

**Village of Walden  
Board of Trustees Meeting  
May 25<sup>th</sup>, 2010  
Motions and Resolutions**

**Fire Commissioners Request, State 2 Renovations**

Trustee Norman moved to send a letter to the fire district stating that the board would not consider a reversion clause in the process of rebuilding the building. Seconded by Trustee Bowen.

Trustee Norman amended her motion that a letter be drafted that the board supports th State 2 renovations. Seconded by Trustee Bowen. All ayes. Motion carried.

**Resolution No. 18-09-10, CDBG**

Deputy Mayor Rumbold moved to adopt Resolution No. 18-09-10, CDBG. Seconded by Trustee Norman. All ayes. Motion carried.

**Resolution No. 19-09-10, Budget Amendment**

Trustee Leonard moved to adopt Resolution No. 19-09-10, Budget Amendment. Seconded by Trustee Penney. All ayes. Revolution adopted.

**Comprehensive Plan Committee**

Mayor Maher moved to rescind the previous motion that created the comprehensive plan. Seconded by Trustee Bowen. All ayes with the exception of Trustee Hurd voting no. Motion carried.

Mayor Maher moved to from a nine member comprehensive plan committee as recommended by this board. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Comprehensive Plan Committee for Parks**

Mayor Maher moved to form a seven member Parks and Recreation Comprehensive Plan Committee, three members from the Village Board, one from the parks and three at large citizens. Seconded by Trustee Penney. All ayes. Motion carried.

Mayor Maher moved to appoint Mike Bliss Chair to the Parks and Recreation Comprehensive Plan Committee. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Alpha-Tech Inc. Computer Services**

Deputy Mayor Rumbold moved to contract with Alpha-Tech Inc. for computer services.

Seconded by Trustee Hurd. All ayes. Motion carried.

### **Request for June 13<sup>th</sup> Skate Park Event**

Mayor Maher moved to approve the Walden Rotary's skate park event on June 13, 2010 subject to the Walden Rotary providing the village with adequate and reasonable accident insurance and that such policy is reviewed by the Village Attorney and adherence to the insurance carrier's guidelines and registration in a format that gives them reasonable guarantees that the parent is the one signing the waiver and that they abide by the rules listed on the sign.

Mayor Maher amended his motion to add that they abide by the rules that are on the sign, that they wear a helmet.

Mayor Maher stated his motion again, to approve the Walden Rotary's skate park event on June 13, 2010 subject to the Walden Rotary providing the village with adequate and reasonable accident insurance and that such policy is reviewed by the Village Attorney and adherence to the insurance carrier's guidelines and registration in a format that gives them reasonable guarantees that the parent is the one signing the waiver and that they abide by the rules listed on the sign and that they wear a helmet, knee and elbow pads. Seconded by Trustee Bowen. On roll call Trustees Hurd, Bowen, Penney and Mayor Maher voted yes. Trustee Norman and Deputy Mayor Rumbold voted no. Trustee Leonard abstained. Motion carried.

### **Appointment of Civil Service Hearing Officer**

Deputy Mayor Rumbold moved to appoint a civil service hearing officer and that the manager and attorney will make that choice. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Approval of the Minutes**

Deputy Mayor Rumbold moved to adopt the minutes of May 11, 2010. Seconded by Mayor Maher. All ayes. Minutes adopted.

### **Audited Bills**

Trustee Norman moved to pay the audited bills of May 25, 2010. Seconded by Trustee Penney. All ayes. Motion carried.

### **Executive Session**

Mayor Maher moved to hold an Executive Session pursuant to 105-(h), property purchase and 105-(d) litigation, of the Public Officers Law. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Mayor Maher moved to reconvene the regular meeting. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Norman moved to appoint Kevin Dowd, Village Attorney. Seconded by Trustee Bowen. On roll call Trustee Norman, Hurd, Leonard and Bowen voted yes. Mayor

### **Adjournment**

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

**Village of Walden  
Board of Trustees Meeting  
May 25<sup>th</sup>, 2010**

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

On roll call the following were:

Present: Mayor Brian Maher  
Deputy Mayor Susan Rumbold  
Trustees Mary Jean Norman  
Richard Hurd  
Edmond Leonard  
Bernard Bowen  
Randi-Lee Penney

Also Present: John Revella, Village Manager  
Kevin Dowd, Village Attorney  
Victoria Kurtz, Deputy Village Clerk

Absent: Nancy Mitchell, Village Clerk

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

Manager Revella stated that today DPW and Parks and Recreation started maintenance of the parks and maintenance of the trees. They will continue with the maintenance of the trees. He also reported that the computer service people that take care of the maintenance of the office equipment will be maintaining the equipment in the police department. He continues to receive information about fluoride and will it be brought to a meeting that they will eventually have with the dentists and whoever else would like to meet with them. They switched the cell phones from Nextel to Verizon which saved \$7.00 per phone initially. He is not sure what the long term savings will be. There were several bills from Tam who has done a lot of work with our sewer system and sewer plant as well as several bills through the sewer plant that have been a little excessive. They have been pulled from the board's packet so the manager could discuss them with the company. He also advised the board that Robert Lynn was hired as an MEO with the DPW and Jay Buchalski was hired as code enforcement officer. The manager met with DOT regarding the Ulster Avenue Betterment Project. The village has not been awarded any funding for that project. He discussed with them how we can get back on track to get it awarded sooner than anticipated, December 2011, possibly Spring 2012 deadline. They mentioned that if the village gets everything together in time the funding could be awarded sooner. The engineers are working on that. He also advised the board that there is a zoning board opening. He doesn't want to wait anymore than two weeks to fill the vacancy, so if anyone is interested contact him. He will be meeting tomorrow with the engineers from Delaware Engineering and the sewer operator to look at the sewer plant in Wappingers to see what our sewer plant could do in the future. They are looking at a parks grant for up to \$500,000 which is mostly for facilities. They are looking at the barn at Olley Park and the other parks buildings.

