

**Village of Walden
Board of Trustees Regular Meeting
November 22, 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

Public Hearing – Introductory Local Law I-6, Alternate Members

Trustee Leonard moved to open the public hearing on Introductory LL I-6, Alternate Members. Seconded by Deputy Mayor Rumbold. All Ayes. Motion carried.

Mary Ellen Matise, 21 Clinton Street, asked if the issue concerning attendance of the alternate members was resolved.

Manager Revella responded it is more of a policy question than a law issue. Since he will be appointing the members, a memo would be sufficient to address attendance concerns.

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

Village Manager’s Report

- Gas line installation at Wooster’s Grove went well, heat is on and functioning, pads arrived today and will be installed. Building will be up and ready for use on Monday.
- Sidewalks are being worked on; Hidden View Drive, Grant St, Oakland Ave.
- FEMA meeting with programming reps and toured the facilities and went over estimates which lead us to Bond proposal later in the meeting
- Several calls/discussions with NYSEG regarding Beazer’s lights. The lights are still not on; we are being told we need a certification.
- Went through Beazer development with DPW to determine locations for snow removal and looked at mailboxes. The retention pond was checked and met with HOA to discuss mailboxes.
- Met with Historical Society and Walden Fire District regarding their negotiations over properties on the west side for the new fire house; relocation of the Historical Society’s storage.
- Police Officer Barry is retired as of November 30th.

- Renovations are continuing at Cherry St, working on getting the water line that goes through the building; it will now serve as an administration building
- Met with Mr. Sandbothe, Liberty Street regarding drainage swale; have a plan of action.
- Access road to Oak St parking lot is nearly finished
- Correspondence with Marisa Ellis at Interstate Waste regarding commercial waste and leaf pickups; asking for one more round of leaf pick up.
- Water dept has been shutting off water service due to non payment; working out payment plans.
- Ordered road salt – 400 tons
- Conference with Delaware Engineering regarding billing; went through the Capital Accounts, their billing is only under two contracts and wanted to make sure we're not exceeding contract limits
- Tour of sewage treatment plant with Mayor, Trustee Hoffman, Delaware Engineering rep and member from Wallkill Valley Times.
- OCTC Long Range Plan meeting Thursday night, very productive. Talked about future rail line and road projects in the county. Bridges over Delaware and Neversink Rivers are likely to be replaced in 2012. The Route 209 bridge over the Neversink scheduled for replacement 2013 and the bridge over the Wallkill on Rt 211 scheduled to be replaced or rehab in 2016, stage II construction of Route 17 exit 122 to prepare for I86 and the proposed road to connect the Galleria with the old Orange Plaza. MTA's projects were discussed; a second rail line at Port Jervis, in addition all repairs from Irene are scheduled to be done by the end of this month.
- Clearing sewer lines and mains from the storms; street sweeper is out

Trustee Bowen asked about the left turn off Main Street which is now from S. Montgomery Street and the two parking spots that are there. He indicated there are going to be accidents.

Mayor Maher commented he is worried about taking away spots from the businesses that are there. He indicated it would take a local law and asked Kevin how long it would take to move the process forward.

Kevin responded with the information he could have a draft local law on the Mayor's desk at the next meeting.

Trustee Leonard asked if it is just two spots that would be affected.

Manager Revella responded we will look at it and look at the parking on Walker Street. He commented the Fire Dept would likely have input and will go out and do a walk-around with the Manager. He commented that he received a notice from the NYS Assembly Minority Meeting on Dec 15th.

Trustee Leonard asked about the number of sludge bills and if they were the Village's responsibility.

Manager Revella responded they were not but due to ending the project and numerous change orders, they amounted to nearly the same and the Engineer proposed we pay for the sludge bills and they take away the change orders and call it even.

Mayor Maher asked about new signage for the Oak Street Parking lot.

Manager Revella responded signs will be put up but first there will be additional fencing and some guidance railing.

Trustee Lown asked about the sanitizing of the bathrooms. She asked about the regular cleaning person and asked if the reports in the packets could be double-sided.

