

**Village of Walden
Board of Trustees Meeting
December 14, 2010**

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

On roll call the following were:

Present:	Mayor	Brian Maher
	Deputy Mayor	Sue Rumbold
	Trustees	Midge Norman
		Richard Hurd
		Edmond Leonard
		Bernard Bowen
		Randi Lee Penney

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

Presentation – Hunter Insurance re: Worker’s Compensation

Keith Hunter – Insurance Agent for the Village of Walden

There are only 5 insurance carriers that will cover municipalities. Effective 1/1/2011, there is an increase in the payments to injured workers and an increase in the fees paid to providers. In the past 3 calendar years, the Village paid an average of \$113,000+ in premiums and the carrier paid out \$130,000 + for injured workers.

Jessica Metzger asked if the current worker’s compensation policy covered all the Village employees.

Keith answered that yes, it covers all employees who receive a paycheck from the Village of Walden.

Up until 2008, the Village was under a County Plan

Five Insurance Carriers & Annual Premiums:

One carrier denied the Village coverage.

Perma (Public Entities Risk Management Association) premium - \$240,000

Current carrier offered renewal premium of \$168,000

State Insurance Fund (not for profit group) offered premium of \$ 140,000

Lovell Safety Group, which groups municipalities together, offers a premium of \$95,000. They offer an early intervention program and risk management programs. This is a fully insured plan.

Mayor Maher asked if the coverage is the same for the nearly \$20,000 less premium.

Keith answered yes, same coverage.

Jessica Metzger asked if Lovell Safety was a co-operative company

Keith answered no. They are owned by the State of NY. Keith continued that with Lovell, there is a 20% dividend that the Village will get back at the end of the year, which is approximately \$20,000. This dividend has been paid every year; not one year has ever been missed.

Trustee Leonard stated that our claims have been going down according to the chart. He asked if Lovell is aggressive about closing claims out.

Keith answered that the chart only represents 10 months for 2010 and is a bit misleading. Yes, Lovell is pro-active.

Public Hearing on Local Law I-6-10 Sign Law

Kevin Dowd commented that this is a Zoning Amendment and it must be referred to the Planning Board. That Board is meeting tomorrow. His recommendation is to open the public hearing, take comments and leave it open until the Planning Board reports back.

Section 148 -65 ; Referrals to the Planning Board; every such proposed amendment or change, whether initiated by the Board of Trustees or by petition, shall be referred to the Planning Board for report before the public hearing is held thereon.

Kevin recommended opening the public hearing and keeping it open until the Planning Board reports back, then close it. He commented that the county responded and had no comments. The Board of Trustees cannot act until you get a recommendation from the Planning Board.

Trustee Hurd made a motion to open the public hearing on Local Law I-6-2010. Trustee Leonard seconded. All ayes. Motion carried.

Public comment on Local Law I-6-2010

Becky Pearson commented that there hasn't been much discussion in public and asked if the changes could be summarized.

Kevin Dowd commented that this Local Law is and has been available for public inspection and will continue to be available. This is a re-examination of Sign Law from 2002. There have been requests by the Walden Business Association and others to make some revisions to be more enforceable.

Kevin read off the changes as follows:

Changed the Industrial I2 zone to OLI zone; light industry

Increased in Signage square footage – 2 sq ft to 3 sq ft

Signs are in more architectural character to the buildings

Increase in the B1, B2 & B3 districts to increase the sq feet of the signs

Allow projecting signs be made of wood, composite material or any new material

Allow no more than 1 sign per window

Allow free-standing off premise sign directories owned by the Village to be more than the 2 we have.

Allow in the B1, B2 & B3 mixed use districts detached pole signs

Cumulative square feet of signs increased to 60 sq feet with a maximum height of 8 feet in the Industrial zones

Real estate & construction signs shall be set back by at least feet from the property lines
Temporary signs need certification from the building inspector with contact information
Change to sandwich board signs; allowed in the right of way but cannot impede pedestrian traffic.