Deputy Mayor Rumbold asked about the time line for Ulster Avenue.

Manager Revella stated that they just said sooner, they wouldn't give a date.

Mayor Maher stated that they indicated that it was a shovel ready project. There were discrepancies in filling out the paper work. He asked if everything has been submitted.

Manager Revella stated that its not completed yet. They are working on it now.

Mayor Maher asked what the village can do now with that retaining wall.

Manager Revella stated that we can clean it up. If we have to have equipment on Ulster Avenue we just have to call the representative.

Deputy Mayor Rumbold asked if a letter was sent regarding the prevailing wage.

Mayor Maher stated that the result wasn't what we hoped it would be. It hasn't worked in our favor.

Trustee Leonard asked if the mayor has a contact person for the Department of Labor.

Mr. Sebring stated that you call the Department of Labor in White Plains.

Mayor Maher stated that the Police Chief and Building Inspector gave him information on who to call. He said next he will talk to the Chief and Building Inspector and see what else they can do. Also, write a follow up letter and talk to our state officials.

Deputy Mayor Rumbold asked about the paper work for the rail trial that wasn't filed properly. Did someone contact the manager with the information on what we have to do to get the rest of the funds and how much money are we talking about.

Manager Revella stated that it's \$7500, but it's holding us up from future grants. It's the same source as the parks grants for facilities. It's Ron Radar.

Deputy Mayor Rumbold asked if it was just the Tam bills that the manager pulled.

Manager Revella stated no, there were some other sewer bills from different companies. When a company comes and takes material from our facility and disposes it somewhere else we have to get the receipt that it was disposed of properly. Otherwise we are liable for the materials. We do not have the receipts. He can't sign them without the receipts.

Deputy Mayor Rumbold asked if they've gotten receipts in the past?

Manager Revella stated that he doesn't know. He doesn't have access to those previous bills that were submitted. He will see if they can pull them. He doesn't know if they've moved stuff prior.

Deputy Mayor Rumbold asked what company was it.

Manager Revella stated that the first company was Tam.

Deputy Mayor Rumbold stated that he's not going to pay the bills until they get the receipts.

Manager Revella stated that they can't.

Trustee Leonard asked about street lights.

Manager Revella stated that the village owns most of them. The engineers did say the village doesn't qualify for the funds for street lighting. If there is another component we may qualify.

### **Joint Meeting with Walden Board of Fire Commissioners - State Two Renovations**

Manager Revella stated that the Walden Board of Fire Commissioners requested a meeting with the Village Board to discuss the property that they are in possession of, the west side fire houses. The village retains the right to revert if it ever does come out that it's not used for firematic services anymore. They want to discuss their renovation plans.

Mike Munger, Chairman Walden Board of Fire Commissioners stated that they want to expand the building. They want to tear it down and build a new station. They have outgrown the building. The new building will be no bigger than 60 x 60 and it will have three bays. The new building will match the neighborhood. It's not a project for this year. They are looking into the next five years.

Trustee Leonard asked if that has to be reviewed by the planning board or are they exempt.

Mr. Munger stated that they would have to go before the planning board. This would take up most of the property they have.

Trustee Hurd asked if they meet the setback requirements.

Mr. Munger stated that they hope so.

Deputy Mayor Rumbold stated that she appreciates them taking into consideration the location of the fire house next to the Walden House and that they would design it to compliment that.

Trustee Bowen asked what the reason for building a new building was.

Mr. Munger stated that they've outgrown the building. The new equipment will not clear the door. He asked that they sit down and discuss the deed.

Mr. Dowd stated that the Village Board should send a letter to the fire district stating that the board would not consider a reversion clause in the process of rebuilding the building.

Trustee Norman moved to send a letter to the fire district stating that the board would not consider a reversion clause in the process of rebuilding the building. Seconded by Trustee

Bowen.

Deputy Mayor Rumbold asked, if we give them that letter now and they are not building for two or three years there could be a new board seated. She would be in favor of writing a letter saying this present board supports your efforts, but she would think that the current board when they start to build would be the ones to make that statement.

Mr. Dowd stated that the message needs to be sent that this board has no problem with that concept. Then the board at the time of construction can write the same letter.

Trustee Norman amended her motion that a letter be drafted that the board supports the Station 2 renovations. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Public Comment**

Lynn Schwandt asked if the town was going to fix the problem on the rail trail.

Manager Revella stated that he is waiting to hear back from the Town's attorney.

Ms. Schwandt also stated that there are still no doggie bags on the Walden side.

Ms. Schwandt asked if the board made a decision to give Hal Brilliant a retirement card.

Manager Revella stated that Chief Holmes was to speak on that, but he was unable to attend the meeting. It may be on the next agenda.

Ms. Schwandt asked about the DPW Supervisor, he told everyone that he wasn't working here.

Manager Revella stated that he was suspended pending disciplinary action.

Ms. Schwandt stated that a couple meetings ago when they said something about Robert Lynn getting the job here, you said it's one of the rumor mills, we knew it was going to happen and you vehemently denied it.

