

**Village of Walden  
Board of Trustees Regular Meeting  
May 21, 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  
David Donovan, Village Attorney

**Presentation – Dawn Ansbro, President and Executive Director for the Orange County Arts Council: Filming movies in Walden**

Dawn thanked the Board for their time tonight. She is meeting with all municipalities to talk about the creation of the OC film office. A lot of film activity is happening in OC so it seemed appropriate to start an organization to put some structure around this for the county so we are prepared and film friendly. Film has been happening here for a long time just under the radar. There is an increase in video production in the county and to make sure everything goes smoothly the organization will serve as Liaison between property owners and municipalities. They have begun the process and it's a learning curve for all of us. The OC Arts Council has begun to establish a permit and a standard application so you can adopt them and use them if you choose; it is based off the permit application that Warwick currently uses. Jacobowitz & Gubits did a model film law to present to all municipalities so we don't have to reinvent the wheel which should be out in the next week or so. She suggests we look at it, tweak it and adopt it as we see fit. The law will be on paper with permits and when a film comes to Town everyone knows what to do with it. They are asking that each municipality appoint a point of contact so that when leads come in they can send their contact to the leads. As we get the leads, we can consider what is happening and then send to our contacts across the county. She got a call today for a swamp; yes it's the strange things they look for. It would be helpful to us if we had someone in Walden that we can contact directly to navigate that, since you guys know the Town better than we do and what's available for us. They will also be doing a website. There will be a location library with photos of Walden's historic landscapes or whatever is unique as well basically anything you can think of interest for filming. Please forward to the Arts Council for them to put on their website. Location manager can take leads for visits and tours to make the connections. In the next four to five months they will be

creating a resource guide to share with film makers to show what we have beyond landscapes and architecture. It will show hotels, Bed & Breakfast's, stores, etc. and plenty of things the film would be able to use here in OC to begin marketing to the film industry. They are looking to municipalities as a guide to help us show ourselves the best. It is a not for profit organization and our Board will govern and develop the film advisory council to help guide us and keep us on track. They have been working on this since last year and did make a presentation to the County on the idea and they gave us money to get this project started. We will begin to develop marketing materials we need to market to the film industry shortly.

Mayor Maher stated that Village Manager John Revella will be the appointed liaison. He stated we'd love to have that stuff available so we can be at the head of the line.

Dawn explained that they have drop box to load pictures on there and share.

Manager Revella said that we have had 2 different companies come to us in the last 2 years asking to film.

Dawn responded that this will help to define permit fees across the board.

Manager Revella asked if this should be referred through their office.

Dawn said that's fine as long as they know about it. This will also help us to know how much they spent, where did they shop etc., so we can go back and say we brought all this to the area. Statistics are great to help make that story happen; the better it will be for everyone. We want them to spend money in our businesses and hire our people.

Mayor Maher said having a prepared application for making a film to obtain a permit already available may show that we have our their act together to the filmmakers and they may look at us harder.

Dawn stated that if it happens quickly, will want a quick turn around, and if they can't get what they need they will move on to someplace else.

Trustee Bowen asked if it was just one uniform cost per day.

Dawn replied that that was just an example. Not recommendations, only an example. Once we make the model, we will suggest fees and then the Board can make the final decision.

### **Public Hearing – Introductory Local Law 3 of 3013 Tow Truck Policy**

Trustee Leonard made a motion to open the Public Hearing for Introductory Local Law 3 of 2013 – Tow Truck Policy. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Deputy Mayor Rumbold asked if the hook up fee was included in this law.

Village Attorney Donovan questioned if she was asking about the wenching charge

Mayor Maher replied that she's talking about if someone hooks up to a car and the owner comes outside, if there is anything we can do to prevent them from charging.

Attorney Donovan said the law does not address that. Typically, once your truck is on the wench, they are paying.

Deputy Mayor Rumbold wanted to make sure of what the charge is going to be.

Manager Revella said that it can't be any more than the maximum.

Police Chief Holmes said that one incident charged more.

Mayor Maher said this prevents the gouging of the fees.

Manager Revella said that the max being \$100 is better than the situation being done there.

Trustee Leonard made a motion to close the public hearing for Introductory Local Law 3 of 2013 – Tow Truck Policy. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **Hearing – 47 Seely Street**

Jay Buchalski, Code Enforcement Officer, stated the PT Cruiser is registered which takes care of that. The other vehicle has 2 flat tires and the owner is trying to take care of it.

Deputy Mayor Rumbold asked what the time frame was

Chris Matthews, 47 Seely Street, asked if 3 weeks ok.

