

**Village of Walden
Board of Trustees Regular Meeting
October 9, 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
Michael Blustein, Village Attorney

Executive Session – Potential Litigation

Mayor Maher commented that on the advice of counsel we will be going into to Executive Session to discuss the Maple Street contract.

Deputy Mayor Rumbold moved to go into Executive Session to discuss the Maple Street contract. Trustee Leonard seconded.

Trustee Hoffman recused himself from participating in Executive Session as the contractor's attorney has been advising him and his wife on a matter not related to the Village of Walden, although he feels he could be impartial, he believes recusing himself is the correct thing to do to avoid any appearance of impropriety.

6 ayes, 1 abstention by Trustee Hoffman. Motion carried.

Reconvene

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

Property Maintenance Hearing

17 Bank Street

Jay Buchalski, Code Enforcement Officer, provided photos of the property as of today and the items are still present on the property.

Mayor Maher asked if there was contact from the homeowner and how long Jay's been working on this.

Jay responded Ms. Boakye called twice today to find out what she needed to be here for and he has been working on this for past couple of months.

October 9, 2012

Cynthia Boakye, 17 Bank Street, commented the tenants moved out and now have different tenants. She spent all her money to do the inside. She saw Dean Stickles today and explained to him and asked for one month to clean it up. In addition, she just lost her job.

Mayor Maher thanked Ms. Boakye for appearing tonight and confirmed that she is asking for one month to clean up the yard.

Trustee Bowen asked if Ms. Boakye would be getting a dumpster and how many houses are adjacent that can see the debris.

Jay indicated just the two homes on either side.

Trustee Leonard asked if Ms. Boakye is aware that bulk pickup is coming October 21st.

Manager Revella explained bulk pickup procedures.

Mayor Maher asked the Board if they agree to follow-up at the next meeting on October 23rd.

Deputy Mayor Rumbold commented with bulk pickup happening on the 21st, it should be gone by the next meeting.

Trustee Hoffman commented to give Ms. Boakye a month to comply so she won't have to come back at the next meeting.

Deputy Mayor Rumbold explained bulk pickup does not include electronics and TVs and tires.

Ms. Boakye does not know exactly what is there; she only knows of couches.

Attorney DuBois commented a resolution is needed to allow the homeowner one month from today to resolve the issue or the Village can take action.

Lori provided Resolution number 14-12-13.

Deputy Mayor Rumbold moved to pass Resolution 14-12-13 for 17 Bank Street; allowing one month to clean up debris. Seconded by Trustee Leonard. All ayes. Motion carried.

14 Riverview Street

Jay commented there are 2 vehicles that are unregistered and uninspected and as of today both are still there; one has plates on it now, but the plates are registered to a Honda. He provided photos from today.

Mayor Maher asked how long Jay has been working on this issue. He asked if there has been any correspondence from the owner.

Jay responded a month and there's been no correspondence from the owner.

Mr. Ramcharitar, owner of 14 Riverview St, was told both cars would be registered and on the road within the last two weeks. He indicated the one tenant is having financial difficulties and has promised it will be removed from the driveway within the next week. The other vehicle, he thought was registered but apparently those plates don't match the make of the car.

Manager Revella commented if at least one of the vehicles is not removed within a week, the Village will be forced to tow one. He confirmed with Jay that there are only two vehicles.

The tenant commented he has one of the unregistered vehicles; the tenant that moved in downstairs has the other.

Mayor Maher asked the Board how they feel about a one week window.

Trustee Carley asked if they are not removed in one week, which one will be towed.

Manager Revella responded the one we can hook up to; the one that is more accessible.

Trustee Bowen recommended allowing two weeks which brings us to the next meeting and if it is not gone by the 23rd, the vehicle will be removed on the 24th.

Mayor Maher indicated the Board agreed; the Resolution will be 15-12-13 which provides the owner two weeks to remove one of the vehicles or the Village will tow one at the owner's expense.

Trustee Bowen made the motion to pass Resolution 15-12-13 for 14 Riverview Street; allowing two weeks to remove one vehicle. Seconded by Trustee Leonard. All ayes. Motion carried.

Village Manager's Report

- finishing work at the water treatment building; getting our water main above ground
- went over sidewalks; John Street is completed, Ridge should be completed today
- discussed water valves on Ridge Avenue
- water repair on Utopian Place
- cleared brush on East Main Street
- set up for Harvest Fest
- water tanks were inspected by a diver; there was an issue in one of the tanks – being remediated now
- met with window contractors; should be starting in three weeks
- Went over possibility of speed hump on Oakland Ave at Town Hall Meeting; will be gathering more traffic data to determine where speed hump location should be.
- Went over DPW facility with personnel and Engineer; made great strides in taking care of life safety issues
- Went over sewer pump stations at sewer plant, generators and other items looking to the future; we have some room for improvement – will be discussed at budget.
- Went over 12 hr shifts with police chief and scheduling sergeant; our police will be starting 12 hr shifts November 1st; 7am-7pm & 7pm-7am. It allows officers to follow-up on cases; should help with overtime.
- Working with special counsel with CSEA and 207c issues with the Clerk