Mayor Maher stated that he said we shouldn't be making these rumors.

Ms. Schwandt stated that all the rumors are coming true.

Manager Revella stated that currently he is supervising the workers at this time.

Eileen Brickner 25 Bank Street stated that she would like to speak to the board about goings on on the corner of Capron and Bank Streets. She is afraid to live in her own house. She doesn't think she should have to feel that way in this village. She understands someone was arrested and is being held on bail. Is the landlord responsible for anything that goes on there? There was a big to do there Saturday night and one of the people who wasn't involved in the

incident directly, but as a result of the incident he was involved. She heard him speaking to the landlord saying why should I move out I am not doing anything. She is more than upset, one o'clock they are beating some guy half to death in the street and let him lay there for dead. The next night they are pounding other peoples windows and killing each other in the street. Seventeen people were hanging out on the porch. Is there a law that just so many people can gather in one place in a public area. It has gotten so out of hand. She is glad to be leaving the area.

Mayor Maher stated that they are handling it.

Mary Ellen Matisse stated that there is also a problem across from the Baptist Church. She also indicated that she started working on the signage for Veterans Park.

Dave Sperry, Overlook Terrace stated that he received a letter about Chapter 58 of the Village Code which deals with brush, grass and weeds. He would like the village to go back and review that code because there is a lot that has changed. You have five days to cut your grass and if you don't the village will cut it. If you're on vacation you can't cut it. He would like the board to explore that and have it on the next meetings agenda.

Mayor Maher stated absolutely. If there is a grievance he can bring it to the board.

Mr. Sperry stated that he would like to wait until the regular officer speaks to the new code enforcement officer.

Anita Vandermark, 76 Highland Avenue thanked everyone who has been working at Veteran's Memorial Park.. She thanked Vern Spencer for the wonderful job he did and the park committee for getting the soil, cutting the grass and planting plants and trees. On Memorial Day there will be a ceremony at the bridge at 9:30am and in the square at 10am.

Becky Pearson, 167 Walnut Street stated that she would like to discuss a rumor with the board about the day Mr. Politi was fired. She was questioning whether the board members that were there along with the attorney took care of the village property. If they looked at the equipment that isn't working any longer. Files are missing. Did the board members take the time to collect the equipment that belongs to the Village of Walden to make sure we were protected. She doesn't know if this is true or not.

Mayor Maher stated that the person to talk to is Mr. Revella and he doesn't know of any significant instances of what she is talking about. There was a lot of commotion because there was a transition.

Ms. Pearson asked if the village had to pay money to fix the computer and the phone that was not working.

Mayor Maher stated that he would commend anyone for using and not spending money to fix it while they were working rather than blaming it on an individual who is no longer here.

Jim Lescinsky, 24 Gladstone Avenue stated that he's been a NYC police officer for 18 years and has lived in the village since 2003 and never had a problem. Now there is his next door neighbor at 22 Gladstone Avenue who is renting rooms out to people on Craigs List. There have been two instances where his wife and dog have been threatened. They shout out the window to shut up or he'll kill the dog and you. He called the police. Last time Sergeant Metzger suggested he get a camera security system and put it on the fence. He thinks that is ridiculous. There are six people living in that house that aren't supposed to be there. He needs help.

### **Resolution No. 18-09-10, CDBG**

Mayor Maher stated that the village will be submitting an application for that \$364,000 project to fix the sewer mains. It will be a three year project.

Deputy Mayor Rumbold moved to adopt Resolution No. 18-09-10, CDBG. Seconded by Trustee Norman. All ayes. Motion carried.

### **Resolution No. 19-09-10, Budget Amendment**

Manager Revella indicated these are the end of the year transfers to balance the accounts.

Trustee Leonard moved to adopt Resolution No. 19-09-10, Budget Amendment. Seconded by Trustee Penney. All ayes. Resolution adopted.

### **Comprehensive Plan Committee**

Mayor Maher stated that this was brought to his attention by residents who disagreed on how comprehensive plan committee was set up. Two members should be chosen from the board, one from zoning by the zoning board, one member from the planning board chosen by the planning board, a representative from the community council chosen by the community council, one member from the Walden Business Association, chosen by the association and a representative from the PBA. He believes the way it was set up several months ago was the wrong way.

Trustee Hurd stated that this was already passed. Do you want to repass it?

Mr. Dowd stated that the board would have to rescind the previous resolution and reinstitute a new motion.

Trustee Norman stated that she disagrees with the planning and zoning board members. She feels there are people in the audience right now, this is their village, let them speak. She feels Mary Ellen Matise, Historian would do very well on the comp plan.

Mayor Maher stated that he feels there should be representatives from each of your boards. We should also have representatives from the community.

Mr. Dowd stated that he's not sure why they would want someone from the PBA.

Mayor Maher feels it would be a good idea.

Mr. Dowd indicated that is not what the comprehensive plan is about. When you put these committees together there is a wide range of interest in the village. The police are instrumental to the safety to the village but they are not part of the comprehensive plan, that is really zoning of neighborhoods and a vision of what you are trying to have and the police are really not a part of that.

Mayor Maher stated that he disagrees.

Mayor Maher moved to rescind the previous motion that created the comprehensive plan. Seconded by Trustee Bowen. All ayes with the exception of Trustee Hurd voting no. Motion carried.

