

**Village of Walden  
Board of Trustees Regular Meeting  
October 25, 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 a change in the Agenda, item #2 under discussion items should be Alternate members for Planning and Zoning Boards, not Christmas on Main Street.

**Public Hearing – Littering Law: Introductory Local Law I4 of 2011**

Trustee Bowen made the motion to open the public hearing on Local Law I4 of 2011, "littering". Seconded by Deputy Mayor Rumbold.

Trustee Lown commented she has not received the statistics she asked for.

Mayor Maher responded he has them. There were 18 offenses over the last 2 years, 4 were prosecuted. Only 4 were prosecuted due to the person also having a misdemeanor and the littering offense gets knocked down. He believed the minimum fines were \$35.

Manager Revella commented he spoke with the Judge and he agreed with the minimum as the Board decides but the steps are not necessary for second or third offense since he has the discretion to raise it up to \$250 anyway; raising the initial minimum would be beneficial.

Mayor Maher asked if there was a time frame on multiple offenses.

Kevin responded there is no time frame. The change to the law is the first offense is a minimum of \$100, maximum of \$250, second offense minimum of \$175, maximum of \$250 and third offense a fine of \$250.

All ayes. Motion carried.

**Public Comments:**

Brenda Adams, Valley Avenue commented it was a great idea to raise the fines. She asked if it will be enforced throughout the Village or just Main Street and she asked for clarification on the history of offenses.

Mayor Maher responded there were a few cases where the littering offense was attached to other offenses, and the lower offenses were dismissed and the higher offenses were prosecuted. He clarified that it will be enforced throughout the whole Village.

Mary Ellen Matise, 21 Clinton Street commented raising the fines are a good idea. Her only concern is this law, like the pooper-scooper law, is not very enforceable unless we could enforce it ourselves.

Mayor Maher responded it's enforceable if a claim is made upon that person if they go to the police dept or if an officer sees it. It is enforceable through the cameras as well; although there aren't cameras all over the Village.

Mary Ellen suggested some type of clean up campaign.

Lynn Schwandt asked if signs will be put up.

Mayor Maher responded this will include signs.

Manager Revella responded we'll make sure there are signs at all the entrances to the Village at a minimum; there are a couple in the middle of the Village.

Anita Vandermark asked if there is an age limit.

Kevin responded whatever the criminal procedure law allows; basically 16 and over.

Becky Pearson asked if there was discussion on enforcement.

Mayor Maher reiterated it's enforceable by police or individuals making claims and filing claims with PD and it's enforceable through the cameras.

Manager Revella responded it's typical to set up a plan, like Tues from 4-9, Wed from 7-11am, when the police go out and look for this law violation. That usually sets the tone.

Becky commented we have this same law.

Manager Revella responded financially it's not as responsible to go out and enforce a \$35 law as it is a \$100 law. There is no incentive for an officer to come up here and prosecute a \$35 fine if we are paying him more that \$35 to be here. It doesn't make much sense for the taxpayer.

Mayor Maher commented the increased signage from this law will hopefully will be a deterrent.

Trustee Lown made the motion to close the public hearing on Local Law I4 of 2011, "littering". Seconded by Trustee Penney. All ayes. Motion carried.

Trustee Leonard made the motion to declare this a type II action under SEQRA. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Deputy Mayor Rumbold made the motion to adopt Local Law #6 of 2011 "Littering". Seconded by Trustee Lown. All ayes. Motion carried.

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

- Been trimming trees down at the wells getting ready for construction there
- Well #4 has been rehabilitated; was down to 85 gal/min production – after rehab it will produce 250-450 gal/min. Waiting for pump to come in.
- Paving is done on Walnut, Westwood and parking lots; still doing driveway aprons
- Retaining wall and road in Oak St lot will be complete
- Electric completed at Rec Center, but not at Teen Center; checking heating/cooling system tomorrow.
- Tearing floor out now; will be using ceramic tile instead of carpet; it will last longer and not as prone to mold.
- Cut brush off Highland Ave bridge.
- Few issues with Bulk Pickup; all E-waste done except a few projection TVs, they are picked up now.
- Worked on Locust St sewer line; pipe is in great condition.
- Meeting with the Thruway owners, Hannaford owners, Village Attorney, Building Inspector, Planning Board Engineer and the Developer. They've attended their first planning board meeting for an introduction.
- Starting sidewalk repair; there is a lot to do – coordinating an RFP.
- Spoke with DEC regarding FEMA and the wastewater plant; it's back in order now. Met with Delaware Engineering regarding problems with installation and problems with contractor. Tank was pumped out and contractor fixed diffusers.

