

**Village of Walden
Board of Trustees Regular Meeting
January 22, 2013**

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	Bernard Bowen
		Willie Carley
		Sean Hoffman
		Vacancy

Absent	Trustee	Edmond Leonard
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Also Present:	John Revella, Village Manager
	Vicki Kurtz, Deputy Village Clerk
	Austin DuBois, Village Attorney

Presentation – Walden Community Council: Christmas Decorating Competition

Sandy Magill, President of the Walden Community Council wished everyone a Happy New Year and then introduced Becky McNally member of the Walden Community Council. The Community Council held a Christmas Decorating Contest and the winners were: Joyeve House of Glass, third place; Millspaugh Furniture, second place; The Hair Works, first place. Each winner received a WCC lottery calendar and certificate of appreciation. Becky and Sandy thanked everyone for their participation and support. They also announced that next year the WCC is planning on opening the competition to the homes that are decorated for the holidays as well as the businesses.

Report from Engineer: Street Lights

John Queenan, Lanc & Tully reported that the Veterans Memorial Bridge lights have been on since January 3, 2013. There are a total of 10 fixtures on the bridge. One was fixed around Thanksgiving as a test. Many fixtures had a combination of things wrong with them including ballasts and bulbs and other internal parts. The remaining 9 fixtures were fully replaced just like the test fixture was. The wiring and fuses were all checked and one of the fixtures had a head that was missing. The lights now turn on in the evening and then off in the day light hours. The problem with the lights could not be pin pointed to one thing since there were many different issues on each fixture. We will keep an eye on the lights going forward and we can now test the new parts rather than having to replace everything should there be a problem again in the future.

Trustee Carley asked about the water going into a certain area of the polls and if that was repaired on each fixture.

John stated that they checked all the connections and rerouted the wires. There is no way to get the water out of the box as it is built into the bridge deck. There is no way to drain the water.

Trustee Carley commented he thought they were going to raise it so that the water wouldn't get into the box.

John replied that there was no way to do that because the conduit that comes into the box there is no way to move it which is why they rerouted the wires.

Trustee Carley commented in his mind we are going to continue to get rain and snow and the standing water in that box is just going to cause a problem again.

John stated that they didn't find anything wrong with the wires as they were. They couldn't pinpoint and exact reason for what the problem was other than the parts that we replaced.

Trustee Hoffman asked if there was any additional maintenance we should be doing to the light fixtures, should they be inspected annually.

John replied that they are compiling a report outlining all the parts and what should be done on a yearly basis. The polls and the heads should be checked to make sure they aren't loose or twisted or anything as that could cause a problem. The bulbs should also be checked. The type of bulb should be a bright white and if that bulb turns a pinkish hue then you will know there are potential problems that could occur.

Trustee Bowen asked if there was any warrantee on the service that was done.

John replied that the contractor said that if something should happen to them within the next year he would come back and fix it but there is no specific warrantee. The bulbs are good for some 15,000 hours and the ballasts for 10,000 hours.

Trustee Carley asked about when the same procedure will be done for the next phase, the Village Square and Main Street.

John replied that they were able to do the bridge for \$5,093 which was less than the bid that we received. It averages out to about \$500 per fixture. He would like to wait a little while longer to make sure that there are no issues with them before we move on to the next 24 fixtures that need to be done. He wouldn't want to do the rest of the fixtures and then have a problem so he would like to wait a few months and do them in the spring.

Trustee Bowen asked how long it took to fix one fixture.

John replied that they did 10 fixtures in one day so 24 lights would probably take 2 days.

Manager Revella commented that the one saving grace on Main Street is that we at least have the large lights overhead where as on the bridge we didn't have any lights at all.

Deputy Mayor Rumbold asked about the timing on our finances and if we wanted to do this in this fiscal year.

Manager Revella replied that we want to try to do it this fiscal year but we will know more as we get through reconciliations with the finances that we hope to have taken care of.

Trustee Bowen commented that he thought it was budgeted for this year.

Deputy Mayor Rumbold stated that we didn't have it originally budgeting but we were going to find the money in contingencies. If it gets close, is it the type of job that can be broken up between half this fiscal year and half the next fiscal year.

John replied that yes we could definitely do that.

Deputy Mayor Rumbold confirmed that if it got close budget wise we could stop.

Manager Revella said yes.

Trustee Hoffman asked how that is metered. Will we get a separate metered bill for that so that we know what our usage is of those lights? Sometimes it's going to be big full usage of those lights.

Manager Revella stated we may not be able to isolate the bill just for those lights.

Trustee Carley stated we would probably see by the increase on the bill as there is most likely an average usage on it already.

Manager Revella replied that there are separate zones for street lighting and we just have to figure out what zone they are in. It's actually broken up into 2 bills that include the large overhead lights plus the ornamental lights.

Mayor Maher asked John Queenan if he was waiting for the board to give him the go ahead to get the next phase of Main Street and the Square done.

John replied yes as it would need to be sent back out to bidding.

Mayor Maher asked the board if they wanted to wait to see how our fiscal status is to see if we have the money or did we just want to get it done as soon as possible.

Deputy Mayor Rumbold stated she had two issues, she agrees with John Queenan if he feels we should wait until the spring to make sure the repairs that were done on the bridge are working and then she feels she should get an update from the Manager and the Treasurer to see where our finances are so we can plan the next phase accordingly.

Mayor Maher agreed.

Trustee Bowen stated he had no problem with it.

Deputy Mayor Rumbold asked John Queenan to tell us when he wanted the board to take action so he can put it out to bid in a timely fashion.

John replied the beginning of March would be great.

Turstee Bowen commented that his concern is if we piece mail it, will the price be different. Could that vendor come and do 7 fixtures and then come back a month later and do another 3 will that affect the price.

John replied that he didn't feel it would make a difference in the price as the labor costs and parts cost would remain roughly the same as long as the board didn't wait 2 years or something outlandish such as that.

Deputy Mayor Rumbold asked Manager Revella to make a note so that this issue makes it onto the March agenda.

Manager Revella agreed.

Public Hearing – Local Law I-1-2013 Garbage

Mayor Maher stated that this Introductory Local Law amends the Village Law Chapter 247 Solid Waste.

Attorney DuBois commented that this local law would be updating the current waste disposal law to include changes that would bring the law into parity with the rest of the code including residential service. Commercial service was already contemplated in the prior law we already mentioned but if the Village did decide to offer Commercial Service this would update the law to allow that to happen. Not saying that will be decided this evening as there needs to be a Public Hearing at the next meeting so that the law could be adopted at that point.

Deputy Mayor Rumbold made the motion to open the Public Hearing on the Introductory Local Law I-1-2013 Garbage. Seconded by Trustee Bowen. All ayes. Motion carried.

Becky Pearson, 167 Walnut Street, asked about the commercial end of the law. There is supposed to be an apartment registration for the apartments located above some of the Commercial businesses, how does the Village intend to regulate that and are those registrations up to date? Additionally how do you regulate that apartment dwellers are not just putting their garbage into the Commercial dumpsters? Will the Village recoup monies that would be lost if apartment dwellers did do that?

Manager Revella stated that we do know how many units are located above each commercial space and they are updated every time there is an inspection of a multi family dwelling or commercial dwelling as the registry is updated.

Becky asked if there were say 10 apartments above one Commercial business who gets charged for the service.

Manager Revella stated that the business would be charged for one dumpster.

Attorney DuBois commented that self regulating of separating the amount of volume that the apartment dwellers were putting into that dumpster would be difficult to do.

Becky replied that the Village would not be getting the monies from the residential apartments.

Manager Revella clarified that would be included in that building.

Becky asked if they would be billed for both residential and commercial.

Manager Revella gave an example of Mr. Weeden's building who has an apartment above his commercial space. If he has a dumpster for his building then he would get charged for his commercial dumpster and that would be all for that building and his residents would have full use of that dumpster.

Deputy Mayor Rumbold commented it's the same with Related Management does the same thing, they use it and the apartments use it.

Becky commented that we are actually losing out on the monies for that residential service by doing that.

Manager Revella clarified that the building is a commercial building which is what we are regulating. He also added to answer her previous question about residents putting their garbage into the Village cans around the Main Streets yes it does happen. We have caught them and had to cite people for it before. There were people on the corner of Walnut and West Main Street that were doing that and the Building Inspector advised them of the citation they were potentially going to see so that the building owner asked their tenants to stop doing that.

