

**Village of Walden
Board of Trustees Regular Meeting
April 24, 2012**

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
		Willie Carley

Absent

Also Present:	John Revella, Village Manager
	Lori Pinckney, Village Clerk
	Austin DuBois, Village Attorney
	Rita Rich, Village Attorney

Rita Rich introduced herself as one of the attorneys for Blustein, Shapiro, Rich & Barone.

Presentation – Delaware Engineering – Sewer Plant

Mary Beth Bianconi introduced herself as Project Manager and introduced Brian Suozzo, Project Engineer, both of Delaware Engineering. She indicated the purpose of this presentation is to discuss the Village's Wastewater Treatment Plant and their proposal to implement the next steps for the Plant. (A packet is included) The original treatment plant was built in the 1930s which consisted of a series of pipes in the ground collecting the wastewater that went to a settling tank where the water settled leaving residual material, the water would overflow and go into the river. This was common for the time period. In the 1960s there was the Clean Water Act that dictated a better treatment system so the first trickling filter was put in and it is still in use. There was a second trickling filter built in the 1980s, so many components are 30-40 years old. She indicated a treatment plant has four steps: a preliminary step where solids are removed, a biological step which includes this trickling filter, there's a disinfection step which includes chlorine and then there's sludge handling which are the materials that are left over. The trickling filter works by utilizing large tanks which are filled with grading which contains media such as rocks or plastic bits. There is an arm above that spins and wastewater trickles onto the media, biology grows on the media and the water goes through it, the biology dies and peels off to become the sludge. The water gets disinfected and released to the river. In 2007 & 2008, there were about 80 permit violations at the Plant. Some of the violations were issued due to inadequate treatment at the plant and operational process control at the plant. The Village responded by changing the operators and operational practices, which improved the plant significantly. The Village also entered into a consent order with the DEC in 2009 and it is still in effect today. The wastewater treatment components of the order were completed and operational in the summer of 2011 which involved the solids separation process and sludge handling components. That portion of the DEC consent order is resolved. The ongoing portion is the collection system which involves a series of pipes

and manholes which gives many opportunities of rainwater and sump-pumps to get into the system which can provide challenges to keep that Plant in compliance and get good treatment. The Village continues to work with Lanc & Tully to resolve those issues. She indicated that 3 of the 4 components of the Wastewater Treatment Plant have been upgraded in the last couple of years and have a 20-30 year service life; the biological component has not been upgraded which is the next step for the Village. She indicated Delaware Engineering provided an Engineering report back in 2010 which included the most extensive plan for potentially upgrading the Plant. The project was approximately \$8.5 million. This report is preliminary and provides many options for updating the biological component of the Plant; she discussed some of the options and new technologies. She indicated the packet provides background on Delaware Engineering and their specializing in wastewater treatment for municipalities and assisting the community in obtaining funding. She provided a list of some of the funding Delaware Engineering has assisted communities in receiving. The Village has received funding previously from the Federal and State government which demonstrates there is a need. The next steps include taking the preliminary engineering that has been done and make it more specific; upgrade what the Village has, get new technology in or something between the two and the cost and benefits of them. Then take that information and go shopping for funding. She indicated several funding sources: Consolidated Funding Application (CFA), Clean Water State Revolving Fund (CWSRF) which is a grant program, US Dept of Agriculture Rural Development Program which provides grants and loans, and the Community Development Block Grant Program.

Mayor Maher thanked Mary Beth and Brian for the update and he appreciated the tour of the Plant provided after the last presentation.

Village Manager's Report

- full pipe replacement of drainage line on Rifton Place
- meeting with developers of Thruway Shopping Center – discussed implications of litigation
- Performed garbage truck inspections; waiting on permit stickers to come in.
- Wooster's Grove playground is open, mulched a few other playgrounds as well, Alfred Park Place is making progress
- Went over Well #4 rehab and maintenance building with Engineer; low bidder likely to be disqualified, will need to get more bids. Rehab of well 4 going well though.
- Meeting with Building Inspector, Trustee Hoffman and County Dept of Social Services regarding houses that have code issues and placement problems; also discussed assistance with the school districts to help problem families at Walden Elementary.
- Orange County Transportation Council Meeting; discussed policies & procedures
- Reviewed new version of the CSEA contract draft to present to the union
- The Village Planner has completed all chapters of the Comprehensive Plan, there is a meeting tomorrow night – it will be public.
- Reviewed two sewer jets as possible replacement of the old sewer jet; one has 300 more feet of hose which is the largest safety issue. Old jet is over 20 years old and the tank is rusting out.
- Met with Kerron Barnes and the Village Historian to discuss McKinley Monument and the Main Street Grant.
- Had a couple of valve issues with the Tin Brook Apartments pump station – now resolved.

- Went through the whole Village with representative from NYS DOT to show them problem areas; a crew will be available within the next two weeks with problem trees.

Trustee Bowen asked when the park dedication for Midge will be.

Manager Revella responded we are working on getting the fence in and then we will set a date; the other stuff is a bit slower, the swings have been ordered.

Deputy Mayor Rumbold asked why John had to go to Lowe's to review pricing for building materials, equipment and grass seed.

Manager Revella responded there are only 2 that can purchase from Lowes, himself and Chief, and he feels more comfortable making the purchase himself since there is no credit limit.

