

**Village of Walden  
Board of Trustees Regular Meeting  
October 23, 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
		Tara Lown
		Sean Hoffman
		Willie Carley
Absent	Trustee	Bernard Bowen

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

**Executive Session – Attorney – Client**

Deputy Mayor Rumbold made the motion to go into Executive Session to discuss attorney-client. Seconded by Trustee Leonard. 5 ayes, 1 abstention by Trustee Hoffman. Motion carried.

Trustee Hoffman recused himself.

**Reconvene**

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

**Hearing – 145 West Main Street**

Manager Revella presented the report from Jay, the Code Enforcement Officer, which indicates no changes; the property is still in disrepair as per photos taken that day. The Board is asked to take action that within a certain amount of time the shed be removed or the Village will do it for them. He confirmed this is the property that has the shed that is falling down.

Trustee Leonard commented that shed is ready to fall down and it should be remedied quickly.

Mayor Maher suggested 5 business days.

Attorney DuBois indicated a resolution is needed which authorizes the Village to remediate the violations not cured within 5 business days from today.

Trustee Leonard moved to adopt Resolution 18-12-13 concerning property violations at 145 West Main Street. Seconded by Trustee Lown. All ayes. Motion carried.

**Public Hearing – Sign Law I-8 of 2012**

October 23, 2012

Deputy Mayor Rumbold moved to open the public hearing on Introductory Local Law I-8 of 2012 – Sign Law. Seconded by Trustee Lown. All ayes. Motion carried.

No public comment

Trustee Leonard moved to close the public hearing on Introductory Local Law I-8 of 2012 – Sign Law. Seconded by Trustee Lown. All ayes. Motion carried.

Deputy Mayor Rumbold moved to declare the Local Law an unlisted action under SEQRA. Seconded by Trustee Lown. All ayes. Motion carried.

Deputy Mayor Rumbold made the motion to adopt Local Law 6 of 2012 – Sign Law. Seconded by Trustee Lown. Motion carried.

Deputy Mayor Rumbold asked once this Sign Law is modified, how many signs will still not be in compliance.

Mayor Maher responded he met with Sean and Dean this morning to go over this and after passing this law, there will be one sign that will not be in compliance. There is another sign which is considered a unique exemption which is the Walden Mall sign. There are two that never received approval; one of those he personally walked through the approval process this morning (Rick's Auto Body) with; the other business, the Mayor has a meeting set up with the President/CEO to go over it with next week.

Deputy Mayor Rumbold commented sometimes it is all about perception and she feels the law was modified and exempted a lot of people, and now we are down to one. She is at the point that let's just start from everyone before this is grandfathered including the one and just move forward from there.

Mayor Maher responded there is one sign that remains; he believes the only issue with it is it is internally illuminated, and according to the 2002 law that is not allowed.

Deputy Mayor Rumbold commented there are some that we modified the law for that are also internally lit and they are allowed to stay.

Mayor Maher responded this specific sign was modified after 2002.

Deputy Mayor Rumbold responded she understands that.

Trustee Hoffman asked if it would matter if the applicant who erected the sign was told that the sign was illegal and went ahead and put it up anyway.

Deputy Mayor Rumbold responded it was put up on the advice to put it up. The difference was this law was put into being and nobody received any letters or any reminders. Nothing was done to enforce this law and all of a sudden now we decided that we are going to enforce it, then we modify it so the whole list gets chopped down to four people and now it's down to one business.

Trustee Hoffman commented the idea was not to modify the law to make everyone compliant; if that is what we were trying to do, it would have been a lot easier. What we

tried to do was make it fair and fundamentally the Board thought that it was a principal matter of a sign being erected and being a legal sign. Then after the law was changed in 2002 no longer being a legal sign. That's what these existing non conformities are; these were legal signs when they were built and are only illegal because of the law adopted in 2002 and in all likelihood the owners did not perceive it as a problem.

Mayor Maher agreed and indicated he has a meeting with the new President of the business and wasn't involved in the procedure with the Planning Board where there was a miscommunication and they have every recourse to come to this Village Board and request an exemption. They do have options even if this law is passed. He has been doing his best to make sure we are not hurting any businesses with passing this law. He believes the modifications to the law are the best we could do and suggested they move forward. He again indicated he is meeting with Hometown Bank.

Trustee Lown asked about the 2 that have never received approval whatsoever.

Mayor Maher responded one is going through the process and he is helping that owner (Rich's Auto Body) and the other has many issues and will go through the process as well. He indicated Dean did his job.