Deputy Mayor Rumbold asked if the contractor is paying for that. She asked if we incurred any extra engineering costs.

Manager Revella responded there were cleaning costs, but they are being billed for it. There is no price on the aggravation caused to the local residents from the plant, but anything else is being billed for.

- Received the new backhoe
- Sold the dog warden vehicle for \$400
- Installed a new gas line at Cherry St and Wooster's Grove.
- Halloween Parade scheduled for Oct 29<sup>th</sup> at 4pm in the Square
- November 6<sup>th</sup> is brick dedication at Veteran's Park.
- 14 Northern Ave – the roof was completed
- 34 Capron was served with the Order of the Board
- Software training on Nov 8, 9, and 10<sup>th</sup>.
- WC audit on Nov 2
- Amphitheater Project meeting
- Town Hall meeting last night; trying to address everyone's concerns
- Big Brothers/Big Sisters delivered 2 bins to Bradley; they are located by the dumpsters, it does not look unsightly.

- Houston Casualty Company, our liability carrier did a walk-through of the whole Village for safety and liability concerns.
- Inventory tour with Hunter Insurance of all equipment and buildings to update the values.

Trustee Lown thought the Board only okayed one bin for Big Brothers/Big Sisters. She asked about a report in the packets showing the office cleaning schedule.

Manager Revella responded two bins were delivered and he did not know two were coming. The office cleaning schedule was put in place in 2003, that report shows what is supposed to be occurring. The current cleaning person has been taking multiple vacation days as per the Comptrollers report.

Trustee Lown asked for updates on office cleaning service. She asked about the Building Inspectors report, #8 and if that will be discussed tonight.

Manager Revella responded he is meeting with a cleaning company that Ed knows and they are doing a walk through for the more thorough cleaning/sanitizing. Regarding the Building Inspectors report, it will be put on the next agenda.

Trustee Hoffman asked if there was any determination or resolution regarding Locust Street.

Manager Revella responded nothing he can currently discuss. The lines and manholes were camera'd and they are all in perfect condition.

Mayor Maher responded they have met with the residents and they have been happy with the progress the Village is making.

Trustee Leonard indicated there were two other concerns on Locust St, cleanup at the end of the street and the parking.

Manager Revella responded we were in there today clearing up to allow for drainage and there is parking on one side of the street now.

Deputy Mayor Rumbold asked for clarification on barking dogs. She asked if the calls are kept anonymous.

Manager Revella responded the ordinance states it's for 15 minutes of continuous barking, resident should call dispatch office and they will send somebody to take care of the situation. He recommended the first step might be to talk to the neighbor and ask them to quiet the dog and if it continued, then let the neighbor know the police will be called. He doesn't know about it being anonymous since things are foible.

Mayor Maher asked for status of the Beazer dedication.

Manager Revella indicated there are two items in the packets; one is a punch list, the other is dedication both dated Oct. 13<sup>th</sup>. They have not given our Engineer a timeline. Beazer Homes is supposed to be at the November Board meeting to get dedication.

Kevin commented he spoke with John Queenan today and Beazer would like to be here for the first meeting in November to get dedication. They are working on the punch list items. He spoke to John Q regarding the maintenance bond letter of credits and the amounts they need to be. The first section could be dedicated quickly.

Trustee Bowen asked if it up to us regarding the letter of credit in order to penalize them for not doing it in a timely manner.

Kevin responded there are two sections and two separate letters of credit. Section 1 is nearly done; the only things we are waiting for are the deed to be straightened out and the letter of credit for the maintenance bond. On Phase 2, they are still working on items. If those get done, then we can get that one dedicated too. The issue now is the resurfacing of the road due to the weather concerns.

Manager Revella indicated the Engineers are calling for micro-sealing. Paving and micro-sealing are a little bit different.

Mayor Maher commented we have called the letter of credit before, we have given them timelines, and they have gotten some work done but not all. He indicated the Village is doing everything they can to ensure that our residents are being served.

