

**Village of Walden Board of Trustees
Regular Meeting
October 26, 2010
Motions and Resolutions**

Village Garbage Contract

Trustee Hurd made a motion to set the garbage contract bid opening on December 7, 2010 at 2pm. Seconded by Trustee Leonard. All ayes. Motion carried.

Village Website

Trustee Leonard made a motion to award the proposal for the Village of Walden's website to Small Biz Up. Trustee Norman seconded. All ayes. Motion carried.

Resolution 5-10-11, Stop DWI Program

Trustee Penney made a motion to adopt Resolution No. 5-10-11 approving the Stop DWI Program Services Agreement with the County of Orange. Trustee Bowen seconded. All ayes. Motion carried.

Electric Speed Sign

Trustee Norman made a motion to authorize placement of an electric speed sign on S. Montgomery St and have NYSEG install the electric necessary at a cost of \$330. Seconded by Trustee Bowen. All ayes. Motion carried.

Approval of Minutes

Trustee Penney moved to approve the minutes from September 27, 2010. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Norman moved to approve the minutes from September 28, 2010. Seconded by Trustee Penney. All ayes. Motion carried.

Payment of the Audited Bills

Trustee Penney made a motion to pay the audited bills. Trustee Norman seconded. All ayes. Motion carried.

Executive Session

Trustee Bowen moved to hold an Executive Session to discuss 105(f) Personnel, Village Manager, employment issue of Special Counsel. Trustee Penney seconded. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Trustee Penney seconded. All ayes. Meeting convened.

Adjournment

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

**Village of Walden
Board of Trustees Meeting
October 26, 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
	Trustees	Midge Norman
		Richard Hurd
		Edmond Leonard
		Bernard Bowen
		Randi Lee Penney

Absent: Sue Rumbold

Also Present: John Revella, Village Manager
Kevin Dowd, Village Attorney
Lori Pinckney, Village Clerk

Mayor Maher introduced Little Miss Walden. She will be present at the dedication of the John H Howland Youth Center on Saturday, October 30, 2010.

Presentation – Certificate of Appreciation for Nancy Phelps

Mayor Maher stated that Ms. Phelps could not attend tonight's meeting and there will be a separate event for the presentation on Wednesday, November 17, 2010.

Village Manager's Report

- * Had a large water main break and a sewer main break
- * Valve repaired on Orchard Street
- * Cleared trees and brush at Bradley Field
- * Cleared debris from Cherry St buildings for project
- * Cleared entire dam at Olley Park
- * Leak detection – 2 repairs needed: N Montgomery St & S Montgomery St
- * Met with CEO of EOS to discuss Operating System – received training for treasurer and deputy treasurer.
- * Municipal roof is finished; waiting for next rain event to make sure no leaks; waiting to pay bill.
- * Final determination on DPW Supervisor – a letter was sent, no response yet.
- * Sewer Bond – restored over \$47000
- * Fixed a leak at Overlook Terrace booster station
- * Parks & Recreation ordered Ice Skating Rink
- * Spoke with Insurance Agent to get better Workers' Compensation rates
- * Reviewed Beazer Homes work with Engineers – have new punch list – 11 items still need to be repaired. Need Board's decision on Letter of Credit. Items to be fixed and /or repaired:

1. Guide rail needs to be raised from Sta. 5+00± thru Sta 7+00± on Evergreen Lane.

2. All broken and cracked R.O.W. monuments need to be replaced. Contractor agreed to replace all monuments to be flush with grade.
3. As built or record drawings are to be provided to Village for review and confirmation of all existing utilities, easements and road locations.
4. Adjust all road signage. Install stop sign at Evergreen Lane and South Montgomery Street. All posts are to be rust free/painted and vertical.
5. Site restoration; all disturbed areas, including street tree plantings, light poles and construction "work areas" are to receive topsoil, seed and mulch.
6. Pedestrian crossing at Spruce Court needs to be repainted with reflective beads. The initial painting is transparent against the blacktop. 'Stop' bar at County Road/Evergreen Lane also needs to be repainted with reflective beads.
7. Sanitary MH #25 was never located for repair because it was buried. This manhole should be excavated to the frame/cover. After excavation the manhole will then be reviewed for any repair or masonry work.
8. Relocate two trees between guide rail and retaining wall east of dwelling #9 on Evergreen Lane. These trees will be relocated near the wetland south of dwelling #13 on Evergreen Lane.
9. Preliminary information on reviewing sanitary manhole installation and piping indicates considerable changes from the approved plan. The "As-Built" drawing should clarify most of our office's questions. Documentation shall be provided on the changes which made during construction.
10. The paving contractor paved over SMH #11 & SMH #17. These manholes will be uncovered and a 1-1/2" riser installed.

