

**Village of Walden  
Board of Trustees Regular Meeting  
April 12, 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
		Edmond Leonard
		Bernard Bowen
		Randi Lee Penney
		Tara Lown

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

Mayor Maher stated there are a few tabled items on the agenda: Gracewood Court Dedication and Introductory Local Law – water service line code change.

**Public Hearing – Time Warner Franchise Agreement**

Mayor Maher read the Notice of Public Hearing.

Trustee Norman made the motion to open the Public Hearing for the TWC Franchise Agreement. Seconded by Trustee Lown. All ayes. Motion carried.

Mayor Maher asked if anyone had a comment.

Kevin Dowd commented that Brenda Parks, director of the governmental affairs and public affairs for TWC is present for any questions. This hearing is for renewal of the existing Franchise Agreement for a period of 10 years, which is the norm. State and Federal governments have preempted many of the regulations that local governments can impose on cable TV franchises. The one thing that is regulated is the amount of franchise fee for using the right-a-ways, which is a maximum of 5% of gross revenues. We have always asked for 5% and it will continue. We can't address programming or rates.

Trustee Rumbold asked why the 10 years and then we are locked in for that amount of time.

Kevin responded Time Warner is locked in for 10 years. If anything changes in the future, we could open it up for negotiation. There is very little that we can regulate. We have asked for cable service in all public buildings, the recreation center and municipal hall. They provide service as a courtesy, it is not required.

Trustee Bowen made the motion to close the Public Hearing. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Bowen made the motion to authorize the Mayor to sign the Franchise Agreement Renewal for a 10 year period subject to the Public Service Commission's review and approval. Seconded by Trustee Lown. 6 ayes, 1 nay by Trustee Rumbold. Motion carried.

### **Village Manager Report**

- village hosted event for remembrance of Mr. Howland
- met with AMPAC concerning their water bills
- NY Comptroller finished the audit, will receive a draft report in 90 days
- Been rebuilding some catch basins, getting ready to fill potholes and replacing pavement
- Labor management meeting with PBA and will continue on a monthly or bi-monthly basis
- Met with CSEA to go over contract proposals, hoping to meet again shortly
- Met with PD, FD and Red Cross for Emergency Preparedness Plans/Shelters
- Received a 37,700 grant for Energy Efficiency programs in the village
- Reviewed sewer line at Olley Park – needs to be replaced, reviewed the water line which also needs to be replaced. Found the valve and replaced it
- Spoke with reps at Orange County Gov Center will be using Office Max – big savings with contract pricing.
- Repaired roads to wells and service roads
- Installed T for water line to Olley Park
- Spoke with Office of Governmental Services regarding ordering salt for next year
- Met with Taylor Biomass representative. They should be online for Dec 2012 to start collecting garbage
- Flushing hydrants this month
- Draft EIS for Overlook at Kidd Farm – will be on website
- Pre bid meeting for Olley Park comfort station – on agenda for tonight
- Trying to get Main St lights on; new lighting representative for NYSEG. Need to know which style of light the Board would like
- Office of the Aging is using Wooster Grove welcome center for their meals program
- Hunter Insurance is looking for carrier for Village's liability coverage

Trustee Rumbold asked about a meeting with Scott Smith at IWS

Manager Revella responded he met with him twice already and the need to coordinate Trustees Penney and Trustee Rumbold schedules.

Trustee Leonard commented he attended the Town of Montgomery Board meeting regarding Code Red. They are going ahead with it; Maybrook and Village of Montgomery are all on board. That will bring the cost down to about \$4160 per municipality. They would like to coordinate a meeting to establish a protocol.

Manager Revella asked if they discussed whether it was A fund or B fund.

Mayor Maher responded it would be B fund but it could be negotiated at the joint meeting.

Trustee Rumbold commented the ladies room on the third floor is still an issue.

Manager Revella will address that with the appropriate employee that services the rest rooms.

### **Trustee's Committee Reports**

Mayor Maher commented this is new and there are now standing committees that were formed at the reorganization meeting. These include the Shared Services Committee, Senior's and Youth Initiatives Committee, Parks and Recreation Committee and the Economic and Community Development Committee, Energy Efficiency Committee. He explained how Trustee Bowen is the Chair of the Clerk/Treasurer Committee.

### **Public Comment**

Mayor Maher indicated the Board has decided to cut out the second portion of public comment, so there will only be one public comment period. He stated the agenda for the meetings will be posted to the website on Friday's by noon and is hoping residents submit questions to the Village Manager before the meeting so that the Village Manager can address those questions during his report.

