the Walden Baptist Church to hold Easter sunrise services in the municipal square on March 30<sup>th</sup>, 1997. Seconded by Trustee Forman. All ayes. Motion carried.

### **BUDGET WORK SESSIONS**

Trustee Ozman moved to hold budget work sessions on April 2<sup>nd</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 17<sup>th</sup> from 7pm until 9pm and to hold the public hearing on April 22<sup>nd</sup>, 1997 at 7:45 PM. Seconded by Trustee Besdesky. All ayes. Motion carried.

### **REORGANIZATIONAL MEETING**

Trustee Forman moved to hold the reorganizational meeting on April 7<sup>th</sup>, 1997 at 7:00 PM. Seconded by Trustee McGuckin. All ayes. Motion carried.

## **PARKS AND RECREATION COORDINATOR'S CONFERENCE**

Mr. Howland stated that he addressed the boards concerns about the conference in a memo.

Mayor Uszenski asked Mr. Howland if he normally attends this conference?

Mr. Howland stated yes.

Trustee Ryan stated that if Mr. Howland knew this was one conference he had to take, why did he go to the other conferences?

Mr. Howland stated that the conference in Montreal was a one time opportunity.

Mayor Uszenski asked why the village pays for meals when someone goes to conferences?

Trustee Ryan stated that reason for paying for meals is you are not eating at home and the cost is usually substantially greater.

Mayor Uszenski stated that he feels the board should set a per diem.

Mr. Howland stated that meals are part of the conference package.

Trustee Besdesky moved to approve the request of the Parks and Recreation Coordinator to attend the conference in Lake Placid, May 4,5,6, and 7 and in the near future the board set a policy regarding conferences. Seconded by Trustee Forman.

Trustee Ryan asked where the money would be coming from?

Mr. Howland stated from his budget line 7020, supplies or wherever there is extra money. There is money in mileage, education and travel line.

Trustee Ryan asked if Mr. Howland was saying its not coming out of supplies?

Mr. Howland stated he can't say, but it will all come out of his budget.

All ayes. Motion carried.

## **AUDITED BILLS**

Trustee Ozman moved to pay the audited bills of March 25th, 1997. Seconded by Trustee Wynkoop. All ayes. Motion carried.

## **COURTESY PARKING TICKETS**

Trustee Ozman stated that this has been discussed before and what he would like to see is the courtesy notices be used around selected holidays. He proposed they be used the weekend before

Memorial Day, May 23<sup>th</sup>, 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>. He would like the primary use of the notices be in conjunction with the community counsel and the merchants when special sale days are held.

Trustee Forman moved to adopt the courtesy parking tickets and to have them in force on May 23<sup>th</sup>, 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> and on special sale days. Seconded by Trustee Ozman.

Trustee Ozman stated that he will make up 100 of these courtesy tickets and leave them at the office.

All ayes. Motion carried.

### **WELL NO. 3**

Mayor Uszenski stated that he received a memo from Mr. Sweed, DPW Superintendent which stated that upon further testings of Well No. 3 the infiltration is less than one part per billion. The chemical is trichloroethane (a chemical cleaning solvent). The department head feels there is no problem with this well so its going to stay on line. It will be used sparingly.

### **NOTICE OF CLAIM**

A notice of claim was received from Grace and Kenneth Evans.

### **PUBLIC PORTION**

Bob Clifford, Walnut Street stated that he received a letter from the village addressing his asbestos concerns at the municipal building and \$84,282.92 was spent on abatement already for something the village was told wasn't there. How is this recouped?

Mayor Uszenski stated that the village didn't take the architects word for it and had the building tested and this was in the bond. Recouping hasn't been determined.

Mr. Clifford asked who did the original inspection?

Mayor Uszenski stated that the village hired Advanced Testing.

Mr. Clifford stated that there are still abatement locations in the library. He asked how much that would be?

Bob Stubbs from Marshall and Sterling Insurance asked the board's permission to submit a proposal for the village's general municipal insurance.

Mayor Uszenski stated that the village is not going out for proposals, we are very happy with our present carrier.

Mrs. Kyle, 64 Ulster Avenue stated that she represents the Little League and there are some issues regarding the conditions at Bradley Field that need to be addressed. They did send a letter to the board.

Mr. Howland suggested they set up a time to meet with him to discuss this.

Mrs. Kyle stated that there is a problem with the back stop.

Mayor Uszenski stated that opening day is April 19<sup>th</sup> and the back stop won't be ready by then if it needs work done on it. Everything has to be torn down and completely redone.

Mrs. Kyle stated that it was suggested last year, that because the back stop was put in wrong that padding will go on the bars, because when the ball hits the bars it comes back and hits the batter or umpire in the back of the head. The discussion between Mr. Howland and the past president was that padding would be put there temporarily.

Trustee Ryan stated that he would like the board to have that changed as soon as possible. If done correctly the only thing you need to purchase is one three inch piece of pipe. The other pipe can be drawn out of the ground, chip off the concrete and reinstall.

Trustee Besdesky moved to authorize the repair of the backstop at the major league field at Bradley Park. Seconded by Trustee Ryan. All ayes. Motion carried.

Mrs. Kyle asked that the Little League be contacted when this is done.

Mr. Sager asked why the village wouldn't go out and get quotes from another insurance company?

Mayor Uszenski stated that according to law you can only have one agency of record.

Mr. Sager stated that the DPW Foreman parks a DPW truck on Scofield Street and there is no parking in that area. Its a bad situation when he parks there.

Mayor Uszenski stated that there is only no parking on the top side.

Mr. Sager stated that it was stated that the village has no one experienced in masonry, what about George Rissmeyer?

Mayor Uszenski stated that the DPW is one man short right now and they are doing storm drains right now.

Becky Pearson asked if the Village Manager interviews were open to the public?

Mayor Uszenski stated no, they are private.

**EXECUTIVE SESSION**

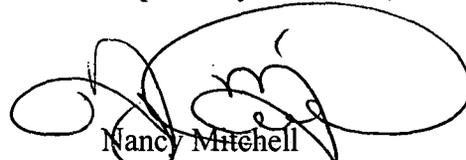
Trustee Ryan moved to hold an Executive Session pursuant to 105-(f) of the Public Officers Law. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Ozman moved to reconvene the regular meeting. Seconded by Trustee Besdesky. All ayes. Meeting reconvened.

**ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy Mitchell", is written over a large, hand-drawn oval. The signature is fluid and cursive.

Nancy Mitchell  
Interim Manager/Village Clerk

## Village of Walden Planning Board

March 22, 1997

Board of Trustees  
Village of Walden  
Walden, NY 12586

### **PLANNING BOARD'S RECOMMENDED CHANGES AND/OR ADDITIONS TO INTRODUCTORY LOCAL LAW I-2 OF 1997**

The Planning Board received a MEMO dated March 12, 1997, requesting the Planning Board's recommendations to proposed Local Law I-2 of 1997. We would have appreciated more than 7 days to review the impact this law could have on the community. As you are aware, we have 30 days from notification to make our recommendations back to the Village Board. This is to allow us to review adequately any adverse impacts this law may have. Every step involved with this project has been a knee jerk reaction to a time frame dead line. This does not lend itself to proper planning.

Recommended Changes:

#### **SECTION 2 - Definitions - Senior Dwelling Units**

The definition of a senior dwelling unit requires at least one member of the household to be at least 60 years of age. However, there does not seem to be any restrictions on how many persons under 60 years of age may live in such units so long as they are part of the "immediate family" of the senior. This raises the following concerns;

- 1) Since this law is intended to provide affordable housing to seniors it should be tightened to restrict the units to seniors only, meaning all occupants of the dwelling units must be over 60 years of age.
- 2) If the Village Board wishes to allow some additional flexibility to the age of the occupants, then only spouses or a member of the "immediate family" that provides adult care under 60 should be permitted in the units. No young children or teenagers should be allowed as occupants.
- 3) If the Village Board allows persons under 60 as occupants additional off street parking requirements greater than the .75 spaces per unit should be considered.
- 4) How are the age requirements of this law enforced if occupants under 60 years of age are permitted? What happens to an under age spouse when the over 60 spouse dies? How does the owner or Village remove these under age occupants? More thought must be given to this provision of the law before it is enacted.

**SECTION 4 - 9. a) Minimum lot area, 10,000 square feet**

No minimum lot area should be specified. If all other requirements are satisfied, the lot area is of no importance. If a future applicant meets all requirements except for the 10,000 square feet, he would be required to get a variance. A built-in variance requirement when it is not necessary should be avoided. This law should not discriminate against small lots that could serve the housing needs of Senior Citizens.

**g) Height, 45 feet**

This allows a building height of 45 feet for Senior Citizen Housing that does not conform to the height requirements for other types of uses in the same B-3 Zone. This would result in a height that is out of character with the surrounding area and could cause a concern regarding SEQR. Since Saccardi & Schiff, Inc. has changed their opinion reflected in the Master Plan that took two years of coordinated effort between several Village departments composing the Master Plan Committee, we feel the Master Plan Committee should also be given an opportunity to evaluate this major change.

An additional concern not addressed in this local law is the permitted use of the retail space located under Senior Citizen housing. The permitted uses should be limited to uses that would not potentially be an annoyance to the residents. This would eliminate nightclubs, bars, etc. Hours of operation and noise levels of the permitted uses should be considered.

**SECTION 5 - Requirement: Number of Spaces**

**The .75 spaces per dwelling unit plus requirement of component non-residential use**

There is a wide variation of parking standards submitted for the Village Board's consideration from both the applicant and Saccardi & Schiff for these types of developments. While it appears that Saccardi & Schiff recommend the median standard of .75 spaces per unit, the Planning Board recognizes that this figure is just an educated guess as to the driving habits of the future occupants of this type development in Walden. No supporting documentation has been provided to substantiate the consultant's conclusion that low income seniors require fewer spaces because they cannot afford to keep cars. The Planning Board believes the Village Board should err on the side of caution and require more spaces, not fewer spaces, so as not to create future parking problems in the municipal parking lots or on the streets of the downtown area of the Village. The Planning Board reluctantly accepts this number but considers it a minimum number and, if used, should be used for all Senior Citizen Housing with no differentiation for low income.

**S 148-50.C. - (31.2) Senior citizen development (B-3 District)**

**b) The location of the senior citizen development supports and is consistent with downtown revitalization.**

This item should be eliminated. This item is considered self-serving and diametrically opposed to increasing business in the downtown area. The additional retail space should help the downtown business traffic, but no significant business will be derived from low income Senior Citizen housing.

**f) The senior citizen development is not within 350 linear feet of another senior citizen development within the B-3 district as measured along the primary road system serving the development.**

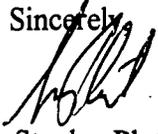
The purpose is to avoid an over concentration of a particular use in a district. The Planning Board agrees with the intent of this section but feels it would be better served by stating a percentage of housing units allowed to be Senior Citizen Housing compared to other types of housing in that district instead of trying to accomplish this with a distance requirement. It may be better to have several Senior Citizen Housing units together than to have them isolated from each other.

**g) The off street parking requirement for low income senior citizen developments shall be .4 spaces per dwelling unit. "Low income " means the income levels as defined by the Department of Housing and Urban Development under the Section 8 program or 80% of the median income for Orange County as adjusted for family size.**

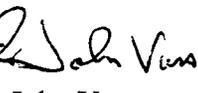
Eliminate this section in its entirety. There should be no discrimination between low income and non-low income Senior Citizen Housing requirements.

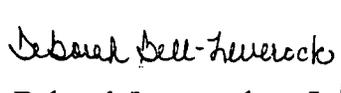
All of the above were discussed in detail and include input from the applicant's attorney. If you have any questions or concerns with the above, please do not hesitate to contact us.

Sincerely,

  
Stanley Plato  
Chairman

  
Ed Leonard  
Member

  
John Voss  
Member

  
Deborah Leverrock  
Member

  
Jose DeJesus  
Member

MARCH BILL LIST - MARCH 25,1997GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1004	A & A AMERICAN ALARM CO.	36.00
A-1005	AKZO NOBEL SALT, INC.	7,934.28
A-1006	AMERICAN ALLIANCE FOR HEALTH ED	125.00
A-1007	ANSTERDAM PRINTING ULITHO	235.42
A-1008	AMTHOR'S WELDING	86.86
A-1009	ANNESE & ASSOCIATES, INC.	223.04
A-1010	AUTOMOTIVE REFINISH TECHNOLOGIES	23.80
A-1011	AWESCO	27.00
A-1012	BELL HERRING ,INC	371.00
A-1013	BELL HERRING ,INC	350.00
A-1014	CHAMPION SUPPLIES	130.40
A-1015	CHAMPION SUPPLIES	1,780.00
A-1016	CHARLES MERRILL OFFICE EQUIP.	553.55
A-1017	COUNTRY HARDWARE	39.99
A-1018	COUNTRY HARDWARE	112.62
A-1019	DRIVER LICENSE GUIDE CO.	34.30
A-1020	DECATUR ELECTRONICS	2,310.00
A-1021	ENVIRONMENTAL PAPER TOWEL SERVICE	115.90
A-1022	ECKERT ETHEL	135.00
A-1023	FROEHLICH JOANN	160.00
A-1024	EXPANDED SUPPLY PRODUCTS, INC.	105.57
A-1025	FEDERAL BLOCK CORP.	168.60
A-1026	FEDEX	13.50
A-1027	GEORGE'S AUTO PARTS	86.51
A-1028	GEORGE'S AUTO PARTS	31.91
A-1029	GEORGE'S AUTO PARTS	7.64
A-1030	HAIGHT FIRE EQUIPMENT SUPPLY	115.95
A-1031	JARVIS BRIAN	1,144.76
A-1032	LENNON MARY	180.00
A-1033	MITCHELL NANCY	9.85
A-1034	MATISE EVELYN	135.00
A-1035	MID HUDSON OFFICE SUPPLY	9.44
A-1036	MID HUDSON OFFICE SUPPLY	89.95
A-1037	MOORE MEDICAL	41.95
A-1038	NYS DEPT OF ENIRONMENTAL CONSERVATION	50.00
A-1039	ORANGE CO POLICE CHIEFS ASSOCIATION	150.00
A-1040	PENNEY DONNA	100.00
A-1041	POLICE & CORRECTIONAL PRODUCTS DIVISION	312.50
A-1042	POLUMBO RICHARD	160.00
A-1043	QUILL	92.69
A-1044	SARJO INDUSTRIES	185.04
A-1045	STIEFEL RESEARCH INSTITUTE	10.84

MARCH BILL LIST - MARCH 25,1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-1046	THRUWAY SHOPPING CENTER	285.83
A-1047	THRUWAY SHOPPING CENTER	95.82
A-1048	TIMES HERALD RECORD	30.24
A-1049	TIMES HERALD RECORD	43.92
A-1050	TOWN SUP.ASSOC.OF ORANGE COUNTY	30.00
A-1051	WALDEN AUTO SUPPLY	23.82
A-1052	WALDEN AUTO SUPPLY	34.48
A-1053	WALDEN AUTO SUPPLY	140.14
A-1054	WALDEN AUTO SUPPLY	107.89
A-1055	WALDEN AUTO SUPPLY	33.84
A-1056	WALDEN AUTO SUPPLY	49.42
A-1057	WALDEN AUTO SUPPLY	34.69
A-1058	WALDEN AUTO SUPPLY	22.39
A-1059	WALDEN AUTO SUPPLY	47.65
A-1060	WALDEN AUTO SUPPLY	24.99
A-1061	WALDEN AUTO SUPPLY	499.83
A-1062	WALDEN AUTO SUPPLY	36.90
A-1063	WALDEN AUTO SUPPLY	71.31
A-1064	WALDEN AUTO SUPPLY	92.41
A-1065	WALDEN DONUTS PLUS	14.90
A-1066	WICKES LUMBER	167.84
A-1067	HARRY FOURTUNIS, INC	37.60
A-1068	DANIELS AGENCY INC	200.00
A-1069	NANCY MITCHELL	165.00

20,276.77

MARCH BILL LIST - MARCH 25,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-131	A & A AMERICAN ALARM CO.	28.00
F-132	COUNTRY HARDWARE	17.77
F-133	HAIGHT FIRE EQUIPMENT SUPPLY	162.90
F-134	MID HUDSON OFFICE SUPPLY	59.75
F-135	ROSS VALVE	210.20
		<u>478.62</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-115	AL TURI LANDFILL	825.93
G-116	COUNTRY HARDWARE	18.83
G-117	ENVIROTEST LAB	690.00
G-118	HAIGHT FIRE EQUIPMENT SUPPLY	27.00
G-119	HYDRA NUMSTIC SALES CO.	341.93
G-120	MID HUDSON OFFICE SUPPLY	59.75
G-121	NEWBURGH WINWATER	9.00
G-122	RAMSCO	134.00
G-123	WALDEN AUTO SUPPLY	3.63
		<u>2,110.07</u>

CAPITAL ACCOUNT #82	CHARLES MERRILL OFFICE EQUIP. MUNICIPAL BLDG	3,772.40
CAPITAL ACCOUNT #82	CAPITAL SAFETY INC. MUNICIPAL BLDG	5,974.55
CAPITAL ACCOUNT #82	IPPCO, INC. MUNICIPAL BLDG	450.00
CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ MUNICIPAL BLDG	1,000.00
CL & EJ GRIDLEY	OFFICE RENT	971.48
SMALL CITIES 93	HI LO CONSTRUCTION 35-37-39 SECOND ST	1,443.00

MARCH BILL LIST - MARCH 25,1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	COASTAL REFINING & MARKETING, INC.	256.88
	AGWAY PETROLEUM	269.23
	FRONTIER COMMUNICATION	202.72
	FRONTIER COMMUNICATION	440.45
	FRONTIER COMMUNICATION	20.47
	FRONTIER COMMUNICATION	7.71
		<u>1,197.46</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	<u>180.30</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	<u>58.70</u>

# APPROVED

VILLAGE OF WALDEN  
BOARD OF TRUSTEES  
WORK SESSION/SPECIAL MEETING

Mayor Andrew Uszenski called the work session/special 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 John McGuckin  
Raynard Ozman  
John Ryan  
Martin Besdesky  
Roy Wynkoop  
Chris Forman

Also Present: Nancy Mitchell, Interim Manager/Village Clerk  
Jan Weiner, Treasurer

## MUNICIPAL BUILDING

Trustee Ryan gave the board an update of today's municipal building meeting with Kevin Dowd, Attorney, Sam Liebman, Architect, representatives of Contractors Casualty, Dean Stickles, Building Inspector, Nancy Mitchell, Interim Manager and Trustee Forman.

Trustee Ryan moved that upon receipt of approved documents that the village pay Requisition No. 15 and the village is not to withhold any out of pocket expenses from this payment provided Contractors Casualty agrees in writing to the withholding of such out of pocket expenses from all future requisitions for payment and that Contractors Casualty agrees, Requisition No. 15 will be paid in full less only the 10% retainage amount and less one and one half times the lien amount of \$4,488.40 from Hudson Valley District Council of Carpenters Benefit Funds or \$6,732.60. Seconded by Trustee Forman. All ayes. Motion carried.

## 1997-98 BUDGET

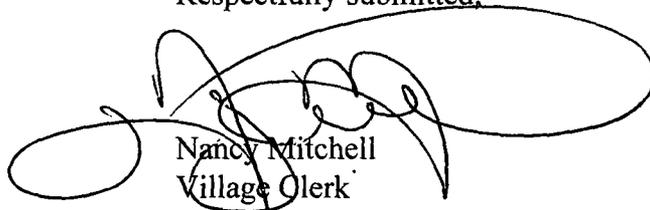
A discussion ensued regarding the FY 1997-98 Budget and that right now the budget is at 2.68% over last years budget. The Board also discussed the village manager's car, that it be used as a staff car for the village office employees. Capital reserve was discussed and the treasurer informed the

board that UDAG funds can be used for streets and sidewalks. The board is also looking at purchasing trees in the upcoming year.

ADJOURNMENT

Trustee Wynkoop moved to adjourn. Seconded by Trustee Ryan. 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 11<sup>th</sup>, 1997 at 7:30 P.M. at the Village Offices, 8 Scofield Street, Walden, New York.

## AGENDA

1. PLEDGE/ROLL CALL
  - PRESENTATION TO AMBULANCE CORP PERSONNEL
2. APPROVAL OF MINUTES
3. BOARD'S BUSINESS
  - A. ACTION ITEMS
    - A.1 Capital Safety Change Order
    - A.2 Selena Courts -Dedication of Street and Public Improvements
    - A.3 Youth Center - EAF
    - A.4 Budget Work Session
    - A.5 Police Services Agreement
    - A.6 Recreation Conference
    - A.7 Payment of Audited Bills for March 11th, 1997
  - B. DISCUSSION ITEMS
    - B.1 Parking Notices
    - B.2 Easter Egg Hunt
    - B.3 Library Budget Appropriations
    - B.4 Sidewalk Proposal - Municipal Building
  - C. INFORMATIONAL ITEMS
  - D. CORRESPONDENCE
    - D.1 MJL Realty - Water/Sewer Bill
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

# APPROVED

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
MARCH 11, 1997**

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  
Chris Forman  
Roy Wynkoop  
Martin Besdesky

Absent: Trustee John McGuckin, later present

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

## **PRESENTATION**

Mayor Andrew Uszenski presented Robert Montanaro and John Medley with a certificate of appreciation for helping to save the life of Doug Montgomery.

## **APPROVAL OF MINUTES**

Trustee Ozman moved to adopt the minutes of February 25<sup>th</sup> and that the letter dated March 10, 1977 from Leslie Myers, Library Director be made part of those minutes. Seconded by Trustee Ryan. All ayes. Motion carried.

## **CHANGE ORDER - CAPITAL SAFETY**

Mayor Uszenski stated that this change order is for some of the asbestos abatement that was not in the contract.

Trustee Besdesky moved to approve the change order for Capital Safety in the amount of \$1,989.00. Seconded by Trustee Forman.

Trustee Ryan asked if the reason for this was an omission on the drawing?

Mr. Dowd stated that there is some question as to whether this was on the drawing or not on the drawing, included in the original bid or not included in the original bid. In viewing the documents it wasn't clear as to whether or not this additional area was in fact included in the original bid specifications and therefore bid upon by Capital Safety.

Trustee Ryan stated that they work from square footage numbers, who derived them?

Mr. Dowd stated that was based upon Advanced Testing and the architectural drawings. The specifications drawn up by Advanced Testing were not clear as to whether this additional work was included in the original bid. The contractor said he did not bid on this particular item and Advanced Testings point of view was that it is included somewhat generically in the specifications. When the attorney reviewed it he could easily see how it was not bid.

All ayes. Motion carried.

#### **SELENA COURTS - DEDICATION OF STREETS AND PUBLIC IMPROVEMENTS**

Tabled until the proper documentation is received.

#### **YOUTH CENTER - SEQRA DETERMINATION**

Mayor Uszenski stated that the environmental assessment form has been completed by the village engineers.

Trustee Ryan moved to declare the Village Board lead agency and to determine a negative declaration under SEQRA in regards to the youth center at Woosters Grove. Seconded by Trustee Forman. All ayes. Motion carried.

#### **BUDGET WORK SESSION**

Mayor Uszenski stated that he would like to hold a budget work session on Tuesday, March 18<sup>th</sup>, 1997 at 6:30 PM to discuss sidewalks, streets and tree plantings.

Trustee Forman moved to hold a budget work session on Tuesday, March 18<sup>th</sup>, 1997 at 6:30 PM at the Village Offices. Seconded by Trustee Besdesky. All ayes. Motion carried.

#### **POLICE SERVICES**

Trustee Ozman moved to approve the Police Services Agreement between the Village of Walden and the Village of Montgomery and authorize the interim manager to sign such agreement. Seconded by Trustee Ryan. All ayes. Motion carried.

**RECREATION COORDINATORS REQUEST**

Mayor Uszenski stated that Mr. Howland is requesting permission to attend a recreation conference in Lake Placid on May 5,6, and 7. The cost would be \$115.00 for the conference, \$122.00 per night for hotel and approximately \$150.00 for mileage.

Trustee Ryan asked the Interim Manager what the current status of his education line is?

Interim Manager Mitchell stated that there is money within his budget that can be transferred.

Trustee Ryan stated that he's already attended two conferences that was budgeted for.

Trustee Ryan stated that if you know you have funds for two educational areas and as the year goes along you use them up, he doesn't think you have to deplete your whole fund by the end of the budget year in other ways. He has achieved his goal by going to two outside seminars to improve his education. He doesn't feel he has to bring his budget down to zero.

Trustee Ryan moved to deny the recreation coordinators request. Seconded by Trustee Besdesky.

Trustee Ozman stated that if the board sees fit to send this back to the recreation coordinator the recreation coordinator can supply more information as to the necessity of the conference.

Trustee Ryan withdrew his motion until the recreation coordinator supplies more information.

**AUDITED BILLS**

Trustee Besdesky moved to pay the audited bills of March 11, 1997. Seconded by Trustee Wynkoop.

Trustee Ryan questioned the bill for Saccardi and Schiff, it came in over 40% higher. He knows an item was added to it, but most of the work was done by village employees. He thinks the village is being taken advantage of.

Trustee Ozman stated that from what he saw from the explanation from Saccardi and Schiff, he's not sure if he's satisfied with their reason for the enhancement on the bill. He asked the interim manager what her recollection was as to the rational?

Interim Manager Mitchell stated that it was for the in house work on the parking survey, to put the numbers together, because the building inspector and the interim manager did the actual survey.

Mr. Dowd stated that they also went back in their records and files to find out the historical data for the parking lots.

All ayes. Motion carried.

## **COURTESY PARKING NOTICES**

Mayor Uszenski stated that the courtesy parking notices were something that Trustee Ozman brought up a couple months ago. This was referred back to the Walden Community Counsel.

Trustee Ozman stated that he spoke to a couple members of the council and what he asks is that this matter be revisited because he feels its a good idea and worthy of consideration by the board and that certain times of the year this might be an appropriate notice to be given out in lieu of a parking ticket. Possibly some selected weeks during the summer months or before school opens. Last time he presented this there were some comments from the board and public about the verbiage. He reworked it and he would like the board to give it some consideration and the community council to give it some consideration and make their comments known to the board and then he will pass this along and take action. He would like this on the next board agenda as a discussion item. He would like to use this pre holiday season, from November 15<sup>th</sup> to the beginning of December.

Trustee Ozman moved to implement the courtesy parking notices for Main Street and the municipal parking lots on Memorial Day. Seconded by Trustee Besdesky. All ayes. Motion carried.

## **EASTER EGG HUNT**

Mayor Uszenski stated that there is a request from the Walden PBA to do the Easter egg hunt this year. They will provide personnel and materials. The recreation department doesn't want to go along with this, they want to do it themselves in conjunction with the PBA.

Trustee Besdesky moved that the Parks and Recreation Department in conjunction with the PBA hold an Easter egg hunt on March 29, 1997 at the Walden Community Park. Seconded by Trustee Ryan. All ayes. Motion carried.

## **LIBRARY BUDGET APPROPRIATIONS**

Mayor Uszenski stated that this has been discussed before and the attorney has researched and said the village could do the library appropriations in a lump sum and the village could still do the same functions of writing the checks and all the finances. He spoke to the library director and she would have no problem with this. The board will continue to discuss this budget time.

## **SIDEWALK PROPOSAL - MUNICIPAL BUILDING**

Mayor Uszenski informed the board that Vern Spencer has provided the village with a proposal to do the sidewalk in front of the municipal building at a cost for labor only, \$4,300.

Trustee Ryan moved to accept Vern Spencer's proposal to do the sidewalk in front of the municipal building for labor only, at a cost of \$4,300. Seconded by Trustee Forman. All ayes. Motion carried.

## **11-17 MAIN STREET**

Mayor Uszenski stated that he along with Mr. Dowd, Mr. Barnes met with representatives of Luxembourg, LTD in regard to financing. The repayment schedule is \$10,000 maximum for the first ten years. Mr. Alcott indicated that there wouldn't be a tremendous balloon payment at the end of thirty years. The interest rate would be 1%. The one problem that did arise was that the village board did earlier request personal guarantees and at this time only one of the principals is willing to personally guarantee.

Trustee Ozman asked what a maximum of \$10,000 per year is, what would be the minimum?

Mr. Dowd stated that they will repay to the Village of Walden for the first ten years, \$10,000. They will not go beyond \$10,000 for those first 10 years. The eleventh through thirtieth year depending on the amount of money and the amount of return that the developer would make, if it exceeds 17% in any given year, the balance of that would then be payable to the Village of Walden to reduce their debt. The 17% was based upon reasonable return as advised by CPC.

Trustee Wynkoop stated that one other thing they addressed is they take 3% of the rent and make Mr. Spanos put it in an account, capital expenses. CPC also does a yearly inspection on the building and make the owner repair anything that needs to be repaired.

Trustee Ryan asked the reasoning behind the 1% interest rate?

Mr. Dowd stated that the board had talked before about between 0 and 3% and then also 0-6% depending on if tax credits were involved. The developer did not receive tax credits the first round and they will continue to apply for tax credits.

Trustee Ryan asked Mr. Barnes if this would be the villages only project through Small Cities that would give money to a corporation and have less than 3%?

Mr. Barnes stated that regular rehab is 3%. Non profit is 0%.

Trustee Ryan asked why there weren't the personal guarantees there?

Mr. Cappello stated that John and Katrina Spanos are 1% holders in Luxembourg, LTD and that is a very small percentage. This is a \$600,000 grant. The owner has put a lot of funds into obtaining the grant. The village will be getting \$50,000 off the top of the grant. This is free money to the village. The village is getting a mortgage on a property that is going to significantly improve the downtown. You will have the mortgage, you will have the corporation. He thinks that is significant protection.

Mr. Dowd stated that there is precedent in this village for requiring personal guarantees when large amounts of money are being handed out for projects that will and do benefit the village. Walden View is one and the Thruway Market is another.

Trustee Ryan stated that the amount of money the village is giving Mr. Spanos isn't \$600,000, its \$850,000. The Village of Walden is not taking \$50,000 and doing what they want. That \$50,000

will be used for clerical and administrative work. It's not a gift. It's taxpayers money that the village is administering. The village has an obligation to do it to the best of their ability. The business of Luxembourg is the business of Luxembourg. If they wanted to be half percent, the village has no leverage inside that company. He could make them at 33% holder tomorrow. He could do that after he signs the papers. What happens inside of Luxembourg is none of our affairs and has no bearing.

Mr. Cappello asked if the village was administering it to make sure the downtown gets improved. The reason it was given is because its a marginal profit.

Trustee Ryan stated that if he's a builder that is coming in and getting money from the government and then says I don't want to write a personal guarantee, are they telling him that they also don't believe its going to work. What would be the fear?

Mr. Cappello stated that the reason government gave these funds to Walden is because there was a need.

Trustee Ryan stated that the village will have a mortgage on the building, but we will be number two. The value of the building, once constructed, will equal about what CPC will have. Should it be a failure the village gets nothing.

Mr. Cappello stated that the village gets a blight in the downtown fixed.

Trustee Ryan stated that blights shouldn't cost that much money.

Mr. Cappello stated that the Federal Government thinks that money is well spent. The appraisal that was submitted was 1.1 million, so there is some value in the property. The village will get money up front to pay the administrative fees. You will have no bills coming from this project that will be due and you will have the distinct possibility that all you're money will be paid back over the same period as HUD or in thirty years you will have a balloon payment of a building that CPC has monitored, has kept a fund to make sure repairs are done. At the end of thirty years you'll have free and clear, first mortgage on a building plus the probably that all your money will be paid back.

Trustee Ryan asked when the partners in Luxembourg realized they didn't want to sign a personal guarantee?

Mr. Cappello stated that it was a while back.

Mayor Uszenski asked Mr. Cappello if he heard him clearly say that all the fees will be paid?

Mr. Cappello stated that whatever the legitimate fees that will be due, hopefully they will receive something for it.

Trustee Ryan stated that is not coming out of the \$50,000.

Mr. Cappello stated that if that is what was agreed to, that is what was agreed to.

Mayor Uszenski stated that the \$50,000 is for the village to administer the grant.

Mr. Cappello stated that he was not participating, although he has been involved in a long arguous process, he wasn't involved in the full long process and if that was what was agreed upon, the \$50,000 was going to pay, the other funds will be paid.

