

**Village of Walden
Board of Trustees Meeting
November 5, 2008
General Code Review**

Mayor Becky Pearson 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	Becky Pearson
	Deputy Mayor	Mary Ellen Matisse
	Trustees	Roy Wynkoop
		Richard Hurd
		Susan Rumbold
		Marcus Millspaugh, Jr.

Absent:	Trustee	Mary Jean Norman
---------	---------	------------------

Also Present:	James C. Politi, Village Manager
	Kevin Dowd, Village Attorney

Section 6, Chapter 13 Assessments

Mr. Dowd stated that he thinks the way we want to break this down was to start the review process by the Board and start eliminating and revising the code so we can get a whole recodification done. He started on Page 7, Section 6, the way Code Publishers does this is they have reviewed the entire code and they came up with chapter by chapter, section by section, any suggested changes. When he and the staff went through the code they tried to come up with their recommendations to the Board. A number of years ago the Board adopted a local law that did away with the Village as an assessing unit. The Town handles all the assessment practices for the Village. We adopt the Town roll. By doing this you did away with the assessor's position and that saved not having an assessment review board and you also saved the initial cost of people challenging their assessments in court. The only drawback is when the town assessor and town attorney's fight the assessment and decides to settle the law suit to lower the assessment; they do it without the village's consent or knowledge. The village could ask to be part of the process. General Code is saying to revise Chapter 13 to just add an editor's note that shows how it was adopted and that there was no permissive referendum.

The Board agreed.

Section 11, Chapter 30 Local Laws, Adoption of

Mr. Dowd stated that on Page 11, Section 11, Chapter 30, Local Law Adoption of, what they are saying is the local law appears to be consistent with the Municipal Home Rule Law, no changes are recommended. So we say, retain as written.

The Board agreed.

Section 12, Chapter 32, Manager, Village

Mr. Dowd stated that Section 12 is the Village Manager. They are suggested a minor revision is to be consistent, always say Village Treasurer and Village Clerk. The same page, Section 13, officers and employee.

Trustee Millspaugh stated that we have three counties within 10 miles of Walden, why are we so specific.

Mr. Dowd stated that one of the things the Board has run into from time to time over the years is finding qualified candidates who don't live in the Village. It's allowing people a little wider scope.

Deputy Mayor Matise stated that the Board could always waive it. The Board could change it to village or town.

Mayor Pearson stated that if we have employees who live in Ulster County are you going to fire them.

Mr. Dowd indicated that it does not say that. It says any appointed officer and an employee is not an appointed officer.

Deputy Mayor Matise suggested a mileage radius.

Mr. Dowd suggested this be retained as written. He feels General Code misinterpreted this.

Mayor Pearson stated that Ms. Mitchell could retire at any time. Then you have someone that comes in from Warwick to be the Clerk. She asked if the Board would rather have someone that is local.

Trustee Millspaugh stated for that job definitely local.

Mr. Dowd stated that you'd want them to at least live in the Town of Montgomery.

Mayor Pearson indicated that you can't say that.

Mr. Dowd stated that it says that the Board of Trustees may provide in lieu of any other requirement that an appointed officer may reside within the county. May,

permissive. If you find someone who is an outstanding candidate you don't want to disqualify them because they refuse to move into Walden.

Mayor Pearson asked why it's in there if they are not bound by it.

Mr. Dowd stated that because without it you must be a resident of the Village or the town in which the position is being held.

Mayor Pearson stated that if that is Village Law she would leave it alone and waive it if they needed to.

Mr. Dowd stated that you then get yourself in the argument of waiving a Village Law as opposed to a local law that gives you permission to expand the scope of where your people live. You would have to rescind it and or change it back.

Deputy Mayor Matise stated that it is fine the way it is.

Mayor Pearson asked if anyone wanted to change anything in Chapter 32.

Trustee Rumbold asked if they wanted to give preference to Village residents to be officers.

Mayor Pearson stated that she doesn't know. She is thinking about this because, where is the further end of Orange County.

