

**Village of Walden  
Board of Trustees Regular Meeting  
November 27, 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

Also Present:

John Revella, Village Manager  
Lori Pinckney, Village Clerk  
Austin DuBois, Village Attorney

**New Police Officers**

Chief Holmes introduced Mike Hansen, new part-time police officer and new full-time police officer Robert Reynolds Jr. He provided some background information on each new officer.

**Village Manager's Report**

- continued discussions with NYSEG and street opening permits
- Signed contracts with Boyce Excavating for Pleasant Ave; work will start next Monday; Maple Street sewer main will also start next week.
- New dump truck arrived at Authors; it should be ready by 2<sup>nd</sup> week of December
- Water main break on Bradley Lane
- Correspondence with a resident and the Engineer regarding the lights on the Bridge/Main Street; the Engineer will report on that.
- Replaced drainage line on Locust Street
- Met with Fireworks contractor; action item tonight
- Water main break on Ivy Hill Road
- Continue work on Bradley Park drainage
- He and Mayor met with Town Supervisor to go over various issues; the animal control officer is paid out of A fund, Code Red is not currently an A fund charge, but it will be next year, the Rail Trail issues will involve another meeting between Town of Shawangunk, Town of Montgomery & the Village, DPW costs paid out of the A fund are signs, sign replacement, striping and the Supervisor's salary.

John Queenan, Engineer with Lanc & Tully Engineering, commented they have been working on the lights for several months to determine the cause of the outages. They replaced 3 lights, one on the Bridge, one on West Main Street and one in the Square. All the lights so far have worked. He indicated they replaced all the parts inside the light itself; the fuse, the ballast and the bulb. All the wiring was tested and was fine. It appears to be a ballast, bulb and fuse problem in the majority of the lights. The other item found is these lights are operated by a photocell, with the main photocell located on the electrical pole.

Three of the main photocells were burnt out which would effectively keep the lights on 24/7 and its likely the bulbs just burned out. In addition, there is a photocell located on each individual light and they are competing with the main one. He indicated they are eliminating all the photocells on the individual lights and keep the main photocell on each of the poles so the lights will all come on at the same time and all go off at the same time. The Bridge, West Main Street and the Square are all separate and run on different systems. The Village has 47 fixtures including the Orchard Street Parking lot; as of today 33 are inoperable. Each fixture will cost approximately \$750 to repair; there is one that is missing its head which costs about \$1500. The Bridge would cost approximately \$8000 to fix, West Main Street & the Square is approximately \$16,000 (24 fixtures) and the parking lot has 4 fixtures for about \$3000 for a total of \$25000.

Mayor Maher asked if the funds are approved what is the timeline.

John Q responded it would take 2-3 weeks to get the parts, but the head might take 6-8 weeks.

Trustee Hoffman asked if there is anything that can be done to increase the life expectancy and to make sure this problem doesn't happen again.

John Q recommended checking the photocell every year as maintenance. In addition, keep record of how the lights go out, so if it's noticed that 5 lights are out, did it happen over the course of a week or over the course of 6 months.

Mayor Maher asked the Engineer's opinion if the problem was from installation of the fixtures or the maintenance.

John Q responded the wiring has checked out, there were only some small issues but that wasn't the problem, it was more like maintenance. They anticipate installing a bracket to the fixtures on the Bridge since most of the lights are crooked.

Mayor Maher asked why is it that most of the work has been done recently as opposed to nearly two years when there was also an issue.

Manager Revella responded the last time we replaced the bulbs and they worked for a while, then they went out again, and we decided not to spend any more money until they get fixed. We were spending nearly \$3000 per year on bulbs.

Trustee Leonard asked if the original specs called for individual photocells and one master photocell. He confirmed that by going to one photocell and if they all go out, you know right away what it is.

John Q responded he has not seen the original specs, but that is what is there.

Trustee Bowen confirmed the \$25000 is for a repair situation; he asked what the warranty is.

John Q responded there will be a warranty on the ballast.

Mayor Maher asked the Manager if the Village has the \$25000 or can work it out.

Manager Revella responded we can try to work it out from the lighting fund and through some other savings. He asked the Engineer what else could have been done maintenance-wise, the Village has paid contractors several times to check the lights.

