

**Village of Walden  
Board of Trustees Regular Meeting  
July 10, 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   |

|        |         |               |
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| Absent | Trustee | Willie Carley |
|--------|---------|---------------|

|               |                                 |
|---------------|---------------------------------|
| Also Present: | John Revella, Village Manager   |
|               | Lori Pinckney, Village Clerk    |
|               | Austin DuBois, Village Attorney |

**Village Manager's Report**

- Landscaping & clearing area around sewer plant; drainage work
- Finished grinding tree stumps around Village; they continue going thru plow routes to patch roadways
- Received correspondence from OC Planning re: Comprehensive Plan
- Parks Dept continues to clear brush at Olley and Wooster's
- Contract signed for water maintenance building; project should start next week, well 4 will be back online for the 2 weeks, it will probably take 3 weeks to complete that project before we start rehab on the next well.
- Ordered new computers for PD, one for the water dept, and some for the finance dept.
- Annual report from WC carrier received; our rating was not that good due to # of police officers out on comp.
- Meeting with the Planning Board Chairman; had a long discussion about consultants and discussed the memo of what they can or can't do regarding procedures, it was a positive meeting. It will be discussed further at Tri Board meeting.
- Water main break near 14 Harrison Street last week; it was fixed quickly.
- Assisted Maybrook with a large water main break.
- Went over capital projects and grant application with Village Engineer & Rec Coordinator.
- Met with Village Attorney & Police Chief regarding Child Safety Zones and possible legislation.
- Trustee Leonard and himself are keeping up correspondence with Orange County, the State and Ulster County and Senator Larkin regarding the Rail Trail Extension.
- Received permission to remove tree branches at the intersection of Woodruff and East Main Street; the sight line is greatly improved.

- Met with local business man and Trustee Hoffman regarding the Comprehensive Plan; there were good comments and it will be discussed during that portion of the meeting.

Deputy Mayor Rumbold asked about the Tin Brook Bridge by Highland and how far back was it cut.

Manager Revella responded the brush was cut back about three feet from the guardrail and sprayed so it should stay down for the rest of the season; it will be monitored. If the State comes with the side-arm mower they can reach further.

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

**DPW liaison – Trustee Leonard** – nothing to report

### **Village Office Liaison (Clerk, Treasurer) – Trustee Bowen**

Trustee Bowen commented regarding recreation that he spoke to Mike Bliss and there are 250 ½ day kids and 60 full day kids in the summer camp program. The rec dept has taken in over \$19,000 in revenue. The beach is going well. The teen center numbers are increasing and there are talks of putting together a basketball game between the teens/staff and the police dept. Regarding the financial side, he spoke to Peter and we just had an internal audit and we are doing a great job; the audit will be completed at the end of august.

Mayor Maher commented that himself, Mike Bliss and a few other employees will be playing basketball at 7 pm on Thursday and have challenged the youth to a game.

### **Police Department Liaison – Trustee Rumbold**

Deputy Mayor Rumbold commented there is nothing to report; Chief is away on vacation.

### **Community Liaison & Library Board Liaison – Trustee Lown**

Trustee Lown commented there was a fantastic concert last night; she counted approximately 120 attendees. The next concert is Monday, 7/16 and it will be the Jazz Pioneers playing; she provided a flyer. She shouted out kudos to Ginny at the library and Jodi Lynn and Keith Hunter. She announced the Community Council meeting 7/11 at the Masonic Lodge; the Knights of Columbus Car Show on 7/14 from 9-5; on 7/21 is the Youth Employment Resume Building workshop from 9-12 in the Assembly Room and a Music in the Grove Concert at Wooster Grove; National Night Out meeting on 7/26 at 6:30 – volunteers are needed to blow up balloons.

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

Trustee Hoffman commented he met with the building inspector to discuss code enforcement actions, reviewed the Sign Law and potential changes to it. He attended the Planning Board meeting last week; he discussed with them scheduling a tri board meeting date.

### **Approval of the Minutes – June 12 & 26, 2012**

Trustee Lown made the motion to approve the minutes from June 12, 2012. Seconded by Trustee Bowen. 5 ayes, 1 abstention by Deputy Mayor Rumbold. Minutes adopted

Deputy Mayor Rumbold made the motion to approve the minutes from June 26, 2012. Seconded by Trustee Lown. 4 ayes, 2 abstentions by Trustee Hoffman and Trustee Bowen. Minutes adopted.

