

**Village of Walden
Board of Trustees Regular Meeting
March 12, 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 |
| | | Edmond Leonard |
| | | Gerald Mishk |

Absent

| | |
|---------------|------------------------------------|
| Also Present: | John Revella, Village Manager |
| | Tara Bliss, Village Clerk |
| | Michael Blustein, Village Attorney |

Hearing – 135 Orange Avenue

Jay Buchalski, Code Enforcer, described that there has been no response from the owner, Mr. Lovitch, with regards to the repair or removal of the partially attached rain gutters on the front and side of the house.

Deputy Mayor Rumbold asked if we know if he received the notice.

Jay replied yes, it was sent via certified mail.

Mayor Maher confirmed that Jay was recommending that the Village go in and fix the project and bill owner.

Manager Revella confirmed yes, to take whatever action is necessary.

Deputy Mayor Rumbold made the motion to allow the Village to remove the gutters and charge the property owner at 135 Orange Avenue. Seconded by Trustee Bowen. All ayes. Motion carried.

Trustee Hoffman asked if this would include the second story gutter too.

Jay responded yes it would.

Hearing – 20 Lafayette Street

Jay Buchalski, Code Enforcer, described that there are 5 vehicles on the premises located at 20 Lafayette Street that have not been removed as of today.

He added that Tim Terwilliger came to the office today and is looking to possibly have a driveway put in on this lot. His mother is the property owner. He spoke with Dean and is looking for a time extension from the board to see if putting in a driveway is possible.

Manager Revella asked what sort of time frame he was looking for.

Tim replied that he felt that it would take 2 months to do this.

Trustee Carley asked if putting in a driveway would be against the code.

Manager Revella responded that it is not against code, he just has to go through the process to do that.

Deputy Mayor Rumbold commented that 2 vehicles in the photo do not have plates on them. Would they be permitted on the driveway?

Manager Revella stated that those cars have nothing to do with this code.

Jay responded that is a separate code violation for abandoned vehicles and once we tackle this issue we will address that one.

Deputy Mayor Rumbold commented that she understands that but she doesn't want him to believe that if he parks everything that is on the property in a driveway that it will be fine to leave that way.

Jay clarified that he spoke to Tim about that today actually.

Deputy Mayor Rumbold commented that she just wanted to be certain he understood.

Mayor Maher asked if we needed a formal motion to give him a 2 month extension.

Manager Revella clarified that we need a motion to say if not taken care of within the time frame the Village will take action.

Trustee Carley asked for clarification on what house are we looking at in the photo.

Tim responded that what he is looking at was actually his back yard but it is now considered his front yard since it has street frontage.

Trustee Bowen made a motion to give the property owner until May 14, 2013 to rectify the situation at 20 Lafayette Street otherwise the Code Enforcer and Village Manager are permitted to take steps to do whatever is necessary to rectify the situation. Seconded by Trustee Leonard. All ayes. Motion carried.

Presentation – Lanc & Tully – Street Lights

John Queenan from Lanc and Tully spoke about the 10 lights that were repaired on the bridge. We said we would wait and come back and evaluate the lights and determine the next course of action. The lights seem to be in great working order, no issues with them they are working as they should be. His recommendation would be to continue on as there are 2 other zones; Main Street, and then the Municipal Square area and parking lot. For March 12, 2013

the bridge we did a total of 10 fixtures replacing the bulb, ballast, checked wiring and connections as well as the fuses, etc. averaging about \$500 per fixture for a total of roughly \$5,400 for the Bridge. In all there are 24 fixtures that are out; 11 in Municipal Square and Parking lot area and 13 on Main Street. Budget area between \$12,000-\$15,000 to finish the project completely.

Deputy Mayor Rumbold asked if that is just Main Street or West Main as well.

John Queenan responded that it included all lights.

Mayor Maher asked Manager Revella if after discussing with Peter if he felt comfortable doing this work in this budget year.

Manager Revella replied that they would make sure it can fit in the budget this fiscal year they will analyze and then determine if it can be done. If not he will let the board know.

Trustee Hoffman asked if he was saying that they will do as much as can be done in this budget year or are you saying if you don't have it in this budget year then you will postpone it until the next budget year.

Manager Revella responded that if we can do some we will get it done.

Mayor Maher clarified that he wanted the Board to authorize both and then get back to them if they can't do it all.

Trustee Bowen asked if it was an issue with them coming back and forth; doing one part now and then another part later.

John Queenan replied that he would break them into zones so it's easier that way when we do the Request for Proposal.

Deputy Mayor Rumbold made a motion to authorize Manager Revella to spend up to \$15,000 on the rest of the lights on Main Street, and in Village Square and parking lot area. Seconded by Trustee Carley. All Ayes. Motion carried.

Manager Revella asked John Queenan to give a brief update on the status of the sludge press at the sewer plant.

John Queenan replied that it is broken down. We asked for the company to come out and provide an estimate for the parts needed to repair the machine. It would be pretty much every part which would cost approximately \$125,000 - \$150,000 .

Deputy Mayor Rumbold asked how old it is.

John Queenan replied the machine was brought to the Village in approximately 1986. It was a loaner at the time and back then was on a trailer at the time and it would drive around to various towns. The Village purchased it as a refurbished unit in 1986. Its better days are behind it. We looked a few options. We could replace all the parts and get it operating again or buy a used unit to offset the cost of the new unit or purchase a completely brand new unit. Looking at all the options, right now purchasing a new unit is

the most cost effective way. If we refurbish the old unit we are looking at between \$125,000-\$150,000 plus it needs to some major upgrades has it has to get off the trailer and needs to be put on a foundation for another \$25,000-\$30,000 for that. By the time you do all the rehabbing and upgrades needed you are looking at a total of \$180,000 to rehab a 30 year old unit. For a used unit we are looking at \$275,000 completely installed. And the cost for a brand new unit is \$285,000 for a brand new unit.

Trustee Hoffman asked if that factored in sludge disposal cost.

John Queenan stated that it doesn't

Manager Revella stated that we do have sludge removal in the budget still as from time to time we need it so we have the capacity if we need it.

John Queenan commented that question now is do we fix the old, go with used, or get a brand new unit. The best option based on value is to go with a brand new unit and then we need to look at all the other issues we need to take care of regardless of which unit you choose.

Deputy Mayor Rumbold asked if the extra \$30,000 is with whatever unit we get to build a little platform to put it on.

John Queenan confirmed.

Deputy Mayor Rumbold clarified that it would be the \$285,000 plus the \$30,000.

Trustee Bowen asked if that was with installation.

John Queenan stated that was just for the unit.

Deputy Mayor Rumbold commented that would be plus the cost of installing it.

John Queenan stated that the total cost with installation would be approximately \$420,000 for a new unit.

Deputy Mayor clarified that was for a new unit. And a used unit is \$275,000 plus \$30,000 plus installation as well.

John Queenan stated that a used unit is \$10,000 less when all is said and done.

Trustee Bowen asked what the warranty was on it.

John Queenan replied the warranty is 5 years.

Deputy Mayor Rumbold asked if that included parts and everything.

John Queenan replied yes, parts and everything.

Manager Revella stated that we would need a service agreement after that.

Trustee Bowen clarified that the used unit was purchased in 1986 and lasted 30 years.

John Queenan confirmed and stated that at this point if you went with the refurbished unit, the technology has surpassed that unit by far. The unit would still be efficient but it would still be 30 years old and to invest \$150,000 into the unit. Only other work we have to do is the stand. So we are really looking at the difference between the used and new units of \$10,000 or new used to existing of \$80,000.

Deputy Mayor Rumbold stated that to be fair, if you are taking every single part out of the unit that is there and replacing it you are basically getting a new "old" unit.

John Queenan confirmed she was correct but it would still need upgrades such as a new control panel and other things.

Deputy Mayor Rumbold stated that in addition to replacing everything that is broken you then have to now add more guts to it to bring it up to where it needs to be.

John Queenan confirmed and explained that was why he was only talking about the unit prices because all the other things are exactly the same that we would have to do regardless of which unit was chosen.

Trustee Hoffman asked if there was any salvage value of the old broken unit.

John Queenan stated that the company came down and took a look at it and he said that there might be valuable parts but no one has this type of unit any more.

Mayor Maher asked if we were looking to borrow to pay for this.

Manager Revella answered that we would use part of an existing BAN to take care of this.

Deputy Mayor Rumbold asked if this has to come out of sewer fund, correct.

Manager Revella stated yes.

Mayor Maher asked if it was part of an existing budgeted BAN.

