

OUTDOOR CAFÉ' APPLICATION

APPLICANT/OWNER

DATE:

6-21-20

NAME:

GARY SWEENEY

ADDRESS:

33 ONONDAGA AVE. WOLDEN NY 12586

TELEPHONE NUMBER:

(845) 591-7274

E-MAIL ADDRESS:

SWEENEYS PUB 97 @ yahoo.com

LOCATION:

33 ONONDAGA AVE WOLDEN NY 12586

ESTABLISHMENT NAME:

SWEENEYS INN & RESTAURANT

ADDRESS:

33 ONONDAGA AVE. WOLDEN NY 12586

TELEPHONE NUMBER:

(845) 778-3337

TAX MAP NUMBER:

SECTION 309, BLOCK 14, LOT 22

REQUESTED DAYS/HOURS OF PERMIT:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
11:30-11pm	7am-11pm	7am-11pm	7am-11pm	7am-11pm	7am-11pm	7am-11pm

REQUIREMENT INFORMATION:

- The number of tables and chairs desired for this area and a rendering of positions of tables relative to entrances, exits and the sidewalk. *8X2 SEATED TABLES*
- A site plan and building plans drawn to scale showing proper clearance around the ingress and egress to buildings and to fire safeguards; also the proper amount of clearances on the sidewalk for pedestrian traffic.
- Proof of insurance in the amount required.
- An indication of all fixtures such as fencing, decking or planters to be used, and an indication of whether or not they will be removed when the café is closed.
- A survey map indicating proper lines and that property which is owned by the applicant and that which is village owned.

THE FOLLOWING STANDARDS SHALL APPLY:

1. The proposed outdoor café will not reasonably interfere with the pedestrian traffic or use of village owned portion of property being used.
2. Applicant must meet all applicable provisions of 305-13 D

FEE:

The annual fee for processing the application is \$50.00 per permit. Permits that are issued are in effect from January 1st thru December 31st and must be renewed.

INSURANCE:

Certificate of Insurance naming the Village of Walden as additional insured must be presented to the Village at the time application is made in the amount of one million dollars (\$1,000,000.00) for each person, and one million dollars (\$1,000,000.00) for bodily injury and property damage.

REVOCAION OR SUSPENSION OF PERMIT:

The Village Board of Trustees shall have the authority to revoke or suspend a permit upon finding of a violation of any applicable rule, regulation, ordinance, local law or statute or upon good cause shown.

TRASH; MAINTENANCE OF PREMISES:

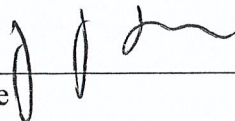
Property shall be cleaned and kept refuse free, and no large containers for trash shall be placed on the café premises. Public property shall not be altered in any way.

PERMITS:

After the application has been provided along with fees and insurances, the application will be placed in front of the Village Board for approval. Once approved, a permit will be issued.

I HAVE READ THE ABOVE AND AGREE TO ABIDE BY THE CONDITIONS SET FORTH IN THE VILLAGE CODE, CHAPTER 305, SECTION 305-13 D.

Signature

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.



Sweeney's

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/22/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Joy Insurance Agency, Inc. 639 E. Main St. Middletown, NY 10940	CONTACT NAME: Joy Insurance		
	PHONE (A/C, No, Ext): 845-342-4888	FAX (A/C, No): 845-342-9117	
	E-MAIL ADDRESS: certificates@joyinsurance.com		
	INSURER(S) AFFORDING COVERAGE		
	INSURER A: Erie Insurance Company		
	INSURER B: _____		
INSURED MVP Sports Bar, Inc. DBA Sweeney's Irish Pub 33 Orange Ave. Walden, NY 12586		NAIC # 26263	
	INSURER C: _____		
	INSURER D: _____		
	INSURER E: _____		
	INSURER F: _____		

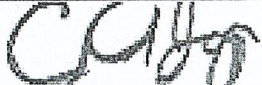
COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> LIQUOR LIABILITY GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y		Q97-1216631	2/12/2020	2/12/2021	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							LIQUOR LIABILITY	\$ 1,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED: RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Village of Walden is added as Additional Insured on the General Liability, with respect to Outdoor Cafe permit.