Trustee Leonard asked when the extension expires.

Attorney DuBois responded he believes it is November 1<sup>st</sup>.

5 ayes, 1 nay by Deputy Mayor Rumbold. Motion carried.

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

- sidewalks on Ridge Avenue replaced; repaired water valves as well
- finished a small section of sidewalk on Wait St; hope to budget more money towards sidewalks for next year
- discussion with Engineering firm regarding state funding for sewer plant for future upgrades
- conference with Building Inspector and Attorney regarding gas service installations in the Village and permitting process
- meeting with the Chief & Special Counsel regarding 12 hour shifts in PD; there is a draft agreement in the Board packets
- Repaired as many water valves as possible before winter and continue to do so
- Continue flushing hydrants this month, next month we'll be reading meters
- Received bids for Pleasant Avenue sewer main; hope to award it tonight
- CSEA negotiation meeting – will be talked about in Executive Session
- Replaced fire hydrant that was hit by drunk driver; there are a few more to do. It is likely all on Ulster Avenue will be replaced.
- Meetings with NYSEG & DND Power, their contractor, regarding underground power line & pole replacement; there's been issues with soil remediation and put together a plan
- Well road to 4, 5, & 6 has been paved.
- Began property maintenance at 27 North Montgomery Street, which we now own; can now access from Locust Street.

- Curb has been completed on Pond & Westwood; aprons getting done today, road will be re-claimed next week and paved thereafter. Residents have been very patient.
- Meeting in Goshen regarding Transportation Council and TIP funding; federal funding and possible cutbacks in that funding. Went through MAP-21 which is a new federal program for funding.
- Met with engineers and Earthcare to get sewer bypass on the old dump road to check the sewer main.
- Meeting at Montgomery Senior Center with the Town and the Villages, Trustee Carley attended regarding emergency management plans and coordinating resources.

Deputy Mayor Rumbold asked when the restaurant on Main Street will be repainted.

Trustee Hoffman responded he mentioned it to Dean and he sent them a reminder letter that it should be done before winter and weather is not an excuse.

Deputy Mayor Rumbold asked if attendance is kept track of with the programs at Wooster's Grove and if the programs are paying for themselves. She recommended the programs be re-evaluated periodically and maybe other programs offered.

Manager Revella responded most of them fund themselves; zumba does. There are some programs that will never pay for themselves; it's just a program that is provided to the community. Cardio-kickboxing and Yoga are on the cusp.

Trustee Leonard asked if the NYSEG gas installations could be expanded on.

Manager Revella responded there is an agreement between NYSEG and the Village regarding gas in the Village and there is a disagreement right now as to the permitting process to do the gas installations. The Attorney is working on it.

Trustee Hoffman asked if there is litigation.

Attorney DuBois responded potentially.

Trustee Hoffman asked if the Manager & Attorney could provide an update in two weeks on NYSEG. He asked for an update on the DPW Facility.

Manager Revella responded the spill containment areas have been installed; need to wait to apply epoxy. The materials are in for ventilation and CO, just need contractor to install.

### **Approval of the Minutes – October 9, 2012**

Deputy Mayor Rumbold moved to approve the minutes from October 9, 2012. Seconded by Trustee Leonard. 5 ayes, 1 abstention by Trustee Lown. Minutes approved.

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

#### **DPW liaison – Trustee Leonard**

Trustee Leonard commented that he, John Queenan and John Revella looked at the temporary shelter that is for sale at J & M; the engineer will look into the cost of a new building.

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

Deputy Mayor Rumbold commented the radio for the Police Dept has been installed; now the PD and Fire Dept can communicate. She asked if there is an emergency and both agencies are involved, who is in charge.

Manager Revella responded we go by NIMS; it depends on the situation.

Deputy Mayor Rumbold indicated the Police Dept are preparing for Halloween; they are working on patrol coverage, some of the supervisors changed shifts around to cover for Halloween to avoid overtime. The Chief provided a cost report from Harvest Fest and the Investigator started October 21<sup>st</sup>.

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

Trustee Lown announced the last Farmers Market was Friday, the Village wide yard sale was this past weekend, the final Harvest Fest meeting is tomorrow at NY School of Music at 7pm immediately followed by a Christmas on Main St meeting, on 10/25 at 6:30 is the Leadership Day Committee meeting; nomination forms are available on the Village website and the municipal office, 10/27 is the Halloween Parade at 4pm at Wooster's Grove, Trick of Treat is 10/31 from 6-8pm, Veterans Day Ceremony is 11/11 at 1pm and election day is 11/6.

