

**Village of Walden  
Board of Trustees Regular Meeting  
September 27, 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	Edmond Leonard
	Bernard Bowen
	Randi Lee Penney
	Tara Lown
	Sean Hoffman

Absent

Also Present:

John Revella, Village Manager  
Lori Pinckney, Village Clerk  
Kevin Dowd, Village Attorney

Mayor Maher indicated Trustee Penney will be arriving late.

**Public Hearing LL I-3 of 2011: Vehicles and Traffic**

Deputy Mayor moved to open the public hearing. Seconded by Trustee Lown. All ayes. Motion carried.

Kevin indicated the local law is for stop intersections, a one-way designation of Cross Street and fines for when the Police posts no parking signs.

Mayor Maher read the list of the locations for the stop signs: Alfred Place, Blossom Court, Evergreen Lane, Galloway Drive, Gracewood Court and Spruce Court.

Marcus Millspaugh commented the entrance to South Montgomery exceeds 90 degrees, he requested proper signage.

Manager Revella responded there will be signs indicating a left turn to alert people to a heavy traffic load.

Becky Pearson asked about it being a County Road and do we need to go through the County to do this.

Kevin clarified that we are changing a Village street, not a County Road.

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

Trustee Leonard moved to declare the Village Board lead agency on an unlisted action with regard to SEQRA. Seconded by Trustee Lown. All ayes. Motion carried.

Deputy Mayor Rumbold moved to adopt LL I-3 of 2011 as Local Law 5 of 2011 "Vehicles and Traffic". Seconded by Trustee Lown. All ayes. Motion carried.

### **Village Manager's Report**

- extensive work on Westwood and Walnut and the two municipal parking lots; maple street parking lot was rehabbed a few weeks ago. Orchard & Oak Lots are still being worked on.
- Paving should be starting next week for Walnut Street
- Some sinkholes have popped up and we've been trying to fix them
- New playground and mulch is completed at Bradley Park
- Servpro has finished their work around the Village due to flooding/water damage; currently getting contractors bids for repair work
- Well 6 was turned on today; as of 7pm today the water emergency will be lifted. Well 4 is being rehabilitated, it does not affect the water emergency.
- Aerobics has been moved to Village hall temporarily, couldn't move Zumba.
- Pine St pump station is still down; using a portable pump. Part of FEMA application
- Extensive issues at sewer plant, issue with diffusers and contractor is paying to have digester pumped out. There have been odor issues due to this problem.
- CSEA negotiation meeting; making some progress – its on Executive Session tonight.
- Meeting with insurance agent; will be meeting with insurance company in October; will be reviewing procedures in the Village and liability concerns.
- FEMA meeting 9/16 with Engineer and Treasurer; application procedures and timelines. Refunds normally take between 6-8 months; should be quicker this time.
- Water break on 9/19 on North Montgomery Street.
- Preparations for Harvest Fest., dance is Friday night
- Received new server for new financial network; transferring data now.
- Library windows are in, same style likely to be used for this room
- Phase II of Beazer ongoing
- 34 Capron Street issue, will be added to Agenda this evening.
- 14 Northern Ave, Notice was issued to the County and a meeting has been set up with our Attorney and Mayor.
- 3 Main Street – Smoke Shop - received a Notice for windows being covered
- Lawn Maintenance is up to date
- Wooster's Grove cleanup continues
- New calendars going out soon, Village Wide yard sale Oct 8<sup>th</sup>, Bulk pick up week of Oct 10<sup>th</sup>.

Mayor Maher asked if the resident's were properly notified regarding the paving projects going on.

Manager Revella responded yes, nearly a year ago we informed them of paving project. The residents are being cooperative with the inconvenience. Had one serious issue at the Oak Street parking lot with an irate individual and the police had to be called.

Mayor Maher asked if Ms. Hammer was notified about the progress at Northern Ave.

Manager Revella responded he wrote to her with updates. He will email her with the most recent update.

Trustee Lown asked the status of the street sweeper; she recalled signing a large bill for it. She asked about possible employee misuse of the equipment.

Manager Revella responded the sweeper has to be sent out. There is a wiring issue, it was repaired and replaced but the sweeper still shorts-out. There is no misuse of equipment, there was one incident of something in the roadway being hit, but that was unavoidable.

Trustee Hoffman asked about the digester and where are we with the drawdown and the diffusers.

Manager Revella responded there is 15 board feet now and its gone down 6' since they started hauling; another 10 feet to haul out. They anticipate seeing diffusers tomorrow or Thursday. The cost is on the contractor.

Trustee Bowen asked about the target date to convert over to new software.

Manager Revella responded Peter has to schedule that; he is out of the office until Friday and it will be scheduled.