Mayor Maher moved to from a nine member comprehensive plan committee as recommended by this board. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **Comprehensive Plan Committee for Parks**

Mayor Maher stated that he has been discussing this with the manager and members of the Parks and Recreation Department. He opened the floor to Mike Bliss from the Parks and Recreation Department.

Mr. Bliss suggested a seven member committee consisting of Trustees Norman and Penney, another person from the board, a representative from his department and three interested people.

Trustee Bowen asked if the historian could be on both.

Mayor Maher stated he didn't see a problem.

Trustee Leonard stated that Mr. Bliss should be on that committee.

Mayor Maher stated that Mr. Bliss should be the chair. He asked if there was anyone on this board that would like to serve on the committee.

Deputy Mayor Rumbold suggested Trustee Bowen.

Mayor Maher moved to form a seven member Parks and Recreation Comprehensive Plan Committee, three members from the Village Board, one from the parks and three at large citizens. Seconded by Trustee Penney. All ayes. Motion carried.

Mayor Maher moved to appoint Mike Bliss Chair to the Parks and Recreation Comprehensive Plan Committee. Seconded by Deputy Mayor Rumbold. All ayes. Motion

carried.

Mr. Dowd stated that Mr. Bliss should bring the names of the three at large members back to this board for the approval.

### **Alpha-Tech Inc. Computer Services**

Manager Revella stated that they have certain rate for blocks of hours per year. Right now we pay the rate whenever we call for service. They will be monitoring the police on a more consistent basis. It may be more cost effective to buy a certain block of hours. There are computer services in their budget that would be able to cover funds. If we don't use the block of hours within the year they would roll over. It would be 24/25 hours per year. If we bought a block of 30 hours we would save \$20 per hour.

Deputy Mayor Rumbold asked if they consider a year January thru December or our fiscal year.

Manager Revella stated that it will be a contract year, from whenever they sign the contract.

Deputy Mayor Rumbold moved to contract with Alpha-Tech Inc. for computer services. Seconded by Trustee Hurd.

Trustee Leonard asked if this was just for the police department.

Mayor Maher stated that it was for all the departments.

Mayor Maher asked how many hours do they think the village would use.

Manager Revella stated that he feels 30 is sufficient.

All ayes. Motion carried.

Manager Revella stated that when they do services upstairs it would be billed differently than the police department.

### **Request for June 13<sup>th</sup> Skate Park Event**

Keith Hunter, Walden Rotary Club stated that he would like to address the skateboard park guidelines as suggested by our village insurance carrier as well as a sample of a application waiver that must be returned to him. He further stated that the Rotary Club is submitting a request to the board to use the skate park at Bradley Field on June 13<sup>th</sup> for a skateboard tournament, fund raiser and safety awareness day. This is a huge can of worms that we all have different concerns about. They want to do this because they built this skate park with eyes wide open and they feel that the time has come to use it for an event. The board of the Walden Rotary has approved the sponsorship of the event and they will supply a liability insurance certificate for

the operation of the premises for that day. There are exclusions that specifically speak to athletic participants entering. The village insurance excludes sanctioned accidents to the participants in the event. Their insurance protects the premises around the facility for any spectator or property damage. He introduced Andy Driscoll, events consultant. He knows the village is in a reconstructive phase in terms of trying to get the skate park better monitored and used in accordance with some rules.

Trustee Bowen asked Mr. Driscoll if he's ever run something like this.

Mr. Driscoll stated that he has at another skate parks.

Trustee Bowen asked how many participants are they planning on.

Mr. Driscoll stated that the maximum would be sixty, 20 in each category. They have five skaters at a time and its free style for five minutes. Proceeds will go to the Joseph Savage scholarship fund.

Trustee Bowen asked if they will be looking for police assistance and is that in their budget or are they expecting the village to cover it.

Mr. Driscoll stated that he hasn't thought about that.

Mayor Maher asked if there was police presents at the other events.

Mr. Hunter stated that they don't anticipate any increase security risk for crowd control. They would like some food vending going on. There would be no cooking on premises. They may want a DJ there. He has inspected the park and everyone knows the fence needs to be repaired. The equipment is in beautiful condition. If this is conceivable and the board allows them to pursue this he thinks it will require submitting, in what the participants are allowed or not allowed to do. Their conduct will be monitored.

Mayor Maher stated that he has worked with these people before on events and he thinks its great and its awesome that they are donating to the good cause. Its also great that they are using the skate board park. He has no concerns. He saw the documentation and they don't hold the village liable. He asked if they needed to know anymore on that.

Mr. Hunter stated that the release form has wording where the parent acknowledges and certifies that they have adequate medical coverage for the child. It may also be appropriate for them to obtain participant accident coverage.

Trustee Bowen asked if this was for village residents only, is it first come, first served and is there a fee.

Mr. Hunter stated that there will be an entrance fee, not to cover any expenses, just for the Joseph Savage foundation.

Trustee Bowen asked what the prizes would be.

Mr. Driscoll stated that there will be a cash prize and prizes donated by some of the businesses.

Trustee Leonard asked what safety gear will be required.

Mr. Driscoll stated that they will follow what is listed on the sign at the skate park.

Trustee Leonard asked if the event is sanctioned.

Mr. Driscoll stated that skateboarding is a street event. He can look into the X Games.

Deputy Mayor Rumbold asked if there was going to be a nice crowd to watch this and if so would they want police presence.

Trustee Norman stated that when they dedicated the skate park there were hundreds of people there. The only problem was finding a place to park. She can't see having extra police on for this.