Manager Revella responded they have done the work that we asked; we went to do the inspection on the other phase that we hoped had already been done and found many problems, that is why it went back. They had to replace basins and sections of pipe; it was time consuming. He believes they have done most of it and it shouldn't take them much to finish.

Mayor Maher asked if we can call the second letter of credit.

Kevin responded you can do that, find the value of the work that is not done, call the letter of credit for that amount and do the work yourselves, but if it is over a certain amount it has to be put out to bid. That is the problem.

Manager Revella confirmed that is an option, but if it has to be put out for public bid, it will cause a problem for us in the timeframe that we have. They can get it done faster than we could.

Trustee Leonard asked Kevin if he has seen anything that justifies their belief that the Village owns the retaining walls.

Kevin responded no, the issue with the pond was discussed with the Village Board before it was even built and the Village had no interest in the pond or anything to do with surrounding the pond. It was suggested the retaining wall be taken by the Village since it could technically affect the road. The Homeowners Association is responsible for that retaining wall and if it started to collapse the Village would have to get after them to fix it so the road would not be affected.

Manager Revella commented there is a section that is owned by 2 homeowners and not the Homeowners Association.

Mayor Maher asked if it is an option for the Board to call the letter of credit.

Kevin responded it is absolutely an option to call the letter of credit. An estimate of the work that still needs to be done would be sent to the bank asking for the value, but once we get it in we would take dedication and would have to do the work ourselves. We have to take ownership to spend money on it.

Trustee Leonard commented the only problem he sees is the weather, which affects them like it would us. The openings in the pavement haven't been sealed and if we plow in the winter, we might make more problems for the spring.

Trustee Leonard made the motion to give Beazer Homes until the November meeting, and then call the letter of credit. Seconded by Trustee Lown. 6 ayes, 1 abstention by Trustee Hoffman. Motion carried.

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

#### **Energy Efficiency Committee/DPW liaison – Trustee Leonard**

Trustee Leonard commented that Peter continues to work on obtaining a credit card.

#### **Treasurer/Clerk liaison – Trustee Bowen**

Trustee Bowen commented that Trustee Leonard just gave his report.

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

Deputy Mayor Rumbold commented she had received permission to contact other municipalities about shared services. She contacted a small town in Texas, they combined two pick up trucks and a tractor with a plow. She will continue working on it.

#### **Youth & Senior's Initiatives Committee/Library Board liaison – Trustee Penney**

Trustee Penney commented the Village Manager covered her report regarding the gym and building at Wooster's Grove. She indicated soccer program is going well; indoor soccer registration started last night. She reminded everyone of the Halloween Parade on Saturday. They are waiting for the hoop for Alfred Park.

Mayor Maher commented it is likely the hoop won't go up until after winter at this point.

#### **Economic & Community Development Committee – Trustee Lown**

Trustee Lown commented they had an excellent leadership day committee meeting last week; applications for nominees are available on internet or here at Village Hall. Deadline for nominations will be Dec 1<sup>st</sup>. Leadership Day is January 12, 2012. The awards are: Volunteer of the Year, Ronald I. Jacobowitz Youth of the Year Scholarship, Sam Phelps Service Award and the Community Business of the Year. She mentioned Thursday is the last Farmers Market; Saturday is the Halloween Parade with Monday being Trick or Treat from 6-8pm. There is a Christmas on Main Street meeting, 11/1 at 7pm, a Walden Business Association meeting Friday 11/4 at 8am, the Veterans Brick dedication ceremony on 11/6 at 1pm and 11/8 is Election Day.

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

Trustee Hoffman met with the Building Inspector and Village Manager on Friday. They went over enforcement and compliance of the Village Code; they reviewed the Thruway application as well.

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

### **IT Administrator**

Mayor Maher indicated this was recommended by the Comptrollers Audit; appoint an IT Administrator for Village Hall to include internal controls with computers and assigning passwords.

Trustee Penney made the motion to appoint John Revella, Village Manager as the IT Administrator. Seconded by Trustee Lown.

Deputy Mayor Rumbold asked if it's typically the Village Manager.

Kevin responded he can watch over everything.

Trustee Bowen asked about a backup person.

Manager Revella responded he will have a backup person with the codes.

All ayes. Motion carried.