Mayor Maher didn't have a problem with that time frame and asked if there was a past history that they should be worried about.

Chris replied he understands that it will be towed away if not taken care of in 3 weeks.

Deputy Mayor Rumbold made a motion to give the Village Manager and the Code Enforcement Officer the authority to tow the vehicle at 47 Seely Street if it's not taken care of by June 11, 2013. Seconded by Trustee Mishk. All ayes. Motion Carried.

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

- Mentioned the NYCOM conference that the Mayor and he attended. Lot of networking lot of vendors. One coming on Thursday to talk to us about better documents; should be good meeting. Talked to other Mayors about saving costs and problems and recent arbitration going on.
- We put a few bleachers together for Bradley Park. We should have replaced them last year. They were the old metal and they were a liability. We had an opportunity that fell in our lap and we grabbed a sale which was half the price and got 4 sets of bleachers. It was a good opportunity and we are safer now with the aluminum that have railings on them. They are required now for all bleachers to have that. Will be adding that as an action item to use parkland funds for them.
- Had meetings with Chief Holmes, Trustee Bowen, etc. about different personnel issues that have been going on.
- Are continuing to patch roadways. Pot holes pop up now and again and we only have one left to do general repair on all others are done.
- Met with the Village Attorney and Clerk to go over some FOIL requests.

- We talked about subordination and loan agreements and the easement that's coming up in executive session. We have more progress to make on that.
- Water works is working on several breaks on Bradley Lane to replace the main there.
- Had a conference with insurance company about 27 N. Montgomery Street. Meeting with contractor soon.
- Bradley Park landscaping should be finished this week.
- Doing the paving today at Pleasant Ave.
- Working with water works on meter part issues. Supposed to be 20 year parts, and some going out 5 or 10 years in some cases. The leader is at a conference upstate and talking about how to fix this problem or go with different company.
- Issue with sewer siphon on Route 52 which is what brings the water across 52. Periodically needs to get flushed out and it got clogged.
- Had a meeting with park committee for Midge Norman park dedication which was very well attended and turned out great.
- Attended a conference in the city with the Recreation Coordinator about managing emotions under pressure.
- Spoke with insurance company about article 78 proceeding. Will update the Board later in executive session.
- We held lifeguard interviews Wednesday and hired what we needed. Counselor interviews will be this Wednesday and next Wednesday for summer camp.
- Accountants coming in on Thursday to get ready for next year's audit.
- Zona Rosa has complied with the paint issues that were discussed this past winter.
- 20 Lafayette Street did remove the vehicles they were ordered to do.
- Tin brook sewer line bid opening was much better.
- Arbor Day celebration went well. Trees are well so far. Ordered water bags to get constant water so they don't get bad. They are clearly marked with white paint.
- Orange County Cal Ripkin league wants to meet with us regarding a field down where the ski slope used to be. It's in compliance with our master park plan where we have it on the map by DPW but it may work where they are proposing it as well. They will pay for it. Contractors will donate their time. Don't see any negative there and have oversight from our engineer. If Board has issues let him know.

Mayor Maher asked if the Board had issues with the Village Manager and our Attorney to enter into discussions to have a field built and then donated to the park.

Deputy Mayor Rumbold doesn't have a problem as long as they understand it belongs to Village; it's not exclusively theirs. Doesn't want there to be any issues like they built it and they should be playing on it.

Manager Revella said that's not their perception at all.

Deputy Mayor Rumbold wanted to make that clear.

Manager Revella stated that there's another field there, so it's for everyone to share.

Trustee Hoffman said it's not a negotiation. He would like them to come forward with a proposal and then we can review it. Welcomes anything they want to propose.

Trustee Leonard asked if the blacktop on Maple Street was acceptable now.

Manager Revella said it's not.

Mayor Maher asked Manager Revella about the Pleasant Ave project, as he got a lot of complaints about a lot of dirt that was cleaned today; is there was more that can be done like keeping the ground wet.

Manager Revella said a sweep is not going to do much. Can't stand there and hose all day. Once it's dry it will be done.

Deputy Mayor Rumbold asked for update on IWS.

Manager Revella replied that they have done everything we have asked. Lauren sent them the finalized report from our billing, but everything was compliant with them.

Deputy Mayor Rumbold asked if Lauren is satisfied.

Manager Revella answered yes.

Deputy Mayor Rumbold asked where they were with water meters.

Manager Revella said they are doing as many as they can and as quick as they can. Doing about 3 a week and they are testing valves now so we have more lined up when Fred gets back from conference.

Deputy Mayor Rumbold asked how many were left.

