

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

Mayor 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
		Bernard Bowen
		Edmond Leonard
		Randi Lee Penney

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

**Public Hearing – Introductory Local Law I-1 of 2011 (Methodist Zoning Change)**

Mayor Maher asked for any comments from the public concerning LL I-1 of 2011

Trustee Hurd made the motion to close to the public hearing. Seconded by Trustee Bowen. 6 Ayes, 1 abstention by Trustee Norman. Motion carried.

Kevin Dowd commented that the mailings were done by the Church as requested. The planning board recommended the Local Law not be enacted and it was suggested it be reviewed to the Comprehensive Plan Review Committee. After their review, it is recommended a joint meeting be held between planning board, zoning board, comprehensive review committee and the Village board. There was receipt of a response from NYS Office of Parks under the SEQR statute; there is no problem with the Village being lead agency. They don't believe there's any negative impact with the rezoning. There was a response from the Orange County Planning Board and there are no issues.

Trustee Hurd commented that with all due respect to the Planning Board, time is of the essence due to it being a marketable property and the zoning change is contiguous. He thinks the building should be marketed and it should be done as soon as possible. The pros and cons have already been discussed.

Mayor Maher agreed with Trustee Hurd and does think a meeting with all three boards should be scheduled at least once per year.

Trustee Hurd made the motion to declare the board lead agency on a type 1 action and issue a negative declaration. Seconded by Trustee Leonard. 6 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Hurd made the motion to adopt Local Law I-1 of 2011 as Local Law #3 as 2011. Seconded by Trustee Penney. 4 ayes, 2 nays by Trustee Rumbold and Trustee Bowen, 1 abstention by Trustee Norman. Motion carried.

Trustee Rumbold commented she thinks the planning board made that recommendation for a reason. She doesn't think it's right to ignore their recommendation.

Trustee Leonard commented that he agrees with Trustee Hurd, but it should be discussed at a three way meeting.

Trustee Bowen asked what the planning board ideas would be.

Kevin responded that the planning board was wondering why the rush when there is a comprehensive plan review committee in place and active. One member commented if the Church is changed then its breaking up the B3 zone.

Trustee Hurd responded yes, we knew that and it was discussed.

Trustee Rumbold commented that they just want to be in on the discussion.

Trustee Penney commented that we gave the last zoning issue to the CPRC and this one we are not.

### **Presentation**

Bob Lynn, Chief of Walden Fire District. He provided contact information for the fire department. He commented that the fire department is working with the police department on an Emergency Action Plan. Orange County Fire Depts. are creating a communication network between fire departments, police departments and Ambulance Depts. Chief Lynn recommended the Village install UHF radio to assist with communication between all departments.

Mayor Maher asked the cost of this radio and it would be used to better communicate between the PD and FD and coordinating assistance and to avoid too many responders.

Chief Lynn responded it's a mobile radio and costs approximately \$1500.

Trustee Leonard asked about an issue with the rental policy for the Fire Department and the costs.

Chief Lynn responded there are specifics in the contract and the policy and he would direct any questions to the Commissioner.

Mayor Maher commented the radio request will go to the Police Department and PD will put it in their budget to be discussed with the Village Manager.

### **Village Manager Report**

- pump failure at pond road sewer station – been fixed
- additional problems with storm over weekend

- went through preparations for MS4 audit with DEC: audit was last Tuesday, they were not pleased with documentation from past 4.5 years. Current work and documentation is appropriate
- In discussion with Treasurer about RFP's for banking
- Insurance is covering legal matter
- Going through budget, payroll and capital projects with Auditors; some bidding information can't be found
- Looking a playground equipment with rec coordinator
- repairing small water leaks as we go along, one today on Pleasant, then Elm St
- received proposals from CSEA for new contract
- met with Paychex regarding services
- Attending NYCOM Conference in Albany with Trustee Bowen and Leonard – good information
- DPW keeping sewers and catch basins clear with rain events
- NYSEG bills reviewed; had a \$5000 reduction this past month
- NYSIF will be doing a payroll audit soon
- Received notification of a large relay race that will pass through Village, but have not received anything formal, we've been trying to contact officials.