### **Public Comment on Business of the Board**

Manager Revella added a few items to agenda: One is to approve a grant application for a local waterfront revitalization plan, another is a discussion item for water/sewer charges when resident's fill up pools, and an action item to surplus a John Deere 4600 HST Tractor with a minimum of \$1000, and the Tri Board meeting.

Richard Casper, 131 S. Montgomery Street, sent in a letter requesting relief from the sewer fee when filling his swimming pool. He had the misfortune of his liner being ripped last year and it was replaced. He doesn't mind paying the water fee, but since the water will be used in the pool and not be going into the sewer system he would like the sewer portion fees waived.

### **Action Items**

#### **Introductory Local Law – Child Safety Zone**

Attorney DuBois commented last meeting we discussed putting in Child Safety Zones due to a level 3 sex offender moving in approximately 50 feet from the property line of the playground at the Elementary School. He did some research and drafted a local law that establishes Child Safety Zones which have a 500 foot radius from sensitive areas, meaning schools, daycares, bus stops, playground, public/private youth centers or public swimming pools.

Mayor Maher asked if the legislative intent was strong enough since there have been laws that have been challenged.

Attorney DuBois responded it is a middle ground. There is already a law in place for Orange County that restricts loitering within 300 feet of such areas, but it does not address residing within any radius of such areas. It seems they chose loitering and a small radius because there have been local laws adopted state-wide that have been overturned. The ones that were overturned were pretty severe; the City of Geneva was overturned; it had a 1000 foot radius. The Court believed the 1000' effectively expelled them from the city. The Orange County law is more lax; can't hang around with any real purpose or intent.

Mayor Maher commented the proposed law is for 500 feet.

Manager Revella commented our intent is for the living issue since sex offenders already have a restriction on them where they can not be within a certain amount of feet of contact with children, but it does not restrict them where they live.

Attorney DuBois commented 1000 feet would expel them from the Village. He also allowed 3 months to allow them to get a new residence. He indicated that where the State has legislated with the intent of occupying the entire area of that law, the State has preempted any local legislation. Courts have found that the State law preempts any municipal law, but Orange County and other municipalities have these laws and they are allowed to stand because they are not so severe. This introductory law was drafted so as not to be too severe and hopefully not get challenged, but if it did the Court may react more favorably.

Mayor Maher thanked Attorney DuBois.

Trustee Lown asked if the Chief has seen this and the thoughts of the police department on it.

Attorney DuBois responded most of his discussions with the Chief were more about the Orange County Law since that is the one they can currently act on. The concern is on the “nuts and bolts” of loitering law.

Mayor Maher commented he spoke with the Chief on the phone and he indicated his support for this law.

Deputy Mayor Rumbold confirmed that it is the State Law that requires the person needs to register with the local police department. She asked if there is any requirement within that law, that they are responsible in finding out if there is any existing legislation where they want to live that precludes them from being in certain areas. She indicated the three months time allowed to move is too long.

Attorney DuBois responded the distance and the time they have to move is up to the Board. There is nothing in the State’s law that indicates there may be other local laws; it is mentioned on the State’s website in the FAQs section.

Manager Revella commented the absolute minimum to ask the offender to leave is 30 days.

Mayor Maher confirmed the Board agrees with 30 days.

Deputy Mayor Rumbold commented she doesn’t want to create a law that can be legally challenged; the purpose is to protect the community. She feels we are working at cross purposes with the State. She wants to create a law that stops a situation from occurring; how do we create a law that is immune from challenge; we don’t want to create a false sense of security.

All Board members agreed to 30 days.

Deputy Mayor Rumbold asked how can we become more proactive and suggest to the legislation to the State of NY about creating something that prevents the situation from happening; everyone has civil rights and we want to create something so that the person who is renting doesn’t make a mistake because they are not aware of a law that is in place, to give them a certain comfort zone and at the same time give the community a sense of safety so this kind of situation won’t happen.

Mayor Maher responded the State Law is not strong enough and creating this local law will show the State needs to do more.

Deputy Mayor Rumbold asked if we create this law, is it something that we could as a Village give to landlords that have properties within the parameters of that area to make them aware.

Attorney DuBois responded he would check into that, but to his knowledge the burden is not on the landlord.

Trustee Leonard commented it may not be that effective due to the number of absentee landlords.

Attorney DuBois commented Orange County has a law; it is not very strict and has not been overturned as well as other municipalities. A few months ago the Board adopted a law regarding the DEC wetlands and that doesn't have an immediate effect, but it does send a signal to Albany that Walden and other municipalities in NYS feel this way. If the legislature were to amend the law specifically stating it was not their intent not to occupy the entire realm of sex offender laws, that would do it right there.

