

**Village of Walden
Board of Trustees Regular Meeting
October 11, 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
		Tara Lown
		Sean Hoffman

Absent		Randi Lee Penney
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Also Present:		John Revella, Village Manager
		Lori Pinckney, Village Clerk
		Kevin Dowd, Village Attorney
		Dean Stickles, Building Inspector

Public Hearing – 34 Capron Street: Property Maintenance hearing

Dean Stickles, Building Inspector, presented photos of the back yard of 34 Capron Street, dated September 22 and October 11. The owners were noticed on 9/22/2011 sent certified and return receipt. The owners were then sent a Notice of Hearing on 9/30. He is asking the Board to allow himself or the Village Manager to come in and clean up the property.

Mayor Maher commented he accompanied Dean to see the property and he recommended the Board support the request.

Kevin indicated the property owner is usually given 5-7 days; Notice should be sent on the action voted tonight ordering it cleaned up immediately, certified and return receipt and regular mail.

Manager Revella recommended setting a date on the Notice that the work will be performed on 10/17.

Trustee Hoffman asked if we would do the work ourselves or contract it out.

Manager Revella responded it depends on the materials that are at the site, if there are hazardous materials we wouldn't touch it.

Kevin indicated either way, the owner will be billed and if it's not paid, it would go on the tax bill.

Trustee Bowen made the motion to pass resolution 10-11-12 declaring 34 Capron Street in violation of the property maintenance requirements and authorizing the Manager or

Building Inspector to have the property cleaned up as of October 17, 2011. Seconded by Trustee Leonard. All ayes. Motion carried.

Presentation

Eagle Scout Project – Olley Park

Wyatt Lendle, 24 Lafayette Street, asked for approval for an Eagle Scout Project at James Olley Park. He proposed to paint all 6 picnic tables underneath the pavilion, the railings surrounding the pavilion, a section in the rear that is covered with concrete splotches as well as the light fixtures. He would like to add a second board to the wooden railing that is perpendicular to the lake to match the other railings. The paint colors would be whatever the Village finds appropriate. The project would be at no cost to the Village; he indicated all materials would either be donated to him or he would host fundraisers. He is seeking approval from the Village Board and will be seeking approval from the Eagle Scout Board in November and hopes to complete the project by winter or by spring, if needed.

Trustee Lown clarified that Wyatt would be supervised by the Parks and Rec. Dept.

Wyatt responded yes, he has already been in correspondence with Mike Bliss.

Trustee Bowen asked how we make donations.

Wyatt responded he will canvas the local businesses to see if they would pledge some money. Fellow troop members assist with supplying paint brushes; he can supply his own tarps. Fundraising could include a spaghetti dinner.

Mayor Maher commented Wyatt was part of the first Youth Employment Program.

Chief Holmes indicated that back in fourth grade, Wyatt was Mayor for the Day.

Trustee Lown made the motion to approve the Eagle Scout Project. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Village Manager's Report

- Finished drainage work at Oak Street parking lot
- Finished curbing, still some backfilling at the 2 parking lots
- Contractors have been delayed due to the rain and look like it'll be delayed again
- Cleaned up front of the property at 14 Northern Ave; the prior owner fixed the front half of the roof and the current owner, who is Orange County, is required to repair the back half of the roof.
- He is meeting with CSEA on Friday with Deputy Mayor Rumbold
- Minor gas break in Oak Street Parking lot; a company was cited for not properly marking the gas lines. All DPW have taken a Dig Safe Class today.
- The Orange County Youth Bureau expressed their appreciation of the Village's efforts with the youth in our area; he's been having conferences with them for the past several months and will be in the future since we are applying for funding for programming.
- NYSEG is before the Planning Board regarding the Westwood Drive project. They are putting the power line under ground. We will be doing the paving work with our contractor once they are done.
- Serv-Pro finished the work in our buildings

- Fixing up Wooster and Cherry Street from the flooding; been receiving proposals from contractors for the work.
- Received bids for playground at Wooster
- Attended meeting of Association of Towns, Villages and Cities; guest speaker was Ed Diana. He discussed the economic climate, the county building and proposed tax increases or decreases on our bills. Our area will see a slight increase under the proposed budget.
- Met with Engineers and contractor for fencing project at Highland Ave; our guys are clearing the brush.
- Met with Village Attorney and Building Inspector regarding 14 Northern Ave, 34 Capron St and Beazer. It is not likely to be dedicated before winter, unfortunately.
- Met with Taylor regarding the project.
- Well 4 was rehabbed and production will likely go from 85 gallons per minute to 250 gallons per minute, allowing a much larger water capacity for the entire system.
- The digester was repaired; it was the contractor's error and they had to pay for the emptying of the digester and repairs. We are back online now.