Trustee Rumbold asked whose race it is.

Manager Revella responded Rangar Relay. We've found out about the race by third party.

Trustee Bowen asked if other Village's have been contacted.

Manager Revella responded he doesn't know the route of the race. He commented the racers will not be coming through if there are no insurance certificates.

- prevailing wage has been discussed with state auditor
- policy issue with prevailing wages to be brought up at the next meeting
- Sergeant Schwandt will be out for a work related injury
- Automated vehicle locators installed on all police vehicles; used so closest car can respond to calls
- Met with BAS, the software company that County awarded bid to; free of charge for them to do our tax service. They also have programming for utility billing, code enforcement and building inspection reports. Don't have cost estimate for us yet but it'll be discussed later.
- Saw new police department contract; there were issues with edits. The PBA finalized their version. Special counsel is reviewing it.

Trustee Rumbold asked why it takes so long to get it.

Manager Revella responded because the teamsters drafted it, it wasn't the PBA.

- the second digester was fixed, the sludge was removed and it's operable. System should be online by June.

Trustee Rumbold asked about the water meters and if they are in.

Manager Revella responded meters are being replaced every week. The large meters for Thruway and Tally Ho (Squire Village) should be getting done now. He spoke with Bruce from the Thruway and as soon as the snow is gone.

Trustee Rumbold commented the bills are driving her crazy; she doesn't know all the codes. She asked for clarity on the bills and she asked why there are multiple bills for one vendor.

Manager Revella responded that instructor at rec department is supposed to resolve that issue. The electric and frontier bills can not be consolidated.

Trustee Leonard asked about the small water leaks that are being fixed and the impact on the overall water loss.

Manager Revella responded they are not having a big impact, but the loss is down another 50,000 gallons a day. We are still out around 100,000.

Trustee Leonard asked about the railings.

Manager Revella responded they took one section out and repaired it which will provide an estimate to be multiplied by how many sections there are.

Trustee Rumbold asked what the leak was that she almost killed herself on.

Manager Revella responded it was an ice jam on the roof.

Trustee Rumbold asked if there is any maintenance on the roof with snow events.

Manager Revella responded that Dean checks the roof for the snow load.

### **Public Hearing – Introductory Local Law I-2 of 2011 (Recodification)**

Trustee Leonard made the motion to open the public hearing on Local Law I-2 of 2011. Seconded by Trustee Penney. All ayes. Motion carried.

Mary Ellen Matise, 21 Clinton St, commented that it was about time.

Trustee Penney commented the new code states leaves could be put in plastic bags for pick up.

Kevin responded the garbage contract would override the issue of the plastic bags.

Trustee Bowen made the motion to close the public hearing. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Hurd made the motion to declare the Board lead agency for an unlisted action and negative declaration. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd made the motion to adopt Local Law I-2 of 2011 as Local Law 4 of 2011. Seconded by Trustee Bowen. All ayes. Motion carried.

Manager Revella commented he spoke with the school board president and they would like a presentation for Code Red and are amendable to a joint effort with the program.

### **Public Comment**

Anna Ilkiw, 71 Main St., commented that she read that on Feb 16<sup>th</sup>, the village was urged to keep the farmhouse at Olley Park. Then she read Walden decides to demolish Olley Farmhouse. She commented she was shocked. She went up there today and on the way passed an eyesore, pestilential hole that few people have been in – 36 Sherman Avenue, which is in direct contrast to the Olley Farmhouse. If anything needed to come down, it would be the Sherman Ave structure. She read a part of a poem. She commented she stands in opposition to the demolition and to what you think you're going to do.

Ken Jackson, 125 W. Main Street, thanked the Board for their time and effort in considering their application for the Church.

Becky Pearson, 167 Walnut Street, presented a sample brick for Veterans Memorial Park. Applications are available to order the bricks. She thanked everyone's support of the Park. She commented she was disappointed with the Board for not meeting with the other boards. Those Boards are appointed for a reason. She stated those changes will affect this village for many years, she didn't understand the urgency, the Village had to wait for the county but couldn't wait for the Board members to give a response. She asked about training for Boards; she commented that Kevin used to do training for zoning and planning boards, she doesn't know if it's been done in the last few years. She asked about RFP's, and if the village is going to be looking for RFP's for attorneys and Engineering firms or just certain ones.