Trustee Leonard asked if the Otsego County law has been challenged and is it appropriate for our police department to show this law to the person when he registers.

Attorney DuBois responded he believes it is still in effect and being that it is the County, the 1000' radius is okay.

Trustee Bowen asked if sex offenders go to the police department first to register or do they rent the apartment first.

Attorney DuBois responded they establish residency first.

Mayor Maher asked the Board to discuss the penalty for this law; if a subject is in violation of the law, it will be a Class B misdemeanor; they are subject to a fine of up to \$500 and imprisonment of up to three months in jail.

Deputy Mayor Rumbold asked if we have this law and they move in across from the elementary school, they violated our law and they have 30 days to move and they are also punishable by fine of up to \$500. It was clarified that the subject was not in violation of the law until after the 30 days.

Attorney DuBois responded with the Village it can only be a violation; 15 days in jail and a fine of \$250. The penalty section will need to be amended.

Trustee Lown asked about any new businesses that fall into a Child Safety Zone and how it would affect a person residing in that area.

Attorney DuBois responded it is in section 4 E.

Manager Revella provided an example: If a person lives at the corner of Oak Street and there is nothing within 500 feet and suddenly a new place comes in right next to Oak Street, the person is not in violation until they initiate contact. It is not the person's fault a new business came in.

Trustee Lown responded she has a problem with that; she feels it's contradictory to have the law we are trying to make.

Deputy Mayor Rumbold asked to define "contact".

Attorney DuBois responded verbal or physical contact.

Trustee Bowen expressed concern about lawsuits and harassment. The Board wants to do the right thing; he doesn't want police officers to arrest people for no reason or they are not sure of. He recommended the 30 days.

**Set Hearing – 17 Bank Street, Property Maintenance**

Deputy Mayor Rumbold made the motion to set the property maintenance hearing for July 24, 2012 at 6:30 pm. Trustee Leonard seconded. All ayes. Motion carried.

**Bond Resolutions: 5-12-13, 6-12-13, 7-12-13, 8-12-13**

Attorney DuBois commented there are four bonds total; each need to be considered separately. The first is a bond resolution for Village Hall; the principal amount is \$203,500, it is a type II action under SEQRA.

Deputy Mayor Rumbold asked what the money covers.

Manager Revella responded the roof, the chimneys and the generator for Municipal Building.

Deputy Mayor Rumbold moved to adopt Bond Resolution 5-12-13 for \$203,500. Seconded by Trustee Lown. All ayes. Motion carried.

Attorney DuBois commented the next is for reconstruction of portions of the Village's water system.

Manager Revella confirmed this was discussed during the capital projects portion of the budget; it covers the well roads, Capron Street water main and water services on Bradley Lane and rehabbing the generator for well 5.

Attorney DuBois indicated the principal amount of this BAN is \$401,000 and it is a type II action.

Deputy Mayor Rumbold moved to adopt BAN Resolution 6-12-13 for \$401,000. Seconded by Trustee Lown. All ayes. Motion carried.

Attorney DuBois commented the next Bond Resolution is for the construction of various improvements at Bradley Park, principal amount \$275,000. This is an unlisted action so the Board will need to do a negative declaration.

Manager Revella commented this is the parking lot, playground and drainage that was discussed during the budget session.

Trustee Hoffman made the motion to declare an unlisted action and negative declaration under SEQRA. Seconded by Trustee Leonard. All ayes. Motion carried.

Manager Revella commented the one we did last time consolidated \$900,000+ and we need separate resolutions for each portion.

Trustee Lown moved to adopt Resolution 7-12-13, \$275,000. Seconded by Trustee Bowen. All ayes. Motion carried.

Attorney DuBois commented the last one is for reconstruction of various Village Streets, principal amount \$434,000. This is a type II action so no SEQRA declaration required.

Manager Revella commented this is for Westwood Drive & Pond Road repaving, we are doing the drainage at the end of the week, and it covers William St, Cherry St and some black topping on Bradley Lane and Capron St.

Trustee Leonard made the motion to approve Resolution 8-12-13, \$434,000. Seconded by Trustee Bowen. All ayes. Motion carried.

### **515 Ivy Hill Road – Water/Sewer Dispute**

Manager Revella commented there is a request dated June 18<sup>th</sup> in the packets; due to the amount he is required to ask the Board for action.

Trustee Lown asked for the Manager's recommendation.

Manager Revella responded he has no problem prorating the bill or setting up a payment plan, but as for the third request he would deny unless the resident is willing to pay for the cost of installing the outside meter; there is a meter installed inside with the OSR, outside reader which is easily read.