Mike Ciardullo, 83 Walnut St. He attended the Feb 3 Comprehensive Plan Committee meeting on behalf of the WBA. Seven buildings, # 85, 87, 89, 90, 93, 99 & 103 were brought up. According to the information provided by the Village, these building were zoned B3 in 1968. As of today, only 1 of the 7 is in compliance. Trustee Leonard commented at the meeting that the other buildings were grandfathered in and once they go to B3, they can not go back to the original zoning. He asked where that came from

Trustee Leonard responded the grandfather law pre-dates zoning. The only way they can go back is if the use is not maintained for a year and one day.

Mike commented he FOIL requested the grandfather law and received a letter stating the village is not in possession of responsive documents. He asked how we got to the point of grandfathering things in if there is no grandfather law.

Kevin Dowd responded it is essentially case law. If there is a conforming use that has been changed to a non-conforming use because of a zone change, that non conforming use is allowed to continue until such time it actually changes to a conforming use.

Mike commented it could go on forever. He asked why we refer to it as "grandfathered".

Kevin yes unless the Village passes a law that amortizes the non conforming use. The term grandfathered is a legal term of art. A use that is no longer conforming is allowed to continue for as long as a grandfather has a long beard.

Mike asked if the Comprehensive Plan Committee could look at these buildings. He thinks these buildings are not compliant.

Jessica Metzger, 4 Gracewood Court asked if she missed the meeting that eliminated the second public comment period.

Mayor Maher responded nope. The Board agreed to have one public comment and to encourage individuals to submit questions to the Board that the Village Manager could

answer before the meeting. There was no meeting where this was determined. The Board decided and supported the Mayor's idea.

Jessica responded she takes issue with it. There should be a public comment at the end; she respectfully asked the Board to reconsider. She asked what action items will be tabled tonight.

Mayor Maher responded items #1 and #8 were tabled.

Jessica thanked the Mayor and the Engineers for having a meeting regarding Gracewood Court and she asked why it is being tabled.

Mayor Maher responded that there will be one more meeting, hopefully within the next 2 weeks before the next Board meeting. Instead of letters, phone calls will be made when the next Gracewood meeting is scheduled.

Jessica asked why an invitation went to a vacant parcel on Center Street. She thanked everyone for the time that was spent on Code Red and exploring it. She commented if the school could sign up, that would be great.

Dennis Wagemann, 27 Ulster Ave., commented this is his legal address and it's not the only property he owns. Now that it's spring time, we can find all the things that people have left behind. He presented a paper bag containing empty beer cans and small baggies, both empty and full. He commented that this is what Walden has degenerated to. He recommended getting the Chief of police to tell us what the crime camera has done; he recommended getting Brenda Adams what the Block Watch has done. There are a lot of drug bags in there. He received a call from the water department wanting to know why he hasn't read his meter. There must be a big savings for Walden. He feels he is subsidizing everybody else's trash. He pays \$600 per year for one person. He commented that 18 Ulster Ave, has 5 trash cans and 108 Ulster which is a one-family house has 5-6, 50 gallon trash cans. He commented nobody will address this; we should pay for the volume of trash generated. The Village won't address it.

Lynn Schwandt, 143 N Montgomery St, agreed with Ms. Metzger. She recommended putting the public comment after the action items, it's almost like you don't want the public to comment on the things the board discusses. She commented regarding RFP's for the Village Attorney. She recommended keeping Kevin on because he knows this Village better than anyone.

### **Public Hearing on Budget**

Trustee Rumbold moved to open the public hearing on the budget. Seconded by Trustee Lown. All ayes. Motion carried.

Manager Revella commented we were able to keep the tax rate at 0.515% increase over last year. There is an overview of the general fund, water/sewer fund, and library along with the non-profit tax revenue. Items are listed line by line and the proposed capital projects are listed.

Becky Pearson, 167 Walnut Street, commented she has quite a list and it would be nice if there was public comment allowed at the work sessions. She asked about animal control

– A fund/B fund with the Town of Montgomery – did we find out where it is from. She asked if it will be discussed before the budget is finalized.

Mayor Maher responded he has not received a response.

Manager Revella responded the Town will not be responding to dog calls.

Becky commented the dog warden gets a car, etc. She asked what the revenue versus the cost is. She commented regarding foot patrol and she heard it might be lowered and thinks it shouldn't happen. She has a problem with the overtime that is spent on the police department.

Manager Revella responded the foot patrol was reduced from the amount proposed from the department, but not reduced from the amount last year.

Becky commented regarding the taser presentation. She asked if that is in the budget, yet it is \$8000 and does that include training, etc. She asked if the public can comment after the presentation.