Richard Palma, 2 North Montgomery Street, has a 3 family house with a body shop next door. There have been a number of complaints over the years from the garbage people about the body shop garbage being put in with the residential garbage. Will he be permitted to have one dumpster for the entire property as the house is zoned commercial and be billed accordingly?

Manager Revella replied yes as long as it's one property and is zoned commercial.

Mayor Maher stated that the public hearing would be left open until the next meeting on this issue.

Village Manager's Report

- Preliminary budgets meetings with Department heads has begun. Peter and John will take those preliminary budgets and put together for a more definitive budget to present to the board in the beginning of March.
- Reviewed Eric Hanson for a Part Time Police position. Will likely be starting his training at the end of February. We also have another person Mike Hanson (no relation) starting his training now and we don't want to people going through training at the same time.
- Completed all employee evaluations of employees he directly supervises as well as the department heads having completed all their employee evaluations except for a few lingering part timers to finish. Everyone will have an evaluation for the year.
- Work on Maple Street is complete. There are some road revisions that still need to be resolved but the extreme cold weather may put a hampering in that.
- Had a few meetings with the Treasurer and the Auditors regarding our Audit. Vanacore, DeBenedictus, DiGovanni & Weddell LLP will hopefully be able to give a public presentation at the next meeting for full financial disclosure.
- Leadership Day Ceremony was wonderful and very well attended. This year's recipients are well deserving of the honor.
- Holiday trees were picked up by DPW and used for wood chips.

- We have had a few water main breaks on Lincoln Street, several on Maple Street, and one on Elm Street. We are dreading this week's weather but the breaks will most likely keep coming unfortunately. Since there is no real snow packing on the ground we are likely to get a few more this week, please bear with us as your pressure goes down we are likely in the middle of repairs.
- Transportation Council meeting this past week. We went over the state transportation approval program for the next fiscal year and we reviewed the Route 17 Transportation Study. There likely will be a lot of funding put towards Route 17 being converted into Interstate 86 for the next 5 years. It's a very ambitious goal due to the amount of work that has to get done but they are currently working on a lot of the bridge work which will likely take the most time and money. The plan is to put up a barrier median from here almost to Monticello.
- Generator for Village Hall is being ordered and takes a few weeks to be installed and tested. Hoping by the end of March to have Village Hall will have a full operating generator so at times when we need it when the power goes out in extreme heat or cold it can be used as a warming or cooling station for residents.
- Snow storm on January 16th had guys out plowing and salting from 2am until 5pm the next day. Still a big issue with residents not moving their cars from the road when there is 2 inches or more of snow on the ground. Unfortunately a lot of people got towed even though the Police and the plows try to make as much noise as they go through and use their lights to get residents to know they are there so they can move their cars.
- Met with the Town of Montgomery Police representative with regards to an Animal Control Officer who will be used all throughout the Village now.

Deputy Mayor Rumbold questioned a lot of invoice for repairs on Village trucks. She asked if the fleet was now complete with all trucks repaired and in service.

Manager Revella replied no, Truck number 1 is not complete and in service yet and Truck 10, a pick up truck, is not going to be in service as we are likely to look to surplus that vehicle. Otherwise everything is ok. The sweeper is not in service but it is too cold for it to be used in this season so in the spring they will be doing repairs to that.

Deputy Mayor Rumbold asked when Truck 1 would be repaired and what exactly Truck 1 is.

Manager Revella replied that Truck 1 is one of our largest dump trucks and it is a very costly amount of repairs that most likely won't be done in house. We are trying to weigh out what we want to do with it; repair it or trade it in for two medium dump trucks instead.

Deputy Mayor Rumbold asked if there was an estimate for the repairs needed to fix it and how much it would cost.

Manager Revella stated that he had one in his office but didn't remember the exact amount.

Deputy Mayor Rumbold asked if it was large enough that we would have to put it out for bid.

Manager Revella stated yes.

Deputy Mayor Rumbold asked if we had the new truck yet and what it would be used for.

Manager Revella replied yes we do and it will be used for plowing and salting.

Deputy Mayor Rumbold asked if it had a plow on it.

Manager Revella responded yes and it has a Sander and a Salter on the back as well.

Deputy Mayor Rumbold asked what it would be used for when it wasn't used for plowing and salting on a day to day basis.

Manager Revella stated that it would be used for every day projects; carrying block, carrying trees, etc. It's one of the most useful size trucks we have.

Deputy Mayor Rumbold asked if the snow blowers are they all working.

Manager Revella replied yes.

Deputy Mayor Rumbold clarified that we have no snow blowers that have been repaired.

Manager Revella responded that the snow blower for the Police Department had a problem at the beginning of the season but it's been resolved and working fine now.

Deputy Mayor Rumbold had some questions about the timeliness about the text alerts for the snow emergency. Please let the records reflect that the timeline on January 16, 2013 was as follows: 4:26am a Snow Emergency was declared due to the 2 inch accumulation on the ground; K104 and WBNR radio stations were contacted at 4:28am; WGNY-Fox radio station was contacted at 4:29am; Cumulus Media radio station was contacted at 4:33am; the automatic voicemail notification was changed at 4:43am; and the website was updated at 4:45am. People complained that they didn't get their text messages until after 6am but she just wanted the record to reflect that the Police Department and the Dispatchers followed protocol and give the times they did so. She doesn't know why the text messages didn't go out in a timely fashion.

Trustee Bowen asked why the Town of Montgomery Police Department was policing the Village.

Manager Revella replied that they are allowed to come into the Village at any time as they do have jurisdiction however some times if there are multiple calls in the jurisdiction they will just come in and answer calls. Sometimes they come in for a joint operation and other times the Village Police on duty will call them for back up. We did have a situation where that happened last week actually.

Trustee Bowen commented that was when he saw it.

Manager Revella replied that there were many jurisdictions that came in and helped us with that specific incident.

Deputy Mayor Rumbold added to not forget about the Inter-Municipal Agreement, so if the Town had an issue we can go outside the Village limits and aide them as well.

Trustee Hoffman asked about the M&J Railroad Lease agreement for the Utilities that Attorney DuBois had also looked at is that something that just goes on forever. Is there any chance that any of those utilities could be vacated at any time?

Manager Revella replied that we still have the pipes running underneath the railroad there.

Trustee Hoffman commented it is a \$1000 every year.

Manager Revella clarified it is a little less \$900 something and it's two years worth of payments, but he will check in again with them on that.

Trustee Hoffman asked about garbage calls and an estimated amount he has received since the New Year.

Manager Revella responded between IWS and himself there were about 16 calls about issues with the can that they received. IWS responded and replaced cans as soon as they heard about it. Had another 100 different residences call requesting a change in the size of the container they received which may or may not be honored.

Trustee Hoffman commented that he spoke to Dean and Vicki and they had received some calls too.

Manager Revella replied that they were included in his number already. There is a log book that they track all the calls in for the garbage company to investigate.

Approval of the Minutes – January 8, 2013

Trustee Hoffman stated there were no minutes distributed yet.

Mayor Maher stated the minutes will be tabled until the next meeting after the minutes are distributed.

Trustee's Committee Reports

Village Office Liaison – Trustee Bowen

Trustee Bowen indicated he had met with Peter and the Auditors to go over the steps that the Village has taken as a result of the Audit. The Auditors will do a presentation to go over the cash reconciliations done to complete general funds as well as their findings during the audit and changes that could make us a better Village. That presentation will be done at the next meeting to go over their finds and corrective actions that have been put into place. We are working closely with KVS system to try to get some auto matching of reconciliations so that these types of problems that we are having will not happen going forward.

Police Department Liaison – Deputy Mayor Rumbold

Deputy Mayor Rumbold already discussed earlier the snow emergency issue. Dare graduation is January 25th at 10am at Most Precious Blood School.

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

Trustee Hoffman talked about the NYSEG tree trimming being done by JFLOW around the utility lines. Dean has some issues with what they are doing and it comes down to whether
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or not they have the right to clear what they have been clearing. Dean spoke to the arborist who is going to speak to NYSEG. They should be clearing 10X10 spots and they have been exceeding that a little bit.

Deputy Mayor Rumbold commented that they have been doing such a terrible job she could have done better herself blindfolded and with toe nail clippers. Does the Village have nothing to say about this?