### **Introductory Local Law I-5 of 2011: Sign Law Compliance**

Mayor Maher commented this was discussed at the last Board meeting and the law extends to those businesses that are not in compliance to come into compliance by May 1, 2012. There was a law passed in 2002 by the Board of Trustees that all non-conforming signs would come into compliance by 2008. It is now 2011 and there are many businesses that are not in compliance. There has been discussion on changing that law since things have changed since then. In the meantime, the Board all agreed to give the businesses the next six months because of the lack of enforcement over the last decade.

Deputy Mayor Rumbold moved to introduce Local Law I-5 of 2011: Sign Law Compliance and set the public hearing for November 8, 2011 at 6:30pm. Seconded by Trustee Lown.

Deputy Mayor Rumbold asked for clarification if we are discussing whether to give the 6 month extension or discussing the law as it stands now.

Kevin responded this gives the amortization period, even though it is well beyond the 5 years originally given, an additional 6 months to any business who are not in compliance to come into compliance, it also gives 6 months to re-examine the Local Law on the signs and if you want to make changes, to make changes.

Trustee Bowen asked if all the business owners can be contacted to come to a meeting with a certified letter.

Kevin responded certified letters are expensive and whether you want to target the ones that are not in compliance.

Trustee Bowen responded all business owners should be contacted.

Trustee Lown agreed.

Deputy Mayor Rumbold commented the business owners that spent money to become compliant might have something to say.

Manager Revella asked the Board to confirm that he send a letter to every business.

Mayor Maher responded when we decide to re-examine the law which is not what our action is tonight, we would invite every business member to be part of the conversation. The public hearing at the next meeting is to make an extension to allow us time to revisit the law.

Trustee Hoffman asked if there are any exclusions, like a home business.

Trustee Bowen responded if they have a sign, no.

Deputy Mayor Rumbold asked if we have a current list of businesses.

Manager Revella responded if this won't be discussed for another month, by then Code Red will be in and he could call everyone in the Village.

Trustee Bowen's concern was the person actually receiving the message.

Manager Revella responded the Code Red system lets you know if the message was received.

Mayor Maher recommended a letter as well. He indicated there is a list of about 156 businesses.

Deputy Mayor Rumbold commented she spoke with a business owner who read in the paper that originally business owners were sent letters about the first law and does not recall receiving anything.

Manager Revella responded according to building inspector he believed the Village Manager at the time sent something out but wasn't sure.

Mayor Maher commented he requested a copy of that letter and according to the zoning coded 330541, registration, a letter was supposed to be sent to all businesses within 30 days of enactment of the code for the Sign law in 2002. He asked for the list of all businesses the letter was sent to. Zoning code 20541, inspection, a record of all approved and registered signs that is kept in the office of the building department; he asked for the zoning code 30541, non conforming signs, which states all letters sent to owners whose signs are not conforming with the code since 2002, how many signs were removed 90 days after they received written notice from the building inspector. He did not receive any of the stuff, but he did receive a response from the building department indicating it was believed the former Village Manager sent a letter which doesn't conform to the law. Nobody could find a copy of the letter that was sent out.

Trustee Hoffman asked if we want to coordinate the public hearing with the distribution of the certified notices.

Mayor Maher responded it could be separated and thought it could be put on as a discussion item as to when we could schedule a town hall meeting inviting the businesses about possibly changing the law.

All ayes. Motion carried.

### **Outdoor Amphitheater Project – SEQRA**

Kevin clarified we declared our intent to be lead agency at the last meeting, we have to wait 30 days.

### **Budget Amendment – Resolution 11-11-12**

Manager Revella commented we received additional funds from a grant for bullet-proof vests. We need to increase those lines to accommodate the grant funding.

Trustee Leonard moved to adopt budget amendment Resolution 11-11-12. Seconded by Trustee Bowen.

Manager Revella indicated the child safety seats line was reduced because they didn't need the amount that was budgeted so it is being put towards the vests. The vests are required to be replaced every 7 years.

Deputy Mayor Rumbold asked if money for bullet proof vests was in the budget. She asked if we are replacing the money in the budget with the grant money or are we purchasing what was in the budget with tax payer money and additional with grant money.