Trustee Bowen suggested removing the Chief as a purchaser. He commented the person responsible for doing anything at Lowe's is the person responsible for using the material and whatever department is using the material should be authorized to go and use it and the Manager should be the backup. He asked who would use it.

Manager Revella responded public works and the recreation department.

Mayor Maher asked for an update on the Thruway lawsuit and if it will get in the way with the time table.

Manager Revella responded the lawsuit is public and available to anyone; the cause of action really states that the groceries are part of the foodtown co-op and to operate a grocery store as part of that co-op and in that co-op agreement there is a provision of right of first refusal by other co-op members. It has nothing to do with buying or selling land or purchase of the property but it clouded title enough that title insurance wouldn't give title insurance to the company that was purchasing. It is in litigation between the owners of the Thruway and a person that owns a couple of other Foodtown places, counter claims have been filed and the developer would likely being suing that person as well for interfering with the contract as well. It has nothing to do with the Village. As for the time table, they filed a 150 day extension, if it doesn't happen in late fall it will wait until spring.

Approval of the Minutes – April 10, 2012

Deputy Mayor Rumbold moved to approve the minutes from April 10, 2012. Seconded by Trustee Bowen. 6 ayes, 1 abstention by Trustee Hoffman. Minutes approved.

Trustee's Committee Reports

DPW liaison – Trustee Leonard

Trustee Leonard commented we are hung up on the price for the press for the hydraulic equipment which is \$3000; he has to speak with more suppliers.

Village Office Liaison (Clerk, Treasurer) – Trustee Bowen

Trustee Bowen commented the online billing has been postponed and will start in July.

Police Department Liaison – Trustee Rumbold

Deputy Mayor Rumbold had nothing to report.

Community Liaison & Library Board Liaison – Trustee Lown

Trustee Lown thanked the Friends of Walden Youth and the Recreation Department for the Family Dance. She announced tomorrow is the first Harvest Fest committee meeting at the NY School of Music 7pm and Harvest Fest will be October 6th. On Friday there will be a Walden Business Association meeting in the second floor Community Room at 8am; she will be presenting to the businesses the summer youth employment program. The Historical Society Tea is April 29th – currently filled. The Arbor Day Ceremony in honor of Trustee Midge Norman is May 3rd at 10 at Olley Park; on May 12 at noon will be the Dedication of the Comfort Station at Olley Park. She announced the Walden Community Council meeting at Foxhill on May 9th at 7pm and the Monument Walking Tour on May 17th.

Building Department Liaison & Planning & Zoning Board Liaison – Trustee Hoffman

Trustee Hoffman commented he met with the Planning Board Chair and attended a Planning Board meeting; he has spoken with the Zoning Chair but has not had the chance to meet. One of the first things to discuss when they do meet is a tri board meeting. As for the Building Dept, the Building Inspector was away for a few days for training. They met today and continue to discuss communication with the fire dept and the police dept and recognizing code violations. As for DSS, Dean is preparing a list of properties with violations to send to DSS.

Parks and Recreation Liaison – Trustee Carley

Trustee Carley commented the Village Manager's report hit on the status of the Parks but he added that since he's been here he has seen a transformation in the parks.

Public Comment on Business of the Board

Star Langlitz, 92 Ulster Avenue, commented that she sent a letter in last week concerning the Ulster Avenue sidewalks and asked if it was possible to work into the budget to keep the blue stone sidewalks for Ulster Avenue due to their historical character and Ulster Ave being such a thoroughfare in and out of the Village. She feels replacing the blue stone with concrete would take away from the Village's aesthetics rather than to add to it.

Mayor Maher responded it will cost approximately \$250,000 more for the blue stone; the option is still on the table but the money was not put in the budget. There are many sidewalks in the Village that are in disrepair and the Village is on notice for them, the Board couldn't justify putting that \$250,000 toward those sidewalks as opposed to having full funding from the State for concrete through a grant. Although he understands it would beautify the area a bit more we want to get the sidewalks that are in desperate need of repair first. The option of blue stone is still open for Ulster Avenue but we only put in the funding for the concrete right now.

Star asked if the sidewalk replacement is for length of Ulster Avenue down to Most Precious Blood. There are several spots that are in decent condition and she feels it is not fair to replace those with concrete and then go backwards.

Manager Revella clarified that it's an option before it is actually constructed. We will have to see what the actual bids come in at to see what the real price difference is. The project should be bid and funded within the fiscal year.

Star asked if the residents will be contacted.

Manager Revella responded a letter went out yesterday to the residents with contact information.

Mayor Maher commented this discussion will be ongoing for the next few months.

Becky Pearson, 167 Walnut Street, commented there is concrete in front of the elementary school that is probably less than 10 years old and needs replacing already. She commented she understands the money part of it but blue stone can be utilized in certain areas on that street. In the comprehensive plan we are hopefully setting up historic districts; the Bradley House and other historic homes on that street can become a district. She commented the State could work with the Village. She understands the cost factor but the blue stone will outlast the concrete and some of the stone can be re-used and re-set. She asked why are we doing historic districts if we don't want to keep the historic value of what's already there. She commented the Board has already voted to go with concrete sidewalks.

Mayor Maher responded that is not true at all. We took the \$250,000 away from the budget but it doesn't mean the funds won't be available in the future. There is still an option for blue stone.

Becky asked if the rec money in the budget was looked at and the Town Supervisor was spoken to.