Trustee Leonard commented that he checked when they were closing up that oval pipe and there was no water entering the pond side but there was water coming out on the river side.

Manager Revella stated there are two pipes that go into the manhole. It's not only the pond pipe, there's a pipe that comes through the properties and connects to drain out the far side. It has nothing to do with the pond.

Trustee Leonard commented he met with Harry from Lanc & Tully. Harry mentioned the drain from the retention pond on the river side is too high and doesn't drain. He asked if that will be corrected.

Manager Revella stated that it is not on the list, but it may have been addressed.

Mayor Maher asked if there was a timeline for when the dedication could take place.

Manager Revella stated the Engineers are looking at 3-4 weeks before Beazer can get these things done.

Kevin Dowd commented that we need paperwork. There's been communications between Dean and Beazer asking them to contact Kevin. No one knows who is representing Beazer.

Manager Revella indicated Beazer doesn't have to dedicate if they don't want to.

Kevin Dowd commented that there has been an offer. If they offer it, we can accept it, but we need the deeds to accept it.

Manager Revella commented that they don't ever have to offer it.

Kevin Dowd commented then it goes onto the homeowners to maintain the street which was never intended.

Manager Revella asked about the next step; should we act on the letter of credit to do these improvements; do you want to let Beazer continue to do these improvements?

Mayor Maher indicated a great deal has happened in a short period of time; they are on track to get it done.

Kevin Dowd recommended waiting until the next meeting since substantial amount of work is getting done.

Manager Revella asked if we should give them something in writing.

Trustee Bowen stated yes.

Public Comment

Lynn Schwandt, 143 N. Montgomery St, asked if there was a water problem over on N. Montgomery Street. The water tastes bad and has had a funny smell for about 3-4 months.

Manager Revella commented it will be looked into and her water may be tested as well.

Anita Vandemark commented that Thursday is the last day of the Farmers Market and she thanked everyone for their participation. There is also a blood drive at the library Thursday as well. She thanked Stephanie for a great job on Channel 23.

Eckert Phillips, 11 Evergreen Lane, commented regarding pond issue and drainage. The water does not drain; it sits on his property and breeds mosquitoes.

Manager Revella asked if it was on the right-a-way. He will find out.

Becky Pearson, 167 Walnut Street, asked about the action item for the Village Garbage contract. She asked how there could be an action item when there's been no discussion. She also commented about the Town board meeting regarding the Taylor Project. She felt there should have been Village representation at the meeting. She asked about the house on Scofield Street that the Village owns and the parking there. She asked about any news on Ms. Glass' property. She asked about the political signs on the bridge. She commented it's a state bridge and doesn't know if signs

being placed on it are allowable. Regarding Beazer Homes, she commented that years ago when the road between the pond and the retention basin was put in, the pipe under it had a leak in it. She doesn't believe it was fixed and would like to make sure it gets fixed prior to the Village taking over the road. She asked about the budget and contacting the Town Supervisor.

Manager Revella responded that the parking spot at Scofield St house is public parking. He responded regarding Beazer Homes that he thought the pipe was fixed and the line had been checked by a camera.

Mayor Maher responded concerning the budget. He has spoken with the Town Supervisor and a meeting will be set up between himself, Manager Revella and the supervisor.