Manager Revella responded they've already purchased the vests with the tax money. The allotted money was already spent and we have to use the grant money to buy vests. All of the vests are being bought for either new officers or replacing those with the 7 year issue.

Deputy Mayor Rumbold asked if all the vests will be used immediately or can some be utilized next year.

Manager Revella responded they all have to be used immediately due to the seven year issue.

Deputy Mayor Rumbold asked why that number wasn't originally budgeted, since it's mandatory they are replaced every 7 years.

Manager Revella responded we can discuss with that with the Chief. The others not budgeted for were for the change-over in personnel because they have to be fitted.

All ayes. Motion carried.

### **Taylor Biomass contract**

Mayor Maher commented this contract has been negotiated for a while now. It looks as though everything we wanted is in the contract and there has been a stay in the Slobod decision which restores the approvals temporarily. A contract was emailed to himself and Kevin an hour ago.

Kevin recommended tabling the award of the bid for two weeks, which brings us to the 43<sup>rd</sup> day, and if nothing else changes in the legal parameters, action can be taken.

Trustee Lown moved to table Taylor Biomass award for two weeks. Seconded by Trustee Bowen. All ayes. Motion carried.

## **Discussion Items**

### **14 Northern Avenue**

Manager Revella commented the former owner finished repairing the roof. The Village cleaned the front yard at the County's expense. Dean was going to contact the County regarding the interior. They have secured the building, but the window on the second floor is open. Secured meaning the first floor. The building is full of mold. The next step if the Board chooses would be to have an architect inspect the building for possible condemnation.

Kevin commented the strategic problem would be that it's attached on both sides; that unit could not be taken down without affecting both ends of the unit.

Manager Revella commented the neighboring structures are already in danger. We don't know what is going on inside without someone getting in there.

Kevin commented the Board would have to authorize the manager to hire an architect or use our engineer for this purpose.

Deputy Mayor Rumbold asked if the bill would go to the County.

Kevin responded we should be able to get the County's cooperation to let us in to make the judgment.

Mayor Maher asked if it is in the budget.

Manager Revella responded it could come out of our engineering line.

Trustee Lown made the motion to authorize the Village Manager to get a structural engineer or an architect to inspect 14 Northern Ave. Seconded by Trustee Penney.

Deputy Mayor Rumbold asked for clarification that someone needs to be hired to check the structural integrity of the building. She asked if that bill will go to the County.

Manager Revella responded hopefully we can get the County to get a structural engineer in there on their own.

Kevin responded if the County doesn't do it on their own, it is our action to do it and at our expense. If we have to take the building down, then it would be rolled back on the property owners, which is the County.

Deputy Mayor Rumbold asked if the County has been there to inspect the mold issue. She asked what the County has done.

Manager Revella responded you don't need to go in to notice the mold. The County has not done anything but pay the Village to clean the front yard and secure the building.

Deputy Mayor Rumbold asked if the County has even inspected the property.

Manager Revella responded they were there with himself and the Mayor.

Mayor Maher commented we have a good action now and we will call the County and hopefully they will do something, but it's our Village and if there is a problem we will fix it.

All ayes. Motion carried.

### **Alternate Planning/Zoning Board members**

Mayor Maher commented this was discussed at the Tri-Board meeting. One of the issues is having alternate members because it is difficult to get a quorum.

Manager Revella responded it is also good in the event of conflicts and someone needs to step aside. A local law would be required to allow for alternates.

Kevin indicated the laws typically recommend 2 alternate members. They would be called upon to attend the meetings and be ready to sit in, if necessary, due to lack of a quorum; at least three Board members.

Trustee Lown asked if the alternates would be attending all the meetings.

Kevin responded they would need to be there so they are familiar with the applications.

Deputy Mayor Rumbold asked if the alternates could participate and ask questions of the applicant and just not vote.

Kevin responded as a member of the public not necessarily a member of the Board.

Trustee Hoffman clarified that the alternate would have to attend every meeting and only have to fill in for a conflict or lack of quorum.

Kevin responded the alternate is there to listen and keep familiar with the project in the event they need to step in due to a continual absence of one of the members.

Mayor Maher asked Trustee Leonard to talk to the Chair's of the Planning & Zoning Board to make sure they are okay with it.

### **Public Comment**

Diane Sandbothe, 90 Liberty Street asked what the penalty is if the business owner does not comply with the Sign Law.

