

**Village of Walden  
Board of Trustees Regular Meeting  
February 8, 2011**

Deputy Mayor Sue Rumbold 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:	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

Not Present:	Mayor	Brian Maher
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**Presentation – Veteran’s Park Committee**

Brenda Adams, Becky Pearson and Anita Vandermark were present representing the Walden Veteran’s Memorial Park Committee.

Brenda commented the Park Committee is a sub-committee of the Walden Community Council. They have 2 requests of the Board.

- Approval for brick pavers in the park
- Authorize the Village Manager to sign the contract with the vendor, Impressions in Stone.

The contract was provided to each Trustee. No money is due at the signing of the contract; it is only needed to reserve the bricks for the project and if the Village signs the contract it will allow for not-for-profit status and save money on each brick. Brick sizes are 4x8 (\$40) and 8x8 (\$80). There will be no expense to the Village. A profit of \$2 to \$5 per brick is expected, which will be used for other improvements in the park. Only 1 local vendor was found and his process is not proven. The committee believes this project will truly enhance the park and would appreciate the Board granting their requests.

Trustee Hurd asked if the layout of the bricks has been determined and if there is a minimum design criterion.

Brenda responded that the layout has not been determined yet because they need to know how many bricks will be sold. She described two circular areas in the park and a walkway and it being probable that the circular areas will be used first.

Manager Revella responded we are reserving 75 smaller bricks and 25 of the larger.

Becky Pearson responded we are only responsible for what is sold. There is free shipping for 50 minimum. There is no real minimum order; we are only responsible for what we have to buy. Most companies have a minimum.

Trustee Hurd asked about the logos that are being used.

Brenda responded we are focusing on Veterans and Veteran organizations.

Trustee Norman asked if the family name can go on the brick or "in memory of" the veteran.

Brenda responded yes, on the 4x8 brick there are 3 lines of text and the 8x8 bricks have 6 lines of text. If a logo is used, some of those lines will be lost.

Becky responded it could state in memory of, or for someone who is active now. It could be for anyone serving at this time.

Trustee Hurd asked if it will be limited to members of the armed forces who are associated with the Village.

Becky responded no. It could be town of Montgomery or Walden; we'd prefer them to be local but it could be someone who doesn't live here.

Anita Vandermark commented that it is a wonderful tribute to the Veterans.

Trustee Norman made the motion to approve the brick pavers and authorize the Village Manager to sign the Impressions in Stone contract. Seconded by Trustee Bowen. All Ayes. Motion carried.

**Presentation: TLC Summer Fest**

Tabled pending meeting with Recreation director, Mike Bliss.

**Presentation: Lanc & Tully Engineers**

John Queenan was present to update the Board on the warranty for the roof at well #5. To date, two warranties have been obtained: 45 year on the color and 25 year material warranty. Original proposal warranty was for 45 yr on color and 25 yr water tightness warranty which can not be obtained because of the type of metal system that was installed.

Trustee Leonard asked if the water tight warranty is pro-rated. He asked how would we collect on it and has there been tests on the color.

John Queenan responded yes; they say the color is good for 45 years. If the manufacturer is willing to go that far out, then they must have faith in their product. The concern is the material warranty. It doesn't cover the system as a whole. If there is a leak at fastener, that would be covered under the metal. That's the difference between the two. There are other items not covered, like hit with this or struck by this.

Trustee Leonard asked if the fasteners have a rubber seal. He commented then that's probably the best warranty we'll get.

John responded yes.

Trustee Rumbold asked if the roof has to be replaced at some time in the future, what it would cost.

John responded the total cost of the contract was \$8145.00. The cost of the roof is about \$1800, that's just the material.

Trustee Rumbold commented that the taxpayers are paying for the roof with a specific warranty, now we don't have that warranty. The contractor should be paid for the work that isn't relative to the roof. Does the Board agree? One of the issues talked about was holding 10% of the contract to be used if repairs are needed.

John confirmed that would basically cover the cost of materials.

Trustee Leonard asked if the money would be pro-rated on the 15 year difference between the water tightness for the 25 and 40 year.

Trustee Rumbold confirmed we are retaining 5% for one year, than we'll retain an additional \$800 for possible repairs in the future.

Kevin Dowd asked for clarification of retaining the 5% for one year or 10% totally or 5% +10% and holding it for one year or more than one year.

Trustee Rumbold responded we are talking about reducing their bill by \$800 to be used for repairs if needed, so taxpayer money is not being used to make repairs.