Manager Revella commented that signs are subject to review by the Architectural Review Board.

Dennis Wagemann, Ulster Avenue, commented that he is amazed that there isn't anything about bilingual signs in the Village.

Mary Ellen Matise asked about the sandwich signs and what the criteria will be. She is concerned about a wheelchair passing by.

Kevin Dowd answered the sign cannot exceed 6 square feet in area, or 2 feet in width, it must be removed every night and it cannot impede pedestrian or vehicular traffic.

Keith Hunter commented that the existing sign application, if the sign is impeding or hanging over Village property, the Village needs a certificate of liability insurance from business owner.

Becky Pearson, 167 Walnut St., asked about the real estate signs and those for a development. She asked about signs on poles. She asked about the signs in windows and one sign per window. She asked about neon lighting.

Manager Revella answered that it includes all real estate signs and there are no signs allowed on poles; they will get removed. The window signs are allowed to cover 35% of the window.

Kevin Dowd commented that neon lighting not changed.

Mike Ciardullo, Walden Business Association. He commented that the WBA has been around since 2008. The previous Village Manager, Politi, asked the WBA to help fix the sign law. The sign law has been in effect since 2002. All the businesses were supposed to be in compliance with that law by 2008 and he did not enforce it. He asked the WBA to work out a plan and get something passed. We've been working on this for 2 years; we've met with people who do signs for a living: Cliff Burgess and Dickie Baxter. We finalized everything approx. 6 months ago with Manager Revella. This was a relationship between the WBA and the Village to find something that works.

Trustee Hurd made a motion to adjourn the public hearing until January 11, 2011 at 6:30pm. Trustee Rumbold seconded. All ayes. Motion carried.

Manager's Report

- many incidents of digging and fixing; mostly minor
- met with CSEA to discuss contract issues
- met with Paychex representative – automation of payroll
- replaced fire hydrant at Grant and we were reimbursed by truck's insurance company
- several discussions with Chief Holmes and budget issues

- Snack Rite vending has supplied machines
- Web designer has completed 88 pages of new Website; he's looking for pictures and is looking to launch beginning of January.
- Blowout at Well 7 & 8; both telemetry issues

Bond taken out couple years ago for telemetry; it was actually used for well redevelopment. We've been working with the Comptroller who has been here this week to rectify that bond. There was actually another bond that was approved that was not taken out for well redevelopment. It was just the wrong bond taken out for the opposite purpose.

Mayor Maher asked how much were each of these bonds.

Manager Revella commented \$100,000 each. We are working on rectifying that situation. Kevin has worked on it with Bond Council. If the telemetry bond had been taken out at that time, we may not have lost well 7 & 8. We lost the complete well shaft on 8, which is our largest producer. It should be back online in about a week. Cost is approx. \$11,000. Well 7 is having electrical issues due to it not being regulated properly because the telemetry system is not in yet. We bonded for telemetry this year, it will be put in and 4, 7, & 8 will talk to each other. There's a proposal for well 5 & 6 to get the telemetry be put on now for \$12,000 which could be paid out of that bond.

Mayor Maher asked how we didn't know there was a bond already issued for telemetry.

Manager Revella responded he has been going through records to get ready for the comptroller and came across a couple of different ones. Worked through them with the Treasurer and then called Kevin who then called Bond Council.

Mayor Maher asked if Bond Council had a record of the bonds.

Kevin Dowd answered yes; the first bond was authorized in 2008 but was never borrowed. The second was authorized in 2009, taken out in 2009 and it was for telemetry. The first was for the rehab of the well and the second was for telemetry.

Manager Revella commented that there was a payment made to a different fund which was incorrect.

Kevin Dowd commented that all the expenditures were legitimate; they should have been in separate capital accounts.

Trustee Rumbold asked aren't the bonds very specific.