John Q responded they likely tested the line and there was power in the line so anyone testing it figured the bulb needed to be changed.

Trustee Carley commented if all these different mechanisms are problematic and cause the lights not to work and John Q is not here, he wants someone years from now to know what has gone on.

John Q responded they always prepare an end report for any project they do for the Village.

Trustee Hoffman commented the two photocells is a very unusual situation; he has never encountered that. He recommended a partial replacement now dependent on what is in the budget.

Trustee Carley responded it shouldn't be a question of whether we approve it or not.

Manager Revella commented that cobra lights have been ordered; one for one end of the Bridge and one for the Square, which should help until the repair is done.

Trustee Lown asked which department is/will be responsible for the maintenance of the lights. She recommended the repairs and maintenance be fully documented so there are no questions.

Manager Revella responded either DPW or a contractor if a bucket or lift is required.

Deputy Mayor Rumbold asked since it doesn't seem to be a problem with the installation could it have been a defect in the fixtures themselves. This has been a nightmare from day one, the time they were installed.

John Q responded it could very well be.

Deputy Mayor Rumbold asked how much to just do the bridge.

John Q responded \$8000.

Trustee Bowen confirmed its \$8000 to do the bridge, there's about \$5000 in the budget line, so we are talking about \$3000. He recommended finding the \$3000 and get the bridge done first.

Peter Sullivan, Village Treasurer, indicated there is at least \$25,000 in the budget; we did a statutory installment bond by consolidating BANs and we are saving money on debt service so there is some flexibility in this year's budget.

Trustee Leonard confirmed the bulbs are HPS and they typically go 3-4 years; he commented he has never heard of two photocells operating a light and he's sure that threw

the electrical contractors that looked at these lights. He recommended the contractor that comes in should know this system very well.

Trustee Bowen commented he would like to see it done now and would like to see some accountability and some kind of warranty.

John Q asked the Board if they would like the project bid.

Attorney DuBois responded the project is under the threshold for bidding.

Trustee Hoffman commented our own internal policy is over \$10,000 so don't we need 3 quotes. He commented we might get a better price if we bid it.

Manager Revella responded that is correct, according to our own procurement policy.

Mayor Maher confirmed we are not going through the bidding process, but we are required to get 3 quotes.

John Q commented if it goes out to bid it's likely to get higher prices.

Trustee Leonard recommended a different bulb that has higher efficiency but could not recall the name.

John Q responded there are high pressure sodium, metal hylight and LEDs.

Mayor Maher asked the Board if there is any issue with authorizing up to \$25,000 to get this done.

Deputy Mayor Rumbold requested this item be moved to an action item.

### **Approval of the Minutes – November 13, 2012**

Trustee Lown moved to approve the minutes from November 13, 2012. Seconded by Deputy Mayor Rumbold. 6 ayes, 0 nays, 1 abstention by Trustee Bowen. Minutes approved.

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

**DPW liaison – Trustee Leonard** - nothing

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

Trustee Bowen commented he spoke with Peter and the audit is ongoing, updates will be provided at the next meeting.

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

Deputy Mayor Rumbold commented Walden Elementary School is having DARE graduation on 12/5 @ 10am, the Board is invited, the department is still doing 12 hour shifts and it's continually evaluated by the Chief and Manager; they are getting ready for Christmas on Main Street.

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

Trustee Lown commented the Library Board meeting was yesterday as well as the final Christmas on Main Street meeting, which is this Saturday. She indicated she is attending the 100 Best Communities Dinner tomorrow night on behalf of the Village. She announced on Sunday, 12/2 is Breakfast with Santa at the VFW and the Walden Historical Society is having their Annual Christmas Tea & Open House from 2-4 at the Jacob T Walden House, on 12/5 is the WCC meeting at the Walden House at 7pm, the Tri Board meeting is 12/4 at 7pm and Leadership Day is 1/10 with nominations due 11/29 and the selection committee is meeting 12/6.