- Hydrant flushing started Oct 1st; if brown water, it is safe to drink, use caution doing white laundry – Village Hall does have product to help remove stains.
- Correspondence with Village Insurance carrier and Engineer regarding Village hall damage from hurricane – this is the last project to follow up on.
- Checking on progress with Westwood Drive with underground line; there have been some messes and we've made sure they've cleaned them up.
- Pre-bid conference on Pleasant Ave sewer main replacement; bid opening tomorrow.
- Met with Craig Buccieri and Officer Montanaro regarding our Emergency Management Plan; Mr. Buccieri is assisting Town of Montgomery with their Plan and using our Plan since the County has been touted as exemplary
- Attended conference in Goshen regarding procurement – a lot of great information
- Prepared and had a successful Harvest Fest

Mayor Maher asked about the speed humps and what, if anything, was said about if one area has speed humps that other areas won't then want to have them. He asked about the argument of having an officer there more often.

Manager Revella responded there were approximately 20 residents at the Town Hall Meeting and those arguments were not brought up. He indicated he has discussed those issues in the past. A speed hump costs a few hundred dollars and has been shown to be effective; an officer placed there would cost more. The Chief explained it all at the meeting. We have data to show there is a speeding problem there and that's true for a few areas. The plows and emergency vehicles in the Town of Newburgh have not had any issues so far with their speed humps.

Trustee Hoffman commented he attended the meeting and he agrees with John; The Chief indicated an Officer would work, but the speed hump is more cost effective and it is there all the time.

Trustee Lown indicated this is not new; it has been discussed for months. Oakland Avenue is the perfect test site based on Chief's correspondence with the Town of Newburgh.

Deputy Mayor Rumbold asked if there is a concern that once the humps are on Oakland, the speeders will just move to Highland Avenue.

Manager Revella commented there is another concern with the intersection of Highland, Sadlier and Oakland and a possible 4-way stop there, which would help, but that might not happen.

Trustee Hoffman recommended data be gathered on adjacent streets after the humps go in.

Trustee Lown asked about the stage being treated and it being a shared stage; are they sharing the cost.

Manager Revella responded the stage is owned by the Village of Walden but the Village of Montgomery does borrow it. The Village of Montgomery shares other things with us that we don't pay for.

Trustee Leonard asked if there are any updates on Ulster Avenue upgrade.

Manager Revella responded no; he spoke with the regional director of DOT at the Orange County Transportation Council meeting and they were severely cut in staff and they were already behind and he doesn't anticipate them being any quicker with less staff. The project was supposed to be done in the State's fiscal year which ended September 1st so we are looking at the next fiscal year.

Deputy Mayor Rumbold commented the skate park at Bradley is being abused again. She thinks it may need to be re-visited; it's costing time and money and its not being used as it was intended.

Trustee Lown agreed and indicated that whether the park is open or closed the Village is liable.

Mayor Maher asked if the Board thinks we should put together a coalition committee; a community of people that use it and the people that were responsible for putting it there so that there can be a discussion of the fiscal responsibility of keeping it there.

Trustee Lown responded yes, it comes up at every budget session and she thought that was what the Board was going to do.

Mayor Maher asked Trustee Carley's assistance in putting that together. The Town Hall meeting will be posted and put in the paper.

Trustee Hoffman asked about UR Energy and the light bulbs.

Manager Revella responded we have a contract with UR Energy to replace the lighting in the Village Hall and Village Buildings; it was paid for mostly by a County grant. Under that contract they are required to replace the bulbs if they go out for something like 3 or 5 years, which they have done for the first year and very quickly. Lately, they have not been responsive; we made phone calls, sent emails and now have had the attorney send a letter and are holding payment. We haven't received a response yet.

Trustee Hoffman commented that Dean started contacting them in August with phone calls and sent a letter in September.

Mayor Maher asked if he could contact them.

Manager Revella responded yes; we are not in litigation with them.

Deputy Mayor Rumbold commented she is thankful the brush is cleared by the Tin Brook Bridge, no thanks to the State.

DPW Facility

John Queenan, Lanc & Tully Engineer, commented at the last meeting we identified 9 items down at the Facility that needed to be addressed immediately; 7 of those 9 have been taken care of. The remaining 2 include CO detectors and exhaust fans and they are on order.

Manager Revella commented we did those 7 items in-house and completed them immediately.

Trustee Bowen asked what kind of CO detectors.

John Q responded they are hard-wired, standard sized and they are placed at intervals in the building based on square footage.

Trustee Carley asked why they can't be picked up at Home Depot.

John Q responded they need to be hard-wired in to the vent that we need.

Deputy Mayor Rumbold asked the total cost of these 2 items.

John Q responded we are waiting to hear back from the manufacturer.

Mayor Maher asked the cost of the first 7 items.

Manager Revella responded 3 days labor for DPW guys and materials of approximately \$1900.