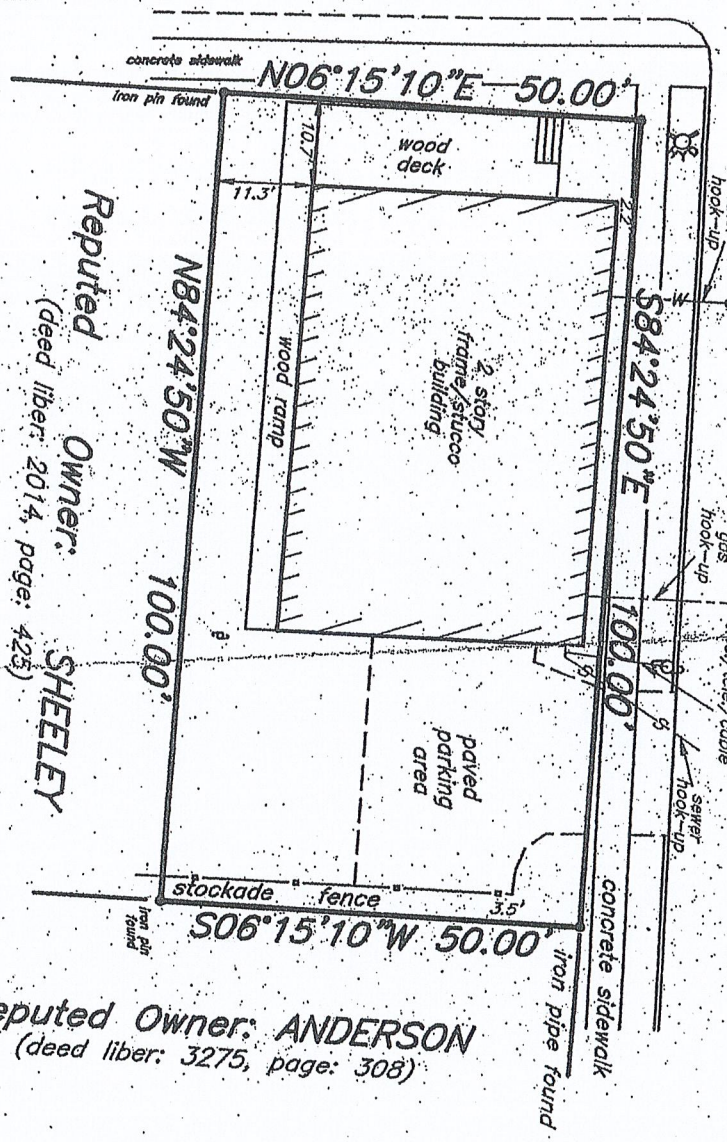
CERTIFICATE HOLDER Village of Walden Building Department 1 Municipal Square Walden, NY 12586	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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5,000 S.F.
0.115± acres

SUBJECT to any easements, rights-of-ways, and/or agreements that the utility companies may have. SUBJECT to such facts disclosed by an accurate, up-to-date title search. OFFSETS shown hereon are not to be used for construction purposes and/or fence installation.

GRANT STREET



Reputed Owner: ANDERSON
(deed liber: 3275, page: 308)

Reputed Owner: SHEELEY
(deed liber: 2014, page: 425)

REFERENCES:

TAX MAP DATA:
Section: 309
Block: 14
Lot: 22
Deed Liber: 4504, Page: 237

Survey of Property for
S W E E N E Y
located in the
Village of Walden
Orange County - New York

Scale: 1" = 20' date: 7 Jan. 2004 file no.: 99-30
rev. 27 Jan. 2004
WEEDEN SURVEYING
HOWARD W. WEEDEN, PLS. PC
LICENSED LAND SURVEYOR
62 Main Street Walden, N.Y. 12586

Certificates indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors. Said certificates shall run only to the person for whom the survey is prepared, and on the behalf of the title company, government, and any lending institution listed herein, and to the assignees of the lending institution. Certificates are not transmittable to additional individuals or subsequent owners.

Questioned description of section to a survey, map bearing a licensed land surveyor's seal, is void in violation of section 7209, subdivision 2, of the New York State Education Law.

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§ 117-2 Permit required.

A person or entity wishing to place or utilize a **clothing** bin container within the Village of Walden in a place that is open or accessible to the public must obtain a permit from the Village of Walden Building Department. The cost for such permit is hereby established as \$50 per **clothing** bin. No more than two **clothing** bins shall be located on any one property. The permit shall be valid for a period of one year and must be renewed on an annual basis. A new fee of \$50 shall be paid each year. **Failure to abide by the terms set forth herein shall be grounds to deny the reissuance of a permit.** Only the following entities and/or organizations may apply for and obtain a permit:

A.

Entities or organizations that have a tax exempt status under § 501(c)(3) of the Internal Revenue Code, as amended. Proof of such tax status must accompany an application for a permit;

B.

Churches, synagogues, mosques, temples and other religious organizations having premises in the Village of Walden.

Chapter 4

Term of Office

INTRODUCTION

Pursuant to Village Law § 3-302(1), the official year of the village begins at noon on the first Monday of the month following the village election. The term of each elective and appointive village officer begins at the start of the official year.¹

Under Village Law § 3-302(3), the term of office for mayor, trustee, treasurer and clerk is two years, while the term of village justice is four years. The term of any village office not specified in the Village Law is one year.² Locally established offices should specify the term of office in order to avoid any confusion.

The term of each office is fixed, even if the elective or appointive office is filled at a later date than that of the start of the official year. The term of office for any officer appointed at any time other than the start of the official year begins at the time of his or her appointment. For example, in a village that conducts an election in March 2019, the beginning of an elected and appointed official's term begins at noon on the first Monday of April 2019 and runs until April 2020. If a clerk begins their term in April 2019 and resigns in October 2019, the term still runs to April 2020, despite the newly appointed clerk not serving a full two-year term of office. In other words, the term of a public office runs independent of the individual serving in that office.

CHANGING THE TERM OF OFFICE FROM TWO TO FOUR YEARS

MAYOR AND TRUSTEES

Pursuant to Village Law § 3-302(5)(a), the board of trustees may via a resolution or local law subject to permissive referendum, extend the term of office of the mayor, the terms for all trustees, or the terms of office for mayor and all trustees to four years. If the resolution or local law is adopted fewer than 30 days prior to a village election, it does not become effective until the next election thereafter. To avoid confusion, villages should identify the effective date of the resolution or local law in the enabling language of the legislation. The local law or resolution does not become effective until after the permissive referendum process has been completed. For more information on the process for conducting permissive referenda, see Chapter 9, Referenda on page 9.1).

After the enactment becomes effective, the offices filled at the next general village election will be for four-year terms. Increasing the term of office is a prospective act and does not affect the current terms of office.