Manager Revella responded Trustee Carley looked over that report with the Recreation Coordinator and he may be able to comment on that.

Becky asked, in response to the presentation from Delaware Engineering, if the next steps for the sewer plant are in the capital plan.

Manager Revella responded over the next two years our capital plan includes completing the DEC consent order which does not include the trickling filter.

Becky asked about the packet for tonight's meeting, it is not out there.

Trustee Hoffman commented there was one out there Friday afternoon.

Becky asked about the Planning and Zoning Board minutes; there are past ones that are not online.

Jessica Metzger, 4 Gracewood Court, commented that she is for the blue stone; it has been there for a very long time and it will be there longer than cement. She believes the Board should consider adopting a portion of the money to leave the blue stone that are in very good condition for a portion of the project and the stone that is not going to be utilized could be possibly offered to the resident's that live there. She asked if the Board will be voting on action item #3 on the Taxi Code.

Manager Revella responded he didn't think so, not based on the reports that were received. He also noted that action item #1 will be tabled also.

Jessica commented she is confused between what is an action item and what is a discussion item. She is concerned by the law as written by the Village's former counsel stating that there are no other streets in the Village where the taxis could park.

Mary Ellen Matise, 21 Clinton Street, confirmed the MS4 report on the agenda is to be accepted and sent to the DEC. She commented that Willie attended the Community Council meeting and there were several emails that went around in January that John Capello was offered the services of Kevin Sumer to come to the Village to talk about something. At the last Community Council meeting she brought up that maybe he could come under the auspices of Community Council and in connection with the Village do an MS4 education day.

Manager Revella responded our engineer firm has offered that service and our building inspector is the head of that.

Lynn Flickenschild, 6 Linden Drive, commented that in 1968 they purchased their one family home and in 1989 they asked to make their home into a mother-daughter. In 1990 they received a certificate of compliance for a one family, mother-daughter unit. This certificate of compliance was sent to the Town of Montgomery and for some reason it was changed to a two family house. The garbage bill received at that time was for a two family house and they didn't know, they thought this was the way it had to be so for the last 22 years they have been paying for a two family house. It states right on the certificate of compliance that it is a one family house. Last year, their son noticed the garbage bill and questioned it and made an appointment with Brian, John Revella and Mr. Stickles. At that meeting, it was confirmed that their residence is a one family home and Mr. Stickles was directed to write a letter to Mr. Ketcham stating it needed to be corrected and the Flickenschild's were to receive a copy of that letter and it was never received. There was also to be a meeting with Conrad and Mr. Ketcham and that was never done, so out of frustration Conrad sent his own letter to Mr. Ketcham explaining the meeting. He received a letter back from Mr. Ketcham stating that he understood it was a one family home and he had no problem changing it to a one family home. They waited and nothing happened. A bill arrived in January for \$600 +. They want this matter rectified; she paid half the bill and doesn't think they should be responsible for the other half.

Conrad Flickenschild commented that both he and his wife have devoted their life to the Village of Walden, both have worked actively in the community. He served as Trustee and a Judge; he never questioned what the Village did and he never wanted to create a problem. He commented the meeting between himself, his son, the Mayor, the Village Manager, and Mr. Stickles went very well; he was assured to be gotten back to and the letter would be written and he would received a copy of it. The Mayor even said he would accompany Conrad to see the Assessor to take care of this. A year went by and they continue to receive the same bill. He is astounded that politicians can take this long to straighten out an irregularity for their taxpayers. He added that he is in favor of the blue stone.

Business of the Board of Trustees

LL I-2 of 2012 – Elm Street Zoning - tabled

2012-2013 Budget

Manager Revella commented there was one outstanding question from the budget session concerning the fees for the Parks; Village resident & Town resident. The Rec Coordinator met with Trustee Carley to go over the report. (enclosed)

Trustee Carley indicated the director provided a break down for the budget the charges for everyone. He provided an example:

For basketball there are 86 Village residents and 26 for the Town - -Budget \$16,610.00
The cost per child is \$148.30, so the Town cost is \$3855.80.
This was done for each program (soccer, summer rec program & tennis) with a total cost for the Town = \$28,674.63.

The Town registration fees collected total \$29,162.00.

Manager Revella clarified that the question is if the Town is paying their fair share and they are actually paying more.

Trustee Lown added those prices also include the personnel.

Deputy Mayor Rumbold asked how come the figures are different from last year's when the Manager and the Rec Director went to the Town last year.

Manager Revella responded there are more participants in each program; the personnel cost doesn't change except for camp.

Trustee Carley referenced the Rec Director's report that there are 191 participants from the Village in the summer camp program and 101 participants from the Town in the program. The cost per child is \$161.37, for a Town cost of \$16,298.37.

Manager Revella commented the overall budget will increase the tax levy by 1.8%, but due to differences in property tax values it comes out to a 1.34% increase in the tax rate or \$19.26 per \$100,000.

Trustee Leonard moved to approve the 2012-2013 Budget. Seconded by Trustee Hoffman.

Trustee Lown asked if the public had an opportunity to discuss.

Mayor Maher responded there was a public hearing and it was closed at the last meeting.

Manager Revella commented the percent of debt limit used is 7.1% and a copy of the approved budget will be available online, in the office and the library.