Kevin asked how many years are we holding that money.

John Queenan recommended holding it for 18-20 years, which would be equal to the warranty period.

Trustee Rumbold commented the contractor promised us a certain warranty and now we can't get it.

Kevin wanted confirmation that 10% will be held for 20 years.

Trustee Rumbold commented that we are holding 5% and tell them to reduce their bill by \$800.

Kevin clarified that 5% will be held for a year and the contract will be reduced by \$800.

Bill Gill the Engineer for Liberty spoke concerning the warranties. All the manufacturers warranties are in place, the only thing not covered would be leakage. There is a 25 year material guarantee. If a fastener screw got lose, then it would need to be repaired. The roof is installed correctly.

Mike Zegilla, the GM, commented that if it was a shingle roof and it was installed correctly, the roof would not leak. If there was something wrong with the shingle and it didn't last, then the material was no good and the manufacturer would replace the material. You are

receiving the same warranty, the warranty is a material warranty for 25 years against something that would cause a leak, but they are not guaranteeing it's weather-tight and no roofing manufacturer would guarantee that. The materials state weather-tight warranty, but it's nearly impossible.

Trustee Rumbold asked about the change order and it was mentioned as part of the change order.

Mike responded that's where the confusion comes in. He talked to the manufacturer and discussed a 25 year material and a 45 year color warranty. But Lanc & Tully looked further.

John Queenan confirmed they found a 45 and a 20 year. We wrote a letter to Liberty that these are the warranties. Looking at the literature, it states we can't get the warranties.

Trustee Hurd asked if our specs were faulty.

John Queenan responded no. Change order and everything was provided for; specs were not faulty.

Kevin Dowd commented that it wasn't our specs, it was with the change order and the assumption in the change order that they were going to be able to deliver a warranty that they can not deliver.

Trustee Hurd asked who made the change order.

Manager Revella responded the contractor made the change order.

Kevin responded it was approved by the Board.

Mike commented it was changed based on building location, it being under trees, there being a roof hatch and roof traffic. The metal roof seemed like the better option.

Kevin Dowd commented that under the contract, we will hold 5% for the year. We are talking about deducting \$810 from the contract to cover any future repairs. He asked if the gentlemen from Liberty Contracting had a problem with that.

Bill Gill responded we have no problem. We could offer to extend our warranty to 2 or 3 or 5 years.

Kevin asked the Board what they would prefer.

Trustee Rumbold responded she would prefer the \$810  
Trustee Penney responded she would prefer the \$810  
Trustee Leonard responded he would prefer the warranty  
Trustee Hurd responded he would prefer the warranty  
Trustee Bowen responded he preferred money up front  
Trustee Norman responded she preferred money up front

Mike from Liberty agreed to the contract change.

Trustee Bowen made a motion to hold 5% for a year and reduce the contract by \$810 for Liberty Contracting. Trustee Penney seconded. All ayes. Motion carried.

### **Village Managers Report**

- confirmed the heat is on
- performing a lot of snow removal and catch basin cleaning
- widening the roads and lines of sight
- the ice storm ate much of salt budget, 200 more tons in reserve; been supplementing with sand which is cheaper
- met with WBA who created a welcome packet for businesses
- Kevin contacted Town of Montgomery regarding zoning around our wells
- Water Dept is in contact with Thruway about replacing water meter; similar going on with Squire Village
- Met with Lovell Safety Group; discussed aspects of plan, contacts & costs
- Communicating with IWS, its snowed every day since they've started; cans are delayed, a few issues with cans left in road – supervisors are following the trucks
- CSEA met, they're going through on their end a proposal for a new contract
- Met with Chief Holmes regarding the Emergency Alert Systems
- Met with the VRI representative, Ken Sabia regarding issues with a pump at Linden Ave; put camera's down the lines - a couple of manholes need to be repaired.
- Dept head meeting discussed limiting the parking times at the 15 & 30 minute spots; it'll be discussed later
- Issues with Well 4 treatment building – Engineers were down there and made some assessments about load bearing ability for the floor – serious issues; waiting for contractors so action item will probably be tabled.
- Two vacant homes had water lines burst; the whole outside was covered in ice, the PD had to break open door – there was extensive damage. The other flooded a basement. Asked the public to keep an eye out
- The Auditor has been here; going through documents and records. IT person today to investigate the computers. Probably be here another 20 days.
- Met with Sam Wright, the Engineers, people from Orange Leadership, other planners, Mike Bliss and Mayor Maher about possible outdoor amphitheater; grant funding available.
- Met with dept heads and they've met with treasurer for the next budget.
- Lori received nominating petitions today; we will ask those candidates to attend budget sessions, if available.