Manager Revella replied, yes we already have the BAN.

Deputy Mayor Rumbold asked if this would affect our order of consent.

Manager Revella stated this was not part of it, not sure why but wasn't.

Trustee Mishk asked if the new unit was more efficient.

John Queenan replied yes.

Trustee Mishk commented that we would then save based on efficiency.

Manager Revella stated we would save water and electricity.

Deputy Mayor Rumbold added that due to that efficiency, our electrical cost should to go down.

John Queenan added that the efficiency will certainly save us that way as well as the amount of chemical that we would need to inject to make sludge would be reduced, saving even further that way as that would be significantly reduced.

Deputy Mayor Rumbold asked if this is what compresses and makes the cake.

John Queenan replied yes. Basically we are pumping sludge onto a giant conveyer belt squeezing water out of it and making the cake.

Deputy Mayor Rumbold commented that she would assume that if it is working more efficiently then it would take more water out making the cake weigh less than it does now. So we would be saving money when they come to remove that cake since we pay by the weight, correct?

John Queenan stated that we pay by the ton.

Manager Revella replied over \$100 per ton removed.

Deputy Mayor Rumbold clarified that the more water compressed by that product that we are creating through the process then the better off we are.

Trustee Leonard asked if there were any spare parts that come with new unit. Sometimes when you buy a piece of equipment they give spare parts with the unit.

John Queenan replied that he hasn't gotten that far in the process yet we were just trying to numbers at this time.

Manager Revella commented that we've been talking to 2 different manufacturers and once we get the budget figures set we will have to put it out to bid.

Trustee Bowen asked if there was any way to analyze what the cost savings will be with a new unit.

John Queenan replied sure, the company most likely has it such as how much cake per hour and so much water etc.

Mayor Maher commented that he was basically only giving us an update right now.

Manager Revella stated that this was just information the board doesn't have to do anything at this time, it was more just informational.

Deputy Mayor Rumbold asked what we were doing since the unit was completely broken at this time.

Manager Revella stated we are doing nothing at the moment. We have capacity in the tank. We are mixing and watering and once we get to a level of 80 we will need to start pumping it out.

March 12, 2013

Deputy Mayor Rumbold asked if it was affecting our clients.

Manager Revella stated no, but we will need to start trucking it out once it gets to level of 80 at \$.09 per gallon; which is actually \$.03 cheaper than it was 3 years ago.

Trustee Bowen would like to see when he comes back with that number is to see the offset savings so we can see what it will actually cost us.

Village Manager's Report

- Water service lines replaced but no water main breaks in last couple breaks.
- Sewer line partially collapse on Scofield which has left a mess and the drain line backed up or something happened on Wait street which caused a sink hole. But nothing significant. The other dig on Wait Street is only a water service dig, if you noticed it going up that street that's all it is. Once the black top plant opens we will go around and patch up all the holes.
- Replacing windows at Village Hall are complete. We should see a return on Energy efficiency over the next several years.
- Bid for repairs to Bradley Assembly room will be going out soon and we expect that work to begin sometime in April.
- Generator for the Municipal Building should be coming in this month so you will start seeing work getting done back there.
- Have been having a few meetings with the Engineer and the Insurance Company about the broken water pipe at 27 North Montgomery Street. Should be covered by our insurance.
- CSEA negotiation agreements are at the final version for the 2011-2013 agreement. We should be starting the 2013 agreement shortly.
- Trying to coordinate a meeting for the PBA renewal for their contract. Few dates have been tossed around as well as a few different proposals.
- PD did receive an anonymous donation which they discussed a few options of what to do with that money. We will need to figure out which option is the best to the Village.
- We got our last allotment of road salt in just before the last storm. We have a few hundred tons still left in the barn. Not as much as we had for last year since we had extra from the previous year.
- Preliminary budget has been submitted to the Treasurer and we need to tweak a few things, but it should be ready by Friday for the Board.
- We had a nice conference with new owner of Thruway shopping center regarding electrical service and traversing our easement, so that seems to be going well. Thruway market closing sales will be coming up soon.
- The office has been busy helping out residents with garbage can concerns. Where to put them and which one goes where and how to place them at the curb.
- Billing system was down for a few days but we are back on track finally. Not too much down time thankfully.
- Everything is ready for our FEMA reimbursement from Super Storm Sandy so we should be getting something back from that shortly.
- All the Trustees have a new email address that we are sharing with the public on our website. Everyone should begin to link that email with your current email address.

Deputy Mayor Rumbold asked where we were with the transition of Commercial garbage.

Manager Revella responded that he has a meeting on Thursday to finalize the addresses. They did start swapping out cans for new customers and are working on putting out new cans for new customers as well. We are hoping to get online for April 1 for pick up. Hopefully everything will be worked out at the office so we are ready for it, we will see based on Thursday's meeting.

Deputy Mayor Rumbold commented that businesses gave their old carriers the date of April 1st, so what happens if not online by April 1st.

Manager Revella replied that we are still discussing the billing process whether it will be ahead or behind. It won't prohibit us from picking up at all and we can always catch up with the bills if we have to.

Trustee Hoffman asked if there was an idea of why the Scofield sewer line collapsed.

Manager Revella stated it was an abandoned line. We were searching for back up on Maple Street and there were 6 different clay pipes in the intersection. We had to figure out which one was which and it was good that we found it to cut off the I9 there and we mapped the intersection there as well. Gas and water main there kind of a mess also.

Trustee's Committee Reports

DPW liaison – Trustee Leonard

Trustee Leonard reported that the demonstration of the Vector truck was impressive. He met with the mechanic and encouraged him to try looking online for better pricing on parts.

Village Office Liaison – Trustee Bowen

Trustee Bowen reported nothing at this time.

Police Department Liaison – Deputy Mayor Rumbold

Deputy Mayor Rumbold reported that the last snow storm had to ticket and tow some vehicles but for most part was under control for that. Congratulations to Officer Watt for becoming a father of a baby girl; Lily.

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

Trustee Hoffman discussed and met with Dean today you will notice in your packets that building permits are starting to pick up and Cos are up as well, it's that time of year. We primarily spoke today about 35-37 N. Montgomery. There was a pipe burst in there been which was a 3 apartment dwelling and since then it has been vacant, since December. Dean would like us to approve a structural engineer to go in there and assess the situation.

Parks and Recreation Liaison & School Board Liaison – Trustee Carley

Trustee Carley reported that concerning the Parks and Recreation he has no report as he just came home from his honeymoon. Congratulations to the new Bliss'.

Concerning the School board, there was a meeting last night talking about some major topics particularly the closing of Maybrook Elementary. They took a vote to close it or to postpone it at next meeting April 18th for the actual vote. They want everyone to write letters to Albany to encourage legislature to release some money so they don't have to make such drastic cuts. There is a bus going to Albany tomorrow. Vivian Nersal is the

point of contact for that and you can call the VC District Office to get more information. The next CABC meeting is going to be March 18th and they are going to talk about 2 scenarios about piercing the cap. Basically if we pierce the cap and cut the programs, what that would look like to give an idea of how it is going to affect you.

Manager Revella asked if they said what it will look like will it look like if they don't pierce the cap.

Trustee Carley stated that is not a scenario at this time because they can't make it any other way. Even if they make all the cuts they want to cut they are still some \$3 million short. There are always some things they don't want to cut.

Mayor Maher commented that he thinks they are laying out a lot of their proposals but that we are going to see that deficit at end of day when the state is finished and when other things take place that it's not going to be at 8.1 million. They are exercising all the things they are going to look into. What he got out of the meeting he attended was that they are taking their due diligence and looking at every aspect so he thinks in time they are going to realize that it's not the 8.1 million, it's probably much less than that and hopefully we will be in a better place after that.

Trustee Carley continued that they are having a budget session on April 8th. There is consideration of candidates' night on May 9th.

Mayor Maher commented that there was coverage of his going to the meeting and supporting the Maybrook Mayor and the Village of Montgomery Mayor for not closing Maybrook school. He wanted to clear up those remarks, he is not in favor of the closing of the school as its not favorable to the Village of Walden and it will directly affect our Village. He was told and it was confirmed at the meeting that all 200 plus of those kids will be going to Berea Elementary. That will mean very very large classes for many of our Village of Walden kids that many don't know attend Berea Elementary. Not all of the kids in the Village go to Walden Elementary they are bused to Berea Elementary. So the closing of Maybrook would directly affects our Village of Walden kids and mean a huge increase in class size. That is why he has that stance. One things he doesn't want to do is yell about what he doesn't want to see and not provide solutions so he is working with other municipal officials to see what we can do to provide solutions as opposed to saying we are for or against it.