Mayor Maher suggested they get advise from the chief.

Mr. Hunter stated that this is a day time event, 10am until 5pm.

Mr. Flickenschild stated that Joe Savage has a huge following on Face Book and he feels there will be a lot of people attending.

Trustee Bowen stated that he feels it will take off and they should be preparing for it.

Mr. Driscoll stated that when he said sixty competitors that is just the people who are competing. The spectators would be outside the fence

Mr. Dowd stated that he has no problem with the board approving this. He had a conversation with the manager and Mr. Hunter about this event and the concerns about liability. Knowing the situation the village has with its insurance policy and the claims they had, the last thing this board can afford to have is more claims. He was under the impression that the Rotary was going to provide the village with an additional insures policy, but if there's an exception for this kind of event that doesn't help us too much because its an exclusion of the policy. He doesn't know whether they will give us an indemnification provision. He was concerned about the different levels of participation. You're talking about novice, intermediate and expert. The question is, who determines who is in each one of those classes because you can easily have some kid whose friend is in the expert and he's only intermediate, but he doesn't want to be intermediate so he tries to be in the expert and proceeds to try and do some trick or event that he's not able to do. He doesn't know how that is going to be done. He has concerns that you have people competing above their level. He asked who does that.

Mr. Driscoll stated the way it works in any skate competition the competitors would get an hour of free skate previous to the event and a judge will judge them. If someone tries to fool some of the staff they will know that. It is a display of their skating for five minutes.

Mr. Dowd stated that it's a competition to win a prize, so they might push themselves. He asked if they will judge for an hour, sixty participants and they will know what class they are in from that brief time.

Mayor Maher stated that there is experience with not just running these events, but being a part of these events. He asked Mr. Driscoll if that is a concern the village should have.

Mr. Driscoll stated that he doesn't think it is.

Trustee Bowen asked what the fee was.

Mr. Driscoll stated that it will be \$10.00 to skate.

Trustee Bowen suggested they eliminate the cash prize and give gift certificates for dinner at TGIF. If it's a cash prize it will become more competitive.

Mr. Driscoll stated that if they see it's a cash prize you might attract some level skaters that would be interested in winning.

Mr. Dowd stated that the regulations also call for helmets, elbow pads, knee pads and wrist guards. There was an issue with wrist guards, but helmets, elbow and knee pads are a must. They will have to enforce that.

Mr. Hunter stated that he and Mr. Driscoll were discussing how to propose this to the board and the kids don't want to wear helmets or pads, he specifically handed the board the skate board guidelines as outlined by his insurance company. Mr Driscoll has been to many events and he knows how that culture operates and he presented it that it will be very difficult to get kids to wear full pads. He is inclined to adhere to the insurance company. He doesn't feel it's unreasonable.

Manager Revella stated that the sign in the park does not require knee or elbow pads, he doesn't know if the village wants to revise that. It is recommended by the insurance company.

Mr. Dowd stated it was the recommendation of our insurance carrier.

Mayor Maher asked if the village reported the regulations to the insurance agency or did we make a motion to change it and not report it.

Mr. Hunter stated that when the skate park was built they told the insurance carrier that it was being constructed and that we were going to run the thing. They reiterated their policy that they will never dictate policy to any municipality. They strictly respond to claims and decide

about the future of the relationship with the municipality if the claims get out of control. Mr. Dowd's concern is very valid. The board agreed to have a monitor on the premises to record the conditions, inspect the surface and everyone who uses the park is suppose to have submitted an application, statement of health and a waiver signed by their parents.

Ms. Brickner stated that she was the skateboard monitor and the kids said they wouldn't come to skate because they had to wear pads. They waited until she got into her car to leave and they climbed the fence and skated.

Mayor Maher stated that if they think the success of the event would be at risk due to the fact they had to abide by those safety measures.

Mr. Bliss stated as Rotary president they approved this and provided insurance. He feels they should abide by the rules. He doesn't know any other way to get it across to the kids, the safety issues.

Deputy Mayor Rumbold stated that the liability to the village concerns her. The fact that the board stated very clearly what the regulations were to use the skateboard park. She has no problem with the skateboard event, but that piece, the liability and the to promote safety and then you're going to allow them to skate in an unsafe manner without pads.

Trustee Bowen asked about the waiver.

Mr. Hunter stated that the waiver is something the parents sign which takes on responsibility which states that they have adequate medical coverage.

Mr. Dowd stated one issue that always arises during a lawsuit is whether or not a parent can waive the right of a child to sue. They can sue and the waiver means nothing.

Trustee Bowen asked if there was a statute of limitation.

Mr. Dowd stated that when they are eighteen it starts to run, but until they turn eighteen it doesn't start running. So, if a fifteen year old gets hurt he has three years plus another three years of negligence.

Mayor Maher stated that this is a great event and opportunity to do all those things and it's the duty of the board that they will have to abide by the rules they have set.

Trustee Bowen stated that he would like to see the event go.

Mr. Dowd stated that they would have to have insurance from the Rotary that actually covers this.

Mr. Hunter stated that it covers any property damage or bodily injury except for the athletic participants.

Mayor Maher stated that this is a controlled event, if anything it will promote safety. They are skating every day.

Mr. Dowd stated that the Rotary, while giving the village the general liability policy, he really thinks that the injuries that can occur at an event and while there is certain risks, first of all the kids are minors and if not supervising it Rotary and the individuals are supervising it, if they claim improper supervision during the event that might be another problem. He doesn't know if that will be covered under the event or the village's general liability policy. If they don't properly supervise and a kid gets hurt and sues on that basis does the insurance kick in or are they coming after the village.