Trustee Leonard asked about an accident with the water or sewer truck; is it worth fixing.

Manager Revella responded it wasn't an accident, the transmission blew. We will get the transmission fixed on the old sewer truck; it's estimated at \$1600 to fix and it's worth getting fixed.

Trustee Rumbold asked about the Board releasing funds to the LDC to do environmental studies on Packaged Lighting. Has that been done and do we have the results.

Manager Revella responded yes; their attorney is working on it getting released to us; there is a confidentiality agreement between the property owner and the LDC and they are working it out.

Trustee Rumbold asked if there is a time frame.

Manager Revella responded they are waiting to hear back from the owner.

**Public Comment**

Lynn Schwandt, 143 N. Montgomery St., asked about the sidewalk down by the old scalper.

Manager Revella responded the Village is responsible for that sidewalk. Whoever plowed the graphics people plowed the snow into the sidewalk and they've been cited.

Lynn asked about the fire hydrant at Sweeney's and how do we bill the trucking company for it. She commented the Millspaugh's building used to have the ice things on the roof and they all fell down last year. The ice came down this week and thank god there was nobody there. She asked if a decision has been made on Pat Glass' property.

Manager Revella responded we charge for parts and labor. He clarified which Millspaugh building and asked Dean if he was aware of it. Regarding Ms. Glass' property, he responded that the mayor was supposed to have a meeting with the property owners and he didn't know if that had taken place.

Jessica Metzger, 4 Gracewood Court, asked about a water issue. She commented that 86 Wait Street was experiencing heavy brown water.

Manager Revella responded it's a sewer issue and if the problem started today it's because they turned on well #8 today and they are flushing the lines. An alert was put out on the website and it should last at least 2 days.

Jessica commented at the last meeting the Mayor said he would be in touch with each Board member by phone or email regarding the first budget meeting. She asked if anyone recalled the Mayor stating this. Now it is February.

Trustee Rumbold responded that it was mentioned to her that dates needed to be chosen.

Trustee Leonard responded he was under the impression we were going to set a date at the next meeting.

Manager Revella agreed, it would be set at the Feb 22<sup>nd</sup> meeting.

Jessica responded no, the mayor was supposed to call or email so that tonight a schedule would be set up of the meetings.

Trustee Rumbold responded that he contacted her and potential dates were discussed, but she hadn't heard from the Manager.

Manager Revella responded that everything will be complete by the 22<sup>nd</sup>. That was his impression that the dates would be set on the 22<sup>nd</sup>.

Jessica asked if the DPW would be going out to salt tonight.

Manager Revella responded he would check after the meeting, but if the police call in the meantime we'll get guys out there.

Jessica commented it was commendable that the contracting company that did the roof work were present at the meeting. She asked about the parking in front of the municipal building. It took a long time to get those spots, now someone is asking for it to be changed. Will that cost money?

Manager Revella responded that the local law would cost money and the postings.

Jessica asked how much money. It took years to put it in place and now someone wants it to be changed. It's 15 minute parking; that's what it should be. If you don't want it 15 minute parking then it should be dedicated handicap parking and make it 30 minute parking; the ramp is right there, someone could go to the elevator or the library.

Trustee Rumbold responded that the issue is not during business hours; it's during the evening.

Jessica asked if anyone brought that up years ago when it was being decided.

Trustee Rumbold responded she thought it was discussed, but it wasn't spelled out. It needs to be very specific.

Jessica responded if you're going to do it, it needs to be done right. It is her opinion that the spots should be designated handicapped with a 30 minute limit no matter what and they shouldn't be convenience parking for anyone. They are prime spots and they should be used for the handicapped.

Pat Eisley, 26 First Street, asked about the lights on the bridge. At least half of them are out and several are out on Main Street.

Manager Revella responded it was brought up at the last meeting. All the lights have been checked by an electrician, bulbs were all changed for the second time. They were all working for about 5 weeks and now it's worse than it was before. We need to look at replacing the lights all together since it's an ongoing issue and we'll match them all.

Lynn Yak, 96 Coldenham Road, thanked Lori for her help today when she called. She commented about the garbage at 46 Coldenham Rd; they are renters and had only one can with several bags. One bag busted open and it had spread all over. She contacted IWS and they've stated if they didn't bust the bag, they are not responsible. The homeowner or whoever's garbage it is should pick it up.