Manager Revella said there are a little over 60 left.

Deputy Mayor Rumbold stated that's down quite a bit from what we did have.

Manager Revella responded yes and it will keep going down this year. The new problem is that other ones are going bad now. Getting to a point where we replaced all the ones initially but now we have ones in the back end going bad. Batteries are only lasting 5 years and should last 20 years. Fred is up there talking to them now.

Deputy Mayor Rumbold asked if putting in new batteries is not fixing the problem, is it the meter itself?

Manager Revella said no they are working fine. The sensors are going bad.

Trustee Hoffman said not getting signal but reading manually it's there.

Manager Revella said that defeats the purpose of the outside meter

Trustee Bowen asked if it will affect the billing.

Manager Revella said no, that it just costs more time to get reads in. Sometimes it causes a problem where we leave a card at the residence and they fill out incorrectly and they get a huge bill because they didn't read it right. Fred is up there talking about batteries are not  
May 21, 2013

doing their job, either do the right thing by us or we are going to use someone else. This is unacceptable so he is up there seeing if the competitor can do anything better with their product or service. We are not satisfied with the company.

### **Approval of April 22, 2013 Attorney Interview Minutes**

Deputy Mayor Rumbold made the motion to approve the April 22, 2013 Attorney Interview Minutes. Seconded by Trustee Bowen. All ayes. Minutes Approved.

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

#### **Town of Montgomery & DPW liaison – Trustee Leonard**

Trustee Leonard reported nothing.

#### **Village Clerk & Village Treasurer Liaison – Trustee Bowen**

Trustee Bowen said that Manager Revella added to what's going on with Peter Sullivan and the staff in financial office. Up to date better than previous years. We will get the auditor's overview on Thursday.

#### **Police Department Liaison – Deputy Mayor Rumbold**

Deputy Mayor Rumbold said the Buddhists had an event this past weekend; she spoke to the Chief several times that day and there were no issues. There is going to be Memorial Day event, thanks to Chief and Clerk Bliss who are coordinating that. There will not be a parade but will have a ceremony at 8am on Monday the 27th.

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

Trustee Hoffman said he went over a number of different enforcement issues down town, which are now compliant. Dean is trying to schedule a meeting at the Thruway site before demolition with Lanc and Tully and their engineers. We went over the accessory apartments law for his feedback.

Deputy Mayor Rumbold questioned the tractor trailer route, when they start demolishing that, there are going to be vehicles carting away debris. Do they know what route they're going to be using?

Trustee Hoffman explained that's one of the items on Dean's list for compliance prior to a permit being issued. Need to talk about noise and route.

Deputy Mayor Rumbold suggested keeping the Chief in the loop on that.

Manager Revella suggested they can take Oak Street and then taking left onto Main and go right around out to 208 to wherever they are taking it.

Trustee Hoffman stated they will be dump trucks not trailers.

Deputy Mayor Rumbold asked if those things have to be covered when taking debris

Manager Revella said yes, they do. They need to be a rolled tarp over the back.

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

Trustee Carley said the Budget Vote is today, polls open until 9pm. Bradley Park is going well; bathroom keys are at dispatch office for control. SYLA is running from July 15<sup>th</sup> for 4 weeks for 14 & 15 year olds 9-3pm daily. Tennis has started; revenue is \$1600, which is better than expected. Beautification of parks has started. MIG events are set and on the website. Current programs are still under way. Skate Park is the next agenda item.

### **Village Justice and Library Board Liaison - Gerald Mishk**

Trustee Mishk said he had nothing to report on the Library. He spoke to the Judge yesterday who said he will have free time next week to meet.

Deputy Mayor Rumbold said that she was asked if this was a unique year with number of events the Buddhists are having or is this going to be normal.

Manager Revella stated yes, that their leader is here for 4 months, will not be an all the time thing.

Deputy Mayor Rumbold said that she recommended she contact you and the Chief. She's still concerned with her street with parking issues. Has small driveway, if she gets company they can't park there.

Manager Revella said the temple traffic can't park there, so shouldn't affect the residents.

Deputy Mayor Rumbold asked how we distinguish between temple traffic and residents.

Manager Revella said the security is out there from the temple, plus we have people out there we direct and make people move.

Deputy Mayor Rumbold said she was concerned because she has been asked to move her daughter's car that was parked on the street.

Chief Holmes said the only time that should happen is at the beginning or the end when we try to work out. Just like Harvest Fest or special events just call us and we will arrange something.

The Mayor Read the upcoming Community Events listing into the minutes.