Trustee Lown commented that about three years ago she had received a nasty-gram indicating the water meter needed to be upgraded and asked if this resident was in compliance with that.

Manager Revella responded no, they were not. They had received post cards on the door asking them to send in water meter readings to the office and they were not in compliance so they had estimated reads for years and once the meter finally was replaced they had an actual reading and this is the difference.

Trustee Hoffman confirmed that over the course of the 10 years the resident never called in a reading.

Trustee Bowen asked why we haven't gotten in there; we need to be more proactive. He suggested sending out a uniform letter.

Manager Revella responded we have been; we have done over 100 in the last year. That letter has been sent out.

Deputy Mayor Rumbold asked how many have not been changed.

Manager Revella responded he thinks we are down to 80; when he came on there were 200. We try to get actual readings at least once per year.

Trustee Hoffman asked of the 80 remaining are those residents deferring the meter installation due to the fear of receiving a bill like this.

Manager Revella responded some are and some are due to us having to dig to find the valve and plumbing needs to be done.

Trustee Hoffman asked if we could send shut off notices to those that have not changed their meters.

Manager Revella responded he doesn't know if the law allows that.

Trustee Lown asked if the new accounting system can red flag accounts such as this with estimated reads.

Trustee Lown made the motion to prorate the bill and set up a payment plan, but only install an outside meter if the resident pays the expense for 515 Ivy Hill Road. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **131 S. Montgomery Street – Water Request**

Mayor Maher indicated this is the pool filling; the argument is the water is not going into the sewer system but it eventually will.

Trustee Leonard responded that is not the case.

Attorney DuBois recommended postponing the decision on this particular case until a full plan is determined. Your decision will be consistent with the policy.

### **Surplus Tractor**

Manager Revella commented the John Deere tractor that we use rake the beach, mow large tracts of land and use the auger has a serious issue, the repair is estimated at \$6000-\$8000. We would like to try to surplus it and look into getting a new tractor.

Trustee Lown made the motion to surplus the John Deere Tractor; \$1000 minimum. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Discussion Items**

#### **S. Montgomery Street/Cross Street**

Manager Revella commented last meeting we discussed the plan from Lanc & Tully and there were a few questions regarding cost. One option not too cost prohibitive is to move the curb to make a monolithic curb.

John Russo from Lanc & Tully Engineering introduced himself. He indicated moving that curb would cost roughly \$20,000; that includes pulling out the 180-200 feet of curbing on a County Road, installing new curbing, new pavement and some minor drainage.

Manager Revella confirmed that cost if for a contractor. He indicated the cost would be much less is done in-house. It could all be done in-house except for the monolithic curbing.

Trustee Leonard confirmed it would be 180 feet of curbing removed.

John Russo commented for a contractor to just do the new curbing it would cost about \$3500.

Trustee Leonard asked about the road striping.

Manager Revella responded we can not do the striping and he has pricing on it.

John Russo commented that since it is a County Road, they might be able to help you out with some of the cost.

Mayor Maher asked Mr. Russo if this is the best solution for us with this intersection.

John Russo responded this is the best we've seen.

Trustee Lown commented there was a concern from the public regarding cutting back the curbing.

John Russo responded there was something in the minutes indicating it might not be safe for pedestrian. There are many places where the curb is right against the sidewalk; New York City for example.

Manager Revella commented there are places in the Village as well.

Trustee Leonard asked if we still need to remove parking.

Manager Revella commented we discussed doing the low cost fix first before we talk about removing parking.

Trustee Lown asked timeframe if it's done in-house; there is a lot on the DPWs plate.

Manager Revella responded we need to get County approval; most likely the end of August.

Deputy Mayor Rumbold asked where the money would come from.

Manager Revella responded it would come from capital project fund.

Mayor Maher asked if we still have that pothole on Main Street.

Manager Revella responded we are not permitted to do those repairs on Main Street. He commented the building inspector is contacting the State in writing regarding the intersection of Bank, Main and Ulster.

Trustee Lown made the motion to authorize the Village Manager to begin the in-house work and \$3500 curbing for S. Montgomery/Cross Street. Seconded by Trustee Leonard. 5 ayes, 1 nay by Trustee Bowen. Motion carried.

Deputy Mayor Rumbold asked what happens if a vehicle gets damaged in the Main Street pothole.

Manager Revella responded he would send the bill to the DOT.

Deputy Mayor Rumbold commented our Village taxpayers pay taxes to maintain the Village and now we are using our tax dollars to do maintenance that NYS is responsible for so we are being double taxed. She asked what we can do about it. She asked who she can call.