For example, assume that a village adopts a resolution extending the terms of office of its trustees from two to four years, effective in August 2019. Two of the trustees' terms expire in April 2020; the successors to these offices will serve four-year terms that begin in April 2020. The remaining trustees' terms expire in April 2021; the successors to these offices will serve four-year terms beginning in April 2021. In this example, absent a

vacancy in office, the next general village elections for the offices of trustee will occur in 2020 and 2021.

VILLAGE JUSTICE

The term of the village justice is four years and may not be altered by the board of trustees.³

CLERK AND TREASURER

Pursuant to Village Law § 3-302(6), a board of trustees that has changed the terms of office for the mayor and trustees to four years may also enact a resolution or local law, subject to permissive referendum, extending the term of office of the clerk and/or treasurer to four years. The board of trustees must provide in the resolution or local law that the first term of the clerk and/or treasurer expires at the end of the term of office of the mayor then in office so that the terms of office of the clerk, treasurer, and mayor all expire in the same year.⁴

BIENNIAL ELECTIONS

A term of office extended from two years to four years begins immediately after the current term of office expires, which, as a result, creates uneven elections (for instance, trustee elections in 2019 and 2020 but then not again until 2023 and 2024). If a village board wishes to alter the elections so that all of the elective offices commence in either an odd or even year, it may switch to biennial elections and provide that the general village elections will be held only in odd or even years. The biennial election provision is provided for in Village Law § 3-302(7), and may be included in the resolution or local law that extends the term of office to four years. Alternatively, the board may, subsequent to extending the terms of office, adopt another resolution or local law that establishes biennial elections. If passed separately, the biennial election enactment is subject to permissive referendum and may not become effective during the 30 days prior to a general village election.

When switching to biennial elections, the successors to some, but not all of the current elected offices will serve a single interim term of office of either three or five years, depending upon three factors:

- When the biennial election local law/resolution becomes effective;
- Whether odd- or even-year biennial elections are established; and
- Whether the current terms of office expire in an odd or even year. Note that if a village has two justices, each justice may have to serve a single term beginning in a different year.

There are four possible interim term of office scenarios.

Scenario 1 – Establish Even Year Biennial Elections and the Next Election is in an Odd Year When the village has established even-year biennial elections and the next election is in an odd year, then any successor to an official currently in office whose term

**Village of Walden
Board of Trustees Regular Meeting
July 7, 2020**

Mayor Taylor called the regular meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Sue Taylor
	Trustees	Faith Moore Brian Sebring John Ramos Larry Kraus Dan Svarczkopf Lynn E. Thompson

Absent:

Also Present:	John Revella, Village Manager Marisa Kraus, Village Clerk Kelly A. Kelly, Village Treasurer
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Village Manager's Report

Manager Revella: Over the past 2 weeks, we had a couple updates. Really, the biggest one is the Governor put a travel ban on people coming from certain states. I put an order out that was congruent with that. It's been amended twice since then. So, I have to amend that again in the morning to include 19 states total. Really just to make sure that people that are traveling to hot spots aren't infecting others. We're still social distancing and wearing masks throughout the Village. Limited access at Village Hall, still. We're working on those updates now, depending on what happens with the health department on whether we can open up a little more fully than we are now, we're trying to accommodate the residents as we can. We've had some BAN renewals, interest rates are not too bad from last year, little bit higher. We should be okay. I had some complaints on tax bills and when they're due and what's owed. We've been trying to work with people to make sure they're getting it in on time without penalty. Had a couple of interviews for office help for the part time position. We haven't filled the position yet. We're still interviewing people and looking through applications. We have another one on tomorrow, so hopefully that one works out. Had a few very lengthy FOIL requests as soon as the what's called 50A restriction on police personnel files was lifted. There were 2 different organizations. One was a newspaper. One was an organization that filed for all personnel records for police officers. It was pretty wide ranging. The problem is that we cannot comply because it's a negotiated topic under the Taylor Law and that provision is not accommodated for in the law that the state just passed. Our attorneys are trying to work on that with the union attorneys to see what can be done, as well as looking through the FOIL request to see what's appropriate and not appropriate. We've been responding according to the law on those as well. Marisa and Kelly have been doing updates as they can with things as they come in on Facebook and the Village Website. Working on a couple different things, a webinar.

The Public Works has been very busy, as always. They were able to get a good contractor in and were able to assist in getting rid of some dangerous trees. A couple up at Wooster Grove and one on West Main Street. Worked on the pedestrian area that was hit by a downed tree. We received a quote on the rails there to get that fixed. This was part of the budget. Working on some patching, some catch basins, maintenance. Big projects are stalled for now, but they're doing a lot of maintenance work. We're trying to get ready for the big projects to come up. Water has been doing their routine testing's, meters, mark outs. A lot of dig permits. They follow up with those and doing the schedules and the supervision of those as well. They did put up the additional fencing as well at DPW. If you go down to Bradley Park, you'll see the fence to cordon off the DPW area so that no one's walking through and causing any problems. There are some dangerous things in that lot. So, we want to make sure that kids aren't walking through there. Putting in some big meters down at Hannaford. There were some questions by the owner as to what the right usage was. We changed the meter out in the pit so that we had a better count. Getting ready for the capital projects. The paving bid should be getting ready soon for Grove St. Queenan and Fred met at Grove St to make sure that was going on schedule. Received bids for the rails for Ulster Ave. Ulster Ave is pretty much wrapped up now this week. They're doing the touch ups. We have to get the state to approve the handrails for the stairs. That's the last thing on the task.