Trustee Bowen commented the credits came in correctly, the debits went out wrong.

Kevin Dowd commented that we are borrowing on Friday to pay back the other one and to fix Telemetry.

Manager Revella commented that he discussed it with the comptroller and there's an issue and we are fixing the issue.

Mayor Maher commented that the Comptroller is here to do a site visit and depending on the site visit there might be an internal audit.

Trustee Bowen asked what areas the comptroller went through.

Manager Revella commented that she had a list policies and accounts to go through. Some of her concerns were lack of automation for payroll.

- met with WB Mason and possible savings on office supplies
- me with Hunter regarding the wc insurance
- repaired lights/decorations on main street
- fixed banners on Veterans Bridge
- Going through applications for parking enforcement position and part time police officer
- Met with Brian and Trustee Bowen met with Habitat for Humanity
- Water wells repaired, roofs, cherry st. repairs ongoing
- Received proposal for new year's eve fireworks
- Ice skating rink is ready at Wooster
- New coats for DPW, \$200 cheaper at thruway
- Received report from orange county dept of health regarding water system, need to work on that list
- Reviewed the garbage bids
- Ordered the large meters and replaced the meter at MPB and ordered the meter for the mini mall
- Received the new General Code
- Concrete and pipe work done at sewer
- Met with Brian and the OC Citizens Foundation about enticing businesses into the Village and retaining them.

Trustee Rumbold asked about the meters for Squire Village.

Manager Revella responded the meter is in, but their plumber needs to install it.

Trustee Rumbold asked about the thruway's meter. She asked about DEC compliance.

Manager Revella commented the meter was in and the plumber needs to do it. Regarding DEC compliance, he commented he's not sure; they haven't been around. Their last concern was a pail and a test kit for chlorine testing.

Mayor Maher asked about a transition at DEC with the new administration coming in.

Manager Revella commented the site inspections will continue. We are ahead of compliance order.

Mayor Maher commented on the EFC funding is an opportunity to get money for wastewater treatment upgrades and also reimbursements for improvements we made through federal and state funds.

Trustee Leonard asked about the water department inspection schedule and getting another grade D certified operator.

Manager Revella responded that yes, there is a grade D operator now and there is another employee scheduled to take test.

Trustee Leonard asked what happened with the fluoridation equipment. He asked if a sampling schedule will be established. He asked about the INI report.

Manager Revella commented that most of the equipment had to be replaced; it hasn't been purchased and whenever it is ready we will just buy the equipment. Schedule will be the same as it's been done in previous years. Regarding the INI report, Lanc & Tully provided Delaware the a-cad files, then a presentation will be given to himself and any Board member that's available. The INI plan needs to be ready by June 1st.

Mayor Maher asked about the replaced fire hydrant getting hit again.

Manager Revella commented that it was the pole that got hit, not the hydrant.

Mayor Maher commented there is a light on Main Street by Dr. Lee's building that is out. Habitat for Humanity and the project at Sherman Ave fell through.

Manager Revella responded the light will be checked. He commented that the house on Sherman has been purchased at auction by Leroy Degroodt; the house will be refurbished in one year.

Public Comment

Mary Ellen Matisse commented about the Comprehensive Plan Committee meeting and the well head protection project being stuck in limbo because of the Town. She urged the Board to work with the Town. She also commented that knowing there are problems with well 7 & 8 and 6 being the biggest producer, she recommended contacting the state about having a low salt zone on Route 52. She asked about leak detection and if Clinton Street was checked.

Manager Revella answered every street in the Village was checked.

Becky Pearson commented regarding the action items listed and the budget amendment.

Mayor Maher responded the Chief will speak about the budget amendment.

Becky asked about the New Year's Fireworks and the cost. She asked if it was in the budget and if it is something the Board wants and has to do.

Manager Revella responded we have a contract for \$4500. It is in the Recreation budget.

Trustee Norman commented that it's giving back to the Resident's of the Village something that they enjoy. It has nothing to do with Police overtime or the Bond.