Mayor Uszenski stated that he is referring to the \$12,000 application fee as well as the planning board fees that haven't been paid.

Trustee Ryan stated that he is not very comfortable with only one principal in Luxembourg signing, he doesn't know what his personal assets are, how deep his pockets are, should there be a failure. With three he had a greater degree of pleasure, its going to be satisfied in the end. He would like to see more documentation from Luxembourg, the principal in particular that is going to sign and any corporate life insurance policies that may be going back and forth, the values. He needs a lot more information.

Mayor Uszenski asked if the board was satisfied with the repayment schedule and the one percent interest?

Trustee Ozman stated that he's not as concerned with the 1% as he is with the repayment schedule. He said early on that he would not support a floating number and he won't support a floating number now. He would recommend they implement an escalation clause in the mortgage and not a repayment schedule that is based upon floating income levels, where the village will have to go in and either rely upon CPC the first lender for an accounting or go about doing it ourselves and if CPC has already projected what the income should be. He thinks its reasonable to have an escalation clause that would kick in at your five, or seven, or year ten, for an increase of payments back to the village.

Mr. Cappello stated that CPC, not them, simply stated that they would have to reduce the amount they could lend if there is an escalation clause. If they have to reduce the amount they can lend the repayment of that \$600,000 will be discussed by another community somewhere else in New York State, because the grant money will be lost. He can't negotiate on that, because he can't make it any clearer. The lender has sat there and he has come to four different meetings, has prepared proformas, and they cannot lend on that basis. They will significantly reduce the amount, and the project will not be viable.

Trustee Ryan asked if they can get away from a floating number?

Mr. Dowd stated that he thinks that the way the schedule shows is that every year it will be \$10,000, the minimum. The maximum for the first year will be \$10,000. As the project becomes more viable and makes more money, when it makes more than 17% profit, anything over that 17% gets paid to the village towards the loan. He walked the board through the operating budget for 11-17 Main Street.

Trustee Ozman stated that he would like this sent to the next meeting for action, so that what has been presented can be considered.

Mayor Uszenski stated that the village has received a confidential response from the Village Attorney regarding the comments about the local law and also a confidential response from Saccardi and Schiff was received. He asked the board members if they were satisfied with the local law as proposed. The council for Luxembourg is asking for copies of the responses. They are also asking for the board to consider holding the public hearing on the special exception use permit before this board before the end of the month, so they can file for their tax credits before March 31<sup>st</sup>.

Mr. Dowd stated that if there was a question about delays because of the planning aspects that hearing be held jointly with the Village Board and Planning Board, providing the Planning Board isn't going to waive the hearing. They would also have to file an application with the village board for the special permit and for the site plan from the Planning Board which Mr. Cappello says he can do. Basically you will be accepting an application on a law that hasn't gone into effect that requires a special permit.

A decision on this was tabled until after executive session.

#### **REQUEST FROM POLICE CHIEF**

Mayor Uszenski stated that Chief Holmes is asking permission to use his title and village stationary to organize a dedication of the Medal Of Honor insignia to Col. Thomas Bradley's headstone.

Trustee Ozman moved to approve the request from Chief Holmes to use his title and village stationary to organize a dedication of the Medal of Honor insignia to Col. Thomas Bradley's headstone.

#### **CORRESPONDENCE**

Mayor Uszenski stated that Marcia Jacobowitz is again requesting relief from the water/sewer bill for 55 Oak Street.

Trustee Ryan stated that there are other instances where someone uses the village water and it doesn't go into the sewer system. He talked to the meter reader and was advised that the leak at the property was longer than one day.

Trustee Ryan moved to deny the request by Marcia Jacobowitz for relief of the water/sewer bill for 55 Oak Street. Seconded by Trustee Forman. All ayes. Motion carried.

#### **PUBLIC PORTION**

Larry Sager, 78 Orchard Street stated that since its budget time he'd like to bring something up. According to Mr. Sweed he is going to receive \$9,305.00 from the state for the overrun of the 1996 budget, snow removal. He feels the village should put this money towards a new front end loader.

Becky Pearson asked about the sidewalk in front of the Municipal Building, why can't village employees put the sidewalk in?

Mayor Uszenski stated that the village hires a sidewalk crew. They are seasonal employees.

Mike Buckley, Capron Street asked that the recycling center be opened on Sundays this spring for yard debris.

Robert Clifford, 171 Walnut Street asked about the asbestos abatement, who is paying for this, it wasn't proposed in the budget for the building. He feels it should be coming out of Sam Liebman's pocket for stating at a public meeting that there isn't any asbestos in the building.

Mayor Uszenski stated that the village is paying for it, it was in the original bond.

Mr. Clifford stated that he would like to have dates, how much it cost, who is doing it, air sample companies, and how much to date for asbestos removal.

Mayor Uszenski requested he puts his request in writing.

Greg Raymondo, 241 Orange Avenue asked if the village building inspector was qualified to do asbestos inspection?

Mayor Uszenski stated that Advanced Testing monitors the removal and Capital Safety does the removal.

Mr. Raymondo stated that he is in favor of Trustee Ozman's courtesy parking tickets. He'd like to know how many parking tickets are given in the village for the year?

Mayor Uszenski asked that it be put in writing.

Larry Sager asked who was doing the sidewalks in front of the Municipal Building?

Mayor Uszenski stated Vern Spencer.

Mr. Sager stated that they will be setting up forms, the dump truck will come and dump the cement in and then they will smooth it, that is the end of the story. He asked who set the slate on Orchard Street?

Mayor Uszenski stated DPW.

Mike Buckley asked about the tree survey, has any information been received?

Trustee Wynkoop stated that he is trying to get in touch with the man from the Department of Forestry.

Becky Pearson stated that the village wants personal guarantees for the Wooster Building, are the Thruway Market and Oak Street Apartments loans up to date?

Mayor Uszenski stated yes.

Mrs. Pearson asked how many personal guarantees do they have?

Mr. Dowd stated at least four, maybe more.

Larry Sager asked how many dump trucks the village was going to replace this year?

Mayor Uszenski stated that it hasn't been determined if the village was going to purchase any.

Mr. Sager asked what trucks is the village selling?

Mayor Uszenski stated that they are trucks that are not in use anymore.

Mr. Buckley asked about Well #3.

Mr. Dowd stated that they found some kind of cleaning solution in the water and the village is treating it as they would treat anything else. It is still safe for drinking water.

Mrs. Pearson asked what kind of test does the village do, is it extensive?

Mayor Uszenski stated that the county requires certain tests and they are all done.

Mr. Sager asked about the Cherry Street wells, has the village retested them?

Interim Manager Mitchell stated that they are not in use.

Raymond Boyle stated that in regard to the parking notice, he suggested the village have a free parking day.

Trustee Ozman stated that is a good idea in conjunction. The reason he came up with this is a few people had come in from out of town and shopped at local stores and received a parking ticket and they were so disgruntled that they didn't want to come back again. He would like to do this to get positive publicity.

Mr. Boyle asked if the PBA was going to promote the Easter Egg Hunt at all in conjunction with the recreation department?

Interim Manager Mitchell stated that it will be advertised on the local cable channel.

Mr. Boyle stated that in regard to the recreation conference, if Mr. Howland has already gone to two recreation conferences, he thinks the money can be used better for the children in the village.

John Cappello stated that before the board goes into executive session and discusses the 11-17 project he wants to relate to the board that this project has been hashed out to the point where everybody in the village knows what they need and where they are going. The village has had reports from their planners, reports from the attorneys and everytime the village has made a request they have submitted all the information that they could possibly submit. The public hearings have been held at the ZBA level, the Planning Board level and the Village Board of Trustees levels for the funding. Anyone in this village that has an opinion on this project, who hasn't let the village know their opinion, doesn't care. There is a real deadline. They want to save the HUD grant and they want to save this project. When the village goes into Executive Session he hopes the board goes in with the attitude, how can we get the question resolved one way or another in the fastest, quickest possible time.

Larry Sager stated that he feels this board, since its under such pressure with the HUD program, if this fails the village should assure the people of this village that Mr. Spanos is not going to leave this building standing. The village has tried to work with him. This man has to give something of himself. Also, if there is someone willing to sponsor an inline hockey rink within the village, do they have to go through the board or can they donate it to the Walden Charitable Foundation?

Mr. Dowd advised Mr. Sager that if they want to use village facilities they have to come to the board.

Mr. Sager asked where they donate the money to, he wants to keep it out of the village general fund. He has someone that is willing to give \$35,000.

Mayor Uszenski stated that the village is waiting for the inline hockey group to organize and get back to the board.

## **REPORTS - COMMITTEE**

Trustee Ryan asked about the fire horn on the Municipal Building, the fire department wants to know if the village will be hooking it up. There are just as many people that don't like the horn as there is that like it. Even if its just for noon. He would like it investigated.

Trustee Ryan stated that signage for the interior of the municipal building has to be done.

Mr. Stickles stated that he would walk through the building with him to see what is needed.

## **EXECUTIVE SESSION**

Trustee Ozman moved to hold an executive session pursuant to 105-(f) of the Public Officers Law to discuss the employment history of Contractors Casualty and personnel matter regarding Kerron Barnes. Seconded by Trustee Forman. All ayes. Motion carried.

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

Trustee Forman moved that the board go into attorney client privileges regarding the Wooster Building. 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 Ryan stated that he looked at the new NYCOM salary survey for justices. His feeling is an elected officials salary should represent what the budget can bear, not what other communities pay and how they work their business. He tried to illustrate where there are full time chief of police and how many officers. Its gives the budget amount for that town and in Orange County he found Washingtonville, which is way out of whack. Westchester County, all the justices fall right around what the Village of Walden is paying ours, but their budgets are out of site. Croton's budget is eight million dollars and they have 5200 people in their community and they have no major industry. The average for Orange County is \$7,700 for the justice. Our mayor is the lowest paid mayor in Orange County. Trustees are third lowest. He feels the justices position is way over paid based on our budget and what other communities are paying. He thinks the village needs to get it back to a workable number and take it out of the political arena.

Trustee Ozman stated that he has always said that this board should never pay based on parity, it should be based upon the work load.

#### ADJOURNMENT

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', is written over a circular stamp or seal.

Nancy Mitchell  
Interim Village Manager/Village Clerk

**Village of Walden, New York  
Floyd Wooster Grove Park Teen Center  
Resolution**

**SEQR Negative Declaration  
Notice of Determination of No Significance**

WHEREAS, the Board of Trustees of the Village of Walden has determined to construct and erect a new 4000 square foot Youth Opportunity Teen Center building at it's Wooster Grove parklands, situated off the southerly side of Route 52 (East Main Street): and

WHEREAS, the Village of Walden has determined for the purposes of SEQRA that the action is classified as an "Unlisted" action; and

WHEREAS, the Village of Walden, aware of its obligations that significant environmental impacts may be associated with Unlisted actions, required preparation of a Long Environmental Assessment Form ("EAF") pursuant to 6 NYCRR 617.6, in order to determine the significance of the potential environmental impacts, if any, associated with this proposed action; and

WHEREAS, the Village Board has reviewed the EAF prepared and found it to be complete and acceptable as to scope, content and description of the proposed action, for purposes of considering any potential environmental impacts of the action; and

WHEREAS, the Village Board wishes to conduct an un-coordinated environmental review, which is permitted by the SEQRA regulations for "Unlisted" actions; and

WHEREAS, the Village Board has analyzed the potential areas of environmental concern associated with the proposed action, in accordance with the procedures set forth at 6 NYCRR 617.6 (g) and the criteria set forth at 6 NYCRR 617.11, pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The Village Board, upon consideration of the proposed action the long form EAF, the criteria set forth in 6 NYCRR Part 617, finds that the action will not have a significant effect on the environment for the following reasons:
  - The Village recognizes the need to expand and enhance its existing recreational area by a capital project to provide space for a larger teen center for the basketball and karate programs, dances and rainy day activities for the playground programs. Additional services will be possible for a youth council, drug education, parent education, dramatics and movies.
  - The amount of disturbance created due to the proposed action is limited to the building site contained within lands owned and maintained by the Village of Walden and currently utilized for recreational purposes.
  - This building will provide a central assembly space of sufficient size and facilities to:
    - a. Address in a more complete way the recreational needs of all the youths of

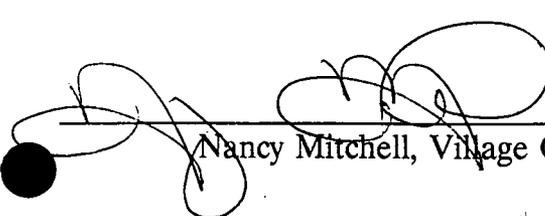
Walden in such activities as basketball, karate, dances, movies, dramatics and playground games.

- b. Allow more programs to be created in which family units can participate.
  - c. Help prevent substance abuse and provide ease of information on substance abuse through "Drug Education" programs.
  - d. To provide facilities for youths to develop social and athletic skills, through the pursuit of leisure time activities.
  - e. To provide an atmosphere and environment of effective role models through positive peers including a volunteer staff of dedicated and trained personnel.
2. For the reasons set forth above, the Village Boards finds that the proposed action will not have a significant effect upon the environment, and that preparation of an environmental impact statement will not be required; and
3. The Village Clerk shall be directed to prepare a file copy of this resolution as a Negative Declaration setting forth the reasons for this determination of non-significance in accordance with 6 NYCRR 617.10.

On motion to Trustee Ryan, second by Trustee Forman, to adopt on a vote of 6 ayes, 0 nays, the resolution was passed with the following roll-call vote:

Mayor Uszenski ..... "Ye"  
Trustee Besdesky ..... "Ye"  
Trustee Forman ..... "Ye"  
Trustee McGuckin ..... "Ye"  
Trustee Ozman ..... "Ye"  
Trustee Ryan ..... "Ye"  
Trustee Wynkoop ..... "Ye"

I attest:

  
\_\_\_\_\_  
Nancy Mitchell, Village Clerk

3.11.97  
\_\_\_\_\_  
Date

MARCH BILL LIST - MARCH 11, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-970	ACCESS BATTERY & POWER SYSTEM	614.90
A-971	BYINGTON JULIA	100.00
A-972	CHARLES B MERRILL	171.90
A-973	COUNTRY HARDWARE	192.03
A-974	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA,	3,333.33
A-975	EXPANDED SUPPLY PRODUCTS, INC.	745.00
A-976	JOHNSON FORD	30.73
A-977	RADIO CITY MUSIC HALL PRODUCTIONS	2,267.00
A-978	QUILL	376.51
A-979	MID HUDSON COMMUNICATIONS	626.00
A-980	MID HUDSON OFFICE SUPPLY	87.36
A-981	GENERAL CODE PUBLISHERS	521.96
A-982	MID HUDSON OFFICE SUPPLY	29.90
A-983	MID HUDSON OFFICE SUPPLY	122.73
A-984	MID HUDSON OFFICE SUPPLY	37.00
A-985	NATIONAL FIRE PROTECTION ASSOCIATION	95.00
A-986	NYCOMCO	1,375.00
A-987	NYS RECREATION OF PARK SOCIETY	65.00
A-988	RAMSCO	104.00
A-989	SANWA	135.00
A-990	SARJO	123.54
A-991	TIMES HERALD RECORD	23.76
A-992	WALDEN AUTO SUPPLY	44.21
A-993	WALDEN AUTO SUPPLY	53.83
A-994	BROWING - FERRIS INDUSTRIES	65.00
A-995	CHARLES B MERRILL	62.50
A-996	HAIGHT FIRE EQUIPMENT	25.00
A-997	MONTAQUE TOOL SUPPLY	333.82
A-998	ORANGE COUNTY SANITARY LANDFILL	271.05
A-999	PAGE NY	25.00
A-1000	RUS OF MONTGOMERY	92.00
A-1001	VINCENT TOOMEY	1,516.60
A-1002	JOHN HOWLAND	29.85
A-1003	NEW WORLD INSTRUMENTS LTD	349.00
		<u>14,045.51</u>

MARCH BILL LIST - MARCH 11, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-125	COUNTRY HARDWARE	37.88
F-126	JOHN QUALITY CLOTHIER	81.59
F-127	L & C MUNICIPAL SALES, INC.	146.86
F-128	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-129	ORANGE COUNTY LABORATORY	120.00
F-130	PAGE NY	6.75
		<u>809.75</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-111	DEMPSEY STEEL PIPE CO.	22.20
G-112	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-113	MID HUDSON OFFICE SUPPLY	5.28
G-114	MIDDLETOWN ELECTRIC MOTOR	320.00
		<u>764.15</u>

CAPITAL ACCOUNT #82	INMAC MUNICIPAL BLDG	129.19
CAPITAL ACCOUNT #82	INMAC MUNICIPAL BLDG	136.15
COMM DEV UDAG	SACCARDI & SCHIFF, INC. CONTRACT M-186	2,817.00
COMM DEV UDAG	KERRON BARNES ASSOC.	455.00
COMM DEV 95	KERRON BARNES ASSOC. FEB SERVICE	240.00
SMALL CITIES 93	HI-LO CONSTRUCTION SYSTEM 35-37-39 SECOND STREET	6,300.00
SMALL CITIES 92	WILLIAM FYKE JR 6 CEDAR STREET	1,834.21
CAPITAL ACCOUNT #82	CHARLES MERRILL CHAIRS	687.60

MARCH BILL LIST - MARCH 11, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	10.36 -
	AGWAY PETROLEUM CORP	393.02 -
	BELL ATLANTIC NYNEX	50.16 -
	NYNEX	92.01 -
	FRONTIER COMMUNICATIONS	97.64
	FRONTIER COMMUNICATIONS	31.44
	FRONTIER COMMUNICATIONS	274.92
	FRONTIER COMMUNICATIONS	35.09
	FRONTIER COMMUNICATIONS	26.62
	NYSEG	3,045.14
	NYSEG	558.93
	COASTAL REFINING	392.99
		<u>5,008.32</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	687.75
	FRONTIER COMMUNICATIONS	24.07
	COASTAL REFINING & MARKETING	168.27
	NYSEG	3,005.98
		<u>3,886.07</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	60.14
	NYSEG	4,953.75
		<u>5,013.89</u>

## NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, February 25<sup>th</sup>, 1997 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. 17-96-97, Surplusing Equipment
    - A.2 Resolution No. 18-96-97, Library Budget Transfer
    - A.3 Wooster Grove Youth Center - SEQRA Determination
    - A.4 Selena Estates Road Dedication
    - A.5 Payment of Audited Bills for February 25th, 1997
  - B. DISCUSSION ITEMS
    - B.1 Wooster Building - Zone Change
    - B.2 Municipal Building Update
    - B.3 Library Budget
  - C. INFORMATIONAL ITEMS
    - C.1 Highland Avenue Bridge
  - D. CORRESPONDENCE
    - D.1 MJL Realty - Water/Sewer Bill
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

**APPROVED**

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
FEBRUARY 25, 1997**

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  
John Ryan  
Chris Forman  
Martin Besdesky  
Roy Wynkoop

Absent: Trustee Raynard Ozman, later present

Also Present: Nancy Mitchell, Interim Village Manager  
Kevin Dowd, Village Attorney  
Dean Stickle, Building Inspector

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of February 11<sup>th</sup>, 1997 with the following correction: page 4, second paragraph, second sentence to read as follows: At some point if the board sees fit to grant the zone change, the interest rate and repayment schedule and terms of usage of the lot will have to be considered and he would rather do them in the same process rather than at the end. Seconded by Trustee McGuckin. All ayes. Motion carried.

**RESOLUTION NO. 17-96-97 SURPLUSING EQUIPMENT**

Mayor Uszenski advised the board that the 1987 Chev Celebrity is being removed from the resolution, because that vehicle is still needed in the recreation department.

Trustee Wynkoop moved to adopt Resolution No. 17-96-97, Surplusing Equipment, (attached). Seconded by Trustee Besdesky.

Trustee Ryan stated that he spoke to Mr. Sweed about the backhoe and the machine has so much play in the moving parts that you can't have an individual working closely, safely around the vehicle, which eliminates the use of the backhoe. He feels if the village is going to hold on to the backhoe that is working, which has considerable hours, we need to put some money into it for the longevity.

Mayor Uszenski stated that the village will have to purchase a new backhoe in a few years.

Trustee Ozman stated that he also spoke to Mr. Sweed and he indicated that the board sat here some time ago and said lets put some money into the backhoe so we get more time out of it. It was just basic maintenance and not rebuilding the hydraulics. That indicated to him that probably if we put some money into it we could get some life out of it. The surplus value is \$5,000.

All ayes. Motion carried.

Trustee Ryan stated that if the village put \$9,000 or \$10,000 into the last backhoe, it would have brought it up to snuff. From what Mr. Sweed told him only \$1,500 was put into it, which was minimal items. If we spent the money then we would be spending the money in the near future. We need to look long and hard at these kinds of issues in the future.

#### **RESOLUTION NO. 18-96-97 LIBRARY BUDGET TRANSFER**

Trustee Ozman moved to adopt Resolution No. 18-96-97 Library Budget Transfer, (attached). Seconded by Trustee McGuckin. All ayes. Motion carried.

#### **WOOSTER GROVE YOUTH CENTER SEQRA DETERMINATION**

Tabled until attorney reviews the environmental assessment form.

Mayor Uszenski stated that the board can call a special meeting next week for the SEQRA determination.

#### **SELENA COURTS ROAD DEDICATION**

Tabled until the required documentation is received and the determination of the disputed property is received.

#### **AUDITED BILLS**

Trustee Forman moved to pay the audited bills of February 25<sup>th</sup>, 1997. Seconded by Trustee Ozman. All ayes. Motion carried.

#### **POLICE SERVICES**

Mr. Dowd stated that it was brought up at the Village of Montgomery meeting that the police service agreement has expired. The Village of Montgomery voted to submit a new one to the Village of Walden for a two year period.

This was tabled until the next board meeting in order for review by Chief Holmes and a response is received.

#### **WOOSTER BUILDING, 11-17 MAIN STREET, ZONE CHANGE**

Mayor Uszenski stated that the village has received the reports back from Saccardi and Schiff on the proposed local law and the parking study.

Mr. Dowd stated that the local law keeps the tone of what the applicant had asked for. It is now in compliance of what Saccardi and Schiff recommends to the board. It defines a new use of a senior citizen development in a B-3 district and it makes that use a special permit use as opposed to just requiring site plan approval. It sets minimum dimensional requirements. All of them within compliance of what the applicant requested, except for the rear yard which is twenty feet or an equivalent in a court yard. The number of parking spaces are within the range for low income senior housing. They recommend we include as special permit conditions about five or six other special conditions in addition to what a normal special permit needs. Mr. Dowd's letter raises two issues which the board has to discuss. The first is the Saccardi and Schiff report says that first it should be a special permit use, but says that the board has to decide and should decide whether they want to make the Board of Trustees the grantor of the special permit or do you want the planning board to be the grantor of the special permit. That is an important decision for several reasons, one it gives the village board ultimate control of what projects in the B-3 could be given a special permit. The board giving a special permit does not relieve the obligation of any applicant to go before the planning board for site plan approval. That will be the only special permit the village board keeps to themselves. All other special permits are the realm of the planning board. The second issue is the parking. The Saccardi and Schiff report shows that throughout the country senior citizen housing, the number of off street parking spaces requirements varies all over the place. He drew up the law with a .4 per dwelling unit, which is what the applicant requested. One of the things they have to remember is they are drawing the local law for senior housing developments, not necessarily low income senior housing developments, and because of economics among the elderly, if you tend to be of low income, you tend to have a less chance of having cars and therefore the .4 is satisfactory. In speaking with Mr. Smith he said, if in fact you have other developments popping up in the B-3 that are not low income, not subsidized housing, that he would recommend a higher per space requirement of .75. Mr. Dowd suggested that the board may want to change the .4 to .75 within the text and then provide for a .4 for low income housing as a special condition as part of the special permit.

Mayor Uszenski asked if it was usual or unusual for the Village Board to keep the privilege as far as the special exception granting?

Mr. Dowd stated that looking at senior housing developments with the planning board there are some municipalities who do in fact make them special permits, some keep them and some don't. So, its not an unusual thing.

Trustee Ryan stated that he would tend to allow the planning board to control the special permit, that is the function of their board.

Trustee Ozman asked Mr. Dowd if there were any other legal reasons that he would like to speak to the board about relative to the local law, before the board can move forward?

Mr. Dowd stated that he believes there may be some issues that may pop up before they make that final decision that they may consult with him about.

Trustee Ozman moved to adjourn the meeting for attorney client privileges to discuss Introductory Local Law I-2. Seconded by Trustee Besdesky. All ayes. Meeting adjourned.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Forman. All ayes. Meeting reconvened.

Mr. Dowd stated that he just noticed a difference in the local law that was not in the proposal from the applicant. One of the things Saccardi and Schiff recommended was the fact that you may not want all these senior citizen developments popping up in your B-3, you may want to space them. They had originally talked about spacing them when this was first proposed. They are recommending three hundred fifty linear feet, not as the crow flies, but by the primary road systems.

Mayor Uszenski stated that it was also mentioned making the first floor stay non residential. The board has to consider if they want to have control of the special exception or should that be referred to the planning board.

Trustee Ozman moved that the local law not change, that special exception use permit approval stay with the planning board. There was no second the this motion.

Trustee Forman moved that special exception approval go to the Village Board. Seconded by Trustee Wynkoop. All ayes. On roll call Trustees McGuckin, Ryan, Forman, Besdesky and Wynkoop voted yes. Trustee Ozman voted no. Motion passed.

Trustee Besdesky moved that parking requirements for senior developments be .75 per dwelling and low income senior housing be .4 per dwelling. Seconded by Trustee Forman.

Trustee Ryan stated that the village inventory of available public parking is going to be depleted shortly. One more applicant like this and we will have to start looking hard at Oak Street. Development of the downtown will not happen without parking.

All ayes. Motion carried.

Trustee Forman introduced Introductory Local Law I-2 of 1997, "Zoning", to Establish and Permit Senior Citizen Housing Developments In the B-3 (Central Business District).

Trustee Ryan moved to hold a public hearing on Introductory Local Law I-2 of 1997 on March 25<sup>th</sup>, 1997 at 7:45 PM. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mr. Cappello expressed his concerns regarding the local law. He stated that there should be some recognition in the law for the businesses that are exempt from off street parking regulations because they were part of the parking district.

Mr. Dowd stated that if there is a provision in the village code, existing now that exempts certain property owners from certain requirements from parking that would be part of the application.

Mr. Cappello stated that his other concern was that the board didn't discuss the third choice that they had, which was the original proposal. He feels its redundant to make this a special exception use. This board is considering all the conditions based on reports from the planners. You will be reviewing the same information to make sure the conditions are met when the planning board, without having the special permit, with site plan could say do they meet the parking requirement, are they low income, do they meet the height requirement, etc. He asked about the rear yard requirement. They will be moving a portion of the building to create a courtyard. The portion they are moving will not have a rear yard of twenty feet.

Mr. Dowd asked if the courtyard will be back more than twenty feet?

Mr. Cappello stated yes.

Mr. Dowd advised Mr. Cappello that they will meet the requirement. He further stated that the board is trying to enact a zoning amendment that will cover, not just 11-17 Main Street, but other potential senior citizen developments that could pop up in the B-3 zone.

Mr. Cappello stated that the County Planning Department is well aware if the project, of they would make the commitment that they would contact them after the application has been submitted to expedite a response, that the public hearing be held on the 11<sup>th</sup> of March?

Mayor Uszenski stated that it has to go to the planning board also. Their next meeting is March 19<sup>th</sup>.

## **MUNICIPAL BUILDING UPDATE**

Mr. Stickles stated that the carpet is down in the village offices, court and library. The asbestos people are here and they started to set up the tenting and air samples are being done. They should be done by Monday and then the old police department can be framed. Progress is slow, but it is being made.

Mayor Uszenski stated that the electrician was at the building on Saturday to do the electrical changes that the library needed and they were told they couldn't do any work until Ms. Myers got back.

Barbara Plato stated that Ms. Myers wanted the chance to notify people that the library would be closed. She assumed they were talking about the old section.

Mr. Stickles advised her that it was the second floor of the new section.

Ms. Plato stated that she cannot speak for Ms. Myers, but she was under the impression that she felt the library would have to be closed to have that work done.

Mr. Stickles stated not for the second floor. That is the most important area to put those outlets in. When they go to the first floor they will have to close.

Trustee Ozman asked Ms. Plato if the electrical installation of the second floor preclude the library from functioning?

Ms. Plato stated that she is not sure and she cannot speak for Ms. Myers and before she went on vacation she said do not let anything happen until I get back. She will talk to her as soon as she gets back. The library would like to be given the chance to close the library before it has to be done.

Mr. Stickles stated that he wishes he was advised of that because he had the electrician come in last Saturday to do the second floor new section and he didn't realize they weren't doing it. Ms. Myers talked to Mike Canale and set up the Saturday work schedule.

Mayor Uszenski stated that the village cannot have any kind of delays due to the nature of where we are with the contract with the surety company.

Trustee Ryan stated that the other problem was with the move itself, since we are only taking books from the first floor to the second floor, maybe during that period of time the existing library can be shut down and maybe the electric can be done at that point and there would be no additional break of service to the patrons.

Mr. Stickles stated that in the existing section of the library there are sprinkler heads to be installed, electric has to be done, walls taken out and painting to be done. He is trying to schedule things so it will be closed to the minimum.

Trustee Ryan stated that the use of the second floor prior to it being 100% done has to be discussed. The police department moved in, they have a punch list, they have things that need to be done and they still moved there area of operation.

Ms. Plato stated that she did speak to Mr. Stickles and they will work with Ms. Myers on a schedule.

Mayor Uszenski stated that the community room on the second floor will remain closed until the end of construction.

Ms. Plato stated that she doesn't think its the concern that its open, its concern of the noise level of people walking in and out, and the dust.

Mr. Stickles stated that if that is the only concern they will keep that to a minimum.

Mayor Uszenski stated that they also have to discuss the move. At this time there is no money budgeted for this.

Trustee Ryan stated that he would like the board to direct the clerk of the works to issue a memo to the contractors in the municipal building to cease and desist with smoking and the radios playing.

Ms. Plato asked for an extra check to make sure things are locked.

### **LIBRARY BUDGET**

Mayor Uszenski proposed rather than going through the itemized budget with the library that the board come up with a dollar amount and every year they get a certain percentage raise and the village give them a check and let them balance their own books. The attorney is researching this.

### **HIGHLAND AVENUE BRIDGE**

Mayor Uszenski stated that the village has been informed that the town went out to bid for the Highland Avenue bridge project. There is still some work that has to be done on the Hill Street bridge.

### **CORRESPONDENCE**

Mayor Uszenski informed the board that a letter was received from MJL Realty requesting a waiver of a sewer charge for 55 Oak Street because they had a water leak due to a broken pipe.

Trustee Forman moved to deny the request of MJL Realty to waive the sewer charge on their water/sewer bill for 55 Oak Street. Seconded by Trustee McGuckin. All ayes. Motion carried.

Mayor Uszenski stated that Mr. Dean Dimino is asking to have the late charge waived from his water/sewer bill. This is not a policy that the board usually grants.

Trustee Ryan asked how the payment was received?

Interim Manager Mitchell stated that it was received by mail on December 9, 1996 and the bill was due the month of November.

Trustee Ozman asked if the postmark was noticed when the bill came in?

Interim Manager Mitchell stated no.

Trustee Ozman stated that on a case by case basis the board has the option to waive the late charge. In this case we are dealing with nine days and although the board has a general policy to analyze each of these on a case by case basis he would be inclined to accept the payment of \$88.66. It's conceivable that the letter got lost.

Trustee Ozman moved to refund the penalty of \$8.86 to Mr. Dimino. Seconded by Trustee Besdesky. All ayes with the exception of Trustee Ryan voting no. Motion carried.

Mayor Uszenski stated that there is a letter before the board from Richard Canfield asking permission to use the municipal parking area for two hours in the spring time.

Trustee Forman suggested Mr. Canfield use one of the parks.

Mr. Dowd stated that the board has asked people to provide insurance.

Mayor Uszenski stated that the local churches are allowed to hold the Easter sun rise service in the park and the village doesn't require insurance.