Building Inspector has been doing all his permits, COs, requests for permits and COs, emails. He did have to do a couple stop work orders because people were working without permits. Had done some high grass and debris notices for violations. It's not as easy to do with the other things on his plate right now, but he tries to keep up with those as he can, if he sees them or if someone calls in about them. And if you do, please let the Building Inspector know, so we can notify those. He's not able to get to every street every day due to scheduling. We're still trying to fill the position of Code Enforcement Officer.

Mike's been having the guys continue with the lawn maintenance, maintenance at the parks. He still has some updates to do with plantings around the Village. We had a meeting about that with Trustee Thompson. There'll be some follow up, Mike's away. We'll follow up with him on the plantings around the Village, flowers and things like that. Beautification issues that had come up. The Music in the Grove, the first one had to get postponed. Hopefully, the future ones will be on. If there's a rain issue, though, we don't have a facility because of COVID, so if there is rain again, we'll have to postpone.

As you know, we still have a couple of guys out onto a 207c. Don't have any updates yet on those. Next update for one is the end of the month. The other one is the week before. We'll also have an officer out on FMLA for a family matter. So, we're trying to get the part timers in there. We have 1 part time person going to the academy. There'll be a new officer coming in as soon as he's done with phase 2. He's doing phase 1 now. We've had some traffic enforcement now. They're trying to keep up with that now that there's a little more leeway in the phases. Still wearing their mask as they get out of the cars, but trying to work on that as well. We did have the retirements for the Chief and for Officer Wolven. Chief is actually out on accrued time. He will be back July 16th and 17th. The 17th is the walk out, as well as a small celebration. The official last day is July 30th.

Mayor Taylor: I received the message from the Town of Montgomery that their building is open. What's the difference between us and the Town of Montgomery as far as opening the building?

Manager Revella: They're spending more money on personnel to be able to accommodate people coming into the building. They have to have people at the door scheduling, thermometer tests, things like that, that I don't think its feasible right now to do or prudent in nature of the COVID and what's been going on around the country. I don't know if our employees would be comfortable with that either. So, we're accommodating as much as we can as well as we can with appointments and

people coming in when they can to do what they can. Using the drop box, paying online as much as they can for now until that's a little safer.

Trustee Thompson: You've closed the window for applications for the Code Enforcement position, correct?

Manager Revella: The deadline is passed, correct. But we always will take in applications on a rolling admission for any position.

Trustee Thompson: Understood. When were you hoping to begin interviews for that position?

Manager Revella: I was hoping to do this week, but it's not possible, so we hope next week. We have a couple of candidates to interview.

Trustee Thompson: Do we have any new information on the Hill Street Bridge?

Manager Revella: No. That's on the agenda for potential issue with a joint meeting. The joint meeting would be the Hill Street Bridge and a potential annexation. Which is the one that we would talk about February and March.

Deputy Mayor Moore: Anything that we need to discuss regarding the Chief of Police position?

Manager Revella: Yes.

Trustee Sebring: What other streets are going to get paved?

Manager Revella: This year is just Grove St. We have on a long-term plan, trying to get to Gladstone and then Walker and Center, North and South. We want to do curbs as well so we're trying to make sure we have enough funding.

Approval of Minutes June 16, 2020

Trustee Ramos made a motion to approve June 16, 2020 Minutes. Seconded by Trustee Thompson. All ayes. Motion carried.

Action Items:

Zoning Code Amendment – Set Public Hearing

Manager Revella: This is the same zoning code that we looked at a couple of years ago. We had sent to the Planning Board to do the review and they were doing the application. Sent again to them for comment. It's really time to set the public hearing for it. Hopefully for next meeting. Hopefully we'll have some comments from the Village Planning Board and from the County Planning Department, as well as any public comments there may be for that time.

Mayor Taylor: You don't want to get those documents first and then set a hearing?

Manager Revella: If they're not in, you don't have to close the public hearing, but that's really up to you. At least have it held for the 21st and then go from there.

Trustee Sebring made a motion to set public hearing for Zoning Code amendment for July 21, 2020 at 6:30pm or shortly thereafter. Seconded by Trustee Ramos. All ayes. Motion carried.

Donation Boxes - Discussion

Mayor Taylor: You're talking about boxes in the Village where people can put clothing, that sort of thing, correct?

Manager Revella: Yes.

Trustee Thompson: I would like to keep the one by the firehouse, but if they all have to go, then they all have to go.

Mayor Taylor: I went by the one behind the old Medicine Shoppe building and there's more stuff piled there today.

Trustee Thompson: It's a never-ending issue. The only one that nobody complains about is the one at the firehouse because they maintain their box and it's not in a heavy traffic area in the Village. That's the only box that I've not heard one single complaint about. But the problem was, can we legally just keep one particular organization with a box? Or do they all have to go?

Manager Revella: You can't do a complete ban. It's not allowed according to case law that Dave provided, but we can regulate it as we have been. The one that you mentioned, since it's not being compliant, can be fined and removed.

Trustee Thompson: I thought Dave was looking into what would be considered an unfair, exorbitant fine.

Manager Revella: We're allowed \$250 dollars a day, according to Village Law. That's the maximum.

Trustee Svarczkopf: Do they need to be given 24 hours before that happens?

Manager Revella: They'd get noticed.