Becky asked about the garbage contract and if it's the same contract or different. She asked if anyone has talked to Taylor.

Manager Revella responded there were two bids. Both bids were more costly than the current year. Both bids include same garbage pickup and single stream recycling. There are options for 1, 2, or 3 years.

Mayor Maher commented that Trustee Leonard has been in discussions with Taylor.

Becky asked if the garbage bid decision won't be dependent on Taylor's project.

Mayor Maher commented it will play a part and will be discussed when the action item comes up.

Becky asked about the website and how much longer until it is up and running. She asked about the General Code. She asked about the Comptroller coming in and can we request an internal audit.

Manager Revella responded the launch should be Jan 1st or very near there; it depends on how quickly the Village gets the info to him. We are trying to get the budget for the past 10 years on there too. He responded regarding the General Code that Kevin needs to do the Resolution and the Board needs to review the Code.

Mayor Maher responded regarding the comptroller. We can request the site visit, and then they determine if an internal audit is required.

Dennis Wagemann, Ulster Ave. He received a letter from the Manager about upgrading the water meter. He no longer has an outside shut-off. The shut-off in the house is approximately 75 years old and it cannot be turned. When the gas line was put in, the outside shut-off was taken out. He's asked for a new outside shut-off to be installed. He's been told a plumber is required. The letter states he must comply in 10 days. He has replied in the past and there is no record of his reply. He requested that he gets put on the Agenda to discuss how this is going to be handled. He commented that he should have stopped paying his water bills a long time ago and then the issue would have been forced. He wants a letter from the Village acknowledging his problem.

Mayor Maher recommended he call the Village office to talk to the Village Manager and if he can't get a hold of him, he will provide his cell number.

Manager Revella commented that there are nearly 300 meters that need to be fixed or replaced; many are shut off valve issues. We are trying to get an inventory.

Dennis commented that it is not a question of the meter; it is a question with the shut off. He has no outside shut off.

Manager Revella commented that he will ask Mr. Perna about a shut off at his house.

Dennis also commented about trash removal. He was away for 7 weeks over the summer and he paid \$2.75 for trash removal. The Village's trash removal is about \$80. There is something wrong somewhere and it's an ongoing issue. On Ulster Ave, see 6 trash cans at a multi-bedroom house and they are probably paying for 1 residence. The daycare has trash piled out there and they are paying for 1 residence. He recommends trash is valued

by volume. The Village is fixing the water system, why not do something about the garbage.

Jessica Metzger, Gracewood Court. She commented that the parks committee met last night. She asked if anyone was there at the meeting.

Trustee Penney commented they did not meet because only three people showed up.

Jessica commented that since there was no meeting, there has been no decision yet on the backboard at Alfred Park which has now been 6 months.

Manager Revella commented that it's been postponed.

Jessica asked if that is the only item the committee is meeting on.

Trustee Penney responded that last night's meeting was to address that. None of the public showed up.

Jessica asked if that meeting was posted. She heard about the meeting from someone in California. She stated she wants the backboard and the net should be restored to Alfred Park. It is the only park on the west side and there are only a couple of residents who have not attended the meetings to discuss it, who are not for it due to undesirables. It is a park and it is meant to be used.

Trustee Penney responded yes, the meeting was posted.

Manager Revella commented that he did receive a letter from Steve Flickenschild that mirrored Jessica's comments.

Jessica commented regarding a letter from the Department of Health concerning the water. Is the letter from the DOH?

Manager Revella responded it is from Orange County DOH.

Jessica asked the date on the letter.

Manager Revella responded that he didn't have copy on him, but Trustee Leonard has a copy.

Trustee Leonard commented that date was December 2.