This was tabled until more information is received.

Mayor Uszenski stated that a letter was received from Becky Pearson who is asking permission to plant some trees in front of her house in the village right of way.

Mr. Dowd stated that this has come up before and according to the village code you are not allowed to plant trees in the village right of way, but the board can waive the code.

Trustee Ryan stated that the board is waiting for the report from DEC.

Trustee Ryan asked Mrs. Pearson if she would be willing to stay within the guidelines of what the gentleman from the Department of Forestry recommends?

Mrs. Pearson stated yes. When she spoke to the gentleman he stated that you can go with a bigger tree as long as there are no wires on that side of the street and as long as its not the main street.

Trustee Ryan stated that you can walk around the village and see where trees have been planted in village right of ways and the trees are not that old. The village managers in the past have had them put in with this code in effect.

Mr. Dowd stated that the village can plant trees in the right of way. There is a prohibition against the property owners doing it.

Trustee Wynkoop stated that he will contact the gentleman from the Department of Forestry.

Trustee McGuckin stated that he wouldn't have a problem proposing planting trees, but he'd like some guidelines from the Department of Forestry first.

Trustee Ryan stated that he would like to go on record that this board is looking into planting trees in the Village of Walden.

## **PUBLIC PORTION**

Bob Clifford, 171 Walnut Street thanked the interim village manager for having the dead tree in front of his house taken care of so fast.

Larry Sager, 78 Orchard Street asked if the board would say public perception of what Main Street is? Its a terrible thing the way they look upon the board. They think the board is at fault for this? He asked if the board agreed to that, that they are at fault for this project not moving, the board is under pressure to do things that may be under normal situations they wouldn't do? If they didn't pass this amendment tonight would it not be true that the public would think the board was against this all along?

Mayor Uszenski stated that he can't agree with that. The public should realize that the board is for this project.

Larry Sager stated that if you look at the minutes everybody that speaks says that the village should do something with this building. No one has ever said you should do something to help Mr. Spanos, so it gives the perception of its the villages responsibility. He knows where the pressure is.

Mayor Uszenski stated that what the board has to consider is they are investing over \$800,000 of grant money that has been given to the village.

Mr. Sager stated that it was also mentioned that the village discussed finance arrangements with Mr. Spanos. He asked if that was done?

Mayor Uszenski stated that the meeting did not occur because all parties involved couldn't be there.

Mr. Sager stated that the board still went ahead and did the amendment, even though it was recommended that be discussed at the same time.

Mayor Uszenski advised Mr. Sager that these are two separate things.

Mr. Sager stated that according to the minutes on March 7<sup>th</sup>, 1996, Mr. Kelly stated to this board that he was wondering who was going to pay the application fee for the grant. Mr. Sager asked who has paid for the grant so far?

Mayor Uszenski stated that the village has paid for the application.

Mr. Sager asked if the planning board fees have been paid?

Mayor Uszenski stated no.

Mr. Sager stated that if he put two store fronts out there, it would change the aesthetics of Main Street and he wouldn't even be before this board or any other board. Mr. Spanos has the financial ability to do it. He came in and looked at the application. He has \$699,257 access to him. It should be known to the public. He's not a poor boy sitting down in Newburgh wondering where he is going to live. He's going to put the debtness upon the people of this village. The responsibility of if its not paid, we have to pay it.

Mayor Uszenski stated that is not true. Its a federal grant, its still coming from taxpayers.

Trustee McGuckin stated that the village could turn around and say to Mr. Spanos that this is a gift. We don't have to pay the federal government back, but the village expects to be paid back.

Mrs. Pearson asked about the surplus equipment, the gray car for Mr. Howland, she asked if he had a village car already?

Mayor Uszenski stated yes, the gray car.

Trustee Ozman stated that car is also to be available to a park maintenance and beautification worker. Its just for local use.

Mrs. Pearson asked if Mr. Howland's position was full time or part time?

Mayor Uszenski stated that he is a salaried full time employee.

Mrs. Pearson asked what Mr. Howland's salary was?

Mayor Uszenski stated \$27,000. He does not have regularly scheduled hours.

Mrs. Pearson asked how many hours does he work per week?

Mayor Uszenski stated that he does not have that information.

Mrs. Pearson stated that when they were cutting the tree down outside her house the bucket loader was left running for 45 minutes to an hour. She thinks there is a law from EPA that says they are not to idle for more than five minutes. She feels air pollution is a very important thing and this should be addressed.

Ray Lustig, 51 Highland Avenue stated that when he looks around and says what are the major differences that has happened to Walden over the past twenty or thirty years he thinks one would have to say the increase in high density and non owner occupied housing that has hit Walden. As a result in the increase of this high density non owner occupied housing are the impacts to Walden is really simple economics, supply and demand. As an accountant and as a landlord he has seen the economics of Walden changed radically. Its self evident in that, you look around and you see up and coming communities like Montgomery, Pine Bush and Cornwall and then you look at what is happening to Walden. He thinks we have to examine the reasons why and to overlook this is a major error. He wants to bring this up for the boards consideration prior to going forward with this. For example, he's not familiar with the report from Saccardi and Schiff, but as the attorney said the tone of the letter was much in line with their initial projections. They were consultants, they were advocates for the initial proposal when the bid was put out. Its incumbent upon them to support their own decisions and to do anything less would be contrary. As an accountant he's much more aware of the bias or tainted opinions of pinning a decision on his own work or company. He believes it was bias and regardless of what the report said, he thinks it was meaningless. They were hired before this whole thing started to enhance the position of the initial proposal and now, after the fact, they are called in to support their

original opinion. He is bewildered as to why they were hired as an objective consultant, when they were initially part of the plan. Especially when they get into the parking scenarios, in the middle of February, the coldest month of the year, he doesn't know what the parking scenario is over there, there are probably vacancies. When you do projections, you project what it would be like with twenty four more apartments, with three new businesses on Main Street. So when you examine the parking it shouldn't be done in a vacuum of what it was yesterday, but it should be looked upon in the future. He feels decisions are made upon situations that are not going to exist in the future and he thinks the projections don't provide for this. He does own a business in the downtown, and when he tries to rent a building in one of the apartments he says if you have a car, you can't live here, there is no parking for you. The projections are hypothetical. Its interesting that there are no alternate proposals, that would stay within what the zoning board and planning board already decided would be the best thing for the village. The way he sees it the zoning board made a decision on a certain thing and the planning board made a decision on certain things, because that is what they do and he doesn't see that anything has changed since they made that decision to this point in time, what has changed to change the whole position on this. If they didn't have the grant for \$600,000, and they didn't put on a fourth floor and maybe you didn't have to pay the prevailing government federal market rates, that maybe the projections would level down, that wouldn't have future detrimental impacts on Walden as a whole, but would serve the community, serve the Spanos's and serve the seniors in an equitable and fair manner. Its always everything or nothing in this village. We have to have it all or we can't have anything. He personally believes that its the housing and the economics of supply and demand that are really attributing to the problems that we are seeing on the streets and everything else and we have to change that. We have to decide when we are going to start. The consultants report, in his opinion, that it is meaningless and if the village is using it to support their decision and make yourself feel good about approving this, he thinks the village is doing it in a vacuum. We have to look at what is going to improve Walden. That is not discounting the fact that we could have a productive, viable, building with sixteen apartments in that space that could make a landlord have a reasonable profit.

Larry Sager asked what is being done about 50 Pleasant Avenue?

Mayor Uszenski stated that right now there isn't any action going on. The motion was to retain legal council for the village board and zoning board and that motion was defeated. The problem is that our attorney's cannot represent either the village board or zoning board because they do represent both. The village would have to go out and hire separate council to proceed with this action and the board didn't authorize that.

Mr. Sager asked what happened to the question that was brought up about the circus?

Mayor Uszenski stated that the seal lions will be on site for two weeks in August. They will be using portable tanks.

Mr. Sager asked if it was reported to DEC, that they are having these animals in the village?

Mayor Uszenski asked why the village would have to report this to DEC?

Mr. Sager stated because they will be having the animals here.

Trustee Ryan stated that the village was told that there would be horses, which will be year round residents. The sea lions are being brought in to become familiar with the rehearsal aspect of the show and then taken out on the road. The tanks are being built for transporting the animals.

Mayor Uszenski asked Mr. Sager what his concern is?

Mr. Sager stated that he feels they've deceived the village.

Keith Millsbaugh, 418 Drexel Drive, Pine Bush, paying taxes for 50,52,54,56 Main Street and 17 High Street, Walden, and representing the community council, feels its a good time to refer to Mr. Lustig and Mr. Sager's comments, the community council was formed to pull together another voice in the village, representing not just downtown business, but also the residents of the community. A lot of the discussions the council has had is that there hasn't been as much discussions or even thought regarding many of the things the council individuals are concerned about and they have come together as a group to decide whether they are important enough to work further on. Their intention is to come up with an avenue to be able to communicate more with the village specifically with the village board and they are still trying to grasp a way to make that work. So the communication from this group and the board can enhance decisions, so that the board doesn't feel forced to make decisions and as Ray is saying that we are making sure we're looking at all future contingencies. It doesn't hurt to have more opinions, we just have to figure out, from their perspective the best way to work out communications with the board and they are looking for the boards input, so they can make progress and make it work the best for the community.

Mayor Uszenski suggested the board and the government council get together and have a work session to discuss concerns and considerations.

Raymond Boyle, 4 Brook Court asked if the grant was going to be a corporate loan to Mr. Spanos or a personal loan?

Trustee McGuckin stated that its a loan to a corporation.

Mr. Boyle asked if there was both a corporate guarantee as well as a personal guarantee?

Trustee McGuckin stated that those items have not been settled at this point in time.

Mr. Boyle stated that the village has to look into alternatives. In any business a corporation can fold. Who will be held liable for this? He thinks the board should look into that loan and find out where the money will be coming from, how it will be paid and who is going to personally be liable for it. He would ask for a personal guarantee on that loan. If the village has been stuck before on loans, its costing the taxpayers money and the village attorney a lot of his time. He asked Mr. Dowd about the special permit, what is to say that someone else can't come in and ask for the same special permit.

Mr. Dowd stated that under the proposed regulation, if the board adopts it, another building within the B-3 zone and qualify for senior housing development and there is a 350 foot requirement. Another criteria would be the number of units they could get and provide the same kind of management facilities for the units, first floor commercial, maximum of 27 units on top, so many feet

high, courtyards, common areas and it is for the benefit of senior citizens or elderly people to have a convenient area for them to live, as well as parking available to them. The local law is not geared specifically for 11-17 Main Street, but for any properly owner who can meet the criteria for a senior housing complex.

Mr. Boyle stated that he would like the board to look into the personal guarantees on the loan.

Mr. Dowd stated that has been discussed with the applicant.

Mr. Sager asked about the 300 foot distance?

Mr. Dowd stated that is from one property to the next, by linear road. Only in the B-3 district.

Mr. Sager stated that it will be spot zoning.

Mr. Dowd stated that his impression with speaking with Saccardi and Schiff is that there are other properties that would meet the 350 foot requirement and be within the B-3 zone.

Mr. Sager asked if Saccardi and Schiff came up and measured?

Mr. Dowd stated that he did not ask for a sworn affidavit.

Becky Pearson stated that at the last meeting the board spoke about the well on Edmunds Lane being polluted.

Trustee McGuckin stated that its not polluted, the word used was contaminated.

Trustee Ozman stated that he looked into this himself and the finding of the health department was that there were a certain amount of contaminates, parts per million that are allowed and this contaminate the parts per million are still below what the health department recommends as the maximum quantity in that amount of water, because it was rising they recommended the use of that well be minimal. This well is being monitored.

Mr. Lustig stated that if the VFW wanted to sell their vacant lot and build a four story senior citizen building, the village is precluding them. Based upon this zoning law its really an encumbrance upon the location of his fathers building, he's precluded from having one of these building. His fathers building would be less in value as a result of an encumbrance upon what they could do or not do with it down the road.

John Cappello, 14 Sugartown Rd., New Paltz stated that this is a grant, its been bantered around, Luxembourg worked with the village providing information in a highly competitive bidding period. There were many communities throughout the country, throughout the state that were fighting for this money. Six hundred thousand dollars was gifted by the federal government to the Village of Walden because the federal government looked at that 24 unit project and thought this is a good expenditure of federal funds, we are giving this money to the Village of Walden. Luxembourg LTD said they will pay it back based on a payment schedule. Also, by rebuilding this building the projected

taxes are \$24,000 a year that will go to the village. The building will be renovated, it creates jobs, it will produce customers, it will produce 24 residents who will shop in this village. Saccardi and Schiff along with Kerron Barnes in conjunction with his office provided information, submitted that to HUD. HUD thought that was a good enough expenditure of the money to give \$600,000 to the village. Without the zoning amendment, not only does nothing get repaid, nothing comes to the village. You are going to have a building that is not going to be repaired, your going to have \$600,000 that would have come into downtown that is not going to come into it. The zoning board when they denied the four story use variance, never looked at the four stories, specifically said in their denial that this board was the board to consider a zoning amendment and said if the applicant needs further relief they can go to the village board. So, to say the zoning board didn't agree is not a correct statement. When they went for a use variance for three stories, which was really a financial burden, they thought that sixteen units could make it. Every single use, the testimony of an appairser was put in the review, every single possible use that was permitted in that code. An independent appraiser gave testimony that it was reviewed by the zoning board and their attorney make a decision that no other use is possible to get a reasonable rate of return. They reviewed not only every use, they reviewed the possibility of taking the building down and building a one story building with just store fronts, which would look horrible. They examined taking down the third story and rebuilding it as two. They examined doing three story commercial, and two story commercial. They took every conceivable configuration to see what the return would be and to prove that there was no reasonable rate of return. As far as Saccardi and Sciff, they are professional planners. Everytime they produce documents they put their reputation on the line. Saccardi and Schiff prepared a grant application to HUD based on the comprehensive plan that they prepared, based on the business revitalization that showed that this project is in keeping with each and every aspect and will enhance the revitalization plan. There are many standard zoning codes that have requirements on fast food restaurants, different types of restaurants and bars that have a distance requirement, so its nothing out of character.

#### REPORTS - COMMITTEE

Trustee Wynkoop stated that nothing has been done on the corner of Pine and Maple Street with the danger that exists with the closeness of the house and sidewalk.

Trustee Besdesky stated that he's seen an increasing number of skateboarders in the street and all over. He would like the police alerted.

Trustee Forman asked about the fallen tree on Orange Avenue?

Interim Village Manager Mitchell stated that is on private property.

Trustee Forman stated that he would like that addressed.

Trustee Ryan stated that he would like to propose a moratorium on cutting trees in the village until the report is back from the department of forestry. We may be cutting down trees that need pruning and some that don't require removal at all.

Trustee Ryan moved to have a moratorium on cutting down trees in the village until the report is back from the department of forestry except those tree that are in eminent danger be pruned. Seconded by Trustee Besdesky. All ayes. Motion carried.

Trustee Ryan stated that he would like Mr. Barnes to see if there is grant money out there to put a calcium remover put onto our wells.

Trustee Ryan stated that he disagrees with holding off on hiring a code enforcement officer. He does agree that there should be an assistant building inspector. The board received a list of the next four unsafe buildings and he would like the building inspector to get moving on this, but he is very busy. He is not functioning as efficiently because he has so many responsibilities. He would also like that individual to become a facilities manager.

Mayor Uszenski stated that there is also a request for that position, rather then going in that direction to have an assistant manager position.

Trustee Ryan stated that the one thing that is really lacking is that the zoning regulations and enforcement is inadequate and its allowed problems to creep up in the Village of Walden. The one house on the list, Pratt house, is in eminent danger of having someone killed. His point is the board should wait until a new manager is hired to hire someone.

Trustee Ryan stated that the B-3 zone extends down to the mini mall. That wouldn't be the only building able to be put in the B-3.

Trustee McGuckin stated that he noticed the liquidators have put up a directional sign for parking in the Oak Street lot. They should be asked to take the sign down.

## **REPORTS - MAYOR**

Mayor Uszenski stated that the search committee is down to seven candidates. They have interviewed one.

## **EXECUTIVE SESSION**

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

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

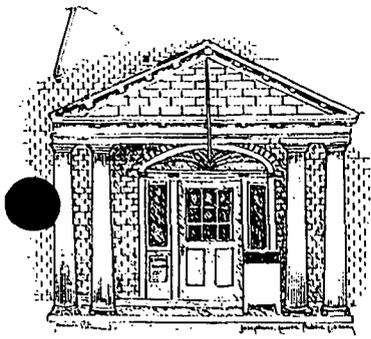
## **ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written over a horizontal line. The signature is stylized with several loops and a long horizontal stroke extending to the left.

Nancy Mitchell  
Interim Manager/Village Clerk



# Josephine-Louise Public Library

Scofield Street  
Walden, New York 12586  
(914) 778-7621

Leslie Myers  
Josephine-Louise Public Library  
March 10, 1997

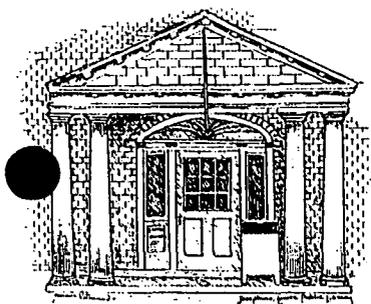
Village Board of Trustees  
Walden, N. Y.

Dear Drew;

I have just received the draft of the board meeting of February 25, 1997 and there are several items that need clarification and further discussion. I have called Nancy Mitchell asking her to convey to you my request for a meeting.

I notified Nancy and Dean that I would be at a conference the week of February 24<sup>th</sup>. I was not informed that items concerning the library were to be on the February 25<sup>th</sup> board meeting agenda, nor were the items discussed with me. There was either miscommunication or a misunderstanding about the scheduling of the electrical work as described in the minutes.

I had been in contact with Canale in January to schedule cable installation estimates and scheduling for the library computer network. I called Mike Canale February 21<sup>st</sup> to notify him I would be away and would schedule the cable work when I returned. It was at this time that I learned Dean had scheduled the renovation electrical work for Saturday and Monday. I encouraged, and it was agreed that they would proceed with the work in the unoccupied second floor library, but because advance notice was needed for closing the downstairs, that work would be scheduled later, possibly with the cable work. I had a meeting with Sam Liebman on February 13<sup>th</sup>, where it was discussed that all work to the first floor library would be done last; therefore, I was not aware nor was I trying to interfere with work progress. Also during the walk through with Sam (a memo was sent to the village February 18<sup>th</sup>) the community room completion was discussed. In an effort to minimize the length of time that the first floor library would have to be closed, we would vacate the first floor and move, just prior to all the other work being done, including the stairwell and community room. It was my understanding that this was part of the contract. Sam gave me the impression that there would not be a problem with that sequence. I know that sequencing is subject to change and have continually worked with the Village in the past two years to accommodate such changes. It has been known since the beginning of the project that the library will have to be closed during the transition;



# Josephine-Louise Public Library

Scofield Street  
Walden, New York 12586  
(914) 778-7621

however, since we will not have full services on the second floor during this time, I am asking questions and exploring ways to minimize the impact on the public.

Barbara Plato was advised the day before the meeting that the library was on the agenda by Nancy Mitchell. I talked to Barbara before I left and told her that I had called several vendors before leaving and that hopefully nothing would have to be done before I returned. I.e. (delivery of refinished furniture, electrical)

I did not set-up or interfere with the Saturday work schedule. I would have talked to Dean about anything that had to do with the renovations.

I hope this matter is clarified for the Village Board and the public, because the way it is presented in the minutes is not accurate: my actions and decisions are second party and not reflective of my intentions. It is my request that the following statements in the minutes be revised or that an addendum be added to promote understanding and clarity of the situation:

- The statement that I told Canale that they couldn't do the work until I returned.
- Dean did not "advise" me that it was the second floor of the new section.
- That I set-up the Saturday work schedule which constituted "delays"

In the minutes you stated that you would like to discuss the move. This would include the following:

- Moving the books - I received an estimate from Finnegan's who John Kelly and I met with in September. This information was given to the Village and reviewed with Nancy on February 14th. The library staff will be responsible for shelving the books according to schematic flow drawings.
- The downstairs shelving needs to be disassembled and reassembled for the carpet installations
- The moving of supplies, furniture and equipment

I am available to meet with you at your convenience. Please if you have any questions, like the situation described above, I would appreciate the opportunity to discuss it with you or a member of the board.

Sincerely,

Leslie Myers Library Director

**RESOLUTION NO. 17-96-97**

**SURPLUSING EQUIPMENT**

**WHEREAS**, from time to time the village accumulates pieces of equipment that is no longer in use by the village departments, and

**WHEREAS**, New York State Law required that it is necessary for the governing body to declare the equipment surplus and no longer of any value to the village.

**NOW, THEREFORE, BE IT RESOLVED** by the Village of Walden Board of Trustees that it does hereby declare the following pieces of equipment surplus and no longer needed for village use:

Typewriters: Panasonic - Serial No. 50004A19262  
Olympia - Serial No. P280689883  
IBM - Serial No. 3879537  
IBM - Serial No. 275490  
IBM - Serial No. 2441172  
IBM - Serial No. 2288850

- |                               |                                   |
|-------------------------------|-----------------------------------|
| (1) Electric Metal Saw        | (1) 1 Ton Floor Jack              |
| (2) 10' Tenco Poly Plows      | (1) Sewer Rodder - min bid \$800  |
| (1) 8 hp Snow Blower          | (1) John Deere 10 HP Riding Mower |
| (2) gas pumps                 |                                   |
| (1) 5-7 yd Crysteel Dump Body |                                   |

	Minimum Bid
1984 Chev ½ ton Dump Truck	None
1984 Chev 1 ton Dump Truck	\$1,500
1982 GMC 6000 Dump with Pony Motor Sander	\$3,000
1986 Chev Celebrity	\$1,500
1984 JCB 3-c Backhoe	\$5,000

Motion to adopt by Trustee Wynkoop and seconded by Trustee

Becker. The vote was 6 ayes to 0 nays with 0 abstentions.

The Mayor declared the resolution adopted on February 25, 1997.

RESOLUTION NO. 18-96-97

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 for purchase of library books.

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

LIBRARY

DECREASE	AMOUNT	AMENDED TOTAL
7410.100-L Library Personal Service	\$2,000.00	\$33,177.70
INCREASE		
7410.410-L Library Books	\$2,000.00	\$ 2,002.33

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 February 25, 1997.

FEBRUARY BILL LIST - FEBRUARY 25, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-927	AMTHOR'S WELDING	45.20
A-928	AMTHOR'S WELDING	92.06
A-929	AKZO NOBEL SALT, INC.	8,255.00
A-930	AWESO	172.42
A-931	CALVET TOOL RENTAL	140.00
A-932	COMMISSIONER OF FINANCE	16.00
A-933	COUNTRY HARDWARE	39.59
A-934	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	681.25
A-935	WALDEN PLUMBING & HEATING	140.00
A-936	ENVIROMENTAL PAPER TOWEL SERVICE	110.40
A-937	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	776.54
A-938	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	815.25
A-939	GEORGE'S AUTO PARTS	64.11
A-940	GEORGE'S AUTO PARTS	183.60
A-941	GEORGE'S AUTO PARTS	77.95
A-942	GEORGE'S AUTO PARTS	258.06
A-943	HUDSON VALLEY AWARDS	60.00
A-944	IRA D CONKLIN & SONS	150.00
A-945	JIM SMITH CHEVY	29.15
A-946	PITNEY BOWES	241.00
A-947	QUILL CORP.	901.03
A-948	ROGO FASTENER CO., INC.	24.65
A-949	THRUWAY SHOPPING CENTER	24.90
A-950	TIMES HERALD RECORD	56.00
A-951	TOOL FACTORY	225.00
A-952	WALDEN AUTO SUPPLY	31.41
A-953	WALDEN AUTO SUPPLY	62.96
A-954	WEINERT T. SHIRTS, INC.	155.00
A-955	INSIGHT DIRECT	2,681.95
A-956	MID HUDSON COMMUNICATIONS	256.50
A-957	MID HUDSON COMMUNICATIONS	182.49
A-958	MID HUDSON OFFICE SUPPLY	24.95
A-959	CHARLES MERRILL OFFICE EQUIP.	465.75
A-960	THRUWAY SHOPPING CENTER	202.90
A-961	WARNOCK FLEET/LEASING	20,375.00
A-962	HOWLAND JOHN	27.45
A-963	ELECTRO-TERM	45.72
A-964	NYCOMCO	75.00
A-965	JACKIE PFLEGER	56.40
A-966	DATABASE TECHNOLOGIES, INC	14.00
A-967	I A C P MEMBERSHIP APPLICATION	100.00
A-968	NYCAL INDUSTRIES	52.35
A-969	THRUWAY SHOPPING CENTER	109.95
		<hr/>
		38,498.94

FEBRUARY BILL LIST -- FEBRUARY 25, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-121	DUSO CHEMICAL	371.80
F-122	NEWBURGH WINWATER	22.50
F-123	NEWBURGH WINWATER	15.00
F-124	NEWBURGH WINWATER	115.00
		<u>524.30</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-108	ENVIROTEST LABORATORIES, INC.	535.00
G-109	NEWBURGH WINWATER	90.00
G-110	SHARE CORP	92.76
		<u>717.76</u>

GAINER-WILBUR CONSULTING ENGINEERS	T & A	58.50
CAPITAL ACCOUNT # 82	AMERICAN ALARM	955.00
CAPITAL ACCOUNT #91	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	105.00
CAPITAL ACCOUNT #82	LIEBMAN - HURWITZ	1,000.00
CAPITAL ACCOUNT #88	GAINER-WILBUR CONSULTING ENGINEERS	637.84
COMM DEV	GRAPHIC DETAIL SIGN WOOSTER GROVE	700.00
COMM DEV	CONSTRUCTION SANFORD WELCH SIGN WOOSTER GROVE	1,500.00
SMALL CITIES 94	CHESSARI CONSTRUCTION 65 MAPLE ST	6,610.00
COMM DEV 93	KERRON BARNES ASSOC.	210.00
COMM DEV 94	KERRON BARNES ASSOC.	120.00
COMM DEV 95	KERRON BARNES ASSOC.	1,380.00
UDAG	KERRON BARNES ASSOC.	950.00
RENT VILLAGE OFFICE	CL & EJ GRIDLEY	971.48

FEBRUARY BILL LIST - FEBRUARY 25, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AGWAY PETROLEUM	453.08
	AGWAY PETROLEUM	547.64
	AGWAY PETROLEUM	270.57
	BELL ATLANTIC NYNEX	55.64
	COASTAL REFINING & MARKETING, INC.	1,010.19
	COASTAL REFINING & MARKETING, INC.	1,130.46
	CL & EJ GRIDLEY	971.48
	FRONTIER COMMUNICATIONS	336.00
	FRONTIER COMMUNICATIONS	97.55
	FRONTIER COMMUNICATIONS	221.78
	FRONTIER COMMUNICATIONS	357.71
	FRONTIER COMMUNICATIONS	191.04
	NYSEG	3,438.47
	NYSEG	133.35
	NYSEG	5,739.19
	NYNEX	72.13
	PETTY CASH	3.08
	PETTY CASH	25.27
	WAREX	775.77
	WAREX	916.82
	AT & T	19.25
	POSTMASTER	600.00
		<u>17,366.47</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	874.69
	COASTAL REFINING & MARKETING, INC.	153.21
	FRONTIER COMMUNICATIONS	84.09
	FRONTIER COMMUNICATIONS	109.23
	NYSEG	193.51
	NYSEG	3,158.80
	POSTMASTER	79.60
		<u>4,653.13</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	45.29
	FRONTIER COMMUNICATIONS	50.20
	FRONTIER COMMUNICATIONS	8.50
	NYSEG	6,126.87
	NYSEG	218.90
	POSTMASTER	79.60
		<u>6,529.36</u>

## NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, February 11<sup>th</sup>, 1997 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 Presentation to Sam Liebman
    - A.2 Resolution No. 16-96-97, Budget Transfer
    - A.3 Resolution No. 17-96-97, Surplusing Equipment
    - A.4 Payment of Audited Bills for February 11<sup>th</sup>, 1997
  - B. DISCUSSION ITEMS
    - B.1 Walden Estates - Street Lights
    - B.2 Wooster Building - Zone Change
    - B.3 Municipal Building Update
    - B.4 Executive Sessions
  - C. INFORMATIONAL ITEMS
  - D. CORRESPONDENCE
    - D.1 Marc Hart, Code Enforcement Officer's Resignation
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

**APPROVED**

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
FEBRUARY 11, 1997**

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: Nancy Mitchell, Interim Manager  
Kevin Dowd, Village Attorney

**APPROVAL OF MINUTES**

Trustee Ryan moved to adopt the minutes of January 28<sup>th</sup> and February 6<sup>th</sup>, 1997 with the following corrections to the January 28<sup>th</sup> minutes, page 4, eighth paragraph, change natural to actual in the second sentence and in the eighth sentence omit through inventory. Seconded by Trustee Ozman. All ayes with the exception of Trustee Besdesky abstaining from the January 28<sup>th</sup> minutes. Motion carried.

**PRESENTATION**

Mayor Uszenski presented a plaque to Sam Liebman for his many years of service on the Zoning Board of Appeals.

**RESOLUTION NO. 16-96-97, BUDGET TRANSFER**

Mayor Uszenski stated that this budget transfer is to purchase a new police car. There was money left over in the retirement account, so they will be able to purchase a police car without effecting the new budget.

Chief Holmes stated that his department has five patrol cars. Three years ago it was suggested to go with a rotation of the cars. The one year the one car went to the village manager until he got his car. At this point they will be replacing the 1991, which has 99,000 miles on it. The two 1993's have 79,000 and 77,000 and the 1994 has 23,000 and the car he uses now has \$21,000. With the purchase of the new car, under state bid price, a Ford Crown Victoria, it will remain unmarked and they will

continue the rotation. They try to give each car an eight hour time frame of down time. The state bid price is \$20,400.

Mayor Uszenski stated that Car No. 5 was coming out of service and the building inspector will be using it.

Trustee Ryan asked about the radio for the new car.

Chief Holmes stated that he budgeted for that, they will be leasing the radio, \$45.00 per month.

Trustee Ryan asked if the rest of the things he needs for the car comes off of an existing police car?

Chief Holmes stated yes. The labor will cost \$100.00.

Trustee Besdesky moved to adopt Resolution No. 16-96-97, Budget Transfer, (attached). Seconded by Trustee McGuckin. All ayes. Motion carried.

#### **RESOLUTION NO. 17-96-97, SURPLUSING EQUIPMENT**

Trustee Ozman stated that he would like to look at the back hoe and see what kind of repairs would be needed to be a back up unit.

This was tabled until a report is received regarding the condition of the back hoe and also until minimum bid figures are received.

#### **AUDITED BILLS**

Trustee Ozman moved to pay the audited bills of February 11, 1997. Seconded by Trustee Forman.

Trustee Ryan stated that there was a bill for oil for an emergency fill at the garage. He would like the village manager to research this to see if the village would be eligible for a rebate for moneys above state bid. It was \$.30 a gallon more.

Mayor Uszenski asked the board members to get in over the weekend to audit the bills, instead of waiting until Tuesday night.

All ayes. Motion carried.

#### **WALDEN ESTATES STREET LIGHTS**

Mayor Uszenski stated that there is a problem with two street lights that are out at the entrance to Walden Estates, due to wiring not installed correctly. He asked who was responsible to do the inspection before covering it up.

Mr. Dowd stated that he doesn't believe the engineer inspects the installation of the lights, that would be NYSE&G. The developer did not install the wiring according to the specifications that would make the lights work on a consistent basis. The cost will be on the developer. There is \$63,000 left in the bond.

Mayor Uszenski stated that the low bid was \$4,200 from ADCO. NYSE&G bid \$8,000 which would include the sand and blacktop and \$5,000 with the village providing the sand and blacktop.

Trustee Ozman asked if the village could speak to the contractor and have the contractor give the village a determination as to whether or not he feels this condition permeates the development. They don't go into detail as to what caused the problem. He is concerned that after its dedicated that we could be faced with digging up other areas.

Mr. Dowd stated that the village has already taken the streets over. Its his understanding that it is bad wiring. Originally it was determined that it was outside the right of way, but that was determined that is not correct, its inside the right of way.