Manager Revella responded the sanitizing was done this past weekend and the regular cleaning person is still on vacation. He agreed pages could be double-sided.

Deputy Mayor Rumbold asked about the vehicle maintenance concerns, what are those.

Manager Revella responded we are getting ready for the winter. Some of the trucks are extremely dilapidated due to the liquid calcium and no rust-proofing under the vehicles. All the new vehicles have been rust proofed, but the other ones already had some rust and couldn't be undercoated. The mechanic has welded some steel plating to try to slow it down and lengthen the life of them. Most of the big trucks were purchased around the same time, 10-11 years ago and they will likely all die around the same time and we need to consider getting new ones next year. The maintenance costs are exorbitant.

Deputy Mayor Rumbold asked if the trucks were purchased without the rust-proofing.

Manager Revella responded yes, but he didn't know why.

Trustee Leonard commented that according to consumer's report, rust proofing is not effective on cars. It doesn't say anything about trucks. He also indicated he didn't know why it wasn't done on the trucks.

Trustee Bowen asked if rust-proofing was done on the trucks now.

Manager Revella responded yes, on the new ones. He indicated every car that is on the road during the winter and every car we've gotten since he's been here have been done.

Deputy Mayor Rumbold asked how much would a new truck cost.

Manager Revella responded over \$150,000.

Business of the Board of Trustees
Bond Resolution for Storm Damages

Deputy Mayor Rumbold made the motion to pass Bond Resolution 15-11-12, Storm Damages. Seconded by Trustee Lown.

Manager Revella commented this would cover us for the over \$300,000 to repair things from the tropical storm. It is anticipated to be reimbursed by FEMA which could happen after June 1st. This bond has no interest for the first year and hopefully, we'll get the reimbursement before the end of that first year.

Trustee Bowen responded that is perfect, if we don't get reimbursed even until September, it's one year interest free.

All ayes. Motion carried.

Resolution 14-11-12 Tax Exempt Properties

Manager Revella commented these properties are located outside the village; it's needed to make sure we don't pay taxes on our properties.

Trustee Bowen made the motion to pass Resolution 14-11-12, tax exempt properties. Seconded by Trustee Leonard. All ayes. Motion carried.

Sign Law

Kevin commented we did receive the information back from the County and can adopt.

Deputy Mayor moved to adopt Local Law 7 of 2011, Sign Law. Seconded by Trustee Lown.

Mayor Maher indicated this gives us a 6 month window in which time we will get together as elected officials with the businesses whether we will or won't change the law moving forward.

All ayes. Motion carried.

Village Election Poll Hours

Lori suggested changing the voting hours from 6am-9pm to 9am-9pm. She indicated we are one of two municipalities in all of Orange County that hold our election from 6am-9pm.

Trustee Bowen asked if she knows the number of people that come before 9am.

Lori responded no, she didn't do that last year, but will definitely do it this year.

Mayor Maher commented there are people that work in the city and don't get back and rely on the 6 am.

Lori responded we have an absentee ballot process.

Trustee Leonard commented there are seniors that get up early and like to vote early.

Trustee Lown commented that she is not a senior and does not work in the city, but she does vote at 6am because she has to go to work. She would like to see the numbers.

Trustee Hoffman commented he agrees with Tara; he votes early in the morning before going to work.

Payment for Roadwork

Deputy Mayor Rumbold moved to make the payment for Roadwork. Seconded by Trustee Lown.

Manager Revella commented the roads were done including the parking lots and were done for \$60,000 less than estimated.

Deputy Mayor Rumbold asked about the two handicap parking signs from Orchard Street that are still laying on the ground, if they will be put back up. She asked if everything will be complete before winter and asked if the Engineers signed off on everything.

Manager Revella responded the underground needs to be checked before they get put back in. The 3 hour parking entrance signs need to be put in also. He confirmed the Engineers have checked it and noted that we have a one year maintenance agreement.

All ayes. Motion carried.

Bid Award for Bradley Assembly Room Windows

Trustee Bowen made the motion to award M & P Builders the bid for the Bradley Room Windows. Seconded by Trustee Lown.