Trustee Hoffman asked about the crane; is it locked out and is it a policy that it can't be put back in service.

Manager Revella responded it is locked out – tagged out; it can not be put out of service.

Mayor Maher asked the timeline for the last 2 items to be completed.

John Q responded should be completed by the next Board meeting. He reiterated the DPW Facility is 50-60 years old, it hasn't been kept up with proper maintenance and it has been out-grown by the size of the Village and the equipment.

Mayor Maher asked how much of the equipment is sheltered and how much remains out in the elements. He asked how much the last piece of equipment purchased had cost.

John Q responded approximately 40% of the equipment is sheltered and the rest is sitting out.

Manager Revella responded the small dump truck we just purchased was \$70,000.

Trustee Carley asked the Manager to explain the lock out-tag out he referenced regarding the crane.

Manager Revella responded public facilities are supposed to have a lock out-tag out system; there is an iron box that is marked and has a label in it for what is being locked-tagged out and the piece of equipment has a lock on it which indicates what happened and by who and it corresponds to the box.

Deputy Mayor Rumbold confirmed that the current DPW building can not be expanded to accommodate all of our equipment because it is parkland. So if we fixed the facility, we would still have the space issue.

John Q responded yes, the facility is out dated. To tear it down and rebuild to current code we would still have 60% of equipment outside.

Deputy Mayor Rumbold asked if that building falls under OSHA. She asked if the building is in compliance.

Manager Revella responded PESH. He did not recall the last date of inspection; but at the last date, we were in compliance.

Trustee Hoffman asked if the building was replaced, would the additional safety equipment consume more floor space thus leaving more equipment to be left outside.

John Q responded that is correct; specifically the chemical containment area, for motor oils and hydraulic fluids.

Approval of the Minutes – September 25, 2012

Trustee Lown made the motion to approve the minutes from September 25, 2012. Seconded by Trustee Hoffman. 6 ayes, 1 abstention by Deputy Mayor Rumbold. All ayes. Motion carried.

Trustee's Committee Reports

DPW liaison – Trustee Leonard

Trustee Leonard commented the Manager, Dave and himself are supposed to look at a portable building tomorrow.

Village Office Liaison (Clerk, Treasurer) – Trustee Bowen

Nothing to report

Police Department Liaison – Trustee Rumbold

Deputy Mayor Rumbold commented the Police Dept held a dinner for the seniors and it was a great time. She commented last time she met with the Chief they discussed preparations for Harvest Fest and everything went off well.

Community Liaison & Library Board Liaison – Trustee Lown

Trustee Lown commented the Harvest Fest went great; she thanked the Walden Community Council and the entire Committee that worked on it. She mentioned the Family Dance on Friday was great. She announced the next WCC meeting 7pm at the Library 10/10; Fox Hill Community festival Saturday, 10/13, from 2-5pm; Christmas on Main Street meeting 10/18 at 7pm with the event held 12/1; last Farmers Market is 10/19; 10/22 is the Library Board meeting; Village wide yard sale 10/20 with bulk pickup on 10/21; 10/24 at 7pm is the final Harvest Fest meeting at NY School of Music; 10/27 is the Halloween Parade 4pm at Wooster Grove; trick or treat is 10/31 from 6-8 pm; Leadership Day meeting is 10/25 at 6:30 here on the 3rd floor, she mentioned the members of the Committee.

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

October 9, 2012

Trustee Hoffman commented it's a busy time for the Building Dept; Dean has issued 13 building permits and 3 COs in the last 2 weeks. The Diner was in front of the Planning Board and has received approval for their parking lot and painting. There is a public hearing for the tattoo studio on Main Street at the next meeting. The ZBA had a use variance last week that was denied.

Parks and Recreation Liaison – Trustee Carley

Trustee Carley commented we already touched on the skate park, Bradley Park's drainage is done and the playground is getting a lot of use, the soccer program is going well and the Harvest Fest went well. He reiterated the Halloween Parade is 4pm on 10/27 and noted some time changes for the programs at Wooster Grove; zumba is 5:30-6:30 on Mondays and Wednesdays and yoga is 5:30-6:30 on Thursdays and new hours for the Teen Center: 7-11pm Fridays & Saturdays.

Mayor Maher announced he will be attending the Town of Montgomery budget meeting this Thursday. He also indicated he and John will be setting up a meeting with the Town Supervisor to discuss some expense issues with the Village.

Public Comment on Business of the Board

Mayor Maher announced there will be a fourth discussion item: Veterans Memorial Park.

Becky Pearson, Walnut Street, provided a handout of the Veterans Memorial Park. She commented that with the fundraising with the bricks, they've raised some money that they would like to put back into the Park. They have received quotes/proposals from 3 landscapers and met with one with this proposed plan (handout). The budget is about \$2200. The Committee is asking for the Board's approval on the proposed plan. They are not asking for any money from the Village; unless they would like to donate as nothing is planned for by the sign. She indicated the Community Council through the Veterans Memorial Park Committee will be paying for it.