Manager Revella commented that NYSEG has a right to come in and clear the lines as they regulate the lines.

Mayor Maher stated that a resident called him on February 2 when the issue first occurred and he feels the constituent was right as the trees did look as if they had been raped, it was really bad. He feels it's a tragedy. There has to be something we can do.

Manager Revella stated that their tree trimming also caused the power outage last Friday so it was definitely a concern for us.

Deputy Mayor Rumbold commented that what she didn't understand was that they are supposed to be cleaning around the wires but what is actually occurring is that every branch that is higher than the wires.

Mayor Maher agreed it was excessive but that Manager Revella has some ideas on how to get a handle on it. He thanked Trustee Hoffman for bringing it up tonight.

Trustee Hoffman added that the other thing he was working on with Dean was getting Certificates of Insurance on file for all businesses that have encroachments over the sidewalk. This project will take a little time but Dean said he usually gets 100% of them.

Parks and Recreation Liaison & School Board Liaison – Trustee Carley

Trustee Carley indicated that for the School Board he has nothing to report as he did miss the meeting on January 14th. With regards to the Department of Recreation nothing in general to report but with regards to the storage building at Olley Park was unfortunately broken into with approximately \$3599.02 worth of equipment stolen.

Mayor Maher asked Trustee Carley to give the public who wasn't at the last meeting a little more information about the burglary.

Trustee Carley stated that he felt that Manager Revella could probably give more details and explain it better than he could.

Manager Revella commented that we had a burglary at Olley Park. A few individuals broke into the building and stole several items and tried to pawn them. We did manage to recover some of the items and also were able to catch the people who did and they will be prosecuted.

Deputy Mayor Rumbold added that the police department worked diligently but the new investigator did a good job getting it resolved.

Trustee Carley continued that with regards to Emergency Management he met with Chief Holmes and Investigator Warner attended the Emergency Management Meeting with Orange County and basically went over software program called DLAD which is connected with the state and helps contract documents and resources in the event of an emergency communicating with them they would provide us with documents and resources as needed during a time of an emergency. They went to a training for that and that is part of a how to communicate with the State and the County during an event. That is a good move forward and the goal is to get several people trained in that area and then move forward in some other areas. Supposed to have a meeting on the 25th with Manager Revella and the Chief and talk about more of the plan. There are 3 volumes we have to complete. We are working on completing volume 2 and 3 soon. This is where we do our mitigation plan to get money from the State and FEMA later on so it's important that we complete this plan.

Mayor Maher explained that Trustee Leonard will not be with us this evening because he has the flu.

Executive Session – Personnel – Village Clerk, Property Purchase,

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel, Village Clerk, Property Purchase. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

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

Motion to Appoint New Village Clerk

Mayor Maher explained that once our Part time clerk, Lori Pinckney, resigned in December the board went through the hiring process and received 16 applications after we noticed the vacancy. We had 3 people we chose to interview and ended up selecting then Trustee Tara Lown upon the condition that she resign as a Trustee. She ended up resigning immediately as a Trustee and we will have a motion to appoint Tara Lown as the Village Clerk.

Trustee Hoffman moved to appoint Tara Lown as the new Village Clerk. Seconded by Trustee Carley.

Deputy Mayor Rumbold wanted to state for the record that she has no doubt that Tara will do a good job as clerk and any issues that she's had with the appointment have nothing to do with her ability to carry out the duties of the clerk.

4 ayes, 1 nay (Deputy Mayor Rumbold), 0 abstentions. Motion carried.

Public Comment on Business of the Board

Becky Pearson, 167 Walnut Street, stated that it was posted in the newspaper about the position. Her question is about the timeline, did you find out in executive session that she was resigning or before executive session?

Mayor Maher asked Becky to clarify her question.

Becky responded that she was referring to the clerk position.

Manager Revella asked which position she was referring to.

Becky states she was asking the Mayor.

Mayor Maher asked her to more clearly state what she was asking.

Becky replied she was asking when he knew the Clerk was resigning from her position.

Mayor Maher responded that the Village Board was made aware December, late December and then we had a Special Meeting to take into account that we wouldn't have a Village Clerk any longer as she had given her 2 week notice. We made a decision to hire someone right now, part time person, and we advertised as you saw in the paper with a potential for a full time position depending on circumstances.

Becky asked where in public did the discussion take place that you were going to have a part time possibly full time, what the salary would be. She is not referring to the person in the position but the position that was open. There has been no public discussion on that position in this audience.

Manager Revella replied at the Special Meeting held on December 23, 2012.

Becky replied no.

Mayor Maher stated that the board did discuss the position in public.

Becky responded she didn't know about that and asked who from the audience was there. Was there a discussion about the salary? What will that salary be?

Mayor Maher responded that the part time salary is \$18.25 per hour.

Becky asked if that was different from what it used to be.

Mayor Maher responded that was the last amount the part time Clerk received upon her resignation.

Becky asked about the discussion on full time.

Mayor Maher stated it was just put in the ad that there was a possibility for a full time position that would be discussed later.

Becky stated that if she was coming to the board for a job, and 16 people applied and you interviewed 2 people?

Mayor Maher responded we selected 3 but one of them didn't go through with the interview.

Becky asked if the Board decided who they were going to interview.

Mayor Maher replied of course the Board decided who they wanted to interview.

Becky clarified that the Board sat down and decided who they wanted to interview.

Mayor Maher replied she was correct.

Becky clarified that the board then picked 3 out of the 16.

Mayor Maher replied she was correct.

Becky asked if they were all Village residents.

Mayor Maher responded that they were not all Village residents.

Becky clarified that it was based on \$18.25 per hour.

Mayor Maher replied yes, which was the last amount that the previous part time Clerk was making at the time of her resignation.

Becky asked if the board was fine with that amount. They don't feel it needs to be lowered or higher? She didn't hear the discussion so she is not sure. It isn't even listed in the paper of what the salary would be. She is not sure why that information was not made public.

Trustee Hoffman replied that he believed that the Village Clerk's salary was discussed at the first meeting in December.

Mayor Maher agreed that it was brought up when the board decided to bump it up.

Becky stated that was her question, there was no discussion that amount needed to be increased or decreased or leaving it the same. Where did that discussion take place? There was no discussion on this and that is her problem. There was no open government that she is seeing here.

Trustee Hoffman asked why we would discuss something that no one was interested in changing, he didn't understand her comment.

Becky replied that when you are hiring someone new maybe you want to make it a better paid position, maybe their qualifications are less; maybe you want to make it a lower paid position.

Trustee Hoffman responded that is something that is negotiated with a potential candidate.

Becky replied no that is something that the board needs to discuss what they want to pay.

Trustee Hoffman stated that the ad could not say that there would be a full time position because the majority of the Board may not be here after the election. So you couldn't guarantee it would be a full time position because that future board may not decide that.

Becky responded she was not saying it would be guaranteed, but there was no public discussion on even possibly making a full time position.

Deputy Mayor Rumbold stated that in her mind because in this fiscal year we budgeted for a part time position, assuming that the person in that position was going to serve until the conclusion of this fiscal year, so in her mind she didn't need to have a discussion about salary as she knew what was budgeted for. Did she consider lowering it; no. She doesn't think it would be appropriate to have a discussion about any full time position until the budget which is when the Board will make a decision of whether this is going to go into a full time position. And as you know those meetings are held in public with a discussion in public. What we did say was that we may come to that consideration for several reasons; because the previous clerk wasn't certain it could continue to be a part time position and made that clear to us, and secondly because we would have to budget for that and we wanted to see from the Manager if he felt that it could be a full time paid position. As you know with full time paid positions comes with differential salary and benefits. The previous clerk was not interested in a full time position. So that discussion is going to happen but we wanted candidates to know since the previous person in that position was not interested in full time we wanted to make it clear that that discussion may happen so that the next person that took the position wouldn't be someone who says they don't want a full time position and is more interested in part time and that we would have to go through this issue again.

Becky responded that she is looking at it from an outside point of view.

Deputy Mayor Rumbold stated that she understands that but right now the position is just a part time position.

Becky commented that if she was going for this job she would have thought she was maybe I'm really going to get a full time position out of it. That's how she'd be looking at it.

Deputy Mayor Rumbold responded that the key word is maybe as the Board has not made that decision yet.

Becky continued that if she came to interview with you and she knows it's a part time position an she's just giving you an example and she'd be saying she's going to be getting x amount of dollars. Are you going to tell me at that meeting what is the potential of going to full time or are you not going to answer this?