Trustee Hoffman asked what the problem was and was any equipment required.

Manager Revella responded the diffusers were installed improperly or not tightened properly or were defective.

Trustee Lown asked about the street sweeper.

Manager Revella responded it has been out sweeping and clearing basins on Walnut. Locust Street has been swept and basin cleaned so we can camera the lines tomorrow. He indicated there was a meeting with the residents on Locust about the sewer concerns and we have been waiting for the part for the camera to check those lines.

Mayor Maher indicated that Trustee Leonard and Trustee Hoffman were both present at that meeting; the resident's appreciated the Trustee's attention to this matter.

Trustee Leonard commented it was brought to our attention that there are issues with dumping of construction debris at the end of the dead end street and it restricts turning around; that will also be addressed.

Trustee Lown asked about the Big Brothers/Big Sisters donation boxes.

Manager Revella responded one box at Bradley has been approved and it will be evaluated to see if more boxes are needed/wanted.

Mayor Maher asked about the Beazer dedication.

Manager Revella responded it probably will not be dedicated by winter. He has talked to the Engineers and they wouldn't mind taking the half; but the owners haven't proposed that to us.

Trustee Leonard asked if Beazer Homes themselves are willing to split it up.

Manager Revella responded he didn't know.

Trustee Hoffman commented the residents are at the mercy of the relationship between the subcontractor that plows and the developer at Beazer. The subcontractor doesn't do necessarily as good a job as the Village and they would be anxious.

Deputy Mayor Rumbold asked if there was any issue with doing half now and the other half later.

Manager Revella responded he doesn't have an issue.

Kevin responded we would have to split up the bonds; he hasn't had discussions with them. This is a possible option.

Mayor Maher indicated the residents appreciate the work that is being done; they wish it would be dedicated before winter.

Deputy Mayor Rumbold asked what is taking so long.

Manager Revella indicated they didn't finish the repairs and things we wanted done; we've given them time to make the repairs as opposed to taking the letter of credit. They have been making the repairs and did a lot of work on Evergreen; when that was complete we inspected the Galloway section and it was not up to our specifications. They now have a punch list to do there.

Deputy Mayor Rumbold asked if there is a time line.

Manager Revella responded as long as they were continuing to perform work, there wasn't a deadline.

Trustee Hoffman commented he drives by there every day. He believes they were affected, like everyone else, by the storms. He indicated there is only an HOA for the second half; there is no HOA for the Galloway section.

Trustee Lown asked about the cleaning of Village Hall.

Manager Revella responded we did an RFP and did not receive any responses. He will now call each company individually to ask for a price. Six people picked up packets, but none submitted. The cleaning would be for overall cleaning and sterilization of Village Hall, buildings at Wooster and Olley.

Trustee Lown asked for an update on the Zumba classes.

Manager Revella responded we are getting final proposals for electrical at Wooster's, we will ask the Board to award the lowest bid. We have the proposals for the construction work which are in the Board's packets. We hope to get Wooster's back up quickly. The aerobics are up here in Village Hall, three days per week, but the Zumba conflicted with other activities.

Trustee's Committee Reports

Energy Efficiency Committee/DPW liaison – Trustee Leonard

Mayor Maher indicated there is a 10% Challenge meeting on Wednesday.

Treasurer/Clerk liaison – Trustee Bowen

Trustee Bowen indicated the financial conversion has gone well. Peter has done an awesome job. On 10/13 the software will be installed.

Economic & Community Development Committee – Trustee Lown

Youth & Senior's Initiatives Committee – Trustee Lown

Trustee Lown thanked everyone for the Harvest Fest; the DPW and Rec Dept did a great job. Getting ready for Christmas on Main Street – meeting 7pm 10/13, 3rd floor. Time to start thinking about Leadership Day – meeting 10/20, 3rd floor at 6:30pm. Tuesday, 10/18 at 7pm there is an Arts Branding Information meeting. Monday 10/17 Walden Womens Club dedication, 2nd Floor Community room at 7pm.

Building Dept liaison – Trustee Hoffman

Trustee Hoffman met with the Building Inspector. They talked about the Sign Law, Capron Street issues and a couple of other problem areas.

Manager Revella announced to the public that once bulk items are removed, residents can put out the e-waste; televisions, computer monitors, etc.