Mayor Maher indicated this is the County grant that the Village received due to the Energy Audit that was done. We got the indoor lighting completely done with fixtures and the windows for the Assembly Room will be done; no taxpayer dollars.

Manager Revella commented this is the same company that did the library windows. It has been discussed lowering the sashes to make them easier to open. The exterior will be the same as the rest of the windows in the building.

Mayor Maher asked about the curtain; if it can be put back up.

Manager Revella responded Dean has put it up at least 6 different times and every time he puts it up, it comes back down.

Trustee Leonard asked if it is pulling out of the wall. He indicated John Katonah had real difficulty putting the sound system box on the wall; it took him nearly a whole day.

Mayor Maher commented lets keep putting it back up as much as possible. Let's fix it.

Manager Revella commented the bid award is \$27,597.00 for M&P Builders.

All ayes. Motion carried.

Local Law I-6 – Alternate Members

Deputy Mayor Rumbold declared Local Law I-6 a type II action under SEQRA. Seconded by Trustee Lown. All ayes. Motion carried.

Trustee Lown moved to adopt Local Law 8 of 2011, Alternate members. Seconded by Trustee Bowen. All ayes. Motion carried.

Village Historian request approval to apply for Grant

Trustee Leonard moved to approve Village Historian's request to apply for grant. Seconded by Trustee Lown.

Mary Ellen Matise commented the Orange County Historian gave us money this year to make maps and she would like to apply for more money to be used maybe for a monument tour for the kids.

Deputy Mayor Rumbold asked Mary Ellen where everything is stored.

Mary Ellen responded mostly in her house.

Mayor Maher commented we should find some place for her to store things.

Mary Ellen commented about the Bradley letters and other items in the Clerks office.

Deputy Mayor Rumbold commented it is important to know what we have and where it is and the condition of the items.

Manager Revella responded we looked into some archival boxes for the Bradley letters.

Mayor Maher asked Mary Ellen write down her recommendations.

Deputy Mayor Rumbold commented she would appreciate an evaluation by Mary Ellen of the condition of things and an inventory and how we preserve it. She asked if the Clerk can grant access to the Historian.

Manager Revella responded all the records have public access.

All ayes. Motion carried.

Trustee's Committee Reports

Energy Efficiency Committee/DPW liaison – Trustee Leonard

Trustee Leonard commented this coming week he'll get back to the ceiling tiles and get them completed.

Treasurer/Clerk liaison – Trustee Bowen

Trustee Bowen commented the financial system is running fine and moving along. He indicated the credit card was approved and kudos to the staff up front for everything.

Economic & Community Development Committee – Trustee Lown

Trustee Lown wished everyone a Happy Thanksgiving. She commented the tree comes on Nov 29th and there is a Christmas on Main Street meeting Nov 30th with the Christmas on Main Street celebration on Dec 3rd with Santa coming. December 7th there is a Walden Community Council meeting at the Walden House at 7pm. She indicated Mayor Maher, Trustee Bowen and she with two youth from the summer employment program are attending, as well as Mr. Bliss and Mr. Revella, on Dec 8th the Orange County Annual Summit. She reminded everyone about Leadership Day and the application deadline is 12/1. Applications were available at the meeting or on the website.

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

Nothing to report

Shared Services Committee/Police Dept. liaison – Trustee Rumbold

Nothing to report

Building Dept liaison – Trustee Hoffman

Nothing to report

Discussion Items

Winding Brook Townhouses

Manager Revella commented members of the Association contacted him and have been discussing over the past year the sewer pump station for the compound. He invited them to speak.