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

Trustee Hoffman reiterated the Tri Board meeting is 12/4 at 7pm, he requested if any Board member can not attend to contact Lori. There are two enforcement items he's discussed with the Building Inspector, one is 154 West Main Street and the other is Zona Rosa Restaurant. The Mayor and the Building Inspector are trying to get in touch with the owner. He indicated initially there was a bit of a language barrier but the next step is enforcement.

Deputy Mayor Rumbold asked how long are we going to wait for enforcement.

Trustee Hoffman responded they have been trying to get in touch with the owner, the Mayor has been trying. We could have enforcement any day.

Trustee Leonard indicated the painting season is over.

Trustee Hoffman commented that the Building Inspector has sent out several letters as far back as September. A fine is the next step.

Trustee Lown indicated if there is ever a language barrier involving Spanish, she would be happy to assist.

Manager Revella volunteered as well.

Trustee Hoffman clarified where it stands; the owner went in front of the Planning Board and received approval for the correct colors, but it seems he thinks he has approval for the colors that are already up.

Deputy Mayor Rumbold responded the owner received approval back in September; it's now November and he's had ample time, he's been sent letters and enough is enough. The next step is to let the building owner handle it.

Manager Revella commented the maximum fine is \$250 per day.

Trustee Lown asked if there is a recommendation from the Building Inspector.

Trustee Hoffman responded the Building Inspector hasn't yet asked for the Board to intervene but obviously the Board could. He did ask for the Board to take action and work with the Village Attorney on 154 West Main Street.

Manager Revella responded we are in litigation with that issue already.

Trustee Lown asked why the Building Inspector is not asking the Board to take action; this has been going on for months and the Building Inspector is clearly not having an easy time getting in touch with the owner, why is he waiting.

Mayor Maher responded it's not on the Building Inspector; it's on a few individuals including himself to try to get in touch with the owner since he has a good relationship with the owner.

Trustee Hoffman agreed with the Mayor; at the last meeting, 2 weeks ago, the Mayor indicated he would try to reach out to the owner since he has a relationship with him and the Mayor's mother had worked with the owner at the Planning Board level. The Building Inspector was hoping to resolve it pretty easily.

Trustee Lown responded it is months later and she doesn't want this to turn into another sign law situation.

Deputy Mayor Rumbold suggested sending the landlord a fine. We have bent over backward for the business owner.

Mayor Maher suggested working with Dean for one more chance and allow him to go over there himself.

Trustee Carley asked how many times do they have to be noticed?

Trustee Bowen recommended setting a hearing.

#### **Parks and Recreation Liaison & School Board Liaison – Trustee Carley**

Trustee Carley indicated the school board meeting will be 12/10. He indicated in Bradley Park the fencing is a bit delayed due to Sandy, the indoor soccer program started 11/17, basketball program registration is going on, in January will be doing "basketball for life" clinic, Winter Carnival is 12/1 at 4pm with Santa arriving at 7pm, the tennis courts and skate park are now closed. He put a letter together regarding skate park and Alfred Park and will be organizing some town hall meetings after the holidays.

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

Mayor Maher indicated there are now 10 action items: #8 will be the Lights, #9 will be Zona Rosa hearing and #10 will be 154 W. Main Street.

Vincent Tornone, 12 Yale Drive, provided a handout (included in minutes) regarding the lighting on the Bridge. He has been a resident for 13 years and although there have been many improvements around the Village, the lights on the Bridge have been issue for several years now. He expressed his concern over the safety of the Veterans Bridge and the lighting. He indicated he will donate \$2000 toward the Bridge. He read a letter addressed to Jim Politi, former Manager dated December 1, 2009 indicating the maintenance of the lighting is the responsibility of the Village (also included in minutes). He commended the store fronts of the new Tattoo shop and Bakery.

Mary Ellen Matise, 21 Clinton Street, asked if the Engineer's study rules out the State's original issue about the moisture from the river affecting the lights.

John Q responded that there still is moisture in the boxes; all the connections are waterproof.

Mary Ellen commented if we are getting the Cobra lights maybe we should see how they work first and recommended doing the Square first. She mentioned the language in the garbage contract and her lid not being placed back on the garbage can for several weeks and the frustrations with the service she's been receiving. She asked if the sign dedicating the reference room to Rod be put up as Ginny has been requesting.

