

**Village of Walden
Board of Trustees Regular Meeting
April 23, 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	Willie Carley
	Sean Hoffman
	Edmond Leonard
	Gerald Mishk

Absent:

Trustee	Bernard Bowen
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Also Present:

John Revella, Village Manager
Tara Bliss, Village Clerk
Jay Myrow, Village Attorney

Village Manager's Report

- There is an email in your packets regarding General Business Law. We had a situation where the Attorney Generals office requires a permit when there is a going out of business sale. Will add to agenda next time. With permit fees etc.
- Working on Bradley Park a lot lately. Sidewalks and curbs are finished. Doing some wet spots under drains and then they will finish paving. The dugout was rebuilt and the flag pole was fixed. Looks good.
- CSEA contract, we are starting the new one now for the coming years.
- PBA contract we had a good session with progress.
- We are calling the contractor back to Pleasant Avenue starting next week to fix the water lines on Pleasant Avenue. Starting on Monday to complete the project and fix the road. Maple Street is scheduled as well to be fixed by the end of next week. Try not to disrupt school busses.
- Parks Department is busy cleaning our parks and getting ready for the season. They are in full swing. Heads up that the Code Enforcement Officer will be out looking at lawns soon.
- Talked to sign company about Entrance signs with proposals. Reworking and will review next draft from them with estimate.
- OCTC new transportation projects for the coming 5 years will be coming out soon. This is how we got the money for our Ulster Ave project and we are looking for future projects in our area. Walden is one of the 2 Villages on the Council representing all of Orange County.
- Meetings with the office are going well.
- Budget sessions are finished and the public hearing is done so we are ready to adopt the 2013-2014 Budget with a total of 1.48% tax increase.

- Large event on Edmunds Lane 2 weeks ago with approximately 5,500 people at the Buddhist Temple. There was no overflow with adjoining streets or areas. Had plenty of security and only one minor issue. There is another one on May 19th and then in June and July 6th as well. Hasn't seemed to annoy neighbors as the event is staying on the Buddhist property.
- Chief has new car, great modern eco friendly good car. AWD he seems to like it.
- Grand Jury convened about Olley Park meeting tomorrow to finish that up and move forward with prosecution of the individuals from that robbery.
- Almost done flushing hydrants. Doing valve replacements and replacing meters. 5 residential ones done and doing them now.
- Had a meeting with Trustee Leonard and Congressman Maloney's office about how they can assist the Village economically and any way that they can. Such as the rail trail we have. He's on the committee and looking to do those kinds of things. We'll see if that comes to fruition or not. Will help to boost our image and economy.
- PD went through the Buckle up program which seems to be going well enforcement programs and getting a lot of violators and making aware of situation.

Deputy Mayor Rumbold asked when we anticipate Bradley Park being complete.

Manager Revella replied it depends on the weather. Finished drainage and went back in and put under drainage in to watch that it washes out correctly. They are doing one today and then one more tomorrow then they will finish paving.

Deputy Mayor Rumbold asked if it was impacting the use of the ball fields.

Manager Revella replied that for 2 days yes, only half the parking was available. Once we finish the parking lot that won't be a problem and the lower road will be open for parking. That's the only inconvenience they have had so far.

Trustee Hoffman asked if the under drainage is in paved or grassy areas.

Manager Revella stated that it is being done in both areas.

Trustee Carley asked about the rail trail and how far have they gone with the extensions on that.

Trustee Leonard replied that we are waiting for the bypass to be completed at the Napanoch prison and then they will be focusing on the bypass here.

Manager Revella stated that the Ulster County planning is helping on that. Napanoch will be first and then Shawangunk bypass.

Trustee Leonard added that the Ulster County Executive promised in public that it would be done by this year so it should work out.

Manager Revella stated that we've also been dealing with lagging Commercial garbage issues. One issue is that people are not using the toters so the garbage company can automate and dealing with minor issues with garbage cans, we've let residents know as it comes up.

Mayor Maher stated that we've had countless Commercial businesses that had no communications to them and then a large dumpster was delivered without their knowledge. How was there such a lack of communication and what are we doing to avoid that?

Manager Revella stated that part of that is potential litigation with one of the other companies which we are working through that with the company. Also there were instances where the garbage company called and spoke to someone who didn't have authority and it got mixed up that way.

Mayor Maher asked if the fire district falls under the Village resolve and if so were they told.

Manager Revella stated they were sent the same letter that every business received.

Mayor Maher replied that the letter he called said the Village was looking into implementing this law. Was there follow up correspondence with those businesses? Many of them are stating they got the initial letter and then a large can got dumped on their property without any further correspondence or anything.

Manager Revella stated that IWS was tasked to fill out sheets and enter for billing purposes including delivery and pick up.

Mayor Maher asked why they are saying you didn't or just dropped garbage cans off.

Jeff Damon from IWS stated that the initial contact happened with Marisa in the sales department. Then operationally they came up with a plan.

Mayor Maher asked if before they dropped they at least made a phone call or did they wait to talk to some people before dropping them off.

Jeff stated he didn't know the level of detail, not sure if it was a message or a person.

Mayor Maher asked Jeff to put a note in the file to say we spoke this person on this day or we left a message for this business. That way he knows there is a record on their end and he can get back to the owner asking him.

Jeff said he would have to get back to him on that.

Deputy Mayor Rumbold said the same thing happened to the businesses that contacted her. They said they came in and cans were there, no schedule was made, and no call was placed.

Jeff replied that a lot of them were issues of speaking to someone who was not the decision maker at the business and lack of communication on their part.

Deputy Mayor Rumbold suggested that in the future they ask to speak to the appropriate person about transition and ask who the correct point of contact for future to set up schedules and talk about billing etc.