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

Becky Pearson, 167 Walnut Street, commented about OCCR league. Town of Montgomery had a rift between town people who didn't want to put ball fields in Benedict Park. Communities fought hard to get them two ball fields there as well.

Manager Revella said they are bringing proposals

Becky said she is not against baseball, but against parents who can't work together.

Manager Revella stated that the master plan calls for another ball field at Bradley anyway. Not because of rift, they felt there is a need for one more field.

Becky asked if they're utilizing the ones in Town of Montgomery.

Manager Revella said we still need our field for other organizations.

Mary Ellen Matisse questions about proposed accessory apartments. Is this a model from somewhere else?

Manager Revella said that they talked about this from the tri-board meeting.

Mary Ellen comment is if in discussing this and proposing have we done an analysis on all the units in the Village now both legal and illegal and get a percentage of what is illegal now. Maybe more than 40%. A lot out there that is divided up illegally. Comprehensive plan and where we see the Village going. She questioned who proposed the civilian police advisory on the agenda.

Mayor Maher said it was brought forward from Trustee Gerry Mishk

Mary Ellen asked if Package lighting building was just informational. Requesting that DEC does clean up. What they are asking for is public comment about procedures to be used, trucks contamination to water. Is Village Board going to make public comment?

Mary Ann Landolina, 147 Walnut Street, asked if the parks and rec department have a comprehensive board.

Manager Revella stated the plan is finished so we don't need any more meetings. What they got back they had finalized with the recommendations and gave them to comprehensive plan committee and it's in the plan and accepted it. Final version is in the comprehensive plan. The Park comprehensive Board was used just a short time for that purpose at the time.

### **Action Items**

#### **Introduction to Local Law 3 of 2013 – Tow Truck Policy**

Deputy Mayor Rumbold asked if all tow truck companies eligible for that.

Manager Revella said yes, they have to contact the Village Clerk to apply.

Clerk Bliss said the Chief and she have a list of about 8 different local companies.

Deputy Mayor Rumbold asked if once they reach out and see who is interested, they are going to get a list of the fee schedule. Does that fee schedule have to be prominently displayed anywhere in their businesses. How would a citizen know what a fee schedule is?

Manager Revella said they always have everything posted at the office for all Village things and on the website.

Trustee Mishk asked if there was going to be a tow truck sign.

Manager Revella said there will be sticker permits.

Trustee Mishk said he's seen the sticker taken from truck to truck.

Manager Revella said that they will put them on themselves.



Mayor Maher asked if they have seen anything in the past that maybe we can improve upon our sticker process.

Chief Holmes stated that each one gets a number also and they are paying for that truck. So if a truck comes in that doesn't have sticker, we will find out why. Had issues in the past where bumpers were damaged and needed a new sticker.

Manager Revella said we would compare to license numbers and VIN numbers.

Trustee Mishk asked if they replaced a vehicle, say mid license year, do you charge or is it transferable.

Manager Revella replied that they pay a fee per vehicle. So initial vehicle is one rate, then the others a lesser rate; it really depends on the situation.

#### **Resolution 44-12-13 Tow Truck Policy**

Deputy Mayor Rumbold made a motion to accept Resolution 44-12-13 to adopt Local Law 3 of 2013 - Tow Truck Policy. Seconded by Trustee Hoffman. All ayes. Motion carried, Resolution passed.

#### **Resolution 45-12-13 Fees for Towing Companies**

Trustee Mishk motioned to adopt resolution 45-12-13 pertaining to a fee schedule for Towing Companies. Seconded by Trustee Bowen. All ayes. Motion carried

#### **MS4 Annual Report**

Deputy Mayor Rumbold motioned to authorize Village manager to sign MS4 Annual Report. Seconded by Trustee Leonard. All ayes. Motion carried.

#### **Tin Brook Sewer Main Bid Acceptance**

Mayor Maher asked if he foresaw any issues with the project if they were out of state.

Manager Revella said they do this all over the country. They work all over, just their headquarters are out of state.

Trustee Bowen asked what the nearest reference was.

Manager Revella said there were Ct and Mass references.

Attorney Donovan stated in Bridgeport, Hartford, New Haven CT and Gardner, Mass.

Mayor Maher questioned if it was cleared by Lanc and Tully.

Manager Revella stated they are per unit bids as well and we did budget \$100,000 for the project and their pricing allows us to go farther down the line with the money we have allocated because we will be under budget by a lot.