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

Trustee Hoffman commented he met with Dean and the Mayor today to review the Sign Law and last minute questions. He discussed with Dean the NYSEG issue and there are some light bulbs out in Municipal Hall which the Mayor is working on that problem.

Mayor Maher responded yes, he's been having trouble getting in touch with that specific individual.

Attorney DuBois indicated he sent a letter as well.

Deputy Mayor Rumbold asked if they have breached the contract and if we are paying them money.

Mayor Maher responded it was paid for by a County grant.

Manager Revella commented we got paid by the County and we pay this company a portion of our energy savings every month. He indicated we have stopped paying them.

Trustee Hoffman commented the problem is the bulbs have mercury in them and they can't be disposed of in the normal way. Dean is making calls to find out how to dispose of them if we were to replace the bulbs ourselves. He asked if this could be added as a discussion item for the next agenda.

### **Parks and Recreation Liaison – Trustee Carley**

Trustee Carley commented he met with the Recreation Coordinator yesterday and DPW has started grading the new parking lot at Bradley Park and continue to work on drainage, the indoor soccer registration is going on now along with basketball registration which involves new skills and drills; it's every Saturday for 4 weeks. He announced the current programs at Wooster's.

Mayor Maher commented that as liaison to the Town Board, he reported attending the Town Budget sessions and was one of only three that were in attendance. The Village is looking at a decrease. There are several issues and he and Manager Revella plan on meeting with Supervisor Hayes to discuss. He announced the next budget session dates: 11/1, 11/8 & 11/15 all at 7pm.

Trustee Leonard asked if there was any discussion on Code Red and charges in the A fund.

Mayor Maher responded no, but that is one thing they plan on discussing with Supervisor Hayes.

Deputy Mayor Rumbold asked if we know where that savings in the A fund came from.

Mayor Maher responded it was from the lawsuit; there was a bond issued and it paid back all the money in full.

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

Jessica Metzger, 4 Gracewood Court, commented about the school board liaison under discussion items and how the school board uses connect-ed and the Villages and Towns use Code Red and it would be a great service to the community if the schools could also use Code Red.

Becky Pearson, Walnut Street, confirmed the garbage bids will be approved and then they go out to the contractors.

### **Action Items**

#### **Vehicle Use Policy**

Manager Revella commented as discussed previously there was a need to update the vehicle use policy. He asked the Board to review the policy.

Deputy Mayor Rumbold asked who decides and how are employees informed of what a minor personal errand means and is it subject to the employee saying they thought it was a minor personal errand to go to the doctor for over an hour.

Manager Revella responded it will be handled on a case by case basis.

Attorney DuBois agreed with the Manager and the supervisor or the Manager will have to determine what is a violation or not.

Deputy Mayor Rumbold asked at a previous meeting and is asking again that when Village vehicles leave the Village, if the person driving the truck informs someone that they are leaving. She confirmed employees check back in once they return.

Manager Revella responded that is the current practice and this policy will require it.

Deputy Mayor Rumbold asked about no smoking in the Village vehicles but someone can use snuff or chewing tobacco. She commented that in fairness to the smokers, everything should be included.

Manager Revella responded that is correct; it is not in the policy, if she would recommend it in there, it can be added.

Attorney DuBois responded the intent of the policy is because of damage to the vehicle.

Deputy Mayor Rumbold referenced chewing tobacco users spitting out the window and recommended it be included in the policy.

Trustee Lown disagreed with Deputy Mayor Rumbold; she indicated there are means and ways to not spit out the window. She recommended the policy state smoking is prohibited in and on all Village vehicles which would include tractors and such.

Attorney DuBois confirmed the change to the policy: under Usage of Village Vehicles, #13 will now state Smoking is prohibited in and on Village Vehicles and Equipment.

Trustee Leonard moved to approve the Vehicle Use Policy. Seconded by Trustee Lown. All ayes. Motion carried.

### **Surplus – various pieces of equipment**

Manager Revella commented there is a list:

- various computers from PD: CPUs and power supply, no minimum bid
- 2004 Crown Vic, minimum bid \$1500
- JRB side dump bucket, minimum bid \$8000
- KNESE pump, 4 inch, minimum bid \$400
- SRECO Sewer Jet – minimum bid \$4000
- Kubota Riding Mower, 4WD, no minimum
- Stanley Hydraulic pole saw, no minimum
- Stanley Hydraulic chain saw, no minimum
- Wacker Tamper, no minimum

Deputy Mayor Rumbold asked to make sure those CPUs are clean. She asked how old the Kubota is.