Deputy Mayor Rumbold commented that she had about 10 or 11 people stop in her office or call about the blue stone project. She recalled one person suggested that if the resident's on Ulster Avenue wanted the blue stone they should be responsible for paying the difference between the concrete and blue stone. There were three people that commented they have been begging for sidewalks to be done in their neighborhoods for years, they can't push their baby buggies or their kids fall on the sidewalks. She commented it is a tough call for the Board; there is a lot of need in the Village when it

comes to repairs like this and the preponderance of people that spoke to her about the issue felt it was a ridiculous amount of money for the Village to spend to preserve sidewalks in one area of the Village. It was even suggested that if it was a poorer section of the Village, people wouldn't have suggested it.

Mayor Maher commented he has had plenty of discussions with most of the residents of Ulster Avenue and just about all of them would prefer blue stone. He believes he ran into two people that preferred concrete. This is a very large Village and there is not enough money to be spent, we do the best we can. The possibility of blue stone still exists; it is an option.

Manager Revella commented whatever the bid at State specification for the blue stone comes in at and whatever the bid at State spec for concrete comes in at, whatever the difference in that cost is, the State will not pay for.

Trustee Hoffman confirmed the estimated \$250,000 is the cost difference.

Trustee Leonard commented that where he lives on S. Montgomery Street, there is no sidewalk; that \$250,000 could buy some sidewalk there.

Mayor Maher took a roll call:

Trustee Carley	Aye
Trustee Hoffman	Aye
Deputy Mayor Rumbold	Aye
Trustee Bowen	Aye
Trustee Leonard	Aye
Mayor Maher	Aye

Budget approved.

MS4

Manager Revella commented this is our annual report to the DEC.

Trustee Hoffman clarified the motion would be for the Village Manager to sign and submit the MS4 report to DEC.

Trustee Lown made the motion to approve the MS4 report. Seconded by Trustee Hoffman.

Trustee Carley asked for clarification of what the MS4 report is.

Manager Revella responded it is for storm water management for our municipality; we are conscientious of the degradation that occurs from runoff and how it affects our streams and rivers. We have a management plan and maintain certain standards.

All ayes. Deputy Mayor Rumbold not present. Motion carried.

Introductory Local Law I-5 South Montgomery Street Parking

Manager Revella commented an Introductory Local Law was prepared and if it meets the parameters the Board would like then a public hearing can be set for the next meeting.

Mayor Maher read the Local Law: A local law amending article VIII of Chapter 291 of the Code of the Village of Walden entitled "Vehicles and Traffic" to establish a no-parking area to South Montgomery Street. He confirmed this is for the left turn near Cross Street. He commented this was a hot topic in the community and the passing of this local law will definitely upset some local business owners. He asked the Manager if the changing of the traffic pattern has been well received.

Manager Revella responded Trustee Leonard has spoken to the business owners there and they have been receptive.

Mayor Maher responded the owner of the building was receptive; however the business owner has spoken to him and is not so receptive.

Trustee Leonard commented he spoke with the hair salon owner and the dog groomer owner and both requested one or two spots out in front and they are going to get them.

Mayor Maher responded they will get the two spots but will lose one. It is less appealing for people that are driving by and some might just keep driving by. He believes that left turn is more important.

Deputy Mayor Rumbold confirmed the fire department had issues making that left hand turn.

Mayor Maher responded this law would alleviate those issues. The Board needs to decide if we should get rid of those parking spots or do we revert back to what it was.

Trustee Hoffman commented that if we revert Cross Street back to a two way street, there will still be a problem, although less, with a substandard road, Cross Street, and fire trucks making that left to go onto South Montgomery Street.

Trustee Leonard commented there is limited visibility at the top, at the turning point.

Trustee Bowen recommended making the left turn onto South Montgomery Street a one way going up and keeping Cross Street one way coming down.

Deputy Mayor Rumbold asked what causes the blind spot.

Manager Revella responded the bushes and telephone pole and the road narrows significantly.

Mayor Maher commented that either way it is a hazard.

Trustee Carley commented that he took a ride on the fire truck and they need to have room to turn.

Trustee Hoffman commented that it was mentioned during the ride-along that the fire truck can go the opposite direction on a one way street.

Mayor Maher asked the opinion of the Board if they wish to move ahead and remove those spots to make it safer to make that left turn and not revert back to the way it was.

Trustee Lown clarified that there were multiple discussions with the business owners.

Manager Revella confirmed that this is not to make the law in effect now; this is to set a public hearing to give the public an opportunity to address it as well.

Deputy Mayor Rumbold asked how many accidents have there been there from that kind of traffic issue.

Manager Revella responded you don't want accidents to dictate what you are going to do in legislation; be proactive instead of reactive.

Mayor Maher commented there was a discussion and he believes there were three accidents.

Trustee Leonard commented the two spots to be removed are in front of Brett's property and he has about an acre of parking in the back of his property. He has his own road so there is no issue with his tenants. It leaves 42 feet of parking for those two businesses.

Trustee Bowen made the motion to set the public hearing on Introductory Local Law I-5 of 2012 South Montgomery Street parking for May 8, 2012 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

Discussion Items

6 Linden Drive

Mayor Maher commented there is a letter in the packets and we have heard from the residents this evening. His experience on this issue is very close to what Connie & Lynn discussed, he remembered the meeting and thought it was productive. This is one issue that fell through the cracks. He believed what they are asking is moving forward to only be charged for a single family and to be relieved of half the bill that is pending.