Mayor Maher responded just the RFP's for the banks.

Becky stated with no disrespect to the PD, she thinks it's time to look at light duty.

Manager Revella responded that we are discussing that with the PBA and we'll be meeting with PD and will bring that up.

Mayor Maher commented that it's a contract issue and there is currently no light duty.

Becky commented regarding the TLC Summer Event and she thought she heard at the last meeting that it's possible the Village will not be doing National Night Out.

Mayor Maher responded it was something brought up by the Chief whether or not to do NNO every year or every other year. He stated his comment at last meeting was he would rather it be every year. Additional comments were made that if there was no NNO, because PD decided not to put it in, that maybe the TLC Event could fill the hole. He personally wants NNO every year.

Becky asked about the recodification and it being a 5 year project. She asked how much it's costing. She asked about the property purchase and if it can be discussed yet. She asked about the legal fees and transfer of money last meeting.

Manager Revella responded the budget was \$2500 and he thought the additional costs were about \$900. Regarding the legal fees, the resolution was not prepared for the last meeting.

Mayor Maher responded the property purchase can not be discussed yet.

Lynn Schwandt, 143 N Montgomery St asked what happened to the circle around the monument and if someone drove over it. She commented that Tony on Hill Crest is inundated with deer on his property and if the Village can do anything about it. She commented that she would rather see National Night Out; it benefits everyone in the Village.

Manager Revella responded concerning the deer that a nuisance permit could be issued.

Mary Ellen Matise, 21 Clinton St., commented about Colonel Bradley Day on April 3<sup>rd</sup> and 1pm. She commented regarding the relay race is in "legs" and it's not often a lot of people.

Diane Sandbothe, 90 Liberty Street, commented regarding the lights on Main Street. She asked where the lights are. She asked about the lights on the bridge. She asked about the municipal lot by the post office and two cars being in it with no front license plates and she asked if that lot is overnight parking.

Manager Revella responded there are no lights and NYSEG needs to come and put them up. Regarding the bridge lights, it's a similar issue. He responded regarding the parking lot the one car should have already been towed and the other is someone that works at Giuseppe's and he's been told. The lot does not have a time limit.

Diane commented about this past rainstorm and her husband called the police because the swale near their house was completely flooded and nobody came up until the next morning. She was told the owner above her house paved his parking lot and by doing so it changed the route of the water going down to the swale.

Manager Revella asked for clarification of location.

Jessica Metzger, 4 Gracewood Court, asked if the auditors were still here and if results/findings were given during the process or at the end. She asked if their results will be a matter of public record.

Manager Revella responded the auditors are still here. The findings will be at the end. Their boss will review and have 30 days, then we have 30 days to respond, then there will be a final report. He confirmed the results will be public.

Jessica asked the Board to re-consider restoring the Clerk to a full time position. When the decision was made the residents were told there would be no change in service to the community. She feels there has been a change in the service. Based on the size of our Village, the amount of people and herself as a taxpayer would like a full time Clerk. She asked when the last time the three Boards got together.

Mayor Maher responded about a year ago.

Jessica commented she didn't think the Board rushed the Church zoning change. There was a lot of discussion. She did comment that meeting with the other Boards should have probably been done. She asked who special counsel and she asked if they are our labor counsel.

Manager Revella responded our special counsel is our labor counsel; Jacobowitz and Gubits.

Jessica commented there is no contract with Jacobowitz & Gubits; it's a letter of agreement. At what point are we going to send out requests for quotes for special counsel. She feels it is total a conflict of interest having this firm as special counsel. She asked how often is the Board going to request proposals for special counsel; is it every year or every other year.

Mayor Maher responded there is a cost, although minimal. He recalls their fees being substantially less than the other RFP's, but it's worth the discussion.