Mr. Dowd stated Port Jervis. It would be easier to get here from Port Jervis than it would from Warwick.

Mayor Pearson stated that you're not limiting it to the people who live here now. They can live anywhere and move here.

It was the consensus of the Board to leave as is.

Section 15, Chapter 47, Abandoned Vehicles

Mr. Dowd stated next is Page 13, Section 15, Abandoned Vehicles. This is broken into three sections. He is suggesting that A & C be retained as written and B be revised as suggested by General Code.

Trustee Rumbold asked if the penalties are negotiable.

Mr. Dowd stated that depending how it's written, yes. The judge usually has discretion in sentencing. Take out the \$50 minimum and it will be no more than \$250.

Trustee Rumbold stated that she likes having a minimum.

Mayor Pearson stated that in 147-B, exceptions, it says nothing in this section....

Mr. Dowd stated not more than one.

Mayor Pearson asked why they're saying two in there and we say one.

Mr. Dowd stated that it prohibits the parking of two or more. If it permits two it allows one.

Deputy Mayor Matise stated that they could revise this and say that it should be to the rear of the property and not the front and if they don't have the ability they can't have a car there.

Mayor Pearson stated that it says the owner's car.

Mr. Dowd stated that technically under this section if her son doesn't live in her house, but she lets him put his car in her driveway, unlicensed, it's a violation. The premises must be occupied by the owner of the vehicle.

Trustee Rumbold stated that she likes in A, our code says nothing about keeping or storage. She likes prohibits the parking, keeping or storage. She doesn't like the two or more.

Mr. Dowd asked how they are going to know if the car is being parked or stored on the property.

It was the consensus of the Board to leave it at one and add parking, keeping or storage in the code and also have a minimum fine of \$100.

Section 20, Chapter 61, Building Code Administration

Mr. Dowd stated that Section 20 we just passed.

Stay the way it is.

Section 22, Chapter 63A, Clearing, Filling and Grading

Mr. Dowd stated next is Section 22, Page 18; General Code is making two suggestions. The first would be to revise 63.A-9 to be the standard penalty of \$250/15 days and to revise A152-1 to include "Chapter 63A clearing Filling and Grading" in the list of chapters. That is a summary chapter and the just want to add that to the list. He doesn't see anything wrong with that. The standard find under the State Penal Law is no more than \$250 or no more than 15 days imprisonment.

Deputy Mayor Matise asked if they should put in that it should be in conformity with the State Penal Code.

Trustee Millspaugh asked if the building inspector and code enforcement officer should be clarified because they are two different people.

Mr. Dowd stated that in this section it's defined as the building inspector or other person so designated by the Board. The Board has already designated a code enforcement officer so he would think the code enforcement officer could enforce this section. Hopefully they coordinate with the building inspector so they don't duplicate things.

It was the consensus of the Board to accept the revisions.

Section 30, Chapter 89, Handbills and Other Property

Mr. Dowd stated that on Page 23, "Handbills and Other Property", he recommends the Board delete this section.

Mayor Pearson stated that it talks about graffiti. Where else can we put graffiti?

Mr. Dowd stated that it's in the penal law.

Deputy Mayor Matise asked about yard sale signs.

Mr. Dowd stated that is a hand bill. We don't own the utility poles and it's the job of the utility company to enforce their own property.

Deputy Mayor Matise stated that their recommendation is to incorporate this into another section and when someone does a search it will come anyway.

Mr. Dowd stated that this would go into littering. You would delete this because the State Penal Law covers things like graffiti and you already have a handbill law section under littering that is more specific than what we have in 89. The fine is not more than \$250 per violation. If it is graffiti its \$1000 under the State Penal Law.

It was the consensus of the Board to delete it.

Trustee Rumbold asked, when it says other property, does that include when Frontier and Yellow Book go around and dump telephone books.

Mr. Dowd stated that it could be.

Trustee Rumbold stated that she would like it to include the phone books.

Mr. Dowd stated that the phone books would be covered in 101-7. If there is a question they can amend it to be more specific to phone books.