Deputy Mayor Rumbold asked if there was discussion about redistricting and sending Walden students back to Walden Elementary School.

Mayor Maher replied not at that meeting.

Trustee Carley added that nothing was mentioned at that meeting but he did hear about that discussion at another meeting outside of that.

Manager Revella asked if they brought up the cost of busing out of Maybrook.

Trustee Carley stated the issue came up but no specifics were given. Someone from the audience brought it up. It wasn't something that the board brought up. Everyone has a different view on that but the Board members are trying to do what is best for everyone.

Mayor Maher read the list of community events provided by the Clerk into the minutes.

Manager Revella added that the Easter Egg hunt will be on Saturday, March 23rd at Olley Park at 10am.

Public Comment on Business of the Board

Mayor Maher stated they would be adding 4 action items to the agenda this evening that just came up: Resolution for the Historian Grant for the County, Surplus for the former Dog Warden's vehicle, accepting bids for the surplus vehicles, and giving the Building Inspector authority to hire a Structural Engineer to evaluate 35-37 N. Montgomery Street.

Mary Ellen Matise, 21 Clinton Street, stated she hoped that the board would pass the resolution for the Historian Grant with the Elementary History Club very exciting and saddening to me about all the kids who worked in the factories for so many years. They are concentrating on 1880's time frame. She has a question about the proposed Edmunds Lane Project wondering if that should be before the planning board.

Manager Revella stated it is just being proposed to the trustees at this time.

Trustee Hoffman stated it was because they are petitioning for a zoning change.

Mary Ellen clarified if we approved the comprehensive plan at the last meeting.

Mayor Maher stated yes.

Mary Ellen continued that she didn't remember anything coming before us in the public hearing from the committee or that the board had about this project.

Becky Pearson, 167 Walnut Street, she sees the Ethics Board info in the packet but didn't understand the grey letters in it, is that what you are proposing to take out?

Mayor Maher replied that there is an entire added section then was suggested and then what is crossed out are suggestions that we decided not to do. It was a way to identify what we chose not to do but was part of the discussion.

Becky asked about a statement in there about alleged violations must be demonstrated. How would that happen?

Mayor Maher responded that it was specifically outlined by the attorney at the last meeting. It is basically a word and the definition of that word which was kind of a level of 20-80% sure is what was explained to us. And the board chose the verbiage that stated they had to be really sure.

Becky asked who knows who is really sure. How is that proven to the board?

Mayor Maher stated that would be up to the Ethics Board to make that decision.

Trustee Hoffman asked if she was talking about the words clear and convincing.

Mayor Maher stated that what was explained to the board was that clear and convincing meant very strongly believed by the opinion of the Ethics Board members.

Becky asked if that meant the Ethics Board has to demonstrate to the Board of Trustees in order to get funds.

Mayor Maher stated the max was \$250 already set in the Village code.

Becky stated that was the penalty but what about the \$5,000 in funds.

Mayor Maher stated that \$5,000 is not about funds. He thought it referred to a penalty.

Trustee Hoffman stated it was listed on the top.

Mayor Maher stated it's in there because we discussed it at the last meeting or rather the meeting before last the February 12th meeting.

Becky asked what the answer to that was.

Mayor Maher stated he felt it was pretty self explanatory.

Trustee Hoffman stated it was listed to set a public hearing. He thought maybe Becky's comments would be better answered in the public hearing for the law.

Becky asked if they would be voting on it tonight.

Mayor Maher answered they would be setting the public hearing tonight and we can choose not to set a public hearing if they choose not to discuss it.

Becky stated that was why she was discussing it. So her question about the \$5,000 of funds is about whether that coincides with the demonstration to the Board of Trustees.

Mayor Maher stated the Ethics Board would have to convince this Board in order to allocate that money.

Becky asked if it needed to be in writing.

Mayor Maher stated that was a good question.

Becky replied yes, she had a lot of good questions. She feels that half of her questions from the last discussion were still not answered and that obviously the Board needs to have more discussions on this.

Action Items

Introduction to Local Law 2 of 2013 - School Speed Zones

Manager Revella stated that before the board was a draft law for what was discussed at the last meeting. He felt it was missing a few streets on the first draft but that the second draft was accurate. We are talking about the section on Bradley Lane from Ivy Hill Road to Route 208, and the remaining roads around Walden Elementary School; Orchard Street is already in code and we wanted to add Pine Street, Maple Street, and Walnut Street.

Trustee Hoffman made the motion to set the public hearing for Introductory Local Law 2 of 2013 for the March 26, 2013 at 6:30pm or as close to that time as possible. Seconded by Trustee Bowen. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Introduction to Local Law 3 of 2013 - Ethics Code

Mayor Maher stated this was an action item tonight because we do have a draft law in front of us but he wanted to have some discussion as the Board may not even act to set a public hearing. He has some ideas to set a meeting with the Ethics Board to further talk about this local law and our drafts of this law, but also to have discussions with the Board of Trustees as there were some Trustees who had some issues with the language in the draft.

Trustee Hoffman commented on the first page it talks about the release of funds to the Ethics Board. On the first page on the bottom, where it references advisory opinions; we talk about freedom of information and he feels it should also include that it should be released with their purgative. His edit is to add "or by the person receiving the opinion" to that section. That person receiving the opinion they may want to release that.

Manager Revella asked if give an opinion about an employee and it becomes a personnel issue it may be an issue to release that. And you are suggesting that if they want it to be released they may do so.

Trustee Hoffman stated if they are the subject of that investigation portion.

Mayor Maher asked if this edit was under our legal power to do.

Attorney Blustein stated he was not sure he agrees with that. He agrees with what Manager Revella is saying as he is not sure the employee could do that as some information involving an employee should be public knowledge. He stated he was not prepared to answer the question at this point but can look into it.

Manager Revella stated he has some concerns with it that's all.

Trustee Carley requested that the Ethics board present the reason for the need for this law change. He wanted a demonstration of the need for this draft law.

Mayor Maher thought he asked how many cases have been brought up.

Trustee Carley said that he has not seen this yet.

Mayor Maher stated he had a discussion with a few Ethics Board members which are not official records from the Village Clerk, but over the past 8 years there have been 1-2 opinions rendered and 4 instances where an investigation should have taken place according to our laws.

Trustee Carley stated he didn't feel that was a clear demonstration.

Mayor Maher replied he was not saying that this was sufficient answers to the question but he wanted him to know that he did ask around. What he thought was that Sean has question and then take the bulk of this.

Trustee Carley stated that his 2nd problem with this was that we now have made another step forward and now we drafted a law when he felt it was just at the discussion level.

Mayor Maher stated drafting a local law is the natural order of things in order to continue discussion.

Trustee Carley replied he felt this was a major leap. Now we are asking what we want to keep or not keep so we can move forward. He feels we should have a full discussion about it before we start drafting something and then move forward. The meeting it was discussed we were asked what we would like included in it and nothing was said that it would be a draft local law.

Mayor Maher replied that he disagreed and that I felt it was stated in the meeting that the draft local law was the next step. We had a thorough discussion about this topic so he does not understand where he feels we didn't have a discussion about it.

Trustee Carley stated that his one question has still not been answered and that is, what the reason is to change this law in the first place. What is the need for this?

Mayor Maher indicated he had a point about looking into the specific cases for doing this. However the reason why we are doing this is because the Ethics Board gave us a letter and a suggested draft law with their suggestions and that's what got us started. We need to look into the numbers yes, but thought that a meeting informal or formal with the Ethics Board to hash that out.

Trustee Carley indicated he felt it should be done in public.

Mayor Maher responded that would be fine. He feels that bringing both parties into the room to hash it out with the Ethics Board is the easiest way to go about getting the answers we need to move forward on this topic.

Trustee Carley stated that a public meeting is best because we are not just talking about his position but also employees positions that are part of the public.

Mayor Maher stated he didn't disagree so he suggested we hold a joint meeting with Ethics Board to talk about their suggestions and make sure we have documentation ready for that discussion.

Trustee Bowen stated that he thought the Ethics Board came before us already.

Mayor Maher replied yes and they had brought documentation prepared by the attorney on behalf of the board.

Trustee Carley indicated he remembers that there were only two members present and that one person specifically stated that he was speaking for himself, not the whole board.

Mayor Maher agreed that Mr. Landolina indeed did state that.

Trustee Bowen stated he is not in agreement with this and has stated that before.