Manager Revella stated that we heard a few issues and they came in to the office to go through the chart and gave them contact information to avoid issues in the future.

Deputy Mayor Rumbold asked how long it will take to get the issues with those from the company that is not removing their cans.

Manager Revella stated he couldn't talk about that in this forum.

Trustee Carley stated that the issue he has is with Marisa who said she was going to go to each business personally and communicate with them to make sure it was a smooth transition. Whatever the disconnect is that happened there is between Marisa and the owner of the business. She said she was a going to treat them all like new customers and so he doesn't understand if that did happen why are we having any issues now.

Jeff replied that he doesn't know if it was Marisa that met with everyone but it was her team: Jarrod, Lou, April, Marisa and 2 others.

Trustee Carley interrupted that she came here and said she was going to each business and we took it at face value she would do that personally.

Jeff replied that it does happen when you go into a business and ask to speak to a person in charge and they say it's me then what do you do at that point if that person isn't really the person in charge? He didn't do it himself but he was told that they were all contacted.

Trustee Mishk requested that the garbage company prepare a letter approved by the Village Manager to all the businesses to follow up with the companies with issues to straighten out problems more quickly.

Deputy Mayor Rumbold said she knew the Deputy Treasurer had issues with billing, have they been resolved?

Mayor Maher stated that what's upsetting is that we had a very very lengthy public conversation for a period of many months where we stressed the communication that was important and made very clear many times. So it's frustrating to be in this situation.

Jeff stated that he agreed and assured that they will resolve the issues.

Manager Revella stated for the record so there are no issues; we do not want cans left in the streets and no lids left open. Communication is the biggest thing. Also so everyone knows, IWS is keeping replacement toters at DPW so as some break we can swap them out more quickly.

Trustee's Committee Reports

Town of Montgomery & DPW liaison – Trustee Leonard

Trustee Leonard had nothing to report.

Village Clerk & Village Treasurer Liaison – Trustee Bowen

Absent.

Police Department Liaison – Deputy Mayor Rumbold

Deputy Mayor Rumbold reported that they did receive their reimbursement of \$2,645 from the Orange County Youth Bureau for the 2012 DARE and Halloween Safety programs. The Chief got his new car. We will be participating in NYS safety stop for bus safety on April 18th, where officers watch cars and trucks and how they reacted for buses lights and safety and we will be reimbursed for that. What they found was that people were going around the buses and ignoring the red lights. They were surprised at the number of drivers.

Planning and Zoning Boards as well as the Building Department Liaison – Trustee Hoffman

Trustee Hoffman reported that he met with Dean this morning and went over a number of issues. The Planning Board will be approving the last 6 months worth of meeting minutes so they should be to the Village Clerk shortly. They had to table them for a while due to absences and were not able to approve them all. Dean had training last week, went over courses he took and went over the new software which he is pretty pleased with so far.

Department of Recreation & Parks as well as School Board Liaison – Trustee Carley

Trustee Carley reported on the 9.8% proposed school tax increase and the proposed closing of Maybrook Elementary School. District meeting is tonight.

As far as the Recreation & Parks Department goes, the Friends of Walden Youth Yard Sale was wonderful. Registration for tennis was great and doing well. They are looking to schedule a meeting concerning the skate park. Informal town Hall meeting as long as it's not over 3 trustees.

Mayor Maher added two follow ups he wanted to report on. He had a few discussions more so than the previous 2 years about Little League. It's an interesting situation having both leagues using our park. Perhaps Trustee Carley can check into the dynamics of it and how it came to pass and keep a close eye on it and take a look to see if the Board has to develop some kind of policy to make it better for the quality of the kids. If there is a real issue where the Board can and should get involved maybe have a discussion to see where it goes.

Trustee Carley stated he hasn't heard anything from the Recreation Coordinator. He asked what specifically he wanted to know.

Mayor Maher explained that he wanted to make sure they were both playing nice together and operating together cohesively. He's heard that too many residents that have to go to Wallkill to find a field to play in and we have no home games but there is a league that is from outside of Walden using our fields. He's not even sure it's a problem. But it seems a little embarrassing to have Village of Walden parents who have to go to other fields to play. He was just hoping Trustee Carley could talk to the Recreation Coordinator about it. The other thing he wanted to follow up on was to give more details on the School Budget's 9.8% increase. Because they are piercing the tax cap they have to get 60% plus 1 to even get approval. They normally get 57-58% which in a month's period they will have to cut another \$2.5 million if it doesn't pass which most likely it won't pass. That means a no vote no is where people have to realize there will be another \$2.5 million of cuts which equates to programs and maybe another elementary school that gets cut.

Trustee Carley added that they get 2 chances at it. If it doesn't pass then there will be a second vote and then they will take a hatchet to all the programs and schools. Worse than just one school; it will affect everything after that.

Village Justice and Library Board Liaison - Trustee Mishk

Trustee Mishk reported that he has a meeting next week with the Judge so right now has nothing to report and he missed the Library Board meeting due to our meeting yesterday. We are looking forward to getting some more grant information and getting the deus more modern at the meeting with Judge Ozman.

Public Comment on Business of the Board

Mary Ellen Matise, 21 Clinton Street, will the new sign up policy for board meetings be put on the door for those that don't know about it.

Mayor Maher replied yes, our Village Clerk will do that.

Mary Ellen asked about the agenda itself and what are action items or discussion items as it's confusing to her. For example summer hours are listed as an action item and there has been no discussion about it prior to this meeting.

Mayor Maher replied that it's a policy that the Manager will be reporting on and an action item as well.