Manager Revella responded we complain to our State Senators; that's our venue. He discusses it with the head of region 8 at DOT; they are having money issues too and are understaffed. He recommended she call Senator Larkin.

### **North Street**

John Russo provided cost estimates for improvements to North Street and Route 52 of approximately \$500 for the cost of 2 No Parking Signs.

Manager Revella responded those will be done within the week.

Trustee Lown asked about the striping.

John Russo responded the striping is not necessary. He indicated the extension up to First Street hasn't been surveyed but the rough estimate is \$150,000 to make it a thru road.

Manager Revella responded we can't do it this year in-house but it can be addressed next year during the budget.

Trustee Leonard asked if we have a survey of the undeveloped street.

Mayor Maher asked what would that survey cost.

John Russo responded mid range would be \$5000-\$8000.

Mayor Maher commented we have not had enough discussion to see if we want to do that and spend that much money.

Trustee Lown recommended going ahead with the enforcing the laws already on the books; no parking here to corner and by fire hydrant.

### **Comprehensive Plan Chapter 4 & 5**

Mayor Maher commented Chapter 4 touches on Natural Resources including the Wallkill River, Elevation, Wetlands and Natural Habitat, etc.

Deputy Mayor Rumbold commented the Board took action on wetlands after this was written, does this address that action.

Manager Revella responded it should be referenced.

Trustee Leonard asked if the water resource map on page 19 is the most current.

Manager Revella responded the maps are the most recent from the County.

Mayor Maher commented this is self explanatory. He didn't see anything about specific projects and guessed it was mentioned in later chapters in more detail. He asked about the Energy Conservation in Chapter 4 and does it speak to what we have done in our buildings and can it speak to outdoor lights.

Deputy Mayor Rumbold referenced in Chapter 5, page 41 about the textured crosswalks and if that is something put in the paint or does it go in the road and is more permanent.

Manager Revella responded one way is stamped pavement and it's in the actual pavement.

Deputy Mayor Rumbold asked how often we do the lines for crosswalks.

Manager Revella responded we try to do them every other year.

Mayor Maher liked the mention of the rail service and freight service.

Manager Revella commented we had some public comment about expanding transportation especially with the redevelopment going on at Stewart.

### **Sign Law**

Manager Revella commented that Sean made some changes in the draft you have.

Trustee Hoffman commented at the last Tri Board meeting the Planning Board and Building Inspector indicated there were some problems with the Law. Dean, Sean and Manager Revella went through the existing Sign Law and marked it up, added one or two items and distributed them in the Board packets. Dean provided a list of signs that are non compliant; there are very few that are non compliant.

Trustee Leonard commented on Dean's list, there are some that compliance is not indicated by yes or no.

Trustee Hoffman responded what Dean is trying to say is it's not a simple yes or no; it's were they in compliance, did they install a sign that was approved by the planning Board. The one problem with the law was that the business owners felt it was unfair to change the law after they had an existing compliant sign. The main focus of the law is to allow existing non conforming signs to continue until such time they make improvements to their property or change their sign.

Deputy Mayor Rumbold asked about # 83 which is listed as unknown.

Trustee Hoffman responded that is Gridley Horan and there are no records on it; it may have predated the Code and it is Dean's understanding it's probably an existing non conforming and will be protected until such time the owner wishes to make a change to the sign, and then it would need to come into compliance.

Mayor Maher asked at what point will we sit down with the businesses.

Trustee Hoffman recommended waiting for the Tri Board meeting for next discussion.

Trustee Bowen recommended getting all the business owners together that have a no on the list.

### **Grant Application – Waterway Revitalization**

Manager Revella commented this is a \$50,000 grant for local waterway resources for waterfront revitalization plan for the entire length of the river, covering both public and private properties.

Trustee Lown asked what the plan is.

Manager Revella responded the grant is to fund the plan.

Trustee Leonard asked if that would include the dam area.

Manager Revella the dam repairs are not our responsibility.

Deputy Mayor Rumbold made the motion to approve the Waterway Revitalization Grant application. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Water Sewer Charges with pool fillings**

Mayor Maher commented based on the short conversation we had is the Board okay with drafting something exempting the sewer charges as long as the water doesn't go into the sewer.

Trustee Lown agreed.

Manager Revella commented one concern is these things usually occur on the weekend and it would be difficult for the village to monitor that it is being done properly. He asked if the Board recommends it to be something yearly or every five years. Do we include topping it off every year?