Lynn Flickenschild commented she paid half the bill but another \$231 is still owed and it may go on the taxes.

Attorney DuBois commented he does not wish to delay this, but it might be more appropriate for Executive Session due to it being a resolution of a dilemma between aggrieved resident and the Village.

Deputy Mayor Rumbold asked what a mother-daughter is and do we have that designation in the Village.

Manager Revella responded we don't have that designation in the Village in our Code.

Attorney DuBois responded a mother-daughter residence is one that has a paired down living quarters with a separate kitchenette typically for an elderly relative.

Trustee Lown confirmed there is a separate entrance.

Trustee Hoffman equated it to an apartment.

Mayor Maher referenced the Certificate of Compliance which states the premise in the future or at any time will it be referred to as a two family dwelling. He confirmed this document from the Village of Walden indicates it is not a two family dwelling and they are being billed a two family dwelling.

Manager Revella responded that is not correct; they are being billed for two units for garbage, what the Town did on their own accord was not the Village's doing.

Mayor Maher asked why the Village started billing them for 2 units if it's a single family home.

Manager Revella responded he was not here in 1990 and does not know. He indicated following that meeting a year ago, it was going to be either Dean or Dennis Ketcham to go to the property to verify it.

Mayor Maher commented that after that meeting took place Dean met with our then Village Attorney and it was discussed that Dean would have to have one more inspection and that was not received well which delayed it and it fell through the cracks.

Trustee Bowen commented that the error was found, we need to apologize, remedy it and move forward.

Trustee Carley asked about that last inspection.

Mayor Maher responded he spoke with the assessor Dennis Ketcham and the Town did perform an inspection but the Town never informed the Village.

Manager Revella commented we received the notice from Mr. & Mrs. Flickenschild.

Trustee Hoffman asked for clarification: originally it was a single family home; an apartment was added so it was two dwelling units being charged for two garbage services. He asked if at one point in time, the second dwelling unit was abandoned or removed.

Lynn responded they converted their furnace room and garage and added a small addition in the back to make a bedroom.

Conrad commented that his mother lived there for 2 years and nothings been changed since.

Trustee Hoffman confirmed that the apartment is still there. It may be a one family home, but there are two dwelling units and that's why they were charged with two garbage bills.

Trustee Bowen asked how do you get from a single family house because you made adjustments inside your house to a two family house.

Manager Revella responded he could chop his house into 4 units right now, it has the space.

Trustee Bowen believes the Village owes the Flickenschild's some money.

Manager Revella commented the request is to fix the billing, waive the extra fees they were charged and moving forward have one bill.

Mayor Maher agreed with that request and asked the Board for their thoughts.

Deputy Mayor Rumbold expressed her confusion as to why the wording of mother-daughter is on the Certificate. She also commented she doesn't feel it is inappropriate to ask a homeowner to allow an inspection to change the designation. Obviously, the home was modified to allow for another living space, kitchen and/or entrance, so it's not a single family anymore it's a double family and being billed twice for garbage.

Trustee Carley confirmed that the Town did the inspection.

Trustee Hoffman responded that the Town has different zoning than the Village, so what could be a two family home in the Town might not be a two family home in the Village.

Trustee Carley responded then have our Village inspect it to make sure it's a one family and move forward.

Mayor Maher confirmed that pending our Building Inspector doing one last inspection to make sure it is a one family home.

Manager Revella responded Dennis could be asked if it was inspected under the Village's regulations.

Mayor Maher clarified the Board could approve it pending the Town's inspection being up to the Village's Code and if not, then our Inspector goes in and inspects it. He added if this is not done in a timely basis, the bill will not go on the taxes. The reimbursement is to reimburse half the bill and only charge as a single family going forward.

Conrad reiterated he provided a copy of a Certificate of Occupancy which he received in 1990. He indicated over the years several Village Managers and numerous Department of Public Works employees have been in his house and there has never had a problem with the house. He commented that now the Board wants Dean Stickles to audit his house; the apartment in his house has only ever been used by a family member. He read the note on the Certificate of Compliance. He commented that he will not let Dean Stickles in his house because Dean Stickles caused the problem when he refused to do anything when Conrad met with the three of them. He commented there is nothing in his house that he is afraid to show the Village. He welcomed John or Brian anytime.

Trustee Hoffman asked when the time comes and the house is being sold with the accessory apartment in there how will it be dealt with at that time.

Conrad responded it is against the law for him to sell it as a two family as per the Certificate.

Mayor Maher clarified that the Board would like one more inspection if the Town's was not up to Village Code.

Trustee Carley made the motion to reimburse half the bill, change garbage billing to a single family, and not put balance on the taxes pending documentation from the Town that the inspection was based on Village Code and if not, allowing our Building Department do an inspection with the Village Manager to ensure it is not multi-family. Seconded by Trustee Bowen. All ayes. Motion carried.