Mayor Taylor: I don't think the Building Inspector has time. We're having an issue with having time to do what he's got to do now. I think if the Village is going to allow these donation boxes to be there, in my opinion, it's incumbent behind the organization that places them here to do the maintenance for them. I don't think that's our responsibility. It's pretty obvious that it's not being done. They've been asked numerous times. We had other issues. It just doesn't seem like they're interested in. policing, if you will, their boxes. I'd be in favor of fining them and making them remove it if they're not going to take care of it.

Deputy Mayor Moore: Just for clarification, the fine that we can fine up to \$250 a day, does it go to the organization or to the property owner?

Manager Revella: The property owner.

Trustee Ramos: The one that was noticed on West Main Street, was there fine?

Manager Revella: They removed them within the timeframe given to them in the notice. Just so everyone's clear, most places that have these boxes on them, have some kind of rental or lease

agreement that they're paid per month back. I know it's harsh to fine the property owners, but they are profiting from these. So, they're the ones that have the power to push the people leasing with them to really stay on top of their game and clean these up. So, if they're not doing that, the landlord, in a sense, is not doing their job either. It makes sense to cite them and hopefully get it taken care of.

Deputy Mayor Moore: Then the owner would be policing the box as opposed to our Village employee, having to call the company and tell them to come empty it out.

Manager Revella: That's correct.

Trustee Svarczkopf: The only way that the property owner is going to do that is if he starts getting fined so that the Building Inspector is going to have to go out, at least initially.

Deputy Mayor Moore: Once the first person gets fined \$250 a day, it's going to get out there that they have to start keeping an eye on them.

Trustee Thompson: But we still have to deal with these unsightly messes. I just don't see what the boxes bring to the Village. I say we just don't deal with the boxes.

Mayor Taylor: He said that we can't ban them. Is that because of a local law? Or is that a state law?

Manager Revella: It was a court case that Dave found.

Deputy Mayor Moore: That was my understanding in reading the memo that was sent out. Reading it, that was our attorney's advice, that we cannot just ban them.

Trustee Thompson: Right. But that's why I asked the initial question, can you be more selective about who is allowed to have a box?

Trustee Svarczkopf: That sounds like that could be allowed, right? Because we're not banning them altogether, we're saying you're not being responsible.

Manager Revella: Your ability to legislate that would be to not allow them or to allow them in certain zones in the Village. I would not discriminate or disseminate between certain companies, that would be dangerous.

Trustee Thompson: That's why I was asking the original question, I wanted to make sure that I understood it properly.

Trustee Svarczkopf: My initial thought was to not put them on Main Streets. But then the whole reason that they're there so that people see them and can know where they are.

Mayor Taylor: If someone's going to allow one on their property, do they have to notify the Village that they're allowing it?

Manager Revella: No. Say I own the property West Main Street. Get solicited by X company to come put the box there and they say, "I'm going to give you \$100 month or \$250 a month to have

this box here." That company comes collects that stuff every to sell somewhere, either at a consignment shop or online, who knows, and that's how they profit from us. That's why we really need to get on the property owners about.

Trustee Thompson: Let's say the landlord still can't get them to comply and he or she keeps getting hit with the fine. Can they tell the person who has the box that they no longer want it on their property?

Manager Revella: Yes.

Trustee Thompson: Then where does the box go? Is it up to us then to find another location?

Manager Revella: No. That's between the company of the property owner. If no property owners want them on their property, that's not our problem. That's their problem. We didn't legislate it away, that is the real key.

Deputy Mayor Moore: Since the Mayor mentioned the one down by the Medicine Shoppe, that building is empty. It's no longer the Medicine Shoppe. I'm just curious if whatever agreement that that company had with the owner at that time, if they even thought to get rid of that agreement.

Mayor Taylor: I think the Medicine Shoppe has a sign in the window now for lease. So, I'm not sure if they owned if they owned the property or they were just leasing there.

Trustee Thompson: But is the box on the Medicine Shoppe property or on the feed store property?

Trustee Sebring: Medicine Shoppe.

Mayor Taylor: I don't know that it makes a difference. Whoever owns that property, that's the person that we need to know who that is, so whoever gets the fine or the letter is the owner of that property.

Trustee Sebring: The last time I saw the box that was at the Medicine Shoppe had had living room furniture and at that time, I think Dean was on vacation, I didn't know who to call or even mention. But then I did see that they did come and cleaned it all up.

Mayor Taylor: It took some time, but they did. There is more stuff there. Not as much, but I went by it today and there's more stuff there.

Deputy Mayor Moore: It's already in our local law that we can fine up to \$250 a day, right, John?

Manager Revella: That's correct.

Trustee Svarczkopf: We just need to enforce that. That's the only way that this goes away.

Deputy Mayor Moore: Agreed.

Trustee Sebring: I would say enforce it and leave the fire department alone, because hers is always kept up and cleaned out and it's presentable over there.

Manager Revella: The one at MPB as well.

Mayor Taylor: Dean can go take a look at the one in question or the two in question and send out notices to those property owners?

Manager Revella: Yes.

Mayor Taylor: How does the fine get applied? I know you have to send a notice. What's the time frame for that?

Manager Revella: I don't know what it says in the code, but most of our notices are 10 days' notice. So, after that, they would be subject up to \$250 a day. I don't remember, if it's a court proceeding or not on this one or administrative perceivable. We'll check on that. Either way, it would be \$250 a day once that timeframe is over.

Mayor Taylor: Theoretically, if you have to give them 10 days to clean the property up for that particular violation. We tell them, tomorrow you have a violation. You have 10 days to clean it up. Every violation, every time it's a 10 day before they get a fine. Correct?