Kevin responded there is a fine of \$250 per week.

Diane asked about the dog barking ordinance, if they are supposed to clock the dog for the 15 minutes. She commented about the Beazer dedication and the problems with Jacobs

Ridge and Liberty Street. She recommended letting the contractor go in there and fix everything before the Village takes over.

Lynn Schwandt, 143 N. Montgomery Street asked if we have flood insurance on all our buildings and why not.

Manager Revella responded we don't have flood insurance and it would be costly to insure if it's insurable at all.

Lynn commented FEMA covered the problems we just had and what if there is more damage, then we would have to pay it out of pocket.

Manager Revella responded yes, once we have everything back in order, we'll make an assessment.

Mayor Maher responded it's an opportunity to look at all the bills and look at how much it cost and during budget time, assess how much the flood insurance is going to cost as opposed to what the damage was. It will be up to the Board at that time to make a determination on flood insurance. He commented that almost no other municipality has flood insurance.

Lynn commented there is a huge tree lying on the power lines on the Rail Trail.

Manager Revella responded he believed that was Central Hudson's line and they will have to come in.

Lynn commented she has a problem with the Sign Law and the letters to businesses indicating the Law might get changed. She asked about the businesses that already complied with the Law, that is a slap to their face.

Mayor Maher responded it is a very tough situation. He disagrees with the Law and no matter what the Board decides to do, people will be upset.

Joe Horan, owner of Gridley Horan Funeral Home, commented there has been a lighted sign on the funeral home since 1963. In 1975 the name changed to Gridley Horan Funeral Home. He indicated that if he was notified in 2002 of a change in the Law, and he was in violation of that law, he would have been here in 2002. To the best of his knowledge, he did not receive any notification. He commented that in 2002 times were very different. He inquired as to how many building permits were issued in 2002 as compared to 2010 or 2011. The economy is in dire trouble and businesses in this Village and businesses all over are in dire trouble. He commented that businesses right now are struggling to keep their doors open and he hopes the Board thinks long and hard about changing this law to keep the Funeral Home's sign lit after 48 years.

Willie Carley, 10 Evergreen Lane, commented the Home Association needs the Village's help with Beazer. They were told one thing and now it's another. They want their area done in a timely fashion. He commented the lights on Galloway have been on since day one and they are not dedicated. The lights on Evergreen are off and it is not dedicated. He indicated there are many people that walk on Evergreen and it is pitch black, and there are speeding young adults and there is a safety issue. He encouraged the Board to pull

the letter of credit and he asked the Board for their support and at a minimum get the lights on.

Manager Revella responded he doesn't know why the lights on Galloway are on, they should not have been. If NYSEG allowed that to happen he doesn't know what agreement was made to allow it to happen. NYSEG won't turn on the lights on Evergreen without the Village signing a contract and that can't be done without dedication. Beazer could turn them on today.

Kevin commented apparently NYSEG wants Beazer to sign a 5 year contract.

Mayor Maher asked if a letter can be sent to Beazer from the Village citing the safety concerns and asking them to turn on the lights.

Manager Revella responded that can be done.

Deputy Mayor Rumbold asked why the lights are on in the one section and not the other.

Kevin responded he doesn't know and he believes the Village is paying for the lights on Galloway without dedication. He suggested to John to bill Beazer for the years they've been on. He doesn't know how the arrangement was made or who it was made with.

Mayor Maher recommended John draft a letter immediately and follow up with a phone call.

Kevin commented he thinks the Evergreen section should go through at the next meeting. If we take the dedication of that section, all those questions will go away. The lights will be ours and on, the roads will be ours and the plowing will be done by the Village.

Manager Revella commented he doesn't understand how they just can't transfer the electric bill.

Mayor Maher commented lets work on billing Beazer for those lights. We are hearing we will get the dedication on the first part on the 8<sup>th</sup> and if we don't get the dedication on the second part, we are taking the letter of credit. That is what we acted on tonight. We expect both to be dedicated for the next meeting.

Trustee Bowen clarified that Phase I is Evergreen and Phase II is Galloway.

Kevin commented if Evergreen section has a minor issue, it can be part of the maintenance bond which is held for a year.

Deputy Mayor Rumbold asked if we have a copy of the contract with NYSEG for the lights.