Mayor Maher commented that the joint meeting would be next step in this process.

Trustee Leonard commented that he spoke with Tony Marangelo who was a long term Ethics Board member. He agreed that he felt there was a need to give board more power. He wanted to be included would have been the 3rd member in favor of it.

Mayor Maher stated he would begin setting up a separate public meeting about this topic with the Ethics Board if it so pleases the Board.

Trustee Carley that he felt it should be done at a Board meeting not a special meeting for it. Regardless how long it takes.

Mayor Maher thought that if we give a separate date it can allow for more time on this specific topic.

Trustee Carley agreed as long as it's noticed and people can attend.

Trustee Mishk suggested we have a separate meeting. He also wanted to comment that whether we've had a lot of cases or not, we need to have a law in effect before the issue happens. Not on a whim and then someone would be dissatisfied with the results.

Trustee Bowen asked if he was saying we had no guidelines or procedures in place now.

Trustee Mishk replied he was not saying that. If the Ethics Board feels they need this power we need to have something in place before something happens.

Trustee Bowen stated that his suggestion would be that they have these policies and guidelines established before they come to us.

Mayor Maher replied that they did give their suggestions but they can't create a law that is our job to do.

Trustee Carley stated that what we have in place now is the law that's in our code that does not give them power to investigate.

Trustee Bowen commented that if we have something in place and these folks have a sense of responsibility, then you are telling me that they need something else.

Trustee Mishk responded that they do have something but they need some power behind it. Laws give enforcement and right to enforce penalties.

Trustee Carley stated that he feels we already have that, the Village Manager. If someone is unethical it's the Manager's place to take care of that.

Deputy Mayor Rumbold stated that was true of employees, but not board members.

Trustee Carley asked if we can just get away with murder.

Trustee Hoffman made a motion to set a Public Hearing to discuss the Ethics Law at the April 9, 2013 Meeting at 6:30pm or as quickly thereafter as possible. Seconded by Deputy Mayor Rumbold.

Attorney Blustein had a Point of order. On the 2nd page under D, where it says that “the Ethics Board shall not be permitted to expend \$5,000 without the Village Board’s authorization”. He does not feel that can be in there. He thinks it’s improper because only the board can give an agency to have money not to spend it.

Manager Revella stated that if you strike out the words “more than \$5,000 in” it still makes sense.

Trustee Hoffman withdrew his initial motion and moved to set a Public Hearing for April 9, 2013 at 6:30pm or as soon thereafter as possible this local law on the Ethics Code with the aforementioned edit. Seconded by Deputy Mayor Rumbold.

Mayor Maher stated that he wanted to still set up a separate public meeting either prior to the Public Hearing or after it to discuss with the Ethics Board in public as a meeting for clarity not for a decision.

All ayes. Motion passed.

Village Loan Program – 10 Orchard Street

Manager Revella stated this topic is before the board because it’s over the amount the Village Manager can authorize.

Kerron Barnes reviewed the profile sheet and indicated it was an owner who was taking advantage of the NY Main Street Grant program and he felt due to the apartment over the business we could combine it with the small cities revolving fund as incentive. Originally at inspection of the building the owner was looking to spend \$42,000 on the business and \$0 on the apartment remodel. Now he is willing to spend \$82,000 in improvements that would vastly allow to be rented which has been vacant for some time. \$29,475 would be the amount of the loan and the payment would be \$284 per month. They have a 76.6% debt to ratio and the appraisal from 2008 values the property at \$300,000. He’s willing to do a 10 year loan as he will most likely have a good cash flow of about \$900 per month for apartment. Main Street grant funding was \$52,536.

Deputy Mayor Rumbold asked if there was private parking available.

Kerron replied he was not sure but that there was off street parking and a municipal lot near by.

Deputy Mayor Rumbold asked for clarification on the rent income as it’s listed on the front as \$900 per month and on the back it’s listed as \$1,000 per month.

Kerron responded he was being conservative with the figures at \$900 per month.

Deputy Mayor Rumbold asked if the owner of building is the same as the business owner.

Kerron responded yes.

Deputy Mayor Rumbold moved to give authorization to the Village Manager to sign the loan documents for a Small Cities Loan for the property rehabilitation located at 10 Orchard Street in the amount of \$29,475 10 year loan at 3% with a monthly repayment of \$284.61. Seconded by Trustee Leonard. All Ayes, Motion approved.

Hearing Request – 116-118 South Montgomery Street

Jay Buchalski, Code Enforcement Officer, indicated this is a 2 family house with multiple abandoned cars and there has been no response from the owner whatsoever.

Deputy Mayor Rumbold moved to set a hearing for the March 26, 2013 meeting at 6:45pm or as soon thereafter for 116-118 South Montgomery Street multiple abandoned vehicles. Seconded by Trustee Bowen. All Ayes, motion approved.

STOP DWI Agreement – Resolution 31-12-13

Manager Revella indicated we got approved for more grant funding. And if we are willing to accept the funding we need a motion for him to sign the agreement with the contract through this resolution.

Deputy Mayor Rumbold made a motion to accept Resolution 31-12-13 approving the STOP DWI program services agreement for March 14, 2013-Janary 1, 2014. Seconded by Trustee Mishk.

Chief Holmes indicated that once annually we need to pass a resolution to accept funding for the entire year. This is a joint DWI check point with Town of Montgomery that they do twice a year. Additional funding for traffic safety will go to County and then be accepted. We may or may get money the next time.

Deputy Mayor Rumbold asked Chief to address how the program has benefited the Village.

Chief explained that the past 15 years this program benefited the Village greatly as DWIs are down in the Village but we get a lot more unlicensed operations and other things out there when we do the enforcement part of it.

All Ayes. Resolution Passed.

Knights of Columbus Car Show

Mayor Maher and Trustee Mishk recused from this vote as they are members of the Knights of Columbus.

Carl Snyder presented their plan for their annual car show for Saturday, July 13, 2013 with no rain date this year. This year is the 3rd annual event and they would like to use the same footprint as the Harvest Fest from 9a-5p in Municipal Square. We are requesting the same as the previous years. We will provide Certificate of Insurance naming the Village as additional insured, we will order toilets, take care of the trash, and we also request to put up signage for the event at the entrances to the Village to advertise the event. As in years past we expect about 80-100 cars and expect about the same this year.

Trustee Hoffman asked if Chief Holmes had any comments.

Chief replied that they expect this event every year and have in the budget already.

Deputy Mayor Rumbold asked if parking was an issue.

Chief responded that there is usually no problem as it works out well like Harvest Fest.

Trustee Leonard made the motion accept the Knights of Columbus Classic Car Show Event scheduled for July 13, 2013 from 9am-5pm in the Municipal Square as proposed. Seconded by Trustee Bowen. 5 Ayes, 0 Nays, 2 Abstention (Mayor Maher and Trustee Mishk). Motion passed.

Resolution 32-12-13 – Orange County Historian Grant

Deputy Mayor Rumbold made the motion to approve Resolution 32-12-13 authorizing the acceptance of a \$1,150 Grant from the Orange County Historian and authorizing the Village Manager to execute the necessary documents as may be appropriate and necessary to accept such funds. Seconded by Trustee Bowen. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Surplus Dog Warden Vehicle

Deputy Mayor Rumbold made the motion surplus the former Dog Warden Vehicle with a minimum bid of \$2,000. Seconded by Trustee Hoffman. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Accept Bids for Surplus Vehicles

Deputy Mayor Rumbold made the motion accept the bid for the surplus vehicles at \$1,050 for the Ford Explorer and \$2,850 for the Ford Pick Up Truck. Seconded by Trustee Hoffman. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Authorize Building Inspector to evaluate 35-37 North Montgomery Street

Manager Revella indicated that the building vacated for long time with several violations inside. We need evaluation to move forward.

Trustee Hoffman further explained that the owner is looking to hire his own structural engineer and this would be separate to that if the owner fails to do so. It would be in connection of condemning the property if it gets there.

Trustee Leonard asked what the anticipated costs were.

Trustee Hoffman replied Dean had not solicited any proposals so there is no figure available at this time.

Manager Revella stated it would be similar to the costs of the Sherman Ave house. Approximately \$2,000 and would be expensed to the property if we needed to do this.

Deputy Mayor Rumbold made the motion to authorize the Building Inspector to hire a structural engineer to look at 35-37 North Montgomery Street. Seconded by Trustee Leonard. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Discussion Items

Skate Park

Mayor Maher and Trustee Carley met on Saturday morning with the mother of the child who the park is in honor of. We thought we would table discussions until after we have been able to discuss with the Recreation Coordinator Bliss how the meeting went and what suggestions we have for moving forward.