Jessica Metzger, 4 Gracewood Court, recommended not spending any money right now on the lights until we know; her concern is it's a lot of money to repair the lights when they might need to be replaced. Regarding the AED Service Contract, she asked how many AED units the Village has, which departments have them and the age of them.

Manager Revella responded 5; Parks and Police Departments have them, he was not sure of their age. He indicated the service contract is specific for the 4 AEDs of the same brand.

Jessica asked the length of the service contract and the difference in price if we added more AEDs. She asked if there was a way to add more if the Village obtains more AEDs.

Manager Revella responded the contract is for 5 years and he's not sure of the price difference. An addendum can be added to the contract.

Jessica asked about the discussion item and the Ethics Board and if there will be any action. She strongly suggested complete and separate counsel for the Ethics Board.

Mayor Maher responded we will discuss the Ethics Board recommendations and have asked them to attend this meeting.

Becky Pearson, 167 Walnut Street, asked about the lights and if the Engineering company can be responsible for the repairs.

Trustee Bowen responded the Engineer will set up the maintenance agreement with the electrical contractor.

John Q responded it's not possible because the engineering company is not a contractor and does not have insurance that would cover it. It will be like any other project he does for the Village; prepare the plans, specs and send it out to a contractor and he signs the contract as he's the one doing the work.

Becky asked what would happen if the plans were wrong, the Village would sue the engineer.

Manager Revella responded the contractor provides a bond to cover any defects.

Becky commented if there is a design flaw in general with the lights could we contact other municipalities and see who might have the same lights and see if maybe there is a pending lawsuit.

Manager Revella responded it wasn't the actual fixture itself; it was the photocells that were attached to the lights.

John Q commented that he has not seen the actual design.

Becky asked the number of bids received for garbage bid and who were they.

Manager Revella responded we received 3 bids; Marangi, County Waste and Interstate Waste.

### **Action Items**

#### **Hearing Request – Property Maintenance 161 Elm Street**

Jay Buchalski, Code Enforcement Officer, commented the property is off Coldenham Road and there are tires and construction debris on the vacant property. There's been no response from Builders of the Hudson Valley. He sent a notice earlier for weeds and branches overhanging; we need to get DPW to move on that which might help. The tires and construction debris are still there. He is requesting a hearing date.

Deputy Mayor Rumbold moved to set the Property Maintenance Hearing for 161 Elm Street for December 11, 2012 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

#### **Hearing Request – Zoning Violation 38 Center Street**

Jay Buchalski commented Mr. & Mrs. Frank Chillingworth continue to park on their front lawn. He sent original Notice 10/31 and they have not complied and he drove by tonight and the sedan is still there.

Deputy Mayor Rumbold moved to set the Zoning Violation hearing for 38 Center Street for December 11, 2012 at 6:30 pm. Seconded by Trustee Hoffman. All ayes. Motion carried.

#### **New Years Eve Fireworks Contract**

Manager Revella commented this is for approval for the New Year's Eve fireworks at Olley Park for \$5000.

Trustee Lown asked if there is a difference from the cost of last year's fireworks.

Manager Revella indicated it will be a larger firework display; we negotiated from \$6500 down to the \$5000 and it will be the same company.

Peter confirmed last year cost \$5000 as well.

Trustee Lown made the motion to approve the New Years Eve Fireworks contract. Seconded by Trustee Bowen. All ayes. Motion carried.

#### **Comp Plan**

Attorney DuBois commented the Board has now reviewed the Draft GEIS and needs to accept it for public review; it considers all the possible impacts of the Plan and considers alternatives. This is not a Final EIS and pursuant to SEQRA there is a 30 day time period for public comments, but the Board has to accept it. He commented each project that is done will also have to go through its own SEQRA process.

Deputy Mayor Rumbold asked if there are any zone changes.

Attorney DuBois responded the Comp Plan has a few zone changes.

Manager Revella responded those changes don't take place until you make it into law.

Trustee Lown made the motion to accept the Draft General Environmental Impact Statement for the Comprehensive Plan 2012. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Section 94-7 of Village Code: Control of Waste**

Manager Revella indicated Austin did some research as there was a question from last time regarding dogs and cats. He provided a copy of Warwick's Cat Law.