Mayor Maher clarified that it's not \$8000, more like \$6000.

Becky commented there is no talk of the Olley Park House in the budget. There is no money in the budget to tear it down, what line item will it be coming from when that decision is made. She commented that it's been approved by the Board so that house is coming down. She asked how much that is going to cost.

Manager Revella responded that money will come out of this year's budget. He responded it is done and it'll cost \$75 per ton.

Mayor Maher responded our own people are doing the labor and it should cost less than \$2000.

Becky commented about the Scofield house, fix it, not fix it or to sell it. It'll cost money and it's not in the budget and don't you think it should be in there. She asked about the crossing guards and if we are legally bound to have them. Town tax dollars come from the school budget, 1% of all tax dollars from the Village of Walden go to Town for administrative costs. Maybe we could get part of that money back. She asked about Rotary dues and what line item it comes out of. She believes there are 4 employees that are members at \$500 dues per member. It was not discussed at budget.

Manager Revella responded there are only 2 employees that are members; himself and Mike Bliss. The cost comes out of the dues line.

Becky asked about paychex and if there is a final decision.

Mayor Maher responded the final outcome might not happen by the time the budget is adopted and it is budgeted for. If a new system comes in then those costs will be eliminated. The budgeted amount is \$25000.

Manager Revella responded we are still soliciting for a financial system; currently using EOS. Looked at ADP, Edmunds, BAS and still open and looking.

Becky asked about the audit and if we are going to pay for an audit this year; will it be necessary since the state was here at a cost of \$11,000. She recommended an audit every 2 years.

Manager Revella responded the state audit took place this year; this would be for the spring. The state audit did take the place for this year; the audit period was until Dec. 31, 2010.

Becky asked about general code and if more money is needed for general code and what line is it.

Manager Revella responded when there are updates, there is a cost. He believes there is a general code line for \$500.

Becky asked about the fluoride in the water and which budget is it coming from.

Mayor Maher responded it is in the water department budget.

Manager Revella commented the fluoride is in the chemical lines, which covers chlorine, etc.

Becky asked about a certified mechanic. We don't have one and do we need one now, she asked what the benefit is.

Mayor Maher responded it will be discussed at the budget session. There will be another budget session.

Becky asked about the property purchase that has been on the agenda for nearly a year. If it's coming into play for the upcoming year, are studies, engineering fees and appraisals, etc somewhere in the budget and what line.

Mayor Maher responded the Village Manager has taken it all into account. The Village doesn't necessarily have to pay for the environmental.

Manager Revella responded the board has already approved the appraisal out of this current budget.

Becky asked about the working leader position in the DPW. That is a full time position.

Manager Revella responded it was introduced last year.

Becky commented the soap box derby is out at \$6000, Walden daycare came out as well. Did the community council get in touch with you about increasing the line for Harvest Fest? She asked about a full time recreation aide at \$30,000 plus benefits which comes out close to \$45,000. There are 2 plus a full time director, she asked if the Board really feels taking away 5 part time people for that full time person. Can one full time person do the job of 5 part timers? She asked about the Dial-A-Bus contract with Town of Montgomery. There

was a question about \$23,000, did we find out about the contract and what we are paying for and not paying for.

Mayor Maher responded we were supposed to look into it and it will be looked into before tomorrow's budget session.

Becky asked about selling equipment. We buy equipment that's a year or two old and now we are selling it and buying new. It's about maintenance and upkeep. The Village needs to be more concerned about it. She commented about an auxiliary police force; Mary Ellen has mentioned before and has researched it. It could help the police out. She asked about CDBG being on the agenda and usually there is a match for it. Are you looking at a 1, 2, or 3 year program and has there been any discussion.

Mayor Maher responded there is no match that is why it is not a budget issue.

Becky asked about the Bradley park survey on the capital projects.

Mayor Maher responded it'll be discussed at next budget session, but if you'd like it discussed with you privately in detail, that's fine.

Becky asked about the painting of the tanks and the fences. There was money for that and it's held up at the County. She asked about the voting on the Olley Park Comfort Station and approving a contract. In the capital plan there is Olley Park comfort station \$150,000 but you're going to bond for that.

Mayor Maher responded the camp starts at one time, the fiscal year begins at one time and we are trying to start it early so it doesn't run into the camp.

Manager Revella responded we can use the current capital reserve to fund it and then reimburse the reserve once we bond it.

Jessica Metzger, 4 Gracewood Court, commented that she is going to ask questions about the police dept and her husband works for the PD and receives a paycheck from the PD, but she is a property owner and pays taxes. She asked how much is the village bonding for in the upcoming year.