Tow Truck Policy

Manager Revella explained that the Clerk had sent out a draft of a tow policy with set fees on it asking for their feedback. We received feedback from 5 different companies. They all had similar concerns. They felt the minimum fee was a little low from 5-8p should be higher and that the inside storage fee should be higher at \$85 minimum. They would not charge to tow our vehicles in the Village, just any mileage outside of the Village. Winching charges were consistent; some felt that the first hour should be \$125 then \$85 every hour after. One company felt that it should be \$50 every half hour. Licensing fee structure 1st truck would be \$125 and then \$25 thereafter when they register.

Mayor Maher asked what the fee is if a second truck is called.

Chief Holmes replied that is why they wanted a separate fee for accidents in the policy.

Trustee Leonard asked for clarification about storage.

Manager Revella replied that it is \$85 per day for indoor storage and outside is \$65

Mayor Maher asked if these fees were passed based on the correspondence received does it leave any of the companies to say they won't pick up anyone if these fees are passed.

Manager Revella replied that they all seemed to be comfortable with them. Others have these in effect already such as Newburgh which is where we got the numbers from.

Mayor Maher noted it was important to ask that question because he's seen residents get charged 3 times this amount.

Deputy Mayor Rumbold asked how we know this is what they are charging.

Manager Revella replied that it's required of these companies to do this and our job to publicize it as much as possible to eliminate over charges from happening.

Deputy Mayor Rumbold asked what happens when a tow truck shows up to tow a car and the person comes out saying please don't tow my car, can they ask for money to not be towed?

John Revella replied that he would guess that if it's under the minimum towing charge they would be within their right to do so. If they are connected to a vehicle then they are more likely to charge a fee or tow it.

Chief commented that it depends on the type of connection like if it's a tire mount and they get started then they are connected. Or if it's on a flatbed already they it's either being towed or someone is paying something to get it off the flat bed.

Manager Revella added that many have come in and not charged anything. But they are within their right if they are actively in the tow process to charge a fee.

Manager Revella asked our Attorney to draft a local law taking the Boards feedback into account. Sanctions would also be included in that draft such as the Max penalty of \$250 or whatever the board chooses to do.

Attorney Blustein stated that he felt that drafting a law would take more than 2 weeks to do.

Mayor Maher wrapped up that at the next meeting we will have this on as a discussion item again and dictate what we want in the law and move forward that way.

Proposed Edmunds Lane Project

Mayor Maher explained that there is a consideration before the board to change the zoning from OLI to RM-1 for property between Edmunds Lane and Elm Street. Asking the Board to declare it lead agency and then refer the application to the Planning Board.

Attorney Blustein advised it was within its rights to not declare lead agency but can refer to the planning board for review and comment back to the board before the Board goes any further.

Trustee Leonard stated he was in favor of the change and suggests the Board refer the application to the Planning Board for review and report.

Trustee Bowen agrees with sending the application to the Planning Board for review. However he doesn't see a need for additional housing at this time. He knows there are a lot of vacant units in the community and to add more to it he's not sure where it's going to go, plus there are plenty of open homes as well.

Mayor Maher agrees with referring this to the Planning Board. There are positives and negatives that he sees though his various discussions with both Board members and community members. He would like to go door to door in that area to see what the homeowners there think. Hopefully attend planning board meeting and get more information.

Deputy Mayor Rumbold asked Manager Revella to describe the type of housing this is for the benefit of the community who don't have the proposal in front of them.

Manager Revella explained there would be 24- 1 bedroom apartments, 24- 2 bedroom apartments and 66- 3 bedroom apartments in 4 different units on a 12.5 acre parcel on Edmund Lane. They would be 2 story structures. There is no request for any tax breaks. They are proposing to have a community building with kitchen and meeting room. There will not be any elevators and it would be mixed housing anything in the market. There is an opportunity for a 7 lot single family unit not associated with this application in front of this project in another section. The application is in the Clerk's office for review.

Attorney Blustein stated that if zone changes were approved this would be required to go through the Planning Board through their review process and they would be taking a long hard look at these things.

Trustee Hoffman stated he was not in favor of sending to Planning Board. There are a number of technical inconsistencies throughout the application. Right down to the code references as there are portions of that code that are missing which reference our 1982 code not our current code. Areas of zone change are inaccurate in some areas it is described as 11 acres in some it's described as 12 acres and he believes the total parcel is 13.8 acres so he feels it is unclear what we are actually looking at here. The code requires a meats and bounds description and a small one is in here but he does not think it is a true description. And also, in terms of procedure the cover letter asked us to do 2 things; declare ourselves lead agency and then send the application to the Planning Board. If you get a little deeper in here there is a proposed process of procedures section in the application and the applicant themselves as asked us that before we declare ourselves lead agency that we determine that the proposal can be processed to further the Comprehensive Plan goals. He wants to make sure we are comfortable with saying that it is in line with the Comp plan and he knows he is not in favor of this.

Mayor Maher recapped that what he was saying was that they are asking us about this zoning change and confirming that this change would be in line with our Comprehensive Plan.

Trustee Hoffman stated that the Comprehensive Plan Committee did see the uniqueness of the parcel but did not suggest that change would keep in the character of that area.

Mayor Maher asked if we could refer to Planning Board without making that determination.

Attorney Blustein advised that our code doesn't say anything about that. I see what Sean is saying and he hasn't read it in detail as he has but for example the section references our code number 148 when the current code number is 305. The Board could easily deem this application as incomplete and take no action until the Board does deem its completeness.

Trustee Carley commented that the Comprehensive Plan was more guidance not the law and the Planning Board gives us the details.

Mayor Maher clarified that what he was asking was if the Comprehensive Plan is really binding or is it just a guideline.

Attorney Blustein asked if the Comprehensive Plan has been accepted.

Mayor Maher indicated that yes it has been adopted.

Attorney Blustein advised that the petitioner has the right to request a zone change. Whether it's consistent or not doesn't take away their right and the Village has the right to do their due diligence to refer to the Planning Board for input and then scheduling a public hearing and determining if that is correct based on a referral from the Planning Board.

Trustee Carley thinks the application should be referred to the Planning Board. He hears what Trustee Hoffman is saying but thinks the Planning Board should have a thorough review and it also gives us time to read ourselves.

Attorney Blustein advised there is nothing that binds the Village by sending this application either complete or incomplete to the Planning Board. It just starts the clock as the Planning Board would have 30 days to review the application and submit a report to the Board. If the 30 days passes and the Planning Board didn't submit a report you can make a decision without that report as well. However if you don't think the application is complete it does give more time for the applicant to submit in what you feel is completed and accurate for the Planning Board to review. But there is no reason you can't send it to the Planning Board now as is.

Trustee Mishk doesn't feel comfortable going forward with the inconsistencies of the plan that Trustee Hoffman pointed out. He feels they should take care of the inconsistencies.

Deputy Mayor Rumbold suggested we would be sending a precedence to send an incomplete application to the Planning Board until the applicant crosses every T and dots every I. She agrees with Trustee Hoffman and thanks him for his diligence.

Trustee Leonard clarified that what they were saying as that there were technical issues with the plan that may affect the Planning Boards judgment. He feels it would be prudent to correct the technical details before sending it to Planning Board.

Attorney Blustein advised that in section 305-60 it states what shall be included meats and bounds description as Sean had indicated. It doesn't say that it shall be included but the petition itself he feels does recite improper section of the code.

Trustee Bowen would like the applicant to correct and then resubmit.

Trustee Carley said he would like to send it to the Planning Board as is.

Gerald Jacobowitz, owner of the property for over 40 years. Not getting any younger continuing to own it and not being able to use it stupid. He is not a stupid person so we had to do something. This is a draft of a proposal for the use of the property in the way that notwithstanding Mr. Hoffman's comments is totally consistent with the Comp plan and the standards that have to be satisfied. He is saying there is no meats and bounds description, but section A of the application is a meats and bounds description so he's not sure what he's talking about. As far as the acreage goes, there is no discrepancy if you look at the map the Zoning law goes to the center of the two streets. The property to be zoned is both streets. Property is smaller as it doesn't include the two streets in the acreage.

Trustee Hoffman referenced the first sentence in a letter dated February 26, 2013 from Kissaroo LLC: OLI to RM-1 would be 11.8 acres and further down it says 12 acres.