Manager Revella responded if there is litter there, than they can be cited. The homeowner is responsible for any litter.

Dennis Wageman, 27 Ulster Avenue, commented that he received a snow violation. He has been at his residence for 60 years. He stated he continues to see Walden go downhill. He can guarantee the Village that the sidewalk at 27 Ulster Ave is shoveled worse than it has ever been in 70 years and the reason is because 29 Ulster Ave is shoveled the same way as the side street at 27 Ulster. He stated 31 Ulster plowed the

snow onto the sidewalk so they can park in their front yard. It went on last year and it's going on this year. He asked if the Village thinks that since they don't do anything to these other 2 properties, he should shovel the full width of his sidewalk. He has driven around and seen residents shoveling off their front yards and parking halfway on the sidewalk and the Village is doing absolutely nothing about it. If you leave the meeting tonight and go into the Block Watch on Valley Ave, he believes it is 25 Valley Avenue, you'll see the front yard will be shoveled and most likely there will be a car parked on the sidewalk. His violation notice was dated 2/7, today is 2/8 and nobody else has done anything with the snow and maybe they weren't cited, but he will guarantee that if he goes out tomorrow and takes that snow off the sidewalk, the adjacent neighbors will not be doing the same thing. That's why the sidewalk there is the worst it's been in 70 years. He asked how does he get through to the Board.

Trustee Norman commented that they've all been cited; it's in the code enforcers report.

Trustee Rumbold responded that he doesn't know that.

Mary Ellen Matise, 21 Clinton Street asked Kevin if he's been in touch with Charlie about the ambulance issue.

Kevin responded that he has been in contact with him and it was not put in the contract between the Town and the ambulance corp. Apparently it was done by the Town Board with full knowledge that's how they were doing it.

Mary Ellen commented that is was in the first draft.

Kevin responded the Town Board did not allow that billing process. There is a signed contract.

Mary Ellen asked about shelter agreements for shelter lodging.

Manager Revella responded yes, we should have something for the next meeting. The code red people will have a presentation.

Mary Ellen asked if there is anything set up for this winter knowing there isn't a generator for this building.

Manager Revella responded there is an understanding with the fire district.

### **Action Items**

#### **Hearing under Chapter 116 (8-E) – 35 Ulster Avenue**

Trustee Penney made a motion to open the hearing under chapter 116 (8-E). Seconded by Trustee Hurd. All ayes. Motion carried.

Dean Stickles commented that the property owner had asked for an extension and here we are at the next meeting. Dean asked the Board to authorize Manager Revella or himself to go ahead with the cleanup of 35 Ulster Ave. The home was converted from a one family to a two family and that is a separate issue.



Kevin Dowd commented that Manager Revella received a letter from Clair & Gjertsen, counsel for Federal Home Loan Mortgage Corp, dated Feb 8<sup>th</sup> consenting for the village to perform the work necessary to cure the conditions at 35 Ulster Ave and FHLMC will pay the costs incurred. We need to close the hearing and make a resolution authorizing the Building Inspector and Village Manager to do whatever is necessary to clean up the property at 35 Ulster and to charge the costs back to Federal Home Loan Mortgage Corp.

Trustee Hurd asked when we'll tackle the other issue of the illegal conversion.

Kevin responded first we need to confirm that it has happened and it would probably go to the courts.

Trustee Hurd made a motion to close the hearing. Trustee Leonard seconded. All ayes. Motion carried.

Trustee Hurd made a motion to allow the Village Manager and the Building Inspector to take whatever action is necessary to remedy the violations at 35 Ulster Ave and to charge the bank (FHLMC). Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Rumbold asked if there was a dollar amount.

Kevin responded no.

### **Introduction LL I-1 of 2011 – Proposed Zone Change Methodist Church**

Kevin Dowd commented that he prepared the local law to re-zone the United Methodist Church and one small lot on Pine St from RM2 to B3 on a petition of the United Methodist Church. The Law needs to be introduced, a public hearing set and it'll have to be referred to the Planning Board and the County Planning Department and the Office of Historic Preservation and it'll be done under the SEQR process. There was an issue raised if we want the applicant to notify the surrounding property owners.

Trustee Rumbold asked if we do that or does the applicant.