Susan Picarillo, manager for the Winding Brook Townhomes and owner of a townhome, presented a brief history of the Winding Brook Development. It was originally built in 1990; the Phase 1 community developer also built a pump station which was never dedicated to the Village. It had been a punch list item for discussion and dedication for many years. The HOA has maintained the pump station for the past 21 years. In 1996, Phase II was introduced and the developer was DLK Construction. The Board of Directors at the time and the HOA tried to dedicate the pump station again to the Village; several attempts have been made to transfer it to the Village. The pump station has been inspected quarterly. She indicated they have all the documentation. In October 1996, there is a letter from Jacobowitz & Gubits indicating the Village is willing to take over ownership and in February 1997 the pump station was inspected by the Village Engineer, DPW and the Village Manager. This has been ongoing over the past 15 years. The HOA has maintained it and upgraded it. In 2004, they started meeting with Manager Politi about the dedication. It got down to the legal language of the HOA declaration of covenant. The language was changed and the HOA has been doing their due diligence and maintaining the pump station. She provided all the documentation and doesn't understand why dedication hasn't happened. The Village Engineer has recently been out there and did an inspection and now reports it is maintained and in good working order, but because it is 20 years old it could be too costly, their recommendation is not to take it. There are 86 homeowners in there, that's double and triple your tax paying dollars and they are voters and should be taken in consideration. She commented this has been going on for a very long time and it is very unfair.

Manager Revella commented this has been discussed several times. It's been discussed with the Engineers and the sewer plant operator to go and do inspections and review paperwork on the system. The recommendation was not to take it at this time due to the age, access and we wouldn't have control of the trunk lines coming from the station to our mains. We don't know those conditions, don't know if they've been cameraed or not or if it's something they would want to do. We don't maintain the water mains in the development either so we have no control over them. We stop at the entrance.

Mayor Maher asked if there are any precedents.

Manager Revella no, not a townhouse development.

Kevin commented his recollection is that originally, when this project was planned everything was supposed to be private, including the pump station. At some point the Village Board said they would consider taking the pump station as long as all the maintenance records were inline and provided we got a bill of sale from the HOA to the Village, essentially selling it to the Village for \$1. Over the years, there have been a series of delays. There was a delay in getting the legal paperwork for the bill of sale; there were some references to a change in the bylaws of the HOA and there was initially a problem with getting all the records for the maintenance of the pump station. Three Engineers ago,

their recommendation after looking at all the maintenance records and inspected, was it was okay to go forward. That's when the bill of sale was talked about. He approved the bill of sale at least twice and then it went back and fell in a state of limbo. Action has never been taken.

Mayor Maher recommended we make an attempt at least instead of making a blanket statement that it would be too costly, determine what it would cost to take dedication and get some numbers together and make a decision and move forward.

Kevin commented it would come down to whether the cost of the upgrade is a cost on the 86 townhome owners or spread out across the entire village.

Mayor Maher responded we need to get the information and we owe it to them to make a decision as soon as possible. Perhaps by the next meeting we can have the Engineer, Lanc & Tully come in here and do a presentation to the Board to provide the facts we need to make a decision.

Deputy Mayor Rumbold would like to see the pump stations history and what has transpired. She is confused about the water lines and why the Village would say they would take it to begin with.

Kevin responded the way the project was originally planned in the 1980's and part II was a different developer, it was always intended to be a private improvement. Water lines and sewer lines were supposed to be a self contained cost of the HOA. After phase II came on line, there was a concerted effort by the homeowners to convince the Village Board to take the pump station. The Village Board at the time said they would, provided they received a report from the Engineers that it was in satisfactory condition and they weren't inheriting any maintenance issues. He believed the Engineers were the engineering firm prior to Stantec. At the time, the Engineer stated it had been maintained properly. Then it became a legal issue with the bill of sale. He believed the HOA didn't produce the paperwork and it didn't come back for two years. Now, the Engineer is indicating the pump station is 20-21 years old and the life of the station might not be as long as the Village likes, so you might not necessarily want to take it. He hasn't seen the paperwork in the last couple of years, but the last time he did see it, he approved it as being in proper form.

Manager Revella commented it is a private road so we need access and we don't have control over the sewer or water mains in the development.

Deputy Mayor Rumbold asked why would we take a pump station if we don't have control over the mains.

Manager Revella responded that was the question by our plant operator as well.

Trustee Leonard asked the Manager if he would recommend cameraing the sewer mains.