Manager Revella responded he is not sure.

Trustee Hoffman confirmed all this equipment is not currently in use.

Manager Revella indicated there is 12 items; all minimums add up to \$13,900.

Deputy Mayor Rumbold made the motion to surplus various equipment as listed. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Bids for Garbage Collection**

Manager Revella commented there has been one addition; the pre bid meeting is November 8<sup>th</sup> at 10am.

Deputy Mayor Rumbold confirmed there are still 2 bulk pickups.

Manager Revella confirmed all customers would get cans provided at not cost. The option for businesses is included. The side arm capability is in the specifications.

Deputy Mayor Rumbold confirmed the times of pickup; no earlier than 5:30am. She asked about the issue of the cans being all over the place.

Manager Revella responded it is in the specifications. He confirmed all residents will receive a standard can. The can specifications will be discussed at the pre bid meeting.

Deputy Mayor Rumbold confirmed the senior discount will still apply.

Deputy Mayor Rumbold made the motion to approve the Garbage Bid Specifications, Resolution 19-12-13. Trustee Leonard seconded. All ayes. Motion carried.

### **Award Bid for Maple Street Sewer Bid**

Manager Revella commented we had a bid opening, the low bidder had some history with the Village and we had some concerns, under the law we are required to give them due process and discuss the issue with them and we've come to a resolution.

Mayor Maher commented the low bidder was TAM Enterprises who came in \$20,000 less than the next lowest bidder. The bid is \$170,571.69.

Trustee Leonard moved to award TAM Enterprises the Maple Street Sewer bid. Seconded by Trustee Carley.

Mayor Maher commented we continue to have serious concerns with TAM's prior work and the documentation concerning that work, however, the Village Board met with TAM's President, heard the explanation and provided additional documentation. The Village Engineer has commented that TAM is capable to performing the Maple Street Sewer Main replacement work and the Engineer will be inspecting the work.

Trustee Leonard commented that this is a time sensitive project and the engineer estimates 2 months.

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

### **Award for Pleasant Avenue Sewer Bid**

Mayor Maher commented the low bidder was Boyce Excavating Co in the amount of \$81,530.40.

Manager Revella indicated this is a County project with CDBG funding.

Deputy Mayor Rumbold made the motion to award Boyce Excavating Co the Pleasant Avenue Sewer Main bid. Seconded by Trustee Lown.

Trustee Hoffman asked for an explanation of the project.

Manager Revella responded we will be doing a full replacement of the sewer main at Albany Avenue and working down Pleasant Avenue; it's about 400+ feet, there are at least 5 breaks in it.

Trustee Lown commented that Lanc & Tully Engineers performed reference checks, etc and it was satisfactory to them.



All ayes. Motion carried.

### **Comprehensive Plan – Resolution 20-12-13**

Attorney DuBois commented the draft Comprehensive Plan has been in the works and it's nearing the form where we need to start the State Environmental Quality Review process. The action the Board is going to take involves declaring itself lead agency and scheduling two public hearings so the public can be heard on the draft Plan, although the public has been involved already.

Manager Revella commented there will be a public hearing with the Comp Plan Committee as well.

Trustee Hoffman clarified the Comprehensive Plan Committee will hold a public hearing on the Plan itself, the Village Board will hold a public hearing on SEQRA.

Attorney DuBois commented it will be done by resolution: the resolution will state that the Village Board is the only involved agency since they are the only agency that can amend the Village Code, which will make them the lead agency. The Board will officially declare themselves lead agency and set a public hearing for November 13<sup>th</sup> and another one for December 11<sup>th</sup> as required by SEQRA. The Board will declare it a type 1 action under SEQRA and a positive declaration that it could adversely affect environmental factors in the Village.

Trustee Hoffman indicated this is the same process that the Comp Plan went through in 2005.

Trustee Hoffman made the motion to adopt Resolution 20-12-13: Initiating the process under SEQRA for the Village's updated Comprehensive Plan. Seconded by Trustee Lown. 5 ayes, (Deputy Mayor Rumbold not present). Motion carried.

### **Bradley Park Fence Quotes**

Manager Revella commented we have 2 defective fences and received some quotes which also includes removal.

Trustee Hoffman indicated it is below the threshold; Board approval is not needed.