Manager Revella responded he doesn't have a copy of the contract for those lights. He doesn't understand what Beazer is saying about a contract. He commented he would try to find out who authorized that in 2007.

Willie asked if nothing happens and you have to pull the letter of credit, can that cover the lights being turned on.

Kevin commented if we take dedication, the lights will go on. If we pull the letter of credit, the lights will also go on.

Willie expressed his concern with people walking or playing basketball and the cars at night.

Trustee Hoffman responded the Board recently authorized stop signs at the intersections which will be helpful.

Keya Bazemore, 5 Spruce Court asked what happens if the letter of credit is pulled and the repairs can not be performed due to the weather.

Manager Revella responded it doesn't matter, they are our roads and we have to take care of them.

Keya asked how the homeowners would be notified if the dedication happens, would they receive a letter.

Manager Revella responded no letter would go out, homeowners could come to the Nov 8<sup>th</sup> Board meeting or there will be something in the paper.

Mary Ellen Matisse, Clinton Street, asked about the clock in front of Walden Savings Bank being lit and it being affected by the Sign Law. She asked about the sidewalk on Hidden View Drive.

Manager Revella responded that is one of the sidewalks to be fixed. There are some on Oakland, Orchard and Grant as well.

Mary Ellen commented about the Organ Donor Network looking for business partners and suggested Walden become a partner. She indicated only 50,000 people in Orange County have registered.

Mayor Maher responded it was a great program put on by the Walden Women's Club.

Becky Pearson, 167 Walnut Street, asked if the Taylor Biomass contract is the same contract or a different contract.

Mayor Maher responded it is the same contract we have been negotiating and it's about the 10<sup>th</sup> version since we've been negotiating things to protect the Village. The latest version was based on Judge Slobod's decision; which basically took away the approvals that Taylor had with the Town of Montgomery. Taylor had a counter-suit which temporarily gets his approvals back and in that time we can approve negative declaration SEQRA as long as we believe we have a safe out in the contract. The language in the contract protects us in the event the Slobod decision has any effect so we can get out of the contract.

Becky asked about the hauling of the garbage, whether we collect it ourselves or contract with a hauler. She asked if any garbage company can deliver to Taylor. She asked if the Village is considering its own garbage pickup.

Manager Revella responded we have the contract for disposal with Taylor and it doesn't matter who brings it there.

Mayor Maher responded that we are looking at every possible option including our own garbage pick up.

Becky asked for clarification of the motion with the Sign Law, if in 6 months the Sign Law will be enforced.

Mayor Maher responded we allowed for another 6 months because many business owners were not Noticed. The Board has decided to give another 6 months while we rethink what we are going to do.

Becky asked if the Sign Law will be redone within the 6 months or after the 6 months. She commented it seems a bit backwards. She commented about the Planning Board meetings and how members are supposed to contact Dean if they can not attend the meetings. She understands the need for alternates; however, if the members did what they were supposed to do and let Dean know if they can't attend, then those people could be rescheduled. She commented about Board members not being required to show up at every meeting, but the alternates are required to attend each meeting. She expressed concern regarding the planning and zoning board minutes.

Manager Revella responded regarding the minutes that it is a personnel matter and it is being addressed.

Brian Sebring, 84 East Avenue asked about the tree that fell over across the Tin Brook and now is the time to get it.

Manager Revella agreed, equipment is needed.

Anita Vandermark, Highland Ave. asked if there was any revenue received from picking up the electronics; she indicated the service was appreciated.

Manager Revella responded we don't have the totals since we are still picking items up.

Anita commented Dale Hammond is now head of the WBA, she clarified the meeting is Friday 10/28. She requested all the Trustees attend the Brick Dedication on 11/6 at 1pm.

Trustee Penney indicated there will be a free shuttle from the Oak Street Parking lot.

### **Approval of the Minutes – October 11, 2011**

Deputy Mayor Rumbold moved to approve the minutes from October 11, 2011. Seconded by Trustee Bowen.

Trustee Lown indicated two corrections: page 2, Mayor Maher's comment should read first, not fall; page 6 should read roof not room.

Mayor Maher indicated he will clarify the Committees for the next meeting.

6 ayes, 1 abstention by Trustee Penney. Minutes approved.