Trustee Hoffman asked if it is on public property are they required to pay prevailing wage.

Attorney Blustein responded no.

Trustee Hoffman asked if the Village will be donating any funds to this project.

Manager Revella responded we won't be giving funds to this project but we may do plantings near the sign as part of Park maintenance.

Trustee Hoffman commented regarding the Park design and possibly using something other than stone dust which is difficult for strollers, etc or recommended compacting it or sealing it.

Manager Revella commented he has discussed the plan with the Recreation Coordinator and neither one of them have an issue with it.

Becky asked about the vehicle use policy, #8 states must wear seatbelts but should it say something if a person doesn't wear a seatbelt. Also, #13 states should refrain from using cell phone.

Manager Revella responded no, there shouldn't be anything added regarding the seatbelts. In regard to cell phone use, he can not make someone not use a cell phone if it's an emergency; the law allows cell phone use, even in your own car, in the event of an emergency.

Becky asked if liability and insurance were discussed at the meeting on speed humps, she provided an example of a motorcyclist falling or someone on a skateboard.

Manager Revella responded it was not discussed at the meeting; he discussed it with the Village's insurance carrier prior to the meeting and there is no special exception. The only issue is we need the proper signage indicating speed hump ahead.

Trustee Carley indicated the Engineer has to go out there and make sure the speed hump is to certain specifications.

Becky commented about the DPW Facility and she believes that property when it was taken away as parkland was alienated and is no longer parkland. She commented if it was alienated, we have since added Olley Park, Besdesky Park and Alfred Park. She asked for that to be confirmed.

Manager Revella asked if she knew when that occurred.

Mary Ellen Matise responded she has the records.

Becky asked what else could be built there; it's got to be a brown field since there's likely oil and gas, etc.

Manager Revella responded if it's a brown field, we won't be able to build there. He doesn't believe the DEC has brown field funding anymore.

Mary Ellen Matise, 21 Clinton Street, commented that she has the paperwork on the DPW including the designation.

Manager Revella asked if anyone has any of the litigation from the 80's on the scout cabin it would be helpful.

Diane Sandbothe, Liberty Street, asked the average number of hours per week each police officer works; is it 40 hours per week.

Manager Revella responded currently it is between 44-47 hours per week on average.

Diane asked if it goes to a 12 hour shift will they be working 3.5 days because if they work 4 days, there will be overtime.

Manager Revella responded the overtime will be less; one week it will be 3 days, the next week will be 4.

Action Items
Award Curbing Bid

Manager Revella commented the low bidder previously awarded backed out and is not able to do the job. The second bidder is able to start work immediately should the Board choose to award the job to them.

Trustee Hoffman asked about the bid bond.

Manager Revella responded they have surrendered the bid bond.

Trustee Bowen made the motion to award the curbing bid to GT Excavating in the amount of \$85,875.14. Seconded by Trustee Leonard. All ayes. Motion carried.

Sign Law

Trustee Hoffman commented the Sign Law is in the packets.

Manager Revella indicated the current version is in the packets and the other version was in your box, separate.

Attorney DuBois commented he reviewed the proposed changes and his only recommendation for the Board to consider is if a business had a prior non conforming sign which was inadvertently destroyed, they would be allowed 18 months to replace it in its prior form. He believes the Board should consider the reasoning for allowing that and if it's gone why not bring the sign into conformance.

Mayor Maher commented after the change to the Sign Law, there will only be 4 non conforming signs out of the original 19. He asked how that would affect these 4; is it giving them a window.

Attorney DuBois responded yes, for example if a car ran into the sign and destroyed it, under the prior change in the law, the sign could be replaced as it was as a prior non conforming sign, they would not have to abide by the current law. He indicated there are 3 versions of this Law; the one currently on the books, the Trustee Hoffman revised one and the one Attorney DuBois recommended.

Trustee Hoffman provided an example; say Dunkin Donuts has a non conforming sign and this law made it conforming but someone backs over it, they can restore that sign and not have to change it.

Attorney DuBois commented it is up to the Board, whether they want to make it consistent with the Zoning Code in general or say if the sign gets destroyed, the new sign has to conform.

Trustee Carley asked for clarity; he understands what's been said.

Deputy Mayor Rumbold confirmed that there are 19 signs now that are not in compliance. She asked what was changed to allow 15 of those signs to come into compliance.

Trustee Hoffman responded we have eliminated the part of the previous law that requires if you have a previous non conforming sign the business has 5 years to come into conformance. The example that has been used is Joe Horan; that sign was erected before the previous law, so Joe Horan has a sign that was illegal when the law was changed in October 9, 2012

2002 all this new law will do is allow Joe's sign to continue to exist until he changes it in the future. The reason there are 4 signs that will be non compliant is they were erected after 2002 and are not up to the current standards.

Deputy Mayor Rumbold asked what happens with those 4 signs. She asked what the issues with these 4 signs are.