Mary Ellen continued about the refuse bills on taxes. Peter's discussion about it was helpful and she can appreciate that it will be saving money by not mailing out the bills. Is it going to be listed as a service and not incorporated right into the tax rate? People are not going to be able to deduct it from their income tax. She feels it's an inconvenience to pay it up front when they are counting on paying the \$75 quarterly rate. If it's on as a service it's not tax deductible.

Becky Pearson, 167 Walnut Street, commented on a few things. Remember water is gold. Edmunds Lane project, she just wanted to put things in order have it listed that the applicant came before the comprehensive committee to address issues with certain zoning. The committee listened and had major discussions and concerns about this property. They came before the Board with the Comprehensive Plan for review which was voted and adopted the way it was written less than 2 months ago. That parcel and that map were in the plan the whole time. It's not old it was just adopted the way it was written. Only you can change zoning. Applicant has been before the Planning Board and had some issues with another development they are not up to date with escrow on. Gave Planning Board an informational package and with a message to them that most likely they would be getting to read more about it after the meeting. Sounds like a done deal the way it was stated. She would like to hear a nice discussion about it tonight. What she understands that asking for a zoning change either a yes to multifamily or leave it the way it is. It's not an issue of whether you are sending it to the Planning Board or not. According to the current Ecode dated April 18th, zoning map amended by its own actions states that all considerations be referred to the Planning Board the way she reads in the code. It doesn't go to a public hearing unless you want to change it. In the law that's stated 305.70 Board or Trustees by petition referred to the Planning Board. The main work is the report before the public hearing which has to be sent to the Planning Board. Then you have to send it before you have a public hearing. It's an amendment to the

Village law the way she reads it. Mrs. Metzger was right about 35 Oak Street. When she was Mayor she had to get stoves for people that weren't working which was sad and she's not saying it is going to happen again but she had good comments from last time. Certain Board members didn't want zoning changes in their own neighborhood but want it in someone else's neighborhood. She feels the Board is confused on the issue as it's not about sending it to the Planning Board it's if you want to change it or leave it. Page 4 states the Board may consider rezoning for adjacent residential zones which are either single family or OLI. Then it talks about a piece of property that is across the street and talks about eliminating east from the Buddhist temple. Part was unbuildable and is wet lands which are no longer RM1. Those are the inconsistencies that she sees. She maintains that she feels the Board is confused about the issue of sending to the Planning Board. That is not the issue here, the issue is do you want multifamily housing or do you want OLI and you are the only people that can decide that. If you say yes you are going to be inconsistent with the Comprehensive Plan that was just approved and you would need to amend that plan if you vote yes. If you vote no, then it's just no.

Mel Wessenberg, Orchard Street, wanted to talk about the School Budget and how closing of Maybrook will affect our Village. If it is closed all kids will go to Berea and kids in Walden will be forced to go back to Walden. He wants to be sure that the Board is aware of that impact. With regards to the Dollar General; Village services should only go to those that live in the Village. If you don't live in the Village you don't get the service; it's a straight forward thing. If you decide to change that and rent out your services you are not a Village you are a company. With respect to the Edmunds Lane project, he is against it as we have in his opinion way too many single family and multifamily apartments in the Village already. He expected to have renters next to him as he knew that when he bought it, but if you pass a plan and then change the plan it's idiotic. When I buy something that they can change it later he feels it's a bait and switch situation. If you vote yes he has a question about taxes as he works in Chester. He knows that Whispering Hills condos pay a much less tax rate than the rest of the homeowners in Chester. Is it possible to have that here?

Manager Revella stated no it can't unless the Board votes for it. Condos do have a negative tax.

Mel continued that by definition all multifamily housing is low income housing. Call Phil from Chester and talk about the Whispering Hills Condos in Chester. Every summer they have to close down the main drag because of drugs coming up from the city. It's a huge impact when go to multifamily. He just doesn't see why you would want to go that way as there are too many here no need for more. If you want to go that way at least tell property owners so that they can become slum lords too.

Kevin Malone, Windrift Lane, wanted to express his opposition to the complex on Edmunds lane. Windrift Lane would have a large influx of traffic and would put a strain on the Village water and sewer system. Plus noise pollution would be increased. The neighborhood should remain single family homes and not support an out of character building to be built in our neighborhood.

Helen Schoonmaker, 7 Westwood Drive, wanted to talk about Hudson Valley Honor Flight which is putting Walden on the map in a special way. We had 88 veterans going to Washington DC this past weekend and it was a fabulous trip enjoyed it. Extra that we did

over last year was having the Department of Parks escort us through Washington DC and they all thought they were the presidents riding through the streets of Washington. Continue getting Walden on the map but would like to see more support from the Village. She's proud to be part of the committee. Other item is smaller cans for garbage. Some of the residents in her area asked for them and are not getting them. (She hand delivered a note from a resident to Manager Revella)

Dr. Oscar Alleyne, 12 Windrift Lane, spoke about the Edmunds Lane project as his fellow Villagers have said that. A month ago we saw the impact of corruption, lack of faith in local government that went all over the state. And it showed distrust in what we have as American citizens in our local governments. We don't need that in the Village of Walden. The Village developed a comprehensive plan. The plan is supposed to address the needs of our Village. It does not address greed. He spoke to neighbors and there is no need for 90 plus apartments in a Village where apartments and other means of living are available. That is greed. So as a long time resident who has dealt with issues like this in the past the Board needs to reflect on what you are doing; is it about our need or greed.