Mary Ellen Matise, 21 Clinton Street, commented that she attended the Town Meeting regarding the Taylor Project. No promises were made except for recreation money for football and something else she couldn't recall. She commented regarding the budget meeting with Town Supervisor, Mike Hayes. She recommended we get more recreation money and it should be in the B fund and not in the A fund. She asked if anyone knows when the fireman's monument was moved back to Village Square. She was reading old minutes back in 1975 and there was a whole section on rules and regulations regarding the Walden Auxiliary Police Force. She stated she brought up the idea having an Auxiliary Police Force on a volunteer basis a few years ago and the idea was shot down. She commented that she hears complaints from residents and an auxiliary police force could help.

Yvonna Caines, 13 Evergreen Lane, wanted to thank the Board for staying on top of Beazer and it is much appreciated.

Business of the Board of Trustees

1) Village Garbage Contract

Manager Revella previewed last contract and had Kevin make some revisions.

Kevin Dowd stated some decisions need to be made before the bidding process. Usually, the contract is for 1 year with options of 2, 3, 4 and 5 years. In the past, we've made an agreement with the City of Middletown and a waste to ethanol project that has never happened and is now in litigation. In our past contracts, there had been a provision in our bid specifications for the cost to haul garbage to the County Landfill as well as the cost if the location changed to City of Middletown (Mosada). Now, Taylor is in the background. Neither of those would be online for at least 2 years. A contract is needed for 2011-2012. He recommended take out any reference to City of Middletown and confine the contract to 2 or 3 years (2011, 2012 and possibly 2013). He commented the second issue to determine would be the inclusion of commercial properties and residential units over 5 units. That would create other issues involving costs and the budget. If garbage collection went Village wide, instead of quarterly billing, the garbage cost could go on the tax bill and payments would be based on

assessed value. If Village wide, we would lose senior discount program. He asked the Board for guidance regarding the mentioned issues.

Trustee Hurd commented that the bids could be lower if we go with a 1 or 2 year contract. He recommended not making a decision on including commercial properties. He commented that the system works now and does not want to lose senior discount option. He recommended adding single stream recycling as an option.

Manager Revella commented that it was up to the garbage company to estimate the cost. It wouldn't hurt to ask for an estimate to include commercial properties.

Mayor Maher asked about the different options for 1, 2 or 3 years.

Kevin Dowd responded that there has to be 1 year, with options for 2, 3, 4, or 5 years. It would show the progress of the bids.

Trustee Leonard commented that he spent an hour with Mr. Taylor. There would be a big benefit and everyone would pay the same price for electricity which would be \$75/Megawatt-hr. He recommended a 2 year contract.

Trustee Bowen asked if anything was stated by current garbage contractor about raising prices.

Kevin Dowd stated the current contractor would like to extend the contract, but because it's a municipal bid we are required, legally, to put it out to bid. He recommended a 1 & 2 year bid with the option of 3 years.

Kevin Dowd asked if it was agreed that the contract is for 1 year with the option of 2 or 3 years. He would like to set a bid opening for first meeting in December.

Trustee Leonard commented that the biggest variable is fuel/diesel costs, so the further out the contract goes, the better.

Trustee Hurd asked what if there was a new capability.

Kevin Dowd responded the contract is for garbage service; it doesn't matter how the garbage gets picked up, only the cost of the pick up.

Trustee Hurd made a motion to set the garbage contract bid opening on December 7, 2010 at 2pm. Seconded by Trustee Leonard. All ayes. Motion carried.

2) Village Website

Mayor Maher stated that we had 2 presentations on the new Village website. He checked into the finances and in the past, lines have been taken out of many different places. We would like to change that in our next budget. We have tracked down each of the lines that it's been paid from in the last three years. The amount left in those lines right now is \$3300. We have checked into the other departments and how

much is spent on those websites. The parks and recreation department is paying \$600 annually for their site. There is only one bid that came within what we are able to spend.

Trustee Bowen asked if it was for a one year contract.

Mayor Maher answered that it would have to be negotiated. A presentation was given, not a contract.

Manager Revella commented that the contract was for web development and maintenance, there was no specific time frame.

Mayor Maher stated he spoke with both parties and both would defer payments, if needed, but prices were not negotiable.

Trustee Bowen asked about the different websites being combined into one.

Mayor Maher indicated that is what we need to decide now. If we don't want to have a separate parks and recreation website, we can provide a page on the Village of Walden website. Chief Holmes would like to keep a separate website for the police department.