**Payment of the Audited Bills**

Trustee Lown made the motion to pay the audited bills. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Correspondence - None****Miscellaneous Comments from the Board of Trustees**

Trustee Leonard commented that he and Stephanie are working on connecting our Rail Trail with the Walkkill Valley Rail Trail and they will be attending a conference in New Paltz on November 5<sup>th</sup>.

Mayor Maher commented he received a letter from the Sheriff's dept indicating their budget has been cut so as of January 2012 deputy sheriffs will not be able to assist with special events, which will probably increase our costs.

**Executive Session – PD Personnel, Property Purchase, Manager Review, Litigation, Attorney-Client & Finance personnel**

Trustee Penney made the motion to go into Executive Session to discuss PD Personnel, Property Purchase, Manager Review, Litigation, Attorney-Client & Finance personnel. Seconded by Trustee Bowen. All ayes. Motion carried.

**Reconvene**

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

**Attorney-Client Session**

Trustee Lown moved to go into Attorney-Client Session. Seconded by Trustee Penney. All ayes. Motion carried.

**Reconvene**

Trustee Penney moved to reconvene the regular meeting. Seconded by Deputy Mayor Rumbold. All ayes. Meeting reconvened.

**Adjournment**

Trustee Penney moved to adjourn. Seconded by Trustee Bowen. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees  
Regular Meeting  
October 25, 2011  
Motions & Resolutions**

**Public Hearing – Littering Law: Introductory Local Law I4 of 2011**

Trustee Bowen made the motion to open the public hearing on Local Law I4 of 2011, “littering”. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Trustee Lown made the motion to close the public hearing on Local Law I4 of 2011, “littering”. Seconded by Trustee Penney. All ayes. Motion carried.

Trustee Leonard made the motion to declare this a type II action under SEQRA. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Deputy Mayor Rumbold made the motion to adopt Local Law #6 of 2011 “Littering”. Seconded by Trustee Lown. All ayes. Motion carried.

**Beazer Homes**

Trustee Leonard made the motion to give Beazer Homes until the November meeting, and then call the letter of credit. Seconded by Trustee Lown. 6 ayes, 1 abstention by Trustee Hoffman. Motion carried.

**IT Administrator**

Trustee Penney made the motion to appoint John Revella, Village Manager as the IT Administrator. Seconded by Trustee Lown. All ayes. Motion carried.

**Introductory Local Law I-5 of 2011: Sign Law Compliance**

Deputy Mayor Rumbold moved to introduce Local Law I-5 of 2011: Sign Law Compliance and set the public hearing for November 8, 2011 at 6:30pm. Seconded by Trustee Lown. All ayes. Motion carried.

**Budget Amendment – Resolution 11-11-12**

Trustee Leonard moved to adopt budget amendment Resolution 11-11-12. Seconded by Trustee Bowen. All ayes. Motion carried.

**Taylor Biomass contract**

Trustee Lown moved to table Taylor Biomass award for two weeks. Seconded by Trustee Bowen. All ayes. Motion carried. All ayes. Motion carried.

**14 Northern Avenue**

Trustee Lown made the motion to authorize the Village Manager to get a structural engineer or an architect to inspect 14 Northern Ave. Seconded by Trustee Penney. All ayes. Motion carried.

### **Approval of the Minutes – October 11, 2011**

Deputy Mayor Rumbold moved to approve the minutes from October 11, 2011. Seconded by Trustee Bowen. 6 ayes, 1 abstention by Trustee Penney. Minutes approved.

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

Trustee Lown made the motion to pay the audited bills. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **Executive Session – PD Personnel, Property Purchase, Manager Review, Litigation, Attorney-Client & Finance personnel**

Trustee Penney made the motion to go into Executive Session to discuss PD Personnel, Property Purchase, Manager Review, Litigation, Attorney-Client & Finance personnel. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Reconvene**

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

### **Attorney-Client Session**

Trustee Lown moved to go into Attorney-Client Session. Seconded by Trustee Penney. All ayes. Motion carried.

### **Reconvene**

Trustee Penney moved to reconvene the regular meeting. Seconded by Deputy Mayor Rumbold. All ayes. Meeting reconvened.

### **Adjournment**

Trustee Penney moved to adjourn. Seconded by Trustee Bowen. All ayes. Meeting adjourned.