Jerry indicated that difference is the land not including the street. They don't own it so they can't include it in the project which is explained in the meats and bounds description. The reference to the wrong code is only the number the substance is exactly the same so that is just a clerical issue.

Trustee Hoffman referenced that section 305-66 A2D is missing completely from the application.

Jerry stated if you look at submission each one of these items are specifically set out in caps and the explanation of why there is compliance follows. Page 2 procedure for amendment to section 2A the use permitted by the proposed change the area of concern is listed. The next page is the second one in capital letters that is identical language to what you are looking for.

Trustee Hoffman replied yes, but he is specifically looking for D as he does not see that in there.

Attorney Blustein stated that it may be that section 2D wasn't in the old code so they didn't include it. He does agree with Trustee Hoffman. Again, the Board can deem it incomplete before we send it to the Planning Board.

Mayor Maher commented that it looks like this is going to be a discussion and not production. We should honor what the Board has already suggested and have the discrepancies corrected and resubmit and it sounds like at that point the Board would be willing to refer to the Planning Board after the inconsistencies have been satisfied.

Jerry asked who was going to tell him what those inconsistencies were in detail.

Attorney Blustein stated that it is not the obligation of the Board to recite what wrong. But they are showing you what is wrong and not following the current law that has to be considered. I would look at the new law and follow that in the petition and at that point the Board will look at it as a complete and accurate petition should they send it to the Planning Board. It is not his job or the Boards job to point out the discrepancies to you the applicant.

Jerry disagreed with Attorney Blustein referencing that they would fix things and then this same thing will happen again. Someone can look at it and what's wrong with it and ask us to come back again and satisfy the reasonable requests. How do we satisfy something that they don't know is wrong?

Deputy Mayor Rumbold made a motion to have the applicant review and fix the discrepancies and then resubmit the application for the proposed Edmunds Lane Project. Seconded by Trustee Mishk.

Trustee Carley commented that he understands but he feels the technical review is the job of the Planning Board.

Trustee Bowen disagrees because everyone had some what of expertise as expected of them to take the lead in certain circumstances. Great that Trustee Hoffman did that and brought back the feedback to the Board.

Trustee Carley stated that while he appreciates what he did he still feels it was a planning board function to review the technical aspects of the application.

7 Ayes, 0 nays, 0 abstentions. Motion Passed.

March 12, 2013

Public Comment

Pat Eisley, 26 First Street, what happens to a property that is condemned should that happen with the 35-37 N. Montgomery Street property.

Mayor Maher stated the same as the house on Sherman Ave it was torn down.

Manager Revella stated that if the engineer deemed it can't be repaired it would be demolished.

Pat commented that it usually takes a long time to get to that point.

Manager Revella stated it took something like 14 years with the Sherman Avenue house.

Mayor Maher responded the reason that took so long was because there were 5 different owners and the board allowed them time extensions each time a different owner asked for it.

Pat asked what the time frame is for this property, is it 6 months?

Manager Revella possibly 3 months maybe even shorter. The process is going through Dean then the engineer then the board.

Pat asked would it be completed this year then.

Manager Revella replied yes.

Becky Pearson, 167 Walnut Street, commented about the Ethics Law. She believes that Willie was right on as things happen backwards here. She appreciates the discussion but at the last meeting there were questions but they were not addressed. There were good questions asked as the last meeting but now we're forming a law that takes time and money and then change it. Not sure of the process, it should be full discussion first and then the law. Other thing she wanted to comment on was the property on Edmunds Lane. In the new Comp plan which Board members sat that committee and made recommendations on and voted in that it was going to stay in OLI or possible change to R3. It said adjoining properties would be all R3. The Board voted and approved so that is what you should stick with. Thank you Sean for the research on that. To be in conjunction with the new Comp plan, that is what it states. You don't have to even send it to the Planning Board unless you want to make this zoning change. So you need to have the discussion first and then you decide if you send to the Planning Board or not for their recommendations.

Trustee Carley asked for clarification on whether sending the application to the Planning Board is saying we want a zone change.

Mayor Maher replied no, that is not saying that we are asking them to review it.

Becky stated you are the Board you decide that. You can send whether you want it or not. That is up to the Board because it still comes back to this Board after the recommendations are given from the Planning Board.

Manager Revella stated the Board can send it to them whether they want the change or not for their review and report.

Trustee Carley stated we wouldn't make any decisions until after we got the feedback from the Planning Board.

Becky clarified she was saying that you don't have to send it if you don't want the change is what she is saying. The townhouse property across the street was zoned RM1 before and the Board took it upon themselves to change it to Townhouse because they didn't want to see loads of apartments in there as it lowered the density a little bit. That was part of the last Comp plan and is just something to think about. Not saying what you are going to do about that but those are things to think about when you are making these types of decisions. When do Board members get their packets?

Mayor Maher replied that it is usually ready on Friday for the weekend.

Becky commented so you have time to read the packets over the weekend. The historic grant is good news thank you for that.

Mary Ellen Matise, 21 Clinton Street, stated it was a shame that other inconsistencies such as this project in the Comp plan was never brought forth in either of the 2 public hearings and this was never brought up. This would take more than overnight to read and the people who live in this community need to be able to comment on projects such as this. The Comp plan was done by a whole committee and people had the opportunity to comment on it. There were comments made at meetings that are inconsistent with what was made tonight. If this property becomes rezoned to RM-1 it would be for seniors but the comment tonight was it would be apartments for seniors and no elevator which doesn't work for seniors. Talking about seniors and this project was first floated to the committee even as an OLI it could be a complex for seniors with the current zoning. That was the first presentation that was given to the committee at the time. There are over 100 units across the street of 200 units and this will upset the traffic flow on Coldenham Road need to take this seriously. About the tow truck policy, a 15 page law is a bit big to send out with the bills so that everyone will get it and let the public know what the rates will be.

Manager Revella stated we would put a section on the calendar about it.

Mary Ellen continued that the garbage cans on Ridge Ave are worse than ever. Driving cars were parked between cars and cans that the company left out in the middle of the street.

Mayor Maher suggested she take pictures and bring in to Village Hall.

Mary Ellen continued that if they don't leave them in the middle of the street they are left on the sidewalk and people are left to walk around monster garbage cans on the sidewalks. She understands you were going for uniformity but these cans are huge and obstructing.

Gerald Jacobowitz, Jacobowitz & Gubits Orange Avenue, stated he wanted to set some things straight about the Edmunds Lane project. If you refer to the Planning Board it does not mean you approve the change, it means you want to give opportunity to the Planning Board that you want the benefit of their thinking as part of your thinking. It doesn't mean you are in favor of it just that you want to hear their input and find out more about it before you make a judgment about it. Secondly, Exhibit E is a page from the Comp plan and the language speaks for itself. If you read the language and make your judgment and what it means and what it could mean giving it a fair interpretation. This project was discussed numerous times at the meetings and contained in a lengthy letter where he raised 20-30 different points to consider in doing the master plan. Let the record show that it was not a spur of the moment decision or something to bother you with. That was a very unfair characterization. This project would be beneficial to the Village in a number of ways. A fair hearing means an open mind and listening to all info before you decide not based on personal peak. The process is extremely important. Your job is to review what the overall benefit to the Village of Walden is, not whether you personally like apartments or single family or one story building or two story building, which is not the issue. It's about the best interest of the Village of Walden. He would never come before any Board and offer something that he doesn't think is in the best interest of the Village. Beauty is in the eye of the beholder. If you went to the store to buy a can of baked beans, there are all different brands different people like different kinds of beans. Some will prefer more molasses in it or brown sugar to make others happy. Most importantly, human beings are going to be given the benefits for the project and it will improve the entire Village. Are there more benefits than negatives? The only way to know is to have a complete open discussion with input with everyone who has something to say. His view is positive that will help the Village grow and add new modern decent housing. It will give housing options for single people and family people and will provide customers for our stores and parts of the community. We need more people to get Main Street filled up. You've tired hard to get it filled up but the main reason you are not is because there are not enough people in community to support that enterprise. You may actually say you don't want more people we don't want to sell more cupcakes than 12 per day as you are making your living on that. But that is not necessarily what is in the best overall interest of the Village. It is the ultimate asset test of whether something is good in your community.

Jessica Metzger, 4 Gracewood Court, asked about correspondence now that everyone has an email address what will you consider correspondence. She has sent many emails and they are never mentioned in the correspondence.

Mayor Maher replied that we could get 100 pieces of correspondence and a Trustee could choose not to list it. Unless it is asked specifically in the correspondence to read to the entire board during a public meeting. That portion is for the Trustees to decide and it could be sent via mail, email, phone, letter, or whatever.