Manager Revella responded it's on the proposed capital project budget. For general fund, it's probably about \$1,000,000, for Water \$225,000 and for Sewer about \$50,000.

Jessica asked what that translates into if it were a property tax increase.

Manager Revella responded the water and sewer are paid by taxes.

Mayor Maher responded it's approximately 1% point for \$50,000.

Trustee Rumbold responded Jessica is asking what it would be for the million dollars.

Manager Revella responded 20%.

Jessica responded there could be a couple of things that you may not want to bond for and just pay for. She clarified that if the Village did not bond the \$1 Million, it would be a 20% tax increase on property owners.

Manager Revella responded about 21%.

Jessica commented she understands the need for an additional full time person at the recreation department. She asked if there will be the proper ratio of counselor to camper if losing the 5 part timers. She commented if the full time recreation aide is married, the cost of health insurance would be doubled, for an extra \$8000. That needs to be budgeted. She asked how much the Police Dept asked for in Overtime, she recalls \$115,000. The Village has proposed \$80,000. She asked what was spent as of now for the current budget year.

Manager Revella responded about \$115,000 already.

Jessica commented she has been at two meetings already when the dept head had requests for budget transfers and Trustee Bowen specifically commented that the Village needs to know what is needed at the beginning of the budget. It doesn't matter if it's DPW, Recreation or Police, if they are asking for what they need and the Village gives them \$35,000 less, you can't really complain if something happens and a budget transfer needs to be done within their own budget. She asked what the logic is when the dept head asks for a certain amount and the Village says no and provides \$35,000 less.

Mayor Maher responded it was a concern and brought up. The Village Manager believed the \$80,000 was adequate and the Board supported his assessment.

Jessica responded with all due respect, the Village Manager has not been here very long and this is his first budget. She asked if the budget session tomorrow night was posted and published.

Mayor Maher responded it was mentioned at our last session. He believes it was posted.

Jessica commented the Agenda was posted and she printed it and then she gets here and the Agenda is completely changed and reorganized. The Agenda is not accurate; it wasn't accurate on Friday and it wasn't accurate today. It wasn't accurate until she walked in tonight. She clarified the budget meeting for tomorrow night at 6pm.

Kevin Dowd recommended keeping the public hearing open since there is a session tomorrow night.

Trustee Rumbold moved to adjourn the public hearing on the budget for April 26, 2011 at 6:30 pm. Seconded by Trustee Lown. All ayes.

### **Public Comment - continued**

Mark Baker, 299 North Drury Lane, commented he's been in law enforcement for 25 years. He believes the taser is an absolute dream to work with. Incidents in the department have decreased just by having the taser in the department. He commented they are a phenomenal tool and the Village should go with it.



Becky McNally, 52 Oakland Ave, is concerned over the crosswalks. People do not pay any attention to them and there are many near-accidents. She recommended they be better marked and/or monitored.

Trustee Rumbold asked about the signs that were out and where's the enforcement.

Manager Revella responded they get run over and people take them. There are 2 that can be put back out and he's just ordered signs.

Mayor Maher responded it's enforced the best it can.

Becky McNally responded nobody needs to be there 24/7. There are certain periods of the day that have more traffic.

Mary Ellen Matise, 21 Clinton Street, agreed with what Becky just said. She crossed at Walden Federal and a Walden police officer didn't stop. She asked about the Emergency Shelter Agreements and if provisions will be made for pets.

Manager Revella responded we are working with the Red Cross currently.

Mary Ellen asked when the next recreation plan meeting will be held. There are talks about permanent changes to the park and there should be a meeting.

Manager Revella responded there isn't one scheduled; the Comprehensive Plan Committee is meeting Thursday at 7pm.

Becky Pearson, 167 Walnut St., asked about Little League using Bradley Park and they have to have insurance; she asked if there is a policy and procedure in place for that. She asked about another group that is using the parks.

Manager Revella responded yes, a park use form needs to be filled out. That is the Cal Ripken league and they have proper insurance and have filed the appropriate forms.

Becky asked if there will be public comment allowed following the taser presentation. Will a decision be made this evening or will it be discussed later at another meeting.

Mayor Maher responded we will have to make a decision before the budget, we will most likely make a motion pending fitting it in the budget.

Becky asked about CDBG and if there are any ideas.

Mayor Maher responded it's on the Agenda and the Village Manager has talked about re-doing the sewer lines.

Becky asked if Olley Park Comfort Station went out to bid; she asked if it was discussed at a meeting.