Jerry Jacobowitz, Edmunds Lane property owner, stated it was hard for him to hold his tongue during some of the comments. He has owned the property for over 40 years so if greed was the motivation to do this we would have. It's unfortunate that he chose those words and has characterized him with an honest attempt to petition government as greed. He will seek him out and try to discuss this further with him. Former Mayor Pearson is wrong that the issue is whether you want or don't want multiple family housing it is about sending it to the Planning Board so they can get a report and recommendation from them either for or against doing this. Then you can evaluate everything that the people said based on that you will then decide if you want to call a public hearing. Then people will be able to come and speak. It will be very transparent as it's the nature of the process that you follow and always follow to make a decision to change it at that point. You are not saying you are in favor or against it you are just saying you want to hear more about it and you'd like to get information from the process through the report and recommendation from the Planning Board. That is all you are doing tonight, despite the characterization given in earlier comments.

Action Items

Introduction to Local Law 3 of 2013 – Tow Truck Policy

Attorney Myrow apologized as he misunderstood where we were and what was expected to occur after the last meeting. He thought he was doing an analysis for fee structure to present to the Board. He saw a survey went out and we got responses but maybe the Board should advise if this is all agreed upon or was there a consensus we were going to set forth in a fee schedule.

Mayor Maher stated that they did give a consensus but not a motion.

Attorney Myrow stated there were contradictory numbers and there needs to be a consensus before we can do that. He doesn't have anything tonight.

Manager Revella stated that all the contradictions have already been resolved. We will finalize those discrepancies and can have a local law at next meeting.

Request for Village Water – Route 52 Dollar General – Resolution 40-12-13

Manager Revella explained that if they don't run a service line from our water main, they will have to drill another well on the site. That could potentially negatively affect our aquifer to where we are. Usage that they have is insignificant; if usage were to change then the Board would have the right to disconnect the access.

Mayor Maher added that they were petitioned to get them to move into the Village but due to the fact that they were not own able it didn't come to fruition. He agrees if you use water you should be in the Village. We don't want to put ourselves in the situation where it could cause more harm to our residents or structure.

Trustee Carley asked if we are currently doing this type of practice with any other property.

Manager Revella replied that we have had a petition since 2008. It was a subdivision with more than 10 units and they were denied at the time because we had a DEC consent order and had no sewer capacity at all at the time.

Mayor Maher stated this was different because it's less water and it doesn't affect the sewer system at all.

Trustee Hoffman stated that at the time in 2008 we had significant water loss throughout the system to correct.

Manager Revella stated it was over 50% at that time and it's down to 30% loss at this time.

Trustee Leonard added that there is a water main that goes outside the Village across the street from the property. High Meadows also has a water main in that street but the home owners get to hook up.

Mayor Maher stated that he would consider any request that comes to us and hopes the Board feels the same way. We need to evaluate it and he is of the frame of thought that we would prefer that they come into the Village, but we need to decide how this will affect us and how will that harm or help the Village.

Deputy Mayor Rumbold asked if there were still locations that don't have meters.

Manager Revella stated yes, but only have a handful now and we are down to another 60 that have meters that aren't functioning properly.

**BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN
RESOLUTION NO. 40-12-13**

RESOLUTION APPROVING THE OUT-OF-DISTRICT CONNECTION TO VILLAGE WATER SYSTEM.

WHEREAS, the Village of Walden maintains and operates a Village Water System pursuant to Chapter 298 of the Walden Village Code; and

WHEREAS, the Village of Walden water system includes a water main that is extended outside the Village and is within the roadbed of State Route 52; and

WHEREAS, Primax Properties, LLC (hereinafter "Primax") is the contract vendee to purchase an undeveloped parcel of real property in the Town of Montgomery identified on the April 23, 2013

Town tax maps as Section 10, Block 1, Lot 86 currently owned by McClintock Properties, Inc. (the “Subject Property”); and

WHEREAS, the said water main within State Route 52 is adjacent to the Subject Property; and

WHEREAS, Primax intends to develop the Subject Property by constructing a commercial building of approximately 9,100 square feet, to be used as a Dollar General retail store; and

WHEREAS, Primax has represented to the Village Board of Trustees that its total anticipated water usage is 250 gallons per day; and

WHEREAS, Primax has indicated to the Village its desire to avoid the cost and expense of drilling and maintaining a private well to service the intended improvements to the subject property, and to contract with the Village for the hookup and supply of Village water as an outside user to the Village water system; and

WHEREAS, the Village Board of Trustees has determined that the water supply and capacity existing within the Village water system is in excess of the current and immediate future demands for Village water by Village residents and its current outside users; and

WHEREAS, the action proposed herein is a Type II action listed in 6 NYCRR 617.5 of the State Environmental Quality Review Act and therefore no environmental review is required thereunder.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Walden agrees to contract with Primax to allow for its connection to the Village water system as an outside user to service the above stated improvements to the Subject Property upon the following conditions:

1. Primax and the Village enter into an Outside Water District User Agreement containing at the minimum the terms and conditions specified herein, and such other terms and conditions satisfactory to legal counsel for the Village.

2. Such agreement shall only take effect upon the acquisition of title to the Subject Property by Primax, and the granting of all municipal approvals, by all applicable municipal departments and agencies, for the development of the Subject Property as an approximately 9,100 square feet building to be used as a Dollar General retail store.

3. As an outside user, Primax shall be charged and shall pay two (2) times the user rates charged to Village residents for its water usage.

4. Primax shall be subject to and abide by all provisions, rules and regulations contained in Chapter 298 (“Water”) of the Village Code.

5. Primax is responsible for the design and construction of the service connections to the water main, subject to Village review and approval, and obtaining any approvals for making such connections with in State Route 52, all at Primax’s sole cost and expense.