Action Items

Stop DWI – Resolution 9-11-12

Kevin commented this is a continuation of the Stop DWI program services agreement with the County. It covers Oct 7, 2011 – January 1, 2012. They will reimburse us \$2696.00

Deputy Mayor Rumbold motioned to approve Resolution 9-11-12. Seconded by Trustee Lown. All ayes. Motion carried.

Littering Law

Mayor Maher commented he met with the business owners and building owners of the variety shop and Latino restaurant on Main Street. We talked about the residents and Board members concerns about different activities going on there. There were issues with garbage, a can was supplied and it helped a little. The businesses are working with the police dept regarding individuals being present after hours. The idea of raising our fines for littering was discussed. Currently, the minimum fine is \$35 and Kevin was asked to draft a local law to amend the fines.

Kevin responded the violation carries both a penalty and a jail sentence. For a first offense, the minimum fine would be \$100, for a second offense the minimum fine would be \$175 and a third (or more) offense would be \$250, which is the maximum that we can have for a violation or 15 days in jail or both.

Mayor Maher indicated he has talked to Chief Homes about this. We know enforcement will be difficult.

Trustee Lown commented she would like to see statistics; she asked how do we really enforce this.

Deputy Mayor Rumbold has complained about the phone books thrown all over the Village many times and how is that allowed. She asked if we ever made a formal complaint.

Kevin responded technically that could be considered littering; if a police officer sees the person doing it, they can ticket them.

Manager Revella indicated we are having a big problem with Frontier over the past year.

Mayor Maher asked if the cameras capture the littering, can that be used to enforce it.

Kevin responded he believed so.

Trustee Bowen asked if we give the company's open properties prior to them coming into the Village

Manager Revella responded we have no correspondence with them otherwise we would tell them to stop.

Trustee Lown commented the people are paid per book that is delivered.

Kevin indicated we can start with a letter to all the phone companies and the distribution company. Dropping it a private property is not considered littering.

Deputy Mayor Rumbold made the motion to introduce Local Law I-4 of 2011 and set the public hearing for October 25, 2011 at 6:30pm. Seconded by Trustee Bowen. All ayes. Motion carried.

Outdoor Amphitheater Project – Tabled

Discussion Items

14 Northern Avenue

Manager Revella commented we cleaned up the front of the property. The prior owner repaired the front half of the roof and the rear half is not repaired. The rear lawn is not mowed; we could not get to it. The County was advised they need to make the repairs. It was not repaired as of today and Dean notified them to make those repairs immediately.

Mayor Maher commented Dean spoke with County office today. He will call the Director of Real Property. He indicated we are moving as fast as possible.

Kevin clarified that although the Village cleaned up the property, the County will be paying for it.

Trustee Leonard asked if the repairs to the front roof are sufficient to keep the property dry for the winter.

Manager Revella responded no. The back half needs to be repaired.

Sign Law – Compliance

Mayor Maher indicated an issue came up with a few businesses that are not compliant with the Sign Law and internally lit signs. In 2002, we approved a law and asked every business to come into compliance and internally lit signs were banned.

Kevin clarified the law was passed in 2002 and it provided owners of internally illuminated signs 5 years from the date of passage to bring them into compliance. It amortized the existing signs cost to those owners for five years and it has not happened.

Mayor Maher a business wanted to change the wording on their existing internally lit sign and they had problems. It was a re-approval of what they already had in existence. He indicated there are two steps; revisit the Sign Law and see if those signs are really detrimental or step two: give the businesses more time to come into compliance with the law. Something has to be done; in the mean time we extend the period for them to be in compliance while we revisit changing the law, which is his way of thinking or we just change the law. The law is on the books and should have been enforced for the past 6 years and wasn't. We can't enforce it on one and not the other.

Manager Revella commented that all the signs since he has been here have been in compliance with the new code except this one spoken of.

Mayor Maher responded it is not necessarily the fault of the business if they have not been told they are not in compliance for a 6 years period and they decided to change the wording. To him, the business should not be punished for the Village not enforcing the law. Either we extend the time period and revisit the law or we continue not enforcing the law.

Trustee Bowen recommended giving everyone a year window to come into compliance.

Mayor Maher responded that might be too soon; he recommended revisiting the law. He doesn't feel it is fair in these economic times to say you need to change the signs which could cost \$5000 to \$6000 minimum.

Deputy Mayor Rumbold thinks it's ridiculous that people work to develop policies or laws for the Village and then they are not enforced, so why bother.