Trustee Hoffman responded they would be cited and they would have to go to the zoning board of appeals for a variance. He indicated one of the signs, the bank, has an internally lit sign, which as of 2002 is no longer allowed, Joe Horan is also internally lit that's why he was not in compliant, but his sign was up prior to the change, he couldn't recall the others.

Mayor Maher commented he spoke with a few businesses and believes the public hearing will provide a venue for the business community to discuss the law.

Attorney Blustein commented the revised sign law is consistent with the zoning laws; if a building is a prior non conforming use and you continued to maintain that use as long as it stands, but if the building burns down, it's a question of whether you can re-erect it. If it's there before 2002 it's grandfathered in; you wouldn't be able to expand on it or make it bigger, but you can keep it. If it were to fall down, you can replace it. The re-draft of the law is in conformity with the zoning law regarding buildings.

Trustee Bowen confirmed that anything prior to 2002 is grandfathered in.

Trustee Hoffman referenced the original list from Dean of the signs.

Deputy Mayor Rumbold asked the timeframe for the 4 signs that will still be non compliant.

Attorney DuBois confirmed they were erected after the 2002 law so they were noticed that there was a law on the books and allowed a grace period. When this law is passed, they will be noticed.

Attorney Blustein asked if permits were given when the signs were erected.

Trustee Hoffman responded no; of the three the Building Inspector can't find any records on it so if the businesses have anything indicating it was approved, they are asked to provide the documents. He indicated there were 5, the list was updated in July and we are down to 3 signs that are non conforming.

Trustee Bowen asked where the three are.

Trustee Hoffman responded they are Rick's Auto Body, the Bank and the Walden Mall.

Mayor Maher indicated he will contact these individuals prior to the public hearing to make sure they are here to have their comments heard.

Attorney DuBois asked which version of the law does the Board want; the one allowing the 15 signs as conforming however what about the accidental destruction of the sign; can the business replace the sign or does it need to come into compliance with new law.

Deputy Mayor Rumbold commented if a sign is destroyed and they are replacing it why wouldn't they have to bring it into compliance.

Trustee Hoffman responded what if the sign was backed into and just fell down and it just needs to be re-erected.

Deputy Mayor Rumbold responded if it is destroyed, can't be re-used and needs to be made, why wouldn't they have to bring it into compliance.

Trustee Lown asked if it can be done on a case by case basis.

Attorney Blustein commented when trying to define something that specific it doesn't make sense; it can be maintained or it can be replaced.

Mayor Maher confirmed maintaining the sign is already in the law. It could be considered maintaining the sign if it fell down and just had to be put back up, but if it was destroyed he would think it should be in compliance if it had to be rebuilt.

Trustee Hoffman commented according to the building inspector the sign should be replaced as a non conforming sign, they would be issued a violation, it would then be brought in front of the ZBA for an interpretation and then a decision would be made.

Attorney DuBois asked the Board for clarification on the version of the law; if the sign is destroyed, it needs to be brought into compliance, but if it falls and just needs to be maintained, it's okay. He cited section 305-45, letter B.

Trustee Hoffman referenced section 305-41, I 2 – "any sign that was conforming prior to the enactment of Local law No 5 of 2002 and was made non conforming, shall be replaced, remodeled or otherwise brought into conformance or removed by May 1, 2012" as being what needs to be solved.

Manager Revella confirmed that #2 needs to be taken out.

Attorney DuBois clarified the section on involuntary destroyed signs will be deleted, Trustee Hoffman's mention of 305-41 I 2 section will be deleted and the dates that are currently X's will be filled in with the date the original 2002 law was passed will put the law in its final form.

Trustee Lown made the motion to set a public hearing on Introductory Local Law I-8: Sign Regulations for October 23, 2012 at 6:30pm. Seconded by Trustee Carley. 6 ayes, 1 nay by Deputy Mayor Rumbold. Motion carried.

Bids for Garbage Collection

Manager Revella commented he's been working with the Village Attorney on getting specifications that adequately meet the needs of the Village; there are many exceptions and conditions in the event of changes in the future, one being if Taylor Biomass comes online. He included an option for Village-wide collection including all commercial which is currently in our Code. There are differences in our collection and disposal fees, again for if Taylor comes online since we are locked into a disposal fee with them. There is a

requirement, by whoever the winning bidder is, to supply a garbage can to every residence and to have the capability to have the side arm pickup.

Trustee Leonard commented that we specified a 30 gallon container but if the side arm is used, it's a 92 gallon. He confirmed the current contract is a 5:30 am start.

Manager Revella responded we can work on the container and the start time is 5:30 since they have to be done by a certain time.

Deputy Mayor Rumbold commented the current hauler has picked up prior to 5:30am.

Trustee Carley asked what happens if we don't want an extra garbage can. He asked about the discussion from the last Board meeting and requiring the new company to have side arm capability, we will be eliminating some bidders.

Manager Revella responded if your street uses the side arm, they will be required to use their garbage can. He is not sure which garbage companies have the side arm capability.

Trustee Lown pointed out a misspelling in #25, damages.