Trustee Leonard made a motion to accept the bid for the Tin Brook Sewer Main from Insituform Technologies, LCC in the amount of \$81,901.00. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

## **Park Expenditures**

Manager Revella said there are 4 sets of bleachers, 50 seat size, aluminum with fencing along the side and foot backers and we got for \$2,500 each and the second lowest was \$3,699. We saw an opportunity and jumped at it.

Trustee Bowen asked if they would be pulled inside in winter

Manager Revella answered no. They're aluminum so they don't have to.

Trustee Bowen motioned to approve of parkland funds being used in the amount of \$10,000 for the purchase of the 4 sets of bleachers. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

## **Discussion Items**

### **Ethics Board**

Mayor Maher asked Alex Landolina and Anita Vandermark (Ethics Board members) to join conversation about proposed local law amending the law.

Deputy Mayor Rumbold thought it would have been helpful if they had this document ahead of time.

Mayor Maher wanted to maximize the time because they don't have the documents that they have. So the questions that are on the Board and this came from them having the case and making recommendations to this Board that they would like power to investigate. Been issues with Board members about whether or not it should be employees or just elected and appointed officials. Employees are under review of the Village Manager. One questions brought up was that this shouldn't be given to the employees, as well as there is already a mechanism in place to take care of them. He suggested it should strictly be Zoning, Planning and Village Board members.

Alex said it should cover all the employees as well because of the way complaints come in. Feels that the power or subpoena is too powerful but as far as ethics, don't know why it should just be laid on John, it would eventually get to him if we make a decision and someone has violated the ethics standards. When someone signs on as an employee, they have a copy of all the rules.

Anita said if an employee or an official wants a decision they are entitled.

Mayor Maher stated that the second part of this is granting investigative powers. To employees this is something that some suggest should only be seen by Village Manager and may be seen as undermining his authority if another board had some kind of power over him to do something to his employees that he hires.

Deputy Mayor Rumbold said the ethics Board is still going to be advisory and give the Board a synopsis of what they feel they are not going to give out any punishment; they will just advise the Board. We have Village employees on the Ethics Board, judging the elected officials and planning board. But they want to be exempt from any of their employees going in front of the same board; that doesn't make sense.

Trustee Hoffman said the legal opinion that the Ethics Board received was that no one had the authority right now. Just the items listed in chapter 38.

Mayor Maher said there is no mechanism in place that Manager Revella can do anything about a Village employee against the ethics code.

Manager Revella said for violating Village policy, yes he can.

Attorney Donovan stated they would have to figure out what is being violated because there could be issues if it was a union violation or employment. There is a collective bargaining agreement in place to trump what the Ethics Board is here.

Mayor Maher asked to provide feedback for what he can draft for us.

Anita said the chairperson is not here and they lost another board member. They haven't had a reorganization meeting yet either.

Attorney Donovan met with Mr. Golden to discuss the update and the issues regarding the fall recommendations and it's not a problem to have more conversations.

Mayor Maher stated they have been trying to make attempts to move forward but they want to do it the right way. He would love to have a meeting where more board members are present and they have a reorganization meeting and then appointing a new member.

Trustee Bowen stated that the people who are going to be on the board make a commitment to the board.

Alex agreed that they would have to be thoroughly vetted so that whatever their opinions are they have to be dedicated to perform.

Anita said in July of 2009, we made a recommendation that the board hold yearly training of the employees so they would have more insight perhaps given by the Village Attorney or whomever; to give a seminar.

Mayor Maher asked Attorney Donovan to talk to Rick Golden. And in the near future, they will have some candidates and their qualifications to fill the Ethics Board spot.

Trustee Hoffman stated some issues they were looking at, they were going to make changes to the law and composition and general policy and to have a broader sense they should be looking at a policy, not just this Board.

Deputy Mayor Rumbold wants to make sure that in the future, if discussing something with the ethics board that they get copies in advance.

### **Comprehensive Plan Zoning Changes**

Manager Revella said Alan is bringing information at meeting with Mayor and price with helping with comp plan and zoning changes and is bringing the grant work also. Meeting is on Wednesday at 4:15pm; he will report back.

## **Draft ILL 4 of 2013 – Accessory Apartments**

Mayor Maher said this is the product of the tri board meeting and a valid argument was made not necessarily an attempt to increase more rental units but to give relief to residents who are trying to keep their homes. Also to place a mechanism to enforce a lot of those illegal rental apartments

Attorney Donovan asked if the board had an opportunity to look at it. Something interested in, authorize him to prepare LL and give to Planning Board and OC Planning Board and when you are comfortable with LL, schedule a public hearing. If ok with it approve, if not, make modifications.

Trustee Hoffman said ZBA chair is here asked if she would like to speak.