Trustee McGuckin asked if this problem was going to continue throughout the development?

Mr. Dowd stated that they don't suspect that is the problem. There hasn't been any problems with the other lights and they have been running the same time.

Trustee Ozman stated that he would like to see the contractor come in and do the job from start to finish including the restoration. If the contractor isn't satisfied or feels that it is too costly the contractor still has the opportunity to do the job himself.

Trustee Ryan moved to accept the proposal from NYSE&G to repair the street lights at Walden Estates for \$8,000 and that a letter go to the developer with a time frame of not more than thirty days to respond and another thirty days to correct. Seconded by Trustee Ozman. All ayes. Motion carried.

#### **WOOSTER BUILDING - ZONE CHANGE**

Mayor Uszenski stated that the board has had a couple special meetings and an attorney client understanding of what is going on. We are now waiting for a response from Saccardi and Schiff.

Mr. Dowd stated that the board will have something from Saccardi and Schiff before the next board meeting. He had an extensive phone conversation with Mr. Smith about the process and when they can get their work to the board. Village staff is conducting the parking lot survey and Saccardi and Schiff will put out their documentation on parking from prior studies and try to do an analysis.

Trustee Wynkoop asked if the village could contact HUD and inform them that the village is considering a variance?

Mr. Dowd stated that the village had sixty days to apply for an amendment. If we are going for a zoning amendment as opposed to a grant amendment then all we have to do is set the conditions of the grant itself.

Mr. Barnes stated that the village asked for a sixty day extension of the time to meet the grant conditions that were imposed. The village has not had a response to that request. If the village is going ahead with the zoning amendment to permit twenty four units on that site then we don't have to do anything to amend the 1996 grant. He thinks the village should write another letter and indicate which direction the village is going. At the same time the village could work on the four items they asked for. At this point we do need additional time.

Trustee Ozman asked if the village can consider the loan terms and the terms of the parking area, while they are considering the amendment of the zoning law? At some point if the board sees fit to grant the zone change the interest rate and repayment schedule and term so usage of the lot will have to be considered and he would rather do them in the same process rather than at the end. He thinks it was the consensus of the board that it would be a low interest loan to the applicant at a rate to be determined. So they need to determine the rate and amount of repayment.

Trustee Ryan asked Mr. Barnes if he's made loans to other profit venturing businesses, and could he give the board a breakdown of what the current interest rates are that are out there now.

Mr. Barnes stated that when he lends rehab moneys to corporations or people who are in business for operating rental housing, the rate varies from zero to three percent depending on the income of the owner. If its a corporation it automatically 3%. If its people who own a few rental properties its a sliding scale.

Mayor Uszenski stated that the finance committee should set a date to meet.

Mr. Cappello stated that he will contact Mr. Alcott from CPC and arrange for a meeting.

Mayor Uszenski stated that he's heard that as a lot of applicants come before the planning board who are near the municipal parking lots, everyone is picking one or two spots in lieu of parking on their property and he's heard that this is beginning to be a problem.

Mr. Plato stated that if you look at each project individually its not a problem, but when you combined them all, there is a problem. There's just not enough parking on site.

## **MUNICIPAL BUILDING UPDATE**

Interim Manager Nancy Mitchell stated that the police department has completed their move and the floors on the second and third floors will be prepped tomorrow with carpeting being laid by the end of the week. There is an estimate from Canale Election for additional outlets in the library for \$1,740. There are two other proposals to finish the two way window in the police station and the window in the treasurers office, Dan Vassello for \$300.00 and Ray Cox, \$750.00.

Craig Maslik volunteered to do the two way mirror in the police department which he had started when he was clerk of the works.

Trustee Ryan stated that a new proposal will have to be gotten for the treasurers window.

Trustee Ryan moved to approve the proposal from Canale for \$1,740.00 to be paid out of Capital Account 82. Seconded by Trustee Wynkoop. All ayes. Motion carried.

The interim manager reported that the asbestos people will be here February 24<sup>th</sup>.

Trustee Ryan suggested the plaques be mounted over the dispatchers area. They can be mounted high, and its a masonry wall with metal stud backing for good anchoring.

## **EXECUTIVE SESSIONS**

Mayor Uszenski stated that after last meetings executive session a request by Mr. Rahm by the next morning everyone knew what was discussed. What is discussed during executive session is privileged information. He suggested that anytime someone from the public wants to meet with the board in executive session that they put it in writing with one weeks notice.

Trustee Wynkoop moved that all executive session requests be in writing to the mayor or village manager with one weeks notice in advance. Seconded by Trustee Ozman. All ayes. Motion carried.

## **DIVISION FOR YOUTH TEEN CENTER**

John Howland stated that last week he advised the manager and mayor that the Division for Youth called him on Monday and said they would like to see the site for the teen center. He gave the report to the board that came as a result of the visit. Some things have changed. What has happened is some things have been scaled down. The building is now down to 4000 square feet. Everything is the same as discussed before. The building will be a prefabricated metal structure with insulated metal panels with a ribbed roof. The aesthetics could be taken care of by color. It will include bathrooms and heat.

Trustee McGuckin asked if this building will allow for a full court basketball court?

Mr. Howland stated no. He would have to get recommendations on how to pair it down.

Trustee Ozman asked what additional square footage would they need.

Mr. Howland stated that with the 400 square feet you would be at the wall and you can't do that.

Trustee Ozman asked if the village would want to explore making this a full size court, if it would mean another one or two hundred feet of interior space.

Mr. Howland stated that they said that if you want to add something to the building you can after the project is done.

Trustee Forman asked what type of floor would be there?

Mr. Howland stated that it would be composition. The grant is only for construction, not for rehabbing. The Office of General Services will administer the whole thing. These people have come down because they want to get this started. At the present the part of the state budget for 97-98, Aid to Localities, there is nothing for these youth opportunity centers. It's possible to lose this again.

Trustee Ozman asked that Mr. Howland meet with him tomorrow and they can draft a letter and send it out. He also suggested this be put on the agenda for the next board meeting.

## **RESIGNATION OF CODE ENFORCEMENT OFFICER**

Mayor Uszenski advised the board that Marc Hart, Code Enforcement Officer resigned effective February 6, 1997. He further suggested that replacing this employee wait until the new manager is in place

## **CORRESPONDENCE**

Mayor Uszenski stated that a letter was received from Jeff Sohns regarding 11-17 Main Street.

A letter was also received from Walden Savings Bank regarding the condition of the sidewalks on Bank Street.

## **PUBLIC PORTION**

Larry Sager, 78 Orchard Street asked when the board had a work session on the code of Mr. Jacobowitz wrote for the village?

Mayor Uszenski stated that it was an attorney client conference.

Mr. Sager stated that he asked at the last meeting for the board to look at the HUD program to see why it was written?

Mayor Uszenski stated that the village applied to HUD.

Mr. Sager stated that he understands the answer, it was never looked into.

Becky Pearson, 167 Walnut Street asked about the teen center, is it at Woosters Grove?

Mayor Uszenski stated yes.

Mrs. Pearson asked what will happen to the building that is already there?

Trustee McGuckin stated that it will be attached to the new building.

Mrs. Pearson asked how many teens use that building now?

Mayor Uszenski stated that it varies, 10, 15 to 20 on the weekends. Its only open on the weekends.

Mrs. Pearson asked what the new part is going to be used for?

Mayor Uszenski stated basketball, movies, dances and any other types of indoor sport.

Trustee Ozman stated that the reason Woosters Grove was chosen is because there will be someone there monitoring the programs and the cost will be less because there is someone there already.

Mrs. Pearson asked how much the grant was for?

Mr. Howland stated \$392,000.

Mrs. Pearson asked if there will be enough parking down there?

Mayor Uszenski stated that the village just spent \$16,000 enlarging the park there.

Trustee McGuckin stated that was part of the agreement, a traffic pattern had to be set up in order for the state to grant the money.

Mrs. Pearson stated that the building is only open on weekends and when this is built will it only be open on weekends?

Mayor Uszenski stated that will be up to the recreation department.

Mr. Plato stated that the grant is \$392,000 and the building is 4,000 square feet, so its \$100 a square foot. That is a lot for that type of building.

Mayor Uszenski stated that the state is doing everything. We have nothing to do with it.

Greg Raymondo, 200 Orange Avenue asked if the village had any idea when the building will be built?

Mayor Uszenski stated no.

Mr. Raymondo asked if the village knows if it will even be built?

Mayor Uszenski stated no.

Trustee McGuckin stated that the village is a lot more comfortable with this now.

Keith Millspaugh stated that he would like to ask a few questions about the Wooster Building. Trustee Ozman posed a question to John Howland about what can be done to speed up this youth center so the grant isn't lost. There seems to be a tremendous concern for that. He sees a tremendous

deadline coming down for the Wooster Building and he doesn't see the same concern. What he sees are two points that are being considered and since they haven't been privy to some of these meetings, would like to know if he's correct, one is the zone change for the height and one is for parking.

Mr. Dowd stated that the main thing is to allow a use that allows twenty four units over first floor commercial.

Mr. Millspaugh asked if sixteen were approved?

Mr. Dowd stated under a variance.

Mr. Millspaugh stated that under a variance, but the main issue that hasn't been approved is to go to twenty four units, is to add parking for the eight additional units.

Mr. Dowd stated that's only one of the issues, the actual allowing another eight units, that is part of a senior development. There's also one question you raise the height of the building to 45/50 feet you can provide the parking, but if you don't allow the use of twenty four units by a zoning amendment you have to go back for another variance from the zoning board for the additional eight units.

Mr. Millspaugh asked, what does it take to get all that going? While your waiting for all the information from Saccardi and Schiff. Based on these two points, that he mentioned, the height and the parking he sees the master plan lowered the height from fifty feet to thirty five feet, who here was on that board then and what questions were asked to Saccardi and Schiff on why it was going to that height back then and why is it such a struggle to see it go back if no questions were asked back then?

Trustee Ozman asked Stan Plato, Chairman of the Planning Board, to help them out with the answer.

Mr. Plato stated that the planning board had no real input in the master plan. There was a member that was part of the master plan.

Mr. Dowd stated it was for aesthetic reasons.

Trustee Ozman stated that there is a comprehensive master plan that was due and it is on file at the village office. He offered to meet with Mr. Millspaugh and go through the documents.

Mr. Millspaugh stated that his point is more directed to the board responsibilities that if this is one of the things the village has asked Saccardi and Schiff to analyze, why hasn't it been analyzed by the board before this? Why are we depending on an outside firm who has already given reasons back in 1993 that the village hasn't gone back and researched to see what the exact reasons were, if this is one of the things holding up the application? Is he wrong in saying these are the two main issues that went to Saccardi and Schiff or are all these zoning things?

Mr. Dowd stated that all the zoning issues went to Saccardi and Schiff.

Mayor Uszenski stated that including the general idea of a senior housing project, the local law.

Mr. Dowd stated right now there is no use considered a senior housing development that is permitted in the B-3 zone. So, if they wanted to increase the number of units, you need a use that is permitted in that zone. That particular unit got a special variance to allow that project to go in at sixteen. The applicant has proposed to allow senior housing development in the entire B-3 zone and the village is asking the planner to review the proposed amendment to the zoning law, to insure this is not a spot zoning situation for one matter and also that it fits within the comprehensive plan of the village for the B-3 district.

Mr. Millspaugh stated that he is confused about that he sees as a lack of cooperation of getting this thing going. He would like to see the board address it more aggressively then put it off on a planner and waiting for that information to come in. If this was approved when did we find out that there was a problem with it, a month ago and why is it taking two more weeks to find out the answers? Right now we have an unsightly problem on Main Street that should be addressed and we're sitting on our hands with the possibility of losing the grant.

Mr. Dowd stated that Mr. Millspaugh could not be any further off the beaten track. This board has gone out of its way to try to keep that grant, to work with the applicant, to try to satisfy HUD's requirements and it was not until just last month that the applicant came back and suggested that the only way this project could be done is to have twenty four units at 11-17 Main Street. They looked at other options with the villages cooperation, everybody was looking together to try to keep the sixteen units as it was and get another project done to get the twenty four to keep the grant. The applicant came back just last month and said that they couldn't do that, economically it wasn't feasible. They then proposed, last month, this zoning amendment that the board is trying to consider. This board has been working very diligently to keep that grant and looking at this particular zoning amendment to prevent passing a law that could be challenged and further hold up this project.

Mr. Millspaugh stated that he was told that from the time the village was aware that the approval went through to sixteen units and the application was at twenty four units that there was a delay in notifying HUD. Wasn't it the villages responsibility to notify them sooner. He believes that was prior to HUD approving the twenty four unit application.

Trustee Wynkoop stated no.

Mr. Cappello stated that HUD approved the grant in September, it was August that the sixteen unit project was approved.

Mayor Uszenski stated that the application went in April.

Mr. Barnes stated that the HUD award written notice was received on October 3<sup>rd</sup>, the letter was dated September 27<sup>th</sup>. The village received verbal notification of the award on September 9<sup>th</sup> from Senator Moynihan's office and on that same day the planning board gave final approval for that project. The actual approval for the sixteen unit project came on the same day that the village received verbal notification of the HUD award. During the HUD review process between April 3<sup>rd</sup> then the application was submitted and the time it was awarded, there was no discussion with HUD about the

application. As soon as the application was approved in writing they were in verbal contract with them regarding the amendment.

Mr. Millspaugh stated that he would like to see the village board communicate with the village a little bit better so they know what is going on.

Trustee Besdesky stated that the paper has been giving an on going account of this. There is no comparison between this project and the one down at Wooster Grove. The board hasn't done one thing to put the project at the grove ahead of this project on Main Street.

Paul Roosa, Walden Community Council stated that they are trying to keep communications open between the government relations committee and the board and they have been receiving the minutes. What has transpired is the phone chain. They are presently proposing to have a meet the candidates night for people that are running for office on February 20<sup>th</sup>.

Mayor Uszenski stated that there is a search committee meeting that night and three people wouldn't be able to attend.

Mr. Roosa stated that they were working towards a curfew, but found out its not worth the aggravation. They did find out that there is already something on the books, Parental Responsibility. This addresses every issue they have concerns with. He asked that this code be looked into. The council would like the law enforced, if it can be, or have it stricken from the books.

Mayor Uszenski stated that this law requires an arrest before you can do anything. There is difficulty with this law.

Chief Holmes stated that from sixteen years old to eighteen years old you're considered an adult as far as the system is concerned. Eight years old to fifteen years old with this code he has some concerns. He can pick up kids that commit crimes. The way the law is written they are violations. So from eight to fifteen there is not too much he can do as far as picking them up to process them. They have to be charged with something under that code.

Mr. Roosa asked if this law can be tailored to make it legal?

Mr. Dowd stated that he doesn't know of any place in this county where a parent has been held responsible for a child's act and its been upheld in court. He believes that when this was enacted in 1990 his senior partner advised the board that there were certain questions of constitutionality that were an issue and the board decided to go ahead and pass it.

Joanne Clifford asked about the new teen center and whether its true that the present center is manned by teens?

Mayor Uszenski stated that there is a part time employee.

Trustee Ozman stated that its not manned all the time by a teen and maybe none of the time.

Mrs. Clifford asked if the new building would need more employees?

Trustee Ozman stated no, but its possible.

Mrs. Clifford asked about the bill for the fuel oil that was delivered on an emergency, isn't that automatic delivery?

Interim Manager Mitchell stated that she thought so, but she will check with Mr. Sweed.

Mrs. Clifford asked if its federal law to have a light on the flag if its flying at night? The flag on the municipal building doesn't have a light.

Mr. Dowd stated that he doesn't know if its a law or just proper etiquette or proper procedure.

Mr. Sager stated that he would like to say publicly that the board has worked diligently towards the effort of trying to secure this grant for Mr. Spanos. When he went to the zoning board he got his approval way before he went to the planning board and as soon as he got his application from the zoning board that kicked in the key to say this grant had to be amended. He went here first and then he went there. He didn't go to the planning board and get sent to the zoning board for the amendment for the variance. He went to the zoning board and then he went to the planning board for the final approval of his plot and the board gave it to him based on what the zoning board gave him. Right there and then he knew he had to get an amendment. Mr. Barnes knew it, you's knew it, everybody should have known. He's against him because he doesn't want to make him a rich man. He doesn't care if he builds the Taj Mahal out there, but he doesn't want to put a penny in Mr. Spanos's pocket with his tax dollars. What if the village didn't have that grant and that building didn't cave in. He bought the hardship. The lady that owned it had the financial trouble that nobody knew about. That was the straw that broke the cow. When is somebody going to wake up? It's not you that's holding it up. He's got to recognize that he didn't go with the project in the first place, the right way it should have went. You're going to put a burden on the people. Do nothing and nobody can do nothing to you then, because you've done all you could for them. Once you step over that line you're going to end up in court. You've been threatened. He's threatened not to do nothing with the building. He wants to be the saver of the village. Then let him do it on his own if he can't accept what the village wants to do for him instead of pushing you around. Stop being intimidated.

Mr. Cappello, 14 Sugartown Rd., New Paltz stated that he's not going to comment to Mr. Sager, he's heard enough. They've submitted financial data to the zoning board and village board and to HUD and to what the tax credits would show the financial return they are going to get is very low. That is why they give grants. If you make too much you don't get the grant. There are a couple of issues of the zoning code he wants to bring to the attention of the board. He submitted a letter to the board hopefully responding to some of the concerns that were raised. He contacted HUD and their definition of elderly is 62. Even if you do amend the zoning to 60, if they receive HUD money their project will have to be 62 years old. That may alleviate some of the concerns on parking. On the issue of what is permitted and what is behind them, if you look at the master plan you will see when it was written there were various developments throughout the downtown area which had more than two dwelling units above first floor commercial. When Related Management was approved for a four story, twenty seven units over first floor commercial they did not need a HUD variance. At that time it

was fifty feet, but they also did not receive any variances regarding uses. It was determined more than two were permitted because the word dwelling units was plural. That interpretation was changed in 1995 by the zoning board. When you talk about spot zoning, the zoning amendment as they wrote it and is being reviewed by Saccardi and Schiff would not only permit this development as a senior development it would make Related Management, which is now a pre existing non conforming use, it would make that a permitted use which would give it greater flexibility if it had to be refinanced or expanded. So there would be two buildings that comply to this code.

Mr. Plato asked Mr. Cappello if he feels the boards have cooperated with him?

Mr. Cappello stated that there have been times when he has felt it and times where he hasn't.

Mr. Plato asked if its been any more grueling than any other application?

Mr. Cappello stated that this one has been. He was very upset with the zoning boards determination which started this.

Joanne Clifford asked that someone look into removing the tree in front of her house this year. Its been four years that she has complained about tree limbs fall off.

Beck Pearson asked how much the village spent on the parking lot at Woosters Grove? She asked if the village did this long before they knew if the building was going in?

Mayor Uszenski stated that the village spent \$16,000 on that parking lot.

Trustee McGuckin stated that the parking lot was done to control traffic around the whole building. It was multi purpose. That was a request from the people that were giving the village the building, that we look into redoing the parking.

Mrs. Pearson stated that the public parking lot on Orchard Street has a time limit. She asked if the village employees park there?

Mayor Uszenski stated that right now the employees have temporary permission until the municipal building is done. Then they will park behind the municipal building.

Mrs. Pearson asked if that will be a street anymore?

Mayor Uszenski stated that it never was a street. You won't be able to drive through anymore.

Mrs. Pearson asked about the parental responsibility law, is the skateboard law the same type of thing, would it just be a violation or is it a real law?

Chief Holmes stated that the law has been enforced in the past two years. When it first came out they were enacting it and they weren't challenged. Skateboarding has dropped off, as the officers see it. Basically they are taking skateboards.

Greg Raymondo stated that when the circus came to the planning board did they specify what type of animals they were going to keep there and was anything said about water animals, seals? They are building tanks for them. That would dry the wells right up. He asked if anyone has been down there to make sure they meet codes with the building, electric and plumbing?

Mayor Uszenski stated that the building inspector does inspections.

Mr. Raymondo stated that if they put water animals down there it will put a strain on our water resources and the sewer.

Mayor Uszenski stated that he will have that checked. Right now that well is shut down because its been found to have contaminants in it.

Mrs. Clifford asked if that affects the swimming hole?

Mayor Uszenski stated no. He further stated that that village is researching this.

Mr. Howland stated that the water for the swimming hole comes from a stream.

Mr. Sager stated that he knows something about the building at Wooster Grove, because he went to Albany. He hopes the village diligently does better then they did before. You're saying the responsibility of a part time employee that's going to be there will be responsible for cleaning?

Mayor Uszenski stated no one said that.

Mr. Sager asked what is going to happen with the 1995 grant amendment?

Mayor Uszenski stated that is waiting until we know what is happening with the 1996 grant.

Mr. Sager stated that you need an amendment to that grant to include him, its in the minutes, Mr. Barnes said that.

Mr. Barnes stated that you would have to amend the 1995 grant because you're doing less units. The site is in the target area.

## **EXECUTIVE SESSION**

Trustee McGuckin made a motion to hold an executive session pursuant to 105-(f), Personnel, Parks and Recreation Coordinator, of the Public Officers Law. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Besdesky moved to amend the previous motion to hold an executive session to include John Thomas of Jacobowitz and Gubits representing John Howland. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Besdesky moved to reconvene the regular meeting. Seconded by Trustee Ozman. All ayes. Meeting reconvened.

Trustee McGuckin moved to adjourn to confer with the Village Attorney. Seconded by Trustee Ozman. All ayes. Motion carried.

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

Trustee Besdesky moved to retain legal counsel for the Village Board and Zoning Board to appeal the building inspectors decision on 50 Pleasant Avenue. Seconded by Trustee Ozman. On roll call Trustees Ozman and Besdesky voted yes, Trustees McGuckin, Forman and Wynkoop voted no and Trustee Ryan abstained. Motion defeated.

**ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written over a horizontal line.

Nancy Mitchell  
Village Clerk

RESOLUTION NO. 16-96-97  
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 for the purchase of a police vehicle.

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
A9015.800 Fire & Police Retirement	\$20,375.00	\$42,097.00
INCREASE		
A3120.210 Police Car	\$20,375.00	\$20,375.00

Motion to adopt by Trustee Besdesky and seconded by Trustee

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

The Mayor declared the resolution adopted on February 11, 1997.

**NYSEG**

December 26, 1996

Village of Walden  
Att: Mr. Walter Sweed  
8 Schofield Street  
Walden, N.Y. 12586

Dear Mr. Sweed:

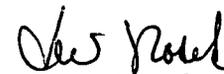
We have prepared two estimates of cost to replace the street light wire at Streamside Estates.

In estimate one we have included all of the work to dig the trench (approximately 380 feet), replace the wire, and provide all restoration including sand and blacktop for approximately \$8000.00.

The second estimate includes all trenching and wire costs with the Village providing the sand and blacktop for approximately \$5000.00.

Please review these costs and notify us of your decision. If you have any further questions please contact me at Ext. 378.

Very truly yours,



J.W. Nosek  
Supervising Technician

JWN:jcs

CC: DWR/File

An Equal Opportunity Employer

New York State Electric & Gas Corporation 84 Wierk Avenue, P.O. Box 149, Liberty, New York 12754-0149 (914) 292-2434 1-800-225-7026

FEBRUARY BILL LIST - FEBRUARY 11, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-864	ANACONDA KAYE	129.60
A-865	CHERRY TIRE SERVICE	49.95
A-866	CHAMPION SUPPLIES	687.00
A-867	CHEMUNG SUPPLY	921.50
A-868	AIR PRODUCTS & CHEMICALS, INC	14.25
A-869	AL VALK'S	178.94
A-870	AUTOMOTIVE BRAKE CO.OF NEWBURGH	16.94
A-871	COUNTRY HARDWARE	39.59
A-872	COUNTRY HARDWARE	29.82
A-873	COUNTRY HARDWARE	225.62
A-874	COUNTRY HARDWARE	185.11
A-875	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C	3,333.33
A-876	ENVIRONMENTAL PAPER TOWEL SERVICE	150.30
A-877	GEORGE'S AUTO PARTS	74.80
A-878	GEORGE'S AUTO PARTS	130.15
A-879	GEORGE'S AUTO PARTS	28.69
A-880	HAIGHT FIRE EQUIPMENT	30.00
S-881	IIMC	80.00-
A-882	J-S SERVICENTER	87.30
A-883	LOOSELEAF LAW	38.85
A-884	MID HUDSON OFFICE SUPPLY	318.00
A-885	MITCHELL NANCY	175.00
A-886	NYS MAGISTRATES ASSOCIATION	40.00
A-887	NYS MAGISTRATES ASSOCIATION	50.00
A-888	NYCOMCO	1,375.00
A-889	NORTHSTAR JANITORIAL	141.85
A-890	ORANGE CO MAGISTRATES ASSOCIATION	60.00
A-891	RALPH G HERMAN	482.45
A-892	RALPH DEPEW PLUMBING & HEATING	164.47
A-893	RISK MANAGEMENT DIVISION	6.00
A-894	RISK MANAGEMENT DIVISION	41,769.00
A-895	SONNY'S WALDEN VALLEY DINER	78.70
A-896	SAM'S SERVICE STATION	165.00
A-897	WALTER P SWEED SR	79.99
A-898	TIMES HERALD RECORD	33.84
A-899	WALDEN AUTO SUPPLY	26.98
A-900	WALDEN AUTO SUPPLY	49.99
A-901	WALDEN PLUMBING & HEATING	168.10
A-902	AMTHOR'S WELDING	129.96
A-903	ACE FINGERPRINT EQUIPMENT	78.05
A-904	BARTON CHEVY	52.66
A-905	CAPITOL - HIGHWAY MATERIALS	234.00
A-906	MID HUDSON COMMUNICATIONS	132.40

FEBRUARY BILL LIST -- FEBRUARY 11, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-907	MENTAL HEALTH ASSOCIATION	105.90
A-908	WICKES LUMBER	271.60
A-909	PAGE NY	25.00
A-910	SANWA LEASING CORP.	135.00
A-911	SAIRRINO ANDY	115.86
A-912	SLATER'S	18.50
A-913	STOP OIL, INC	330.00
A-914	OR CO. SANITARY LANDFILL	319.80
A-915	THRUWAY MARKET	688.98 -
A-916	WALLKILL VALLEY TIMES	3.08 -
A-917	ANNESE & ASSOCIATES, INC.	223.04
A-918	VINCENT TOOMEY	5,041.59
A-919	BROWING FERRIS INDUSTRIES	65.00
A-920	ELECTRO-TERM, INC	113.37
A-921	CHERRY TIRE SERVICE, INC	49.95
A-922	WALDEN HUMANE SOCIETY	14.50
A-923	SHAWN BARRY	347.57
A-924	DAN THE TREE MAN	1,650.00
A-925	WALOR AUTO BODY & GLASS	2,204.07
		<u>63,965.99</u>

FEBRUARY BILL LIST - FEBRUARY 11, 1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-111	ADCO ELECTRIC	3,762.90
F-112	COUNTRY HARDWARE	72.01
F-113	COUNTRY HARDWARE	159.46
F-114	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-115	ORANGE COUNTY LAB	120.00
F-116	PAGE NY	6.75
F-117	RAMSCO	600.00
F-118	RAMSCO	411.40
F-119	PRINTABLE SERVICE	332.78
F-120	NY RURAL WATER ASSOC.	160.00
		<u>6,041.97</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-100	COUNTRY HARDWARE	59.21
G-101	COUNTRY HARDWARE	19.59
G-102	COUNTRY HARDWARE	196.25
G-103	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-104	ISCO, INC	92.28
G-105	SHORTELL JAMES	31.32
G-106	PRINTABLE SERVICES	332.79
G-107	NY RURAL WATER ASSOC.	160.00
		<u>1,308.11</u>

FEBRUARY BILL LIST - FEBRUARY 11, 1997

CAPITAL ACCOUNTS # 82

CAPITAL ACCOUNT #82	AMERICAN ALARM CO. INC.	4,584.00
CAPITAL ACCOUNT #82	A A SHTO FREQUENCY COORDINATION	50.00
CAPITAL ACCOUNT #82	INMAC	2,425.41
CAPITAL ACCOUNT #82	INMAC	699.65
CAPITAL ACCOUNT #82	MASTER LOCKSHOP	284.00
CAPITAL ACCOUNT #82	NEW YORK COMMUNICATION	440.00
CAPITAL ACCOUNT #82	SWAN SHADE	550.00
CAPITAL ACCOUNT #82	LIEBMAN - HURWITZ	1,000.00
CAPITAL ACCOUNT #37	GROSSO MATERIALS, INC.	920.43
CAPITAL ACCOUNT #82	NYSEG	1.20

COMMUNITY DEV            DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.            225.00

SMALL CITIES 94            RAY COX CONTRACTING            5,525.00

FEBRUARY BILL LIST - FEBRUARY 11, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	BELL ATLANTIC NYNEX	55.64
	COASTAL REFINING & MARKETING, INC.	1,130.46
	COASTAL REFINING & MARKETING, INC.	153.21
	AGWAY PETROLEUM CORPORATION	270.57
	AGWAY PETROLEUM CORPORATION	453.08
	NYNEX	72.13
	NYSEG	3,438.47
	NYNEG	5,739.19
	PETTY CASH	3.08
	PETTY CASH	25.27
	WAREX	775.77
		<u>12,116.87</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	874.69
	NYSEG	3,158.80
		<u>4,033.49</u>

## NOTICE OF MEETING

***PLEASE TAKE NOTICE*** that the Village of Walden Board of Trustees, Planning Board and Zoning Board of Appeals will hold a special meeting on Thursday, February 6, 1997 at 8:30 PM at the Village Offices, 8 Scofield Street, Walden, New York.

## AGENDA

1. 11-17 Main Street - Zoning

**APPROVED**

VILLAGE OF WALDEN  
BOARD OF TRUSTEES, PLANNING BOARD AND ZONING BOARD JOINT MEETING  
FEBRUARY 6, 1997

Mayor Andrew Uszenski called the joint meeting of the Village of Walden Board of Trustees, Planning Board and Zoning Board of Appeals to order at 8:55 PM.

On roll call the following were:

Present:	<u>Board of Trustees</u>	<u>Planning Board</u>	<u>Zoning Board</u>
Mayor	Andrew Uszenski	Chairman Stan Plato	Chairman Jay Wilkins
Trustees	John McGuckin	Members Jose DeJesus	Eric Kastberg
	Martin Besdesky	Ed Leonard	Patsy Iorlano
	Raynard Ozman	Deborah Leverock	Richard Hurd
	Chris Forman		Tom Sibley
	Roy Wynkoop		
	John Ryan		

Also Present: Nancy Mitchell, Interim Manager  
Kevin Dowd, Attorney  
Dean Stickles, Building Inspector

**11-17 MAIN STREET - WOOSTER BUILDING**

Mayor Uszenski announced to everyone that this is not going to be an open meeting.

Trustee Ozman moved to adjourn the meeting for the purposes of conferring with legal council regarding the proposed Luxembourg Limited zoning amendment. Seconded by Trustee McGuckin.

Mr. Jacobowitz expressed his protest about this executive session. He stated its not appropriate, there is no legal issue here, at this point its legislative policy and that having this meeting is improper under these circumstances and you're not giving the applicant and the public the opportunity to participate in this very important thing that effects the welfare of the village for many, many years. He thinks its very misdirected energy for the board to proceed in this manner. Further, the Zoning Board has nothing to do with this matter. They are a judicial body and you are now tainting them by making them participate in the discussion of perspective legislation for matters that come before them on applications from property owners. You are now tainting them by making them part of the legislative process, which is not their responsibility. The board has council and council knows what the law is and he should advise the board that the zoning board is not a participant in this matter at this stage. They are being tainted and that will effect the due process rights of this applicant and many applicants in the future who are going to come before this board. He thinks a very big mistake is being made to create a confrontational setting for this kind of project. We need dialogue and exchange of ideas, not

issues involved in this zoning amendment application and in this project in particular. The board does have the right to consult in private with your council and that is what the motion is for.