Mayor Maher responded we were not here when the law was not enforced. We need to determine what needs to be done moving forward.

Deputy Mayor Rumbold commented the law has been enforced based on the Manager stating every new sign that has been approved meets the Code. It has been enforced on people coming in; but people that already had the signs haven't had to comply with the Code.

Trustee Lown asked if there are a number of signs not compliant.

Manager Revella indicated there are over a dozen. It can be broken down by zones, like the Code does. For instance, the B3 zone, they wanted to keep the downtown look and internally lit signs were not part of that vision. We need consistency within the zones.

Kevin commented letters can be sent to businesses with a copy of the Code, expecting them to come into compliance. The whole sign law could be looked at and they could be taken out and it wouldn't be an issue anymore. This was all part of the Comprehensive Review and how to make Walden look more appealing. It was thought, at the time, that internally lit signs tend to be not wanted in a business section.

Trustee Hoffman indicated that is not uncommon in municipalities.

Trustee Bowen does not recommend taking it out of the law; especially if the Manager has been trying to keep it orderly going forward. He recommended to those that are not compliant, give them 6 months to a year to become compliant or face fines.

Trustee Hoffman agreed; it would be unfair to businesses that came in and are being compliant.

Mayor Maher responded the problem with that is the businesses should not be punished because the Village took so long to enforce the law. He doesn't think 6 months is enough time.

Deputy Mayor Rumbold commented a situation of bias has been created; there are new businesses coming in that are adhering to the Code unfairly because the existing businesses haven't been made to comply with the Code.

Mayor Maher agreed with Deputy Mayor Rumbold completely. He would prefer more discussion and bring in the businesses in to discuss it too.

Trustee Lown commented she doesn't understand. It's her understanding the law was recommended by the Comprehensive Committee.

Manager Revella responded the law was in 2002 before that, but it was entrenched in the Comprehensive Plan.

Deputy Mayor Rumbold indicated a committee was made up and businesses were involved and she recalled the discussions.

Mayor Maher responded he is talking on behalf of the businesses that have talked to him indicating it is not fair.

Trustee Leonard commented he always felt this law is over-reaching. The law should be reviewed and decide if it should stay as strict as it is. We have the right to change the law as we see fit.

Deputy Mayor Rumbold responded we don't have the right to ignore it under certain circumstances and uphold it under other circumstances which is exactly what we are doing.

Trustee Bowen commented he could see someone coming in and saying the Village Manager told me to do x.y.z and purchased this sign for cost x,y,z and the law has changed, so who is going to reimburse me.

Deputy Mayor Rumbold asked when this law was passed, were the businesses that have these types of signs informed of the law.

Manager Revella responded yes, they were all sent a letter.

Kevin indicated there were public hearings and the business owners were involved in the process and he believes that's where the 5 year amortization came from. New signs that have come in are complying, but now we have this situation where this person already has a sign and was told he could not change the sign and keep it internally illuminated. He could keep the sign but not light it; the applicant said he wouldn't do that. The ARB did not approve the sign change and it's up there anyway. That business owner has been notified by the Building Inspector that the sign was put up without the approval of the ARB.

Trustee Hoffman commented the ARB can not approve that sign even if they wanted to due to the Code. He asked if the applicant understood that.

Kevin responded yes, they understood it and the applicant was told he could change the lettering on the sign and it could be put up but without the lighting and the applicant responded he couldn't do that and the ARB indicated then they couldn't approve the sign.

Mayor Maher commented the businesses should be allowed a certain amount of time to comply rather than fine everyone.

Kevin indicated a letter should go out to every business that is not in compliance, citing the law and allow them a reasonable amount of time to come into compliance.

Mayor Maher asked if we would have to change the law.

Kevin responded yes, since we are changing the amortization period within the law. If it was a notice of violation giving them 90 days, then that's just a violation notice and the law wouldn't need to be changed. But if the time period is extended to a year, then the law would probably need to be changed.

Deputy Mayor Rumbold asked when the law is created and a timeframe is allowed, whose responsibility is it to enforce it.

Kevin responded the Code Enforcement officer.

Trustee Leonard made the motion to have Village Attorney, Kevin Dowd draft an amendment to the Sign Law. Seconded by Trustee Bowen.

Trustee Hoffman suggested an extension of 6 months to correspond with the May 2012 meeting.

All ayes. Motion carried.

Comptroller Report

Mayor Maher indicated most items that were recommended are already in place and have been remedied. He commented that all this review was before Peter was hired as Treasurer and this audit was performed due to the Village requesting it.