Manager Revella: That's something I was just thinking about, too. Could it be a 5-day notice or a 3-day notice? We can talk about that, that's something that could be feasible.

Mayor Taylor: I think 10 days is too much time.

Trustee Thompson: I do, too. That's a long time to look at a mess like that laying on the street.

Deputy Mayor Moore: Not only that, it's going to incorporate a lot of time on our Building Inspector, because what's going to happen is, he's going to notice them, give them 10 days to get rid of it, and then they're going to get rid of it. Then it's going to be a constant every 3 days he's going to be noticing them. I agree that I would like to start enforcing the \$250 a day fine, but I really would like to shorten that timeframe to 3 days.

Mayor Taylor: Is it in the local law for 10 days?

Manager Revella: I'm pretty sure. We'll have to see if Dave can amend that and bring that up to the next board meeting.

Trustee Ramos: I'd like to see 3 calendar days and not 3 business days.

Trustee Thompson: I agree with that.

Trustee Kraus: Also, if it's reoccurring 2, 3 times, are we're going to keep doing this? It's going to go out of control. I think maybe we need to put a limit on it. If you're going to do it 3 more times, we're going to cancel. We're going to get rid of them. Just an idea.

Trustee Ramos: Isn't there two companies there? A green one and the yellow one.

Trustee Thompson: Yes, there are 2 of them at the Medicine Shoppe.

Trustee Ramos: There are 2 different companies that are doing that.

Trustee Thompson: I don't know if it's 2 different companies or the same company with 2 different boxes.

Mayor Taylor: The Building Inspector can check on that. I hope it's not 2 different companies. Are they right next to each other?

Trustee Thompson: Yes. Right next to each other.

Mayor Taylor: Then the argument ensues about which companies responsible to pick this stuff up.

Deputy Mayor Moore: Ultimately, that's not our problem to figure out. It's the property owners to figure out, because if the property owner is getting noticed that it needs to be cleaned up in this amount of time frame.

Trustee Sebring: But now that they're not there, are they going to make an attempt to go buy or store to see if it is cleaned up?

Deputy Mayor Moore: If they don't, then they're going to get the fine. Then once they get the fine, it's not going to happen again. But I also agree with Larry that I would like some language in the change of the local law. I'm not really sure, I'll defer to Dave on this, but 3 days' notice and then if it happens and again, then maybe 1-day notice, then I don't know a 24-hour notice. Then at that point, that's it. You're done.

Trustee Thompson: You think it would be fair, if you have 3 occurrences, then you have to remove the box?

Deputy Mayor Moore: Then the property is then disallowed having a box on their property because the property owner can't control the company. I think something along those lines.

Mayor Taylor: If it turns out, John, that that is 2 different companies, if we're going to change the time frame in the local law, is there any wording that can be put in that says 1 company, 1 box allowed on your property?

Manager Revella: We can work on that.

Trustee Svarezkopf: I would think about after 2 days of fines, it's immediate removal. Not allowed back. As opposed to after 3 different times being fined. Because they could come pick it up at 2 p.m. and it could be full again by 4:00. That can happen 3 times easily. I know that that's what we're trying to get rid of. It's almost like you can't get rid of the fact that there will be things piling up. They just need to come pick them up as fast as possible.

Manager Revella: Well, when it gets to a point where it's an accumulation of trash, that's an immediate citation and property maintenance code violation. Still, it's another avenue we can work on.

Mayor Taylor: I've never gone up to one of those boxes. Does it say specifically on its what items?

Trustee Thompson: Yes. It tells you that it has to be bagged and what you're allowed to put in there. It tells you not to leave it on the ground.

Deputy Mayor Moore: It says no furniture, no TVs.

New Liaison Roles

Tabled until after elections.

Discussion between Deputy Mayor Moore and Trustee Thompson

Resolution 4-20-21 – Walden Fair Housing

Manager Revella: The CDBG requirement this year and every year going forward, we have to pass a resolution every year with Fair Housing Language that's in this copy here in order to receive CDBG funds.

Trustee Svarczkopf made a motion to approve Resolution 4-20-21 – Walden Fair Housing. Seconded by Trustee Sebring. All ayes. Motion carried.

Set Joint Meeting – Potential Annexation

Manager Revella: They were trying to do the 21st at 6 p.m. to start. They wanted to talk about, if you do as well, the potential annexation on Route 52 across from Amthor as well as the Hill Street Bridge.

Mayor Taylor: At this point, I'm really not in favor of getting together physically. Is that something that we can do, a joint meeting remotely?

Manager Revella: Yes.

Mayor Taylor: I have no problem with doing something remotely.

Trustee Svarczkopf: Still just against the meeting until we discuss, at least have the conversation, about creating a new, larger, less dense zone. I think we should have that on the books before we start annexing a ton more properties. At least talk about it. If the whole board decides that we don't want a less dense zone, because that's how they'll come in, then fine. But I think we should have that discussion well before we have a joint meeting.

Mayor Taylor: I agree with Dan. So, if everybody is okay with it, we can put that as a discussion item on the 21st.

Deputy Mayor Moore: If we have the joint meeting, does that put us on a timeframe? If we have the joint meeting and we are to accommodate that requirement, we're not voting on whether or not we're accepting the annexation at that point in time. We're just having a joint meeting to discuss it. Correct? So, we don't vote on the issue on the 21st.

Manager Revella: I believe we're required to have a meeting based upon the date the application of petition was put in. We are beyond that. The COVID extended us.