Trustee Rumbold asked that they make it more specific now.

Mr. Dowd stated that litter on private property would include handbooks on private property. They don't want them dropping the books on village sidewalks or Village streets. When it's put in a doorway on Main Street we can't say that is littering because the owner might want the phone book. Right now a phone book does not constitute litter. You can probably interpret it to be a handbill.

It was the consensus of the Board to include phone books in 101.

Deputy Mayor Matise asked about yard sale signs.

Mayor Pearson asked if people need permission from the village to have a yard sale.

Mr. Dowd read the section of the law pertaining to yard sales.

Trustee Millspaugh asked that a reminder go on the calendar reminding people to take their yard sale signs down.

Chapter 106, Noise

Mr. Dowd stated that this was redone in 2000 for several reasons, one being the problem with Sweeney's and there was also a problem with the law that was very subjective, so we went to the decibel levels which make it objective. We have a meter.

Mayor Pearson asked if the meter was working.

Manager Politi stated that he can't say it does or not.

Mayor Pearson stated that she has a problem with barking dogs and it doesn't say in here that they have to observe the dog barking for fifteen minutes. The only person that can enforce this is a police officer or the building department or other officials designated by the Village Board.

It was the consensus of the Board to retain as written.

Chapter 109, Nuisances

Mr. Dowd stated that General Code says that this section is so antiquated to get rid of the whole thing.

Deputy Mayor Matise suggested they keep the beating of rugs in the code because of Ripley's and because of MS-4 they should keep the sweeping in there.

Mr. Dowd stated that sweeping is covered all over the place.

It was the consensus of the Board to delete this section.

Section 36, Chapter 111, Parental Responsibility

Mr. Dowd stated that this is totally unconstitutional and unenforceable. And it should be repealed.

It was the consensus of the Board to repeal this chapter.

Section 40, Property Maintenance

Mr. Dowd indicated that he reviewed this with the Building Inspector and it was his recommendation to retain as written, but you may want to standardize the penalty to \$250.00 or 15 days in jail.

The Board agreed.

Section 41, Sales, Sidewalks, yard and Auction

Manager Politi stated that he doesn't think people will come in for a permit. The problem is taking the signs down.

Mr. Dowd stated that the law reads if you're having a sidewalk sale, yard sale or sale on village property. You don't need a permit for a yard sale.

Trustee Rumbold asked if the Friends of the Walden Youth get a permit when the use they do their yard sale.

Manager Politi stated that they work through Mr. Howland.

Retain as written for A. & B.

Deputy Mayor Matise asked to talk about yard sale signs.

Trustee Rumbold asked who would go around taking the signs off the telephone poles and goes to everybody's house and says what?

Deputy Mayor Matise stated that she wouldn't even take them down, just send them a letter.

Mr. Dowd suggested something go on the calendar and put it on the TV and if they don't take their sign down you give them a notice to remedy.

Retain as written.

Section 45, Streets and Sidewalks

Mr. Dowd stated that General Code is suggesting that the Village delete Section 126-16 and 127-17, sales on street. He suggested they delete 126-16 but not 126-17 because it's a little different then the other one.

The Board agreed.

Section 48, Ch. 137, Taxicabs

Mr. Dowd stated that the talked to the Chief, Village Clerk and Manager about this and if you read the section there might have been something going on in the village with taxicabs vying for business, but right now you have one taxicab business who comes to the Board for license renewal. The way the code is written it can't apply to anyone coming into the village to pick up a fare. If it becomes a problem again maybe you can revisit this and update it. Do you really want the one and only Taxicab Company you have here be the only poor guy that has to pay this fee.

Deputy Mayor Matise stated that you can eliminate the fee, but have them come back and register. She has seen a yellow cab in the village a lot.

Trustee Rumbold suggested the Village not charge them, but still get the information from them.

Mr. Dowd stated that you will only know the people who have a base place of business in the village.

It was the consensus of the Board to streamline this.

Adjournment

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

Respectfully submitted,

Nancy Mitchell
Village Clerk