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

#### **Shared Services Committee/Police Dept. liaison – Trustee Rumbold**

Deputy Mayor Rumbold commented she had a meeting with the Chief, there was much discussion about many things and it was productive.

Mayor Maher commented our SYLA program was ranked very high, first in the Nation. Will be meeting with the Orange County Youth Bureau about some recognition.

### **Economic & Community Development Committee / Youth & Senior's Initiatives Committee – Trustee Lown**

Trustee Lown clarified Leadership Day will be January 12, 2012. They are working on putting together the committee consisting of trustees and community members and possible past recipients. Harvest Meeting is tomorrow at the School of Music, 7pm. Harvest Fest is this Saturday. The family dance is Friday night at the Firehouse. The three Board's, planning, zoning and Board of Trustees, will be meeting on Weds, Oct 5<sup>th</sup> at 8pm.

Mayor Maher indicated an agenda has been put together and one item is to have tri-board meetings three times per year. There will be a public comment portion, so the public is invited to attend.

Trustee Lown mentioned the Fox Hill meeting on Oct 8<sup>th</sup> from 2-5pm. On Oct 10<sup>th</sup> there is a town hall meeting at 7pm regarding the Amphitheatre project here at Village Hall.

Mayor Maher indicated the town hall meeting will be geared toward the resident's surrounding Bradley Park; they will be personally invited via flyer, but all are welcome to attend.

### **Building Dept liaison – Trustee Hoffman**

Trustee Hoffman commented there are two items related to the Building Department which John already mentioned. The first being 14 Northern Avenue – there is a meeting this week with representatives from the County as well as 34 Capron, which is on the agenda.

## **Action Items**

### **1) Lead Agency Designation for Bradley Project**

Kevin indicated this is the kick-off for applying for the grant for the amphitheatre project at Bradley. The project needs to be reviewed under SEQRA by Historic Parks and Preservation and the DEC, this will start the process by declaring the Village's intent to be lead agency. There is a short form EAF that the Engineers filled out and will be circulated to the other agencies and will start the 30 day clock running for lead agency, so the Village Board could evaluate this project from an environmental point of view. He doesn't believe the DEC will contest it but they do have a permit since it's so close to the river.

Mayor Maher clarified that this is not binding in any way.

Trustee Lown made the motion to declare the Village's intent to be lead agency on Bradley Project. Seconded by Trustee Leonard. All ayes. Motion carried.

### **2) Surplus Dog Warden Vehicle – no minimum**

Manager Revella commented that we set the minimum on the last one and received no bids that met the minimum.

Trustee Lown made the motion to surplus the Dog Warden Vehicle with no minimum. Seconded by Trustee Penney. All ayes. Motion carried.

### **3) Set date and time for Trick-or-Treat – October 31<sup>st</sup>, 6-8pm**

Trustee Bowen made the motion to set Trick-or-Treat on October 31<sup>st</sup> from 6-8pm. Seconded by Trustee Lown. All ayes. Motion carried.

### **4) Resolution 8-11-12: Stop DWI Program**

Mayor Maher read the Resolution; to approve the Stop DWI Program equipment agreement with the County of Orange for the purchase of safety flares and a hand-held radar detector to assist Village in achieving the goals of said program for the period ending Dec. 31, 2011 and authorizing the Village Manager to execute said agreement.

Kevin commented the County will provide up to \$1000.

Trustee Bowen made the motion to adopt Resolution 8-11-12: Stop DWI Program. Seconded by Trustee Penney. All ayes. Motion carried.

### **5) Solid Waste Disposal Bid**

Kevin commented a waste disposal bid was put out for contract. One bid was received by Taylor Biomass and IWS submitted a letter indicating they didn't have enough time to submit a bid. Normally, we would award the bid and authorize the signing of the contract. However, last week Judge Slobod in a 49 page decision overruled all approvals to date that had been given to the Taylor project, including all the local laws, approvals for the SEQRA process, as well as permits provided by the DEC. They are all not valid. This presents a problem to the Village since basically the project doesn't exist right now. There are two different situations: 1 – Do we award the bid to a project that doesn't legally exist

and 2- we will have to do a SEQRA determination before we issue the award and most of that SEQRA determination was going to be based on the Town's SEQRA findings which the Court has thrown out. Unless we are ready to evaluate the entire project which took the Town 1-2 years to go through, it is his recommendation not to reject the bid, but to hold off. The bid is good for 45 days. Let everything settle and see what the Town is going to do, see if there is a possibility of a court proceeding that could restore the case to where it was. It can be agreed upon in writing to extend the 45 day period as well since there was only one bidder. It does not seem appropriate to award a project that has been overturned and sign a 20 year contract with certain targets of when and how we will dispose of our garbage. It is his recommendation that the bid not be awarded tonight and it should be re-examined in two weeks and then again at the 45 day period and see if the time needs to be extended.