Jessica responded it is a conflict; they are located in the Village, some of them are property owners in the Village, there are people who work in the Village that are property owners. She asked about the TLC Summer Event and she stated that if it comes down to NNO and TLC, NNO is something for the entire Village regardless of religious belief and she is for NNO. She commented that the clock is working and looks great. She commented regarding the Code Red. There are two separate systems, but if both are on board there is a discount. The cost to the Village of Washingtonville is \$5000 per year. She appreciated taking the time to reach out to the school. She commented that she is a sergeant's wife and she is for light duty. She commented and thanked the Village officials that helped with the Support Rebecca event; Trustee Rumbold and Trustee Penney helped tremendously.

Manager Revella responded the cost to the Village for Code Red, if it was only the Village, was less than \$5000.

Anita Vandermark, 76 Highland Ave., commented that the streets are maintained by the village, route 52 is maintained by the state and bridges are maintained by the town. She would like clarification of who maintains the entrance to Highland Avenue. She commended Jessica Metzger on the event for Supporting Rebecca. She mentioned meet the candidates night on Thursday, March 10 at 6:30.

Manager Revella responded the town is responsible for the bridge and the catch basins; the village is responsible for the road after the catch basins. It's been suggested painting diagonal striping after the bridge for no parking. He will contact the state.

Brian Sebring asked to tell the state about the deep gulley on route 52 by the sign the cub scouts put up. He asked about the water bills' being put in envelopes. He suggested looking into a bulk rate.

Manager Revella responded we don't want to put them in envelopes, the post office makes us. The water bills don't just go to village addresses, they go all over the country. It's been discussed putting the billing onto the tax bills.

Brenda Adams, 31 Valley Ave. asked what John meant about the tax bills.

Manager Revella responded it was a suggestion to put the garbage billing onto the tax bills so it's being paid once a year.

## **Business of the Board of Trustees**

### **Budget Transfer – Payment of Legal Fees Resolution 17-10-11**

Manager Revella commented this was discussed in Executive Session; this is the amount that was settled on.

Trustee Rumbold made the motion to pass resolution 17-10-11. Seconded by Trustee Norman. All ayes. Motion carried.

### **Resolution 15-10-11 – Support of WCC NY Main Street Grant**

Trustee Rumbold made the motion to pass resolution 15-10-11. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Resolution 16-10-11 – Stop DWI Program**

Trustee Penney made the motion to pass resolution 16-10-11. Seconded by Trustee Bowen. All ayes. Motion carried.

Kevin commented that this is the next round of DWI grant funding from the County to cover March 11<sup>th</sup> – May 31<sup>st</sup>.

Trustee Rumbold asked if this grant money completely pays for our participation. She asked if we've gone over the amount allocated by the County.

Manager Revella responded we've gone over before but it's minimal.

### **Authorization to sign contract with Key Bank**

Manager Revella commented we don't have a signed agreement for banking services. He wouldn't sign it until Kevin has seen it and the Board approves it.

Kevin commented it is a standard service agreement. He was surprised Key Bank says they don't have one, he recalls one from years ago.

Trustee Bowen asked if the conditions are the same.

Trustee Rumbold asked if it was a yearly thing.

Kevin responded it's not yearly. He commented that maybe they can't find it.

Trustee Bowen read the agreement and he doesn't see any fees we will be charged or any interest that could be earned on any balances.

Manager Revella responded we do receive some interest, but we are getting service charges.

Trustee Leonard made the motion to table it.

Trustee Bowen commented we should be getting something. We are earning interest and they are charging fees against any earned interest.

Trustee Rumbold made the motion to sign Key Bank Agreement. Seconded by Trustee Penney. 6 Ayes, 1 Nay by Trustee Leonard. Motion carried.



### **Authorization to make payment for Cherry St Building**

Manager Revella commented that the Engineer and Kevin looked over everything. There was a resident who voiced a concern and the Engineer prepared a response. He read the response from Lanc & Tully from their site visit March 8<sup>th</sup>; the outside of concrete wall shows no degradation or structural stress, the interior side shows no structural concerns and no defects.