Trustee Bowen asked what the yearly cost was for the Police Department and what is budgeted for it.

Mayor Maher indicated the annual costs for the PD website is approximately \$300 per year. He recommended keeping the police department separate, but consolidate the parks and recreation website with the Village website.

Trustee Leonard asked if there would be someone in the recreation department that will be able to change their page.

Mayor Maher commented that the webmaster would make the changes.

Trustee Bowen asked if there would be someone with administrative rights to go into the website. He recommended there be more than one person with rights to update the website.

Manager Revella answered he would be the web czar, in the event there were any emergencies that needed to be posted.

Trustee Leonard made a motion to award the proposal for the Village of Walden's website to Small Biz Up. Trustee Norman seconded. All ayes. Motion carried.

Mayor Maher commented that the business insurance was clarified and it's with the Hartford.

3) Resolution No. 5-10-11 – Stop DWI Program Services Agreement with the County of Orange for the performance of overtime police road patrols to detect and deter impaired or intoxicated drivers for the period of October 9, 2010 – January 1, 2011. The funding proposed to be provided to the Village under the Agreement is for reimbursement of eligible expenses not to exceed \$3,354.00.

Trustee Penney made a motion to adopt Resolution No. 5-10-11 approving the Stop DWI Program Services Agreement with the County of Orange. Trustee Bowen seconded. All ayes. Motion carried.

Discussion Items

1) Smoking Policy

Mayor Maher stated there are two different options. The first option would be a policy which would include putting up signs and providing receptacles. The second option would be a law, which would be a sign that states, no smoking or else.

Kevin Dowd stated he met with Manager Revella and Mike Bliss about parents/adults smoking at soccer games. He was asked about creating a general policy designating no smoking areas near the children's recreation areas and any confined spaces. A separate smoking area would be provided with appropriate receptacles. If we can't get voluntary compliance with a policy, then we might need to create a law stating no smoking in outdoor parks.

Mayor Maher commented that this has been discussed many times, but it is up to the Board.

Trustee Bowen asked who would enforce it.

Mayor Maher responded that the police would have to enforce it.

Trustee Bowen commented that since it's mostly related to the recreation department, that maybe a no smoking policy can be stated on their flyers or applications for parents to notice.

Kevin Dowd stated the hope was that parents or coaches would enforce the policy. He commented that guests to games would not see any flyer or application.

Trustee Bowen commented he prefers the voluntary policy.

Trustee Penney commented she prefers a law.

Trustee Norman commented she prefers a law; politeness does not work.

Trustee Hurd commented he prefers a voluntary policy due to the enforcement issue.

Trustee Leonard commented he prefers to start with a voluntary policy.

Kevin Dowd commented that if it's a law, then we would need to determine the penalties for violating the law.

Mayor Maher commented there was much to discuss. We need to talk to the parks and recreation department. We need to see what others have done.

Manager Revella asked for permission to put the words no smoking on the new sign.

2) Free Speech Zones

Mayor Maher commented on the political signs. He asked if the Board would be willing to designate Free Speech Zones.

Kevin Dowd commented that the Village controls their buildings, grounds and their right of ways. The village can control what goes on those areas and it has to be enforced consistently. We don't control state or county roads. These Free Speech Zones are fairly new and we should check if anyone has enacted it before. He stated he is not sure if they've been tested in the courts.

Trustee Hurd commented that other than public safety, why would do we need to consider this.

Kevin Dowd commented this is a free speech issue and there has to be a compelling interest, like safety. We don't want to violate freedom of speech. We can never stop a village resident from putting a sign up on their property.

Mayor Maher asked if the Village owned the upper bridge.

Kevin Dowd responded that the bridge is owned by the state.

3) Electric Speed Sign

Manager Revella commented that a couple of contracts came in and Kevin reviewed them. The police chief would like to put up an electric speed sign for South Montgomery Street. We need NYSEG to put in electric for it. NYSEG gave a \$330 proposal for the work.

Trustee Norman made a motion to authorize placement of an electric speed sign on S. Montgomery St and have NYSEG install the electric necessary at a cost of \$330. Seconded by Trustee Bowen. All ayes. Motion carried.