Manager Revella responded yes, the date and time was set for the middle of the week.

Becky commented that she is disappointed the second public comment period has been removed and the public's comments are worthy of the Board. She would like to see both public comment periods and asked for it to be reconsidered. She commented about the crosswalks and it being a NYS Law. She thought maybe the PD could sit there during the active times of the day to enforce it. She commented about the Olley Park building and the house. She asked about Mary Ellen's idea about saving wood for benches or garbage cans, etc. This would be a green project. She asked about the tasers and if there is more than one company that produces tasers. She's done a lot of online research on tasers. She wanted to make sure there is a policy and procedure in place for how and when it's going to be used. She asked the Board to do the research and not make a rash decision. There are issues with deaf children and pregnant women.

Mayor Maher responded a policy is already in place.

Becky thanked the Friends of Walden Youth for their yard sale; it was a lot of work. She thanked Mary Ellen for the Bradley presentation. She commented the Arbor Day Presentation on 4/14 at Bradley Park; there are two trees being planted for Mr. John Howland. There are 3 elementary classes that will be attending.

### **Business of the Board of Trustees Ivy Hill Road Water/Sewer bill dispute**

Manager Revella commented we researched and obtained the water records from 1999 to present. He asked for the Board's approval to meet with Mr. Wilson to go over some discrepancies and come to an agreement.

Trustee Lown made a motion for the Village Manager to go over Ivy Hill Bill and come to an agreement with the owner. Seconded by Trustee Penney. All ayes. Motion carried.

### **16 Princeton Drive Water/Sewer bill dispute**

Manager Revella commented the resident had some leaky toilets and they don't think they should pay for it. He doesn't believe the Board has precedents for reducing those bills that have entered the system.

Kevin stated there were two leaking toilets and the resident is asking for a break.

Manager Revella commented the request is to reduce the bill and leniency for the remainder of the bill. He recommends giving the resident 2 weeks to pay the bill.

Trustee Lown made the motion to allow two weeks for the resident to pay the water/sewer bill. Seconded by Trustee Penney. All ayes. Motion carried.

### **Resolution 24-10-11 – Authorization to sign the Energy Efficiency Grant**

Mayor Maher stated this is the grant that was applied for through Orange County, we received \$37,700 to do energy efficiency lighting and all these windows in this building will be replaced.

Trustee Lown made the motion to sign the Energy Efficiency Grant. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Set date for public hearing on CDBG (Community Development Block Grant)**

Trustee Leonard moved to set a public hearing date of April 26, 2011 at 7pm for the CDBG. Seconded by Trustee Lown. All ayes. Motion carried.

### **Authorize Interfaith Sunrise Service Easter Morning (4/24) in Village Square**

Manager Revella received a request from Reverend VanHouten to hold an interfaith service on Easter Morning in Village Square.

Trustee Norman made the motion to authorize an Interfaith Sunrise Service on Easter Morning. Seconded by Trustee Penney. All ayes. Motion carried.

### **Surplus Water Vehicle – No Minimum**

Trustee Penney made the motion to surplus water truck with no minimum bid. Seconded by Trustee Lown. All ayes. Motion carried.

Trustee Leonard asked the condition of the vehicle.

Manager Revella responded it was being used up until we received the new one.

### **Approval of contract for AC/Heat System @ Wooster**

Manager Revella indicated receipt of three proposals. Only one met all the qualifications in the specs. It's for the install of two 95% gas fired furnaces with AC and all necessary ductwork and venting and in coordination with NYSEG at the Howland Center. Costs include removing old systems. Bid amount is \$18,700 from Perfect Temperature from Walden.

Trustee Rumbold asked if we are can ask the other bid amounts. She asked if we should ask for more bids. She asked if the engineers are okay with it.

Manager Revella responded the others did not include all of the services requested. One of the other bids that didn't include everything was \$2000 more. The engineers did have a meeting with them.

Trustee Norman made the motion to approve the contract with Perfect Temperature, LLC for the AC/Heat System at Wooster. Seconded by Trustee Penney. All ayes. Motion carried.

### **Approval of contract for water line at Olley**

Manager Revella commented we received 2 of the 4 bids that were requested. We received bids from GT Excavating and Boyce Excavating. The proposal from GT was \$9,250.00 from Boyce was \$11,354.00; GT was the lowest bid.