6. In the event the improvements on Subject property are expanded, or the use thereof changes from that of a retail store, or the anticipated water usage by the Subject Property exceeds 250 gallons per day by at least 100%, the Village shall have the right to cancel the said agreement and thereupon, Primax shall disconnect to the Village water system at its sole expense.

7. The agreement shall have a term of the maximum number of years permitted by law or, if there is no law restricting such term, the term shall be ninety-nine (99) years; during the term of the agreement, Primax agrees not to drill a well on the Subject Property.

Trustee Hoffman made the motion to adopt Resolution 40-12-13 Out of District Water Hook Up. Seconded by Trustee Mishk. All ayes. Motion carried.

Trustee Hoffman proposed an additional condition eliminating them from putting in a future well. We'd restrict them to protect our wells from a new well coming in the future. Instead of them coming with the D restriction it stays with the property.

Attorney Myrow was suggesting it would be difficult to negotiate into the agreement with them. They have the right to drill a well now but we would like to restrict that now. If they are willing to put that in there it's enforceable in the outside user agreement. They would agree not to drill a well but think only to the extent that the contract remains in full force and effect. A deed restriction may not be feasible.

Deputy Mayor Rumbold asked what if we have a water main break and they are out of water for 3 days are we liable in any way.

Manager Revella replied that we are required to provide water regardless. We have had to do it in the past by trucking in water.

Zack Peters spoke on behalf of the applicant, that the current well hasn't been used in they don't know how long but also located where the parking area is going to be. He is not the head on this project is reviewing the resolution that they have final say so but don't anticipate they would agree to that. They will certainly have to review and decide that they will accept it or not.

Trustee Hoffman stated we are looking to put something in place to be able to enforce things on an outside water user property.

Attorney Myrow stated that an agreement would be put in place if change use will have to ask for additional water. The agreement would be recorded by chain of title and anyone who brought the property would have notice they are obligated to comply.

Trustee Hoffman stated his overarching goal is the protection of our community water system. What most gives us the most legal protection?

Attorney Myrow stated that the agreement will say enforceable and name rights for Village residents and mechanisms for enforcing a default chain of title. Anyone would have notices as to what the obligations are.

Deputy Mayor Rumbold asked how would we know if they drilled the well anyway.

Manager Revella stated they would have to notify us because they are within so many feet of the Village and our wells. Also they would most likely stop paying the bill. They would be required to file with the Town so they know.

Attorney Myrow stated that the resolution has been drafted to give legal council leeway to negotiate the legal document otherwise knows as a user agreement that will hold the weight. It will give authority to give council and Village Manager. He would consider this to be the bare minimum that has to go into the agreement to protect the Village. There are no elements of fault and notice and what you may or may not do in the event that there is a default.

Trustee Hoffman stated that if council thinks its protective then we would go that way.

Attorney Myrow added another way to address the issue of concern is we could put a term in there for example it shall be for 99 years and so long as the agreement exists no one will be able to drill a well on said property. Put a fixed term in there and agreement would have to address the terminable on event/notice.

Trustee Carley asked if this sets a precedent.

Manager Revella replied that this is a bit different of a situation than what was done in 2008 as it was denied not just for water most are for water and sewer. The 2 times mains came in it gave an opportunity to have services connected.

Trustee Carley clarified our concern is we want to be a good neighbor and we want to be sure we don't hurt ourselves in this matter.

Deputy Mayor Rumbold asked if the old well is part of our aquifer.

Manager Revella replied we are not sure if we would have that information as it was intended to be abandoned.

Deputy Mayor agrees with Trustee Hoffman that anyone else that uses water/sewer in the Village is not allowed to drill a well so they shouldn't be allowed either. We are in a great situation with water but we know that could change at any moment. We have spent a lot of money and though work is not completed yet it's getting better but we need to remember we have an antiquated system and we need to protect the people and the resources of the Village. She agrees with Trustee Carley that we are setting a precedent in view of the fact that others have asked and were told no. She's still annoyed that people outside the Village were allowed to hook up with no meters and for how long were they getting free water on the tax payers who were picking up the tab. She feels we don't need to get in the water business.

Trustee Mishk is in support of this because it will protect our well. We may be able to convince them to annex into the Village at some point which would mean more property and more tax money.

Trustee Carley wants to protect our wells for the future but doesn't want to sell resources just to sell them. He is on the fence.

Trustee Hoffman is in favor of this for the environmental protection component.

Trustee Leonard is concerned that in the future the water usage of this building could be totally different in the future than what is currently being proposed. He votes no.

Manager Revella clarified that there is only one bathroom in the building.

Mayor Maher does not feel we are setting a precedent that ties us to the next one. We have the ability to take it case by case and take a look at the whole picture. He feels the Village would be in a worse position if they were told to build their own well since we would have less control. He would consider it the right thing to do as this business will help the

Village of Walden. We would also be getting our monies worth with the price we are planning to charge the outside user.

Trustee Hoffman wanted to remind everyone that 250 gallons of water a day sounds like a lot but it really isn't when you consider that 500 gallons per day is the usage for a typical home today.

Manager Revella stated that the only contamination issue would be if they did not hook up to our sewage system. We have no control over that as the applicant is not interested in doing that at this time.

Attorney Myrow stated that putting a time frame in and saying no well drilled during time of agreement would be the best suggestion at this time. There are provisions in the municipal laws that limit by law how long you can make the agreement for. If we add it, it should contain a provision that the term shall be the maximum allowable by law or 99 years if there is no maximum. You see things like this in long term ground leases, terms of 99 years, so this is not unusual. This change would be listed in the Resolution as number 7 saying that the agreement shall provide for a term at the maximum or a period of 99 years if no maximum is provided by law; whichever is greater. Board would have to be comfortable to provide water for 99 years also. Also within this term there will be no well drilled on the property in number 7 also.