Manager Revella asked all Board members to review the specifications for next meeting so it can be put out to bid after next meeting so we can collect the bids and award it before the current contract expires.

Trustee Leonard asked if it is reasonable to require the trucks to be washed and disinfected daily.

Manager Revella responded it is reasonable.

Trustee Leonard asked about the size of the can for recycling.

Manager Revella indicated the last possible date to finalize these bid documents would be the next meeting, Oct 23. He confirmed the Board agrees with the options for additional years, the possibility of going village-wide – the current hauler surveyed the businesses for pricing, the days of collection and the method of collection.

Trustee Carley asked to wait until the next meeting to be able to read it through.

Trustee Hoffman questioned the timeframe available. He commented it could be approved but any changes/questions addressed by email; he proposed to allow the Board a week to review the specs and provide questions/comments to John.

All agreed.

Trustee Lown made the motion to authorize the garbage bids specifications. Seconded by Trustee Bowen. All ayes. (Deputy Mayor Rumbold not present). Motion carried.

Taxi Stand Local Law 3 of 2012 Taxi Stand – repeal law

Manager Revella commented the Board discussed last time the possibility of repealing the Taxi Stand law as it is not necessary in that particular area anymore.

Trustee Leonard confirmed it would just repeal the parking spots.

Trustee Bowen made the motion to declare a negative declaration with regard to SEQRA. Trustee Hoffman seconded. All ayes (Deputy Mayor Rumbold not present). Motion carried.

Trustee Bowen made the motion to repeal Local Law 3 of 2012; Taxi Stands. Seconded by Trustee Lown. All ayes (Deputy Mayor Rumbold not present). Motion carried.

Property Maintenance Hearing – 145 West Main Street

Trustee Leonard made the motion to set a property maintenance hearing for 145 West Main Street for October 23, 2012 at 6:30pm. Seconded by Trustee Hoffman. All ayes. Motion carried.

Main Street Rehabilitation Case

Kerron Barnes provided a case profile in the packets. He explained last year we received a NY Main Street Grant for \$337,000 for buildings on Main Street. Sometimes these buildings include residential use; the owners can combine the Main Street program with the Village's revolving loan program which was funded originally with HUD grants through the Small Cities Program. He is presenting this case to the Board for approval since it is above the Manager's approval limit, in the case of a rental apartment, of \$15,000. The proposed loan is \$18,000; the name and address are not disclosed. He indicated the property is a vacant apartment over a storefront, ownership is in a corporation and is eligible for a 3% loan, the market value is over \$340,000 and the current mortgage is just over \$71,000. The debt to loan ratio is 26.32%. He indicated a local contractor is the low bidder and the project includes complete renovation of the apartment, including kitchen, bath, etc. Two bids were received and both were very close to the building inspectors cost estimate. The cost of the work is \$41,500, the loan is \$18,601 and the balance comes from NY Main Street program. He commented the only requirement is the first tenant in this apartment has to meet the income standards of the HUD Program which means the tenants income needs to be below 80% of median income. Under NY Main Street program, the owner's required to have tenants under 90% of median income for 5 years.

Trustee Hoffman asked if it was the County median income or the Village's income.

Kerron responded it's the County median income; he provided a handout.

Mayor Maher read 80% of the median income for one person is \$45,500; 2 people \$52,000; 3 people \$58,000; 4 people \$65,000 and so on.

Trustee Carley asked the size of the apartment.

Kerron responded he believed it was a 2 bedroom.

Trustee Leonard confirmed the apartment will be greater than 900 sq feet.

Trustee Bowen asked the timeframe for it to be repaid.

Kerron responded 10 years at 3%. There is a benefit of an apartment no longer being vacant; the owner believes he can rent it for \$850 (?) which improves the cash flow.

Deputy Mayor Rumbold asked with all that equity why doesn't the owner just go get a line of credit.

Trustee Bowen agreed with that question.

Kerron responded it's at 3%, but there are no closing costs, appraisal fees, etc.

Mayor Maher commented the Village makes a little bit too.

Deputy Mayor Rumbold made the motion to approve the Main Street Rehab loan for \$18,601 to the terms specified. Seconded by Trustee Lown.

Trustee Carley asked if these come to the Board regularly.

Manager Revella responded it only has to come before the Board if it's over a certain limit or if he has a personal conflict; he has handled the last four. He indicated it's a great program and has helped revitalize many properties.

Trustee Leonard confirmed there is no timeframe on the Program.

All ayes. Motion carried.

Discussion Items

Main Street Lights Update

John Queenan, Lanc & Tully Engineer, commented they have monitored the main panel for any spikes and there haven't been any, so that is eliminated, but we still don't know the problem. Now, we need to check the individual lights so he recommends taking 2 lights, one on Main Street and one in the Square, and redo the photo cell, the ballast, the bulb and the junction box. They will waterproof the junction box at the base of the light and see if that remediates the problem. It's the most cost effective fix. If it works, we'll move on and do the rest of the lights, if it doesn't work, the fixtures might need to be replaced.