Trustee Leonard made the motion to approve the contract with GT Excavating for the water line at Olley. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Setting of various fees for Village Services**

Mayor Maher commented this was discussed during the budget session. The following are the proposed changes:

General Fund Related Changes:

- Garbage truck inspection fee from \$125 to \$150
- Housing inspection fee per unit \$25

- Tax / Municipals Search \$40
- Sign Permits from \$25 to \$50
- Architectural Review Board fee from \$100 to \$50

Water/Sewer Fund Related Charges:

- Water/Sewer turn off and on \$25
- Change in Water/Sewer Service \$5 water and \$5 Sewer = \$10 total
- Surcharge to reattach outside meters not caused by Village, pay for replacement and \$10 surcharge.

Trustee Lown made the motion to set the various fees for Village Services. Seconded by Trustee Penney. All ayes. Motion carried.

**Approval of contract for Olley Comfort Station**

Manager Revella commented we had the pre-bid conference and yesterday was the bid opening. All the bids were above budget. Lanc and Tully recommended rejecting the bids, they will modify the proposals & specifications for re-bid and they would like to set a short timeline.

Trustee Leonard asked what the timeline is and is that sufficient time to complete the comfort station.

Manager Revella responded the bid would be due on the 20<sup>th</sup> at 1pm. Lanc & Tully believe it is a sufficient amount of time.

Mayor Maher commented we are rushing this in order to complete the project before the camp starts.

Trustee Rumbold moved to reject the bids. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Bowen moved to set up a new bid for April 20, 2011 at 1pm. Seconded by Trustee Lown. All ayes. Motion carried.

**Approval of Minutes – March 22, 2011**

Trustee Rumbold moved to adopt the minutes of March 22, 2011. Seconded by Trustee Penney. All ayes. Motion carried.

**Payment of the Audited Bills**

Trustee Norman moved to pay the audited bills. Seconded by Trustee Penney. All ayes. Motion carried.

**Correspondence**

Mayor Maher received a letter from the Orange County Youth Bureau. The Village has been awarded funded; we will be able to employ up to 20 kids for the summer in a five week program in various businesses including: the Village, Walden Savings Bank, Walden Federal, Jacobowitz & Gubits, Young Dental, Hudson Valley Conservatory and NY School of Music. It'll teach kids how to write a resume and how to perform in an interview. We did not get the full amount. We also received \$9,800 in Student Youth Leadership Academy money. We have almost \$20,000 from the Orange County Youth Bureau.

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

Trustee Norman asked about the status of No Smoking signs for the parks.

Manager Revella responded he ordered them and the ones from the County are being placed now.

Trustee Leonard commented he attended the Town Board meeting and the discussion on Emergency Services which reminded him we have new members that need to go through the NIMS training.

Trustee Rumbold thanked the Friends of Walden Youth on the yard sale. She asked about the patch of grass in the Orchard Street lot.

Manager Revella responded the Orchard Street lot is on the Capital Projects list and it'll be taken care of.

Mayor Maher thanked the Village Treasurer and Village Manager for their hard work on the Budget.

## **Presentation**

Chief Holmes commented a presentation was given approximately 5 years ago and the Board didn't feel it was appropriate at that time. Tasers were fairly new then. The product has improved in the past few years. Tasers match the current PD use of force policy. Sergeant Metzger and Officer Herlihy have both been trained and are certified in the use of tasers.

Officer Herlihy commented that a taser is the most effective non-lethal tool used by police agencies to completely incapacitate an individual. There is a very low risk of injury in its use. Tasers override the central nervous system and does not rely on pain to incapacitate. Sprays are effective only on the face and work primarily on pain; focused individuals can overcome the pain and continue to fight. Firearms are highly lethal and the target is center mass. The Taser is a whole body target. There is a device attached to each taser that keeps track of the last 2000 fires – creating a checks and balance system for making sure the taser does not get over-utilized. The taser is a low average current; there have been tests on pacemakers; it has no effects on heart rhythms, creates 99% instant incapacitation in less than 1 second with no lasting effects. The electrical output is well within safe levels as defined by international standards and the only side effect might be a minor skin irritation. The effects of the taser include: fall immediately to the ground, could yell or scream, involuntary muscle contractions, subject may freeze in place, may feel dazed or feel a temporary tingling sensation. Victim may be subject to secondary injuries from the person falling. The taser is not a substitute for lethal force. 2/3 of the police agencies in Orange County are carrying the taser already. Tasers can be used up to 35 feet, but recommended distance is 7-10 feet. He went over the benefits of tasers: reduces officer injuries and suspect injuries, reduces liability & legal costs, medically safe, selective targeting, low cost/low use.