4) Vending Services

Manager Revella commented about a contract for vending services in the Village. It includes a 15% commission. Currently, there is no commission received on the vending machines we have.

Kevin Dowd commented that he reviewed the contract. The proposal involved: an exclusive contract on all vending machines in the Village with a 15% commission, they would provide service and maintenance on all machines, as well as insurance; we can terminate with 30 days notice.

Manager Revella commented that we have vending machines at Village Hall, two at Olley Park that are currently seasonal; we could use one at the teen center.

Kevin Dowd commented that the items in the machines would be chips, crackers, sodas and gums. Prices are minimal. He recommended calling the Better Business Bureau or Orange County Consumer Affairs to check on this vendor.

Trustee Hurd commented that we should ask for the 15% commission and a monthly fee for electrical power.

Manager Revella commented that he will check the company out and the other issues mentioned.

Mayor Maher commented that we need more information and a set process for bidding. Do the research and see if it's something we should look into.

Trustee Bowen stated we should ask for a client list and references.

Trustee Penney commented about asking local vendors like Snack Rite.

Trustee Norman commented the teen center really needs a vending machine. Kids have asked for this and so have the parents.

Mayor Maher stated we will move on this at the first meeting in November after we have more information.

Public Comment of Business of the Board

Jessica Metzger, 4 Gracewood Ct. She commented regarding the budget line for the police department's website. Their email and web is all lumped into one. She commented regarding the recreation department's page on the Village website and the possibility of it growing if applications are online. The recreation department might need their own site. Regarding the whole web process, she asked why not just take over the site that is currently there.

Mayor Maher commented that there are specific designs that are there and we can't just take someone else's design.

Jessica asked if the current website administrator was ever paid.

Mayor Maher responded yes, he was paid in 2007, \$2500.

Jessica asked why we can't keep it. She asked why we would pay to re-design the page when we could just take over the maintenance of it.

Mayor Maher responded that even if we could just copy and paste, we still need to pay for it. He commented that it was necessary to re-design the site, because the original design belongs to someone else.

Jessica commented that we paid for that original design and it should be ours. She commented that presentation #2, was more costly up front, but they've been doing it longer, were better insured and didn't want to collect a monthly fee. She commented regarding smoking in the parks; why would there be a designated smoking area in a public park. There is no smoking anywhere in the park. There are leaves and mulch in the parks, it is a hazard. She commented regarding the political signs. People need to be able to put their signs where they want and more importantly they need to remove them promptly. The free speech zones are a waste of time. Lastly, she commented about the basketball net at Alfred Park. It shouldn't take 4 months and a committee to get a basketball net.

Becky Pearson, 167 Walnut Street. She commented regarding the smoking policy in the parks. She recommended putting the words smoke free park on the sign instead of no smoking. She commented regarding the garbage contract and asked if bulk pickup is included.

Manager Revella answered that bulk pickup is included; twice per year.

Eckert Phillips, Evergreen Lane, commented that there should be no smoking period.

Approval of Minutes

Trustee Penney made a motion to approve the minutes from September 27, 2010. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Norman made a motion to approve the minutes from September 28, 2010. Seconded by Trustee Penney. All ayes. Motion carried.

Payment of the Audited Bills

Trustee Penney made a motion to pay the audited bills. Trustee Norman seconded. All ayes. Motion carried.

Correspondence

Manager Revella had a notice that on Thursday, Nov 4th from 9am – 3:30pm, the Middletown Thrall Library is having a workshop presented by the Preservation League of New York State – Enhancing Main Street. Register by Nov 1st. RSVP: call 346-4170 or email: esruiz@middletown-ny.com.

Miscellaneous Comments

Mayor Maher commented that this Saturday at 7pm will be the John H Howland Youth Center dedication. On November 11th there will be a ceremony dedicating a WW II plaque, tentatively 1pm.

Executive Session

Trustee Bowen moved to hold an Executive Session to discuss 105(f) Personnel, Village Manager, employment issue of Special Counsel. Trustee Penney seconded. All ayes. Motion carried.

Trustee Hurd moved to reconvene the regular meeting. Trustee Penney seconded. All ayes. Meeting convened.

Adjournment

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