Manager Revella responded the Engineers have recommended that.

Trustee Bowen asked if they are linked into our main.

Manager Revella responded they are linked, that is why they get charged the fees, it goes to our sewer plant for processing. From the road in, we have no control over at this time.

Kevin commented if there is a break within the development, they have to fix it. They are asking us to take the pump station, which is outside on Rt 52, outside the development, but anything past that is the HOA.

Susan provided a summary of the documentation and letters from the past several years, which indicate the pump station is in good working order. She commented how members of the Board's have changed over the years and everyone needs to be brought up to speed. She indicated the pump station has been upgraded and maintained.

Deputy Mayor Rumbold asked if a resolution was passed by the previous Board indicating they would take dedication of the pump station if certain criteria were met.

Kevin responded he believes there was an appeal by the 86 homeowners from the development asking the Village Board to accept the pump station as a public responsibility and the Board at that time was okay with it as long as all the inspections and tests were done properly and the legal paperwork was done. According to the paperwork Ms. Picarillo just provided there was activity in 1996, 1997 and 1998, then nothing until 2002. There was activity again in 2002, 2003 and 2004 and then nothing until 2006.

Deputy Mayor Rumbold responded they had a certain expectation because they spoke to that Board at a certain point in time and that Board said that they were willing to accept the pump station. She asked if there was a vote taken by that Board indicating that they would take it under certain circumstances.

Kevin responded there could have been a vote back in 1996 or 1997, but he is not certain. He believes it was a conditional vote.

Deputy Mayor Rumbold asked for it to be researched; we need to know if that Board took a vote.

Manager Revella asked why didn't they offer dedication in the original.

Kevin responded it was never intended to be a public improvement; it was intended to be solely contained for the HOA.

Mayor Maher commented we will get the information for the next meeting.

Susan Picarillo commented the residents/HOA has expended dollars in good faith on management fees and attorney's for this to happen; our due diligence has been done.

Mr. Picarillo commented the actions of the Board and the actions of the Manager at the time were contingent on certain things occurring. There were certain items that needed to be taken care of by the HOA, at their cost, and they hired an outside firm to bring the station into the parameters the Village wanted. The findings were presented to the Board. There has been money spent, in good faith.

Mayor Maher responded we will get all the information for the next meeting.

Wileman Avenue Stop Sign

Manager Revella commented residents have complained about the traffic on the road and there might be a need for a stop sign at Jessup and Wileman. As discussed at the last Board meeting, there is the ability to put in speed humps in the road. If the intent is to slow down traffic, speed humps might be more appropriate than a stop sign.

Trustee Bowen commented he knows a resident that lives on Wileman who indicated it is like a raceway. He asked if there is something that can be put in the roadway, that is not too costly, that could slow down traffic and if it we don't get complaints, then it worked.

Manager Revella commented since there is a stop sign on Highland, it has been suggested by a resident, people are bypassing that stop sign by going to Wileman.

Mayor Maher commented we can meet with the residents and get a consensus.

Public Comment

Willie Carley, 10 Evergreen Lane, thanked the Board for working with his HOA and they appreciate that it is still being worked on. There were concerns at the meeting of the HOA. One is snow removal and cleaning the sidewalk in front of the 2 property owners; he asked if the Village could send them a letter.

Manager Revella responded that every resident will get a letter regarding snow removal and the mailboxes.

Willie commented the mailboxes came up at the meeting as well and the question came up if it doesn't meet the code of the Village, why were they allowed to be put there in the first place.

Manager Revella responded it is not a village code, it is federal. We don't recommend where they are now due to plowing issues. The post office tells you where to put the mailbox.

Willie confirmed it is a federal code and not a village code. He asked if the whole post needs to be moved back or just positioned more upright.

Trustee Hoffman recommended they mark the mailboxes in the field.

Manager Revella responded each resident will get a specific individual letter. He is waiting for the lights to get on before he sends the letter.

Deputy Mayor Rumbold asked about the ground being frozen and residents being asked to move the mailboxes.