Attorney DuBois commented that the Village of Walden's Code only pertains to dogs and not cats.

Trustee Lown commented the Chapter is actually titled "Animals" and it could be more simply done if the term animal was defined better. She suggested further review.

Attorney DuBois commented Warwick has had their Cat Law since 2010 and he does not believe there have been any challenges. He suggested the Board think about it and consider it as a discussion item in a few weeks.

Trustee Lown commented this will turn into a big enforcement issue and the licensing of cats will be another issue.

Mayor Maher commented it allows the ability to enforce if there is an overwhelming issue. It's more of an issue with feral cats.

Trustee Lown commented there is also a health issue; this law would force and enforce people to vaccinate their cats for rabies.

### **AED Service Contracts**

Manager Revella indicated the Attorney has reviewed the contracts for servicing the AEDs, the brand they cover. There's been an addendum to the agreement and there's nothing to say we can't have a caveat on this motion to modify this addendum if we obtain more AEDs in the future that they service those as well.

Trustee Lown clarified this agreement if for 3 years, earlier was mentioned 5 years.

Manager Revella clarified that the \$5286.00 is for the three years.

Attorney DuBois clarified the addendum and "loaner" AEDs.

Deputy Mayor Rumbold asked when these are purchased if they come with a warranty. She asked how often they are checked.

Manager Revella responded they were donated by the Sunshine Society so he does not know about a warranty. He believes they are checked once per year.

Trustee Leonard made the motion to approve the AED Service contract with the addition of any AEDs possibly added in the future. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Turn on the Lights**

Mayor Maher commented we have the money available and a plan in place and recommended to move forward as soon as possible with getting the lights on.

Trustee Carley agreed to move forward.

Trustee Hoffman agreed to proceed and make the award as per our procurement policy.

Trustee Lown agreed, let's turn on the lights.

Deputy Mayor Rumbold commented if this is to be done in pieces, she would like to see the Bridge be done first and make sure it works. Thousands of dollars have been spent and man hours worked on this. She recommended spending the money on the bridge and then move forward.

Trustee Bowen agreed; it should be done in phases with possible time frame of 3 weeks or so and move to the next phase.

Manager Revella asked for clarification on the amount the Board wishes to approve.

Trustee Bowen recommended approving the \$25,000 but fix one first.

Trustee Leonard commented he is against replacing the components in the lights currently not working; the contractor should be able to determine which component is not working. There are 3 parts, the bulb, the ballast and the igniter. Typically a kit is purchased that contains the ballast and igniter and are fairly expensive. He also recommended the bad parts should be provided to prove they are bad. He recommended the components be checked and replace the ones that are needed.

Mayor Maher recommended the motion include salvaging any parts that can be salvaged and to identify the parts that are causing the problem.

Trustee Leonard commented the electrician should be able to identify if the ballast or igniter is bad. He indicated the first step is to cover the photocell and see if the light works. He suspected that we threw away many light bulbs that were actually good.

Deputy Mayor Rumbold responded that is why she recommends allocating only the \$8000 for the Bridge and not the full \$25,000 in the event it doesn't work.

Trustee Carley commented he could go either way with the amount allocated.

Trustee Hoffman recommended the full \$25,000.

Trustee Lown recommended the full \$25,000 and start with the Bridge.

Deputy Mayor Rumbold recommended \$8000, do the Bridge and then move forward.

Trustee Bowen recommended the full \$25,000 and do the Bridge.

Trustee Leonard recommended the Bridge first and start with the \$8000.

Trustee Hoffman made the motion to allocate up to \$25,000 to fix the lights and start with the Bridge first. Seconded by Trustee Lown. 6 ayes, 1 nay by Deputy Mayor Rumbold. Motion carried.

### **Hearing – 39-43 Main Street: Zona Rosa**

Deputy Mayor Rumbold moved to set a Hearing for 39-43 Main Street; Zona Rosa for December 11, 2012 at 6:30pm or as soon as thereafter can be heard. Seconded by Trustee Lown.

Deputy Mayor Rumbold asked who will receive Notice on that.

Manager Revella responded both the property owner and tenant.

All ayes. Motion carried.