Jessica commented in previous board meeting she had asked about the fluoride and why it hadn't been re-installed to date. She was told there was something in writing stating new equipment need to be put in. She FOIL requested this letter and was told that no such letter existed. Now we have such a letter that's popped up a couple of weeks after my FOIL request. She asked if there ever was anything in writing from the Orange County DOH stating we needed new equipment to reinstall or reinstitute the fluoride.

Mayor Maher responded that yes, he saw a letter. He doesn't know where it is.

Jessica commented that she was told by the Village Manager that no such letter existed.

Manager Revella commented that he never seen that letter.

Jessica commented that the letter is missing. She commented regarding workers compensation insurance. She asked about the Orange County Plan and all municipalities were insured together. She asked if there would be an issue with old claims if we leave the current company.

Keith Hunter responded no.

Jessica commented our current company we've been with for three years. She clarified the premium to be \$168,000. She commented the \$95,000 premium seems too good to be true. She has found that the State Insurance Fund has the best rates over time and she would like to Board to look into it before they take action. Regarding the garbage contract, she asked if there would be rate increase.

Manager Revella responded that he didn't know if there would be a rate increase. The bids were more, so it's probable there would be a rate increase; it's up to the Board.

Jessica commented that she has no problem with the garbage. She feels she gets a lot for her dollar with her family of four and all the recycling. She asked if the parks committee will be meeting again. She commented the Village looks amazing, the dinner was amazing, the tree lighting and the tree looks great.

Trustee Penney responded the parks committee will not meet again until after the New Year.

Willie Carly, 10 Evergreen Lane. He wanted an updated punch list for Beazer. If possible, can the punch list be put on the Agenda until it is completed?

Manager Revella commented it is on the Agenda for tonight.

Brian Sebring, 84 East Ave. He commented regarding 64 Ulster Ave and 2 different sections of wall that have fallen. There is a large piece of concrete in the walkway and he thinks it's been there 2-3 months.

Mayor Maher responded it hasn't been 2-3 months; it's been maybe 3 weeks.

Manager Revella commented that she called him Thanksgiving week.

Brian asked who put the cones there.

Manager Revella responded he put the cones there Thanksgiving Week.

Mayor Maher commented that a Notice was given. The resident was wondering why their wall was not fixed.

Brian commented that is not the issue; it's the concrete that is in the middle of the walkway.

Mayor Maher responded the resident has to figure out how to get rid of it and if the Village would be doing it. The resident wanted things resolved before they invested any money.

Lynn Yak, 96 Coldenham Road. She asked if a sign could be put up on Elm Street, the side that Dead Ends, that says No Truck Entrance. A trucker hit the stop sign.

Manager Revella commented that AMPAC wanted to put a sign at the corner of Coldenham Road, but there was a problem with DOT.

Action items

Resolution _____ Budget Amendment

Chief Holmes commented he was present in September discussing overtime. He provided a handout; page 1 indicating the number of hours with a breakdown per month. The administrative line represents administrative work done by Sergeants or if they were called-in. Shift coverage is an issue for approximately the first 6 months of the year since it's the busiest time. Investigations: there is some control. Court time: there is little or no control over due to court time and includes traffic court or any major cases. Training: has some control – firearms training three times per year. Transport: contractual obligation to transport any individual with a warrant. Special Events: down from previous years. Report time: a contractual obligation. Call at end of shift: there is some control. Special details: includes drug detail, buckle-up NY and Stop DWI and these are reimbursed.

Mayor Maher asked about projections and the first 6 months being the busiest time.

Trustee Rumbold asked if the Administrative Sergeant is Sergeant Metzger.

Chief responded that no, that also includes Sergeant Schwandt. Sergeant Metzger also does a lot of the computer work; he's our primary patrol supervisor because he works the busiest shift. Sergeant Metzger does the scheduling.

Trustee Rumbold asked about the reimbursements for the Stop DWI program, etc.

Chief responded that it all gets reimbursed, except for about \$30.

Trustee Bowen asked where the funds go to. He asked what's the year to date?