Mayor Maher replied that he would say exactly what we just say as we don't know exactly for sure and one board cannot bind another Board and that's exactly what would have been said to you if you were interviewing in this hypothetical situation.

Trustee Hoffman stated that it's not fair to get someone in there for a part time position and then tell them that it will change into a full time which is why it was placed in the paper that way and why it was discussed with the candidates.

Becky commented she didn't think it was done in public and she doesn't believe it was done the right way. This ad in the paper was something she talked to Sue about, because she's concerned about when you have a meeting that this ad is considered an open meeting ad that anyone can show up for this meeting if you're going to interview people. So she could have come to that meeting and the interview would have been open as a regular meeting or if it's a private meeting and everyone is there.

Manager Revella stated that the meeting itself is open but the interviews are not.

Becky asked if they opened it as a regular meeting.

Manager Revella and Mayor Maher replied yes.

Becky asked if this ad constitutes a notice of a meeting.

Mayor Maher answered that yes it does which is what he asked our Attorney in which he replied yes. This was the same exact point we asked and we were told from the Attorney.

Becky asked Attorney DuBois directly if this constitutes an open meeting notice for this discussion of the board to have. 6:30pm if you are selected for the interview you will be given a specific time of the interview. If she comes to that are you going to open up as a regular meeting or you just going to interview? It's kind of sketchy.

Attorney DuBois stated it sounded as if she was right but that he wasn't going to confirm or deny.

Becky added she was told by board members that you said that.

Deputy Mayor Rumbold stated that as the Mayor said, we specifically asked that question before that meeting was called to order. We asked who noticed the meeting and we were told that the ad constituted notice of a special meeting.

Mayor Maher confirmed.

Becky commented that as a public resident we didn't know that someone resigned until you maybe see something in the paper so you don't know that. There is no discussion on salary, no discussion about keeping it the same, maybe we want to lower it; maybe we want to higher it. There was no public discussion. It's not about the person that's being hired it's about the position. Just like if you have a Manager Position you should be talking about that. You hire engineers, there should be talked about.

Attorney DuBois stated that it sounds like she feels the board was negligent in not discussing whether the salary should be changed not that they discussed it in general.

Becky clarified no; it's that there was no discussion.

Deputy Mayor Rumbold stated please don't forget the timing of when this all happened. We have one meeting in the month of December. We have no Village Clerk; she resigned and gave us two week notice. That's why the Mayor called a special meeting so that we could do what we had to do to try and get the position filled.

Becky said thank you very much and then asked if that meeting was noticed.

Mayor Maher replied yes.

Deputy Mayor Rumbold replied yes, it was a Special Meeting.

Becky asked where that was noticed. Was it in the paper?

Mayor Maher stated it was posted publicly and was online.

Manager Revella stated it was sent to the papers also.

Becky stated ok fine, but she feels there should have been a discussion.

Action Items

Orange County Planning Department - Comprehensive Plan Review

Alan Sorensen, Village Planner, went over the review from the County on our 2012 Comprehensive Plan. Generally the OC Planning Board recommendations were very favorable. It did have a few aspects of the plan including the riparian zone along the Wallkill River to encourage Leadership in Energy Conservation and Design, installation of lighting, as well as traffic calming measures in the Municipal Square area etc. etc. They then offer advisory comments in context of the 239 review they are just that, advisory, not required modifications. The advisory comments are two different aspects. Some are technical comments that they had such as the title Executive Summary they questioned whether it should be entitled Executive Summary or some other term. It really is a short summary of the plan and introduction to the plan so he feel that we should either include that or of the introduction and he will take a look at it to incorporate it as opposed to creating a standalone document called Executive Summary. They questioned the number of affordable housing units and there is a slight discrepancy that he believes has to do with the difference in the census data that was used; there was STF1 which is estimates and STF3 which is the actual counts. He will make sure the numbers are consistent and that we are relying on the actual data and not the estimated data from the 2010 census. There was only one specific number where there was a discrepancy so we are going to get that clarified. The Comprehensive Plan addressed the need for affordable housing there is some reference to where it talks about specifically using the definition of median household income as opposed to median family income to be more in line with the County's definition of affordable housing. He feels that is something we can certainly site within the contents of the Comprehensive Plan it is something we can revise moving forward with subsequent zoning changes. He will make those changes if that's the consent of the board. The technical revisions would be made with the consent of the Board. Item 4 had to do with Stormwater Management that they appreciate the inclusion of the information about bio retention basins and low impact development however the County also suggests some other techniques such as open grass drainage swales, curbless parking areas, and permeable pavement. We can certainly include some language with respect to additional Low Impact Design alternatives in the Comprehensive Plan.

Manager Revella commented that some of these ideas have been approved in some current plans from our Planning board so he isn't sure why they wouldn't already be included.

Alan continued that if they are cited in other policies and regulations we can simply respond to the County on the 239 response form that is attached to that effect. There would need to be specific citations that those are referenced in. Item number 5 recommends the Village retain the language to reduce density in areas with environmental constraints. He needs to go back and see specifically what this is in reference to. He believes that language is still in there but if for some reason it's not he will make sure it's

included in the Natural Resources Chapter. He will go back and cross reference that. Item 6 says they appreciate the Village's support in expanding the trail system within the James Olley Park and Bradley Park. They further appreciate Walden's goal to link the trails in the Village with trails in the neighboring communities. However we recommend the Village also discuss the potential for a rail-trail along the Walkkill River. We can certainly add that, in fact we've had opportunities since the draft to visit and see where that potential exists. Item 7 discusses Historic Districts which there are apparently 2 listed when in fact there are 3, which he takes credit for as an oversight for the one that is not referenced. He believes that was just an oversight and he will be sure to add Ulster Avenue to that. Item 8 was a reference to the zoning districts that he needs to go back and just review that as the question was really whether there were 2 or 3 areas that are RM1 and he needs to go back and review that.

Manager Revella clarified that with the current zoning we have what we want and recommend is to reduce it to 1, near Northern Avenue; Squire Village. The area along Coldenham Road changed to Townhouse and Edmunds Lane changed to R5. Those zoning changes already happened.

Alan stated that he just needed to clarify that.

Deputy Mayor Rumbold asked if all of Edmunds Lane changed to R5.

Manager Revella clarified no, just the one area that used to be R1 across from the Temple. That was zoned RM-1 but has been recommended to be changed by the committee.

Mayor Maher stated that would be a recommendation that the board would choose to change it and then it would change it.

Manager Revella added that it's the land across from the Temple that adjoins Olley Park.

Mayor Maher asked if that was the process, the comp plan then puts this into plan as a recommendation and then the board would have change the zoning if they so choose, correct.

Alan stated he was correct.

Deputy Mayor Rumbold asked why we were doing that. She doesn't understand that and why does it have to be specifically stated in the Comp plan if there is a process in place for property owners to petition the Zoning board and then the Village Board to change zoning.

Manager Revella asked what properties she was referring to.

Mayor Maher clarified she was just asking in general.

Deputy Mayor Rumbold clarified specifically the property on Edmunds Lane; let's say we are talking about that.

Manager Revella replied that that the property this is referring to is only the property across from the Temple that adjoins Olley Park which will never be used for RM-1. It should be consistent with the zone its in.

Deputy Mayor Rumbold stated that we are inserting a statement into the Comp Plan that will say to future Boards we think that this should be able to be changed for zoning. Why are we being redundant we already have a policy that says if we have a property owner that wants to change the zoning of their property there is a process they can go through in the Village.

Manager Revella stated she was correct.

Deputy Mayor Rumbold doesn't understand why it has to be specifically listed in our Comp plan to possibly influence.

Manager Revella replied that the committee recommends that it not be zoned RM-1 that it be regular Residential if it was ever to be zoned to be subdivided that way. They don't think it has potential to do that because of the wetlands there.

Trustee Hoffman commented that in general, and he's sorry to sidetrack but in answer to Sue's question, he thinks that the committee felt that the property would be best served that way and rather than pigeon hole the Village into a residential development or commercial development...

Manager Revella stated that was a different property, not the one we are talking about. We are talking about the one across from the Buddhist Temple and adjoining to Olley Park, less than 3 acres. We made many of those recommendations, to many different zones all throughout the Village not just those. They just point to those because there is an inconsistency from one page to another. We made recommendations to zoning changes over here down the end of...