### **Discussion Items**

#### **Ethics Board**

Anita Vandermark and Alex Landolina from the Ethics Board were present.

Anita commented that the Ethics Board provided the Board of Trustees a letter dated October 11, 2012 with recommendations. The main point is the Ethics Board has no investigative powers.

Mayor Maher commented that after reading the recommendations, his suggestion is to give the Ethics Board some investigative authority and possibly removing the part about 2 Trustees being involved.

Alex Landolina commented it is an honor to serve on the Ethics Board but the power of subpoena or the power of investigation is an extreme power and asked the Board of Trustees to think about what kind of power the Ethics Board should have. He indicated they do need some power and the Ethics Committee is a “gatekeeper” and Ethics matters are Ethics matters if they are truly a matter of Ethics.

Anita commented we had an outside attorney, he was excellent and she’s sure that if the Board has any questions, he would be happy to answer them.

Trustee Hoffman asked if they believed isolating the board by eliminating the portion regarding two trustees and making it a unanimous vote by the Ethics Board would help insulate them from political ramifications.

Alex responded he wants to be cautious as to the powers of the Ethics Board; he doesn’t want powers that violate some other citizen’s rights as well.

Mayor Maher commented the Ethics Board would be given the power to investigate on matters that the whole Board unanimously believes needs to be investigated. It limits the ability of politicizing things by one or two people that have an agenda; all five need to be on the same page. There needs to be a system of checks and balances.

Anita responded it is a tool the Ethics Board needs and it certainly wouldn't be abused. She asked what is the point of having an Ethics Board if they have no power. She indicated the Town of Montgomery now has the ability as well as other Towns.

Trustee Carley responded the reason for the Ethics Board is to render an opinion. He indicated subpoena power is a lot of power.

Trustee Bowen provided an example of a vice president of a bank purchasing stock in other places.

Trustee Hoffman agreed and indicated there are limitations here with the Village's ethics code, however if the Ethics Board was investigating a claim that someone violated those and needed to subpoena someone outside the Village realm, this will give them the power to do that.

Anita commented we've had people come in before us and there have been others that have refused to come in. She asked again what is the point of having an Ethics Board.

Attorney DuBois responded the point of the Ethics Board is to render advisory opinions for Village employees and officials who have a proposed course of conduct that they want to engage in and are not sure whether it will be a violation or not.

Anita commented the Village Board has the choice to either amend what the Ethics Board submitted or leave it as it is.

Trustee Leonard commented he agrees to allow some investigative powers, but there should be a dollar limitation.

Trustee Bowen commented that the Ethics Board is put together for their integrity and if you are in that position, you are credible enough to make a decision and don't need a subpoena.

Anita responded there could be a time when a person refuses to come in before the Committee.

Trustee Bowen responded there are always going to be people that don't show up. He commented if we have to go out and pay an investigator to do something else, then we've gone a bit beyond.

Mayor Maher commented that if you can't force someone to come in then how are you going to come to a resolution.

Manager Revella responded you are talking past acts and that is not what the Ethics Board is set up for.

Mayor Maher commented that's what the Village Board needs to determine and he agrees with Anita. If things are not put in place to improve the process and give the Ethics Committee everything they need to come up with the right answer with all the facts, then there will be issues.

Trustee Carley commented other individuals can speak on someone's behalf. He believes it's clear if an individual doesn't show up, he or she is making a statement.

Attorney DuBois responded that runs into a constitutional issue. The Ethics Board does not have the authority to render opinions on past conduct.

Trustee Hoffman commented it is his understanding the recommended changes would bring our Ethics Law more into conformance with existing State Law and other municipalities. We are speculating what would happen if we had subpoena power now.

Alex commented he is not against the power of subpoena, but in agreement with Willie, by not appearing, the person makes a statement. He doesn't want the Ethics Board to have more power than they really need, but he would really like the Trustees to think about it.

Deputy Mayor Rumbold commented she's been listening and she's in the middle; she agrees with Anita why bother having a Board if you don't have all the tools to do it then there's the concern about who is on this Committee several years from now and it's used as a personal vendetta or other tool. She agreed they need the tools in order to do what's needed to do.