Deputy Mayor Moore: If we have the joint meeting and we're not bound to vote on the annexation that night. We still have time to continue having this discussion.

Trustee Svarczkopf: It was my understanding last time that we had 90 days from the date of the joint meeting, though and when I talked to John, a zoning change takes like 120 days. Correct?

Manager Revella: It's about that long. When you get to 239M requirements, other things in there, setting public hearings, et cetera. The only issue you have is if you did start the 90-day clock you're talking about, you can always vote no. There's nothing against you if you voted no. If that was what the board's decision was and they could reapply. If that's what they wanted to do.

Trustee Svarczkopf: The application cost money, though, correct?

Manager Revella: There's a fee to apply. A few hundred dollars.

Trustee Ramos: I think we should do a little bit more homework first.

Trustee Sebring: I want to know what they want to put in there.

Trustee Svarczkopf: The 90-day clock starts, my understanding, when we open up a public hearing on it?

Manager Revella: That's what I believe is the case. I don't think we've done that to date.

Trustee Svarczkopf: As long as we don't open up a public hearing on it that night, I'm totally cool with hearing what everyone wants to do and is thinking.

Deputy Mayor Moore: I need to be clear, though, that this is for an application to annex the property as is. Remember when he came in and did the presentation? There are absolutely no plans yet as to what is going to go there. So, if we chose to annex that property and we have said, over what can go there based on the zoning. We can't really make the application that's in front of us right now is based on just the property as is.

Trustee Svarczkopf: But the property comes in at our least density.

Deputy Mayor Moore: Correct. But Brian said he wants to wait and find out what's going to go there. But the application that's currently in front of us right now, there's no plans.

Mayor Taylor: I think that's why Dan wants to talk to us about what density.

Deputy Mayor Moore: Correct. If we brought it in now at an R3, those are the possibilities of what can go there after it's annexed in. However, the application that is in front of us right now is for the property, not for the plans. So, even if we approved it right now on an R3, we're still just approving it to come in on that zone. We still don't have a plan of the list of things that can happen on an R3.

Manager Revella: You can bring it in under any zone you want. You could bring them in under a business zone if you wanted to. It's really what the board wants to do with it after it comes in. Obviously, in conjunction with the applicants wishes, but it's the board's pleasure as to what they're going to allow there and what they're can approve as a zone. And then the applicants got to come again, like Deputy Mayor Moore said, and apply for whatever use they want in the zone.

Mayor Taylor: But if the board isn't clear about what we would like to see there. Then that, I think, lets the applicant know what they may or may not be able to do with that property. They may not want to annex it if it's not going to be something that they were interested in doing there.

Trustee Svarczkopf: On the outskirts of our Village, I'd like to see single family homes with a little bit more property. That's what I'd like to see there.

Deputy Mayor Moore: I'm not disagreeing with having a conversation about the zoning. I was just clarifying that the petition that is in front of us is not for a project. I am not opposed to having the conversation that Trustee Svarczkopf was saying about a new zone. I was just saying that we need to stay focused on what the application is in front of us.

Manager Revella: Just to confirm, you don't want to have a joint meeting regarding the Hill Street Bridge either?

Mayor Taylor: Is the town still interested in having a joint meeting to discuss the Hill Street Bridge? Can you contact the Town and see if they're interested in doing a Zoom meeting to talk about Hill Street Bridge, that we're not prepared right now to talk about annexation?

Manager Revella: I'll ask them.

DPW Garage Generator Project Bid

Manager Revella: The lowest bid, which the Engineer believes is acceptable, is Harry R. Rotolo and Son, for \$62,290. It's an 80-kilowatt natural gas generator with an automatic transfer switch. Recommend approval of that if the board sees fit.

Trustee Sebring made a motion to award Harry R. Rotolo and Son for DPW Garage Generator Project in the amount of \$62,290. Seconded by Trustee Svarczkopf. All ayes. Motion carried.

Maple and Walnut sidewalk Replacement Project

Manager Revella: The lowest bidders were Consorti Brothers. \$85,110.27.

Trustee Ramos made a motion to award Consorti Brothers for Maple and Walnut Sidewalk Replacement Project in the amount of \$85,110.27. Seconded by Trustee Sebring. All ayes. Motion carried.

Sherman and Elm Sewer Main Lining

Manager Revella: The bids came back and they are over the CDBG award. Queenan was asking for the ability to rebid. He's going to try and see since he broke the bid down in 2 parts, if the county would allow us to go with the lowest bid of the 1 part. If not, then we'd have to rebid. If it's not necessary, then we'll do an award next time. But we do want to have the ability to rebid.

Trustee Ramos made a motion to allow Village Engineer to rebid. Seconded by Trustee Thompson. All ayes. Motion carried.

Payment of the Audited Bills

Trustee Sebring made a motion to pay the Audited Bills. Seconded by Trustee Ramos. 6 ayes. 1 abstention (Deputy Mayor Moore abstained only from PO #19-02649). Motion carried.

Correspondence

Trustee Thompson: The zoning amendment, I just want to clarify this, John, on Section 305-52, the 6 items that are listed there, these are not definite things, correct?

Manager Revella: Those are specific things that, if accommodated, would affect the density.

Trustee Thompson: I was sent something from April of 1999 that had other items listed on them.

Manager Revella: There are others. This is just the ones that are added 11 through 16. There's 1 through 10.

Trustee Thompson: Then how does that all get sorted out? Is that up to the builder? I'm just not sure how that all works, if you could just clarify that for me.