Mayor Maher interjected that he feels Sue is asking why.

Alan replied that Sue is correct. There are a few approaches. There could be a request by the Board to rezone and also there could be a request by the applicant to rezone. In the 2005 Comprehensive Plan there were significant number of zoning acronyms that were left out of the Comprehensive Plan including the change on Oak Street from Residential to a Mixed Use district that we created on Railroad Avenue and Grand. It's typical to have both types of recommendations but in the context of the Comprehensive Plan it's certainly appropriate to have recommendations to set a policy ultimately it's going to be a future Board's decision whether they move forward on any such recommendation.

Deputy Mayor Rumbold would just hate to have anything listed in the Comprehensive Plan because of the way we view things that would unduly influence a Zoning Board.

Manager Revella answered that's what it's for to influence the Zoning Board.

Deputy Mayor Rumbold stated that she feels that is wrong. She feels it is incumbent of the property owner to petition if they want a zone change and make the argument for that zone change to the Zoning Board. She doesn't feel that any Village Board should put anything in that may influence that.

Manager Revella answered that this is how it starts; you have to set the precedence you have to set the zone to begin with. A lot of these zones were misfiled.

Deputy Mayor Rumbold stated misfiled or not, she feels it is incumbent of the property owner. If they want something to go on their property and the zoning just like the Church did, they came and said they wanted to change their zone.

Manager Revella said that is why the changes are made in the Comp Plan too.

Deputy Mayor Rumbold commented that what she is saying is that she doesn't want to put in any kind of statement in the Comprehensive Plan that may influence a Board 10-15 years from now.

Manager Revella stated that it was the whole purpose of the Comprehensive Plan.

Mayor Maher said that it's as if the Comp Plan is a vision for the Village. And putting that vision on paper is not binding in any way so all the things that you are talking about there is still a process for it. It's not as if it has to change which is what he means by binding. It doesn't have to change; the Board still has a choice on whether or not to do it. Correct?

Alan confirmed that if there was something specific that this Board felt strongly about they would need to move forward and implement those and it doesn't preclude nor obligate a property owner to make a petition. So if the Board wants to make changes in the immediate future there is a zoning map that would need to be petitioned by the Board to move forward and then those things that the Board doesn't wish to move forward with the burden would be on the property owner to file a petition and make that request to the board.

Deputy Mayor Rumbold feels it should be; the property owner should have to go through that process.

Mayor Maher added that they are still going to.

Deputy Mayor Rumbold stated that if the Board decides the Board can change zoning any time they want to change it. The Board has that power. So if the property owner happens to be able to unduly influence a certain amount of Board Members to change that zoning without them having to petition she feels we are eliminating a step and she doesn't agree with it.

Mayor Maher stated that he doesn't think that is actually happening. He asked her to define what she means by unduly influence.

Manager Revella thinks she is referring to a different property, not this particular property.

Deputy Mayor Rumbold said that she was just saying that she doesn't think that any kind of Board should make any kind of statement in a Comprehensive Plan. She understands what the Comprehensive Plan is. She is not stupid. She knows what it is; it's a Vision. But she doesn't feel that the vision should include a statement that says we think this should be done in the future as far as zoning goes. She feels it should be up to the property owner.

Mayor Maher asked if she didn't feel that there should be any vision to the Village as far as Zoning should be.

Manager Revella stated that it also includes what we want in each zone. For example if we want a Laundromat in an R Zone or in an I Zone we have to say that in the Comp Plan.

Trustee Hoffman it also takes out certain things such as putting a gas station in a residential zone. He asked if she was saying that in terms of the entire plan, it should not have a zoning component.

Deputy Mayor Rumbold stated that we have made policy about zones and she can't tell you how many times we have changed it.

Trustee Hoffman said that is bound to happen.

Deputy Mayor Rumbold stated that it came about because a property owner came and said xyz and then we talked about and then we changed it. She didn't pick up a piece of paper that said the Comp Plan that was drawn up as a vision, if the property owner has a good argument than the Vision doesn't change? The Vision isn't stagnant it is always changing. She doesn't want to make a statement as a Board member that under the influence of someone else who says that Board made this statement they believe this zone should be xyz, she feels it should be on the property owner. She doesn't wish to belabor this she just wants it on the record that she feels this way.

Trustee Carley commented that he feels it deserves a public discussion on it as he needs some help on this as well. From what he remembers that Sean was talking about that this parcel area was zoned industrial.

Manager Revella stated that is a different property. That is not the property the County is talking about.

Alan stated that the County comment has to do with the different zones and their current recommendation is to bring it down to 1. The issue is about future Amendments map which has evolved from discussions with the community as well as the planning board over the years and that's what this specific comment is on.

Trustee Carley asked if this was changed and he's trying to remember...

Manager Revella interjected that there are 3 spots on the current map that have RM-1 and we are trying to get it down to 1 spot. The other two would change to the local zone. One would change to R5 and the other to he believes the Townhouse zone.

Trustee Carley believes that in the Comp Plan Meeting there was discussion to just make everything alike.

Manager Revella stated he is correct.

Trustee Carley stated from his understanding that is what they were discussing in the Comp Plan meetings. Correct me if I'm wrong we have the Buddhist Temple there and then Residences there.

Manager Revella stated yes it's mostly single family residences and then down the street is the Circus.

Trustee Hoffman commented that the whole point of the Comp Plan is to give a basis for the potential zoning districts. It provides the framework; it doesn't dictate what should be there based on those recommendations and then move on with changes to the Zoning map.

Alan confirmed and stated that a future Board could amend the Comprehensive Plan. The Village had a Comprehensive Plan prior to the 2005 Comprehensive Plan that recommended the creation of a mixed use zone at that time on Oak Street but with the topography and everything else it didn't seem to be a good fit to try and commercialize it. Once this consensus was reached it was deemed to go back to what it was zoned originally.

Mayor Maher asked Alan if there was anything else in the County's 9 recommendations that he felt the Board needed to address.

Alan stated that the last item was a technical revision as he had cited back to section 9.5 and in actuality it was 9.6.

Mayor Maher asked Alan what his thoughts were on changing the definition of the County's definition of affordable housing aside from our own definition. Does that prohibit us from funding sources on a State or Federal level in any way if our definition is not changed? Does it hurt us or help us in any way?

Alan replied that the consistency with the County and the housing related definitions...

Manager Revella interjected and asked if that was the HUD definition?

Alan replied that he did feel that was the HUD definition, household median income. There is more to that definition. He just received the fax today and has not had a chance to review that definition. He'd like to give them the definitions side by side and allow the Board to digest that and decide how they would like to proceed.

Attorney DuBois commented that in the letter it looks like the way the Village is defining affordable may not be the same way the County is defining. It looks like the threshold may be higher than the County.

Mayor Maher clarified that they are saying that our definition is quite unaffordable according to the County.

Trustee Hoffman asked Alan to clarify the process. We have gone through the plan and made recommendations and we have been moving through the SEQR process and had a few clearings. Now the County gives us 6 weeks after they get the draft. Where are we with the process? Do we take action condition on these? How does it all fit together?

Alan recommended that the Board give him 1 week to make these revisions in the Draft Comprehensive Plan so they can see exactly what was changed. Again the County comments are advisory comments so technically we could do nothing. He does feel there are technical revisions that have to be made and there are some policy issues with respect to the definition of affordable housing which ultimately the Board would have to address and decide if we change it in the plan to address that. In the next couple days he will email

John the two definitions and have him forward it to the Board members and then we can get a consensus pole and decide how we will proceed.

Attorney DuBois advised that at the last Board meeting we asked to have the Final Generic Environmental Impact Statement so procedurally this doesn't hamstring us or anything like that.

Trustee Carley asked if he meant our last date or are you talking about now?

Attorney DuBois clarified that we have 45 days to file from the last Board meeting January 8, 2013 when you accepted the Draft Environmental Impact Statement. There is a large period of time for the public to comment on the final as accepted as well.

Trustee Hoffman added that we didn't receive any comments through SEQR on that so there is no final.

Alan clarified that it means the Draft is the Final. He would suggest incorporating the SEQR review and the Final Comprehensive Plan approval. He envisions that we are in the position to have that done by next week and have that in February for adoption.