Richard Casper, 131 S. Montgomery Street, commented the basis of his request is because he had to replace the liner this year. It should be for a liner replacement or a new installation. He is asking for sewer relief for 13,500 gallons to fill the pool and he recommends proof be provided; invoice for new liner, etc.

Manager Revella agreed; it could be done for just for new liner or new installation.

The Board agreed.

Mayor Maher confirmed we are setting a policy tonight by motion.

Manager Revella commented is will be a case by case policy. The resident would be required to provide proof of new pool or new liner.

Trustee Bowen made the motion to set a policy to waive the sewer portion of a bill for new installations or new pool liners with appropriate proof. Seconded by Trustee Hoffman. All ayes. Motion carried.

Manager Revella indicated the average sewer waiver would be around \$90.

### **Tri-Board Meeting**

Trustee Hoffman commented we looked at several dates, the Village Manager will not be available for one of those dates. The two other dates are August 9<sup>th</sup> & 13<sup>th</sup>. The Building Inspector is currently holding the other Board members for one of those dates.

Mayor Maher commented we talked about having it immediately following the Youth Employment graduation on August 9<sup>th</sup>, but do we want to take away from that program. He thinks that would be good timing; hold the meeting at 8pm which was the best time for most.

Deputy Mayor Rumbold commented she believes that is too late.

Manager Revella asked what time did the Tri Board meet last time.

Mayor Maher responded 8pm.

Attorney DuBois commented that he will be out of town on the 13<sup>th</sup>, so the 9<sup>th</sup> would work for him.

Deputy Mayor Rumbold asked what is on the agenda.

Manager Revella responded the Sign Law, Executive Session and the Comprehensive Plan.

Mayor Maher commented regularly setting meetings with the Boards.

Trustee Bowen agreed that 8pm is too late.

Mayor Maher suggested 7pm on August 13<sup>th</sup>, since we can't do it at 7pm on the 9<sup>th</sup>. On the 9<sup>th</sup> it might be even later due to the graduation.

Trustee Lown commented she can not attend on the 13<sup>th</sup>; that day is Music in the Grove and she would rather see the Board be at the Music in the Grove.

Trustee Hoffman asked for authorization to schedule the meeting based on the date that we can get the most participants from all three Boards.

Deputy Mayor Rumbold suggested holding it 8/28 which would have been the regular Board meeting.

Trustee Hoffman responded there is a reason we don't have that 2<sup>nd</sup> Board meeting in August, it's usually a difficult week, the end of summer and the holiday. We would like to schedule it as soon as possible; July didn't work due to the Village Manager's absence.

Mayor Maher suggested starting our regular 8/14 meeting a bit earlier and follow that meeting with the Tri Board meeting.

Trustee Lown responded we are back to the argument that nobody wants to be here at 8pm.

Mayor Maher commented we are here until 9 or 9:30 most nights; we'll be smart with the agenda and get things done.

Trustee Bowen agreed with the 14<sup>th</sup> idea.

Mayor Maher suggested starting the meeting at 6 on the 14<sup>th</sup>.

Trustee Lown responded she didn't think starting a half hour earlier will help.

Mayor Maher commented for Trustee Hoffman to use the dates that he has and poll the rest of the Board and do the best that we can. Sean has been trying to do this for a while.

Deputy Mayor Rumbold commented why is it such an emergency to have the meeting as soon as possible.

Mayor Maher responded it is not an emergency but we haven't had one in a long while.

Trustee Lown commented the Sign Law is a big issue.

Trustee Hoffman commented that we are not looking to make another extension of the moratorium on the Sign Law and we want the participation in a meeting format.

Mayor Maher confirmed to give Sean the authority to set the meeting on either the 9<sup>th</sup> or 13<sup>th</sup> at 7pm.

Trustee Hoffman clarified the 9<sup>th</sup> was out due to the Youth graduation so it's firmed as the 13<sup>th</sup> and he will coordinate with the Clerk and the Building Inspector to notice the other Board members.

### **Public Comment**

Diane Sandbothe, 90 Liberty Street, asked about the sex offender and what happens if they own a house or are living home with parents; do they have to sell their house.

Manager Revella responded it would affect those persons equally. They don't have to sell their home, they just can't live there.

Attorney DuBois commented they have to be convicted of a level 2 or 3 sex offender and have to be beyond their probationary period.

Diane asked what the law is about dogs pooping in the street.

Manager Revella responded it is not allowed; we have a pooper scooper law. He told her to file a complaint with the police department.