Trustee Lown commented the members of the Ethics Board have integrity and will respect the individuals and make the right decision. She could go either way but if we are behind the eight ball comparatively with the Town and County it might be something we need to venture further into.

Mayor Maher commented he wanted to have a discussion with the members of the Ethics Board and ask questions. He would like to continue this discussion at the next Board meeting.

Alex recommended the cost of an attorney that might need to be brought in.

Anita responded that was an unusual situation.

Trustee Leonard commented this should have been brought up years ago; that the Ethics Board doesn't have the tools to do what they need to do.

Mayor Maher indicated they have the tools right now for what their current purpose is; it's a matter of do we want to change that purpose.

### **Executive Session**

Deputy Mayor Rumbold moved to go into Executive Session to discuss the garbage bid and 154 West Main Street. Seconded by Trustee Hoffman.

Mayor Maher recused himself regarding the garbage quote discussion and vote due to certain individuals and/or companies that submitted a bid having donated to his NY Assembly campaign. All these donations were made 4-5 months prior to the creation of the bid documents and the Village of Walden Board of Ethics have decided such a donation is not considered a gift and there is no official misconduct taking place but he personally feels due to perception and recent events to recuse himself from this topic.

All ayes. Motion carried.

### **Reconvene**

Deputy Mayor Rumbold moved to reconvene the regular meeting. Seconded by Trustee Leonard. 6 ayes, 0 nays, 0 abstentions. Meeting reconvened.

### **Award Garbage Bid**

Trustee Bowen made the motion to award the garbage bid to Interstate Waste Services for a one year contract with options of 2 or 3 years. Seconded by Trustee Hoffman. 6 ayes, 0 nays, 1 abstention by Mayor Maher. Motion carried.

Manager Revella commented there was another bidder but their bid was not compliant.

### **154 W. Main Street**

Trustee Leonard made the motion to authorize the Village Attorney to prosecute the owner of 154 W Main Street with the Building Inspector. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Public Comment**

Becky Pearson, Walnut Street, commented about the website and minutes not being up to date. She asked when the Draft GEIS will be on the website.

Manager Revella responded Rod, the web designer, met Monday with the office to go over some of the issues and putting stuff on internally.

Lori commented the Board of Trustee's minutes are up to date and the agenda gets put on the website on Fridays, after the agenda is finalized.

Becky commented there is a resident concern at Besdesky Park and the power lines overhead.

Trustee Hoffman clarified the concern is the health effects.

Becky commented about the Cat Law and the Village does not have to use everything in the sample law so it's not as involved. She asked about the AED company and if that is the only company that services them.

Manager Revella responded he believes it is per brand.

Becky commented if someone would look up the name of the company the State used for the lights, she will do the research. Also, the personnel topics discussed in Executive Session, unless it's disciplinary, shouldn't it be talked about in public. She provided the example of the Village Clerk and if that position was going full time, it should be discussed in public.

Manager Revella responded if that was the topic it would be discussed in public.

Becky commented about the Ethics Board discussion and she has first hand knowledge and believes the Board should not be the judge and jury for what happens here. Their role should be to guide the person who has the dilemma and that's how it stands now;

investigative powers can be very political. She would like to hear examples of investigations. She asked the amount of the garbage bid award.

Manager Revella responded \$467,820 for the first year which does not include commercial pickup which is \$4.02 per yard plus the container size. Commercial hasn't been decided on yet.

Trustee Bowen indicated the residents will get two cans; one for garbage, one for recycle and residents won't get reimbursed for new cans that may have been purchased.

Jerry Mishk, 68 Wait Street, commented he is a retired Police Officer after 27 years with 22 years as an investigator. He commented the Ethics Board has to have some investigative powers even if it is limited, otherwise they won't get the answers they need. Subpoenas are not just for people they are for documents too and can also be used to subpoena documents on the person making the complaint, to validate their complaint.

Alex Landolina commented the Ethics Committee is very important and suggested the Trustees re-invite the other Committee members, Lynn Schwandt, Anthony Marengola and Billy Sweed to get their opinions.

Anita Vandermark, Highland Avenue, asked how long are we collecting leaves and what happens with the cans we are using now.

Manager Revella responded the last leaf collection is 11/29.