Chief responded they go to the 2260 line, which is a revenue line. Year to date: \$14,000, which is June to present.

Trustee Rumbold asked about the officers working the DWI; is there shift coverage for another officer that has to cover the DWI officer?

Chief responded that we had to do that this most recent time where we had to cover the officers that were on the midnight shift. On the holiday's, we don't get full reimbursement; we only get time + 1/2. Chief presented the hourly rates of the officers and overtime. He's been working with the Treasurer; we are \$478 over at the end of November (full time line). Part time line, the budget was \$16,000, we've only spent \$2800. Dispatchers we are at \$9000 and spent \$6500.

Asking for: \$8000 from 3120.100, \$3000. from 3123.100 and \$3000 from 3122.100

Trustee Bowen asked if there is anything creative the Chief could do before the transfer is needed; can it be done another way.

Chief responded we have limited the number of people that can take off at any given time; we've limited it to two officers per day. The officers have been swapping.

Trustee Bowen responded if we have already absorbed all of those, then we have to do the transfer. If we haven't, then try those options first.

Chief commented we are at the point where we have run out of money in the fund. Asking for the Step Grant

Introductory Local Law –

UR Energy – Interior Lighting only

Discussion Items

Public Comment

Correspondence

Miscellaneous Comments

Executive Session – 105-(f) personnel, Village Manager, Police, 105-(d) Litigation

Trustee Rumbold moved to hold an Executive Session to discuss 105(f) Personnel, Village Manager, Police, 105-(d). Trustee Bowen seconded. All ayes. Motion carried.

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

Adjournment

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

**Village of Walden Board of Trustees
Regular Meeting
December 14, 2010
Motions and Resolutions**

Open Public Hearing on Local Law I-6-2010

Trustee Hurd made a motion to open the public hearing on Local Law I-6-2010. Trustee Leonard seconded. All ayes. Motion carried.

Adjourn Public Hearing on Local Law I-6-2010

Trustee Hurd made a motion to adjourn the public hearing until January 11, 2011 at 6:30pm. Trustee Rumbold seconded. All ayes. Motion carried.

Resolution _____ Budget Amendment

Trustee Rumbold made the motion to pass the Resolution 6-10-11 Budget Amendment. Seconded by Trustee Norman. All ayes. Motion carried

Introductory Local Law – Revised Sign Law

Trustee Leonard made a motion to hold a public hearing on Tuesday, December 14, 2010 at 6:30pm to discuss the Sign Law. Seconded by Trustee Hurd. All Ayes. Motion carried.

Vending Machine Contract (Snack-Rite)

Trustee Norman made a motion to approve the Snack-Rite Vending Machine contract. Seconded by Trustee Penney. All ayes. Motion carried.

Real Property Tax Payment to Orange County

Trustee Leonard made a motion to submit the Real Estate Tax payment to Orange County. Seconded by Trustee Hurd. All ayes. Motion carried

Real Property Tax Exemption Request

Trustee Hurd made the motion to request a Real Property Tax Exemption. Seconded by Trustee Bowen. All ayes. Motion carried.

CDBG Fund

Trustee Hurd made the motion to pass a resolution authorizing the Mayor to sign CDBG Fund agreement. Seconded by Trustee Norman. All ayes. Motion carried.

Approval of Minutes

Trustee Penney moved to approve the minutes of October 12, 2010. Trustee Leonard seconded. All ayes. Minutes approved.

Trustee Penney moved to approve the minutes of October 26, 2010. Trustee Hurd Seconded. 6 ayes, 1 Abstention. Minutes approved.

Payment of the Audited Bills

Trustee Penney made a motion to pay the audited bills. Seconded by Trustee Rumbold. All ayes. Motion carried.

Executive Session

Trustee Rumbold moved to hold an Executive Session to discuss 105(f) Personnel, Village Manager, Police, 105-(d). Trustee Bowen seconded. All ayes. Motion carried.

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

Adjournment

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