Trustee Hoffman asked if was possible since there are some things from the County's recommendations that we will change and some that we may not, could we put this on as an action item and then have public discussion beforehand so we can make a decision on that.

Manager Revella responded that there are only 2 of the 9 recommendations that would be subject to that. Is there a consensus from the Board on the rest of them? We will save number 8 as Sue had a concern about that one and number 3 the household income definition. The others are kind of arbitrary. He is going to get some information for Alan on number 4 but the rest of them are mostly informational like misquoting a number. We can finish those and finalize those.

Trustee Bowen stated that some of them are even done already.

Mayor Maher replied correct.

Manager Revella commented that the Board still needs to approve them.

Trustee Hoffman added he was referring to the affordable housing one.

Mayor Maher asked if we can put something together that if we make a decision on we can still adopt at the next meeting. Prepare either or so if we chose to adopt it or chose not to adopt it we can still adopt it.

Alan replied he would do that and send the pages that are affected by the changes not the whole Comp Plan.

Trustee Carley asked about the definition for affordable housing what the County has and what we have, he just needs a little more clarification beyond definition. He'd like to see what the benefit would be for the Village using ours versus using the County's.

Alan replied that he would see if he could get the Unicom ranges to give you an idea of what that translates to.

Commercial Garbage

Manager Revella stated that as discussed previously we are holding over the public comment until the next meeting. With regards to the proposed law regarding the addition of Commercial Garbage into the Village Garbage Program and it also changes a few definitions; one of which is the container size, the current definition says 30 gallons and obviously that is no longer applicable as we have 96 gallon totes. It brings the code up into our current standards.

Attorney DuBois stated that's the law portion. As far as whether the Village wants to add Commercial Garbage to the program or not you could discuss that and even vote on that tonight or you could wait until we do adopt the law. If you want to talk about providing Village wide service you have the authority to do that now. The question is just the law just brings into parody what the Villagers are expected to do. You could really discuss and probe whether you want to enter into the contract for Commercial Garbage tonight and presumably adopt the law at the next meeting. The time difference wouldn't be a big deal.

Manager Revella confirmed that it would still take several weeks for implementation.

Mayor Maher asked if the board wanted to discuss and decide at this meeting or table until the next meeting.

Trustee Carley clarified that we could adopt the contract now and then discuss the law at the next meeting.

Manager Revella confirmed.

Attorney DuBois stated that there is nothing terribly exciting in the law; it just brings it into parody to make sure the Village and the Contractor are on the same page.

Mayor Maher asked each Board member individually on what their opinion was about adding Commercial Garbage to the Village services or just leaving it the way it is and having just residential pick up.

Trustee Carley stated that it sounds to him based on what he is hearing from the businesses is that most of them are in favor of it. A few say nay and have personal views but the majority says yes. Personally he thinks that he can't say from a business perspective because he doesn't own a business that would receive pick up from anyone, but he understands what the Village is trying to do and he supports that. One it can make it a lower cost for our business community and two he believes personally that when you standardize something to that effect you have long term accountability for that industry or vendor or contractor or however you want to say it. You can pinpoint who did what instead of chasing 2 or 3 different ones around. He supports it.

Trustee Hoffman stated that he disagrees with his esteemed colleague. If you give an exclusive franchise to one business he feels it gives the illusion of authority and that we have greater control. What he feels we are doing is changing the model which is a business to business model which allows them to negotiate their own prices with their own
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carter to a business to Village to business model and he feels that we are getting in the way, getting in between two businesses. As the Mayor stated in the paper he agrees with him that it's a fundamental and philosophical difference.

Deputy Mayor Rumbold stated that she was torn about the issue. She agrees with what Trustee Hoffman is saying that she doesn't like intrusive government. She doesn't like people telling her what she can and cannot do, but at the same time an elected official is supposed to protect the Village and the Village tax payers. She has received phone calls from Village residents at 5am saying that so and so is getting their garbage picked up across the street from their house at that hour and which company is it, we have no clue. At one point she got up in her nightgown and bathrobe in her car in that person's area of the Village to try and figure out which garbage company it was. She spoke to the Manager and wanted to find out if this was just a fiscal financial issue and he said no. He felt it would reduce traffic in the Village and we would be able to know if there was a problem with the garbage as we would only have one. It bothered me at the same time that we would be excluding companies from doing business in the Village but we have done that with the residents. We've told our residents they don't have the right to choose which garbage company they can do business with; we've made that decision for them. She doesn't think it's any different for them than it is with businesses at this point. So given that she will agree to give the Commercial to the same carrier that does the residents in the Village.

Mayor Maher stated that he would agree with a lot of Deputy Mayor Rumbold's points as she made some great points. The only difference he would make when you talk about residents and businesses and this is really the only difference and for some people it's more important than others, would be that the residents have a vote. A lot of people who own businesses but are not residents don't have a vote as a business owner. He is for the school of thought that whether it saves money or not and he can understand the amount of traffic and different companies coming in and out and just having one and uniformed and how attractive that can be; he doesn't want to take the decision over a business owner who really likes a person and he wants them to get the work. They may have been great for the community, not saying that IWS has not, nothing against them at all, but who are we to say what businesses a business owner can and cannot work with. The same would be true for residents. In his opinion we heard a few from the last meeting but he feels there are more out there that feel the same way. He knows we haven't heard from all of them and some are saying as long as it saves them money its fine but again it's a fundamental disagreement between what our role is in the Village and to him it shouldn't be to be as intrusive as this in this matter. He is heavily in favor of not going Commercial.

Trustee Bowen stated he would like to go Commercial. He likes the accountability that IWS has showed. We picked and interviewed and talked about all the different things that was going on with the garbage and again he likes their accountability and their concern of even being here and attending a meeting. He understands the allegiance we have to a business owner, which he is not, but at the end of the day we understand that as a business we have relationships and what we are trying to do is not only bond with having a person who is going to be accountable for everything that happens in a garbage way in this Village. He thinks it's important to have that relationship in the Village and he sees it in what we have right now and he likes it. So he would like it to include Commercial.

Deputy Mayor Rumbold asked Manager Revella if he by any chance had talked to anyone that works in the office about more phone calls they are going to have to handle. Right now the businesses handle their own issues as they come up. Have we talked about the impact it's going to have on our clerk?

Manager Revella replied yes. There was one person that was nervous about it but he doesn't think it's a big issue. We have a lot of very needy residents now and he doesn't expect that business will be any different. It will probably be the same portion of the business people that are needy in the business community as in the residents and we will handle it as it comes in. That's part of our job.

Trustee Hoffman commented that some of these businesses have existing contracts with existing haulers. Are we going to provide some assistance to them on how to handle that?

Manager Revella responded yes.

Attorney DuBois confirmed that it's contradictory to the Village Law.

Trustee Hoffman clarified that he understood but that they would be essentially new to this so are we were going to provide some sort of service to support the businesses during the transition?

Manager Revella replied that we would provide a form letter plus a copy of the new code which will allow them to void their current contract under public policy.

Trustee Bowen made a motion to approve the Village taking on Commercial Garbage as well as residential giving the Village Manager authority to sign said contract with IWS. Seconded by Deputy Mayor Rumbold. 3 Ayes, 2 Nay, 0 abstentions. Motion passed.

Village Election Inspectors Fees

Mayor Maher read the request to raise the inspector fees from \$125 to \$150 for our Election Day on March 19, 2013, plus \$25 additional for the chairperson. Since the new scanning machines take almost an hour to boot up the inspectors must start the day at 5am making it a longer day then was required with the old voting machines this increase is being requested.

Trustee Bowen made a motion to increase the Village Election Inspector Fees from \$125 to \$150 for the day with an additional \$25 to the chairperson. Seconded by Trustee Hoffman.

Trustee Hoffman asked if Manager Revella had room in the line on the budget for this increase.

Manager Revella replied yes.

Deputy Mayor Rumbold asked what it works out to per hour.

Deputy Clerk Kurtz stated that they will be there close to 15 hours so it works out to a little less than \$10 per hour.

Deputy Mayor Rumbold asked if this is average for our area.

Deputy Clerk Kurtz replied that she heard they get a lot more at other places which is why we are asking for a little bit more for them.

All ayes. Motion carried.