Diane commented the calendar indicated there would be garbage pick up on July 4<sup>th</sup> and everyone had their garbage out; she recommended someone to check with the garbage company to see if there was pick up on the 4<sup>th</sup>. She also asked for confirmation that the law indicates there needs to be a lid or cover on the cans and can't be in a plastic bag.

Manager Revella responded the law does describe how you are supposed to place your garbage at the curb; the Building Inspector or Code Enforcement Officer can cite the resident.

Diane asked about earlier comments regarding the NYS DOT and is that the same dept that is supposed to fix the lights on the bridge.

Manager Revella responded nobody is fixing them; the engineers are working on a plan to get something done.

Jessica Metzger, 4 Gracewood Court, asked for clarification on the Child Safety Zone Law; if it covers level 2 and 3 only, is it for after parole and probation, and if the law applies to both residing and employment

Attorney DuBois responded yes to all three questions.

Jessica commented the National Night Out advertisements are fabulous and she is very excited and gave thanks to the Masonic Lodge for their donation. Regarding S. Montgomery and Cross Street, she commented it is a nightmare and with all due respect to the Village Engineer she is vehemently opposed to the curb change. She asked about the position of investigator that was posted on July 2<sup>nd</sup> for the police department. She commented it was not discussed during the budget and asked how it will affect the current budget. She asked when will it be filled and how will it affect the budget.

Manager Revella responded we don't discuss personnel matters in open forum.

Jessica responded it is a budget item. A position is being created in the Village of Walden that is absolutely something that has come up in the public because it is part of the budget.

Manager Revella responded he is not at liberty to discuss it in this forum.

Jessica clarified that no one on the Board is comfortable saying that this is not going to affect the current budget. She asked if the Board even knows about this position being posted on July 2<sup>nd</sup> on the cork board.

Mayor Maher responded the Board supports the Village Manager's statement.

Jessica addressed the public indicating this is our open government. The law does not restrict you discussing how this affects our budget. You publicly posted a position which is obviously a newly created position and it's going to cost the Village money.

Manager Revella responded you don't know that; you are assuming.

Jessica asked at what point are you ready, willing and able to discuss that with the public. She asked the salary.

Manager Revella responded when we get to that point he will bring it up. The salary is listed on the posting.

Jessica asked that the Tri Board meeting be posted on the website.

Trustee Hoffman responded the Notice is required to be published and he had no objection to it being posted on the website.

Mary Ellen Matise, 21 Clinton Street, asked if we have a date for Christmas on Main Street.

Trustee Lown responded December 1<sup>st</sup>.

Mary Ellen asked about the \$50,000 grant and if that is a separate grant we already received.

Manager Revella responded yes, separate grant. The one we already received is a greenway grant and it covers just Village property.

Mary Ellen commented regarding the sewer waiver and the Board is really setting a precedent. She recommended doing a keyword search in the minutes and find several discussions including housing developments that have outside meters for water that is not being processed through the house and lawn watering. There was someone who had an auto detailing business that was using umpteen gallons of water but it was going back onto the law. Now all these other people can come and ask for waivers.

Marcus Millspough, 10 Jessup St, commented about Williams Street and he noticed a strange sidewalk configuration on the north side. He requested that the sidewalk be engineered ADA compliant. In reference to the Comp Plan, he commented about severe slope and on the west side there is a severe slope and there was a failure of a retaining wall on Overlook. He recommended that be inspected on an annual basis. He commented regarding absentee landlords in the Village and there is a registry that is kept, so landlords can be notified. He commented he was in the Town of Wallkill and right on Clerk's counter was the registry of sex offenders and maybe we should do that.

Dave Sperry, Overlook Terrace, commented he is aware the Town is responsible of the Rail Trail but asked if someone can find out when they plan on fixing that washout. He also asked if the etiquette sign could be turned so it is more visible. He mentioned the DPW lists and each liaison has their department; the PD can be read in the paper and he recommended the accomplishments of DPW be mentioned.

Manager Revella responded he tries to mention the DPW projects in his report.

Dave mentioned the lights in the Square and if the regular lights can be put back up.

Manager Revella responded that is what we are considering.

Dave commented about the parking and no parking zones, he recommended checking the sign locations. He referenced Walnut Street, there is a no parking here to corner sign but it is a no parking zone all the way around the corner so that is the wrong sign and should be corrected. He concurs with Jessica regarding S. Montgomery St & Cross Street. He was originally told that the street was changed for the fire trucks and now we are moving the curbs and sidewalks; it is not working. He mentioned the position opening up in the Village, he commented the salary should be identified and as a resident he should know where that money is coming from. If it is coming from within the department and not

adding a police officer, that is one thing, but if we are creating a whole new position that is a whole new salary and that should be addressed now.