Mr. Hunter stated that he can provide the attorney with a copy of the policy, but it's a pretty sure exclusion that we do not cover bodily injury of the athletic participants.

Mayor Maher asked if right now do we cover bodily injury for anyone getting hurt on the skate park.

Mr. Hunter stated that there is no medical payment coverage for use of any of the devices in any of the parks. If there is going to be a lawsuit it has to be brought on the basis of our negligence in some manner.

Manager Revella stated that by that time we should have our skate park attendant in place and that person should have ultimate say of what goes on in that park.

Mr. Dowd stated that once we interject our person in this event we have another liability. Now we are over ruling their supervision.

Mayor Maher stated that he has a very simple question, what is the difference between the village being liable for someone skating right now in the skate park as opposed to a competitor skating in this event.

Deputy Mayor Rumbold stated its because you're inviting competition and when you invite competition the level of activity is different.

Mr. Hunter stated that it's different, but this will be supervised. Right now we're sticking our head in the sand the way the skate park is being run.

Trustee Bowen stated that he thinks they should get a waiver with the parents consent and get the parents insurance card. There should be a stipulation that they can't participate unless they have an insurance carrier.

Mr. Hunter stated that he would go back to getting them the accident policy.

Mr. Dowd stated that he would like to see that so he can see what it says.

Deputy Mayor Rumbold asked if the parent was signing the waiver in front of someone

so we know it's the parent and not the eighteen year old sister.

Mr. Hunter stated that he will amend his request to say they are seeking approval of the event subject to them providing the village with adequate and reasonable accident insurance and adherence to the insurance carrier's guidelines and registration in a format that gives them reasonable guarantees that the parent is the one signing the waiver.

Mayor Maher moved to approve the Walden Rotary's skate park event on June 13, 2010 subject to the Walden Rotary providing the village with adequate and reasonable accident insurance and that such policy is reviewed by the Village Attorney and adherence to the insurance carrier's guidelines and registration in a format that gives them reasonable guarantees that the parent is the one signing the waiver and that they abide by the rules listed on the sign.

Trustee Leonard asked if that date was set in stone.

Mr. Driscoll stated that is the projected date they would like to use.

Mayor Maher stated that they take a lot of risks in this village and he would like to see this event happen.

Trustee Hurd stated that Mr. Hunter has said before that the village has an exceptionally high frequency of claims and some severity as well and he sort of insinuated that if we get a couple more we might be in the position that we may not be renewed and we may be in the position where nobody would be there for our coverage. He asked Mr. Hunter if that was correct.

Mr. Hunter stated that is correct.

Trustee Hurd stated that he would like to see this happen, but his concern is that we have to balance our desire to use the skate park for events such as they are suggesting and building the kind of community spirit with the events we have, but he is concerned about the potential severe economic impact that would follow our village if found ourselves forced to self insure because we couldn't obtain insurance at any costs. That maybe over dramatic and he hopes it is.

Mr. Hunter stated that he did discuss with his underwriter at Selective Insurance Co, they have analyzed the claims that we have had and there isn't any frequency of any particular type that indicates that we need some sort of extraordinary loss control measures. The underwriter was appreciative that we approached them and they are getting feedback when we are doing events like this. She did not have a problem with it.

Mayor Maher amended his motion to add that they abide by the rules that are on the sign, that they wear a helmet.

Mr. Dowd stated that they have to abide by the rules which is knee pads and elbow pads.

Mayor Maher asked, where is that written. He asked the manager what the sign says.

Manager Revella stated that there is a problem. The sign says helmet.

Mayor Maher asked what can this board do to have discussion about those rules.

Trustee Hurd stated that they can make it anything they want for this event.

Mayor Maher stated that it's a special event and people who are competing will abide by the rule of wearing a helmet. We will take on the risk of them getting hurt and suing the village.

Mr. Dowd stated that the deputy mayor just said that it would be hypocritical to have safety and waive the rules. He doesn't want them to lose site of the fact that this is an event that we've never had before and there will be things being done by kids, all different ages and experience type and you have the obligation to try to protect them as much as the possibly can.

Trustee Bowen asked if a kid that is 10, 11 or 12, do they usually come by themselves or with a parent.

Mr. Driscoll stated that they would have to have a parent.

Trustee Hurd stated that they want all three; helmets, knee pads and elbow pads.

Mr. Bliss stated that he supports this event.

Mayor Maher stated his motion again, to approve the Walden Rotary's skate park event on June 13, 2010 subject to the Walden Rotary providing the village with adequate and reasonable accident insurance and that such policy is reviewed by the Village Attorney and adherence to the insurance carrier's guidelines and registration in a format that gives them reasonable guarantees that the parent is the one signing the waiver and that they abide by the rules listed on the sign and that they wear a helmet, knee and elbow pads. Seconded by Trustee Bowen.

Trustee Bowen stated that the sign only states helmet, so the sign needs to be corrected.

Deputy Mayor Rumbold stated that you can create any stipulation that you want for a special events, so the sign isn't an issue. The sign is an issue for everyday use.

Mayor Maher stated that the point is well taken by the village attorney and all the concerns that if we are going to be promoting the health and awareness then we should be abiding by the rules as well as the insurance.