Brenda Adams said they covered exactly what they wanted to do. Give relief to people who are having a hard time staying in their homes, not to make a second apartment family. The unit would have stipulations to make it go away if the home is sold.

Deputy Mayor Rumbold stated they needed to address questions from Mary Ellen. What is our percentage right now in the Village? How would we know what is illegal John?

Manager Revella said the building department works on this all year and is in the Landlord registry also which have every other year inspections for these. The new system is getting him there faster.

Mayor Maher suggested bringing in Dean and Kerron with survey information.

Manager Revella said the census has information too but not sure how accurate or up to date it is.

Mayor Maher says it's important for us to get that info, just difficult to do. Have an answer from building department or John to tell us how we are doing that.

Trustee Hoffman said we should enforce our zoning codes.

Mayor Maher wasn't dismissing just suggested to do 2 things at once.

Deputy Mayor Rumbold said she has no issue but also thinks for many years we don't know what is out there. Don't know how many are operating boarding houses. Is there a way to find out? Apartments aren't being maintained as she seeing more and more issues throughout the Village. She stated that it's a common issue. Lots of issues with buildings in the Village as it is many are not maintained and tenants are not complying with laws; such as one that is throwing garbage outside windows instead of taking it to the dumpster. She's seen and dealt with a particular location and it doesn't get better. There are legal apartments not in compliance and she's not sure what the answer is. There is garbage up Walnut Street on roofs and mattresses on top of a roof as well.

Trustee Hoffman spoke about that particular property today and has begun enforcement on them. It just takes some time.

Deputy Mayor Rumbold said she knows it takes time but really thinks that unless we start to defend the policies we have in the Village that the problem will get worse not better. In this economy, landlords are trying to save money by not renting dumpsters; our employees are acting as maintenance people for these buildings. They have a lot of other things to do and she feels as a Board we should take a stand. Landlords are collecting rent and ignoring issues. She would like to address these issues since we are talking about allowing more units in this Village. Property owners are tired of this now. She would like to know what % of living space in this Village are apartments right now. She thinks it's pertinent to know.

Mayor Maher thinks they are all interested as well, just thinks that while it's very important information, they need to find out exact numbers as much as possible. Thinks there are two different issues.

Trustee Mishk would like to utilize the water and sewer bills to try and determine.

Manager Revella stated also go by garbage volume to figure out. It's been helpful.

Deputy Mayor Rumbold asked can you ask a private residence and see if they have people in the apartment.

Mayor Maher asked the Board if they were interested in a local law draft. (All agreed.)

Trustee Hoffman stated this was on the planning board's agenda and they tabled it to make it a more efficient process and rather than give additional suggestions, they would comment on whatever we sent to them.

### **Police Department – Civilian Advisory Board**

Trustee Mishk stated this would consist of 4 civilians appointed by the Mayor at the approval of the Board. They should have a background in law enforcement or business that would apply and would be run by the Mayor or his designator. The Chief would be the secretary to this Board. They would interview and appoint and promote police officers, approve rules and regulations that govern the PD, and also investigate personnel issues. Would serve as the disciplinarian or take compliments by the public which gives civilians someone other than the PD or Village Manager to talk to. Complaint may get buried or covered up and they can be used as a sounding board. It also allows for more transparency. There is no cost to this but we may want to give a small budget for purposes of awards or accommodations to PD. They would meet monthly at their convenience to discuss the issues. Accreditation, this would show the openness of the department to look at this. This takes away the politics. Not going to get accused of appointing/firing/promoting someone because they are friends with someone. In case of a tie, the Mayor or designee votes. Will be 4 people conducting the interviews not just 1. They had something similar to this in Middletown and it kept politics out of it and worked well there. There were people that didn't get promoted for years there; they did have qualifications but were passed over many times because they were not liked. So we're trying to take away from that.

Mayor Maher stated it would be board approval.

Deputy Mayor Rumbold said have to find out if it's allowed under 15A. 15A is a Manager form of government not Board form of government. Power given to Manager and this would take away from him.

Mayor Maher said that if you need to take that away, don't think it's conceivable by having him designee because that authority in our form of government belongs to John. Saying to start take out Mayor and put in Manager but we'd have to check that.

Deputy Mayor said that paragraph 2, Village manager appoints, promotes etc. under 15A; can we take that power way from him and give to PD advisory board?

Attorney Donovan hasn't had a chance to look into that.

Mayor Maher said that this is just informational and waiting for comments from the Board.

Deputy Mayor Rumbold said if we can't have that under 15A and that's how we operate, then we need to.

Attorney Donovan said it seems more like a commission board not advisory. The intent is to do more than advise.