Trustee Hoffman amended the previous motion to adopt Resolution 40-12-13 Out of District Water Hook Up to include number 7 as discussed. Seconded by Trustee Mishk. 4 ayes, 2 no, 0 abstentions. Resolution passes.

Refuse on taxes

Manager Revella stated that it would be a one time charge on the tax bill that you pay with your taxes so that refuse bills would no longer be billed on a quarterly basis through the Village offices.

Attorney Myrow advised that if the question is whether a resident can claim a tax deduction or not on their taxes, the Village Board can not give tax advice and this should be brought up with their individual accountants.

Peter Sullivan reminded the board that the office time is spent creating bills, sending bills, collecting money, sending reminders and 25% of unpaid bills get put onto their taxes anyway. It would be \$600,000 in revenue. The plan would be to begin notifying the residents this year and have this take affect for the tax year 2014-2015.

Trustee Leonard made a motion direct our attorney to make a Resolution to put the Village of Walden Refuse Bills on Village Tax bills starting in the 2014-2015 tax year. Seconded by Trustee Carley. All ayes. Motion carried.

2013-2014 Proposed Budget – Resolution 39-12-13

Deputy Mayor Rumbold made the motion to approve Resolution 39-12-13 to adopt the 2013-2014 Proposed Budget as presented. Seconded by Trustee Mishk. All ayes. Motion carried.

Deputy Mayor Rumbold thanked all the department heads for presenting responsible budgets to begin with which made the Board's work much easier. This is a very fiscally responsible budget. Thanks to everyone in office also as well as her fellow Board members who had good talks about things and came together with a good document.

Edmunds Lane Project

Trustee Leonard made a motion to refer the proposed Zoning Amendments for the Edmunds Lane Project to the Planning Board for review. Seconded by Trustee Hoffman.

Trustee Hoffman asked Attorney Myrow to explain what is before us tonight.

Attorney Myrow stated that the Board has been presented with a petition to amend zoning law. What is before you today is to consider it or to not consider it. The Board is under no obligation to consider it but if you wish to consider it you must make a referral to the planning board. The referral doesn't indicate your feelings one way or another for the project; it will simply give the Board additional information from the perspective from the Planning Board. Within the last month the Board has adopted the Comprehensive Plan and by adopting the Comp Plan the Board is obligated to analyze zoning law to make sure that the zoning law is consistent with terms set forth in the Comp Plan. He spoke to Alan Sorenson yesterday and asked if he had considered this amendment based on what was adopted and he indicated none that he was aware of. If the Board needs to hear from him first to be certain of compliance with the Comp Plan that is not a problem. The Board is not obligated to submit as is. The Board may check with Alan about what other changes should be made and move forward. So the decision before you now is to refer to the Planning Board which does nothing to prohibit or obligate you.

Trustee Leonard is in favor of this and has been pushing for affordable housing for years.

Deputy Mayor Rumbold feels that unless the Board is seriously going to consider changing the zone it's a waste of the Planning Board's time. Neighbors have voiced their opinions and we still don't know what the impact of the already approved 204 townhouses will be so she is not in favor of putting housing there.

Trustee Hoffman stated that his feels remain unchanged about the proposal as it goes against the Comp Plan and is detrimental to the area.

Trustee Carley feels that the community has spoken and he values their community feelings. Several people spoke out tonight and based on what he knows, he votes no.

Trustee Mishk has concerns putting housing there. He feels that a zone change for single family homes would be more agreeable.

Mayor Maher would like additional information from the Planning Board because it doesn't bind us.

Roll Call:

Trustee Mishk: No

Trustee Carley: No

Trustee Hoffman: No

Deputy Mayor Rumbold: No

April 23, 2013

Trustee Leonard: Yes
Mayor Maher: Yes

Motion failed.

Village Fees

Manager Revella reviewed the fees being recommended by the Parks Department on the new Parks Reservation form; these were also discussed during Budget Sessions. Bradley Park fees are still not included as we are still reviewing with those that use the Park facilities. There will be no use fees for Bradley Park this season. We can discuss changes to the form we just need the fees voted on for now or need feedback to make adjustments.

Fee Schedule: For first 4 hours

James Olley Park Pavilion: \$75
w/ bathrooms: \$100
\$25 per hour there after

Wooster Grove Park: \$50
w/ bathrooms: \$75
\$25 per hour there after

Wooster Grove Band Stand: \$50
w/ bathrooms: \$75
\$25 per hour there after

Bradley Park : To be determined
Scout Cabin : To be determined

Wooster Grove Gym: \$50 per hour

Deputy Mayor Rumbold made the motion to accept the Village Fees as presented. Seconded by Trustee Carley. All ayes. Motion carried.

Summer Hours

Manager Revella stated there has been a request from Village employees to change the summer hours to be similar to the Town of Montgomery 7am-4:30pm Monday-Thursday and Friday 8-12pm. Same amount of hours they are currently working just makes Friday's shorter and would only run June 3 through September 3rd. Summer hours would not affect salaried employees.

Trustee Mishk made the motion to accept the Summer Hours for the non salaried Village office employees from June 3-Sept 3, 2013 as Monday through Thursday 7am-4:30pm and Friday 8am-12noon. Seconded by Trustee Carley. All ayes. Motion carried.

Midge Norman Park Dedication – 5/18/13 1pm

Deputy Mayor Rumbold made the motion to set the Midge Norman Park Dedication for May 18, 2013 at 1pm. Seconded by Trustee Leonard. All ayes. Motion carried.