Trustee Lown asked what happens if they work for a few days and go out again.

John Q responded he will take it one step at a time.

Trustee Hoffman asked how long these 2 test lights need to work properly before you can confirm the problem; he suggested the test maybe should run over the winter.

John Q responded he would like to run the test for 30 days and that should be sufficient.

Trustee Lown asked the cost.

John Q responded each light should be around \$500.

Manager Revella responded if we have to replace the fixture, it's about \$4000 each. He also indicated that two cobra lights will be put in the Square in the meantime.

Trustee Leonard recommended buying the parts as a package; it's usually cheaper.

Deputy Mayor Rumbold asked if the original people who did this have no liability. There have been issues since day one and now we are stuck with this mess.

John Q commented the bridge is another issue; he would like to waterproof the junction boxes and expects to have something by the next Board meeting.

Deputy Mayor Rumbold asked where the money will come from for this.

Manager Revella responded lighting.

Mayor Maher confirmed the Board is okay with giving John Q the go-ahead.

All agreed.

Trustee Carley confirmed everything will be done to Code.

Vehicle Use Policy

Manager Revella commented Attorney DuBois reviewed the Vehicle Use Policy and recommended some updates. He asked the Board to review the Policy and provide comments.

Deputy Mayor Rumbold asked for an explanation of #1 under Usage of Village Vehicles.

Attorney DuBois responded the general rule is the Village vehicle is for Village business, but if someone is authorized to commute to and from work but stop to pick something up on the way home from work, they won't get fired.

Deputy Mayor Rumbold asked who says what is de minimis personal errands.

Manager Revella responded it would be himself. He indicated the police chief and himself are the exceptions to this policy. He also indicated that no one else brings a vehicle home. In the future that may change.

Trustee Hoffman asked what happens if someone stops for a cup of coffee during the day.

Attorney DuBois read the original policy: Village vehicles may be used for commuting between work and home.

Mayor Maher confirmed this policy will allow employees on their break to take the vehicles to their home, if they lived in the Village, to get lunch at home.

Attorney DuBois responded not in its current form.

Manager Revella responded we would like it to be in there.

Trustee Lown commented she would like the specific types of smoking spelled out; cigars or cigarettes. She requested it state smoking of any nature is prohibited.

Attorney DuBois responded smoking applies to any substance. He indicated he could make it more prominent.

Trustee Hoffman asked if this policy extends to Village equipment; excavators, etc.

Attorney DuBois responded he will make sure.

Trustee Carley asked if there is a list of current drivers.

Manager Revella responded we don't have a current list but we do check drivers through the police department.

Deputy Mayor Rumbold asked if someone is using a Village vehicle and needs to leave the Village do they check in with someone.

Manager Revella responded police officers check in & out every time with the dispatchers; two other departments leave the Village several times per week for testing and he knows they leave the Village; otherwise, they call into him and report they are leaving the Village.

Attorney DuBois commented the part regarding cell phones indicates drivers should refrain from using cell phones, but if necessary, a hands-free device must be used.

Deputy Mayor Rumbold asked how many employees have been written up or cited for cell phone use or not using a seat belt.

Manager Revella responded for cell phone use, none but for seat belt use, there's been two. He indicated we will have a final version for next meeting.

Veterans Memorial Park

Mayor Maher indicated the Board agrees it is fine and a motion is not needed. He confirmed with the Board.

All agreed.

Public Comment

Diane Sandbothe, 90 Liberty Street, asked about the Sign Law and the Mexican Restaurant on Main Street having an open sign that blinks; is it in the criteria of the Law.

Manager Revella responded open & closed signs are exempt; he's not sure about the blinking.

Attorney DuBois responded there is a question about which one controls since there is prohibition against blinking.

Diane asked about the colors on Main Street and if the Mexican Restaurant is in compliance.

Mayor Maher responded this was discussed at a previous meeting; they did not go about re-painting the right way and have since gone in front of the Planning Board and received approval for proper colors and it will be re-painted.

Diane asked if the Village vehicles have a log book.

Manager Revella responded we have a fuel usage log which can determine mileage. All police vehicles and his vehicle have mileage logs.

Diane commented if Alan Sorenson was head of some department in the Village and she asked months ago if he could look into the cemetery on her property. She recalled Alan was working with Mary Ellen and if a building was going to be torn down, they would try to save as many artifacts as they could.

Manager Revella responded he is the Village Planner. He commented that maybe Mary Ellen, as the Historian, could help with the cemetery.

Diane responded she's asked all over, including the County & Vassar College, for help with the cemetery. She would like to verify the cemetery is there.

Manager Revella responded he is not sure how to do that.

Diane asked about the garbage cans not being seen from the road.

Manager Revella responded that is not the current code.

Diane asked about the swale in the back of her house; DPW had cut the grass before, but not since and she would like it fixed before winter. She asked how DPW will be plowing Liberty Street; generally all the snow lands on their front lawn and her husband will send a bill to the Village every time he needs to fix it.