Trustee Rumbold made the motion to authorize payment for Cherry Street Building. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Discussion Items**

#### **BAS proposal**

Manager Revella commented that he met with them last week. They went over building inspection software. It would be very beneficial to the Village and residents; all computerized. They also do property tax collection, it would allow residents to see their property online and see if taxes are paid. They could do water/sewer billing and ACH payments – we are waiting for a price.

#### **Kennel Law**

Mayor Maher thanked Diane for her email. The town says 3 dogs with a special exemption. The Village needs to have its own law.

Kevin commented a kennel is only allowed in certain zones in the Village, but it has never been defined what constitutes a kennel. We are looking at zoning in the Village, not licensing a kennel.

Trustee Hurd asked if a kennel implies a business. The issue is the nuisance and health factor.

Kevin responded yes. The question is how many dogs are too many in a residential zone.

Trustee Rumbold commented there needs to be some set of parameters. There have been instances where a neighbor could be disturbed.

Trustee Leonard commented there was a house on N. Montgomery Street that was a big issue.

Mayor Maher suggested we take this issue up with the planning board and zoning board when we get together with them.

Trustee Penney commented that as a taxpayer, a person has a right to have dogs.

Trustee Norman was in agreement with Trustee Penney. She stated that it's my home and I pay the taxes on it and as long as my place is maintained and the animals are taken care of, she doesn't think the Village has any right to tell people what to do with their animals.

Mayor Maher suggested we check with the police department for complaints.

Kevin commented there is nothing in the code regarding a kennel. There is a barking dog statute in the code.

### **MPB Knights of Columbus Event**

Mayor Maher commented the Knights of Columbus met with himself, Village Manager and Director of Parks about a classic car show in Village Square. It was discussed with the Chief and the projected cost is \$480 to the Village. The event is planned for July 2011.

Trustee Rumbold asked what the cost is.

Mayor Maher responded that would be for 2 part time police officers.

Manager Revella commented it was suggested to move their event to a Saturday due to church services in the square.

### **Village of Walden Welcome Packet**

Mike Ciardullo, president of the WBA commented the purpose of the packet is to provide information to new business owners in the Village. The WBA will set up a committee to go through the process with new business owners.

Trustee Leonard commented this is long overdue.

Manager Revella asked if it would be helpful to resident as well.

Mike responded it was more geared toward businesses.

Trustee Bowen asked if it would be on the website.

Mike responded it would be on the WBA website, but it could go on the Village's site also.

Mayor Maher made the motion to support the WBA Welcome Packet. Trustee Bowen seconded. All ayes. Motion carried.

### **WLDC Status Update**

Kevin made a request to the attorney for the WLDC for the environmental report which is reportedly in. They have refused to provide it on the basis of confidentiality with the seller. It can't be revealed until the sale of the property. We have an agreement with them that says unless it jeopardizes the sale, they are supposed to share it with us. They are stating that disclosing it to us would jeopardize the sale.

Mayor Maher asked if anything was wrong with the environmental, it would need to be reported to the DEC.

Trustee Rumbold asked if reports to the DEC are public.

Kevin responded yes, they are public. We would have to FOIL it, but we don't know if they've filed it.

Trustee Rumbold asked what the time frame is required between getting the report and filing with the DEC.

Kevin was not sure, it would depend on what was found and if it was serious. If for instance, there is a spill, we have to notify the DEC immediately.

Trustee Hurd asked why are they not breaking their agreement with us by not complying and telling us.

Kevin responded the agreement states they would share it with us provided it doesn't jeopardize the transaction. There's a confidentiality agreement.

Trustee Leonard asked if there have been any more requests for money from the Village.

Manager Revella responded no.

Mayor Maher commented we approved to release up to \$50,000.

Trustee Leonard commented if they ran into an obstacle, they were supposed to stop right then and there.

Trustee Rumbold commented we paid for the environmental report and we can't see the report.

Manager Revella responded we can't see the report yet.

Kevin responded they don't want to jeopardize the sale of the property.

Mayor Maher commented lets FOIL the DEC and check to see how much money has been withdrawn.