DEC Wetlands

Mayor Maher commented that he added this to the agenda late Friday afternoon and a letter is in the packets from Mike Sweeton who is the Supervisor for the Town of Warwick but is also the new president of the Association of Towns, Cities and Villages. He indicated this is extremely important and it's coming from the Office of Economic Development, the Orange County Partnership. He referenced the letter from the Town of Warwick Supervisor to Governor Cuomo addressing the DEC considering issuing new wetland maps. He indicated the new maps would come from an aerial component as opposed to walking through the potential wetlands. The new maps that are being issued would issue a large amount of acreage of new wetlands that would not be able to be developed and that will truly put a hindrance on economic development, the possibility of bringing manufacturers in that could bring tons of jobs that are sorely needed and revenue to the local economy. He indicated there is a non binding resolution that they would like the Village to sign off on and they would like it signed tonight. This is being presented tonight to the Association of Towns, Cities and Villages and we will be one of dozens municipalities that will be signing onto this non binding resolution which gives our elected officials, Senator Bonacic and Senator Larkin, who will be going to talk to Governor Cuomo, a little more power to know that local municipalities have resolutions approved and they are not standing up along.

Manager Revella commented it doesn't mean that we don't want to protect wetlands. The wetlands not only move annually, they could move weekly and to know what they are on the ground is much more important than to look at a map that may be outdated. We are asking to change from the DEC map model to more of a National model, the USACOE model. Instead of having two separate wetland designations to go through there would be one and also there would be onsite inspection instead of using just the map designation.

Attorney DuBois commented the State just flies over the land and says this is wetlands, this isn't. The Federal System actually is on the ground and does field inspections to see where the wetlands are. The Federal program is already in place, but the State wants to issue these new wetlands maps to add another layer of essentially bureaucracy to go through to grow and develop in the Village. The State has a 100 foot buffer zone which the Federal program does not have.

Mayor Maher commented that Maureen Halahan, President & CEO of Orange County Partnership has made the point that the 100' buffer zone will directly affect pending projects. He indicated these new maps will increase the size of the wetlands in Orange County by an additional 16,000 acres which does not include the buffer zone. He thinks the Board should consider this non binding resolution.

Manager Revella commented the DEC is somewhat underfunded and this is a huge cost for them just to do the maps which in Orange County is over \$60,000 and there are other counties in New York State where this is going to happen. These maps have to be updated constantly so there will be additional costs.

Mayor Maher commented the resolution, prepared by the new law firm, states: Now therefore be it resolved that the Board of Trustees in the Village of Walden hereby strongly recommends that New York State Department of Conservation refrain from adopting the new wetland maps and regulations and instead assume the 404 Permit Program from the feds. (Resolution 35-11-12)

Trustee Bowen commented he doesn't know enough about it and will back away until he reads through it and understands it more.

Trustee Carley asked the Manager how many acres of wetlands do we have in the Village.

Manager Revella responded we won't know until they either give us a new map or until the federal government comes in and looks at a development; it changes constantly. There are a lot around Spence Engineering, our parks have wetlands and near Trustee Carley's development.

Trustee Carley asked how it would be an issue for the Village.

Manager Revella responded the wetlands themselves are not the issue or the buffer area; it's the extra cost of bureaucracy in the State. There is not a need for that layer when there is already a layer in place by the Federal Government. We are paying for it through our federal taxes now we will pay for it through our State taxes.

Mayor Maher responded there is also a significant potential cost to anyone who might want to develop certain properties that would now be considered wetlands.

Trustee Carley commented since we don't know the acreage of ours or the effects on our Village, he feels he can't make an educated decision. In addition, after reading the information provided it appears to be one-sided. He's not saying it's correct or it's wrong but we are entrusted by the Village to give an objective view, both sides, and there is a public hearing in late spring according to this information that maybe we can attend. He would like to see both sides.

Trustee Lown asked what is the urgency in doing this right now, why can't we do a bit more research. She believes it wasn't given to the Board in a timely fashion and she has not had any time to review the information and do any research.

Mayor Maher responded it does not have to be now; he thought it was a good idea for us to sign on as soon as possible. He feels it's pretty black-and-white.

Trustee Hoffman commented he is affected by this issue in his work with other municipalities and private developers and the cost to the State to Notice the landowners by mail of Public Hearing is \$60,000. The cost issue is substantial. Wetlands are regulated by the DEC or the Army Corp; one acre of wetlands affects approximately 4 acres when considering the buffer zone.

Deputy Mayor Rumbold commented that she is always a proponent of both sides but after reading the documentation it says they are using aerial; a helicopter and a guy with a crayon drawing the new wetlands. She doesn't know why they are finding this necessary but it seems like a mickey mouse way of charting out something as important as wetlands.

She wants to know how these maps are going to be drawn before she votes on something that is so important to the village and other municipalities.

Trustee Lown commented that for the record she doesn't feel it's not important, she doesn't feel that a vote should be given on a document that was given out just before the meeting. She indicated she needs more time.

Trustee Bowen asked about other municipalities that have signed on.

Mayor Maher responded yes, the Village of Goshen, Town of Deerpark and 2 or 3 others. There is no real timeline; it could happen in the next 30 days. Our elected officials are going to be taking a pac to the Governor next week and they would like to have as many non binding resolutions signed on.

Trustee Hoffman commented the maps are already drawn and they are looking for that \$60,000 to make the Notice to the landowners.

Public Comment

Conrad Flickenschild, Linden Drive, commented regarding the Board's one way street discussion and back when he was on the Board, they went to the homeowner to ask them to remove hedges. He commented he goes to work early in the morning and he is amazed at the number of street lights that don't work. He asked if the Village pays for them whether they are on or not.

Manager Revella responded the ornamental lights on the bridge, Main Street and the Square, the manufacturer is coming to help us with the assessment. He indicated most of the lights are metered.