Kevin responded that we do the ad in the paper and that is all the law requires. Since it is a zoning change for a Church, there is some concern and it has been suggested that the applicant send, at their expense, mailings to everyone within a certain distance of the property. We will prepare the notice. It's usually 300 feet.

Trustee Hurd asked for a recommendation of distance.

Kevin responded since the back end of the property does touch the R5 zone and the rest is RM2, as well as businesses, 300 feet is more than adequate.

Trustee Bowen made a motion to introduce Local Law I-1 of 2011. Seconded by Trustee Hurd. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Leonard made a motion to set the public hearing on Introductory Local Law I-1 of 2011 for February 22, 2011 at 6:30pm. Seconded by Trustee Hurd. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Bowen made a motion to ask the applicant to do mailings of notice to everyone within 300 feet of the property. Trustee Hurd seconded. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Rumbold asked if the applicant would get the list from us.

Kevin responded they would get it from the Town assessor's office, but they will get the notice from us.

Trustee Leonard made a motion to refer this matter to the Orange County Planning Department and the Village Planning Board for review and recommendation. Seconded by Trustee Penney. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Hurd made the motion declaring the Board as lead agency under SEQR. Seconded by Trustee Penney. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

### **Water Bill Review – 127 Walnut Street**

Dean Stickles commented there was a toilet running for an unknown amount of time. He confirmed that the water did go through the meter.

Manager Revella commented the homeowner is asking for a reduction in the bill because they were unaware of the leak. He doesn't know how the Board could do that without setting precedent, it went through the meter and through the collection system.

Trustee Sue commented it is the homeowner's responsibility to make certain everything is working. She didn't think there was anything they could do.

Trustee Penney made a motion to deny the request from owner at 127 Walnut Street. Trustee Leonard seconded. All ayes. Motion carried.

Manager Revella commented there are two more water bill reviews. One is 40 N. Montgomery Street. The person was away and they are asking for a reprieve from the sewer bill as well

Trustee Hurd confirmed the owner is asking to be relieved from the bill.

Manager Revella responded yes.

Trustee Bowen made a motion to deny the request from owner at 40 N. Montgomery St. Seconded by Trustee Penney. All ayes. Motion carried.

Manager Revella commented the last one is for 13-15 Orange Avenue and he actually witnessed the leak since they thought it was a water main break. The water was not going into the collection system; it was running down the road. They are asking to be relieved from the sewer portion of the bill.

Trustee Hurd commented that we have done this in the past.

Manager Revella commented the sewer portion cost \$3222.45, the usage was 65,100 cubic feet. The highest usage prior to this time was 17,100 cubic feet. Take the best guess as usage and charge the current rate.

Trustee Rumbold responded we should use 17,100 as the landmark.

Manager Revella commented it might be a bit more than that since it was an extended bill.

Trustee Leonard made the motion to adjust the bill as described to relieve the owner at 13-15 Orange Avenue of the sewer portion. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Introductory Local Law – Recodification of Village Code**

Kevin commented we were waiting since the last meeting for a cost for 5-6 changes before it was adopted.

Trustee Hurd recommended it be tabled.

### **Bond Resolution – Water Treatment Building**

Tabled

### **Election Inspector Re-Training Course**

Manager Revella commented there is a re-training course available to the election inspectors. The County Board of Elections is recommending inspectors be paid \$35.

Lori commented these people have been trained already; it's a re-introduction of Election Day procedures and the image cast machine.

Trustee Rumbold asked how many instructors.

Lori responded there are 4 inspectors.

Trustee Norman made the motion to pay election inspectors \$35 each for the re-fresher course. Seconded by Trustee Penney. All ayes. Motion carried.

### **Discussion Items**

#### **Beazer Update**

Trustee Leonard commented there was an issue about the election of the HOA Board members. There are 2 Board members that oppose the HOA. They have not been attending and need to be replaced. One member was elected and she appointed a committee of 3. Went over the punch list and most will have to wait until spring. There is another issue because the pond had been deeded to 2 homeowners on the river side of the pond. Each homeowner owns half of the pond. The attorney is handling that issue.

Trustee Rumbold asked it'll be spring before the punch list is done and the road is dedicated.

Trustee Leonard commented that law firm should be contacting Kevin about the dedication. The Engineering firm is over on Coldenham Road.

Manager Revella confirmed the name of the Engineering firm to be Engineering Properties.