Trustee Hurd commented we agreed to advance them and they agreed to stop if they found something. That doesn't have anything to do with confidentiality.

Kevin believes the report is finished.

Manager Revella commented that regardless of what happens, they are still locked in at 51% affordable.

Trustee Leonard asked who their current attorney is.

Kevin responded Jacobowitz.

**TLC Summer Event – tabled**

**Village Calendar – possible advertisements (WBA)**

Manager Revella commented the WBA discussed possible advertising on the Village Calendar which would pay for the cost of the calendar.

Mike Ciardullo, WBA, commented we could put advertisements on the calendar on the bottom. There would be 2 different people that advertise all year. It would take care of the cost of printing, but not the postage. It would be \$125 for each page.

Mayor Maher thinks it's a win-win.

Kevin commented you would have to authorize the use of the Village calendar for that type of advertising. He commented once you open the door. He commented that it's possible an adult bookstore opens in the village and wants to advertise on the calendar. He asked what if the business is not part of the WBA and wants to advertise. If you discriminate on who has access to that calendar and advertising, it could open us up to lawsuits.

Mike Ciardullo asked if it would be possible for the WBA to provide a list of advertisers. That would leave the Village out of it.

Manager Revella clarified then 12 spots would be pre-approved each year.

Trustee Hurd commented then you're forcing businesses to join the WBA.

Kevin responded economically it makes sense, but the advertisements would be out of the control of the Village.

Mayor Maher commented to table it.

#### **Walden Daycare mortgage issue**

Kevin commented back in Dec 2007, the Village of Walden gave \$25,000 to the Walden Daycare center. They had 10 years to pay it out; we were second to Walden Savings Bank who loaned them \$325,000. The daycare has since closed and the value of the property is less than the bank's mortgage. The bank is asking if the village would sign a satisfaction of mortgage to them; either way the \$25,000 is lost.

Trustee Rumbold asked when the Board made the original loan.

Kevin responded December 2007.

Trustee Bowen clarified that our loss is \$25,000 and we don't owe it to anyone else.

Kevin responded these were old grant monies that were re-captured.

Trustee Hurd made the motion to issue mortgage satisfaction in favor of Walden Savings Bank. Trustee Penney seconded. All ayes. (Trustee Leonard not present) Motion carried.

#### **Possible Resolution 18-10-11: 2% property tax cap legislation**

Manager Revella commented that because the state is considering a 2% property tax cap, the conference of mayors was concerned about how we pay other expenses. This resolution would ask our legislators to consider that before they pass any property tax caps; to provide relief from the mandated expenses.

Trustee Bowen commented many municipalities are already on board.

Trustee Rumbold asked if she is reading it correctly and the pension costs will increase by an average of 48% in 2011-2012.

Manager Revella responded that our police and fire retirement went up 48% since last year.

Trustee Hurd commented that is the ticking time bomb of defined benefit and pensions. There's a moving target and you have to hit it no matter what is going on with the economy.

Trustee Rumbold made the motion to pass to resolution 18-10-11. Trustee Bowen seconded. All ayes. (Trustee Leonard not present) Motion carried.

### **Time Warner Agreement**

Kevin commented the existing franchise has expired and we are in the process of re-negotiating. He meet with a public service commissioned cable television specialist during this process. The Village does not have very much power; it is basically an agreement to allow them to use our right-a-ways for which we will get 5% of the gross revenues which is the maximum. There is very little negotiating we can do, only if there is any public building that needs cable service that doesn't have it, or any upgrade that might be needed, we can negotiate that. Costs, rates, programming and channels there is no control over.

Trustee Hurd commented that there is a lack of competition in Walden.

Kevin responded that is a problem for the feds and state. The max percentage we can take is 5% as per the federal government. That protects us of accidents in the right-a-way caused by them. A public hearing is needed.

Manager Revella asked if they would give us free internet.

Trustee Penney made a motion to set the public hearing for April 12, 2011 at 6:30pm. Seconded by Trustee Rumbold. 5 ayes, 1 abstention by Trustee Hurd. Motion carried.