Mr. Jacobowitz stated that he disagrees with the council on this. Legal advise isn't necessary from the Zoning Board. There is no application pending before the zoning board on which they need any advise and for them to be introduced into this meeting to participate is an offense to their independence and its an unnecessary intrusion on their ability to maintain a fair and impartial position, when and if any of these matters come up before them. There is nothing that needs legal advise to the zoning board on this application. And there is nothing you all need legal advise about, because at this point they haven't heard from the village what they don't like about the substance. We don't even get past the substance and we're into legal technicalities and mumble, jumble. They are sitting here and they still don't know what it is the board likes or doesn't like about the proposed project as reflected in the ordinance they gave the board.

All ayes. Motion carried.

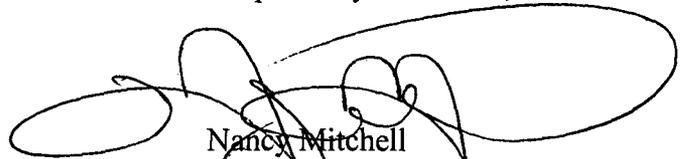
Trustee McGuckin moved to reconvene the special meeting. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Besdesky moved to retain Saccardi and Schiff to prepare a review of the proposed Senior Citizen development amendment to the Village of Walden Zoning Ordinance and to do a traffic study on the Maple Street parking lot. Seconded by Trustee McGuckin. All ayes. Motion carried.

#### **ADJOURNMENT**

Trustee McGuckin moved to adjourn. Seconded by Trustee Forman. All ayes. Meeting was adjourned at 10:50 PM.

Respectfully submitted,



Nancy Mitchell  
Interim Village Manager/Village Clerk

# NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, January 28th, 1997 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. 13-96-97, Designating Place and Time of Annual Election
    - A.2 Public Hearing 7:45 PM - Introductory Local Law I-1 of 1997, "Snow and Ice Removal"
    - A.3 Payment of Audited Bills for January 28<sup>th</sup>, 1997
  - B. DISCUSSION ITEMS
    - B.1 Village Offices Lease Expiration
    - B.2 Wooster Building - Zone Change
  - C. INFORMATIONAL ITEMS
  - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

**APPROVED**

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
JANUARY 28<sup>TH</sup>, 1997**

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  
Roy Wynkoop

Absent: Trustee Martin Besdesky

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

**MOMENT OF SILENCE**

Mayor Uszenski declared a moment a silence be observed in memory of Trustee Besdesky's wife Bette.

**APPROVAL OF MINUTES**

Trustee Forman moved to adopt the minutes of January 14<sup>th</sup> and 21<sup>st</sup>, 1997 with the following correction to the January 14<sup>th</sup> minutes, page 3, seventh paragraph, omit the words be stained and add the word, stay. Seconded by Trustee McGuckin. All ayes. Motion carried.

**RESOLUTION NO. 13-96-97, DESIGNATING PLACE AND TIME OF ANNUAL ELECTION**

Trustee Forman moved to adopt Resolution No. 13-96-97, Designating Place and Time of Annual Election, (attached). Seconded by Trustee Wynkoop. All ayes. Motion carried.

**AUDITED BILLS**

Trustee Ozman moved to pay the audited bills of January 28<sup>th</sup>, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

**RESOLUTION NO. 14-96-97, LIBRARY BUDGET TRANSFER**

Trustee Ryan moved to adopt Resolution No. 14-96-97, Library Budget Transfer, (attached). Seconded by Trustee McGuckin. All ayes. Motion carried.

### **AMERICAN ALARM LEASE**

Mayor Uszenski stated that this is an agreement which is part of the security of the new police department and municipal building. The attorney is still in the process of negotiating some of the terms.

Trustee Ozman moved to authorize the interim manager sign the lease with American Alarm pending further review by the village attorney. Seconded by Trustee McGuckin. All ayes. Motion carried.

### **EXTENDING THE VILLAGE OFFICES LEASE**

Mayor Uszenski stated that the village office space lease expires on March 31<sup>st</sup>, 1997 and the Gridley's are willing to extend that until June 30<sup>th</sup> at which time they have a perspective tenant. Things are moving along with the municipal building. The police department will be moving in soon.

Trustee Ryan asked if there is a takeover contract yet?

Mr. Dowd stated that he hasn't received anything from Mr. Adler.

Trustee Ryan stated that the only reservation he has is without a takeover agreement we have no completion date.

Trustee Ryan further asked if anyone has approached the Gridley's regarding if there is flexibility in their schedule.

Interim Manager Mitchell stated that Mr. Gridley stated that the date is June 30<sup>th</sup>.

Trustee Ozman stated that the village needs to explore the options of an extension or alternate completion or for a takeover agreement with a date of completion.

Trustee Forman moved to extend the village office space lease until June 30<sup>th</sup>, 1997. Seconded by Trustee McGuckin. All ayes. Motion carried.

### **PUBLIC HEARING, INTRODUCTORY LOCAL LAW I-1 OF 1997, "SNOW AND ICE REMOVAL"**

Mayor Uszenski presented the Affidavit of Publication, Affidavit of Posting Notice and Notice of Hearing which was read by the mayor.

Mr. Dowd stated that after review of the proposed local law the board asked him to do two or three changes. The change was on Section 127-22 which added a sentence concerning owners or occupants of corner properties being required to clear the snow and ice from the sidewalks to the curb to allow egress to the streets.

Larry Sager, 78 Orchard Street asked if the ten feet either way at corners was put into the law?

Mayor Uszenski stated no, because it would be too difficult to enforce.

Mr. Sager asked how the village is going to ease the person that is on a corner property, from the burden of the village pushing the snow onto the corners?

Mayor Uszenski stated that Mr. Sweed is going to try and keep the corners cleaner.

Joanne Clifford, 171 Walnut Street asked if this law also pertains to the village? She saw an elderly woman trying to cross the street by the firemen's park and she was having a problem.

Mayor Uszenski stated that the village has to also keep their sidewalks clear.

Larry Sager stated that the law says there is a twenty four hour period.

Mayor Uszenski stated that the property owner has twenty four hours to clear the sidewalk after the snow has stopped. After the twenty four hours they can be noticed with a violation.

Becky Pearson, 157 Walnut Street, asked, if the village hires a private contractor to come in and do the sidewalks, do we know how the amount is determined?

Mayor Uszenski stated that it will be determined by the amount of time it takes to clear the sidewalks.

Mrs. Pearson asked who will pick the contractor to do this?

Mayor Uszenski stated that the village will hire the contractor and whatever it costs, the bill will be sent to the homeowner and if left unpaid it will be assessed to the property owner.

Trustee Ryan stated that some of the criteria for the superintendent will be availability, will they be able to come out at a moments notice, are they adequately staffed for this kind of work, do they have the right equipment, do they have the right insurance and necessary equipment. Not everyone qualifies.

Mrs. Pearson asked who determines who gets done first and who is to say someone else won't have theirs done by the time the crew gets there? Is there going to be a rotation list?

Mayor Uszenski stated that a procedure hasn't been developed yet.

Trustee Ozman stated that they probably will be done by order of danger and safety, so those areas of high visibility where there are crossings will be done before those areas on a back street.

Jim Rahm, 17 Highland Avenue stated that his concern is with the village property. He doesn't want to see the village get into the situation where they have an outside contractor do the work at a higher cost, when it could be done by our village employees. He asked if that had to go out to bid?

Mayor Uszenski stated no.

Mr. Rahm stated that if the village should be in default then he wants to see the village go out to bid for a private contractor.

Greg Raymondo, 200 Orange Avenue asked if it would be more appropriate to decide to the rules that apply to the law are made before you pass the law? The cheapest way to do this is charge by the foot.

Joanne Clifford asked if this is for any snow fall or just when a snow emergency is declared?

Trustee McGuckin stated any snow fall.

Larry Sager asked how many board members have sidewalks?

There were four members with sidewalks.

Trustee Ozman stated that in regard to who would cover the situation, the first priority, it would go to the department of public works, if they had the resources and the time to do it. If they handle the situation the cost would be, the actual cost of the department of public works employees in natural dollar figure. That would then get mailed to the occupant, or homeowner or landowner first and assessed to the taxes secondary, if in fact it was not paid. If the DPW is not in the position to handle it, it would then have to go to a private contractor to be chosen by the village. We don't know right now which private contractor we would use. The amount of the cost of the private contractor would be the actual cost that the village pays to the contractor as negotiated by and between the village and the contractor on probably a per foot basis. The per foot basis might change based upon the accumulation of snow. In terms of how this would be done, one of the employees of the village would first inventory the properties, through inventory and if something was missed or a complaint came in that would be addressed, and it would be the most critical, dangerous intersections to the least critical, least dangerous and least traveled intersections and sidewalks.

Mrs. Pearson asked about crosswalks.

Mayor Uszenski stated that it is the property owners responsibility.

Bob Lamancuso, 33 Gladstone Avenue asked, if you have twenty properties that need to be cleaned off and you give twenty four hours notice then you go through the system of notifying contractors, the contractor starts at property one, two and three, homeowner number nine sees what is going on and runs out and shovels their sidewalk, how can you charge them for something that hasn't been done?

Mayor Uszenski stated that they wouldn't get charged.

Lynn Ryan asked about properties where there are abandoned buildings, who will pay for the cost charged?

Mayor Uszenski stated, the property owner.

Mrs. Ryan asked how does the village guarantees that the property owner will be charged for these?

Mayor Uszenski stated that the village has the list of property owners and if they don't pay the bill it will be levied onto their taxes and if the taxes go unpaid the county pays the village.

Trustee Ryan moved to close the public hearing. Seconded by Trustee McGuckin. All ayes. Motion carried.

Trustee Forman moved to declared the Board of Trustees lead agency and to declare an unlisted, uncoordinated action under SEQRA. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee McGuckin moved to adopt Introductory Local Law I-1 of 1997, "Snow and Ice Removal" as Local Law No. 1 of 1997. Seconded by Trustee Forman.

Trustee McGuckin asked that the Superintendent of Public Works is on board with the type of process Trustee Ozman explained.

All ayes. Motion carried.

Trustee McGuckin asked if something could be put on Channel eight regarding the adoption of this local law.

#### **WOOSTER BUILDING - ZONE CHANGE**

Mayor Uszenski stated that the board has a letter from Mr. Jacobowitz requesting an amendment to the local law amending the zoning of 11-17 Main Street.

Mr. Dowd stated that this would be subject to site plan approval. No special permit would be involved. He had a conversation with Mr. Smith of Saccardi and Schiff today and they are willing to review the proposal, since they did the villages master plan and other planning work, to look at it and make a recommendation as to if this is good, bad or indifferent for the village and whether from a comprehensive view if it serves the villages needs for senior housing units as well as the integrity of the B-3 district.

Mayor Uszenski stated that he tried to get in touch with Mr. A'Gosta of HUD and was unsuccessful. Kathy Molena returned the call and said that as long as there is the twenty four units with commercial on first floor, its exactly what the village applied for. They didn't say anything about a time extension.

Trustee Ryan asked Mr. Dowd if Mr. Smith had any response from what he saw?

Mr. Dowd stated that one of the things that struck him was the off street parking requirements, the number of units of twenty, that there may not be that many buildings that would qualify and he doesn't know what the villages intent in that is. The height of the building would have to be increased to a fourth floor.

Trustee Ryan asked if Mr. Smith gave a response time?

Mr. Dowd stated that he would have something by the next meeting.

John Cappello stated that when you talk about Saccardi and Schiff, whether they made any indication, he cited the HUD application which was for a twenty four unit, four story project, with nine parking spaces, written by Saccardi and Schiff and submitted by the village.

Mr. Dowd stated that the purpose for Saccardi and Schiff writing what they did in the application, was to get the grant and therefore its motivations for writing all that wonderful language was to get the grant and make the best grant application for their client. It doesn't necessarily mean that from a comprehensive zoning point of view that they were looking at it in that way.

Mr. Cappello stated that together with the 1996 amendment he believes the 1995 Small Cities Application would have to be amended, so you would have to know the zoning for that. He doesn't know what the time frame is on that. On the local law that was submitted the height was left blank, it should be forty five.

Mayor Uszenski stated some board members commented on the .4 parking spaces.

Mr. Cappello stated they have ten for twenty four units and they are next to a municipal lot.

Trustee Ozman stated that at some point the village felt fit to build a parking area on Maple Street, with which they bought the Smitty's Produce building and had it demolished and constructed that lot. He would like the interim manager to research the reasoning behind the purchase and if there was any study done, so the board could utilize that in making their decision.

Mr. Dowd stated that based upon the minutes there were a lot of comments coming out of the other two board members and certainly the planning board would have to review the local law and make a recommendation as well as reviewing the site plan for this application.

Trustee Ozman moved to hold a special joint meeting between the Village Board, Planning Board, and Zoning Board on Thursday, February 6<sup>th</sup>, 1997 at 8:30 PM at the Village Offices. Seconded by Trustee Forman. All ayes. Motion carried.

## **PUBLIC PORTION**

Larry Sager, 78 Orchard Street asked if the board twisted Mr. Spanos's arm to buy a hardship over on Main Street?

Mayor Uszenski stated no.

Mr. Sager asked if this board is responsible for another person who makes an investment to make sure they make the appropriate amount of money so they can get the financing?

Mayor Uszenski stated no.

Mr. Sager stated that the village spent \$30,000 for a master plan. Mr. Jacobowitz gave the impression at the fire house that the village was going to be out of the money if Mr. Spanos didn't step in and buy the building because of the money the village spent for taxes. The village spent \$42,790.28 on that building. Twenty two thousand, seven hundred, ninety eight and twenty eight cents came right back from the county. This village is guaranteed its tax money. Mr. Sager further stated that he asked the question if it was fair for this board to over ride the planning and zoning boards. Everytime that an applicant doesn't like what the zoning and planning board does to them they are going to come before the village board.

John Cappello, 14 Sugartown Rd., New Paltz stated that the issue has come about regarding over ruling and he would like to straighten this out. As the zoning board attorney advised the joint boards, when the zoning board reviewed the application, they reviewed the application for a use variance for twenty four units, and denied it based on specific criteria that a zoning board of appeals has to apply in granting any use variances. In the denial resolution there is a reference that if a property owner is not happy they can go to the village board to amend the zoning. The planning board never reviewed the twenty four unit project, because the zoning board of appeals denied it. They do not agree with the interpretation of the zoning board or the use variance. The fact that the board is over ruling is just not a correct statement. You are addressing the issue. This board has the ability to adopt zoning that is consistent with the master plan.

Mayor Uszenski stated that no board is over riding any board. This is the second meeting where all boards are going to meet. The purpose of this meeting is for all three boards to work together so there is an equal understanding. At this point nothing has happened yet.

Larry Sager asked when was the last time the village had an application before them that they wrote their own zoning?

Mayor Uszenski stated that he requested a letter from the applicant.

Mr. Dowd stated that there is a petition process in the village code in which an applicant can come before a legislative body and say I would request that you rezone my property or you do the following zoning and good legal practices is to provide them with a comprehensive list of zoning requests. No, its not unusual at all.

Philip Fliatz, 51 Pleasant Avenue stated that he would like to address some comments to the board regarding a property on his street, 50 Pleasant Avenue. He has been a resident of Pleasant Avenue for nine years and since that time he has watched a building deteriorate very rapidly and the clientele that lived in that building deteriorate even more rapidly. It has become a building that is notorious in the town. If its not known to the people here its known to the police of this town, who every summer got many chances to visit that building. Almost two years ago, April 1995, there was a fire in that building and severely damaged that building and rendered it unoccuable. Since that time nothing has been done with that building. Anything that has been done with that building has been primarily done by the DPW of the Village of Walden. The owner of the building left in a rather dreadful state after the fire. The village went in and did any repairs to make it a safe place, even though still damaged. Over the course of time mowing was not done by the owner. They have tried to keep tract of what was going on

with the building and it didn't look like anything was going on until just recently someone showed up to look at the building and the next thing they knew there was a dumpster outside and they were cleaning the building out. They have been keeping track of the building because they wanted to know what was going to happen with the building. The building was untouched for well over a year and a half and there were a lot of people who wanted that building put back to the proper zoning for that neighborhood, which is single family. An investigation of the history of that building was done about six years ago which found it to be a two family dwelling, non grandfathered in, but non the less found a way to get made into a two family dwelling. We have a situation where a building has become a major nuisance on the street and could have been returned to a proper conforming use and it seems not to have been caught. The village code states that it's to provide for greater public awareness of and access to village legislation and protection of the health, safety and welfare of village inhabitants. In light of that he would like to ask for a few things. He asked for a reading from the attorney in regard to section 148-42 and 148-45 regarding non conforming use as it applies to this building which was left untouched for well over a year and a half. He would like a report of the charges of the work that was done on this building. He would like to know the current status of those charges and if they haven't been paid what is the recourse the village is going to go to. He would like to see the total number of properties the dpw has done work on and what the status of those charges are? He asked if a system is in place that will catch these kind of things before it goes through?

Mr. Dowd stated that his knowledge of the property goes back to the fire and to the work the village did in making it an unsafe building under the village code and most recently the building inspector was approached by the owner as part of the transfer of title. It was the building inspector's call to issue the certificate of occupancy or the report to the bank as to the use of the property. A non conforming use is one that does not comply with the zoning code as it exists. The zone that they are in is R-5, single family and this is a two family, it was before the fire, and it may be a non conforming use and is allowed to continue to exist, unless the non conforming use is abandoned by the owner. Even a non conforming use that is destroyed by a fire, lightning or other act of God has a right to be constructed, especially towards a residential use, that is Section 148-44. Section 148-45 talks about abandoning and abandoning is many different ways. One is if you change it to a conforming use. The other case is where a use has been voluntarily discontinued for more than twelve consecutive months. The issue here is whether legally the fact that the person did not use the property for nearly two years because of a fire is a voluntary discontinuance of the use. An act of God certainly was not a voluntary act on his part. It was his understanding with talking to the building inspector that there were several problems with the insurance company over the claim from the prior owner. He believes in the estimation of the building inspector that based upon the facts he knew of the situation that there had been no voluntary discontinuance of the non conforming, two family and that was his decision to make as the building inspector.

Mr. Fliatz asked if lack of upkeep, lack of paying taxes, lack of response to any communication from the village, doesn't constitute abandonment?

Mr. Dowd stated no.

Mr. Fliatz asked, if the owner did not begin any work on the building for more than twelve months after his insurance was settled, does that constitute abandonment?

Mr. Dowd stated that you have to look at the intent of the owner. If the person does not have the economic ability, even after he gets insurance, to restore to two family use or even make it habitable for one family, he has not abandoned. Because of the condition the building was in it was also almost unmarketable at times.

Mayor Uszenski asked that Mr. Fliatz request the other information through a FOIL request. He further stated that it was just found out that the bills for the work dpw did were not sent out. This will be looked into.

Lynn Ryan, 55 Pleasant Avenue stated that one concern she has was in the decision that had to be made like this, which was an interpretation of the zoning law. She believes that if it was brought to the zoning board she as a resident would have been notified and would have had a chance to speak. Also, if there was an interpretation of the zoning law, she was told it could have went either way. She asked why wasn't it brought before the zoning board?

Mr. Dowd stated that the initial determination by the building inspector under the code, there is a mechanism in place for people who are aggrieved by a decision of the building inspector to appeal to the zoning board.

Jim Rahm stated that it seems to him that there is a big problem with enforcing zoning in this village. Two homes on his block, which is zoned single family, have been converted within the last five years and eight years to multi family. He has repeatedly brought it to the villages attention and nothing has been done.

Mr. Dowd stated that the village may not know that they are being converted unless someone reports it.

Mr. Rahm stated that village has to either change the zoning or enforce what we have in place. Neither one is being done.

Mayor Uszenski asked if the village had the right to go onto a property and conduct an investigation?

Mr. Dowd stated that the village has a right to seek admission to a house for inspection purposes and if they deny it then you have to get a search warrant and if you find it to be a two family and you believe its in violation then you have to take legal action in which to have the right to have it converted back. The local courts would not be able to order the illegal use to abandon. They don't have that power. You would have to go to a court in Goshen. To file an action the cost is \$250.00.

Mr. Rahm stated that if you turn out enough fines on that \$250.00 investment, its going to stop. You have to start prosecuting somewhere. If he had junk cars on his property the village would be up there stopping him, but yet people can put apartments in single family houses and everyone turns their heads. We have to start doing things the right way instead of the convenient way.

Mr. Rahm further requested that when the board goes into executive session he needs to speak to the board in regard to a personnel problem that is not of a public nature, involving the village manager.

Mayor Uszenski stated that in regard to illegal conversions the village has been working on this problem and some problems have been corrected. The building at 50 Pleasant Avenue has been before the board since it burned, its not something unknown to the board. The attorney and building inspector has discussed this problem.

Mr. Rahm asked if this building was going to get attached where its not going to be worked on as a multi family dwelling?

Mayor Uszenski stated that this has been given permission to be restored to a two family residence.

Mrs. Ryan stated that they researched this years ago and were advised that it was poor village records that allowed many of the one family homes to be sold and stamped through as two family.

Trustee Ozman informed Mr. Rahm that if he feels strongly about homes on his street being converted illegally then he should submit that in writing so action can be taken.

Beck Pearson, 167 Walnut Street stated that four or five years ago the village went through this same thing regarding illegal conversions.

Mayor Uszenski stated that from that original list the number was at least cut in half and some were corrected through sales.

Bob Lamancuso ,33 Gladstone Avenue stated that with the municipal building and the contractor not fulfilling their obligation and going to alternative contractors, has there been any costs added to the building?

Mayor Uszenski stated no.

Larry Sager asked if the bond company was going to pick up the cost of Sam Liebman?

Mayor Uszenski stated that the village will include that cost to the bond company.

JoAnne Clifford asked if there was a DPW employee who takes a truck home?

Mayor Uszenski stated that the working foreman was given permission to take a truck home for emergencies.

Mrs. Clifford asked if the DPW was responsible for cleaning storm drains of leaves?

Mayor Uszenski stated yes.

Mrs. Clifford stated that the one in front of her house hasn't been cleaned.

Larry Sager stated that there is a lot of chlorine in his water.

Mr. Sager asked if the people in the water department have obtained the proper licensing? They were working under Mr. Sweed's license.

Greg Raymondo, 200 Orange Avenue asked what parts per million of chlorine are in the village water and how they keep records.

Mr. Sager stated that he would like this board to show a report on why the village started that grandfather process of this village.

Mr. Raymondo further thanked the interim manager for getting the bus stop plowed by his house. He further stated that there is a dead tree on Orange Avenue by Sonny's Diner.

Becky Pearson suggested that the village start a program for every tree that is cut down a tree is planted.

### **REPORTS - COMMITTEE**

Trustee Forman asked about the grant for the Wooster Grove building?

Mayor Uszenski stated that the next step is for the state to come and do another assessment.

Trustee Ozman stated that he will have the coordinator reach out to the proper authorities.

Trustee Ryan stated that Pine Bush Sanitation has been picking up trash in an open truck.

Trustee Ryan asked if any department heads responded to the agreement with Orange County Department of Social Services?

Interim Manager Mitchell stated that Mr. Sweed has.

Trustee Ryan asked if the cost of a calcium remover for the whole village be received?

### **EXECUTIVE SESSION**

Trustee Ryan stated that he has two requests for executive session under personnel, building inspector and department of recreation.

Trustee Ozman moved to hold an Executive Session pursuant to 105-(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 Ozman. All ayes. Motion carried.

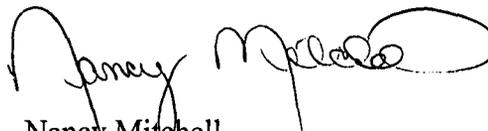
Trustee Ryan moved to authorize the Interim Village Manager write a letter to John Howland asking him to be present for executive session under personnel matters at the February 11<sup>th</sup>, 1997 Village Board meeting. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee Ozman moved to appeal to the Zoning Board for an interpretation and if the zoning board interprets it other than how the building inspector interpreted the status to rescind the building inspectors determination based up the thorough review of the situation regarding 50 Pleasant Avenue. Seconded by Trustee Forman. All ayes with the exception of Trustee Ryan abstaining. Motion carried.

#### ADJOURNMENT

Trustee Ryan moved to adjourn. Seconded by Trustee Ozman. All ayes. Meeting adjourned at 10:30 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Mitchell", written in black ink.

Nancy Mitchell  
Interim Manager/Village Clerk

RESOLUTION NO. 13-96-97

DESIGNATING PLACE AND TIME OF ANNUAL ELECTION

At a meeting of the Board of Trustees of the Village of Walden, held on the 28th day of January, 1997 on motion by Trustee Forman 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 18, 1997 between the hours of 9:00 a.m. and 9:00 p.m. by voting machines.

The vote was 6 ayes to 0 naves with 0 abstentions. The Mayor declared the resolution adopted on January 28, 1997.

**RESOLUTION NO. 4-96-97**  
**SUPPLEMENTAL LIBRARY APPROPRIATION**

WHEREAS, the Library has incurred an unanticipated expense for the repair and restoration of certain furniture in the amount of \$5,125.00 which is currently due to be paid, and

WHEREAS, the Village Board of Trustees has suggested that the Library Board of Trustees resolve to pay for the work out of the current operating budget of the Library using the excess funds that are available due to the delay in the completion of the Municipal Building Alterations and Renovation Project, and

WHEREAS, the Village Board has agreed to review the 1996-97 operating expenses of the Library with the Library Board once the renovation project is complete to determine if sufficient funds exist to carry the Library through to the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Walden, that if the Village Board determines that insufficient operating funds exist they will authorize a supplemental appropriation to be made to the Library in an amount necessary to make up for the shortfall caused by the payment for the furniture repair and restoration.

Motion to adopt by Trustee Ryan and seconded by Trustee McBuckin. The vote was 6 ayes to 0 nays with 0 abstentions. The Mayor declared the resolution adopted on October 8<sup>th</sup>, 1996.

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. 1..... of the year 19 97...

A local law amending Chapter 127 of the CODE of the Village of Walden entitled "STREETS AND ~~WALKWAYS~~ SIDEWALKS" to add a new Article VI entitled "SNOW AND ICE REMOVAL"

Be it enacted by the .....VILLAGE BOARD.....of the  
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

~~TOWN~~

Village

of .....WALDEN..... as follows:

SEE ATTACHED

LOCAL LAW I-1 OF 1997

A LOCAL LAW AMENDING CHAPTER 127 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED "STREETS AND SIDEWALKS" TO ADD A NEW ARTICLE VI ENTITLED "SNOW AND ICE REMOVAL."

BE IT ENACTED by the Board of Trustees of the Village of Walden as follows:

SECTION 1.

Chapter 127 of the Code of the Village of Walden entitled "Streets and Sidewalks" is hereby amended by adding a new Article VI as follows:

ARTICLE VI

Snow and Ice Removal

§ 127-21. Purpose.

The purpose of this Article shall be to preserve the public peace and good order in the Village, to contribute to the public welfare, safety and good order of its people and to contribute to the safe convenience of its people over the streets and sidewalks of the Village by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the Village that are consistent with the rights and privileges of other residents of the Village. It is further noted that certain snow removal practices are a vexation and annoyance not only to the traveling public but to the owners and occupants of adjoining lands. It is for these reasons that the Board of Trustees of the Village of Walden is compelled to legislate upon the subject matter.

§ 127-22. Duty to keep sidewalks clear.

It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full width of such sidewalk or for a minimum width of four (4) feet, whichever is less. Owners and occupants of corner properties shall have the additional and continual duty to clear snow and ice from the sidewalks to the curbs for a minimum width of four (4) feet so as to provide safe access to the streets.

§ 127-23. Time limit for removal; notice; service.

Snow and ice shall be removed within twenty-four (24) hours after the end of a snowfall. In the event snow and ice are not removed within twenty-four (24) hours, a written Notice of Violation shall be served upon the owner or occupant of the

premises by certified mail, return receipt requested. If the premises are unoccupied, such Notice shall be affixed to the front door of the premises and a copy sent by certified mail, return receipt requested, to the owner of said premises at his/her last known address as shown on the Village tax records. If the premises consist of an undeveloped lot, no posting of the premises shall be necessary. Service shall be deemed complete upon mailing of the Notice.

**§ 127-24. Regulations to apply in cases of severe icing.**

In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without damage to the sidewalk, it shall, within the time specified in §127-23, be strewn and kept strewn with ashes, sand, sawdust or other suitable material so as to be no longer dangerous to life and limb. As soon as practicable thereafter, the sidewalk shall be completely cleared of snow, ice and other material strewn thereon, as provided in this Article.

**§ 127-25. Removal by village.**

Whenever the owner or occupant of any parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time specified in this Article, the Superintendent of Public Works may remove or cause to be removed said snow and ice from such sidewalk and notify the Village Clerk of the expense incurred by the amount of labor, equipment and materials used.

**§ 127-26. Cost of removal by village.**

Within 30 days of receiving notification from the Superintendent of Public Works of snow and ice being removed from sidewalks pursuant to §127-25, the Village Clerk shall present to the owner or occupant of each parcel, a bill for the removal of snow and ice as certified by the Superintendent of Public Works. If not paid within thirty (30) days of presentment, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent village taxes.

**§ 127-27. Snow and ice falling from buildings.**

The owners and occupants of buildings adjacent to public sidewalks shall prevent the falling of snow, ice and water from such buildings upon said public sidewalks.

**§ 127-28. Deposit in streets prohibited.**

No person, firm or corporation shall deposit, throw, place, plow or strew, nor shall any person, firm or corporation cause to be deposited, thrown, placed, plowed or strewn, any snow or ice upon any street, avenue or roadway within the Village of Walden or from one street, avenue or roadway onto any other street, avenue or roadway within the Village of Walden.

**§ 127-29. Conflicts with other provisions.**

In the event that this Article conflicts or is inconsistent with any other Village law or ordinance, this Article shall apply.

**SECTION 2.**

Section 127-4., Subparagraph A. of the Code of the Village of Walden is hereby repealed and a new Section 127-4., Subparagraph A. is enacted as follows:

**§ 127-4. Obstructions on sidewalks.**

A. In the event that any person who is the owner or occupant of property adjoining any street, avenue or roadway shall fail to remove or cause to be removed accumulations of dirt or other obstructions from the public sidewalk in front of such property within twenty-four (24) hours from the time of the accumulation thereof, the Superintendent of Public Works may remove or caused to be removed such accumulation at the expense of the owner or occupant of said property, and upon the failure to pay the charge, the Village Clerk shall cause the expense thereof to be assessed against the property and become a lien thereon, collectible in the same manner as delinquent village taxes.

**SECTION 3.**

If any sections, subsections, paragraphs, clauses, phrases or provisions of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

**SECTION 4.**

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in Albany.

KTD/137973

(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 19 97 of the ~~(County)(City)(Town)~~(Village) of WALDEN was duly passed by the BOARD OF TRUSTEES on January 28 1997, 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 disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(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 disapproved)(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.  
(Name of Legislative Body)  
(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 disapproved)(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.  
(Name of Legislative Body)  
(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 chairman 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.)

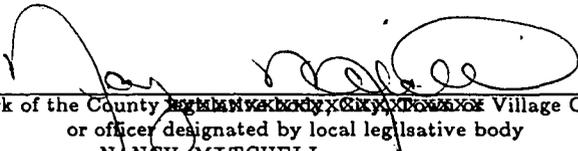
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 of 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.