### **Park Comprehensive Plan Committee Recommendation – Olley Park**

Mike Bliss stated the Committee recommended to selectively demolish parts of the structure while keeping the historical structure intact. This would include keeping the frame skeleton of the structure, roof, foundation and the basement. It was also recommended that in order to avoid any further weather damage and decay to the foundation that a gravel pit be dug around the foundation and that gutters and downspouts be put on the beach side of the wall. The committee recommends the remaining structure be used as a picnic pavilion with historical markers. It was discussed getting the community involved to help pay for it.

Trustee Hurd commented this building was talked about 12 years ago, he questioned the value.

Trustee Rumbold asked if we have any clue what the cost would be.

Manager Revella responded the only estimate he has seen was \$11,000 for demolition and that was 3-4 years ago. It is assumed it would be more costly to dismantle it piece by piece.

Trustee Leonard commented there is an issue of stabilizing what is left of the foundation; there is also a liability issue.

Trustee Bowen commented he recalled someone who thought grants might be available.

Mike responded that person attended the first meeting and has not returned.

Trustee Penney clarified that person stated we could try to get grants, not that she would go get them.

Trustee Rumbold asked if the committee ever discussed the possibility of no funding and what their recommendation would be.

Trustee Penney responded it would be to take it down.

Trustee Hurd recommended keeping this as a discussion for the meeting for anyone in the public to comment.

Mike responded there were 6 public meetings.

Trustee Hurd commented that thing should be gone.

Trustee Leonard commented the money spent would be better used for an upgrade to the bathroom facility, which is desperately needed.

Trustee Norman agreed; she is for the bathroom.

Mike commented that a grant was written for the bathroom and it was denied.

Trustee Hurd commented its not good use of taxpayer money, to put more money into that structure.

Trustee Leonard commented there is a person that does demolition of barns in Campbell Hall; that might be a start, if he'll take it down for the lumber.

Steve Flickenschild commented the EPA is involved due to lead based paint.

Dean Stickle recommended instead of demolition, put it on ebay and see if someone wants to buy it; let them take it down.

Trustee Hurd asked if it could be a controlled burn.

Manager Revella responded no, due to the hazardous materials.

Trustee Rumbold commented she would prefer to wait for a full board for a vote and recommended it be put on the next agenda.

### **15 minute & 30 minute parking zones outside Municipal Building**

Manager Revella commented the issue has been brought up again regarding the times and constraints on the parking spots outside the building. It has been suggested to change the 15 minute parking from the hours of 7am – 6pm and the 30 minute parking on the side by the library from 9am-6pm.

Trustee Hurd commented the only thing he could see as a problem is someone parking their car there overnight and then they won't be back in the morning.

Trustee Rumbold responded then they will get a ticket. She asked if this was in Chief Holmes report.

Trustee Norman commented that when she goes into the library and parked on the side, she's in there sometimes for an hour. She was in there once less than 40 minutes and she received a ticket.

Trustee Leonard commented there are times when there is a funeral or we are cleaning the parking lot, parking gets really tight. He recommended removing the limit like the Chief has recommended. He commented that Ginny is comfortable with the 30 minutes.

Trustee Rumbold commented it was an unfortunate chain of events. She commented she was ashamed a law had to be created. She recommended it be put on the next meeting's agenda as an action item.

Trustee Leonard responded he will not be present at the next meeting.

Kevin Dowd responded that he will not be present at the next meeting too.

### **Public Comment**

Becky Pearson, 167 Walnut Street, commented that she just heard about vacations. She stated that when you're elected in April, each meeting is already known and it's part of your duty to be here.

Trustee Penney responded that sometimes it's the only time that our job allows time off.

Becky commented regarding the Olley Park house and she understands the Board's frustration. She is hearing about a bathroom and a barn and she's there herself twice a week. It would be nice to save some of the history; she's hoping there is a real discussion on it. If the beams and the foundation are left it could be an educational spot for children. Regarding the HOA for Beazer homes she commented she understands if there is an issue with problems on the street and the streets are not cleaned properly and there are issues with finishing the building. She asked why is the Village involved with forming the HOA.

Trustee Leonard responded we are not involved; we were asked to sit in on the meeting. We were asked to come to the meeting and to observe.

Kevin commented the HOA was supposed to share some of the cost of community expenses including the upkeep of that pond and the sidewalks around that pond are private. There are some lawns and other issues with the community that the HOA is responsible for.

Becky asked if the pond was always going to be deeded to two separate homeowners.