Manager Revella responded it was not something that was budgeted and he would like a motion from the Board but will be part of the process for Bradley Park improvements.

Trustee Lown asked where will the money come from then.

Manager Revella responded it will likely come from drainage or surplus; from the Capital Projects fund.

Trustee Leonard asked why there's no quote from GT Excavating.

Trustee Hoffman asked the attorney if this Board can make an award without any funding specifically set aside.

Manager Revella responded we asked for quotes by a certain time and no quote was submitted. He clarified that part of the funding will come drainage project and part of it will come from capital projects fund surplus. A balance transfer will take place prior to payment.

Deputy Mayor Rumbold indicated many of the teams like to practice batting by hitting the ball against the fencing and she would like everyone told not to purposely hit balls against the fences.

Trustee Carley responded he didn't feel that would cause major wear and tear on a fence.

Trustee Hoffman agreed with Deputy Mayor Rumbold; many fields have signs for no batting against the fence.

Trustee Lown made the motion to award the fence bids to Rock Cut Fence for the amounts \$8424.00 for softball field and \$7240.00 for the major field. Seconded by Trustee Carley. All ayes. Motion carried.

### **Resolution 16-12-13 – Request for Property Tax Exemption**

Mayor Maher read the resolution.

Manager Revella commented we received exemptions on the well properties from the Town.

Deputy Mayor Rumbold moved to adopt Resolution 16-12-13: Real Property Tax Exemption. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Resolution 17-12-13: Orange County Youth Bureau Funding**

Mayor Maher read the resolution.

Trustee Lown commented this is for the joint grant for the SYLA and summer youth programs.

Trustee Leonard moved to adopt Resolution 17-12-13 Orange County Youth Bureau Funding. Seconded by Trustee Lown.

Mayor Maher commended Trustee Lown and Recreation Coordinator Mike Bliss for coordinating these programs.

All ayes. Motion carried.

### **Discussion Items**

#### **School Board Liaison**

Mayor Maher commented it would be a good thing to have a Trustee as liaison to the School Board. He indicated Willie ran for the school board in the past and recommended him as liaison to that Board.

Trustee Carley responded it is a great idea and he can communicate back what is going on with the school board.

Trustee Leonard moved to appoint Trustee Carley as liaison to the School Board. Seconded by Trustee Lown. All ayes. Motion carried.

### **Residential sewer/water bill issue – 15 Galloway Lane**

Mayor Maher indicated there is a letter from Mike & Jenn Felong.

Manager Revella commented the resident's pool was installed prior to the implementation of the policy so he denied the request on the sewer portion of the bill, the other issues involved watering plants and a sprinkler system and he has denied those requests as well.

Mayor Maher responded he has no problem with the denial for watering plants and sprinkler system as it is very hard to determine and measure the amount of water.

Trustee Lown agreed.

Trustee Hoffman agreed as well as there is no way to quantify how much water was used.

Mayor Maher commented that leaves us with the pool and he would like to see the Board do something about. He confirmed with the Manager the request for the pool filling was denied since it was prior to the law being enacted.

Manager Revella responded he had to deny three residents for that same reason.

Trustee Lown confirmed it was a policy not a law. She indicated this option has been available to residents prior to the policy being in place and she understands the Manager's reasoning for denying the request.

Trustee Hoffman commented it adds up to approximately \$40 for the sewer portion. He indicated the resident bought 12,000 gallons from a pool water supplier and that is more expensive than the Village's water and sewer combined.

Mayor Maher responded it appears we can not help this resident. He confirmed the Manager sent the denial and he will make sure to write a letter on behalf of the Board.

### **Ethics Code**

Mayor Maher commented there are recommendations from the Ethics Board to modify the Ethics Code.

Trustee Hoffman commented this is important and he asked that it be broken down with a summary of the changes.

Attorney DuBois commented the Ethics Board currently only has the power to consider a situation presented to it, it doesn't have the power to investigate a particular situation. The one big change would allow the Board that power to investigate.

Deputy Mayor Rumbold asked for a definition of investigates.

Attorney DuBois indicated the proposed amendment does not define it specifically. He presumed it means the Board of Ethics would have the power to subpoena documents and/or people.

Deputy Mayor Rumbold confirmed that as of this moment, the Ethics Committee has no authority to do any type of investigation.

Mayor Maher responded he believes they can investigate but they have no ability to subpoena or there's no recourse for the investigation but they can look into things, according to his understanding.

Trustee Hoffman indicated it is primarily an advisory Board.