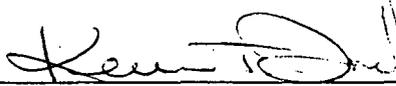
  
\_\_\_\_\_  
Clerk of the County ~~legislative body, City, Town or Village Clerk~~  
or officer designated by local legislative body  
NANCY MITCHELL  
Date: 1.28.97

(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

~~CORNY~~  
~~CITY~~ of WALDEN  
~~TOWN~~  
Village

Date: 1.28.97

JANUARY BILL LIST - JANUARY 28, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-814	ADCO	947.00
A-815	ADCO	591.00
A-816	AL VALK'S	78.00
A-817	AL VALK'S	68.00
A-818	AMTHOR'S WELDING	835.55
A-819	ANNESE & ASSOCIATES, INC.	223.04
A-820	BELL HERRING, INC.	24.00
A-821	CHERRY TIRE SERVICE, INC.	73.00
A-822	CHERRY TIRE SERVICE, INC.	131.45
A-823	CIARDULLO PRINTING	80.00
A-824	COUNTRY HARDWARE	140.00
A-825	CURTIS INDUSTRIES, INC.	87.90
A-826	CURTIS INDUSTRIES, INC.	99.99
A-827	CURTIS INDUSTRIES, INC.	58.74
A-828	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	84.00
A-829	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	227.50
A-830	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	15.70
A-831	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	21.90
A-832	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	100.00
A-833	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	383.70
A-834	EXPANDED SUPPLY PRODUCTS, INC.	1,532.00
A-835	GEORGE'S AUTO PARTS	34.18
A-836	GEORGE'S AUTO PARTS	178.91
A-837	GEORGE'S AUTO PARTS	42.49
A-838	GEORGE'S AUTO PARTS	34.10
A-839	GEORGE'S AUTO PARTS	40.47
A-840	RALPH C. HERMAN CO., INC.	51.73
A-841	HOWLAND JOHN	45.50
A-842	HUDSON RIVER TRUCK EQUIP	53.25
A-843	J&J SOUND & SECURITY	225.00
A-844	JIM SMITH CHEVY	731.41
A-845	JOHN T REARDON	1,249.68
A-846	KURTZ VICKI	100.00
A-847	MCDONALD & MCDONALD, INC.	1,219.30
A-848	QUILL	183.88
A-849	RALPH DEPEW PLUMBING & HEATING	117.40
A-850	SCOTTSDALE INSURANCE CO.	5,000.00
A-851	THRUWAY PHARMACY, INC.	1.66
A-852	TIMES HERALD RECORD	28.80
A-853	THRUWAY SHOPPING CENTER	103.50
A-854	WALDEN AUTO SUPPLY	86.92
A-855	WALDEN PLUMBING & HEATING	78.25
A-856	WALDEN PLUMBING & HEATING	208.32
A-857	WALKKILL AUTO SALES CORP	341.85
A-858	WALKKILL VALLEY TIMES	8.90
A-859	WALKKILL VALLEY TIMES	6.16
A-860	WALKKILL VALLEY TIMES	31.19
A-861	WEINERT T SHIRTS	1,362.00
A-862	WILLIAMSON LAW BOOK COMPANY	284.54
A-863	C&H BODY SHOP	65.00

17,716.96

JANUARY BILL LIST - JANUARY 28,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-100	ADCO	101.00
F-102	CAIN CONTROL SYSTEM	250.00
F-103	CONSOLIDATED RAIL CORP	306.40
F-104	MID HUDSON COMMUNICATIONS	85.50
F-105	RAMSCO	250.00
F-106	RAMSCO	71.28
F-107	SHARE CORP	105.99
F-108	SURPASS CHEMICALS	989.50
F-109	THRUWAY SHOPPING CENTER	1.69
F-110	DEMPSEY STEEL PIPE CO., INC.	58.79
		<u>2,220.15</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-94	AL TURI LANDFILL, INC.	416.76
G-95	ENVIROTEST LAB	355.00
G-96	GEORGE'S AUTO PARTS	229.98
G-97	JAMES SHORTELL	20.75
G-98	WALDEN PLUMBING & HEATING	417.35
G-99	CONSOLIDATED RAIL CORP.	306.40
		<u>1,746.24</u>

CAPITAL ACCOUNT #37	EXPANDED SUPPLY PRODUCTS, INC. ROAD PROGRAM	1,010.00
CAPITAL ACCOUNT #37	EXPANDED SUPPLY PRODUCTS, INC ROAD PROGRAM	1,409.10
COMM DEV.	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA IDA	150.00
COMM DEV.	ADCO ELECTRIC WOOSTERS GROVE	585.00
	CL & EJ GRIDLEY RENT FOR OFFICE	971.48

JANUARY BILL LIST - JANUARY 28, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	BELL ATLANTIC NYNEX	50.45
	COASTAL REFINING & MARKETING, INC.	941.84
	FRONTIER COMMUNICATIONS	40.00
	FRONTIER COMMUNICATIONS	331.34
	FRONTIER COMMUNICATIONS	269.22
	FRONTIER COMMUNICATIONS	574.02
	NYSEG	874.20
	PETTY CASH (POLICE)	26.86
		<u>3,107.93</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	242.80
	NYSEG	151.47
		<u>394.27</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	FRONTIER COMMUNICATIONS	98.80
	NYSEG	789.99
		<u>888.79</u>

# Village of Walden, New York

8 SCOFIELD STREET

WALDEN, NEW YORK 12586



VILLAGE OFFICE  
778-2177  
FAX 778-2170  
POLICE DEPARTMENT  
778-5595  
PUBLIC WORKS  
778-1724  
VILLAGE COURT  
778-1632

## NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees, Planning Board and Zoning Board of Appeals will hold a joint special meeting on Tuesday, January 21, 1997 at 7:30 P.M. at the Walden Fire House, 230 Old Orange Avenue, Walden, New York.

## AGENDA

1. 11-17 Main Street, Wooster Building

MEMBERS: If there is a conflict please contact Nancy Mitchell, at 778-2177.

**VILLAGE OF WALDEN  
SPECIAL JOINT BOARD MEETING  
JANUARY 21, 1997**

**APPROVED**

Mayor Andrew Uszenski called the special joint meeting of the Village of Walden Board of Trustees, Planning Board and Zoning Board of Appeals to order at 7:30 PM.

On roll call the following were:

Present:	Board of Trustees	Planning Board	Zoning Board of Appeals
	Mayor Andrew Uszenski	Chairman Stan Plato	Chairman Jay Wilkins
	Trustees John McGuckin	Members Ed Leonard	Members Patsy Iorlano
	John Ryan	Jose DeJesus	Eric Kastberg
	Martin Besdesky	John Voss	Richard Hurd
	Raynard Ozman		Tom Sibley
	Chris Forman		

Absent:

Trustee Roy Wynkoop      Member Debra Leverock

Also Present:

Nancy Mitchell, Interim Manager  
Steve Gaba, Village Attorney  
Dean Stickles, Building Inspector  
Kerron Barnes, Consultant

**WOOSTER BUILDING 11-17 MAIN STREET**

Mayor Uszenski thanked everyone for coming to the meeting and explained that the reason for this meeting is that the Small Cities Grant is in jeopardy with the present application, because the original application was for four stories, three stories of apartments with twenty four units and through the zoning board amendments it has been reduced down to three floors, two floors of apartments with sixteen units. At this point the village is in the process of writing a grant amendment.

Mr. Barnes stated that the village submitted an application to HUD last April 3<sup>rd</sup> for \$600,000 to assist this project. That application was under review for quite some time and was approved September 27<sup>th</sup>. This is a competitive application. There were twenty two applications filed with HUD and only six were funded and Walden was one of the six. HUD liked the project because the same grant solved two problems, it eliminated a very blighted building and it also addressed the villages housing needs for senior citizens by providing twenty four housing units. During the same time as the HUD review was being carried out the planning and zoning process of review was going on. At about the same day as HUD verbally announced its awards the planning board made the final approval of this project for sixteen units of housing over commercial space. They began discussions with HUD in the fall and indicated what had happened, that the village submitted the application prior to the developer having all the approvals in place. HUD has indicated that the village can submit an amendment, but the

amendment should give everything the village promised. They bought a certain package, it outscored other applications on the basis of what was promised and at this point if only sixteen units of housing are delivered we will eliminate the blighted building, but we will not produce the same number of housing units. What they said is you can submit an amendment for sixteen units, but you run a great risk that it would not score as high and if it scores lower some other community will receive the money. At this point the developer is now saying, we need the board to consider alternates. We looked at another building on Oak Street as a possibility and apparently its too expensive, that would give them six to eight units. Now we are back to the question of what will the community except at this site, will it except twenty four units to keep the grant or will it not.

Chairman Plato asked if it was normal practice to go for HUD approvals before you have zoning or planning board approvals?

Mr. Barnes stated that it does happen, but its not good practice. Some of the people at HUD were upset and said this was poor planning to do it this way.

Mayor Uszenski stated that at a special meeting Mr. Spanos suggested some zoning amendment changes to the local law. That is why he asked the three boards to get together tonight.

Mr. Jacobowitz whose firm represents Chris and his family stated that there was no bad planning here. He doesn't want the public to think that this was not well thought out, that it wasn't based on precedents, that it wasn't based on sound community policy. The problem arose because of an interpretation of the zoning law differed after twenty eight years of application in the village. That came after all of the applications process had already started and was well on its way. This was not done based upon poor planning or without having thought through what the project was and what it could be under the zoning based on twenty eight years of precedent. The building collapsed, it was an unsafe building, the village expended public money, tax dollars, to remedy the unsafe condition of this building after a roof collapsed in a snow storm. The taxes were unpaid on this property to the county, school and village. There was an unpaid mortgage on this property, held by a local bank. That was in foreclosure. Foreclosure was going forward and if Chris Spanos and his family had not stepped up to the plate at the foreclosure sale and laid out the money to pay off the bank and back taxes, the bank would have owned it and whatever you see there today, minus the orange paint, would have been the same thing that you see today. The Spanos family didn't do anything to exacerbate or create the condition that existed. They stepped forward with money they got from honest hard toil. For anyone who knows the Spanos family and if you went by John's Tailor Shop any hour of the day or night the light was on and John was in there working. The money they came up with to do this was honest money from hard toil that they were willing to invest in their community, in the community they made their home more than forty years ago. Chris is the second generation of that family and he chose to return to Walden and be part of his fathers heritage and family business. For them to make this project go at a minimum they have to put up \$270,000 of their own money. There aren't a lot of people running into Walden and have \$270,000 to invest, capital, to invest in Walden, but they are willing to do that. If the project goes forward they will bring into Walden another one million, six, of others peoples money, that if it didn't come to Walden it would go to some other community in New York State or the United States. That is additional capital dollars being invested in Walden on Main Street that is a critical and crucial part of this communities tax base. If you do an analysis of the percentage of taxes that come from the so called business district, Main Street area, you will see that you're

talking about a number between twelve and fifteen percent of the tax dollars. That makes every homeowners tax bill lower. Its traditional that businesses do not require the same kind of services as residences do. So, you're getting tax dollars from your Main Street with a very minimal amount of services paid for by tax dollars. They are willing to bring one million, eight hundred and seventy thousand dollars into Main Street to bolster it and provide it with a new face and a new focus to enhance the value of everyone's property in the business district and by so doing enhance the value of every piece of property in the Village of Walden, because if your real property taxes keep going up on your homes, the value of your home goes down. The basic economics in this market condition that we have for homes in the Village of Walden. He makes the statement and for his purposes he assumes it, that the Village of Walden tax roll needs to be bolstered so that tax dollars are coming, not just from single family residential homes, but from businesses on Main Street that will attract people in the community to do their businesses, buying services, do their shopping and put their purchasing dollars here and that enhances the entire community. That is what this project is about. The first floor is to be a commercial retail or office type of use. That was their plan from day one. They never came to the village and said, make the first floor residential. They read the zoning and knew what it meant, Chris knew what it meant and Chris wanted more commercial on Main Street because he is next door with his store and he knows that it means if he can encourage new businesses to locate on Main Street. The twenty four units was based on an economic analysis, the zoning, what was possible, what was consistent with precedent in the Village of Walden and that is what the application was based on when it went in. Unfortunately it did not get treated in that manner. He's not going to go into all the details, its not necessary. The result of the decision by the Zoning Board of Appeals in the Village of Walden was that you could not have twenty four units in this building. If you read their decision you will see there is no mention that they are against a fourth floor. There is nothing in the decision that says that. They never actually ruled on whether or not there should be a fourth floor or not. They decided it on a issue of a use variance. That you had to have a use variance to have more than two units of residential over first floor commercial and in trying to get a use variance you had to prove various economic arguments and that they were satisfied. They proved those arguments for purposes of having twenty four units in this building. He showed the plan of the proposed project. It has four floors. He then showed a photograph that they made a copy of from the historical society, Walden Historical Society and the red brick building in the picture is the Wooster Building and there are four floors and if you look to the rear you'll see the fourth floor in the rear of the building as well. That is what was here historically. He passed the picture around so everyone could look at it. The building to the right is not a four story building, but if you look at the parapet roof you'll see that it is more than a three story building and the building beyond that is even a little lower. So they are trying to be consistent with the historical tradition of these buildings, because they do not want to have the image that they are asking for things that no one else ever received in Walden and therefore they are getting some kind of very, very, special treatment. He wanted to point out that on Main Street there is a residential project of twenty seven units, three stories above a first floor commercial store. Its a four story building, commercial, second floor residential, third floor is residential, fourth floor is residential. We call it the Related Housing Senior Citizen Project. That also was built and came out of the ashes of a fire that destroyed properties that were in that location on Main Street. This project is coming out of the broken timbers of a roof collapse of an old building. The Walker Building which is in the middle of Main Street between the two traffic lights, is forty six feet high. Their proposed building with four floors, including the parapet is forty three feet high. The Walker Building is three feet higher. The Municipal Building is fifty eight feet high. The Masonic Building, which is in the middle of Main Street, is forty eight feet high. So its not something that is unheard of that is breaking new ground, that is in some

way creating a new precedent, to have a building on Main Street that would be forty three feet high. The forty three feet includes the parapet which is approximately a foot and a half to two feet above the roof line. They think its an attractive appointment to the building, to have the parapet. You say the difference is the two feet, you're going to sacrifice aesthetics for some concept that is not necessarily historically supported. There are buildings that are bigger than this building, why not have this building built in a manner that will look attractive and have an appealing appearance to the people who come into Walden on Route 52 and Route 208 at which this is the vortex and is seen by every vehicle that comes into Walden on the two state highways. A comment about the massiveness of the building, he showed a picture of the relationship of this building to the buildings on both sides of the building. He also showed a photograph of the condition of that street at the time the photograph was taken. There is no real overwhelming massive appearance from this, even though the building is taller in the middle of the street. He showed a photo coming up Route 52 to the intersection of Route 208, looking straight ahead, there is a massive building, Sohns, the restaurant and the Lustig building. That is not the appearance that you will have of the part of Main Street where the Wooster Building is located, when you come up Route 52 or Route 208. Also, there has been a lot of discussion, that makes absolutely no sense to him, about the orange wall. He showed a photo of how the building looked without an orange wall. If anyone thinks this looks so great, then he defers to anyone's superior aesthetic qualities and knowledge. It looked terrible, so what is the big deal with the fact that the wall was painted orange. Are you saying you want to punish him because he expressed a protest. This is the United States of America. You have every right to make a protest to your government and they shouldn't be punished for it. He showed a photo of the back of the building and asked if anyone thought that was very attractive. None of this was caused by this young man. Right now there is a dilemma. We don't have to point fingers, because that will get us no place. We have to be thoughtful, be interested, rational and reasonable. No one had ill intent when this project got started. It was well intended. It was with the spirit of community and a desire to make the community a better place. Unfortunately it got off track. We have to all use our best ability to get it back on track. The problems that we hear about that need to be addressed are things that are really not that big of a problem. He has tried to address the things that they have heard that seem to be wrangling and concerning people and he is trying to put across to them that these concerns are really not well found, either in history or in reason. The idea of making the first floor residential, he showed an elevation of that and stated that it looks lovely. The problem with it is its not commercial on the first floor and it does create a precedent, it hasn't been done before and there are many people that feel it would be a poor precedent. He is among them, he feels it would be a bad precedent to create. That is a policy matter, that is not for him to decide. It is inconsistent with the zoning, inconsistent with the character of the neighborhood, inconsistent with what would be the financial future of Main Street and therefore he can see why people are against it. That is a solution to the dilemma. It solves the dilemma because it would have twenty three units, not twenty four. One unit difference might not be considered substantial by HUD and they might be able to approve it even with twenty three not twenty four. It solves the elimination of the blight problem which was one of the components in their rating system. It will provide modern housing for senior citizens and its location for the first is the same for the second and third, its in a main street area that is close to the post office, library, the police, health center and stores. Its not consistent with zoning, you would have to amend the zoning in a very dramatic way. Mr. Jacobowitz showed both plans, sixteen units, eight and eight on the second and third floor, first floor commercial. The boxes next to it are the height of the existing buildings on that street. The other plan is a four story building showing the adjoining buildings with their height level. To him the four story building is not a significantly substantial change in the sky line. The ratio on a four story building, they have two

square feet of building for every square foot of land. New York City is ten square feet of building for one square foot of land. This density is 20% of that ratio. If you analyze all of Main Street you will see that it is not significantly different than the most of the rest of Main Street. You take the other buildings on Main Street and compare their square footage to the land that they are on, you will find it is very similar to what they are proposing. With reference to square foot of land per dwelling unit the four story building with twenty four units is 480 square feet of land for every housing unit of 500 square feet. They have a table of all the buildings on Main Street that have residential uses in them and you will find that they run from around 230 square feet of land per dwelling to around 1300 square feet of land per dwelling unit. The zoning law says it should be fifteen hundred square feet of land for every dwelling unit that you have in the building. The analysis that was done and submitted to the zoning board and is part of the public record is 230 to 1400, so there is a wide range. This would be 475. It is not at the extreme, it is a little less than the average.

Mayor Uszenski asked Mr. Jacobowitz which zoning amendment and change would they like the board to consider?

Mr. Jacobowitz stated the one that is the most consistent with the Village of Walden precedents and the neighborhood, conditions of the other properties in the area, what he thinks is good public policy, tax policy is for the first floor to be commercial and a four story building with a height maximum of forty three feet. That is what they think is the best solution to the problem. It does the least havoc with existing laws, its consistent with many precedents. This is not a tax abated project. This pays full real property taxes and the assessors good faith estimate of taxes on this property are \$18,000 per year for the first year, with three story. The first floor has a non residential use and is entitled to a 50% exemption for the first year and then declines 5% a year over ten years. Any property in Walden would get that exemption if it was non residential in which there was a new capital investment. That is across the board in Walden, not special for them. The upper three floors are entitled to no abatement. They pay full taxes based on an assessment imposed by the Town of Montgomery tax assessor and the number she came up with is based on the assessments that are now in place for the other multiple residences in the Village of Walden.

Chairman Plato stated that it is his recollection that when the applicant first came before the planning board in the fall of 1995 for this project, he doesn't recall that the applicant was back before the board for about six months and everytime the applicant came in it was always a rush. There was plenty of time to get normal approvals out of this and he doesn't think they would be standing here now if the approval process had run its course the way it should have. One of the things his board discussed was since they applied last year, April, why not apply for new funding this year with the approved plans. Is it not easier to get funding with approved plans than unapproved plans.

Mr. Jacobowitz stated no, he guesses it was necessary to spank them in some way.

Chairman Plato stated that is not the purpose.

Mr. Jacobowitz stated, that is what it sounded like. For those that our under the impression that this is an easy project, he doesn't know how he can dispel that from their minds. This is an extremely complicated project. They are working with five different funding sources. Each one has their own separate standards, rules and regulations. We are dealing with three municipal boards in this

community. They are dealing with the zoning laws and zoning laws are technical. They are dealing with an existing condition that they are trying to make better. So if it took them six months from the day they walked into the planning board to come back with a plan they thought made sense, he doesn't see what that means. He thinks that was a meaningless comment. The time was spent doing what had to be done to develop a plan. As far as having zoning in place, New Paltz just got \$950,000, they didn't even have any approvals. The developer doesn't have to pay back \$350,000 to \$400,000 and the property owner did not own the property when the application was submitted. The application to HUD is not their application, its the villages application. So if the village wants to go back to HUD for sixteen units in the next round and cancel the \$600,000 they got last year, that is policy for the board to make. The risks are, you give up \$600,000, maybe you'll get the money this next round and maybe you won't. Therefore, the building will continue to stand there in this kind of appearance while these applications go forward with bureaucratic agencies who most of them don't know where Walden is. Policy, for the board whether they want to give up \$600,000 and go in and try to go in and get something less than \$600,000. Whether they will be here to do this project, there is no way of answer that for you. Its not a threat, its just telling you we don't know what they will be doing if they have to wait another year.

Mr. Cappello pointed out that the building is deteriorating.

Mr. Jacobowitz stated that Chris has spend a great deal of money securing the building to prevent it from deteriorating against the winter. It wasn't a 100% job because he lived in hope that he would be doing a renovation there.

Chairman Plato stated that one of the problems in the reviewing the project was parking, and there will be more parking spaces required for twenty four units than sixteen, he asked if Mr. Jacobowitz had any ideas how that will be handled?

Mr. Jacobowitz stated that the parking lot next to the building that you access from Maple Street, in which the planning board provided for site plan approval, a connection so you can walk from the parking lot to this property. The lot is basically underutilized. They put in substantial testimony at the zoning board meeting that there were never more than five cars in the lot and most of the time there were three. They did that based on eye witness, photographs and monitoring the use of the parking lot. Some zoning board members questioned the honesty of the presentation the first time about whether the lot was used or not, so the second time they tried to document it with photographs that had the date and time printed on them. All kinds of absurd things. You just have to go by and look. They have nine parking spaces on site and the testimony was that the related housing project that has twenty seven units, utilized approximately eleven or twelve spaces. If they have twenty four units, their parking spaces they would need for the project are about ten to eleven and they have nine on site and they would use some spaces in the Maple Street parking area and they have agreed to get permits from the village for over night parking. They agreed to monitor it, provide reporting to the village so it wasn't utilized more than the number of spaces then they had permits for. They gave the village any assurances they wanted so that the lot would not be dominated by the senior citizens who live in this project that don't have cars. The zoning law in the Village of Walden, until 1993, provided that if you were a property that was located within a parking district you did not have to meet the parking requirements on site, as long as your use does not generate a greater number of parking space demand then it had previously. This property paid its share over the years for the Orchard Street parking lot

special assessment and was entitled to that benefit. The zoning change in 1993 eliminated the automatic exemption and instead put in a provision that allowed for a waiver by the planning board on a finding that there was adequate parking. If you went up and down Main Street and asked the property owners if they know that in 1993 their exemption was taken away from them that they paid for twenty years. He would dare say that none of them know that happened in 1993. Why was the law the way it was, mainly you were exempt, because if you look at Main Street you will see that most buildings are on their lot for the full size of the lot. There is no room for parking for the Main Street buildings. The entire problem would be solved if the village board just put the law back to the way it was before 1993.

Trustee Ryan pointed out that in a photograph, that they brought in to the zoning board meeting as an exhibit of which meeting he was present at, you say this is a fourth floor of the building, during Mr. Spanos's history of downtown he described this as a factory in its early years. It looks to him like a light monitor as opposed to a floor. He asked if Mr. Jacobowitz had any documentation saying it was in fact a floor?

Mr. Spanos stated that he received the photograph from the Walden Historical Society, Marcus Millspaugh. As for the history he just went to the old timers and found out the history of the building.

Trustee Ryan stated, but you have no idea if there were only three floors with a light monitor or if there was four floors?

Mr. Jacobowitz stated that Trustee Ryan is assuming that it is a light monitor. He asked Trustee Ryan if he had anything to support his assumption?

Trustee Ryan stated just his schooling, and when he went to architecture school, and there is an architect present, if he will give you the history of architecture, that predates sky lights and that is the way they got light into the back of a the factories.

Mr. Jacobowitz stated that he didn't say four floors, he said a four story building.

Mayor Uszenski asked if they have further documentation that the building foundation would hold the fourth floor?

Mr. Jacobowitz read the letter dated June 6, 1996 from the consulting engineer, to the zoning board stating that based on his visual inspection he stated in his report that the barring walls and foundation appear to be in good condition with no visual signs of settlement problems. As the structure was originally used for manufacturing and inventory storage the addition of a fourth floor for apartment loading would not add any additional loads to the existing structure then has been experienced in the past. A detailed structural analysis and design must be undertaken during the development of the construction documents for the proposed project to insure the building meets or exceeds all the structural requirements of the New York State building codes. Mr. Jacobowitz further stated that the state building code applies in Walden, the plans will have to comply with that requirement and the village will have their consultants review it and he suspects the village will send the plans to the State of New York for them to look at. The village may want to hire an engineer to look at it. The grant of \$600,000, \$50,000 of that stays with the village. Some will be used to pay for expenses related to the

project. The village has plenty of money to hire a consulting structural engineer to make sure that the building is in good shape.

Member Iorlano stated that one of the problems the zoning board had with the original proposal for twenty four units was that there were a couple of units that didn't meet the minimum square feet, as recommended for senior citizen housing. With the new plan will they have any units below the minimum?

Mr. Jacobowitz stated no, all will meet the minimum which is five hundred square feet per apartment.

Paul Roosa, Walden Community Council stated that he was asked to poll some of the businesses to see how they felt about this and local businesses in the immediate area, and three walk in customers, fourteen people said they didn't want to see any residential first floor. Everyone said to go to the fourth floor. Four said if there is no other way, fine, do the commercial and get the project on the road. They said you have to have the walk by traffic that commercials generate. He is 100% behind the project, but not with residential on the first floor.

Chairman Plato asked what other obstacles stand in the way? Is all the other funding in place?

Mr. Jacobowitz stated that the HOMES Program of Orange County has granted \$100,000 to this project. Community Preservation Corporation has not issued a commitment yet, because they don't know what the project is yet. CPC's funding is for thirty years and the interest rate varies. They work with the State of New York Mortgage Association and get a guarantee. So you have to jump through their hoops to get the guarantee. Its a fixed rate for thirty years. The amount they loan is tied to the bottom line of an operating statement that they do. They don't take your numbers. They take your numbers and analyze them, but then they do their own numbers. The complications are that they require you show at the bottom, after expenses, \$1.20 for every dollar you have to pay back. If you don't show \$1.20 they make the mortgage amount less, so you do show \$1.20. What happened with the twenty three unit project, no commercial, their mortgage went from \$570,000 to \$510,000, because in their proforma expenses for residential use are higher than commercial, that meant less profit, less money to pay the mortgage, less mortgage you could get. That is the risk the developer takes. Based on the figures they have at this point, assuming a twenty four unit building, with first floor commercial, they have a gap of \$110,000 on the total budget. Chris has to come up with that.

Chairman Plato asked if that meant if everything is in place if they had their approvals, its done, there are no other open items?

Mr. Jacobowitz stated that if they knew what the project was, CPC would be ready to commit. They would get a commitment letter from CPC as to the amount. They have the \$100,000 from HOMES Grant, they have the HUD \$550,000 and \$280,000 from previous year HUD Grants, plus Chris's \$270,000, plus Chris's \$110,000. That all adds up to the budget. They may be able to get additional HOMES money, not likely, but they are going to try. The answer to Chairman Plato's question is yes.

Marcus Millspaugh, Ulster Avenue stated that he wants to go on record saying that he thinks a bad precedent would be set by allowing first floor residential. On 55 Main Street the village took a proactive

roll in supporting that project. The village manager was very active coordinating all the efforts after the HUD Grant was obtained. The previous village manager was obviously for this project and he feels the village board should take the same roll in trying to take this forward.

Larry Sager asked the board, isn't it true that this application that came before them the board knew the risk they were taking when it came before them before going before the planning board and zoning board. It was pointed out that it was going to be a gamble.

Mayor Uszenski stated yes, they knew that because all the zoning and planning questions were not finished. They knew they might need a grant amendment if it wasn't approved as initially presented.

Mr. Sager asked if the normal process for someone to come before the board before the grant is to get those approvals before they come before the board.

Mayor Uszenski stated that this is the first time the village has gone for this kind of grant.

Mr. Sager asked what arrangements have been made with Mr. Spanos as to repaying this grant?

Mayor Uszenski stated that has not been finalized yet.

Mr. Sager asked why that couldn't be in place?

Mayor Uszenski stated that he doesn't feel that is as critical. If the board considers amending the zoning law, then they don't feel they have to go to HUD for an amendment. If the board refuses to accept the zoning amendments the village will have to go back to HUD within thirty days and ask for the amendment. He feels this is more critical than the payback.

Mr. Sager asked if the payback requires the program continues for the residents of the village?

Mayor Uszenski stated that it would have to be in a similar use, senior housing.

Mr. Sager asked, if the village accepts what was presented previously, what will that do for the program?

Mayor Uszenski stated that the pay back in the beginning will be small so the village can't return the money to other uses as soon.

Mr. Sager asked why this project talks about \$600,000 when really it adds up to \$850,000?

Mayor Uszenski stated that because there are four grants involved, this grant the 1995 Small Cities Grant of \$200,000, and \$80,000 in HODAG and UDAG moneys.

Mr. Sager asked if it is fair that the village board overrides the planning and zoning boards?

Mayor Uszenski stated that at this point no one is overriding anyone.

Mr. Jacobowitz stated that he doesn't see where anyone is overriding anyone. This board who are elected by the public have the right to pass legislation. That is what is before them. What was before the zoning board was an attempt to interpret existing legislation based on historical precedent and other information. The planning board administers the site plan review, a part of the zoning law within the terms of that zoning law. The village board creates the zoning law. This whole concept about gamble, that is really a misrepresentation. There is not a gamble here. The building collapsed. The building was on Main Street. The building appearance is terrible, it effects the entire community. The board is in charge of the public health, safety and welfare. They are charged with trying to maintain an economic liability for this community so people can afford to own homes and businesses, live here and enjoy their lives here. The village has this problem, its not a gamble. This is a community problem and you didn't have to go out to Buffalo, California, New York City, or New Jersey to convince someone to come to Walden to solve your problem. You are fortunate that a local resident stepped up and said, I'm going to try and solve this community problem. If this project doesn't work then its too bad for the whole community. Mr. Jacobowitz read the recitation from the grant of what the village board said to HUD that they had as a goal for the Village of Walden.

Trustee Ryan asked the two chairman from the planning and zoning boards, the question of height and parking, if it came before your board, the impact of going from three stories to four stories with the four stories how it would impact the parking?

Steve Gaba, Zoning Board Attorney stated that the board never reached the issue as to whether or not to grant a variance from three to four stories, because the first application came before the zoning board as a use variance as an initial application before they could get to the area variance which was the height variance. In denying the request for a use variance on the first application the board noted that it felt that the fourth story would be out of character with the rest of the downtown area being the tallest building. In regard to parking, that came up on the first application in regard to the effect of granting a use variance. The board felt that a waiver would be required from the planning board to do their determination first, but noted that there were time limitations with the parking lots. As to whether or not senior citizen housing parking requirements could be met by those hourly limitations on parking.

Chairman Plato stated that from a planning board standpoint the parking was an issue and still is an issue. One of the concerns is when you talk about seniors and seniors, depending on the definition, 55 or 65, everybody is living longer and people that are 65 still drive and chances are if there are two people they are both driving. If not today, ten years from now he thinks the chances will be much greater and it is a concern. At sixteen units, they thought that would work. Twenty four units, it has to be looked at that much closer.

Jim Ryan stated that he has had a business for seventeen years right next to 55 Main Street, ever since the senior citizen building opened up. His mother was one of the first tenants. He had some apprehension about the building when it first opened up. He can say from first hand experience that you never see the people. You don't have to worry about them sitting out with their chairs or hanging out the windows. They are very quiet and great neighbors. One thing he has found out that they use the Town of Montgomery bus to the fullest and taxi cabs. He believes there are only seven spaces taken up by the senior citizens cars. They don't have to drive. He can't see anything but a plus for the village with this project and a plus for Main Street. If you try to put them on the ground floor then there will be a problem.

Mr. Gaba stated that one thing that was discussed from the application to the zoning board, in the B-3 the height requirement was originally 50 feet and it was lowered to 35 feet and there were reasons for that change. One was fire concerns.

Mr. Ryan stated that they will have the new truck which would be able to handle a fire.

Chairman Wilkins asked Mr. Ryan if they could be over the high tension wires?

Mr. Ryan stated yes.

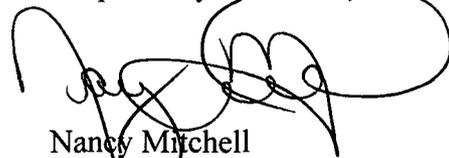
Robert Besdesky stated that he can't believe the boards are arguing over leaving a slum, a wreck on the street. The village should be happy the Spanos's are doing something about this.

Mayor Uszenski closed the public portion and stated that the reason he asked for this joint meeting was to get all three boards together to get the information at the same time, and get public comment. He would like this put on the next board agenda as a discussion item. He asked Mr. Jacobowitz to officially petition the village board for a zoning amendment change. He further stated that any written concerns will be taken into consideration. A letter was received from Dave Lustig Jr. which will be part of these minutes.