Jessica Metzger, 4 Gracewood Court, commented that she is so happy she could pee her pants. She appreciated those Board members asking for additional information. She commented that politics always finds a way to our table and things are shoved down our throats at the last minute, not that those things are not the absolute core right thing to do, but what she say tonight pleased her to no end and she thanked the Board.

Marcus Millsbaugh, Jessup Street, commented that when we talk to the DOT about the trees are we talking about the self seeded trees along the Tin Brook, half of them are dead.

Manager Revella responded he has spoken with them; the crew that will be in the Village the next two weeks will only be doing the trees on Route 208, he is trying to get them on Rt 52. He commented that if they don't do it the Village will.

Marcus asked if the MS4 addressed the pipe collapse along the edge of the Tin Brook.

Manager Revella responded we filed the permit and we are allowed to start digging.

Marcus commented that he wrote a letter to the editor and would like the minutes to reflect his opposition to the Square Re-design.

Becky Pearson, Walnut Street, clarified to not necessarily do the whole sidewalk in blue stone, but utilize what we already have and re-use it and use concrete to finish the rest. She commented to Trustee Leonard that if he wanted sidewalks at his house, he could have hers. She indicated that people don't use the sidewalk; they use the road all the time. She commented that she heard the Village has talked about making the homeowner responsible to replace the sidewalk or fix it and if that happens she'll rip her sidewalk up. Regarding South Montgomery Street, she recommended going back to the way it was, don't take away the parking, have enforcement on speeders and use what's in the Code already that if you have a corner lot, there can't be a fence or bushes higher than a certain amount. She commented she attended the zoning conference last night and heard about the DEC wetlands. Her concern is the 100' buffer and if she was a homeowner and if she had a wetland property she would have to go to the public hearing or hire an attorney that specializes in it to change the lot line or she would lose value on her piece of property. It wasn't spoken about this evening that this will not only affect municipalities but private owners as well. She commented that at last night's discussion the maps were not just done aerially, it was also done by college students that drove by the wetlands.

Maria Herb and Monica Cottrell from Our Everyday Angels an organization in the Village that supplements the food pantries in Walden & Montgomery, they take care of the after school programs, they take care of the seniors and contribute to the Valley Central Food Bank Program. Once school is out they distribute what they have to the recreational program in Walden. She indicated someone asked to have a permit in Wooster's Grove to have a vending function. The permit was granted. They had asked for a bouncy house and pony rides and had approvals. The sponsors they have are Utz (Village of Walden company), Byrne Creamery (Town of Montgomery company), Hostess (Town of Montgomery company) and Nabisco (Newburgh company). They are willing to donate to anyone with children, free ice cream, free milk, free potato chips and free snacks. Maria went yesterday, with Mike Bliss on the phone with her, to get a \$ 1 Million insurance policy on the bouncy house alone plus the insurance policy for the permit and the insurance policy for the pony rides. She paid \$355 out of her pocket to conform with everything Mike had said. Today she received a phone call that this event has been cancelled and she doesn't understand why and she doesn't think it is fair and she believes it's a real injustice to Walden. She continued that there are a lot of volunteers for this organization and there are a lot of families this organization has already helped in the Village. These sponsors are assisting with this gathering and when Walden rec has a big day for the children, she can go back to these sponsors and have them participate. She commented that she received four days notice the event is being cancelled after working on the event for the past 1.5 months. She has received no explanation.

Manager Revella responded the Village wasn't told about any bouncy houses or pony rides until yesterday.

Mayor Maher commented the initial applicant was Tina Quinlan and he spoke with her on the phone today and he believes there was a disconnect between Tina and Maria based on his conversation with her today.

Manager Revella commented we were told they wanted to have a small gathering type fundraiser at the park and there was no mention of pony rides or bouncy houses or up to 1000 people at the park.

Mayor Maher responded that was the hindrance on the entire situation. The event was approved and the permit was approved based on a small event. He asked at what point in time did it become a larger event.

Manager Revella responded yesterday was the first he heard about it.

Maria commented that from the beginning Mike Bliss said the bouncy house was a go; if he would not have said that she would not have shelled that money out of her pocket. All this went through Mike and every step of the way he agreed to it.

Mayor Maher responded he believed it was cancelled on behalf of the Village due to the prohibitive cost that would have incurred based on us getting the information there was to be 1000 people.

Maria responded there is no 1000 people.

Mayor Maher commented it is his understanding there was a mishap, that the Chief of Police was told there was going to be 1000 people either by the Manager or Mike, whoever was doing the permit, which is what nixed the event based on the prohibitive cost that it would have cost the taxpayers.

Maria asked where the 1000 people came from; she indicated even if she broadcasted the event for 6 months she wouldn't have come up with 1000. This was done through Facebook and 180 people have responded which includes the vendors.

Deputy Mayor Rumbold asked the Manager where the number came from.

Manager Revella responded he believed it came from Tina.

Deputy Mayor Rumbold commented that Tina was the one that asked for the permit; it is in her name and if she informed the Village she is expecting that number of people.

Maria responded so everyone else loses because someone who is not informed made an incorrect statement.

Deputy Mayor Rumbold commented she is the one who got the permit.

Trustee Bowen recommended Maria and Tina get together with John and figure out exactly what is going on.

Manager Revella commented he wasn't aware of any bounce house or pony ride because he knows that requires additional Certificates of Insurance until he received an email that was forwarded to him.