On roll call Trustees Hurd, Bowen, Penney and Mayor Maher voted yes. Trustee Norman and Deputy Mayor Rumbold voted no. Trustee Leonard abstained. Motion carried.

### **Oakland Avenue Trees**

Mayor Maher stated that he met with the Village Arborist, Jim Persutti regarding the

concerns of the residents on Oakland Avenue. There is one tree that the arborist is concerned about removing. The mayor will be meeting with the residents tomorrow.

Trustee Hurd asked if the tree was diseased?

Mayor Maher stated that he claims one tree is leaning and diseased and should be removed. Hopefully this is one of the trees the residents want removed. He will have a discussion with the residents and arborist. It will be at 11 Oakland Avenue. He will bring it back to the board if there will be any further action taken based on recommendations.

### **Ulster Avenue Betterment Project**

Manager Revella stated that the project as it stands right now is a \$550,000 project. The engineer estimates that its \$100,000 more for sidewalks, walls and curbs, as well as driveway entrances. It depends on how much work we can do in house that the cost will be significantly less. We do need to be prepared to pay some money. Its not in this years budget. Hopefully we can put it off until next year. He needs feedback as to what kind of material they should be using for the sidewalk, slate or cement.

Mayor Maher stated that the residents want to see it uniform. They are leaning toward concrete.

Trustee Hurd stated that when you use the slate you get a lot of trip and falls.

Manager Revella stated that the engineers have indicated concrete.

Mayor Maher asked what the board thought of impermeable concrete when it comes up. He also indicated that the residents want uniformity.

Manager Revella stated that DOT will only award up to \$250,000.

Mayor Maher suggested the see what the cost would be for impermeable concrete.

Trustee Leonard asked what is going to happen to the trees, the roots raise the sidewalk.

Manager Revella stated that they will deal with that when they get to that point. They are not planning on cutting down any trees.

Trustee Hurd stated that one of reasons for the concrete is in some places you can go around the tree roots.

Mayor Maher stated that uniformity is important.

### **Status of Grants**

Manager Revella stated that the board approved the CDBG for sewer. He was to meet

with Delaware Engineering in regard to grants and they postponed the meeting until June 4<sup>th</sup>. They will be discussing grants for the sewer plant at that time. He did discuss the parks grant earlier, it is a matching grant. There are grants that haven't been completed and he is working to complete them. It included matching funds. There is money in the capital improvement fund for that. He wanted to know if the board wanted to go forward. One grant was for market analysis at Railroad Place. It was a \$12,000 grant. We have to match 25%. The other is the rail trail funding.

Deputy Mayor Rumbold asked how close are we in finishing them.

Manager Revella stated that he spoke to Alan Sorensen who said the market analysis was never done because he was told not to start it. That is the last piece to finish. We would have to spend three or four thousand dollars of village money to get the \$12,000 grant money. The market analysis is the last piece. This will hold up grants in the future.

Mayor Maher asked the manager if they should make that investment.

Manager Revella stated yes.

Trustee Hurd indicated that he is in favor of going ahead.

Mayor Maher stated that there was \$1750 left over from the Orange County Planning Department for water shed protection. It is his understanding that the project has been completed. If we can't utilize the money for anything we can ask the county to release it to some other project.

Manager Revella stated that the other ones are the CDBG funds that are tied up right now. He also indicated that the mayor was put on the CDBG Board at the county. Hopefully he can get information on the status of those.

Mayor Maher stated that he was appointed by County Executive Ed Diana to sit on the CDBG advisory board.

Manager Revella stated that Mr. Barnes is applying for the Orange County Water Authority leak detection grant.

### **Truck Route - Grant Street to Elm Street**

Manager Revella stated that there was concern with the trucks damaging the wall by the McKinley Monument, so it might be in our best interest to have the truck route go Grant to Elm Street. We have to make sure our road is capable of handling the weight of the trucks. There is a turn radius concern at the top of Grant Street and Orange Avenue.

Mayor Maher asked if he had any recommendations from our DPW or the state that could come in and state the road can handle this.

Manager Revella stated that our engineer could do that.

Mr. Dowd explained that the village created parking spots on the top of Grant Street for Sweeney's and you will lose those parking spots so the trucks can make the swing.

Mayor Maher asked if the board had discussed cutting the area back by the McKinley Monument.

Manager Revella stated that you don't want to completely reclaim that area, it's still part of your park.

Mayor Maher asked if its definite that you would lose parking.

Trustee Norman stated yes.

Manager Revella stated that they would lose at least six spaces.

Mayor Maher stated that they can't even consider taking those spaces away.

Trustee Norman stated that its not just trucks that are ruining the monument area, its also cars.

Mayor Maher suggested they cut the area back and see what would happen.

Trustee Hurd stated that you need the states permission, there is a problem in that area. There needs to be visual cues for drivers.

Mayor Maher asked the manager to make a phone call.

Manager Revella stated that when you come from Bank Street toward the monument the right side of the road is parking and the left is not. There is a large shoulder on the left side. He would like to move the line closer to the left side.

The board agreed.

### **House at Olley Park**

Manager Revella asked the board what they wanted to do with the Olley Park house. He spoke to the engineer and to the person who is in charge of the funding to rehab park buildings and neither of them thought it was feasible to try and utilize that building any further.

Mayor Maher stated that he saw a study done by Stantec many years ago about the stability of the building and they said portions were unstable but other portions were not. He asked if the current engineer and along with this gentleman come in and say that there is nothing you can do with this.

Manager Revella stated that the gentleman stated that its not a project they would fund.