Attorney DuBois commented the purpose of the Board of Ethics is primarily for Village employees and officers to talk to them to see if there is a violation of their ethical duties.

Manager Revella responded the current Code of Ethics has that ability; they are looking to do more, investigate and enforce.

Trustee Carley read page two of the proposed introductory local law: The Board of Ethics may initiate such an investigation and hearing on its own initiative, etc. He commented it sounds like an inquisition.

Attorney DuBois responded it is; the current purpose of the Board is to make sure the Officers and Employees internally are doing the right thing, which is addressed in the first part of the proposed law and the second amendment to the law grants an additional power, they can investigate.

Trustee Hoffman asked if the changes can be looked at individually; in terms of their most recent action, there was some misunderstanding as to who can bring such action. This is being proposed for a purpose; the Board of Ethics feels there is some confusion that needs clarity.

Attorney DuBois responded with the recent situation, the party that brought the complaint did not have standing to actually bring the complaint. Therefore, the Board of Ethics suggests with these amendments to the Code of Ethics to give the Board the power to procedurally do what they previously did and they also want to clarify the original purpose to make sure we know who has standing to come and say is my course of action okay, is it ethical.

Trustee Carley read the letter addressed to the Board for the public.

Trustee Hoffman commented if he had a question if something was ethical or in compliance with the Code, he could go to the Ethics Board, confidentially, they would render a decision, that decision is binding but he does not have to share that decision.

Attorney DuBois indicated that is correct.

Mayor Maher asked that as of right now in the Code where it says "must", what ground do they have to stand on currently if nothing is done.

Attorney DuBois responded then they are not indemnified by the Village.

Manager Revella responded you would lose your insurance coverage.

Deputy Mayor Rumbold asked if the Ethics Board is advisory why would the person that goes before them to get their opinion be bound by their decision.

Manager Revella responded the Ethics Board is interpreting the Ethics Code for you to say what you should be doing; if you don't do it, you are in violation of the Ethics Code.

Deputy Mayor Rumbold clarified the first recommendation is initiated by the employee or official themselves. She asked how did it come about that a private citizen...

Manager Revella responded that is where the issue is; where they don't have standing.

Attorney DuBois agreed; someone sought an advisory opinion on a past action of another person versus somebody with standing seeking an advisory opinion about a proposed course of action for themselves. That is currently what the Ethics Board is for.

Trustee Carley read the second recommendation.

Manager Revella indicated he has the authority to investigate issues with employees; that does not include the Trustees.

Trustee Lown asked about the \$5000 penalty limit in the proposed Introductory Local Law.

Attorney DuBois responded he believes there is a limit of \$250.

Trustee Lown asked for clarification of the statement: "The Board of Ethics may initiate such an investigation and hearing on its own initiative (by a majority vote) or upon the sworn complaint of any two members of the Village Board of Trustees"

Mayor Maher provided the example of Tara and himself having a complaint against Sean and going to the Ethics Board with sworn testimony that this person is doing something wrong.

Trustee Lown asked if the Board of Ethics meets on a regular basis.

Manager Revella responded they can call a meeting at any time.

Mayor Maher used the example that just happened; a letter is given to somebody on the Ethics Board and they can make it their mission to convince the rest of the Board.

Deputy Mayor Rumbold asked if the Board needs a letter.

Trustee Hoffman commented he sees this as a granting of tremendous power to the Ethics Board and he's not saying he's up for that, he's just saying this Board needs to consider it carefully. He believes the bar should be raised, instead of a majority vote, it should be unanimous vote and he thinks they should take action to potentially de-politicize it and eliminate the Board of Trustees from it all together. This could turn into in-fighting and he said-she said.

Mayor Maher agreed.

Trustee Carley recommended to scratch the whole thing.

Manager Revella commented it is important to note the first recommendation and get that clarity.

Mayor Maher recommended additional discussion. He asked the Board how they feel about drafting something for the first recommendation only at this point.

Deputy Mayor Rumbold responded she feels it is a packaged deal and they both need to be done together. She is glad there is clarification of the job of the Ethics Board and it is unfortunate the Ethics Board has been used in the past as a political tool. She is glad there is clarification of exactly what it is supposed to be and she would like to think about it. She would like to talk to the Ethics Board.

Trustee Lown commented she would like to know where the line is drawn and where the funding would come from.

Deputy Mayor Rumbold responded generally its part of the Village Attorney retainer.

Mayor Maher asked if the investigation is covered in the retainer.