Manager Revella: What gets put in and what doesn't is between the builder and the Planning Board.

Trustee Thompson: So, after this comes to us for zoning, it goes back to the Planning Board?

Manager Revella: Planning Board does this plan. It's not for a specific project. This is just the code.

Trustee Thompson: What about all the additional things that are on this list that I was sent?

Trustee Svarczkopf: The first 10 were cafeteria, self-service laundry, game room, exercise, workshop, library, first aid, office facility, 24-hour security and caretakers dwelling. Then as long as they add 10 or more of those things, they can have 7 more units per acre.

Trustee Thompson: Understood. But that is out of our realm then. Is that what you're saying, John?

Manager Revella: Right now, once you pass this law, then it's out of your realm. Yes. What goes in there and doesn't go in there is not up to the Village Board.

Trustee Svarczkopf: I kind of like it because it gives them a clear thing that if you do this, this is what you get. There's no kind of negotiation on each individual project. I like the expectation that's set there.

Trustee Thompson: I don't know if everyone on our board has been paying attention to some of the things that are going on at the Town of Montgomery Parks. There's a major issue with Benedict Park. I also had correspondence from a Village resident, wanting to know what all of this means to the 3 Villages, since the funds for the parks for the Town are in the A fund. We're all paying for maintenance and everything on the town parks. Do we want to make any type of a statement or a stand or whatever? I was on the Rail Trail a couple of times recently and I brought that up many times, maintenance of that park along with the Hill Street Bridge. But the Rail Trail, we had been told it was going to be heat sealed, which it wasn't a very good job. And John Revella and Brian and myself, walked a really long section of that trail with representatives from the Town and correct me if I'm wrong, but that was supposed to be paved at some point. I don't see anything going on there. I have no clue if that's on the calendar of projects for them. But I think our board should be aware that

all these things with the town parks we're paying for, it's coming out of the A fund and nothing's happening. Nothing's getting done. The parks are not being properly maintained.

Deputy Mayor Moore: I had correspondence with Jody Nicoli regarding her presentation and moving that to August. Then I did have correspondence with a Village Resident praising the Village Police Department and specifically Officer Montanaro for some assistance that was given in the past week.

Mayor Taylor: Did that did that also get sent to the Police Department, because sometimes they put those things in the officers file.

Deputy Mayor Moore: It was sent to me in text message and I will just verify with the person that it's okay to share and if it is, I will copy and paste it to the Village Manager.

Miscellaneous Comments from the Board of Trustees

Trustee Thompson: I just wanted to say that the Heat Smart campaign is moving along. You may notice there are signs placed throughout the Village. There will be handouts being distributed. I can't really put them in the municipal building, like in the library or up where we keep the information, because the building's not open to the public. But the Building Department did take some of them because they do have some by appointment traffic in their building. If anyone wants to go to the website, you can call and see what's involved to get your free energy audit. A lot of people are just calling to get the information because during this COVID situation, they don't want people coming into their homes to do the assessment but are still working on it.

Deputy Mayor Moore: I just wanted to give a brief update on the Town of Montgomery Comprehensive Planning Committee. They will have a booth at General Montgomery Day asking several questions of people regarding some things that they would like to see in the Town and in the Town Comp Plan. There will be 3 separate meetings thereafter, where they'll be work sessions and a bunch of other questions that are asked. Keep an eye out for that. It's a really good opportunity to be able to talk about what you want to see in your Town.

Mayor Taylor: What will happen if for some reason Montgomery Day needs to be canceled because of COVID.

Deputy Mayor Moore: There are still those 3 separate meetings set up and if need be, those 3 meetings will be held via zoom. The General Montgomery Day was just kind of an add-on thing just to kind of get some conversation with people. Obviously, all social distancing and disinfecting requirements will be adhered to that are in place for that timeframe.

Mayor Taylor: I still ride around the Village, even though I can't get out of my car and talk to people. I have noticed sometimes a lack of masks. Are we asking people to adhere to them? Everybody wearing a mask when they come into the building? To protect our employees, are they wearing masks if they have to interact with the public?

Manager Revella: The public is required to have them to come in and the employees are required to have them to interact with the public, whenever they are not behind screening, for example, the dispatchers are behind a huge glass wall with no real opening. Not required to have a mask while behind that. When they come out of that, they are. I did send a reminder, a notice today to all department heads to remind the employees to make sure they're wearing masks when interacting

with the public.

Executive Session - Personal history of a particular employee

Deputy Mayor Moore made a motion to enter executive session to discuss personal history of a particular employee. Seconded by Trustee Ramos. All ayes. Motion carried.

Reconvene

Trustee Ramos made a motion to reconvene the regular meeting of the Board of Trustees. Seconded by Trustee Sebring. All ayes. Motion carried.

Village of Walden Board of Trustees
Regular Meeting
July 7, 2020
Motions & Resolutions

Approval of Minutes June 16, 2020

Trustee Ramos made a motion to approve June 16, 2020 Minutes. Seconded by Trustee Thompson. All ayes. Motion carried.

Zoning Code Amendment – Set Public Hearing

Trustee Sebring made a motion to set public hearing for Zoning Code amendment for July 21, 2020 at 6:30pm or shortly thereafter. Seconded by Trustee Ramos. All ayes. Motion carried.

Resolution 4-20-21 – Walden Fair Housing

Trustee Svarczkopf made a motion to approve Resolution 4-20-21 – Walden Fair Housing. Seconded by Trustee Sebring. All ayes. Motion carried.

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