Jessica replied that unless she comes to a meeting how does one know that it has been read at the meeting? Not everyone decides that they have the time to come to the meeting. If someone has a specific comment or question isn't it your duty to look into it? What is the policy for that?

Manager Revella clarified that if you send something to the Clerk, the Village Manager, or a Trustee and ask that it be read into the minutes then it must be done. Unless it's got some derogatory issue that would offend the public.

Jessica commented that derogatory is the eye of beholder. Someone else could take that personally. Email from a resident should be read into the minutes. Even if it's a quick recap of what was received, she feels that is their responsibility. She has no opinion on the Edmunds Lane project whatsoever. Her concern is about money. She doesn't want to see cutting services during budget time and she wants to see Rec fees. The project would increase our population by 20% here in the next few years so we need to think about this. This hot topic about the school budget, water and sewer, she wants to know where all this is coming from. She feels there are pros and cons on both sides economically we could use this. We have an apartment complex here in our Village already where the police are dispatched all the time and you can FOIL that and find out that is quite accurate. So she doesn't want to see cutting of services if you are concentrating on increasing the community by 20%. Budget sessions are coming up so you have think hard about that. We have a community fighting to keep a school open and it's not a popular thing to say but she can understand both sides of the coin there also. Fighting to keep the school which is 5% of the VC school budget. Feasibly and economically will we have a school district that can handle this increase? If you are going to put up this housing and we are going to have to provide water and sewer are we going to have the money to pay for it? We need to collect every single Rec fee. She doesn't want to hear anything about waivers of these fees as that is a lot of money that our Village can use. So that is just food for thought. Brian you had said you were going to pull out the budget schedule?

Mayor Maher, yes under misc comments.

Kerron Barnes, 120 Orchard Street, handed out copies of a project pertaining to the McKinley monument. The first map is from urban areas from 1860-1930s or 40s started in Walden about 1885 and they updated the map every few years. The last one was in 1939. This one shows the McKinley monument area which was part of Maple Street in 1885. It shows the Fowler building as being built. That's the area where the McKinley monument currently stands. Under the Main Street grant we were approved for \$40,690 to repair the wall as street scape. No sidewalks or paving or landscaping. He is working with Main Street grant committee on this project. One question was, is this Village property we own. Mary Ellen found minutes from 1885 where Mr. Fowler was encroaching on corp. property. He was ordered to cease and desist and if he failed to do so the consequences would be upon him. In 1889 Mr. Fowler requested permission to fill in the triangle area. They asked him to send over the plan to see what it looks like. There was a motion to fill in triangle at \$5 per year which was decided in the negative. FJ Millsbaugh made a motion to the council to take immediate steps to acquire the land. To proceed with acquiring the land. Fowler said he owned the lot and offered to give it to the Village which was accepted and the committee was to work out the details. 1904 Village council submitted the deed for the land from Fowler and a motion was received, accepted, and recorded. Well we can't find the deed; it's not in Goshen we can't find it. With the help of the Village Engineer we have surveyed the property and found out that NYS when they put in the sidewalks, they took up to the curb line but not the triangle. Now we have definite proof that the Village owns it. Now that we have that established ownership, the other 2 maps show the Engineers plan for the monument in 1961 to fix the triangle for \$1,500. We've owned it for 100 years even though there was no deed. The overall plan is to fix the existing conditions over on the

March 12, 2013

right side that keeps getting running over the large trucks. Reduced to rubble going back to the 1960s and was repaired over and over for years. It's been quite a troublesome spot. There is a detailed plan, not to scale but he wanted you to see it and read the legend. The 2nd page is not in color but in more technical. It shows turning radiuses of the wheels and bodies of trucks. The outermost circle is the wheel path and then the body path shows to not hit the monument a truck has to make a wide turn and cross way into the other lane. The DOT wants further information, insurance information, and a traffic management plan hopefully we will get the DOT to approve this plan and then we will go out to bid. We will then have until December 8th to complete the project. Very happy to see this project happening.

Maureen, 195 S. Montgomery Street, wanted to talk about the towing issue. This past Friday she found out 1st hand about the snow emergency and towing costs. Her son Harry purchased his first car and it was parked on Donna Christy. He didn't know he couldn't park there and she was thinking of other things. He got a ticket and her neighbor was trying to find out whose car it is move it. Went into house to get the key and a tow truck was pulling into the street. Her neighbor had said to the guy, don't tow it they are coming to move the car. In 2 minutes later he was under the tires and was trying to block it so they wouldn't tow the car. It cost her \$175 to be paid in cash right now. She didn't have that right there she had to go to the bank, he told her to be back in 5 minutes be back in 10 minutes or he was towing the car. In the meantime they called the cops on her. That was the cost and she was fortunate enough to have that and that the bank was open so that she could have gotten it to pay him. She called Tommy's towing to see what the average towing cost would be and it would have been \$85 plus \$5 per mile. Because there was snow on the road it was more. She knows the Board is working on it but it has no cap on it. What was to stop him from telling her it was \$500?

Mayor Maher knows of some similar issues because people were being charged and they had no money in their account they had to leave it for a whole weekend and it cost a total of \$600 to get the car.

Maureen continued that she had from NYC codes on the rates of towing. It's \$50 for the first mile and \$4 each mile after that. Obviously in NYC they have so many more calls for services. She did go to Tommy's towing to speak to manager and she was refunded \$50 and he was told to apologize to her.

Manager Revella asked if he did apologize.

Maureen replied, yes he did. So whatever you can do, as he shouldn't have done that she was coming to move it. So whatever you can do the rest of the Village would appreciate it.

Nanette DeGoat, 80 N. Montgomery Street, stated that she FOILED the labeling and MSD forms for the fluoride that the Village is using. It's pretty cheap, \$105 for 3 containers of toxic waste. She has 10 pages of what to do with this product. Includes what happens to the fish if it gets into the water streams. The last page has a picture of the label with the work corrosive across the front. It's a level 8 corrosive. In Canada it is transported as dangerous goods. She is asking the Board to not even go there. She has more signatures and continues to get more. Recently she called the OC Health Dept and spoke to Enviornmental Division. Spoke to Keith Miller and she asked where the County stands and they stated they highly recommended it. She asked what there resources were for

March 12, 2013

this standing. He replied he had a folder in his desk that was 1" thick from NYS but he never read it. He just does it cause the state told us to do it. They are not doing their due diligence and she called NYS, Erin Knowl, and she gave her some resources which she checked out. The CDC makes continual statements with nothing to back themselves up. They are not outside study at all. One of the sources was themselves. They are using a 50 year old study in Kingston vs. Newburgh. Only difference between non-fluoridated Kingston and fluoridated Newburgh was that Newburgh had 22% dental fluorosis and Kingston had 12%. Nothing else, no difference in cavities, nothing else. Article from the EPA headquarters 1500 professionals are all signed on to this. In the beginning they did support this but after quite a few EPA person asked to make a statement that children could have "funky teeth". It was under political pressure to set standards for fluoride. They only saw it as a cosmetic problem not just a health problem. After looking at the documentation the hazards are: kidney function issues, cancers, reproductive issues, and dental fluorosis. Osteosarcoma is very prominent in men. 5 studies showed higher hip fractures in fluoridated communities. A person can choose to use toothpaste but not their public water supply to determine how much dosage they are getting. For any government or organization to continue to push for more exposure in the face of current overexposure with the increasing adverse toxicity in our public water supply is irresponsible at best. EPA filed grievance against own employees to take a direct step to protect their employees and ask that their own water is not fluoridated. Referenced the healthy dose is .000007mg per kg per day for an adult. The amount of fluoride in one quart of fluoridated water is .01mg per kg. That is 100 times the referenced dose the EPA gives its own employees. She is asking the board to do your own resource on this and stop going on what everyone is going by. Europe stated this whole issue and Europe is not fluoridated any longer 97% of Europe is not fluoridated as they have seen the adverse affects as well. She will continue to get more petitions signed and she is asking the Board to please reconsider putting this in our water source. She knows there are Dentists in this community that are for this and have pushed it but everyone needs to be taken care of in the Village. She just paid \$2,200 for a machine to take out the fluoride from her own water so why does she even care about this. She cares because there are seniors in the Village who should not be exposed to this as it mixes with their pharmaceuticals. This is a problem. There are a lot of single women who have babies and low income people are buying the processed foods and etc. and they are the ones who don't have dental care that middle class has. They don't have a choice over the fluoridation of the water either, so we are over exposing them as well.