The initial costs to the Village for tasers:

2 Tasers with right handed holsters, 4 year warranty, cleaning kit, batteries, clips for training purposes, data port, targets, cartridges for duty & 2 left handed holsters. Full time officers only \$3700; \$4437 for all officers

The initial costs of training: 8 hours training, 2 instructors and cartridges. \$5119 for full time officers, \$6777 for all officers.

Re-occurring costs, 2 instructors to be re-certified every 2 years, Officer Herlihy one year, Sergeant Metzger the following year - \$2500 full time officers only, \$3200 all officers.

A demonstration of the tasers was performed on Mayor Maher.

Mayor Maher asked the Trustee's their thoughts on the Tasers. He feels it is necessary and will help to protect our officers.

Trustee Rumbold asked about the training and after deploying a taser, what do the officer's look for when evaluating the need for medical attention. She asked if someone falls on their face, do you check for injuries.

Officer Herlihy responded they look for excited delirium, profusely sweating anything out of the norm. After the suspect is in custody and everyone at the scene is safe, the medical needs are addressed.

Trustee Rumbold commented that tasers should not be used on pregnant females; sometimes it's not easy to tell if someone is pregnant.

Sergeant Metzger clarified the use of tasers only after all other means, short of lethal force, have been considered.

Trustee Rumbold asked if there would be any extra medical equipment needed to be carried in our police cars if officers were carrying tasers. She asked if they've heard of any deaths due to tasers.

Officer Herlihy responded nothing more than we already carry now. Any deaths were not related to the taser, usually drug induced.

Trustee Bowen asked if the Mayor was only shot once and how often it can be continued.

Sergeant Metzger responded he received one 5 second cycle; typically that is all that is needed.

Trustee Rumbold asked if this would be used one on one and not with a group of individuals.

Sergeant Metzger responded with a scenario that if the taser is used once and the probes are still in the suspect, the taser can still be used directly on an individual.

Trustee Rumbold asked if the liability changes with tasers.

Kevin responded yes, there could be some liability on the part of the Village. Officers take every precaution possible, but there could be an individual with a condition that is not known. There is a whole series of evaluations and a court of law would decide if there was a liability issue.

Manager Revella responded the tasers can be used in place of deadly force; the liability for killing someone is much greater than hitting them with a taser.

Kevin commented anytime there is interaction between an officer and a suspect there is potential liability.

Sergeant Metzger commented that 2/3 of the law enforcement agencies in Orange County are carrying tasers already. He asked if anyone has heard or seen anything about issues. He described a situation he has had with a suspect, where he reached for his pepper spray and the suspect asked "what are you going to do? Tase me?" and the suspect dropped to the ground.

Jessica Metzger asked about the figures for equipment and training.

Sergeant Metzger responded we broke it down; the total costs combined for full time is approximately \$9000 and \$11,000 for all.

Steve Flickenschild asked what if the suspect turns the taser on an officer.

Sergeant Metzger responded it just happened in Kingston. Fortunately, the officer did not receive the full effects of the taser and was able to get his pistol out to fire off a shot.

Becky Pearson commented the information came from one company and are there others out there.

Officer Herlihy responded this company is nationally recognized and every agency that is using tasers are using this company.

Becky asked the difference between tasers of 5 years ago and the tasers out now.

Officer Herlihy responded the original tasers came out in 1974 and relied strictly upon pain compliance. In 1999, the M26 taser came out and it focused on pain and incapacitation. In 2003, the taser is more compact and a bit more powerful. There is selective targeting with 3 cartridges.

Becky asked about misuse of the taser. She asked what is in the policy for that.

Manager Revella responded that is subject to the collective bargaining agreement.

Mayor Maher responded it is no different from any other weapon that is used.

Becky asked for a definition of deadly physical force. She asked over the past 3 years, how many times you could think of that you may have used the taser.

Officer Herlihy responded it depends on the situation. The taser is not to be used in place of lethal force. There were several times over the past 3 years, 7 officers were injured. It's possible tasers could have prevented those injuries.

Becky asked about the 2/3 of Orange County have tasers already, who is using them.

Sergeant Metzger responded it is easier to tell you who is not using them. Village and Town of Montgomery, Village & Town of Goshen, Town of Cornwall, Crawford.

Trustee Rumbold asked if Metzger and Herlihy would be doing the training and how do they feel training their fellow officers.

Sergeant Metzger responded we have discussed and if there is someone we feel should not be carrying it, they won't get certified.

Officer Herlihy responded that if they are certified, it'll be up to the discretion of the Chief and the Board.

Mark Baker reiterated his comments he made earlier.

Brian Sebring asked about large/overweight suspects.

Officer Herlihy responded we primarily shoot for the back, it's a large target area with muscles or we target the legs.