Manager Revella clarified that if any part of the mailbox overhangs the granite, it will get hit.

Trustee Bowen commented he would be happy to go to Willie's house to go over it and then Willie could pass the information on.

Willie asked about the stop signs.

Trustee Hoffman indicated there are some not in yet.

Manager Revella responded they have been adopted by Local Law. He indicated he will call underground about getting the rest in.

Trustee Bowen asked Mr. Carley and Mrs. Picarillo to notify the Village when they are having their HOA meetings, so that a Board member might be able to attend the meeting to expedite concerns.

Becky Pearson, 167 Walnut Street, asked for a short synopsis for the alternate members. She asked if the alternates have to attend every meeting.

Mayor Maher indicated we had a public hearing and adopted the Local Law, so there will be alternate planning and zoning members. He responded a memo will go out by the individual that appoints the member.

Manager Revella indicated he will send out a memo to all members, regular and alternate, regarding attendance.

Becky commented that Mr. Jacobowitz came before this Board representing the County Planning Board discussing economic development at our borders; she asked what was done with that comprehensive plan.

Trustee Hoffman clarified it wasn't just economic development at our borders, it was county wide.

Manager Revella responded the Village answered the questionnaire and will provide her with a copy if she wants it.

Becky confirmed the Oak Street Parking lot is done, but asked if the Village had to make any concessions to the neighboring townhouses or others in the neighborhood or will we be.

Manager Revella responded the Village has not made any concessions at this time and it couldn't be discussed further.

Becky commented stop signs can not be used as a deterrent for speeding. She wasn't aware speed humps were available.

Approval of the Minutes – November 8, 2011

Deputy Mayor Rumbold moved to approve the minutes from November 8, 2011. Seconded by Trustee Bowen. All ayes. Motion carried.

Payment of the Audited Bills

Mayor Maher indicated there was an ad that was charged to him and charged to the Village, it will not be paid with taxpayer money, it was \$79+ and it will be taken out of the bills.

Deputy Mayor Rumbold moved to pay the audited bills. Seconded by Trustee Lown.

Deputy Mayor Rumbold confirmed the new doodads on the bills are for the new system and she commented she likes the description, it is much easier. She commented she won't pay bills without an explanation.

All ayes. Motion carried.

Correspondence - none

Miscellaneous Comments from the Board of Trustees

Trustee Lown commented that she is extremely thankful this Thanksgiving to have each and everyone in the room to be in her life and she is very proud to be a member of this community and this Board.

Trustee Penney reminded everyone about Christmas on Main Street, Dec 3rd, and the VFW will be open for coffee, hot chocolate and hot dogs. She reminded everyone about Breakfast with Santa on December 11th from 7-11, \$8 per person and pictures with Santa will be \$3.

Deputy Mayor Rumbold commented about the intersection of Route 52 & 208 and the traffic being very dangerous. She asked if possibly a uniformed officer can be available during rush hour.

Manager Revella commented from 4-6 would be beneficial.

Trustee Leonard asked about an issue with the tennis courts.

Manager Revella responded there was cracking around the posts; the company fixed it so the money was released.

Trustee Leonard thanked the DPW for picking up the brush. He announced the 10% challenge will be at Dr. Young and Dr. Lee's office during Christmas on Main Street.

Mayor Maher announced Weatherization funds are available for up to 60 units to provide heat funding, phone #: 845-524-4663. He indicated NYCOM has been asking communities to over-ride the 2% tax cap and asked if the Board wanted to discuss it at the next meeting.

Executive Session – Property purchase, Litigation, Personnel

Trustee Bowen moved to go into Executive Session to discuss property purchase, litigation and personnel. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Reconvene

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

Adjournment

Trustee Lown moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees
Regular Meeting
November 22, 2011
Motions & Resolutions**

Public Hearing – Introductory Local Law I-6, Alternate Members

Trustee Leonard moved to open the public hearing on Introductory LL I-6, Alternate Members. Seconded by Deputy Mayor Rumbold. All Ayes. Motion carried.

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

Bond Resolution for Storm Damages

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