Special Meeting – Fluoride 5/28/13 7pm

Mayor Maher explained this next item is not an action item but rather an informational for the public. There will be a Regular Board meeting on May 28, 2013 at 7pm to discuss one issue: Fluoride and whether to put it in the Village of Walden water or not.

Appointment of Consultants

Deputy Mayor Rumbold made a motion to appoint the Village Consultants as listed until the next Village Reorganization Meeting. Seconded by Trustee Carley. All ayes. Motion carried.

Village Attorney – Dickover, Donnelly, Donovan & Biagi

Village Engineer – Lanc and Tully

Village Planner – Alan Sorenson

Accountant – Vanacore, DeBenedictus, DiGiovanni, and Weddell (with the option to continue with the same fee rate for 3 years)

Village Sewer Operators – VRI

Planning Board Engineer – Ron Gainer

Discussion Items

Pool Filling

Manager Revella stated that we've had 10-15 requests asking for adjustments on their pool if they had a leak or a liner replaced to waive the sewer portion of the bill which we do. There have been a number of requests asking for consideration when they have to top off their pools in the beginning of the season which we currently don't do that.

Mayor Maher stated what he's heard is it's cheaper to use our water than outside water. However it is tough to measure which is why we don't do it.

Trustee Carley stated that how do we know they are filling their pool. They could be watering their lawn. Having a pool or watering your lawn should be on the resident as a choice.

Trustee Hoffman asked if people who water their lawns come in and ask for discounts.

Manager Revella stated yes indeed they do.

Deputy Mayor Rumbold feels it's a luxury to have a pool and perhaps we can have a day where everyone is doing it and they have to sign up and we come and do a reading and then we do another reading.

Mayor Maher asked Manager Revella to do some research to include a minimum of 5 feet so the Board can see if it's worth the tax payer's money and see if it's enforceable.

Ethics Board Appointment

Manager Revella explained that Anthony Marengo's term expired 4/1/2013 and is not interested in reappointment, so there is a vacancy on the Ethics Board for the Board of Trustees to fill.

Attorney Myrow explained that general municipal law says that members serve at pleasure of the Board. It's for the board to determine as to their judgment of who shall fill that vacancy.

Mayor Maher asked the Village Clerk to advertise the vacancy for any Village of Walden resident interested to submit a request and then the Board will appoint someone from the interest we get.

Public Comment

Jessica Metzger, 4 Gracewood Court, has a question about the special meeting for fluoride; will there be an official from the Dept of Health?

Dept of Health yes and the CDC are not confirmed yet but we still have to draft an agenda.

Jessica asked who was reaching out to them.

Mayor Maher stated he talked to the Health Department already in a separate conversation and they said they would be there and he called the CDC already but is still solidifying that.

Jessica commented on the Midge Norman Park dedication that there are still things that are to be installed in park. Will it be done prior to the dedication?

Manager Revella stated the bike rack and one of the tables will be installed prior to the dedication. Dog bag post is not back up yet but and the official sign will not be put up until that day.

Jessica stated that she owns a pool and that owning a pool is a luxury that the residents should take care of and the Village should not be entertaining topping off pools. Not in the business of doing it as there are a lot of other things that are more pressing in the Village.

Anita Vandermark, 76 Highland Avenue, announced that the Friends of Walden Youth Yard Sale has raised a little more than \$1,600 now for the Recreation Department. For the Midge Park Dedication the Friends of Walden Youth will provide refreshments that day. May 15 there will be a great speaker, Ray Kelly on the Newburgh Walden Trolley at the Walden House.

Mary Ellen stated she was still confused on the agenda as she sent a note asking about the video to be put on for discussion and it didn't get on there. Do we need a Board consensus to be put on the agenda?

Manager Revella stated that we don't need to talk about it in a meeting as it was in the Manager's report called: Once There Was A Main Street.

Mary Ellen stated that she appreciated the vote for Edmunds Lane. We met for over a year and we didn't make a flip decision of what we saw or thought and the proposal was made to the committee which rejected it as it was out of character with the area. Discussed for a long time up and down and with Alan and wasn't just anything that happened over night. So thank you for listening. She has a comment about Ethics Board appointment to please take applications for independent people who aren't related to the

Board or other entities and do not have connections to other people on the payroll or otherwise.

Becky Pearson, 167 Walnut Street, had a question about the summer hours as it relates to non salaried employees does that only mean it's for Vicki and Lauren.

Mayor Maher stated yes.

Becky asked about the Village Fees as she was not sure she heard the whole discussion; why no fees for Bradley park as it's a large source of revenue?

Manager Revella stated that the use of the parks has already been approved for this year so perhaps we can discuss it for next budget year, starting in March.

Becky commended the board on the Edmunds Lane decision.

Dennis Wagemann, 27 Ulster Avenue, commented he was in an awkward position here and doesn't know how to address it now as he was threatened with arrest. With regards to 24 Ulster Avenue there was a zoning change request and he would like more discussion on this for this specific zoning change. The property was never compliant with the law. What he believes happened was there was a lawsuit and the Village decided not to pursue anything against White Birch Manor. They never had a CO and were never allowed to operate. RECAP project came in looking at it but this was before that project was discussed. This project could never meet the Village law and went defunct because CO's weren't even complied with and the property sat there looking like a house and could be used as a house. Somewhere in the very recent past it appears the property count that the Town has become a class 642 a health facility. Instead of reverting to a residence it reverted up. This was either done through stupidity on someone's part or as a favor in violation of the law. Same thing as what the Edmunds Lane has had now than a few years later for some reason someone just decided to change the card.

Trustee Hoffman stated that it sounds like assessors property class code which doesn't affect their zone in the Village.