Manager Revella commented the time period covered by the audit is June 1, 2009 through December 31, 2010. Some of the items reviewed were things he noted when he took over the Manager position. There were a number of things that were overlooked over the years or not updated appropriately and policies are now in place to cover them.

Peter Sullivan read the public summary which is available on the Comptrollers website (<http://www.osc.state.ny.us/press/releases/oct11/101311a.htm>). He commented regarding the major points.

- * BAN proceeds— pre# checks were not being used; counter checks were and duplicate check #'s were used; nothing was unaccounted for though.
- * Incomplete Journal Entries – BAN construction accounts were manual records, individual checkbooks and incomplete entries. Currently complete and will be with new accounting system.
- * Bank reconciliations were done regularly until 9/2010 but not complete since. Working to stay on top of reconciliations.
- * Retirement payout issue – related to CSEA union contract provision – only 2 weeks of vacation can be carried over. These were 3 non-union employees and were paid retirement benefits for all of their accumulated vacation leave and this practice was consistent with what the Board had done in previous years, but not consistent with contract.
- * Fuel for vehicles. The village was getting 93 octane, when it could have been 87 octane. This has been corrected. Fuel logs are regularly checked by the Village Manager.
- * Water operations. It is well known that the Village has leaks in water system and the Board has authorized significant capital dollars to remediate this problem.
- * Procurement policy. There were discrepancies in competitive bidding requirements. Payments were strung to the same vendor over the course of a year and where it was over \$20,000 or \$35000 we were cited for not publicly bidding.
- * Recommended we adopt IT Policies; a security policy and an acceptable use policy and urged us to appoint an IT person.

Trustee Bowen commented that many of the corrective actions are basically on the implementation of the new system. Many of the open bank accounts have been shut down.

Deputy Mayor Rumbold asked if they had anything positive to say.

Manager Revella responded they appreciated our efforts towards new policies and things completed in the past year; there are fuel logs in every dept., there are more internal controls, new procurement policy was adopted. Many things were addressed prior to the auditors being here but not during the entire audit period and they had to cite them.

Trustee Hoffman responded in general, they are not looking for things that are done well.

Mayor Maher commented regarding the internal audit on the water department. We were losing 50% of our water before 2009. There were improvements and it went to 30% and we continue to improve. Our engineers and Village Manager are working very hard and we asked for this audit to continue making improvements.

Trustee Leonard commented that during that time period we replaced the commercial water meters which are big users of water.

Peter indicated that within 90 days the Village will be filing a corrective action plan.

Planning & Zoning Boards – Certification & Records

Manager Revella commented all planning and zoning board members are required to have certain certifications to serve on the Boards and the records in the Clerk's office are lacking.

Kevin commented each member is required to have 4 hours of continuing education per year. Orange County Planning Federation offers courses in the spring and the fall. The Village is paying for these courses and the records are not complete in the office.

Manager Revella re-implemented the time frames for those that serve on the Planning Board last month; we didn't have those records previously.

Trustee Lown asked what the plan is going forward.

Manager Revella responded there are appointment letters and they should have been kept. He made a new appointment letter for the planning board members. The zoning board we know their appointment dates.

Trustee Bowen asked if more bodies are needed.

Mayor Maher responded we talked about alternate members and that will be discussed at the next tri-board meeting.

Minutes – Planning & Zoning Boards

Trustee Lown asked who does these minutes and are they paid.

Manager Revella responded the individual was getting paid an hourly rate. She hadn't been getting notified of the meetings in a timely way.

Trustee Bowen asked that she is not aware of the meeting.

Kevin commented the zoning board meets the first Thursday every month unless there is no agenda. The planning board meets every third Wednesday and the first Monday if they have an agenda. If there is a holiday, it gets moved to the second Monday.

Trustee Bowen responded the schedule is set for the whole year then. He commented maybe this person's lack of interest is showing at this time.

Trustee Leonard responded Dean has struggled getting responsible people.

Mayor Maher asked whose responsibility is it to hire this person.

Kevin responded he believes in the past it was done between the Manager and the Clerk.

Trustee Hoffman asked if there has been any contact with the secretary. Has she expressed interest in leaving the position or continuing?

Manager Revella responded he has been in contact with her and she is interested in continuing.

Set year calendar for Tri-Board meetings

Mayor Maher recommended setting the winter meeting now and at the re-organization meeting, set the three dates for the entire year. He recommended the next tri-board meeting for Thursday, January 19th at 7pm.