Resolution 27-12-13 - Village Election Inspectors

Trustee Hoffman made a motion to approve Resolution 27-12-13 - Village Election Inspectors to appoint Vicky Pinckney, Phyllis (Terry) Soles, Diane Sandbothe, and Raul Morales as the inspectors of the single election district comprising the entire Village with the first named designated as chair person. Agustin Fajardo is named as an alternate inspector. Seconded by Trustee Bowen. All ayes. Resolution passed.

Discussion Items

Ethics Code

Mayor Maher explained that because there is not a full board present tonight he would rather have the discussion about the Ethics Code when the full board is present so we are going to table this discussion this evening.

Public Comment

Pat Eisley, 26 First Street, stated a while back there was a discussion on the Village website and she was wondering if there had been any changes since then.

Manager Revella stated that there were going to be updates scheduled for the beginning of January and he went through them within 10 days so things should be getting updated faster. The only problem we have is on Thursday or Friday for some reason the agenda didn't upload until today.

Deputy Mayor Rumbold asked does the webmaster check that. Do you mean he loaded it in and for some reason it didn't upload?

Manager Revella confirmed that yes he should be checking that but for some reason this time it didn't happen.

Greg Raymondo, 200 Orange Avenue, said thank you for answering his email about the minutes and agendas but that in this day and age the minutes and agendas should be more up to date than they have been on the website.

Becky Pearson, 167 Walnut Street, wanted to talk about the non-public discussion that was not part of the Clerk position. There were recently increases for the employees that were not openly discussed either.

Manager Revella responded that they were discussed at the December 11, 2012 meeting in public.

Becky replied that she must have missed that meeting. She said she read the minutes and it should be in the minutes if it's done in public and she doesn't recall reading that. She further stated that it was discussed after the pay increases were voted on and the discussion need to take place before the vote.

Trustee Hoffman asked what she was specifically referring to.

Becky stated she is discussing the Manager position, the Finance position, and the Recreation Department person and that none of that discussion happened in public that she is aware of. You didn't wait for the budget to do that.

Deputy Mayor Rumbold commented that she remembers making a statement that she had no problem with granting the Manager an increase because it was part of the contract and that she made a statement when they took the vote about why she was voting a certain way.

Manager Revella confirmed that.

Becky continued that the median household versus median family income is there a difference? She knows you may want to word it differently but what would that difference be?

Alan Sorensen stated he was going to give the two definitions side by side so that the board may decide which is more appropriate.

Becky stated she thought they were asking about the wording. She missed that part. Snow removal on Main Street, talking about businesses supporting businesses, well that is not supporting businesses. She understands that guys are working overtime and they were sick but there has to be a way, and perhaps Mr. Millsbaugh may have talked to John about possible ways of doing that. We had a 50 degree week to allow the businesses to push the snow into the street and allow it to melt so that the cars go over it, may not be a solution when it's snowing but when its 50 degrees for 4 days in a row. It could add to melting it in the drain, and just may be a solution and she doesn't know how you may want to talk about that, but businesses are struggling as it is and trying to get out of their cars and one person fell underneath their car trying to get over the snow bank and came into the store full of snow, full of dirt. It was a younger person not an older person who got stuck under their car trying to get out because the snow bank was there. It is an issue for safety as well. This is an issue for all businesses not just Main Street businesses.

Trustee Carley asked how it was done in the past.

Manager Revella replied that usually if there is a storm there is going to be cold weather after and we make arrangements to post no parking signs and then have machines go up and remove the snow from the street. If it was forecast warm weather unfortunately at the same time we have flood that we have to attend to as well.

Mayor Maher reiterated that usually we post signs that there is no parking for a certain hour and then we remove the snow Main Street and if that doesn't happen Becky has a legitimate concern and he noticed it and spoke to John as well. It was the first time that has happened in the 4 years he has been here. It was basically a guessing game with the warm weather so we didn't have to spend the overtime and bring the flu ridden crew from DPW in to work, perhaps John can speak to it more. It's definitely a huge concern and he hopes to never see it happen again. It's John's discretion and he does the best job that he can but the concern has definitely been heard.

Becky stated there may be some other creative ways to handle the issue. She thought that Mr. Millspaugh had discussed that with John. So he may be able to talk to you more about it.

Deputy Mayor Rumbold asked about the cut-ins that businesses due to create a little walkway, doe we have a regulation about that?

Manager Revella stated we did not.

Deputy Mayor Rumbold clarified that they were doing it out of the kindness of their hearts.

Manager Revella stated that only the cross walks is required to be cut out. He had talked to Mr. Millspaugh about having all the businesses agreeing to push all the snow out on one day onto the road to get it out of there when this happens. Rather than trying to get the machines out onto the sidewalks the day after this would be easier to get it cleaned up. We usually have to have the skiploader go up on the curb and push it all off.

Becky continued that then the plow could be angled a certain way and then it would be straight down the street.

Deputy Mayor Rumbold stated that she went out the next day to shovel in front of her store and it was like an iceberg down there. Not sure how they would push the boulders into the street.

Becky commented that she understood but then again we still have 50 degree weather and allowing businesses which they can not do put snow in the street. Not like the municipal building which gets snowplowed into the street or shoveled into the street. So if it's ok for the Municipal Building to do that it should be ok for the Village Businesses to do that also.

Mayor Maher thanked Becky for her comment and said it was well noted.

Becky continued that she understands where Sue was coming from on the comprehensive plan, not sure if anyone else did. She was talking about that little note that you put on the map that says that and yes it is somewhat binding to the public because to get out of it you have to end up going to get an amendment to the Comp Plan which is another public hearing and a whole lot of other things. If you're going to change anything and you aren't going to actually do it you have to go change the Comp Plan as well. Not that it's binding as a law but it is binding because if you have to change something or come before the board to change it's still binding.

Mayor Maher commented that he considers binding to be the law so he doesn't understand how it can be binding while at the same time not be binding. He doesn't think it is binding. It's in the Comp Plan.

Becky replied that if it's in the comp plan is then whatever you put in there is binding to that Plan and if you want to change it you have to have a public hearing and spend money to change it.

Attorney DuBois stated that what was in there is so flexible so it's not truly binding. It's more like giving an option to do something and saying it's a possibility. Just because the possibility is binding again because it's a possibility it is not legally binding.

Becky commented that it is possible to come before this board and not the zoning board because it happened in the Townhouse law.

Becky showed photos of the tree trimming that was being done on Walnut Street and Gladstone Avenue. She stated she called John because if they did the same thing on Gladstone as they did on Walnut it was going to be just as bad. She also showed pictures of a tree trimmed on Clinton Street and stated it was awful. There were trees that were trimmed and the best part was that the branches were still on the wires in some cases. The company is destroying our Village trees. She was upset and did speak to the tree trimmers and asked if he was a supervisor and she spoke to him about the tree trimming when she passed by one of them. She spoke to the arborist and brought him down to Walnut Street and showed him. She asked if there was a tree law and she asked what happens and they can still override that apparently but it's a little bit harder to do. So you may want to look into a tree law. Also spoke to the Village arborist as he's a friend of hers and she thinks that as a board they may want to speak to NYSEG about this. She knows it's and outside crew that is doing this.

Manager Revella stated that he was talking to Jim Presutti the Village Arborist and he said that they weren't following regulations.

Trees on her street are awful and it's now an eye sore. If someone can talk to NYSEG as she does have their arborist's name and phone number. Perhaps with a little bit of Mayoral power Mayor Maher might be able to have a little more pull. This man didn't even know we were a Village not a Town. He asked about ordinances too and had no clue. She tried to guide him to the website to get more details. She would appreciate it if it would possibly be addressed and hopes the Board will.

Trustee Carley asked if the issue was not about them cutting the trees down.

Becky commented that they might as well cut some of them down if that's the way they are going to do it. She understands the idea of trimming and that maybe in the Town they have a larger selection of trees and maybe if we can talk to them about the power lines. Maybe in a Village they trim instead of destroy. Maybe 5 feet off the wire instead of 10 feet wire. That may be able to happen. It's not as if we get the same wind off as a field may get.

Trustee Hoffman stated the standard is 10 feet.

Becky agreed. One gentleman had told her it was 10x10 for certain trees and 8x10 for others.

Manager Revella added it may be for certain species.

Becky said that was what she was told but not sure which trees they were. There might be room for some type of negotiation or talking about it.

Deputy Mayor Rumbold asked where we would get those specifications from. Does the building inspector familiarize himself with those specifications?

Trustee Bowen asked if they actually came into the office and say they were trimming.