Mayor Maher commented this has been worked on for a long while. He believes in the technology and this is a "man on the moon" type of event; turning garbage into energy and electricity. It would be a 20 year contract because the loan guarantees are by the Dept of Energy and they are 20 year loan guarantees. He commended Kevin on all the work that has been done representing the Village on the contract. He feels this is just a bump in the road. He commented that Taylor's technology is patented and it is located here and it is something to be proud of. He wants to keep the bid open and if there is any movement we should award the bid.

Trustee Leonard commented this lawsuit was not unexpected if you attended any of the public hearings. The outcome from Judge Slobod was more than anyone expected; the fact that she threw everything out.

Trustee Hoffman made the motion to table the Solid Waste Disposal Bid. Seconded by Trustee Lown. All ayes. Motion carried.

## **6) Capron Street Issue**

Manager Revella commented there is a letter in the packets with the Notice sent from the Building Inspector. There was garbage and debris around the dumpster, the owner was talked to on the phone, a notice was mailed and the owner was given a date to comply. He has not complied yet. Dean would like to bring the gentleman in before the Board for the violation.

Trustee Bowen asked if the owner acknowledged the letter.

Manager Revella responded Dean spoke with him on the phone. This has happened before over many years.

Deputy Mayor Rumbold moved to have a hearing for 34 Capron Street at next meeting, October 11, 2011, 6:30 pm. Seconded by Trustee Penney. All ayes. Motion carried.

Manager Revella commented he was approached by a Boy Scout asking about an Eagle Scout project to refurbish and refurnish the picnic tables at Olley Park and the railings under the pavilion. He asked if the Board had any objections. The Scout needs to propose it to the Eagle Board first.

Trustee Bowen confirmed that he be supervised by someone from the Village.

No objections from the Board.

## **Discussion Items**

### **1) Sunset Drive drainage issue**

Manager Revella commented the Village has accepted the road, Gracewood Court, and the drainage swale at the bottom of the road. Now that we own that drainage pond, there is a possibility of correcting some possible drainage issues there. We would need the property owners to approach us and discuss that with us, if that's their pleasure. If so, a possible easement to take over any drainage concerns there, but that hasn't occurred yet.

Mayor Maher asked for a list of property owners so that he could contact them.

### **2) Water/Sewer bill dispute resolution procedure**

Trustee Hoffman commented this has been talked about at previous meetings. He recommended having any water/sewer or garbage disputes up to a certain dollar amount being handled by the Village Manager. It would resolve some disputes quicker without having to come before the Board. He recommended anything under \$1000 to be handled by the Manager.

Kevin commented the Board could establish its own procedure to handle bill disputes; a motion would be needed to set the threshold and authorize the Manager to settle the disputes and anything over that dollar amount or if he can't settle it, it would come back to the Board.

Trustee Bowen commented the \$1000 is too high.

Trustee Lown agreed \$1000 is too high; she commented she was thinking \$500.

Trustee Bowen agreed on \$500

Trustee Lown made the motion to allow the Village Manager to handle water/sewer disputes up to \$500. Seconded by Trustee Leonard.

Deputy Mayor Rumbold asked how the \$1000 amount was decided.

Manager Revella responded he didn't.

Trustee Hoffman responded it was an arbitrary number.

Kevin commented most of the time it's been a few hundred dollars, except in the extreme cases.

Deputy Mayor Rumbold asked how we have been making out with payment plans that were agreed upon. She asked the Manager's opinion on the \$500 amount.

Manager Revella responded we Noticed a few and all but two have been paid; those two are set for getting shut-off. He responded the \$500 amount is fine; it can be raised or lowered if needed.

Trustee Lown made the motion to amend the original motion to billing disputes up to \$500. Seconded by Trustee Bowen.

Deputy Mayor Rumbold asked what other billing disputes would we have.

Manager Revella responded garbage, lawn maintenance and notice of defects.

All ayes. Motion carried.

### **Public Comment**

Diane Sandbothe, 90 Liberty Street commented leaf pickup ends November 1<sup>st</sup>, could we extend the yard waste pickup.

Manager Revella responded yard waste is picked up until the 3<sup>rd</sup> week of November. He also told Ms. Sandbothe that the Engineers are evaluating the drainage issue behind her house; Houtman side has had issues too.

Becky Pearson, 167 Walnut Street asked if the new Sign Law was in the Code Book and online.

Manager Revella responded we just received the supplement Thursday, so the E Code should be updated too.