Mark from IWS commented they will request resident's put them out and will be collected, otherwise we won't service them in anyway.

Jessica Metzger, Gracewood Court, confirmed that a Judge can sign off on a subpoena. She asked if the Bond has been released for Gracewood Court as authorized at the last meeting. She indicated the Engineer does not need to stand there in a rain storm; she has a video taken during a torrential downpour for him to see.

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

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

#### **Correspondence - NONE**

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

Trustee Lown commented she is really looking forward to Christmas on Main Street.

#### **Executive Session – Personnel – Village Manager, Village Clerk, Recreation and Parks, Finance, Building Department, PD; Property Purchase; Potential Litigation.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel – Village Manager, Village Clerk, Recreation and Parks, Finance, Building Department, PD; Property Purchase; Potential Litigation. Seconded by Trustee Hoffman. All ayes. Motion carried.

#### **Reconvene**

November 27, 2012

Trustee Hoffman made the motion to reconvene the regular meeting. Seconded by Trustee Lown. All ayes. Meeting reconvened.

**Adjournment**

Trustee Leonard made the motion to adjourn the meeting. Seconded by Trustee Lown. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees  
Regular Meeting  
November 27, 2012  
Motions & Resolutions**

**Approval of the Minutes – November 13, 2012**

Trustee Lown moved to approve the minutes from November 13, 2012. Seconded by Deputy Mayor Rumbold. 6 ayes, 0 nays, 1 abstention by Trustee Bowen. Minutes approved.

**Hearing Request – Property Maintenance 161 Elm Street**

Deputy Mayor Rumbold moved to set the Property Maintenance Hearing for 161 Elm Street for December 11, 2012 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

**Hearing Request – Zoning Violation 38 Center Street**

Deputy Mayor Rumbold moved to set the Zoning Violation hearing for 38 Center Street for December 11, 2012 at 6:30 pm. Seconded by Trustee Hoffman. All ayes. Motion carried.

**New Years Eve Fireworks Contract**

Trustee Lown made the motion to approve the New Years Eve Fireworks contract. Seconded by Trustee Bowen. All ayes. Motion carried.

**Comp Plan**

Trustee Lown made the motion to accept the Draft General Environmental Impact Statement for the Comprehensive Plan 2012. Seconded by Trustee Hoffman. All ayes. Motion carried.

**AED Service Contracts**

Trustee Leonard made the motion to approve the AED Service contract with the addition of any AEDs possibly added in the future. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Turn on the Lights**

Trustee Hoffman made the motion to allocate up to \$25,000 to fix the lights and start with the Bridge first. Seconded by Trustee Lown. 6 ayes, 1 nay by Deputy Mayor Rumbold. Motion carried.

**Hearing – 39-43 Main Street: Zona Rosa**

Deputy Mayor Rumbold moved to set a Hearing for 39-43 Main Street; Zona Rosa for December 11, 2012 at 6:30pm or as soon as thereafter can be heard. Seconded by Trustee Lown. All ayes. Motion carried.

**Executive Session**

Deputy Mayor Rumbold moved to go into Executive Session to discuss the garbage bid and 154 West Main Street. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Reconvene**

Deputy Mayor Rumbold moved to reconvene the regular meeting. Seconded by Trustee Leonard. 6 ayes, 0 nays, 0 abstentions. Meeting reconvened.

**Award Garbage Bid**

Trustee Bowen made the motion to award the garbage bid to Interstate Waste Services a one year contract with options of 2 or 3 years. Seconded by Trustee Hoffman. 6 ayes, 0 nays, 1 abstention by Mayor Maher. Motion carried.

**154 W. Main Street**

Trustee Leonard made the motion to authorize the Village Attorney to prosecute the owner of 154 W Main Street with the Building Inspector. 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 Hoffman. All ayes. Motion carried.

**Executive Session – Personnel – Village Manager, Village Clerk, Recreation and Parks, Finance, Building Department, PD; Property Purchase; Potential Litigation.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel – Village Manager, Village Clerk, Recreation and Parks, Finance, Building Department, PD; Property Purchase; Potential Litigation. Seconded by Trustee Hoffman. All ayes. Motion carried.