Mayor Maher stated that he needs to follow up with some of these individuals and also talk with the Village Historian. He wants to take every step possible to try and preserve this building.

Deputy Mayor Rumbold stated that they have to make a decision because its getting dangerous.

Mayor Maher asked that this be put on the next agenda.

### **Appointment of Civil Service Hearing Officer**

Manager Revella stated that the village has rendered two civil service charges against two of its employees and the village should be prepared and have a hearing officer available. He wouldn't recommend anyone from the village. He will get some recommendations.

Mr. Dowd recommended Mark Goldberg from Middletown. He is a well respected member of the bar as well as he was a part time Federal Magistrate in White Plains. He also recommended Mr. Fox from Port Jervis.

Manager Revella stated that Mr. Rosenwasser also came up.

Deputy Mayor Rumbold asked where the money would come out of.

Mr. Dowd stated that the board can authorize the expenditure of that money for that purpose.

Deputy Mayor Rumbold moved to appoint a civil service hearing officer and that the manager and attorney will make that choice. Seconded by Trustee Leonard. All ayes. Motion approved.

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

Mary Ellen Matise stated that regarding the blue stone, its not slate. The original intent was to replace as much of the blue stone as possible. There was suppose to be enough. You can order it cut whatever thickness and shape you want and you can fix it. They last forever.

Steve Flickenschild, Linden Drive asked about the comprehensive plan.

Mayor Maher stated that there was an action several months ago to form the comprehensive plan and we undid that action because of majority of the board felt it wasn't done properly. We are now reforming it which will be a nine member board.

Mr. Flickenschild stated that he is interested in being on the board.

Mayor Maher advised him to contact the manager.

Ms. Pearson also spoke on the bluestone, they are easy to fix and they last forever. If you are going to designate historic districts it will be part of that plan. If the village wants it taken off their hands she will take it. She asked about the easements for the betterment project, did the village get them all.

Manager Revella stated that is something that has to be done in a more official way and filed with the county.

Ms. Pearson asked about the style of the walls.

Manager Revella stated that he hasn't seen that.

Ms. Pearson thanked the manager for looking into all the grants.

Marcus Millspaugh, Jessup Street stated that the house at Olley Park is 200 years old and is in basically sound condition. You will have to spend some money to see how good or bad it is. He thinks the inspection that was done was superficial. Its an asset to the parks. As far as the bluestone, you can get them made anyway you want. Those bluestone on Ulster Avenue were reset some time ago, but no maintenance has been done since. The sidewalks on Highland Avenue are terrible.

Steve Flickenschild indicated that he was an architect and he would like to take a look at the house at Olley Park.

Mayor Maher stated that he would like to be there when he looks at it.

Manager Revella stated that he would have to do it at his own risk.

### **Approval of the Minutes**

Deputy Mayor Rumbold moved to adopt the minutes of May 11, 2010. Seconded by Mayor Maher. All ayes. Minutes adopted.

### **Audited Bills**

Trustee Norman moved to pay the audited bills of May 25, 2010. Seconded by Trustee Penney.

Trustee Leonard asked about the \$800.70 bill.

Manager Revella stated that the quote was for the right material and when the supervisor totaled the material it wasn't done properly.

Trustee Leonard stated that there were bills in there for servicing grass cutting equipment, that should be done in the winter when its slow.

Deputy Mayor Rumbold asked where that comes out of DPW or Parks budget.

Manager Revella stated that he didn't know.

Deputy Mayor Rumbold stated that the Parks budget had a ton of budget transfers, its tough to get things done when they don't have any money. She asked if there were four signatures on the bills.

Mayor Maher stated yes.

All ayes. Motion carried.

### **Correspondence**

Trustee Bowen thanked the manager for getting the grass cut across the street from him.

### **Board Comments**

Trustee Norman thanked everyone for the work at the Veterans Memorial Park. It's absolutely beautiful.

Deputy Mayor Rumbold stated that the little park on Route 52 the bench is collapsed.

Manager Revella stated that is private property.

Deputy Mayor Rumbold stated that she attended the Rotary dinner for Anita Vandermark and it was wonderful. She apologized for missing the Soap Box Derby, her daughter graduated from college.

Trustee Leonard indicated that the Soap Box Derby went very well. Keith Hunter's car won the super stock and Walden Savings won the stock.

Trustee Penney stated that DPW and the Recreation Committee did a great job on Saturday.

Ms. Pearson asked about the subject for executive session, property purchase.

Mayor Maher stated that he will find out when they go into executive session.

Mayor Maher stated that he wasn't able to make the Soap Box Derby, he had a family emergency. He thanked Trustees Norman and Penney for handing out the trophies.

Mayor Maher stated that they will absolutely have the Soap Box Derby next year. He

also congratulated Ms. Vandermark. There will be a Memorial Day parade on May 31<sup>st</sup>. Flag Day Ceremony will be June 13<sup>th</sup>. He is excited to be on the CDBG Advisory Committee.

### **Executive Session**

Mayor Maher moved to hold an Executive Session pursuant to 105-(h), property purchase and 105-(d) litigation, of the Public Officers Law. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Mayor Maher moved to reconvene the regular meeting. Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Norman moved to appoint Kevin Dowd, Village Attorney. Seconded by Trustee Bowen. On roll call Trustee Norman, Hurd, Leonard and Bowen voted yes. Mayor

### **Adjournment**

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

Respectfully submitted,

Nancy Mitchell  
Village Clerk