Trustee Leonard responded that now they have money to hire an attorney to represent the HOA and that's an issue that we will have to take up with their attorney. It was our understanding when the Board approved it that the HOA would own that pond. He doesn't know what happened after that. Whoever set up the HOA may have had something to do with that. The homeowners that own the pond are not happy with it.

Steve Flickenschild, 6 Linden Dr, commented regarding the Olley Park farmhouse. Regarding grant money and if the place was ever listed on the National Register, it's a very long process. As for the lead paint, code requirements indicate a certified contractor. He recommended before doing anything, to appease the village residents, get estimates from general contractors. Get 3 estimates to selectively demo the building and renovate the foundation. If it costs \$50,000, then base the decision based on that instead of guessing. It may only cost \$20,000 to repair it or it may cost \$100,000 to repair it and base the decision on that. He commented there has been so much discussion on it and it puts the Board in a difficult position to make a decision on it. The decision can be made based on the cost.

Jessica Metzger, 4 Gracewood Court, asked about the election inspectors and can we make it mandatory that they attend.

Manager Revella responded this is only a re-fresher course.

Lori commented that she is also going for a course on the machines, separately.

Jessica commented these machines are new and they've maybe only worked on them once. It would be in the Village's best interest for them to go. She feels for \$140, it'll be worth it.

Marcus Millspaugh, 10 Jessup Street, commented regarding his time on the Board and being able to review the code. There were parts of the code he did not see like the part on subdivision. He had concerns regarding the definitions and the definition for Engineer. Within the text, there are several items where the Village Engineer is referred to yet within the definitions the Village Engineer is not specified. He recommends the definition of Village Engineer be included because previously the planning board engineer and the village engineer were one in the same. Now, they have somebody else and there are issues which are clearly the responsibility of the village engineer and there should be no confusion of who is being specified within the text.

Mary Ellen Matise, Clinton Street, asked Kevin regarding the code if there is a definition of a kennel.

Kevin responded no. We could never agree on how many dogs would be a kennel.

Mary Ellen responded then that code is not enforceable without a definition. Before you adopt the code, it needs to be dealt with.

Trustee Rumbold asked what do you mean you couldn't agree on a number.

Mary Ellen responded the town law states three or more.

Trustee Rumbold asked the building inspector if he could make a recommendation on a number.

Dean Stickles responded three dogs.

Kevin asked if the Board agrees with 3 or more dogs constitute a kennel. There is currently no definition of kennel in the code. It needs to be determined how many adult dogs, 6 months or older, constitute a kennel.

Mary Ellen commented there are people in the village that are breeding dogs and if they sell less than 25, Ag & Markets can't come near them. They can't even prove it and meanwhile there are other people that have 5, 6, 7 or 8 dogs up against someone else's property line. Since there is no definition of kennel, you can't go there and say move them off the property line 10 feet or you can't have those 8 dogs here.

Kevin will pull out the local law that was prepared previously. He recommended revising the code separately and not tie up the adoption of the code.

Mary Ellen asked if the pavilion or the picnic tables have been tested for lead paint.

### **Approval of Minutes – January 11, 2011**

Trustee Hurd moved to adopt the minutes of January 11, 2011. Seconded by Trustee Norman. All ayes. Motion carried.

### **Payment of the Audited Bills**

Trustee Hurd made a motion to pay the audited bills. Trustee Leonard seconded. All ayes. Motion carried.

**Correspondence:** None

**Miscellaneous Comments from the Board of Trustees**

Trustee Norman commented the DPW has been doing a great job.

Trustee Hurd commented that on Sunday the sidewalks were clear around the Municipal Building and then there was some melting and it re-froze. He asked if salt could be spread.

Manager Revella responded that the police or dispatcher will do it if they have time.

Trustee Leonard commented to the public regarding the snow load on the roofs; especially the lower, flat roofs. He recommended shoveling the roofs.

Trustee Penney commented to the public that the VFW is having a pasta dinner on March 6<sup>th</sup> in honor of Rebecca, who owns the Hair Café, has cancer.

Jessica confirmed it's from 3-6pm and there will be a tricky tray.

Trustee Rumbold asked about the garbage cans; it might help if they put the lids back on the cans.

Manager Revella responded they've been asked to do that.

Trustee Rumbold had an issue on Main Street and it was shoveled only so wide. She commented the fire lane in the Orchard Street lot was a waste of paint.

Manager Revella responded they are required to shovel the entire width of the sidewalk. There are at least 70 violations written just for snow. He responded regarding the fire lane that he asked an officer to check it and ticket it.