Attorney DuBois indicated the investigation involves the issuing of subpoenas and such which presumably the Village Attorney would prepare on their retainer. This was a situation with a conflict.

Manager Revella commented there is the potential of needing to hire an investigator.

Mayor Maher indicated the Board would like more feedback with the Ethics Board.

Trustee Hoffman suggested asking the Ethics Board to attend the next Board meeting to discuss it.

Manager Revella commented that he provided the Village Board a draft copy of the PBA agreement regarding 60 day trial period of 12 hour shift.

### **Public Comment**

Mary Ellen Matise, 21 Clinton Street, commented that at one time one of the aspects of the Ethics Code was that if you run for office, even Village Office, you couldn't use your past experience on which to run. That section was removed. The Ethics Board is only asking for justification for what they've already been doing; they have been doing investigation without the ability or the right to do it. They are asking it to be codified now. They have never had enforcement powers only advisory powers to advise the Village Board. The Ethics Board did not have the right to do what they did.

Deputy Mayor Rumbold commented that Board acted on the advice of Counsel so it's not the Ethics Board that did anything other than what they were told they could do by Counsel.

Mary Ellen asked if someone that is appointed is considered a Village Official; for example a member of one of the other Board's. She commented it is very complicated and hopes the Board takes their time with it.

Manager Revella responded the attorney that was advising the Ethics Board was a different attorney.

Deputy Mayor Rumbold commented this change is supposedly in compliance with the State; whatever was happening prior and is still happening, we are in non compliance.

Trustee Carley responded it is not law.

Manager Revella responded it is the opinion of the Attorney General; he indicated that if he went to court he would use the Attorney General's opinion.

Jessica Metzger, 4 Gracewood Court, asked what year the Ethics Code started.

Attorney DuBois responded 1982.

Jessica responded who is the checks & balance system for the Board of Trustees, the Mayor or the Manager, if someone had an issue and would like the Ethics Board to investigate it.

Manager Revella responded if it's a financial issue, it would be the comptroller's office; if it's a criminal issue, it would be the District Attorney's office; if it's something else, then you don't vote for that person again.

Jessica commented that if you took this Code of Ethics and showed it to 10 different attorneys you would receive 10 different interpretations. She indicated that perception is so much and we all have to do our best to make sure what we are doing is on the up & up, even if you know from the bottom of your heart, you have to just bring it out and let everyone know what's going on so there aren't any issues. She indicated she is concerned about her tax dollars since she's not really sure the purpose of the Board of Ethics in the Village, but if we are going to keep it, it would be her hope that the Board of Ethics is given their own separate legal counsel. She doesn't believe the legal counsel that is representing the Village Board or the Planning Board or Special Counsel should be the Counsel for the Board of Ethics. Again, she is not sure of the Ethics Board purpose, it sounds like there is nothing they can do other than make a suggestion which may or may not be enforced. It sounds like the person that wrote to them, had every right to write to them because that person is an appointed official on a board in the Village. She asked the Board of Ethics be kept and consider giving them their own separate counsel and be given their own budget line. She asked about the pool filling and the water.

Manager Revella responded it's been since July when the policy was initiated.

Becky Pearson, 167 Walnut Street, commented that Trustee Lown was right on about the Ethics Board; money, funding, where does the money come from and who says how much can be spent and how much an investigation will cost. It was a lot of money for basically nothing.

### **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**

Mayor Maher commented he received correspondence from the County Executive saying that we all need to call our local legislators regarding Valley View or they will be possibly taking a different approach to how much revenue we will receive out of the County sales tax.

Deputy Mayor Rumbold commented her understanding was it was suggested as a possible source of funding to run the facility.

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

Deputy Mayor Rumbold commented there's been a recent Harvard Study published in the Federal Government Journal that there is a possibility that exposure to fluoride lowers IQ. She would like the public to know there may be health issues with putting fluoride in municipal water sources. There are studies done in the US and Europe that says you are poisoning your communities by adding fluoride. More and more studies are coming out, the EPA indicates it has to be diluted even more and she thinks this Board that voted to put it back in our water source should know if there is any new information that comes out.

Mayor Maher commented that we won't meet until after election day and he asked that everyone please vote.

Trustee Carley commented it's about that time again to revisit the Alfred Park issue and he will send out a letter and a date needs to be set. In addition, he wants to draft a letter for the skate board park committee. He asked if it should be published in the newspaper.