Trustee Bowen thinks it goes down to writing for these 4 people, what their credentials are in order to do this. Appointing, it's already done, as it goes right back into the politics of it. Base of people an especially, there are people from the Village who did not come from this Village who would like to be involved in certain things but don't get the opportunity.

Trustee Hoffman asked if you changed the description to advisory type of board not commission, would it be allowed in our form of government.

Attorney Donovan stated that something that has been an advisory capacity or that may be the nature of a civilian complaint board would be more likely to be implemented as opposed to a police commission that would supersede the authority of the Village manager.

Trustee Leonard asked how this in Middletown came into play with the PBA contract.

Trustee Mishk replied it was fine, no problems, open meeting attended.

Trustee Leonard questioned if anything was written in the contract.

Trustee Mishk said no.

Trustee Bowen asked who sat on the board.

Trustee Mishk replied 2 democrats and 2 republicans. He said that it worked and they were intelligent. Doctor turned lawyer on the board. Good questions asked, looked into things quite a bit, just like everything else, if it's allowed to be dictated, it's not going to work.

Mayor Maher said his intent is to not dictate, it is to set up a mechanism to use a pool and select from that. Need to figure out if legal to do, if not, some options of what we could do.

Chief Holmes said he has had discussions, it's a 50/50 shot, he understands the intention. There are good points and there are bad points. Add another layer to his report to. See transparency that could occur. Accountability is good, some merits to having an advisory board like that, maybe not everything he's suggested to that. But there are some other experience there and good conversations. Will we go forth with this or not and does have issues. 15A prospect and what that means and like the advisory role; he's not against it. Big issues are reporting and the possibility of politics changing.

Mayor Maher stated that they will find out if it's feasible and come back with more discussions and options.

Chief said he researched some things, IACP puts standards out. They have layers of this, not so much the whole package but parts of it.

Trustee Mishk said that one thing left out when the members see an equal playing field it may have more benefits they tend to work better also. Equal shot at the same things. There is a perception when they work a job.

Manager Revella thinks that the most important aspect of this is the civilian complaint advisory board. Talking about this since been appointed, been working on and can be improved. He said the complaints come in to the Clerk now. They are permanently filed and sent to Chief and John. Investigation is done by Chief or designee.

Trustee Bowen asked what the time frame was of getting resolution to the person who made the complaint.

Chief said try within 30-60 days. Sometimes it takes time.

Manager Revella stated that sometimes there is a criminal investigation.

Trustee Bowen asked if there was discipline or something written on it.

Chief said they are very cautious and go through the labor attorney on that. Merit to it we found out there is an issue and we have handled it but there are certain personnel issues.

Manager Revella said we can't tell them everything but we can tell them we took the steps.

### **Public Comment**

Anita Vandermark, 76 Highland Avenue, said Historical Society is having fundraiser on May 23<sup>rd</sup> at Daxxon 10% of sales go to the Society. Memorial Day and Flag Day are coming up and it's always a sore spot for her that there are not enough flags flying.

Manager Revella said the flags should be here by Thursday.

Becky Pearson, 167 Walnut Street, commented on the accessory law; Sue is not wrong there are many things wrong with apartments that are illegal but this is two separate things. Fix part before moving further. Up to you people to decide that, we just put  
May 21, 2013

something before you. We have laws that no one follows anyway. One should not hinder another. You're the people to have that discussion. Draft the law before you have a discussion. Not sure about the procedure. Discuss what the zoning board put before you first. Discussion should be part of what was put before you. You change what you want then send to zoning board etc., paying twice for something you may not want to do in the long run. Could be off base but that's her recollection of how a law should be started. 15A, big issue, not sure, manager form of government, he's the man, he hires and fires they are the law makers. He can tell you what's going to happen and you can advise but he still makes the decision. In the 60s was not voted on for this Village, which you might want to look into. 17A section. We don't follow NYS law because of that. Put it to the public. He's the bomb. Would like to see more discussion first before sending to the attorney then let him finalize what you should be doing.

Mary Ellen Matise, 21 Clinton Street, commented on 15A form of government; John has the pertinent info at the time of the hearing 1972 voted to operate under the old Village law, he has all the things, what we can and can't take his authority away. We are old school here. Apartments smallest lot in the Village, her neighborhood is decimated by rentals and the thought of any more rentals would kill her at this point. Almost every other single family house on her block is rented out. It isn't even owner occupied at this point. Single family houses are rented, multiple family houses are rented out, and apartment buildings on Ridge Ave are rented out. How many more can she live with? Never consistent. Tough to live in a single family neighborhood with a lot of rentals. More apartments, talk about what you have out there first and think about who it's going to change the nature of what's going on in Walden.