Anita Vandermark, 76 Highland Ave, stated she received an email from Tim Maendel at Fox Hill and they are having an Easter Celebration at 3/15 at 6:30pm RSVP if you can. Also the MPB Knights Corn beef dinner is 3/16 from 5-9p. There is a St. Patrick's Day Parade in Wallkill. Coldenham Fire Dept St. Patrick's Day breakfast on 3/17. Also a play at Valley Central High School, Bye Bye Birdie this weekend. Finally the Library is having a concert at the St. Andrews Church 3/24 at 3pm.

Payment of the Audited Bills

Trustee Hoffman made the motion to pay the audited bills. Seconded by Trustee Bowen. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Correspondence - NONE

Miscellaneous Comments from the Board of Trustees

Trustee Leonard stated that the Rail Trail is in desperate need of maintenance. We need to please push for a meeting with Mike Hayes from the Town to make those repairs.

Deputy Mayor Rumbold commented that she asked quite some time ago in the Orchard Street Parking lot for one of those doggie bag holders to be installed as it is really an issue.

Manager Revella stated it has been made it just needs to be installed.

Deputy Mayor Rumbold continued that she concurs with Nanette about the fluoride and she has always been of the mindset that it should not be up to the Board to put it in the water. She feels that should be up to the residents to make that determination. The Board didn't believe with her at that time. So she hopes she keeps getting signatures and they can hopefully be the ones to make that decision.

Trustee Carley commented he wasn't for or against fluoride but was hoping that since it was brought up that we can reach out to whomever and bring back information for a healthy discussion. Budget is coming up and something that has been floating in his mind is some things that we have discussed but not acted on. Such as the Fire Trucks in the intersections where the turns are difficult, it was a hot topic but dropped off. Thinks he sees a pattern like that. Can we get a list of things that we said we were going to do but hadn't been done? Speed humps are another one. Generate a list and address each of them during budget time.

Mayor Maher commented that the OC Rural Development Advisory Corporation (RDAC) fundraising event on 3/20/13 at Brotherhood Winery \$75. They are a not for profit organization that helps with foreclosure counseling throughout Orange County.

Deputy Mayor Rumbold added that Trustee Bowen does need to hear some kudos for helping so many people stay in their homes.

Mayor Maher announced that the Village Budget sessions will be: April 2 & 3 at 6:30pm; April 8th and 10th; and then April 15th and 17th at 6:30pm. Chief is most likely to go first then parks second followed by DPW with Water & Sewer.

Approval of the Minutes – January 8, 2013

Deputy Mayor Rumbold made the motion to approve the minutes from January 8, 2013 meeting. Seconded by Trustee Mishk. 7 ayes, 0 nays, 0 abstentions. Minutes approved.

Approval of the Minutes – February 12, 2013

Deputy Mayor Rumbold made the motion to approve the minutes from February 12, 2013. Seconded by Trustee Mishk. 7 ayes, 0 nays, 0 abstentions. Minutes approved.

Executive Session – CSEA Negotiation and PBA Negotiation

Trustee Leonard moved to go into Executive Session to discuss Personnel, Consultants, Finance Department, Property Purchase, CSEA Negotiation, and PBA Negotiation. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Reconvene

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

Adjournment

Deputy Mayor Rumbold moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees
Regular Meeting
March 12, 2013
Motions & Resolutions**

Hearing – 135 Orange Avenue

Deputy Mayor Rumbold made the motion to allow the Village to remove the gutters and charge the property owner at 135 Orange Avenue. Seconded by Trustee Bowen. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Hearing – 20 Lafayette Street

Trustee Bowen made a motion to give the property owner until May 14, 2013 to rectify the situation at 20 Lafayette Street otherwise the Code Enforcement Officer and Village Manager are permitted to take steps to do whatever is necessary to rectify the situation. Seconded by Trustee Leonard. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Main Street and Village Square and Parking Lot lights

Deputy Mayor Rumbold made a motion to authorize Manager Revella to spend up to \$15,000 on the rest of the lights on Main Street, and in Village Square and parking lot area. Seconded by Trustee Carley. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Introduction to Local Law 2 of 2013 - School Speed Zones

Trustee Hoffman made the motion to set the public hearing for Introductory Local Law 2 of 2013 for the March 26, 2013 at 6:30pm or as close to that time as possible. Seconded by Trustee Bowen. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Introduction to Local Law 3 of 2013 - Ethics Code

Trustee Hoffman made a motion to set a Public Hearing to discuss the Ethics Law at the April 9, 2013 Meeting at 6:30pm or as quickly thereafter as possible. Seconded by Deputy Mayor Rumbold.

Trustee Hoffman withdrew his initial motion and moved to set a Public Hearing for April 9, 2013 at 6:30pm or as soon thereafter as possible this local law on the Ethics Code with the aforementioned edit. Seconded by Deputy Mayor Rumbold. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Village Loan Program - 10 Orchard Street

Deputy Mayor Rumbold moved to give authorization to the Village Manager to sign the loan documents for a Small Cities Loan for the property rehabilitation located at 10 Orchard Street in the amount of \$29,475 a 10 year loan at 3% with a monthly repayment of \$284.61. Seconded by Trustee Leonard. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Hearing Request – 116-118 South Montgomery Street

Deputy Mayor Rumbold moved to set a hearing for the March 26, 2013 meeting at 6:45pm or as soon thereafter for 116-118 South Montgomery Street multiple abandoned vehicles. Seconded by Trustee Bowen. 7 ayes, 0 nays, 0 abstentions. Motion carried.

STOP DWI Agreement – Resolution 31-12-13

Deputy Mayor Rumbold made a motion to accept Resolution 31-12-13 approving the STOP DWI program services agreement for March 14, 2013-January 1, 2014. Seconded by Trustee Mishk. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Knights of Columbus Car Show

Trustee Leonard made the motion accept the Knights of Columbus Classic Car Show Event scheduled for July 13, 2013 from 9am-5pm in the Municipal Square as proposed. Seconded by Trustee Bowen. 5 Ayes, 0 Nays, 2 Abstention (Mayor Maher and Trustee Mishk). Motion passed.

Resolution 32-12-13 – Orange County Historian Grant

Deputy Mayor Rumbold made the motion to approve Resolution 32-12-13 authorizing the acceptance of a \$1,150 Grant from the Orange County Historian and authorizing the Village Manager to execute the necessary documents as may be appropriate and necessary to accept such funds. Seconded by Trustee Bowen. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Surplus Dog Warden Vehicle

Deputy Mayor Rumbold made the motion surplus the former Dog Warden Vehicle with a minimum bid of \$2,000. Seconded by Trustee Hoffman. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Accept Bids for Surplus Vehicles

Deputy Mayor Rumbold made the motion accept the bid for the surplus vehicles at \$1,050 for the Ford Explorer and \$2,850 for the Ford Pick Up Truck. Seconded by Trustee Hoffman. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Authorize Building Inspector to evaluate 35-37 North Montgomery Street

Deputy Mayor Rumbold made the motion to authorize the Building Inspector to hire a structural engineer to look at 35-37 North Montgomery Street. Seconded by Trustee Leonard. 7 Ayes, 0 Nays, 0 Abstentions. Motion passed.

Proposed Edmunds Lane Project

Deputy Mayor Rumbold made a motion to have the applicant review and fix the discrepancies and then resubmit the application for the proposed Edmunds Lane Project. Seconded by Trustee Mishk. 7 Ayes, 0 nays, 0 abstentions. Motion Passed.

Payment of the Audited Bills

Trustee Hoffman made the motion to pay the audited bills. Seconded by Trustee Bowen. 7 ayes, 0 nays, 0 abstentions. Motion carried.

Approval of the Minutes – January 8, 2013

Deputy Mayor Rumbold made the motion to approve the minutes from January 8, 2013 meeting. Seconded by Trustee Mishk. 7 ayes, 0 nays, 0 abstentions. Minutes approved.

Approval of the Minutes – February 12, 2013

Deputy Mayor Rumbold made the motion to approve the minutes from February 12, 2013. Seconded by Trustee Mishk. 7 ayes, 0 nays, 0 abstentions. Minutes approved.

Executive Session – CSEA Negotiation and PBA Negotiation

Trustee Leonard moved to go into Executive Session to discuss Personnel, Consultants, Finance Department, Property Purchase, CSEA Negotiation, and PBA Negotiation. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Reconvene

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

Adjournment

Deputy Mayor Rumbold moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.