#### ADJOURNMENT

Trustee Ryan moved to adjourn. Seconded by Trustee McGuckin. All ayes. The meeting was adjourned at 9:05 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Mitchell', written over a circular stamp or seal.

Nancy Mitchell  
Village Clerk

1 Bank Street  
Walden, New York 12586  
17 Jan 97

Mrs. Nancy Mitchell, Village Clerk  
Village of Walden  
8 Scofield Street  
Walden, N Y 12586

Dear Mrs. Mitchell:

Critics of the Wooster Building project could be accused of being anti Spanos or, even, anti Main Street. In my case, nothing could be further from the truth; however, if that be the perception, so be it!

Apartments on the first floor of a building in the downtown business area? President McKinley, champion of the workingman, who's likeness gazes upon the site, would turn over in his grave - as would Col. Bradley who placed the statue there. Walden used to be home for the working man - now it is becoming the mecca of the low income and the non-working senior citizen. During my twenty-six years on the Village of Walden Planning Board, our board rejected all attempts to convert business area space to first floor residential use. Our Zoning Ordinance was drafted by a Zoning Commission made up of qualified and concerned local citizens with the aid of the best professional consultants available. The intent of the ordinance was to create a framework for the development of the village that would insure the best possible environment for local business while enhancing the quality of life for its residents. Nothing has happened in the over three decades since to prove them wrong

Another element of the Wooster Building proposal that is even more disturbing is the "magic" number of 24 low income or senior citizen apartments. Twenty-four - all or none! Even otherwise successful and prominent business men have fallen victim to the Main Street blight syndrome. All of us on Main Street would like to see that eyesore eliminated - but at what cost? Is low income and senior citizen housing the only answer? - or is it just the easiest and most profitable one? Of course HUD isn't interested in small projects - what bureaucratic agency is! Under the ruse of helping the less fortunate, the bureaucracy grows, a few individuals grow wealthier, and the taxpayers pick up the tab. There just ain't no free lunch!

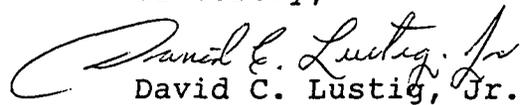
And who determines the local need for housing? The same bureaucrats seeking to justify their existence and fast talking developers who see subsidized housing as a road map to wealth. I would venture an educated guess that enough adequate housing already exists in Walden and the Town of Montgomery to satisfy the needs of all the local low income and senior citizens - if only HUD would subsidize their rent payments. And while

it could save HUD from 25% to 50% per unit by making subsidies available for apartments already existing in quieter, more friendly, residential neighborhoods, it would also insure a source of more desirable responsible tenants to landlords hard pressed to maintain their properties under current conditions.

Yes, I most certainly would like to see that blight erased from the face of Main Street but, if HUD has \$600,000 to plunk down on the Wooster Building, I'd rather see the grant money used to secure a new local industry or to expand an existing one. What Walden needs is jobs paying a fair wage so that the employees would have money to spend on Main Street to help the local economy. What we don't need is the importation of low income and senior citizens with little or no disposable income and who's only reason for being located in Walden is to enhance the bottom line of one local family and a host of bureaucrats, attorneys, and architects.

I respect John Spanos, and he has worked hard and long to attain a measure of success, but he did not purchase the collapsed Wooster Building as a philanthropy - he did it because he thought it would be a profitable investment. If filling Walden to the overflow by importing low income and senior citizens is the only viable alternative for bailing out a poorly planned acquisition, it is regrettable. It might be a bitter pill for the Spanoses to abandon the proposed housing project but it will be a more bitter pill for the Village of Walden if it proceeds. Dozens of us on Main Street have completed minor and major projects without the aid of grants, low interest loans, and village favors and have been satisfied with modest rewards. None of us had guarantees of financial success - and that is the way it should be!

Sincerely,

  
David C. Lustig, Jr.

## NOTICE OF MEETING

PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a regular meeting on Tuesday, January 14th, 1997 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 Ron Lipton Settlement
    - A.2 Enterprise Steamer Co. No. 2, 125<sup>th</sup> Anniversary and Mardi Gras Parades
    - A.3 Authorization to Sign Town Contracts-Recreation and Library
    - A.4 Resolution No. 12-96-97, 1997 General Village Election
    - A.5 Request for Reimbursement of College Courses
    - A.6 Payment of Audited Bills for January 14<sup>th</sup>, 1997
  - B. DISCUSSION ITEMS
    - B.1 Municipal Building Renovations
    - B.2 Introductory Local Law I-1 of 1997, Snow and Ice, Removal of
    - B.3 Route 208 Culvert Replacement
  - C. INFORMATIONAL ITEMS
    - C.1 Resignation of Zoning Board Chairman, Sam Liebman
    - C.2 Appointment of Zoning Board Chairman, Jay Wilkins
  - D. CORRESPONDENCE
4. PUBLIC PORTION
5. EXECUTIVE SESSION
6. ADJOURNMENT

**APPROVED**

**VILLAGE OF WALDEN  
BOARD OF TRUSTEES MEETING  
JANUARY 14, 1997**

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  
Martin Besdesky  
Chris Forman  
John Ryan

Absent: Trustee Roy Wynkoop

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

**APPROVAL OF MINUTES**

Trustee Forman moved to approve the minutes of December 10<sup>th</sup>, 1996, January 2<sup>nd</sup>, 1997 and January 9<sup>th</sup>, 1997 with the following corrections:

December 10<sup>th</sup> - Page 9, sixth paragraph, first and last sentence, change past to passed.  
Page 12, eighth paragraph, omit the word it.  
Page 13, eleventh paragraph, change the work service to surface.

January 2<sup>nd</sup> - Page 5. sixth paragraph, last sentence, change, the power to empower.

Seconded by Trustee Ozman. All ayes with the exception of Trustee Ryan abstaining from the January 2<sup>nd</sup> minutes and Trustee Besdesky abstaining from the January 9<sup>th</sup> minutes. Minutes adopted.

**RON LIPTON SETTLEMENT**

Trustee McGuckin moved to approve the settlement in regard to Ron Lipton. Seconded by Trustee Ryan. All ayes. Motion carried.

**ENTERPRISE STEAMER CO. NO. 2, 125<sup>TH</sup> ANNIVERSARY PARADE AND MARDI GRAS PARADE**

Mayor Uszenski stated that Enterprise Steamer Co. No. 2 is requesting permission to hold their 125<sup>th</sup> Anniversary Parade on June 14<sup>th</sup>, 1997 and their Mardi Gras Parade on June 13<sup>th</sup>, 1997 and that the board waive the open container law for Bradley Park on June 14<sup>th</sup>.

Trustee Ryan stated that school will still be in session and that means the Little League will be using Bradley Field. He is concerned about the damage to the field.

Trustee Besdesky moved to grant permission to Enterprise Steamer Co. No. 2 to hold their 125<sup>th</sup> Anniversary Parade on June 14<sup>th</sup> and their Mardi Gras Parade on June 13<sup>th</sup> and to grant the parade committee to serve or distribute beer to appropriately age individuals on the afternoon of June 14<sup>th</sup> until dusk in Bradley Park. Seconded by Trustee McGuckin. All ayes. Motion carried.

**AUTHORIZATION TO SIGN TOWN CONTRACTS, RECREATION AND LIBRARY**

Mayor Uszenski stated that the village has received the recreation and library contracts from the town and authorization is needed to sign them. The town increased the library contract to \$25,320 and the recreation contract remains the same at \$8985.

Trustee McGuckin stated that he doesn't like that they kept the recreation contract the same.

Trustee Forman moved to authorize the signing of the Recreation and Library Contracts with the Town of Montgomery. Seconded by Trustee Ozman.

Trustee Ryan asked that the interim manager send a letter to the library board congratulating them for their efforts in petitioning the town for additional funds.

All ayes. Motion carried.

**RESOLUTION NO. 12-96-97, 1997 GENERAL VILLAGE ELECTION**

Trustee Forman moved to adopt Resolution No. 12-96-97, General Village Election, (attached). Seconded by Trustee Ryan. All ayes. Motion carried.

**REQUEST FOR REIMBURSEMENT OF COLLEGE COURSES**

Mayor Uszenski stated that Officer Jarvis is requesting reimbursement for college courses. The PBA Contract states that a full time member of the unit shall be entitled to attend one course per semester, per year. Officer Jarvis is in the process of completing his bachelors degree in computer programming. Chief Holmes advised the mayor that Officer Jarvis and Sergeant McCoskery are very helpful in saving the village a lot of money in updating the computer systems. In the past the village has reimbursed up to three semesters per year, one course per semester.

Trustee Ozman moved to approve Officer Jarvis's request for reimbursement of colleges courses, three semesters per year, one course per semester, plus texts, pursuant to the terms of the PBA Contract, based upon the fact that it is related to a police function. Seconded by Trustee Ryan. All ayes. Motion carried.

### **AUDITED BILLS**

Trustee Besdesky moved to pay the audited bills of January 14<sup>th</sup>. Seconded by Trustee Ryan. All ayes. Motion carried.

### **SPECIAL MEETING**

Trustee McGuckin moved to hold a special joint meeting between the Village Board, Planning Board and Zoning Board on January 21<sup>st</sup>, 1997 at 7:30 PM at the Walden Fire House. Seconded by Trustee Ryan. All ayes. Motion carried.

### **MUNICIPAL BUILDING RENOVATIONS**

Mayor Uszenski stated that the board has received a memo from the Building Inspector in regards to the municipal building. The carpet is down and the Police Department can start moving January 17<sup>th</sup>.

Trustee Ozman stated that his only concern is after the move there will be items of remediation that need to be taken care of in and among the police department and there will be extra work, whether its painting or whatever it may be, are there any areas of painting that need to be done?

The Interim Manager stated that the whole police department has been repainted.

Trustee Ryan stated that when he was over there they were still working on doors. The doors that were of question, the type of quality, the ones with the repetitive dot at eye level, have been finished off, which means they will ~~be~~ stained. He is not happy with that. He knows there was a discussion with DC Doors to provide documentation that they have met specifications. Its a good sound door, its the appearance. He suggested the board get involved in the building, to walk through and help Mr. Stickles out, to put out punch items.

Mayor Uszenski stated that the board received a memo from Chief Holmes which prepares for what is coming with the telephone costs, computer costs and alarm costs.

Interim Manager Mitchell stated that she was advised that Mr. Gridley has been approached by someone who is interested in leasing the village office space as of June 1<sup>st</sup>. That is a critical time because taxes are being collected at that time.

Trustee Ozman asked that Mrs. Mitchell keep in contact with Mr. Gridley regarding the prospective tenant to see what kind of flexibility they have in their schedule.

Trustee Ryan stated that once the police move into their area demolition will be scheduled for the other staircase, at that time ask them to remove the two plaques because they are imbedded in asbestos barring walls. It was discussed to have all the plaques centralized.

#### **INTRODUCTORY LOCAL LAW I-1 OF 1997, SNOW AND ICE, REMOVAL OF**

Mayor Uszenski stated that the board has received a revised addition of the local law.

Mr. Dowd stated that there have been several changes from the last time it was proposed based upon comments he received from Trustee Ozman. There was one issue that Trustee Ryan raised which is not in the law. If there is a consensus it can be put in.

Trustee Ryan stated that he will yield to the wisdom that they don't need the three foot, six inch barrier all the way down as height limitations. He doesn't see the logic in having clean, safe sidewalks without the ability to exit the sidewalk to the street to either cross or move off the sidewalk. He met with Trustee Ozman and they discussed this at length. He feels very strongly that you need to exit the sidewalks safely. They came up with wordage that called for clearing of pedestrian egresses from the three foot six inches back ten feet from the points of egress. There is a code in the books now dealing with hedges on corners, you can't have any obstacle between the heights of two and eight feet, seventy five feet back from the intersection of the two streets and the reason is for sight lines. Even though a snow plow isn't a permanent barrier it does cause a risk at pedestrian egresses. He has a great concern with the children walking to school.

Trustee Ozman stated that the idea would be that at the point of egress or ingress for pedestrians that from that point ten feet in either direction it would be at a certain height, as yet to be determined. The other thought he came up with would be that if that was implemented possibly it would be the opening and a certain height ten feet back in either direction or the opening would be a set width. because some people have machines to move the snow, but can't get up on top of a pile and level off a pile at a certain height.

After a brief discussion it was the consensus of the board to add to Section 127-22 of the local law that owners and occupants of corner properties shall have the duty to clear snow and ice from the sidewalks to the curbs for a width of four feet.

Mr. Dowd stated that he will fax the amended local law to the village office in the morning.

Trustee McGuckin introduced Introductory Local Law I-1 of 1997, "Snow and Ice Removal".

Trustee McGuckin moved to hold a public hearing on Introductory Local Law I-1 of 1997, "Snow and Ice Removal", on January 28, 1997 at 7:45 PM. Seconded by Trustee Besdesky. All ayes. Motion carried.

**ROUTE 208 CULVERT REPLACEMENT**

Mayor Uszenski stated that the village has received a letter from New York State Department of Transportation advising the village that they will be replacing the culvert on Route 208 in late 1997, early 1998 and they would like to detour traffic down Grant Street. The project will last three days.

Trustee Ozman moved to allow the detouring of traffic down Grant Street during NYSDOT'S project to replace the culvert on Route 208. Seconded by Trustee Ryan. All ayes. Motion carried.

**RESIGNATION OF ZONING BOARD CHAIRMAN**

Interim Manager Nancy Mitchell advised the board that Sam Liebman resigned as Chairman of the Zoning Board effective December 31<sup>st</sup>, 1996.

**APPOINTMENT OF ZONING BOARD CHAIRMAN AND ZONING BOARD MEMBER**

Interim Manager Nancy Mitchell advised the board that she has appointed Jay Wilkins as Chairman to the Zoning Board and has also appointed Eric Kastberg as a member to the zoning board.

**CORRESPONDENCE**

Mayor Uszenski stated that a letter was received from Katherine Bond-Coleman requesting permission to use Bradley Field to have theater in the park. They would like to use the area by the old basketball courts.

The board was in favor of this, but would like a letter sent to Mrs. Coleman asking for more information

**PUBLIC PORTION**

Bob Lamancuso, 33 Gladstone Avenue stated that the snow activity in Pelham is different then Walden. Has anyone asked any of the bordering communities how they handle snow removal? Also, the plows don't have to pile all the snow on the corners, they can remove it and push it down the road.

Mayor Uszenski stated that its a total village effort to make the streets and sidewalks safe for everyone.

Mike Buckley, 65 Capron Street asked about the sidewalks on the bridges, when does the village clear them?

Mayor Uszenski stated that its done within a twenty four hour time limit. He will have the interim manager check with Mr. Sweed on this.

Larry Sager ,78 Orchard Street stated that he sat through two meetings with Mr. Spanos and his representations. This board has bent over backwards for him. The point is they are talking about the \$600,000 here, what happened to the \$250,000?

Mayor Uszenski stated that he hasn't been given anything because he has to go for a grant amendment.

Mr. Sager asked when is this board going to sit down and tell Mr. Spanos either this project is going to work based on the facts the village gave them or its not going to work? The village is not at fault because they didn't do their homework in the first place. No one asked him to buy this building.

Becky Pearson, 167 Walnut Street stated that she doesn't see the difference between a corner being high with snow or a driveway being high. Most children stop at the corners. If they are going to run across the street they will run whether there is snow piled or not.

Trustee Ryan stated that most children walk alone to school. Anything you can do to help protect people is a step in the right direction.

Larry Sager asked why the police officers are using the village manager's car?

Interim Manager Mitchell stated that the police department had three cars down and needed to use it.

Mike Buckley asked if there was anyway the village can make Mr. Spanos repaint the front of the building?

Mayor Uszenski stated that there is nothing the village can do.

Greg Raymondo, 241 Orange Avenue asked if there was a list of historical properties in the village?

Trustee McGuckin stated that Mr. Millspaugh would know.

Mr. Raymondo asked if there was a way for someone with a historic building to get a grant to fix it up?

Mayor Uszenski stated that the village tried to get a grant for the municipal building, but it was so restrictive that we couldn't use the \$25,000 they offered.

Mr. Raymondo asked about American Lumbers fence, can the village ask them to remove the old fence and clean the area up?

Mr. Sager stated that according to their site plan they have a front entrance plan they want to put in there.,

Mayor Uszenski stated that he will mention this to the building inspector.

Mr. Raymondo asked if the police department purchased new radar equipment? He understands the police department got a \$10,000 grant from the federal government and part was to be spent to purchase new radar equipment and also send officers to radar school. Recently the State Police have been enforcing the speed limit on Orange Avenue. Has the village asked them to do that because of all the accidents in the area?

Mayor Uszenski stated that he was advised that the radar equipment is still functional.

Mr. Raymondo stated that the Town of Montgomery police are the worse speeders on Route 208 and they are not going to an accident. He would like the village chief to speak to their chief.

Mr. Lamancuso stated that in front of the school where it says no parking during school hours, could the village paint lines there? His wife has witnessed people parking there and the police officers say nothing. It makes it difficult for the buses.

Mayor Uszenski stated that the chief will be asked about that.

Larry Sager stated that for awhile there was a school crossing guard in front of the school, he doesn't know what happened to him.

Mr. Sager asked if there is a written agreement with the gentleman that takes care of the community park, of what his responsibilities are?

Mayor Uszenski stated there is a contract.

Mr. Sager asked if it can be broken?

Mayor Uszenski stated that the attorney would have to look at the agreement.

Mr. Sager asked why John Howland is allowed to hand pick his boss?

Mayor Uszenski stated that Mr. Howland does not make the final decision. Anyone that was interested in serving on the committee could have submitted a letter and been on the committee.

Mr. Sager asked if the question was asked to the people on the committee as to whether they had any personal relationship with any of these people?

Mayor Uszenski stated no.

Becky Pearson asked about the ski slope, why does it cost \$17,000 to reopen the ski slope?

Mayor Uszenski stated that was the cost for when the village ran t he program. That is not the cost to reopen it. The whole ski slope might have to be rebuilt.

Trustee Ozman stated that also included supervisors.

Greg Raymondo asked, once the Big Apple Circus moved to their new location, what was the agreement for the trailer park they built? There is sewer, water and utilities there.

Mr. Dowd stated that they had a special exception use and unless another <sup>not</sup> for profit circus comes in there they can't use it.

### **REPORTS - COMMITTEE**

Trustee Forman stated that the new sign for Woosters Grove looks really good.

Trustee Ryan stated that there are shopping carts in the Wallkill River. Its extremely unsightly and the heavy rains have pushed them down to the dam. Its pollution. He thinks the Thruway and Oak Street Management needs to be contacted and a letter be sent to the village on how they are going to stop this or the village will contact DEC.

Trustee Ryan further stated that he met with the building inspector in regard to unsafe buildings and has asked him to process another five buildings. There was a list of twenty nine.

Trustee Ryan stated that the village has to decide where they want to place the plaques at the municipal building and any historical pictures.

Trustee Ryan stated that Key Bank facade sticks out like a sore thumb, its not in keeping with the rest of the architecture. As the Walden Council keeps marching he wonders if they could be approached to do some sort of renovations.

### **REPORTS - MAYOR**

Mayor Uszenski stated that there are Christmas decorations still stapled to the Route 208 entrance sign. He asked they be removed.

### **EXECUTIVE SESSION**

Trustee McGuckin 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 regular meeting. Seconded by Trustee Ozman. All ayes. Meeting reconvened.

### **ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Nancy Mitchell', written over a horizontal line.

Nancy Mitchell  
Interim Manager/Village Clerk

RESOLUTION NO. 12-96-97  
VILLAGE OF WALDEN  
1997 GENERAL VILLAGE ELECTION  
PROVIDING FOR REGISTRATION OF VOTERS FOR THE 1997 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 ~~Fomen~~ 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  
Ethel Eckert  
Donna Penney  
Evelyn Matise

Robert Peterson is named as an alternate inspector and the compensation for each inspector is fixed at \$35.00 a day for Registration Day and \$100.00 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 Ethel Eckert 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 8, 1997 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 14, 1997.

JANUARY BILL LIST - JANUARY 14, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-748	A & A AMERICAN ALARM	36.00
A-749	AL VALK'S GARAGE, LTD	110.00
A-750	AMTHOR'S WELDING	236.29
A-751	AMTHOR'S WELDING	203.58
A-752	AMTHOR'S WELDING	29.25
A-753	AWESCO	69.81
A-754	BARTON CHEVROLET	264.86
A-755	BECKER BUSINESS	58.00
A-756	BFI	65.00
A-757	CHERRY TIRE SERVICE	104.95
A-758	MID HUDSON OFFICE SUPPLIES	62.71
A-759	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA,	3,333.33
A-760	DUTCHESS QUARRY & SUPPLY CO., INC.	649.85
A-761	ENVIRONMENT PAPER TOWEL	110.40
A-762	GEORGE'S AUTO PARTS	115.45
A-763	GEORGE'S AUTO PARTS	28.86
A-764	GEORGE'S AUTO PARTS	26.70
A-765	HOWLAND JOHN	31.20
A-766	HUDSON FASTENERS PRODUCTS	47.00
A-767	HUDSON VALLEY AWARD	62.83
A-768	K.C. CANARY	123.29
A-769	LOOSE LEAF LAW PUBLICATIONS	233.05
A-770	LAB SAFETY SUPPLY	224.46
A-771	MCBEE SYSTEM	269.34
A-772	MCDONALD & MCDONALD INC	24.70
A-773	MID HUDSON COMMUNICATIONS	132.40
A-774	MID HUDSON COMMUNICATIONS	361.50
A-775	MITCHELL NANCY	40.00
A-776	NEWBURGH AUTO GLASS 11	75.00
A-777	NEW YORK TIMES	1,412.00
A-778	NYCOMCO	1,375.00
A-779	NYCAL INDUSTRIES	104.27
A-780	NY PLANNING FEDERATION	120.00
A-781	NYS ASSOCIATION OF MAGISTRATES & CLERKS	20.00
A-782	ORANGE AUTO ELECTRIC	125.00
A-783	ORANGE COUNTY CLERK	5.00
A-784	ORANGE COUNTY SANITARY LANDFILL	267.40
A-785	PAGE NY	25.00
A-786	POSTMASTER	170.00
A-787	PINE BUSH EQUIPMENT	250.00
A-788	PITNEY BOWES	65.25
A-789	QUILL	213.72
A-790	RALPH DEPEW PLUMBING & HEATING	67.50
A-791	ROBERT GREEN TRUCK DIVISION	1,062.28
A-792	ROYAL TIRE	207.35

JANUARY BILL LIST - JANUARY 14, 1997

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
A-793	SANWA LEASING CORP	135.00
A-794	SCHMIDT'S WHOLESALE	928.20
A-795	SCHMIDT'S WHOLESALE	400.20
A-796	SMITH'S COMMERCIAL TIRE SER., INC.	533.60
A-797	SMITH'S COMMERCIAL TIRE SER., INC.	350.40
A-798	STIEFEL RESEARCH INSTITUTE	10.84
A-799	TOWN OF MONTGOMERY	3,580.00
A-800	THRUWAY SPORTING GOODS	45.63
A-801	TIMES HERALD	26.64
A-802	WALDEN AUTO SUPPLY	34.02
A-803	WALDEN AUTO SUPPLY	41.92
A-804	WALDEN AUTO SUPPLY	78.17
A-805	WALDEN AUTO SUPPLY	43.95
A-806	WALDEN PLUMBING & HEATING	238.20
A-807	WEST PUBLISHING CO.	285.00
A-808	NYS ASSOCIATION OF CHIEF OF POLICE	50.00
A-809	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	535.00
A-810	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	770.58
A-811	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	687.50
A-812	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	599.84
A-813	VINCENT TOOMEY	1,427.47
		<u>23,421.74</u>

JANUARY BILL LIST - JANUARY 14,1997

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
F-92	A & A AMERICAN ALARM	28.00
F-93	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
F-94	DEMPSEY STEEL PIPE	61.11
F-95	ORANGE COUNTY LAB	120.00
F-96	PAGE NY	6.75
F-97	RAMSCO	153.00
F-98	RAMSCO	650.00
F-99	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	29.25
		<u>1,464.78</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
G-87	ALL COUNTY MANAGEMENT	1,200.00
G-88	ENVIROTEST LAB	645.00
G-89	FISHER SCIENTIFIC	107.92
G-90	WALDEN AUTO SUPPLY	32.56
G-91	WECHSLER CONTRACTING CO.	629.14
G-92	DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.	416.67
G-93	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	324.70
		<u>3,355.99</u>

CAPITAL ACCOUNT #37	GROSSO MATERIALS ROAD PROGRAM	806.65
CAPITAL ACCOUNT #37	J&G EXCAVATING ROAD PROGRAM	4,500.00
CAPITAL ACCOUNT #82	LIEBMAN & HURWITZ MUNICIPAL BLDG	1,000.00
SMALL CITIES 94	NYSARHO MEMBERSHIP 1997	150.00
SMALL CITIES 94	NYS RURAL HOUSING COALITION MEMBERSHIP 97-98	140.00
SMALL CITIES 94	COMMISSION OF FINANCE	18,495.00
COMM DEV 92	JUAN VELEZ 144 W MAIN ST	439.65
T & A	GAINER-WILBUR CONSULTING ENGINEERS, P.C.	133.84
CAPITAL ACCOUNT #82	NYSEG MUNICIPAL BLDG	17.15

JANUARY BILL LIST - JANUARY 14, 1997

PERPAID BILLS

GENERAL FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	AT & T	5.17
	COASTAL REFINING & MARKETING, INC	941.84
	AGWAY PETROLEUM CORPORATION	1,527.67
	FRONTIER COMMUNICATIONS	63.11
	FRONTIER COMMUNICATIONS	4.00
	WAREX TERMINALS	1,064.51
	NYSEG	2,668.51
	NYSEG	109.76
	NYSEG	5,582.18
	BELL ATLANTIC NYNEX	50.45
	NYNEX	53.28
	PETTY CASH PD	17.30
	POSTMASTER	600.00
	POSTMASTER	600.00
		<u>13,287.78</u>

WATER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	CENTRAL HUDSON	649.34
	COASTAL REFINING & MARKETING, INC.	117.96
	FRONTIER COMMUNICATIONS	145.90
	NYSEG	2,889.11
	POSTMASTER	74.12
		<u>3,876.43</u>

SEWER FUND

<u>VOUCHER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
	NYSEG	90.18
	NYSEG	5,271.94
	POSTMASTER	74.12
	FRONTIER COMMUNICATIONS	102.86
		<u>5,539.10</u>

JANUARY BILL LIST - JANUARY 14, 1997

UDAG	KERRAN BARNES		2,042.50
	ADM SERVICES	NOV - DEC 96	
SMALL CITIES	KERRAN BARNES		472.50
93	ADM SERVICES	NOV - DEC 96	
SMALL CITIES	KERRAN BARNES		1,480.00
94	ADM SERVICES	NOV - DEC 96	
SMALL CITIES	KERRAN BARNES		100.00
95	ADM SERVICES	NOV - 96	

## **NOTICE OF SPECIAL MEETING**

**PLEASE TAKE NOTICE that the Village of Walden Board of Trustees will hold a special meeting on Thursday, January 9, 1997 at 7:00 PM at the Village Offices, 8 Scofield Street, Walden, New York.**

### **AGENDA**

- 1. Loan Terms for 11-17 MAIN STREET**

**APPROVED**

VILLAGE OF WALDEN  
BOARD OF TRUSTEES  
SPECIAL MEETING  
JANUARY 9, 1997

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  
Raynard Ozman  
John Ryan  
Chris Forman  
Roy Wynkoop

Absent: Trustee Martin Besdesky

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

**11-17 MAIN STREET - WOOSTER BUILDING**

Kerron Barnes stated that they met a week ago and at that point discussions revolved around the proposed first lender having a loan with a thirty year term which would require the village to look at a repayment schedule of \$10,000 per year for thirty years with a balloon payment at the end of that plus the developer also proposes they pay the village anything they should earn over 17% return against the equity invested in the project. Tonight the developer wants to talk about some issues that are prior to that, in terms of which building to go with and how many units.

Mr. Jacobowitz stated Mr. Barnes is focusing on how the village gets its money back and how the money is going to be spent. The developer is grappling with whether or not there is a project. The money should not be that big an issue. The rate of return, the deal is structured that Chris and his family have to put up \$267,000 of their own money from which they get back the first number of years in the neighborhood of 2 ½% the first year and increasing over a number of years to where they may get back 10% average over the first ten years. This is a very tight financial situation to do a project like this in Walden on Main Street. The building itself needs a lot of extra money spent for structural work and building on Main Street on a postage stamp is a difficult place to build a building. You have a residential use over the first floor commercial and under the state code that requires additional fire protection cost that you wouldn't have if it was all a residential building. They have had quite a lengthy expense going through the approval process. Much more than Chris anticipated or that they anticipated with a substantial increase in costs, just to get through the door. There is a lot of things in this project that are very difficult problems and most things have solutions, but those solutions cost money and when you are in a tight financial picture those additional costs become big problems. Mr.

Jacobowitz gave the board a list of alternate zoning changes, and project budgets for three scenarios. The first scenario is for twenty three residential units on Main Street and the second one is sixteen units, residential, first floor commercial, on Main Street and the third including the Oak Street property in the project and that has three sub-alternates, six units, seven units and eight units. Why is it six, seven and eight, six are easy, seven are possible and eight becomes very difficult. Why eight, eight and sixteen are twenty four and that is what you need to satisfy HUD. On the twenty three unit project, additional owners equity, \$110,651.00, that is if they had twenty three units on Main Street in one building, Chris would have to put up another \$110,000 over the \$267,750.00 that is owners equity. This scenario has a number of hurdles, you can't do twenty three units on Main Street under the current zoning. The fourth floor concept was knocked out, the residential over first floor commercial was limited and therefore had to get a use variance and that limited the number of units that could be obtained. Therefore twenty three units in that building on Main Street under the present zoning is not possible. We are all trying to jump through a twenty four unit hoop, because that is what HUD says they want in order for the village to keep the grant of \$600,000. They understand that from talking to the village's consultant, they have not spoken to anyone from HUD, so they are accepting that as accurate and that if they don't have twenty four units the village is at risk of losing the \$600,000. If they go back to HUD with sixteen units only, they say the rating will be altered. They will not have the same priority and the village will lose the grant. If that is not true then that opens up a whole bunch of possibilities. However, Mr. Barnes has told them that based on his discussions with HUD, therefore they are assuming it is the truth. That is why they said twenty three units. Why not twenty four, well they can't get twenty four in that building, because on the first floor there has to be an elevator, stairwell, common area and other things of that nature, and you don't have the same room on the first floor as you do on the second and third and they can only get seven on that floor. How would they solve the twenty four, they would include a unit over the John the Tailor Shop. The next scenario is if they had to try and live with sixteen units.

Trustee McGuckin asked with the twenty three units that would be two floors above commercial, not three?

Mr. Jacobowitz stated there would be no commercial. The first floor would be residential.