Becky asked if the Village Manager receives the data that comes through the police department.

Manager Revella responded he has full access to all records at anytime.

Trustee Lown is for it

Trustee Penney is for it

Trustee Bowen is for it

Trustee Rumbold is for it

Trustee Leonard is for it

Trustee Norman is for it

Mayor Maher is for it and he recommended all officers do it. He asked the Manager and treasurer to get it in the budget.

### **Executive Session – Village Manager, Litigation**

Trustee Penney moved to go into Executive Session to discuss Village Manager & Litigation. Seconded by Trustee Lown. All ayes. Motion carried.

### **Reconvene**

Trustee Norman moved to reconvene the regular meeting. Seconded by Trustee Penney. All ayes. Motion carried.

### **Adjournment**

Mayor Maher moved to adjourn. Seconded by Trustee Lown. All ayes. Motion carried.



**Village of Walden Board of Trustees  
Regular Meeting  
April 12, 2011  
Motions & Resolutions**

**Public Hearing – Time Warner Franchise Agreement**

Trustee Norman made the motion to open the Public Hearing for the TWC Franchise Agreement. Seconded by Trustee Lown. All ayes. Motion carried.

Trustee Bowen made the motion to close the Public Hearing. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Bowen made the motion to authorize the Mayor to sign the Franchise Agreement Renewal for a 10 year period subject to the Public Service Commission's review and approval. Seconded by Trustee Lown. 6 ayes, 1 nay by Trustee Rumbold. Motion carried.

**Public Hearing on Budget**

Trustee Rumbold moved to open the public hearing on the budget. Seconded by Trustee Lown. All ayes. Motion carried.

Trustee Rumbold moved to adjourn the public hearing on the budget for April 26, 2011 at 6:30 pm. Seconded by Trustee Lown. All ayes.

**401 Ivy Hill Rd – water/sewer bill dispute**

Trustee Lown made a motion for the Village Manager to go over Ivy Hill Bill and come to an agreement with the owner. Seconded by Trustee Penney. All ayes. Motion carried.

**16 Princeton Drive Water/Sewer bill dispute**

Trustee Lown made the motion to allow two weeks for the resident to pay the water/sewer bill. Seconded by Trustee Penney. All ayes. Motion carried.

**Resolution 24-10-11 – Authorization to sign the Energy Efficiency Grant**

Trustee Lown made the motion to sign the Energy Efficiency Grant. Seconded by Trustee Leonard. All ayes. Motion carried.

**Set date for public hearing on CDBG (Community Development Block Grant)**

Trustee Leonard moved to set a public hearing date of April 26, 2011 at 7pm for the CDBG. Seconded by Trustee Lown. All ayes. Motion carried.

**Authorize Interfaith Sunrise Service Easter Morning (4/24) in Village Square**

Trustee Norman made the motion to authorize an Interfaith Sunrise Service on Easter Morning. Seconded by Trustee Penney. All ayes. Motion carried.

### **Surplus Water Vehicle – No Minimum**

Trustee Penney made the motion to surplus water truck with no minimum bid. Seconded by Trustee Lown. All ayes. Motion carried.

### **Approval of contract for AC/Heat System @ Wooster**

Trustee Norman made the motion to approve the contract with Perfect Temperature, LLC for the AC/Heat System at Wooster. Seconded by Trustee Penney. All ayes. Motion carried.

### **Approval of contract for water line at Olley**

Trustee Leonard made the motion to approve the contract with GT Excavating for the water line at Olley. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Setting of various fees for Village Services**

Trustee Lown made the motion to set the various fees for Village Services. Seconded by Trustee Penney. All ayes. Motion carried.

### **Approval of contract for Olley Comfort Station**

Trustee Rumbold moved to reject the bids. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Bowen moved to set up a new bid for April 20, 2011 at 1pm. Seconded by Trustee Lown. All ayes. Motion carried.

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

Trustee Rumbold move to adopt the minutes of March 22, 2011. Seconded by Trustee Penney. All ayes. Motion carried.

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

Trustee Norman moved to pay the audited bills. Seconded by Trustee Penney. All ayes. Motion carried.

### **Executive Session –**

Trustee Penney moved to go into Executive Session to discuss Village Manager & Litigation. Seconded by Trustee Lown. All ayes. Motion carried.

### **Reconvene**

Trustee Norman moved to reconvene the regular meeting. Seconded by Trustee Penney. All ayes. Motion carried.

### **Adjournment**

Mayor Maher moved to adjourn. Seconded by Trustee Lown. All ayes. Motion carried.