Anita Vandermark, Highland Avenue, commented the garbage cans were out in the street again today. She asked about the speed hump status.

Manager Revella responded we need to set up a town hall meeting with the residents of that area.

Anita asked about the possibility of parking on one side of the street on Woodruff. She commented she is concerned about bicycle riders leaving Wooster's Grove going to the rail trail.

Manager Revella responded he has trimmed and cut the trees there.

Richard Casper, 131 S. Montgomery Street, commented he worked for the Village as a Crossing Guard and noticed on the corner of Maple and Walnut there is a sign indicating the speed limit of 15 mph. He recommended a yellow and black speed sign. He asked about the two sinkholes at Main & Bank and Main & Orchard and wonders if those are water loss spots.

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

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

#### **Correspondence - none**

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

Trustee Leonard commented we set a record for speeding tickets in the month of June and hopes it continues. He mentioned the manhole at the top of Scofield needs to be raised.

Trustee Lown wished Anita a Happy Birthday. She mentioned the Teen Center is awesome; it is a great place for the kids and has great mentors working there. She mentioned the Music in the Grove and congratulated the Community Council, Mr. Hunter, Ginny and Jodi Lynn and encouraged everyone to attend. She reminded everyone of the Farmers Market on Fridays; there will be music at 2pm.

#### **Executive Session – Property Purchase, CSEA negotiations, Police personnel updates**

Trustee Lown made the motion to go into Executive Session to discuss property purchase, CSEA negotiations and police personnel updates. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

#### **Reconvene**

Trustee Lown moved to reconvene the regular meeting. Seconded by Deputy Mayor Rumbold. 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  
July 10, 2012  
Motions & Resolutions**

**Approval of the Minutes – June 12 & 26, 2012**

Trustee Lown made the motion to approve the minutes from June 12, 2012. Seconded by Trustee Bowen. 5 ayes, 1 abstention by Deputy Mayor Rumbold. Minutes adopted

Deputy Mayor Rumbold made the motion to approve the minutes from June 26, 2012. Seconded by Trustee Lown. 4 ayes, 2 abstentions by Trustee Hoffman and Trustee Bowen. Minutes adopted.

**Set Hearing – 17 Bank Street, Property Maintenance**

Deputy Mayor Rumbold made the motion to set the property maintenance hearing for July 24, 2012 at 6:30 pm. Trustee Leonard seconded. All ayes. Motion carried.

**Bond Resolutions: 5-12-13, 6-12-13, 7-12-13, 8-12-13**

Deputy Mayor Rumbold moved to adopt Bond Resolution 5-12-13 for \$203,500. Seconded by Trustee Lown. All ayes. Motion carried.

Deputy Mayor Rumbold moved to adopt BAN Resolution 6-12-13 for \$401,000. Seconded by Trustee Lown. All ayes. Motion carried.

Trustee Hoffman made the motion to declare an unlisted action and negative declaration under SEQRA. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Lown moved to adopt Resolution 7-12-13, \$275,000. Seconded by Trustee Bowen. All ayes. Motion carried.

Trustee Leonard made the motion to approve Resolution 8-12-13, \$434,000. Seconded by Trustee Bowen. All ayes. Motion carried.

**515 Ivy Hill Road – Water/Sewer Dispute**

Trustee Lown made the motion to prorate the bill and set up a payment plan, but only install an outside meter if the resident pays the expense for 515 Ivy Hill Road. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Surplus Tractor**

Trustee Lown made the motion to surplus the John Deere Tractor; \$1000 minimum. Seconded by Trustee Bowen. All ayes. Motion carried.

**S. Montgomery Street/Cross Street**

Trustee Lown made the motion to authorize the Village Manager to begin the in-house work and \$3500 curbing for S. Montgomery/Cross Street. Seconded by Trustee Leonard. 5 ayes, 1 nay by Trustee Bowen. Motion carried.

**Grant Application – Waterway Revitalization**

Deputy Mayor Rumbold made the motion to approve the Waterway Revitalization Grant application. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Water Sewer Charges with pool fillings**

Trustee Bowen made the motion to set a policy to waive the sewer portion of a bill for new installations or new pool liners with appropriate proof. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Payment of the Audited Bills**

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

**Executive Session – Property Purchase, CSEA negotiations, Police personnel updates**

Trustee Lown made the motion to go into Executive Session to discuss property purchase, CSEA negotiations and police personnel updates. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Reconvene**

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

**Adjournment**

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