Manager Revella stated no, everyone in the Village including us got a postcard that said they were coming around in the next month or so.

Trustee Carley asked if the Town notices us that they are coming.

Manager Revella clarified that it's an outside entity that comes and does this. The contractor did come up on the 3rd day they were here cutting because he called NYSEG and complained about the tree they cut on Northern Avenue. He sent them a picture. NYSEG advised to go out there and talk to the contractor and show them what they wanted. They did wind up cutting the tree down on Northern.

Becky asked if the Village could request a schedule from NYSEG of when these people are going to be here.

Trustee Carley stated that he agreed and they should have some type of say in what they are going to be doing so we can have a plan.

Trustee Bowen stated he felt they should come in and say what the plan is for the week or that day, maybe not a day, and maybe we should have manpower here.

Manager Revella interjected that they called and said they were going to cut trees and that they sent post cards to all the customers in the Village saying the same thing.

Mayor Maher stated that it's not a bad idea to maybe have them go around with John and say what trees they were going to be trimming etc.

Trustee Carley interjected that if we get a postcard that says they are going to cut the branches by the wires and then an 8 foot stump is what is left behind that we are going to have to eventually remove, there is a problem there. We need to have them come and mark the trees.

Greg Raymondo, 200 Orange Ave, stated that NYSEG came in and clear cut his property once.

Mary Ellen Matise, 21 Clinton Street, added that they are supposed to save 10x10 and when they came to her house they were there for an hour and the whole tree was done by 8am. She called JAFCO and she sent the supervisor to her door. The poor guy talked to his crew and he said their contract with NYSEG is to cut from the wires 50 feet. That's what he told her. She didn't want to give him a hard time, it was freezing cold. If she decides to take the tree down in the spring they said they will take it down. We would still have to have the trunks removed. A good suggestion if we have a lot of trees on the Village level that have to be done there are some local saw mills and maybe we can sell the trunks and if we can supervise how they cut them if they cut 8 or 10 foot lengths we can sell them to some local saw mills.

Deputy Mayor Rumbold asked if they have a liability if they cut a tree and they kill it.

Mary Ellen stated they might be absolved of it, she isn't sure. She told them the tree could fall and they left it anyway leaving her with the liability. She asked why they put their wires in near the tree lines and the guy from NYSEG said that the service was put in back in 1917 and it's a healthy tree it's not going to fall over. That is why she had asked Dean to have Jim Presutti come look at it because if they left us with a liability then it's a problem because why would my insurance want to pay on that tree falls on my house or my neighbor's house. Then the hassle if it falls.

Attorney DuBois stated they would most likely sue the power company.

Mary Ellen continued by talking about the smaller garbage can request she has for herself and her mother's home. Thanks for putting her on the list. The Town Clerk told her that she has an open ended contract for spay neuter clinics. Will Spay Pets will do special spay and neuter clinics so if the Village wants to contact the Town to either contact them as they are subsidized to do that.

Manager Revella commented that he has graciously offered all the Municipal Parking lots to them for something like this.

Mary Ellen continued that the Town Clerk said that the majority of the people that use their programs are Village of Walden residents. So it is working but maybe we could have some special spay and neutering clinics ourselves that we subsidize.

Anita Vandermark, 76 Highland Avenue, added there is a spay neuter clinic coming up in March by Will Spay Pets. She had a question about the open seat on the board left by Tara Lown and how that would be filled.

Mayor Maher answered that her seat is up in April or he has the ability to appoint someone to the seat. So he will either appoint someone or we will wait until the election in March.

Anita added that she missed her community event comments.

Payment of the Audited Bills

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

Correspondence - none

Miscellaneous Comments from the Board of Trustees

Trustee Bowen asked if John could meet with the guys who are cutting the trees and get some kind of plan so that the board is aware of what is going on and perhaps take some of the pictures and show them what we dislike so hopefully we catch them before we get pictures at the board meetings of what happened.

Manager Revella commented that she met with the supervisor once already and plans on speaking with him again.

Deputy Mayor Rumbold reiterated that the Historical Society is in great need and they take care of Walden T. Jacob House and the property behind it. It costs a lot of money to heat it and maintain it so any donations are very much appreciated. She just wanted to remind everyone in case they were aware that when there is 2 inches of snow on the ground we have a snow emergency and cars have to be removed from the street. It's unfortunate that so many cars that were not removed and it caused an issue. She knows that people were upset that their cars were ticketed or towed. She asked if it was in are website and newsletter.

Manager Revella confirmed and stated that it was in the last monthly calendar as well.

Deputy Mayor Rumbold added she is not sure what else to do to remind people.

Manager Revellas stated that it is also posted at the Village entrances also.

Deputy Mayor Rumbold asked if it was on Channel 23.

Manager Revella replied he didn't think so as that's usually just for events.

Deputy Mayor Rumbold asked about the website and its maintenance. Has it been maintained the way we wanted it to be? Other than the minutes is it done in a timely manner?

Manager Revella responded that his biggest concern is if we gave something that wasn't done timely then it wasn't uploaded, which is a problem. There has been things that haven't been given to the webmaster and that's not his problem if he didn't have them. Especially concerning the minutes.

Deputy Mayor Rumbold asked for his assessment of the website and if he feels it's being handled.

Manager Revella replied that he had a really good meeting with the webmaster in December. If things aren't getting done since then then we would have a problem. The meeting was very positive. Hoping to have a positive reaction, if it doesn't then we will have to look in a different direction.

Trustee Hoffman just wanted to thank for thank Vicki again for filling in to do the minutes.

Trustee Carley wanted to reiterate what Bernard said about the contractor for NYSEG. He thinks it's important that those trees that get cut down get cut down versus being left as a stump.

Manager Revella confirmed and stated that this company has been even bringing the wood chipper and it's free.

Executive Session – Village Attorney, Village Manager, and Property Purchase.

Deputy Mayor Rumbold moved to go into Executive Session to discuss Village Attorney, Village Manager, and Property Purchase. Seconded by Trustee Hoffman. All ayes. Motion carried.

Reconvene

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

Executive Session – 207c and CSEA Negotiations.

Trustee Hoffman moved to go into Executive Session to discuss 207c and CSEA Negotiations. Seconded by Trustee Bowen. All ayes. Motion carried.

Reconvene

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

Adjournment

Trustee Carley moved to adjourn. Seconded by Trustee Hoffman. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees
Regular Meeting
January 22, 2013
Motions & Resolutions**

Public Hearing – Introductory Local Law I-1-2013 Commercial Garbage

Deputy Mayor Rumbold made the motion to open the Public Hearing on the Introductory Local Law I-1-2013 Garbage. Seconded by Trustee Bowen. All ayes. Motion carried.

Executive Session – Personnel – Village Clerk, Property Purchase,

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel, Village Clerk, Property Purchase. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

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

Appointment of New Village Clerk

Trustee Hoffman moved to appoint Tara Lown as the new Village Clerk. Seconded by Trustee Carley. 4 ayes, 1 nay (Deputy Mayor Rumbold), 0 abstentions. Motion carried.

Village Election Inspector Fees

Trustee Bowen made a motion to increase the Village Election Inspector Fees from \$125 to \$150 for the day with an additional \$25 to the chairperson. Seconded by Trustee Hoffman. All ayes. Motion carried.

Resolution 27-12-13 – Village Election Inspectors

Trustee Hoffman made a motion to approve Resolution 27-12-13 - Village Election Inspectors, to appoint Vicky Pinckney, Phyllis (Terry) Soles, Diane Sandbothe, and Raul Morales as the inspectors of the single election district comprising the entire Village with the first named designated as chair person and Agustin Fajardo is named as an alternate inspector. Seconded by Trustee Bowen. All ayes. Resolution passed.

Payment of the Audited Bills

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

Executive Session – Village Attorney, Village Manager, and Property Purchase.

Deputy Mayor Rumbold moved to go into Executive Session to discuss Village Attorney, Village Manager, and Property Purchase. Seconded by Trustee Hoffman. All ayes. Motion carried.

Reconvene

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

Executive Session – 207c and CSEA Negotiations.

Trustee Hoffman moved to go into Executive Session to discuss 207c and CSEA Negotiations. Seconded by Trustee Bowen. All ayes. Motion carried.

Reconvene

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

Adjournment

Trustee Carley moved to adjourn. Seconded by Trustee Hoffman. All ayes. Meeting adjourned.