**Executive Session – 105 (f) Personnel, Village Treasurer, Property Purchase**

Trustee Penney made a motion to go into Executive Session. Trustee Leonard seconded. All ayes. Motion carried.

Trustee Hurd made the motion to authorize the Village Manager to issue letter to treasurer to offer resignation with unemployment and payment of accruals; based reasons for termination the alternative. Seconded by Trustee Bowen seconded. All ayes. Motion carried.

Trustee Hurd made the motion to authorize the Village Manager to enter into an agreement with ERA Curasi as broker

**Reconvene**

Trustee Hurd made the motion to reconvene the regular meeting. Seconded by Trustee Penney. All ayes. Motion carried.

**Adjournment**

Trustee Penney made the motion to adjourn. Seconded by Trustee Bowen. All ayes. Motion carried.



**Village of Walden Board of Trustees  
Regular Meeting  
February 8, 2011  
Motions and Resolutions**

**Veteran's Park Committee**

Trustee Norman made the motion to approve the brick pavers and authorize the Village Manager to sign the Impressions in Stone contract. Seconded by Trustee Bowen. All Ayes. Motion carried

**Well 5 Roof Payment – warranty issue**

Trustee Bowen made a motion to hold 5% for a year and reduce the contract by \$810 for Liberty Contracting. Trustee Penney seconded. All ayes. Motion carried.

**Hearing under Chapter 116 (8-E) – 35 Ulster Avenue**

Trustee Penney made a motion to open the hearing under chapter 116 (8-E). Seconded by Trustee Hurd. All ayes. Motion carried.

Trustee Hurd made a motion to close the hearing. Trustee Leonard seconded. All ayes. Motion carried.

Trustee Hurd made a motion to allow the Village Manager and the Building Inspector to take whatever action is necessary to remedy the violations at 35 Ulster Ave and to charge the bank (FHLMC). Seconded by Trustee Leonard. All ayes. Motion carried.

**Introduction LL I-1 of 2011 – Proposed Zone Change Methodist Church**

Trustee Bowen made a motion to introduce Local Law I-1 of 2011. Seconded by Trustee Hurd. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Leonard made a motion to set the public hearing on Introductory Local Law I-1 of 2011 for February 22, 2011 at 6:30pm. Seconded by Trustee Hurd. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Bowen made a motion to ask the applicant to do mailings of notice to everyone within 300 feet of the property. Trustee Hurd seconded. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Leonard made a motion to refer this matter to the Orange County Planning Department and the Village Planning Board for review and recommendation. Seconded by Trustee Penney. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Hurd made the motion declaring the Board as lead agency under SEQR. Seconded by Trustee Penney. 5 ayes, 1 abstention by Trustee Norman. Motion carried.

**Water Bill Review**

Trustee Bowen made a motion to deny the request from owner at 127 Walnut Street. Trustee Leonard seconded. All ayes. Motion carried.

Trustee Bowen made a motion to deny the request from owner at 40 N. Montgomery St. Seconded by Trustee Penney. All ayes. Motion carried.

Trustee Leonard made the motion to adjust the bill as described to relieve the owner at 13-15 Orange Avenue of the sewer portion. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Election Inspector Re-Training Course**

Trustee Norman made the motion to pay election inspectors \$35 each for the refresher course. Seconded by Trustee Penney. All ayes. Motion carried.

### **Approval of Minutes – January 11, 2011**

Trustee Hurd moved to adopt the minutes of January 11, 2011. Seconded by Trustee Norman. All ayes. Motion carried.

### **Payment of Audited Bills**

Trustee Hurd made a motion to pay the audited bills. Trustee Leonard seconded. All ayes. Motion carried.

### **Executive Session – 105-(f) personnel, Village Treasurer, Property Purchase**

Trustee Penney made a motion to go into Executive Session. Trustee Leonard seconded. All ayes. Motion carried.

Trustee Hurd made the motion to authorize the Village Manager to issue letter to treasurer to offer resignation with unemployment and payment of accruals; based reasons for termination the alternative. Seconded by Trustee Bowen seconded. All ayes. Motion carried.

Trustee Hurd made the motion to authorize the Village Manager to enter into an agreement with ERA Curasi as broker

### **Reconvene**

Trustee Hurd made the motion to reconvene the regular meeting. Seconded by Trustee Penney. All ayes. Motion carried.

### **Adjournment**

Trustee Penney made the motion to adjourn. Seconded by Trustee Bowen. All ayes. Motion carried.