Kevin commented that he asked a representative of Time Warner to come to the meeting, nobody showed up at Montgomery, but we'll see.

### **Public Comment on Business of Board**

Mary Ellen Matise, Clinton St., asked for clarification of action items and discussion items on the agenda. She was glad the discussion regarding advertisements on the Village Calendar stopped so there could be public comment on it.

Manager Revella responded he doesn't usually put things for the first time as action unless it's impending.

Mary Ellen commented regarding the calendar that the Village is leaving themselves open to a couple of issues. If the ads pay for the printing and not the postage, there could be public criticism that they pay for the mailing and why am I paying for advertising to be sent to my house. There could be a possible conflict of interest if businesses do business with the Village.

Jessica Metzger, Gracewood Court, commented that issue with the WLDC is exactly why we shouldn't have Jacobowitz & Gubits as our special counsel. She recommended someone make a motion to send out RFP's for special counsel.

Diane Sandbothe, Liberty St., commented nobody would come before the Board to complain about the dogs. Complaints go to the Police Dept. She commented about how many times she's called the police, but she's never contacted the Board.

Marcus Millspaugh, 10 Jessup St., asked about the Cherry Street building. He asked if the work was done as specified. He asked if the Village shares any liability if there is any contamination at that site.

Manager Revella responded Cherry Street completion was discussed at the previous meeting.

### **Approval of Minutes – February 22, 2011**

Trustee Hurd made the motion to approve the minutes from February 22, 2011. Seconded by Trustee Norman. All ayes. Minutes approved.

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

Trustee Norman made the motion to approve the audited bills. Seconded by Trustee Penney. All ayes. Motion carried.

### **Correspondence**

None

### **Miscellaneous Comments from the Board of Trustees**

Trustee Norman commented that the past few weeks the top floor lights have been on and there is an attic light on. She commented about the drape on the window and it's a disgrace. She complimented Jessica and the other Board members that helped out. It would be nice to see other Board members there. She enjoyed the gathering at the Firehouse for the Mayor and she complimented the Mayor on his speech.

Mayor Maher responded there was a meeting last night until 9:30pm

Manager Revella responded he will ask the police if they've been up in the attic. He responded regarding the drape that Dean has put it up twice and it keeps falling down.

Trustee Rumbold have kudos regarding fundraiser. She commented she has had it with the garbage cans. She's going to collect them with a wagon. She asked what do residents do if they pick up prior to 5:30 am. She asked if anyone has looked at the wire hanging on Main Street.

Manager Revella responded we've been trying to address that issue. He responded regarding the wire on Main that it is not an electrical wire that is hanging.

Kevin commented we can put them on written notice and then can assess fines. If they are picking up before 5:30, the resident needs to call the police and identify that it's IWS.

Trustee Penney thanked everyone that came out on Sunday.

Mayor Maher commented that Trustee Leonard excused himself because he wasn't feeling well. He commented there was a meeting last night about the 10% challenge to encourage the Village and residents to become 10% energy efficient. NYSERDA is

providing a loan at 3.4% to get improvements done and loan payments will be paid by the savings. He's working on a grant now to get all the outdoor lighting done. It's a \$46,000 proposal and it'll save the Village over \$20,000 per year. There was discussion at last meeting and we are going to incorporate all the windows in the building in the grant.

Mike Ciardullo asked that someone address the WBA regarding the 10% Challenge.

Mayor Maher indicated he will hear from a representative of that committee.

**Executive Session – Litigation, Property Purchase, CSEA negotiating strategy**

Trustee Penney made the motion to go into Executive Session. Seconded by Trustee Bowen. All ayes. Motion carried.

**Motion to approve appraisal consultant**

Mayor Maher made the motion to approve valuation consultant to do appraisal for certain properties for \$2350. Seconded by Trustee Bowen. 5 ayes, 0 nays. Motion carried.

**Reconvene**

Mayor Maher made the motion to reconvene the regular meeting. Seconded by Trustee Rumbold. 5 ayes, 0 nays. Meeting reconvened.

**Adjournment**

Mayor Maher made the motion to adjourn. Seconded by Trustee Penney. 5 ayes, 0 nays. Meeting adjourned.