Mayor Maher believed the original application was withdrawn and recommended Maria apply and sit down with Mike and John to work something out.

Maria thanked everyone and mentioned that she really likes the blue stone.

Mary Ellen Matise, Clinton Street, asked Trustee Lown to follow up on the dedication of the Tin Brook Pump Station to Tom Murray; a plaque is still needed. She asked for clarification that the Town recreation money that they give us is really only for camp and she believes the Town is not paying their fair share. She asked in there has been any further action on well field protection from the Town.

Mayor Maher responded he will look into that.

Mary Ellen asked that since Central Hudson has removed the poles from the parcel next to Wooster's Grove, will it be decommissioning it so we can get it for \$1 for parkland.

Manager Revella responded he can not discuss that in this forum.

Mary Ellen asked if there is a timeline on the repairs for the Scout Cabin, will it be this calendar year. She asked when that building is revitalized, could you get together with the Women's Club and Girl Scouts to have a dedication to possibly Mickey's aunt. She asked if the park use policy has been finalized.

Manager Revella responded the park use policy has been drafted but not reviewed by counsel yet.

Anita Vandermark, Highland Avenue, commented that she received an email from Tina Quinlan that indicated 20 vendors and it would be held outside. This event will be published in the paper. She asked about the bathroom facilities and if someone from the Parks Dept will be there.

Manager Revella responded that is one of the issues that came up in the discussions that Mike had with one of the parties that signed the permit; depending on how many people, how many porta-pottys were necessary.

Anita commented that when coming from River Road and come down the one-way street and you're not supposed to make a left, it's better for her to make the left and not travel all the way around town. She thanked everyone that visited them at the Youth Center; she indicated John's son and Tara are quite the dancers. She announced Dawn's Dream Team had a lovely breakfast Sunday for Relay for Life and they are having an Italian Dinner on May 5th from 6-8 pm at the VFW. She wished the Mayor a Happy Birthday!

Brian Sebring, 84 East Avenue, asked John if a survey will be done for Olley Park and if so he recommended John talk to Ike Jennings and John Tarolli.

Payment of the Audited Bills

Deputy Mayor Rumbold moved to pay the audited bills with the appropriate number of signatures. Seconded by Trustee Leonard. All ayes. Motion carried.

Correspondence

Deputy Mayor Rumbold received a letter addressed to the Board (enclosed) and read it: "Regarding the ongoing discussions re: changing the design of the Village Square, it strikes us that the Square has the beauty and tradition of Walden's history. Why should that be changed? Mr. Millspaugh is absolutely correct. Something not broken requires no

fixing, Keep the Village Square as it is. Thank you for your consideration of this matter. Sincerely, Kevin McFadden, Virginia McFadden and Peg Donnelly”

Miscellaneous Comments from the Board of Trustees

Trustee Leonard asked the status of the fluoride.

Manager Revella responded we don't have a maintenance building to provide for it. The lowest bidder will likely be rejected.

Deputy Mayor Rumbold commented the Little League Parade was great. The breakfast at the VFW was also great. She thinks the Board should consider talking about the park use policy so this doesn't happen and there is some consistency.

Trustee Lown apologized in advance if she got anybody sick.

Trustee Carley asked the result of the cones for the Village Square setup.

Manager Revella responded there was one cone that was hit probably 40 times, the rest were a non issue.

Mayor Maher announced Operation Clean Sweep in Saturday at 8am to clean up the Villages of Walden, Maybrook and Montgomery. He thanked Delaware Engineering for their presentation and Peter Sullivan.

Executive Session – Property Purchase, Personnel – Village Engineer, 105-f, Village Manager

Deputy Mayor Rumbold moved to go into Executive Session to discuss property purchase, personnel – Village Engineer, 105-f, Village Manager. Seconded by Trustee Lown. All ayes. Motion carried.

Reconvene

Trustee Hoffman moved to reconvene the regular meeting. Seconded by Trustee Lown. All ayes. Motion carried.

Adjournment

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

**Village of Walden Board of Trustees
Regular Meeting
April 24, 2012
Motions & Resolutions**

Approval of the Minutes – April 10, 2012

Deputy Mayor Rumbold moved to approve the minutes from April 10, 2012. Seconded by Trustee Bowen. 6 ayes, 1 abstention by Trustee Hoffman. Minutes approved.

2012-2013 Budget

Trustee Leonard moved to approve the 2012-2013 Budget. Seconded by Trustee Hoffman. All ayes. Budget approved.

MS4

Trustee Lown made the motion to approve the MS4 report, authorizing the Village Manager to sign it and submit it to the DEC. Seconded by Trustee Hoffman. All ayes. Deputy Mayor Rumbold not present. Motion carried.

Introductory Local Law I-5 South Montgomery Street Parking

Trustee Bowen made the motion to set the public hearing on Introductory Local Law I-5 of 2012 South Montgomery Street parking for May 8, 2012 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

6 Linden Drive

Trustee Carley made the motion to reimburse half the bill, change garbage billing to a single family, and not put balance on the taxes pending documentation from the Town that the inspection was based on Village Code and if not, allowing our Building Department do an inspection with the Village Manager to ensure it is not multi-family. Seconded by Trustee Bowen. All ayes. Motion carried.

Payment of the Audited Bills

Deputy Mayor Rumbold moved to pay the audited bills with the appropriate number of signatures. Seconded by Trustee Leonard. All ayes. Motion carried.

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