Trustee Lown made the motion to set the next tri-board meeting for January 19, 2012 at 7pm. Seconded by Trustee Bowen. All ayes. Motion carried.

Presentation – Orange County Planning Department – Economic Development

Jerry Jacobowitz, member of the Orange County Planning Board. The County Planning Board is developing and submitting a Comprehensive Plan for the County. There was a plan done back in the 1970's, it was revised 2004 and the County recommended it be reviewed every 5 years. This process started in the beginning of 2009; trying to formulate a Comprehensive Plan that is responsive to the interest of the 42 municipalities that make up the County. There is no intent to dilute any power the local communities have; zoning is the Village's responsibility and power. The County is trying to formulate a Comprehensive Plan that will help give directions, suggestions and recommendations that will carry forward the interest of Orange County not inconsistent with the interest of local community. The Plan being worked on now has multiple parts and the 2004 Plan did not. The 2004 Plan was a land use plan. The Comprehensive Plan now is a land use plan, a water master plan, housing plan, an open space plan and a park and recreation plan. The essence of the Plan is priority growth areas which singles out areas of the County that already have a community. Those areas should be encouraged and development in rural areas should be discouraged. The idea is to take advantage of infrastructure that is already present and the existence of communities. The County Executive Diana, about 6 years ago, committed \$20M to the implementation of farmland and open space preservation and encouraging development in priority growth areas. It was a grant program that ran three years and \$2M available each year. The County received \$6 for every \$1 spent on preservation on farmland, open space and water projects. In the last four years with the economic downturn, the County is not comfortable borrowing money to fund the program. He indicated there is one part of the plan that is not finished; the Economic Development Plan. This portion will identify good economic focuses for the County as a whole to improve quality of life, provide employment opportunities and help build our tax base. He indicated there is a questionnaire the County would like the Board to fill out and feel free to add to it. He would like it completed by the first week of November. All 42 municipalities are being asked to respond and the County will work to homogenize them into an economic development plan. There are three areas of future economic growth. 1) Tourism: there are four major tourist areas in NYS. Woodbury Commons, West Point, Turning Stone Casino and Niagara Falls and two are in Orange County. 2) Agriculture: Historically Orange County was an agriculture community. Dairy farming is an industry that has mostly left Orange County. Trying to add value to the agriculture community by adding products or services. 3) Medical services: we have 4 major hospitals serving Orange County. Trying to get a medical school into the vacant Horton Hospital location. St Lukes Hospital is working to re-institute their internship program. All responses to the questionnaire will be reviewed and synthesized. The County Planning Board will make decisions and report in the Comprehensive Plan a series of recommendations to achieve the economic goals that everyone has participated in. The recommendations are not mandatory. The procedure is: the County Board will draft and prepare it, it will then go to Commissioner Church, it then proceeds to County Executive for review, then onto the County Legislature where a hearing is usually held, and they adopt it and it becomes official County policy. Then it's a matter of implementation. There is a

provision in the Plan that states the County can not undertake any activity that is not consistent with the County Comprehensive Plan.

Manager Revella commented there are proposals for work to be done at Cherry Street and Wooster's Grove, he asked the Board award the low bid.

Deputy Mayor Rumbold made the motion to approve the lowest bidder, CVL Development Corp, for Cherry Street and Wooster's Grove and to approve the first payment of \$8900.00. Seconded by Trustee Lown.

Trustee Hoffman asked for the prices.

Manager Revella responded the bids from CVL for Wooster's was \$33,950.00 and for Cherry Street was \$32,800.00.

Trustee Hoffman asked if reimbursement from FEMA is expected.

Manager Revella responded yes.

All ayes. Motion carried.

Public Comment

Helen Schoonmaker, 7 Westwood Drive asked about electric work on Westwood Drive.

Manager Revella responded the power line is being moved underground.

Helen commented that good things have come out of the Comptroller's report because now we have Peter and John who are both doing a great job. She commented about the Big Brothers/Big Sisters bin would be better placed in a parking lot and not in the Village Parks.

Manager Revella responded the parking lots are being worked on, but could be considered later.

Helen commented she got upset when people are allowed 3 days to mow their lawn and businesses have 9 years to fix a light. She asked if the distributors of the telephone books need a permit. She asked when the girls' softball team will be honored, a parade. She asked if a sign can be put up.

Mayor Maher responded the Little League requested a date and it was approved, the first date was cancelled. We haven't received a second request. He didn't believe the sign was discussed.