Mr. Jacobowitz further stated that if the board looks at the other project proforma they will see this one is slightly different. They have taken out of it all the syndication expenses, because the tax credits weren't obtained. So all the expense that is attended to a tax syndication of tax credits are not in this deal, so if the board looks at the soft cost lines you will see that all of that is out. So, why are they looking at \$110,000 increase cost that Chris has to pick up, because the commercial construction, first floor is less expensive than seven apartments on the first floor, and the difference is \$112,000. Why, you have seven kitchens, seven bathrooms, seven sets of appliances, all of which are more expensive. You have a higher square foot to build because it is apartments, not open space commercial. The sixteen unit project budget, the additional cost is \$183,151.00. If they are doing less units why did the developer need more money, because they will get a third less from the grant, \$180,000, take that off the line of funds available and plug in, though they don't have to do the first floor with apartments, so they save \$112,000, take the difference, add that to the \$110,000 and that is how you come up with the \$183,000. Yes, sixteen units, it costs less to do the first floor, but they get \$183,000 less in grant money. The amount the developer has to put up is \$183,000 not \$110,000. In order to try to save the grant and obtain more units, they looked at the Oak Street property. They talked to the county and

made a submission to them. They have not heard back. Getting that property is no guarantee because the county is going to sell it to who ever wants to buy it and pays them the most money. They already heard from Mr. Barnes that someone else is looking at that property. For purposes of this analysis the Oak Street project budget sheet they show \$30,000 as the acquisition cost of that property. That was what they were told the county wanted for it. Its not worth \$30,000. Its worth less, but they can't tell the county what they should do. They used \$65,000 per apartment, that is the number the Community Preservation Corporation has been using as a rough rule of thumb. They started doing a take off of that building in detail, but because of the problems discussed tonight they stopped that, because that is another cost involved and they are already into cost beyond where they want to be and if they don't have a project there is no sense of doing a take off of detailed costs of that building. They are using CPC's standard of \$65,000 per unit for the purposes of this. For six units they are at \$490,000, they got the \$180,000 grant they didn't lose the grant, because they are not going to give them sixteen on Main Street, six on Oak Street and then two units over John the Tailors property, that will be twenty four. Then there is a gap of \$310,000. The gap between the villages grant, HUD Grant and the project cost is \$310,000. They will borrow some of that. Based on CPC's guidelines they will be able to borrow the \$310,147. That represents the same approach they are using on Main Street. You take their project budget of \$1,800,000, they are going to loan \$580,000, that is 30%. He applied 30% to this project cost as borrowed money, that is \$147,000 subtracted from \$310,000, they need \$163,000 more from someplace. So, they have \$163,000 more they have to go find to do Oak Street and they already need another \$180,000 to do Main Street with sixteen units. The Spanos family has to come up with another \$300,000 from some place to make this deal work. Oak Street, while it looked like a good way to solve the numbers problem with HUD, as you get into the analysis and the available funds, they are making the problem worse. If the problem can be solved by \$110,000 on Main Street with twenty three units, why are they going to try and raise to do sixteen and spend another \$183,000 out of their pocket and then down there spend another \$163,000. If you go to the seven units on Oak Street its worse, because your costs are higher and you're only going to borrow 30% of that money. If you do eight on Oak Street its much more. Six is a milder version but still a big problem. One place they are working to try and cut back is on the bricks and mortar cost, which is the biggest item in the budget. The biggest cost is the \$1,598,000. That was based on the architects per square foot figure from his experience. They hired a builder to do a take off and his numbers are the numbers they are using. That is not a competitive bid, they are not at that point. He hired a contractor who has done work in Walden and done this kind of work, and he did a detailed take off and those are the numbers. CPC has someone who will do the same thing. When they get that number, for budget purposes it may be a little lower, but that doesn't mean that is the real world. The lower they make estimates and the more unrealistic they are the more money Chris has to have out of his pocket at the end. Hopefully they will get the \$1,598,000 lower, based on rational analysis. For example the architect might say we're going to use 3/4" plywood, the contractor might say if you use press board for the part of the building where you don't need fire rating you can get it done for less. Those are the kind of analysis that have to be done in determining how to bring construction costs down. That is in the process of being done, they don't have a number yet. Mr. Jacobowitz doesn't think it will significantly alter the scenario he's explaining at this point without a project of twenty four units there is no HUD money, unless HUD will come off their position and change what they want to do and they don't have all the approvals they would need to do this project if they were going to try and do twenty three on Main Street or something on Oak Street. An application to HUD to amend has to be within sixty days from December 27<sup>th</sup>, so you're looking at February 26<sup>th</sup> or March 1<sup>st</sup>. If they did twenty three on Main Street he doesn't think there is any amendment necessary, because they said they were going to do twenty four units on Main

Street and they will be doing twenty four on Main Street. If they go to Oak Street they have to get the County committed to a contract, then they have to go to HUD with that amendment. He believes they will grant it, it makes sense. If they could get more money that would help solve this. The tax credit next round is April with a decision in May, if they keep to their schedule. The Federal Home Loan Bank Affordable Housing Grant next round is March with a decision end of April, beginning of May. Those are too far off to rely on if they have a sixty day cut off with HUD for the amendment. So that becomes a problem. One solution would be for them to say they will do sixteen in their building, commercial on first floor, the sixteen unit deal. They have to come up with \$183,000, assuming they would say yes, it hasn't been discussed with Chris's dad at all. They just went over this with Chris on Tuesday, and the village goes out and finds eight other units and they will get their \$183,000 and solve the problem that way. Another is that they give the village an option on the site, the village go out and find another developer and try and make the deal work. If they were to go ahead with the twenty three unit deal there has to be a zoning change. He provided the board with some possibilities. The solution is make it residential use. What they tried to anticipate is a limitation to protect other interest the village has on Main Street, and that is to prevent all of Main Street from becoming housing. His assumption was the village wouldn't want that and that is why they imposed a distance limitation. They also put in limitations that were rational and reasonable that would apply to this kind of use if the village was going to allow it. This was meant to be illustrative, not definitive. If they were to do the Oak Street building, which is very problematic the cost are increase substantially, because they re duplicating many things. They need another set of architectural plans, another set of engineer inspections, another approval process, they will have to have another appraisal, which will all cost more money. The higher the cost of the project the less return there will be. If you spend another \$100,000 on a residential rental property, you don't get more rent. The rent is what the market is and the market in Walden is \$525 and \$450. If there is a section eight contract then they are paying \$800, but that is not available to them. This project is not asking for any real property tax subsidy. They met with Mrs. Galus, Tax Assessor, and the number is \$18,000 in taxes if they have first floor commercial, because there is a 50% exemption for commercial use, new construction. Without the first floor commercial or without the exemption the taxes will be \$20,000 a year. The significance of that is the village isn't getting \$20,000 out of this property now. There is no tax abatement and those taxes get paid out of the rent stream. CPC says, thank you for all your numbers on how much you say you're going to spend for utilities, janitor, taxes etc. They checked that out themselves and they were \$4,000 apart. That number they come up with is important because the bottom line after you take rents and subtract expenses that bottom line is the way they will loan money. If they were able to reduce the taxes they would get more money from CPC. Their loan of \$580,000 is based on the numbers they confirmed and that is the amount they are willing to loan and that is it. If they could say they are not going to have this item of expense, because for whatever reason, then that gets factored in and they could loan them more money. There is a limited area where they can cut costs to bring the expenses down that would increase the operating income to justify a higher mortgage. That is not available to them because they didn't ask for an abatement, so that becomes a dead end. The thing that was a concern to the board at their last meeting was the CPC's position. They are willing to come and speak to the whole board. The thirty years effects the amount of the loan. if the term of the loan is twenty years, not thirty, they will only loan \$510,000. That is \$70,000 less than the \$580,000. That means they have to come up with another \$70,000. If its a thirty year loan with only \$5,000 paid to the village they loan \$610,000. If there is no payment to the village they will loan \$625,000. The more money there is at the bottom line the more money they can justify on a loan basis. They don't loan

dollar for dollar. They want for every \$1.00 in debt you have to pay back interest and principal, they want to see you have \$1.20 available.

Trustee McGuckin asked, on the twenty three unit proposal, from an operating cost standpoint, which is better, commercial or residential?

Mr. Jacobowitz stated that they will end up with approximately \$4,000 more on the bottom line if its residential. The reason is the vacancy rate for commercial is higher than residential and the rental numbers from that square footage from residential are basically higher than what you can rent commercial space for. CPC is using \$9.00 per square foot as the commercial rent.

Kerron Barnes asked, on the twenty three unit project budget they are showing the first mortgage of \$580,000, as he recalls his discussion with CPC, he thinks that \$580,00 is based on sixteen units.

Mr. Jacobowitz stated with the first floor commercial rental of \$44,000, sixteen units are on the second and third floor. They still have a first floor and they are renting it and that rent is in the budget.

Mr. Barnes asked if his loan goes up slightly when you add...

Mr. Jacobowitz interrupted by saying the bottom line difference is approximately \$4,000.

Mr. Barnes stated that the figure they've always talked to him about is \$580,000, so he wondered if it might be \$600,000 when they change the first floor from commercial to residential.

Mr. Jacobowitz stated that what happens is the eighteen in taxes go to \$20,000, because you lose the exemption on the first floor. The 50% exemption on taxes on the first floor, they lose it if they go residential. Now they are \$2,000 higher. Your vacancy rate is lower so that increases your net rent and residential generates more money than commercial, so you pick up a few bucks there. When you get all done its around \$4,000.

Trustee McGuckin asked, unless its a personal investment there is an expense that goes along with additional borrowing?

Mr. Jacobowitz stated correct. They've used 8 ¾%, if they went to a bank they wouldn't get 8 ¾%. Yes, if they could borrow more from CPC that would help, its at the lower interest. Mr. Jacobowitz asked Mr. Barnes if it was in stone that if they don't have twenty four units they are at risk?

Mr. Barnes stated that its not on paper. At first they didn't want to hear anything other then give us what you applied for and he told them it was impossible because of zoning issues. They then gave them pictures of the other building and said we can get twenty four by doing it this way. They said give us everything you promised, same amount of units, same amount of private investment, same amount of owner equity and senior citizen units, then we will look at an amendment. They still haven't promised it. If you go back to HUD and say we'll do twenty three units, but in the same place, he doesn't know, but Mr. Jacobowitz may be right, that is not a program amendment. We'd have to tell them about it. The point that they say we won't accept twenty three, we'll accept the option.

Mr. Jacobowitz stated that they would do the twenty four, the one unit would be over the store.

Trustee McGuckin asked if HUD would have a problem with that?

Mr. Barnes stated that its hard for him to read that, its a minor change of location. Its twenty four units, its just one is over there. If they said it was physically connected by a hallway its easier.

Mr. Jacobowitz stated that they don't want to connect the buildings, that is more expensive. What they would do is put it under the same contract so its controlled.

Trustee McGuckin asked how the ADA would come into effect with the one apartment above the clothing store?

Mr. Jacobowitz stated that if they don't connect the buildings its okay because you're on the second floor. Its only if you go to the third floor. He did mention HOMES from the County who is giving them \$100,000. The County has no more money up to the end of this year. There is one project that is questioned that has \$80,000. If it falls on its face the question is would they be willing to put another \$80,000 in Walden when they have so many other communities. its a tough sell. The next round is after May, which is late.

Trustee McGuckin asked if they would be willing to put any money into 17 Oak Street?

Mr. Jacobowitz stated that the problem is they don't have any.

Trustee Wynkoop asked Mr. Barnes about the lose of commercial space in that building, they are more interested in picking up the residential.

Mr. Barnes stated that it was to create more jobs. He thinks they are more interested in the housing. They didn't stress the job creation. He asked, if they did Oak Street and Main Street how much extra subsidy would it take to bring the cost of the second building into line so the per unit on that one is the same as this one, construction and development cost?

Mr. Jacobowitz stated that the problem with Oak Street you are going to have to have an elevator. So you have an elevator now for six, seven or eight units. The first floor would be three apartments and the second and third floor they would make the apartments duplex and by doing that eliminating the elevator. They don't know if that will fly, so these numbers include the elevator, take out \$50,000 out of the project cost.

Mr. Barnes stated that he's looking to avoid repeating the trip to the zoning question.

Mr. Jacobowitz stated that he thinks they can. They analyzed that property and went over it with Mr. Dowd. If they started with six all as they would need is site plan and special permit. They don't need a use variance and waiver on parking because they adjoin the Oak Street parking lot. They don't need a variance for the square footage because the six units are preexisting. They don't need any use variances. In that zone a multiple is allowed. They can't do anything until they get under contract with the County.

Mr. Dowd stated that at the December 30<sup>th</sup> meeting with the committee they talked about three options and of the three options the first floor residential on Main Street was the least desirable because of the effect on the existing tailor shop and future expansion, is that something that has been reevaluated and are they willing to give that up?

Mr. Jacobowitz stated yes, and he'd rather not state the reasons publicly.

Trustee McGuckin asked what was the original proposal for size of apartments?

Mr. Jacobowitz stated that the first application there were apartments less than 500 square feet. All of the apartments will be 500 square feet or larger. You need 1500 square feet of land area for every residential unit. They could not meet that, nor can any property on Main Street.

Trustee McGuckin asked if the surrounding businesses have a problem with it being all residential?

Mr. Spanos stated that he hasn't asked anyone.

Mayor Uszenski asked if the architect would be able to maintain some of the look of the building as it is now, including the first floor apartments?

Mr. Jacobowitz stated that won't be a problem. They will go to the planning board for architectural review with the revised elevation for the first floor.

Trustee Wynkoop asked about the parking, if they did away with the commercial space it wouldn't effect the parking that was needed, would that decrease it? Does that hold true with the twenty three units?

Mr. Jacobowitz stated they did the numbers and he thinks they are okay. On the first floor commercial under the zoning you needed one parking space for every 300 square feet, so they needed thirteen spaces. Residential you need one for a studio and 1 ¼ for one bedroom. Its less than ten, so you need less for residential.

Mayor Uszenski asked Mr. Dowd what the board had to do?

Mr. Dowd stated that it depends on what the boards intent is. Its what you picture Main Street being. If you do a blanket approval for housing on the first floor then you may end up with all housing on Main Street which may not be desirable. What the board should do is try to allow this kind of a use on Main Street with first floor residential and create a situation where no one else or very few can have that same kind of a use on Main Street.

Trustee Ozman asked Mr. Dowd if he's seen a scheme like that that held up under any type of challenge?

Mr. Dowd stated yes, for different kinds of uses. Its a zoning amendment which would be subject to SEQRA determinations and it would be referred to the planning board and Orange County Department of Planning.

Mayor Uszenski asked if the project goes this way we're down to four lending sources.

Mr. Barnes stated that is correct.

Mayor Uszenski stated that the village would be in second position with CPC first as the primary lender.

Trustee Ryan stated that during the zoning process they brought in an expert on real estate. With the sixteen over commercial what was the appraised value of the building?

Mr. Jacobowitz stated \$900,000 or \$1,000,000.

Trustee Ryan asked if there were any figures on the Oak Street property, once its completed?

Mr. Jacobowitz stated that he would do it pro rata, its one third the size, so \$350,000. Its not going to be worth the money that is in it, because rents in Walden are too low.

Trustee Ryan stated that when they were going through the initial process there was another lending institution, he doesn't see their names.

Mr. Jacobowitz stated that Walden Federal, they will loan the construction loan. CPC will do the take out or permanent loan. The money that is needed in the interim of construction added to the villages money, HOMES money, and Chris's money will come from Walden Federal on a construction loan that when the building is finished and the rents are happening CPC comes in and that check goes to Walden Federal and they are paid off and now CPC has the position.

Trustee Ryan asked where the balance of CPC's check was going?

Mr. Jacobowitz stated that there won't be any balance.

Trustee Ryan stated that CPC is \$580,000 or more, Walden Federal is \$500,000. There is a difference of \$80,000.

Mr. Jacobowitz stated that Walden Federal won't increase their loan to \$580,000 and CPC is at \$580,000. The money to pay the bricks and mortar and the material, Chris will have to come up with it. So his money in will be \$80,000 higher during construction.

Trustee Ryan stated \$110,000, \$267,000, plus \$80,000.

Mr. Jacobowitz stated that \$80,000 is temporary.

Trustee Ozman asked if construction cost factored in prevailing wages?

Mr. Jacobowitz stated yes, for the bricks and mortar part.

Trustee Ozman asked, isn't it true you can use non prevailing wages for the million dollar portion and prevailing for the HUD portion?

Mr. Jacobowitz stated not that they are aware of.

Trustee Ryan asked assume we've gotten past the hurdle, come thirty years down the road, how do they propose to pay the village back?

Mr. Jacobowitz stated that at the point the first mortgage is done, the village mortgage will be less and the property value should be adequate to refinance it, or your grandchildren are on the board and they come to them and ask to have it extended.

Trustee Ryan asked, as far as the aesthetics he would like to see a rendering. He's not sure he would appreciate first floor residential on Main Street.

Mr. Jacobowitz stated that if there is sentiment on the boards part that they are willing to do something then they will get something done to show the board graphically.

Trustee McGuckin stated that he wants to see the project go, see that side of Main Street bettered, but he does have reservations of what it will look like as a totally residential building. If it is attractive and fits in with the streetscape, then he has no problem supporting something like that.

Mayor Uszenski stated that they need the business communities support on this project.

Trustee Ozman asked if the board could find an hour to meet and go over all the options and impact.

Trustee Forman moved to hold a work session on Tuesday, January 14, 1997 at 6:30 PM at the Village Offices. Seconded by Trustee Ozman. All ayes. Motion carried.

Trustee Forman asked if the condition of the roof will hold up this year?

Mr. Jacobowitz stated yes.

Trustee McGuckin asked if there was a refinancing of the first mortgage would the village be asked to subordinate that?

Mr. Barnes stated that they would have to if they put it in the note and mortgage as a restriction. A new first mortgage would be subject to the board's approval.

Trustee Forman asked Mr. Barnes about the previous Small Cities Grants, has the village gotten back enough to redo anything?

Mr. Barnes stated no, we've gotten maybe \$20,000 back over the last year.

Trustee McGuckin asked Trustee Wynkoop, being a business person on and around Main Street, how does he feel the other business people will react to having residential on the first floor?

Trustee Wynkoop stated that he will go out and talk to some of them tomorrow and get an idea of how they feel.

Mayor Uszenski stated that people are complaining about the existing condition of the building.

Mr. Barnes stated that the only thing he saw was the \$580,000 loan is based on sixteen units, it may change slightly with twenty three or twenty four. He thought it was \$4,000 more per year which means if you have \$4,000 more to pay, you multiply that out to what will that borrow. Four thousand a month times twelve, \$48,000. If you could pay that on a loan how much more would that bring, he thinks it will bring something more. He doesn't understand the \$50,000 developers fee.

Trustee Ozman stated that they have to look into if the \$80,000 was in the original proforma. He thought it was less.

Mr. Barnes stated that they originally had \$30,000 from the UDAG and it was \$50,000 plus \$30,000 and they switched it around to make it all HODAG money.

Trustee Ozman asked what kind of reserve position is the village left in to fund things such as the code enforcement officer?

Mr. Barnes stated that HODAG can only be used for rental housing, so they can't use that for any other purpose.

Trustee Ozman asked if the village will be left with any type of reserve account after this project is completed?

Mr. Barnes stated not a whole lot, about \$2,000. June 30<sup>th</sup> the village will get another \$20,000 on HODAG.

Trustee McGuckin asked where the village is with the UDAG money?

Mr. Barnes stated that the village gets paid quarterly about \$13,000 per quarter. There is a long shot possibility of another lender, which might not charge 8  $\frac{3}{4}$ % interest.

Trustee Ryan asked what the villages interest rate does to CPC's standpoint or does it do nothing if the village goes to a flat fee?

Mr. Barnes stated that it would help a little bit. CPC is looking at a \$10,000 level payment and then anything over 17% the village gets.

Trustee Ryan stated then if the village had the 6% in there and the 6% wasn't charged until thirty years later, at the completion of CPC's commitment, it would effect them?

Mr. Barnes stated no. He thinks at the last meeting they had requested the village consider 1% interest. The board can make it anything they want.

Trustee Ryan asked if the village states what the payments are and they won't be more than that for thirty years, CPC can take that number and factor that in?

Mr. Barnes stated that is what they want.

Trustee Ryan asked, it doesn't matter what the interest rate is as long as they are already satisfied?

Mr. Barnes stated correct.

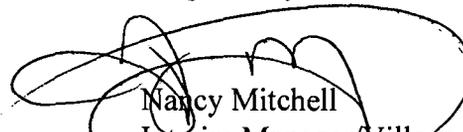
Mayor Uszenski stated that the verbal agreement was 0 to 3% without tax credits and the tax credits are basically gone.

Mr. Barnes stated that there is a way to do tax credits with this project that is somewhat foreclosed. He spoke to the Housing Finance Agency in New York and they lend money to projects like this at 7.13% interest. They also have there own reservation of tax credits. If you finance through them they can get the tax credits. HFA won't finance any project less than one million dollars.

**ADJOURNMENT**

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

Respectfully submitted,



Nancy Mitchell  
Interim Manager/Village Clerk

NOTICE  
OF  
SPECIAL  
MEETING

PLEASE TAKE NOTICE that the Village of Walden, Board of Trustees will hold a special meeting on Thursday, January 2, 1997 at 7:00 PM at the Village Offices, 8 Scofield Street, Walden, New York.

AGENDA

1. 11-17 Main Street
2. Local Law, Snow and Ice, Removal Of
3. Executive Session

VILLAGE OF WALDEN  
BOARD OF TRUSTEES  
SPECIAL MEETING  
JANUARY 2, 1997

APPROVED

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 Raynard Ozman  
Chris Forman  
Martin Besdesky  
Roy Wynkoop

Absent: Trustees John McGuckin, later present  
John Ryan

Also Present: Nancy Mitchell, Interim Manager

**11-17 MAIN STREET**

Kerron Barnes stated that he gave the board a memo regarding 11-17 Main Street. When the developer was originally financing this project they proposed a fifteen year loan from the first lender. One of the banks they were going to use has withdrawn and they have now applied to CPC, which is a bunch of larger New York banks set up just to specialize in housing. They understand the project a lot better than a commercial bank would. They want to do a thirty year loan, but they can't have the village saying that on the tenth year pass back everything. There is nothing worse you can do to a banker then to threaten his principal. They have asked the village to reconsider our terms. The developer has offered to pay \$10,000 per year starting with the first year. The board said they want an interest rate of 0-6%, because we were dealing with tax credits. The board has to decide what percentage is reasonable. They are also proposing payment to the village of all income, about 17% of the developer's investment, project to be \$267,750 in years 10 through 30. CPC would not be able to loan money unless they know what the other loans are going to have to be paid. Mr. Barnes also suggested an item of consideration be whether the board feels 17% is too much or too little. If the village gets too high HUD would say that is an unreasonable return. The other question is an annual payment is sometimes very hard. The village might want to say, pay quarterly or pay monthly. What is important is, the village may want to, in their resolution, reserve the right, because any business, when you say we get all income over a certain percent there are different ways to count what is income and are you going to take income before or after depreciation. If the village does this as a structured resolution, he thinks the village would want to say, this resolution is based on funding, or a thirty year first mortgage. CPC needs to have a predictable set of cash flows for this project, because then they know what the developer is going to have to pay.

Trustee Ozman stated that it would be nice if the village can get a stable rate of payment back. The issue of getting \$10,000 a year would do very little, if anything for the HUD programs. We have to consider keeping the program together and removing the impediment of blight that is on Main Street. The village should very carefully consider the payment plan, the structure of it and he doesn't think it should be contingent on any moving target. As Mr. Barnes pointed out, 17%, 17% of what, there are so many targets that the village has to nail down, it becomes very unworkable. Even if we have the proper documents in place it becomes unworkable in the sense they are subject to various forms of interpretation. This will require a couple work sessions to get something ironed out that everyone feels comfortable with.

Mr. Barnes stated that they are under a lot of time pressure at this point. They went to HUD and met with them and at first they were concerned with the change of the project and they have now given a window to submit an amendment with changes in it. The developer needs to get this to CPC and the bank so they can plug it in. Mr. Barnes suggested to him that the board may not be able to come to a final decision, but if he has a sense of the board, even unofficially, that they can at least plug numbers into their computer. He can't structure his loan until he knows what is there.

Trustee Ozman asked who would be responsible for auditing and accounting for what amount the 17% or higher number may be?

Mr. Barnes stated that one way would be to get their tax return.

Mayor Uszenski stated that it says all income.

Mr. Barnes stated that they are talking net income. His proforma showed a return on his investment for the first year 3.3% and then it goes up and it doesn't hit 18% until the year eight and then it goes 21%, 24%. They suggested the tenth year this kicks in. CPC is reviewing their cost as well. They did feel that construction cost was somewhat high.

Trustee Forman asked if they've applied for tax credits.

Mr. Barnes stated yes. Some of the tax credits were awarded and there is a second round.

Trustee Ozman asked if Mr. Barnes discussed having no principal early on and then having the principal kick in as a regular loan payment in the second or third year.

Mr. Barnes stated that they didn't. He further stated that the first year is kind of tight in this project, so you may want to say pay \$5,000 a year for the first two years. CPC doesn't come in until the project is done and rented.

Trustee McGuckin asked if they would go for twenty years, in terms of the village loan?

Mr. Barnes stated no.

Trustee McGuckin asked if the \$10,000 was a locked figure?

Mr. Barnes stated that generates more from what is left after you pay the expenses, he hasn't seen the new proforma.

Mr. Barnes asked the board if there was any sentiment for establishing a percentage as a payment of income?

Trustee Ozman stated that he is not comfortable with it, because its always a moving target and someone is always going to have to chase it. It has nothing to do with the integrity of the borrower. Just from a financial standpoint, its very difficult to come up with what is over 17%.

Mayor Uszenski suggested they define the income. That seems to be a question.

Trustee Ozman stated that the board has to first decide if they will consider as a whole basing it upon an income valuation. If the board isn't going to consider basing a repayment plan structured around what the borrowers income is, then we don't have to go that far. He is very uncomfortable with this.

Mr. Barnes suggested the village says \$10,000 a year and make it two or three percent and put the interest at the end on the balloon mortgage.

Trustee McGuckin stated that he has a problem with tying up village money for thirty years.

Mr. Barnes stated that if they went to a twenty year mortgage it makes the payments bigger each month and he doesn't know if it works. At fifteen it looked okay, but we were dealing with a little different situation. He asked the board if they would like him to ask Doug Alcott to come to the next special meeting.

Trustee Besdesky stated that he has trouble with the thirty years.

Trustee Ozman stated that this is also going to behind the first mortgage of \$700,000/\$800,000.

Trustee Forman stated that you're looking at a balloon of a half million dollars, plus interest.

Mr. Barnes stated that \$10,000 per year, at the end of thirty years you would have paid \$300,000 off out of \$830,000, so you would have \$530,000 principal unpaid, plus interest.

Trustee Forman stated that would be on property that was renovated thirty years prior.

Trustee McGuckin asked, and what is it worth?

Mr. Barnes stated that he will talk to Mr. Alcott to see if twenty years works.

Trustee Besdesky asked about the tax credits.

Mr. Barnes stated that they haven't been awarded yet.

Trustee McGuckin moved to hold a special meeting regarding 11-17 Main Street funding on Thursday, at 7:00 PM. Seconded by Trustee Forman. All ayes. Motion carried.

#### **LOCAL LAW I-4 - SNOW AND ICE, REMOVAL OF**

Trustee McGuckin stated that he had a problem with the height problem.

Trustee Ozman stated that he reviewed the local law and he had some concerns. He wanted to define items of concern that the board wanted this local law to take care of. What the board wants this local law to do is keep the sidewalks clear, have the snow removed within twenty four hours and shorten the notice requirement. The first paragraph of the local law is the intent, there is nothing wrong with it. He doesn't know if you need it or not. The second section 127.2, Duty to keep sidewalks clear, that section is fine. The only question that comes to mind is who would get notice first, the owner or the occupant, probably either party. The third section, 127.3, that the snow and ice shall be removed within twenty four hours, the last time the board spoke the board felt foolish because someone brought up, does it just have to be removed within twenty four hours after the end of the snow fall, and then what happens. Mr. Dowd suggested a provision be added about keeping it clear thereafter. If you go back to 127.22 it says it shall be the duty of owner or occupant, jointly, of every parcel of real estate adjoining a public sidewalk, to keep such sidewalks adjoining such property free from snow and ice for the full width. We don't have to add language. He doesn't see any problem with Section 127.24. Section 127.25, Removal by the village, if you go down to the fourth line, it come back to the notice requirement, the big issue here is the notice requirement, how can we get snow off of peoples sidewalks quicker then we have been doing in the past. If we are going to need a provision, spelling out what the notice requirement is because there is some inconsistency. In 127.25 it has to be done within the time specified in this article or within four hours after the notice by the Village of Walden to remove it. It almost says, can the notice be prior to the twenty four hours, as long as you give four hours notice, it's just not clear.

Trustee McGuckin stated that wouldn't be a bad idea for the problem properties, to notice them ahead of time. Then it states the law itself should be the notice.

Trustee Ozman stated that you cannot notice someone prior to the happening of an event, so we need to clean up the language in 127.25, so it is consistent. He thinks the next line also needs to be changed, that goes on to say it shall be the duty of the Superintendent of Public Works to remove or cause to be removed said snow and ice from such sidewalk, if its not done. He feels that should be changed to, the Superintendent of Public Works may remove or cause to be removed said snow, because what is happening is the liability aspect is being shifted to the village. The village now, according to this law, has to remove that snow if the homeowner doesn't. According to this law it shall be the duty of the superintendent to remove it.

Trustee McGuckin stated, or cause to be removed. That says to him that he can hire a subcontractor to come in and take it away.

Trustee Ozman suggested that be changed to the superintendent may remove that snow.

Trustee McGuckin stated that the initial thought was that the village crew will be busy enough and we will hire a subcontractor to come in. That would be the superintendents responsibility to contract with those subcontractors.

Trustee Ozman stated that in terms of 127.26, the Village Clerk shall present to the owner or occupant of each parcel and then they have thirty days thereafter to pay it.

Mayor Uszenski stated then they have sixty days to pay it, that is too long.

Trustee Ozman stated that he would remove Section 127.27, Snow and ice falling from buildings.

Trustee McGuckin stated that the only time it would make sense is if someone had snow piled on their deck that overlooks their sidewalk and it happens to fall after the snow fall, but that would be covered where it says you're responsible to keep your sidewalk clear of snow and ice.

Trustee Ozman stated that Section 127-28 is covered under other laws, but it's fine. Sections 127-29 says basically the same as 127.28, so he would remove B, C, and D. The height issue is important, but it isn't realistic. You have the four hour provision in Subsection E and Subsection F is okay if you just put in the thirty days. Section 127.4, he suggested it be changed to the <sup>power</sup> of the superintendent to be able to remove the snow. *Empower*

Trustee McGuckin stated that you make the language clear saying that he is empowered to remove it himself or contract with a subcontractor.

Trustee Ozman stated that its the notice requirement that he didn't have an opportunity to get together. He asked how the village is going to notice the people differently then what has been done in the past? He asked that the steps be spelled out that are going to be utilized to notice the person.

Trustee Besdesky suggested to have the police bring the notice to the door.

Trustee Ozman asked if it was the consensus of the board to leave the rule that the snow must be removed within twenty four hours? Then there is the four hour rule that is floating around in a bunch of the sections and he thinks that came about with the section of the height.

Trustee Forman stated that he read it as you are in violation if you haven't done it within twenty four hours and now you have four hours to take care of it.

Trustee Ozman stated that he also wants the notice requirement to work against abandoned buildings.

Mayor Uszenski asked if a summons can be done and then post the property, if someone lives there?

Trustee Ozman stated that if you have actual knowledge that no one is there the service is no good in that case. He suggested that something be added to the notice requirement, in the event that snow and ice is not removed within twenty four hours notice of the alleged violation shall be served, and the question is shall it be served in writing to the owner or occupant of said parcel and in the event that no

person is in occupancy the notice shall be affixed to the door of said structure. He asked if a copy should be sent by first class mail. That doesn't necessarily mean that the receipt of that mail makes it complete. Service can be complete upon the mailing.

Trustee Forman asked if the notice has to be sent certified as proof of mailing?

Trustee Ozman stated that he would do a proof of mailing. He would like the village attorney to take a look at the notice requirement one more time. He will fax the changes he made to Mr. Dowd. He will also raise the questions of open lots, personal service and county property.

### **EXECUTIVE SESSION**

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

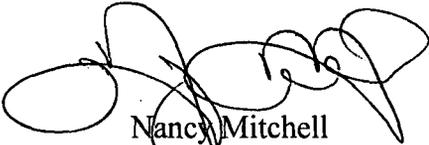
Trustee Besdesky moved to reconvene the special meeting. Seconded by Trustee Forman. All ayes. Motion carried.

Trustee McGuckin moved to authorize Vince Toomey appeal the judges decision in regard to the PBA General Municipal Law 207-c, Improper Practice Charge. Seconded by Trustee Wynkoop. All ayes. Motion carried.

### **ADJOURNMENT**

Trustee Ozman moved to adjourn. Seconded by Trustee Wynkoop. All ayes. Meeting adjourned at 8:40 PM.

Respectfully submitted,



Nancy Mitchell  
Interim Manager/Village Clerk