Becky Pearson, Walnut Street, asked about the Ethics Board attorney, she read in the paper the Ethics Board would like to expand the Code to be able to investigate and will that attorney be doing that. She also asked for an explanation for what that means.

Manager Revella responded our attorney will do it; currently the Ethics Board is to comment on questions before them, not to investigate allegations of impropriety. They are not able to do that under the current Code.

Becky referenced past Ethics Board decisions. She thanked the Board for their support of the Veteran's Memorial Park Committee.

Mary Ellen Matise, Clinton Street, provided an incident report from August 2004 when she fell on the sidewalk and commented that 8 years and 2 months to the day, the sidewalk on Ridge Avenue has been fixed. She mentioned speaking to the contractor who has been replacing the sidewalk and learning the sidewalk will be sealed. She suggested the property owners should be advised on how to maintain the sidewalks.

Payment of the Audited Bills

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

Correspondence – none

Miscellaneous Comments from the Board of Trustees

Trustee Leonard commented there were a record number of speeding tickets issued last month; kudos to the PD.

Deputy Mayor Rumbold thanked everyone who worked on Harvest Fest. She asked about Norman Park. She asked status of salt and if all vehicles are ready for winter.

Manager Revella responded the Norman family asked to wait for spring for dedication. He indicated the Village has over 1000 tons of salt in storage, but not all vehicles are ready, there are 2 more.

Trustee Lown mentioned the Rising Stars event is tomorrow. She recommended everyone to check out the Walden Quarterly. She thanked everyone for their work on Harvest Fest.

Trustee Hoffman announced the Comp Plan meeting on 10/18 at 7pm to review all changes. He thanked everyone who worked on Harvest Fest; it was a wonderful time.

Mayor Maher reiterated Trustee Lown's Rising Stars event; he announced that Austin will be acknowledged as a Rising Star and he is also the new chair for the Inspire Foundation Board and he congratulated him. He thanked Becky and the Committee for all their work on Veteran's Memorial Park.

Executive Session – Property Purchase, Personnel PD

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

Property Purchase Contract

Deputy Mayor Rumbold made the motion to authorize the Village Manager to sign the contract with condition for property purchase. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

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

Adjournment

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

**Village of Walden Board of Trustees
Regular Meeting
October 9, 2012
Motions & Resolutions**

Executive Session – Potential Litigation

Deputy Mayor Rumbold moved to go into Executive Session to discuss the Maple Street contract. Trustee Leonard seconded. 6 ayes, 1 abstention by Trustee Hoffman. Motion carried.

Reconvene

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

Property Maintenance Hearing

17 Bank Street

Deputy Mayor Rumbold moved to pass Resolution 14-12-13 for 17 Bank Street; allowing one month to clean up debris. Seconded by Trustee Leonard. All ayes. Motion carried.

14 Riverview Street

Trustee Bowen made the motion to pass Resolution 15-12-13 for 14 Riverview Street; allowing two weeks to remove one vehicle. Seconded by Trustee Leonard. All ayes. Motion carried.

Approval of the Minutes – September 25, 2012

Trustee Lown made the motion to approve the minutes from September 25, 2012. Seconded by Trustee Hoffman. 6 ayes, 1 abstention by Deputy Mayor Rumbold. All ayes. Motion carried.

Award Curbing Bid

Trustee Bowen made the motion to award the curbing bid to GT Excavating in the amount of \$85,875.14. Seconded by Trustee Leonard. All ayes. Motion carried.

Sign Law

Trustee Lown made the motion to set a public hearing on Introductory Local Law I-8: Sign Regulations for October 23, 2012 at 6:30pm. Seconded by Trustee Carley. 6 ayes, 1 nay by Deputy Mayor Rumbold. Motion carried.

Bids for Garbage Collection

Trustee Lown made the motion to authorize the garbage bids specifications. Seconded by Trustee Bowen. All ayes. (Deputy Mayor Rumbold not present). Motion carried.

Taxi Stand Local Law 3 of 2012 Taxi Stand – repeal law

Trustee Bowen made the motion to declare a negative declaration with regard to SEQRA. Trustee Hoffman seconded. All ayes (Deputy Mayor Rumbold not present). Motion carried.

Trustee Bowen made the motion to repeal Local Law 3 of 2012; Taxi Stands. Seconded by Trustee Lown. All ayes (Deputy Mayor Rumbold not present). Motion carried.

Property Maintenance Hearing – 145 West Main Street

Trustee Leonard made the motion to set a property maintenance hearing for 145 West Main Street for October 23, 2012 at 6:30pm. Seconded by Trustee Hoffman. All ayes. Motion carried.

Main Street Rehabilitation Case

Deputy Mayor Rumbold made the motion to approve the Main Street Rehab loan for \$18,601 to the terms specified. Seconded by Trustee Lown. All ayes. Motion carried.

Executive Session – Property Purchase, Personnel PD

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

Property Purchase Contract

Deputy Mayor Rumbold made the motion to authorize the Village Manager to sign the contract with condition for property purchase. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

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

Adjournment

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