Lynn Schwandt, 143 North Montgomery, asked what happens to people who put their bulk items after the street has already been picked up.

Manager Revella responded they will be cited. Residents are asked to put items out on Sunday and once the truck comes it doesn't return.

Lynn commented the rail trail is very dangerous. She watched a girl flip over on a bicycle. There is a 2-3 foot drop in several places.

Manager Revella responded the Town is ultimately responsible, but he will see if they will authorize the Village to fix it.

Becky Pearson, 167 Walnut Street, asked when the CSEA contract was up. She asked if they are close.

Manager Revella responded May 31st. He indicated there are two items they are being negotiated.

Becky asked about Taylor Biomass contract.

Kevin commented it was tabled until this meeting and we'll probably put it off again for another two weeks. If it goes beyond the 45 days, we can ask for an extension.

Becky asked about the cleaning of Village Hall. The steps are filthy and she asked who does the stairs.

Manager Revella responded the group that was buffing the floors are not coming as often as he didn't think it was cost effective. Unfortunately, the regular cleaning person has been using vacation time.

Becky asked about the inspections of the digester, she asked about the Engineering firm that should have been checking to make sure the work was done correctly.

Manager Revella could not comment. He indicated the digester was reconstructed, an Engineering firm oversaw that reconstruction and it wasn't done properly. It has since been corrected.

Becky asked about Beazer and she understands the residents want the streets dedicated. There was discussion about using the reserved money to get the work done faster. She asked about the littering law; she understands why the law is going to be changed, but just like the dog excretion law, a police officer has to see it. It costs money to change the law, to the attorney and the State. If there isn't going to be any enforcement, why are we spending the money. She hopes there will be more discussion on it. She commented about loitering and can businesses put signs in their windows regarding loitering. She asked when the town hall meeting on the Amphitheatre is being held.

Mayor Maher responded tentatively for October 24th at 7pm here.

Becky asked about Northern Avenue and if the County owns it, why can't they fix the roof.

Mayor Maher responded the County they would do it, but it could take 6 months. We wanted it done sooner.

Becky commented about the Sign Law. She agreed with Deputy Mayor Rumbold, the law is on the books, all the businesses received letters. People have complied with it. She asked, regarding Mr. Jacobowitz's presentation, if anyone from the Village attends the

Comprehensive Plan meetings. She indicated he was talking about filling up all the Village borders like the Town wants to do and the Village should be protected. She indicated once they adopt the Plan, in order to change it they have a whole different process. She stated that if there are big developers that want to come in and buy the property around the Village of Walden, we then will have to supply them with what they need, she deferred to Kevin.

Kevin responded the point Mr. Jacobowitz was making was that the County when they develop their Comprehensive Plan, regardless of what they adopt, does not affect the home rule powers of the Towns or Villages. They can not compel, for instance, the Town of Montgomery to rezone its property on the Village borders and they can not compel the Village to sell water or sewer services outside of its borders if the Village does not want to do that. They are trying to encourage economic development, but they have no powers to control anything we do within our borders.

Becky asked if our Planning Board can deny those people from water/sewer if they are going to build on the borders.

Kevin responded absolutely.

Becky asked about the Hillson property. She asked about the money that was granted to the group.

Manager Revella responded he is not sure where the Hillson estate with the cleanup of the property. It is the former owners that are cleaning up under the DEC order. A portion of the grant money was used for the studies.

Becky asked about our watershed protection plan and where are we with the Town.

Kevin responded the last he knew, they are still looking at it but they haven't done anything.

Mayor Maher believed that was correct and he will check into it.

Willie Carley, 10 Evergreen Lane, commented he is president of the Homeowners Association and as a representative of that Board, they want dedication. He doesn't know where the confusion evolved with Evergreen and Galloway. It has always been separated. They would prefer to get Evergreen dedicated and get the lights on. He asked for a timeline.

Kevin responded he will call Engineering Properties tomorrow. He believes there are 2 separate letters of credit, which would be very easy to dedicate the Evergreen portion and lower the letter of credit to a maintenance letter of credit. He will make the call tomorrow.

Willie asked if they want to do an all-in-one, what can the HOA do or next steps.

Kevin responded he thinks we have everything we need other than the maintenance letter of credit.

Willie commented there is a major issue with the pond. They want to put aerators in the pond and need electricity, the HOA would pay the electric.

Kevin responded he is not sure NYSEG will let you tap in like that; he recommended contacting NYSEG about where a place could be established to put a meter.