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

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

Trustee Hurd made the motion to close to the public hearing. Seconded by Trustee Bowen. 6 Ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Hurd made the motion to declare the board lead agency on a type 1 action and issue a negative declaration. Seconded by Trustee Leonard. 6 ayes, 1 abstention by Trustee Norman. Motion carried.

Trustee Hurd made the motion to adopt Local Law I-1 of 2011 as Local Law #3 as 2011. Seconded by Trustee Penney. 4 ayes, 2 nays by Trustee Rumbold and Trustee Bowen, 1 abstention by Trustee Norman. Motion carried.

**Introductory LL I-2 of 2011 – Recodification of Village Code**

Trustee Leonard made the motion to open the public hearing on Local Law I-2 of 2011. Seconded by Trustee Penney. All ayes. Motion carried.

Trustee Bowen made the motion to close the public hearing. Seconded by Trustee Rumbold. All ayes. Motion carried.

Trustee Hurd made the motion to declare the Board lead agency for an unlisted action and negative declaration. Seconded by Trustee Norman. All ayes. Motion carried.

Trustee Hurd made the motion to adopt Local Law I-2 of 2011 as Local Law 4 of 2011. Seconded by Trustee Bowen. All ayes. Motion carried.

**Budget Transfer – Payment of Legal Fees Resolution 17-10-11**

Trustee Rumbold made the motion to pass resolution 17-10-11. Seconded by Trustee Norman. All ayes. Motion carried.

**Resolution 15-10-11 – Support of WCC NY Main Street Grant**

Trustee Rumbold made the motion to pass resolution 15-10-11. Seconded by Trustee Hurd. All ayes. Motion carried.

**Resolution 16-10-11 – Stop DWI Program**

Trustee Penney made the motion to pass resolution 16-10-11. Seconded by Trustee Bowen. All ayes. Motion carried.

**Authorization to sign contract with Key Bank**



Trustee Rumbold made the motion to sign Key Bank Agreement. Seconded by Trustee Penney. 6 Ayes, 1 Nay by Trustee Leonard. Motion carried.

### **Authorization to make payment for Cherry St Building**

Trustee Rumbold made the motion to authorize payment for Cherry Street Building. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Village of Walden Welcome Packet**

Mayor Maher made the motion to support the WBA Welcome Packet. Trustee Bowen seconded. All ayes. Motion carried.

### **Walden Daycare mortgage issue**

Trustee Hurd made the motion to issue mortgage satisfaction in favor of Walden Savings Bank. Trustee Penney seconded. All ayes. (Trustee Leonard not present) Motion carried.

### **Possible Resolution 18-10-11: 2% property tax cap legislation**

Trustee Rumbold made the motion to pass to resolution 18-10-11. Trustee Bowen seconded. All ayes. (Trustee Leonard not present) Motion carried.

### **Time Warner Agreement**

Trustee Penney made a motion to set the public hearing for April 12, 2011 at 6:30pm. Seconded by Trustee Rumbold. 5 ayes, 1 abstention by Trustee Hurd. Motion carried.

### **Approval of Minutes – February 22, 2011**

Trustee Hurd made the motion to approve the minutes from February 22, 2011. Seconded by Trustee Norman. All ayes. Minutes approved.

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

Trustee Norman made the motion to approve the audited bills. Seconded by Trustee Penney. All ayes. Motion carried.

### **Executive Session – Litigation, Property Purchase, CSEA negotiating strategy**

Trustee Penney made the motion to go into Executive Session. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Motion to approve appraisal consultant**

Mayor Maher made the motion to approve valuation consultant to do appraisal for certain properties for \$2350. Seconded by Trustee Bowen. 5 ayes, 0 nays. Motion carried.

### **Reconvene**

Mayor Maher made the motion to reconvene the regular meeting. Seconded by Trustee Rumbold. 5 ayes, 0 nays. Meeting reconvened.

### **Adjournment**

Mayor Maher made the motion to adjourn. Seconded by Trustee Penney. 5 ayes, 0 nays. Meeting adjourned.