Manager Revella commented we received money from FEMA to cover the deductible for the damage to Village Hall from the hurricane and the insurance adjustor has been here and hopefully we'll get the rest of the damage recuperated by the insurance.

### **Executive Session – Personnel, CSEA Negotiation, Potential Litigation**

Trustee Lown made the motion to go into Executive Session to discuss Personnel, CSEA Negotiation and Potential Litigation. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Reconvene**

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

### **Adjournment**

Deputy Mayor Rumbold moved to adjourn the meeting. Seconded by Trustee Lown. All ayes. Meeting adjourned.



**Village of Walden Board of Trustees  
Regular Meeting  
October 23, 2012  
Motions & Resolutions**

**Executive Session – Attorney – Client**

Deputy Mayor Rumbold made the motion to go into Executive Session to discuss attorney-client. Seconded by Trustee Leonard. 5 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.

**Hearing – 145 West Main Street**

Trustee Leonard moved to adopt Resolution 18-12-13 concerning property violations at 145 West Main Street. Seconded by Trustee Lown. All ayes. Motion carried.

**Public Hearing – Sign Law I-8 of 2012**

Deputy Mayor Rumbold moved to open the public hearing on Introductory Local Law I-8 of 2012 – Sign Law. Seconded by Trustee Lown. All ayes. Motion carried.

Trustee Leonard moved to close the public hearing on Introductory Local Law I-8 of 2012 – Sign Law. Seconded by Trustee Lown. All ayes. Motion carried.

Deputy Mayor Rumbold moved to declare the Local Law an unlisted action under SEQRA. Seconded by Trustee Lown. All ayes. Motion carried.

Deputy Mayor Rumbold made the motion to adopt Local Law 6 of 2012 – Sign Law. Seconded by Trustee Lown. 5 ayes, 1 nay by Deputy Mayor Rumbold. Motion carried.

**Approval of the Minutes – October 9, 2012**

Deputy Mayor Rumbold moved to approve the minutes from October 9, 2012. Seconded by Trustee Leonard. 5 ayes, 1 abstention by Trustee Lown. Minutes approved.

**Vehicle Use Policy**

Trustee Leonard moved to approve the Vehicle Use Policy. Seconded by Trustee Lown. All ayes. Motion carried.

**Surplus – various pieces of equipment**

Deputy Mayor Rumbold made the motion to surplus various equipment as listed. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Bids for Garbage Collection**

Deputy Mayor Rumbold made the motion to approve the Garbage Bid Specifications, Resolution 19-12-13. Trustee Leonard seconded. All ayes. Motion carried.

### **Award Bid for Maple Street Sewer Bid**

Trustee Leonard moved to award TAM Enterprises the Maple Street Sewer bid. Seconded by Trustee Carley. 5 ayes, 1 abstention by Trustee Hoffman. Motion carried.

### **Award for Pleasant Avenue Sewer Bid**

Deputy Mayor Rumbold made the motion to award Boyce Excavating Co the Pleasant Avenue Sewer Main bid. Seconded by Trustee Lown. All ayes. Motion carried.

### **Comprehensive Plan – Resolution 20-12-13**

Trustee Hoffman made the motion to adopt Resolution 20-12-13: Initiating the process under SEQRA for the Village's updated Comprehensive Plan. Seconded by Trustee Lown. 5 ayes, (Deputy Mayor Rumbold not present). Motion carried.

### **Bradley Park Fence Quotes**

Trustee Lown made the motion to award the fence bids to Rock Cut Fence for the amounts \$8424.00 for softball field and \$7240.00 for the major field. Seconded by Trustee Carley. All ayes. Motion carried.

### **Resolution 16-12-13 – Request for Property Tax Exemption**

Deputy Mayor Rumbold moved to adopt Resolution 16-12-13: Real Property Tax Exemption. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Resolution 17-12-13: Orange County Youth Bureau Funding**

Trustee Leonard moved to adopt Resolution 17-12-13 Orange County Youth Bureau Funding. Seconded by Trustee Lown. All ayes. Motion carried.

### **School Board Liaison**

Trustee Leonard moved to appoint Trustee Carley as liaison to the School Board. Seconded by Trustee Lown. 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 – Personnel, CSEA Negotiation, Potential Litigation**

Trustee Lown made the motion to go into Executive Session to discuss Personnel, CSEA Negotiation and Potential Litigation. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Reconvene**

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

### **Adjournment**

Deputy Mayor Rumbold moved to adjourn the meeting. Seconded by Trustee Lown. All ayes. Meeting adjourned.