Becky commented that the minutes from the Planning Board are not up to date on the website. She asked if more minutes from past years can be put on the website.

Manager Revella responded there is a communication issue between the secretary and the person notifying of the meetings and the person who takes the minutes and due to flooding issues they have not come to the last two meetings. He responded regarding past years that Stephanie uploads minutes as she has time.

Becky commented she was glad there was some discussion regarding Taylor Biomass contract. It wasn't known there would be a 20 year contract and now it is known. She commented regarding the Gracewood Court and Sunset Drive drainage, she stated that if it was known or assumed there was a problem with the detention basin, why did we take the road and why wasn't something done before. It has been discussed many times and now the Village is paying more where the developer or the engineering firm that is responsible for making sure things are right for the Village of Walden. She commented she might be out of line, but doesn't think she is. Her concern is that we are paying for something that we shouldn't have to be paying for. She commented she is glad the Manager is assisting with the water disputes and she believes there may have been a policy set prior.

Marcus Millsbaugh, 10 Jessup Street commented in the past the water bills got that bad because they were allowed to get that bad. He asked if our new computer will allow us to audit these things as they develop.

Manager Revella responded yes, not only our computer system, but there are new procedures and policies in place to allow for inspections.

Marcus commented he is not up to speed on the Amphitheatre but his major concern is that it is so close to the sewage treatment plant and he would hate to see problems.

Manager Revella responded that was a concern, and until the last six weeks, there were no odors and hopefully these contractors take care of it quickly and it won't be an issue again.

Anita Vandermark, Highland Ave asked if the parking lot will be ready on Saturday. She commented the decorations look great. She asked if the Eagle Scout would be coming before the Board to make a presentation.

Manager Revella responded that the parking lot will not be paved by Saturday. He responded concerning the Eagle Scout that the Board is receptive to his idea and he will come to the next Board meeting.

Anita mentioned the artwork on the first floor of the Library to be auctioned for the benefit of the Historical Society.

### **Approval of the Minutes – August 24, 2011 & September 13, 2011**

Deputy Mayor Rumbold motioned to approve the minutes from 8/24/11 & 9/13/11. Seconded by Trustee Lown. All ayes. Minutes approved.

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

Trustee Lown motioned to pay the audited bills. Seconded by Trustee Penney. All ayes. Motion carried.

### **Correspondence - none**

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

Trustee Hoffman reminded everyone if they have damage due to the storm; they can still register online at [disasterassistance.gov](http://disasterassistance.gov) or call 1800-621-3362

Trustee Lown encouraged everyone to attend the Harvest Fest on Saturday. The Walden Community Council, Walden Business Association and the Harvest Fest Committee deserve a big thanks. She commented the decorations look great.

Trustee Penney announced the VFW is having a breakfast on Saturday from 7-11, \$7 per person.

Deputy Mayor Rumbold commented she attended the Orange County Firefighter meeting where Jason Faso was honored as Firefighter of the Year. It was a great event and he seemed very touched and overwhelmed by the honor.

Trustee Leonard commented the Chief stopped at his house to say the radar sign is now working on S. Montgomery Street. He pointed out that after bulk pickup, the week of 10/17, the Village will be picking up electronic waste.

Manager Revella responded it will be on the calendar describing what will be accepted.

Deputy Mayor Rumbold asked who will be responsible for that and how did we get that to happen.



Manager Revella responded the Village of Walden will be collecting the electronic waste and Trustee Leonard told us that Simms will be taking it free or will pay us for it. He commented that following bulk pickup, residents should put out their electronic waste the week of 10/17.

Mayor Maher commented he attended the Mid Hudson Region Economic Development Committee Meeting and there are 10 regional committees being formed in an effort to have one system/committee to rank projects for the grant money available in NYS. The first \$200 Million will be split up between the 10 regions, 6 regions will be ranked and get \$140 Million and 4 regions will get the other \$40 Million. He was named one of the seven stakeholders on the committee which is good for us. He will be working hard to attain grant money.

**Executive Session – Property purchase, Personnel, CSEA Negotiations, Litigation**

Deputy Mayor Rumbold made the motion to go into Executive Session to discuss property purchase, personnel, CSEA negotiations and Litigation. Trustee Bowen seconded. All ayes. Motion carried.

**Reconvene**

Trustee Lown moved to reconvene the regular meeting. Seconded by Trustee Penney. All ayes. Meeting reconvened.

**Adjournment**

Deputy Mayor Rumbold moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees  
Regular Meeting  
September 27, 2011  
Motions & Resolutions**

**Public Hearing LL I-3 of 2011: Vehicles and Traffic**

Deputy Mayor moved to open the public hearing. 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.

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**Resolution 8-11-12: Stop DWI Program**

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