Willie asked about cleaning and maintaining that pond properly. It hasn't been maintained, it is stagnate water. He asked for recommendations and guidance from the Village for proper maintenance.

Manager Revella responded the Village does have information on it.

Mary Ellen Matise recommended Orange County Soil and Water in Middletown to Willie or the Fox Hill Community. She commented about the litter law and possibly having an Adopt a Street program. She commented about the garbage cans not being left in front of residence's homes all week long; it needs to be in bold on the calendar. She indicated we used to have a Village wide cleanup day once a year, she suggested maybe we need one in the fall also. She commented she spoke with Stephanie regarding the domes on the garbage cans being a mess. She thinks there is household garbage using the Village cans. She asked if the Village is looking into any measures to alleviate the flooding of the Tin Brook.

Manager Revella responded we have looked into a levee system at Wooster, but that would cause problems for other residents down stream. They are looking into clearing more of the streambed of debris and the DEC is allowing that happen now without permits.

Approval of the Minutes – September 27, 2011

Deputy Mayor Rumbold approved the minutes from September 27, 2011. Seconded by Trustee Leonard. 5 ayes, 1 abstention by Trustee Lown. Minutes approved.

Payment of the Audited Bills

Deputy Mayor Rumbold approved the audited bills with four signatures. Seconded by Trustee Lown. All ayes. Motion carried.

Correspondence – None

Miscellaneous Comments from the Board of Trustees

Trustee Leonard commented the Harvest Fest went well considering the weather. The 10% challenge going great; sign up online at Village website.

Deputy Mayor Rumbold commented the Harvest Festival went well.

Trustee Lown commented Harvest Festival was amazing. Fox Hill open house was outstanding and the weather couldn't have been better. There is a Walden Community Council meeting tomorrow at 7pm in the Library. She commented the Boys and Girls Club in Town of Wallkill have a mentoring program. They are looking for some professional women willing to give up an hour of their time on 11/9 and 12/7 at 3:30. The program is for 10 weeks.

Mayor Maher commented they are looking for a person for the Comprehensive Planning Committee that Trustee Hoffman vacated. He received a piece of correspondence from the Engineers suggesting a walk through of the sewer treatment facility. He thanked everyone for attending tonight's meeting; a lot was accomplished.

Taylor Biomass Contract

Trustee Lown made the motion to table the Taylor Biomass contract for two weeks. Seconded by Trustee Leonard. All ayes. Motion carried.

Executive Session – PD Personnel, Property Purchase, Manager Review, Litigation

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

Reconvene –Not available

Adjournment – Not Available

**Village of Walden Board of Trustees
Regular Meeting
October 11, 2011
Motions & Resolutions**

Public Hearing – 34 Capron Street: Property Maintenance hearing

Trustee Bowen made the motion to pass resolution 10-11-12 declaring 34 Capron Street in violation of the property maintenance requirements and authorizing the Manager or Building Inspector to have the property cleaned up as of October 17, 2011. Seconded by Trustee Leonard. All ayes. Motion carried.

Eagle Scout Project – Olley Park

Trustee Lown made the motion to approve the Eagle Scout Project. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Stop DWI – Resolution 9-11-12

Deputy Mayor Rumbold motioned to approve Resolution 9-11-12. Seconded by Trustee Lown. All ayes. Motion carried.

Littering Law

Deputy Mayor Rumbold made the motion to introduce Local Law I-4 of 2011 and set the public hearing for October 25, 2011 at 6:30pm. Seconded by Trustee Bowen. All ayes. Motion carried.

Sign Law

Trustee Leonard made the motion to have Village Attorney, Kevin Dowd draft an amendment to the Sign Law. Seconded by Trustee Bowen. All ayes. Motion carried.

Tri-Board meeting

Trustee Lown made the motion to set the next tri-board meeting for January 19, 2012 at 7pm. Seconded by Trustee Bowen. All ayes. Motion carried.

Award lowest Bid for Cherry Street/Wooster's Grove

Deputy Mayor Rumbold made the motion to approve the lowest bidder, CVL Development Corp, for Cherry Street and Wooster's Grove and to approve the first payment of \$8900.00. Seconded by Trustee Lown. All ayes. Motion carried.

Approval of the Minutes – September 27, 2011

Deputy Mayor Rumbold approved the minutes from September 27, 2011. Seconded by Trustee Leonard. 5 ayes, 1 abstention by Trustee Lown. Minutes approved.

Payment of the Audited Bills

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Reconvene –Not available

Adjournment – Not Available