Manager Revella stated this property was granted a zoning variance to be a Senior Health Facility and Assisted Living Facility and has been empty for quite some time.

Dennis continued that he would like to know why this property that was in violation to begin with got upgraded to a health facility.

Trustee Hoffman advised he ask the Town of Montgomery Assessor as he is the person you should ask as we have no control of that.

Dennis stated that the Town of Montgomery said the Village did that and is now advertised as a fully approved assisted living facility. It got upgraded to a health facility now is advertised as fully approved and it's not approved. Send him to whomever you want; the problem is that it's wrong.

Manager Revella stated that if the sign does say that we can address that, as it is not fully approved that is wrong.

Trustee Mishk clarified that the building is vacant and that is why he is here to complain?

Dennis continued that he was there to complain that it was a project that got out of control that the Village didn't want to deal with the lawsuit and that is why it happened.

Trustee Mishk asked where the project was now.

Mayor Maher stated that the project was abandoned.

Dennis stated that it's dead but the sign is still there saying it's fully approved as an assisted living facility.

Manager Revella commented that just so he knows in order for a sale of that property they would have to get a Municipal Search from our Building Inspector on what was approved for with any violations etc.

Dennis stated that the residence is under construction.

Manager Revella asked him to bring whatever records he has to the building department to compare with our records and see what we can find.

Dennis stated he's had FOIL requests for over a year now on this property and been told the office is too busy to comply.

Oscar Alleyne, 12 Windrift Lane, applauded the Board for voting with a conscience with regard to Edmunds Lane. With regards to the Fluoridation meeting he would be willing to assist him at the state level and the county level if you so need. Doubt CDC will attend because of their travel budgets but he deals with them constantly. He offers his expertise to be of assistance.

Payment of the Audited Bills

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

Deputy Mayor Rumbold commented on the many daily trips to the Thruway. She had hoped there would be an ordering process in place to avoid this.

Manager Revella stated that several employees got warnings and are now going through the Deputy Clerk to order in bulk. Lauren is the gate keeper of the ordering she gets the pricing comparisons.

Correspondence - none

Miscellaneous Comments from the Board of Trustees

Trustee Mishk just wanted to commend the Department Heads on the budget process and the Board as well.

Trustee Carley commented that he was happy about tonight and hopefully the public is appreciative that we are trying to do our best and be transparent in intelligent ways to make a decision. It's not personal; it's the best decision for the Village.

Deputy Mayor Rumbold commented on Orchard Street parking lot that she asked before to have doggie do holder put in; will it be installed soon.

Manager Revella stated it just got finished being made but they have to install it.

Deputy Mayor Rumbold asked if we could make mention in the Calendar newsletter that we have a pooper scooper law subject to fines as a reminder. She also expressed her concern about the McKinley Monument during rush hour as it's horrific.

Manager Revella stated that we are hoping to do some redesigning at the monument but the State said they can't figure it out either.

Deputy Mayor Rumbold asked if it was worth having an Officer there.

Manager Revella stated we've tried it and it helps a bit but if a serious situation happens then they have no personnel available and it just goes back to normal.

Mayor Maher read the community Events list aloud. He also added that the Community Council Beautification Committee will be doing a front door/porch competition throughout the Village. The award will be \$200 for first place, \$100 for second place, & \$50 for third place. There will be before and after photos taken and judging. He wanted to recognize our time with Blustein, Shapiro, Rich, & Barone as it will be ending at the end of this month. The Mayor presented a certificate to Attorney Jay Myrow for their services.

Executive Session – Personnel, Finance, and Potential Litigation - Garbage.

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel, Finance, and Potential Litigation - Garbage. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

Trustee Leonard moved to reconvene the regular meeting. Seconded by Trustee Mishk. All ayes. Motion carried.

Adjournment

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

**Village of Walden Board of Trustees
Regular Meeting
April 23, 2013
Motions & Resolutions**

Water Request – Dollar General – Resolution 40-12-13

Trustee Hoffman made the motion to adopt Resolution 40-12-13 Out of District Water Hook Up. Seconded by Trustee Mishk. All ayes. Motion carried.

Trustee Hoffman amended the previous motion to adopt Resolution 40-12-13 Out of District Water Hook Up to include number 7 as discussed. Seconded by Trustee Mishk. 4 ayes, 2 no, 0 abstentions. Resolution passes.

Refuse Bills on Taxes

Trustee Leonard made a motion direct our attorney to make a Resolution to put the Village of Walden Refuse Bills on Village Tax bills starting in the 2014-2015 tax year. Seconded by Trustee Carley. All ayes. Motion carried.

2013-2014 Proposed Budget – Resolution 39-12-13

Deputy Mayor Rumbold made the motion to approve Resolution 39-12-13 to adopt the 2013-2014 Proposed Budget as presented. Seconded by Trustee Mishk. All ayes. Motion carried.

Edmunds Lane Project

Trustee Leonard made a motion to refer the proposed Zoning Amendments for the Edmunds Lane Project to the Planning Board for review. Seconded by Trustee Hoffman.

Roll Call:

Trustee Mishk: No
Trustee Carley: No
Trustee Hoffman: No
Deputy Mayor Rumbold: No
Trustee Leonard: Yes
Mayor Maher: Yes

Motion failed.

Village Fees

Deputy Mayor Rumbold made the motion to accept the Village Fees as presented. Seconded by Trustee Carley. All ayes. Motion carried.

Summer Hours

Trustee Mishk made the motion to accept the Summer Hours for the non salaried Village office employees from June 3-Sept 3, 2013 as Monday through Thursday 7am-4:30pm and Friday 8am-12noon. Seconded by Trustee Carley. All ayes. Motion carried.

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