Mary Ann Landolina, 147 Walnut Street, commented on last weeks Arbor Day Ceremony at Olley Park, there were 4 3<sup>rd</sup> grade classes there. The ceremony and dedication was fantastic and the effort that Becky put into it was great. She should be recognized for that.

Brenda Adams, 31 Valley Avenue, mentioned that the zoning is far more complicated than what she is going to say. Whenever anybody comes before them, they feel the zoning has adversely affected their property. When we have to look at things we have to focus on the property and not the person. A use of variance, such as turning something into a different variance. Had to make a lot of heartbreaking decisions because we had to focus on the property. We've tried to be compassionate too. Senior citizens or disabled, they prove the financial hardship, not supposed to look at their personal problem, we look at the property. Ignore their personal circumstances and say you have a 1 family home in a one family zoning, put yourself in the place of that person, who wants to say there for the rest of their life, your compassion comes in for some play, and that's why we were looking at the accessory apartment because it's temporary. It helps the person but doesn't change the property. It goes back to a 1 family, if that's legal. Temporary relief for someone who is in financial need. Some people's family can help them and keep them in their homes. Other people have no one to help them, they are holding on all by themselves. Trying not to add apartments, not to make it a permanent situation. Trying to find some way the zoning doesn't permanently affect the person in need.

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

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



## **Correspondence - none**

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

Deputy Mayor Rumbold said park dedication was a great experience. A lot of people who were there for family and who were so thrilled for her and the friends of Walden youth did a great job with the refreshments. Rain held off and it was just surreal standing there watching her grandchildren play on the playground equipment. Not a better way to plan that to have happened. Great thing to be part of and witness. 2 years to the day of her death, which made it a bit difficult but Mike did a great job. The speakers were great and she just would have been thrilled. All she kept thinking about was how thrilled she would have been and how humbled she would have been. Thanked the Village for doing that for her and her family for letting us be a part of her legacy. She was touched by it.

### **Executive Session – Personnel, Central Hudson Easement Request, Litigation update.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss the employment history of a particular person, Central Hudson Easement Request, Litigation update. Seconded by Trustee Hoffman. All ayes. Motion carried.

### **Reconvene**

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

### **Adjournment**

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

**Village of Walden Board of Trustees  
Regular Meeting  
May 21, 2013  
Motions & Resolutions**

**Approval of April 22, 2013 Attorney Interview Minutes**

Deputy Mayor Rumbold made the motion to approve the April 22, 2013 Attorney Interview Minutes. Seconded by Trustee Bowen. All ayes. Minutes Approved.

**Public Hearing – Introductory Local Law 3 of 2013 – Tow Truck Policy**

Trustee Leonard made a motion to open the Public Hearing for Introductory Local Law 3 of 2013 – Tow Truck Policy. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

Trustee Leonard made a motion to close the public hearing for Introductory Local Law 3 of 2013 – Tow Truck Policy. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Hearing – 47 Seely Street**

Deputy Mayor Rumbold made a motion to give the Village Manager and the Code Enforcement Officer the authority to tow the vehicle at 47 Seely Street if it's not taken care of by June 11, 2013. Seconded by Trustee Mishk. All ayes. Motion Carried.

**Approval of April 22, 2013 Attorney Interview Minutes**

Deputy Mayor Rumbold made the motion to approve the April 22, 2013 Attorney Interview Minutes. Seconded by Trustee Bowen. All ayes. Minutes Approved.

**Resolution 44-12-13 Tow Truck Law**

Deputy Mayor Rumbold made a motion to accept Resolution 44-12-13 to adopt Local Law 3 of 2013 - Tow Truck Policy. Seconded by Trustee Hoffman. All ayes. Motion carried, Resolution passed.

**Resolution 45-12-13 Fees for Towing Companies**

Trustee Mishk motioned to adopt resolution 45-12-13 pertaining to a fee schedule for Towing Companies. Seconded by Trustee Bowen. All ayes. Motion carried

**MS4 Annual Report**

Deputy Mayor Rumbold motioned to authorize Village manager to sign MS4 Annual Report. Seconded by Trustee Leonard. All ayes. Motion carried.

**Tin Brook Sewer main Bid Acceptance**

Trustee Leonard made a motion to accept the bid for the Tin Brook Sewer Main from Insituform Technologies, LCC in the amount of \$81,901.00. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Park Expenditures**

Trustee Bowen motioned to approve of parkland funds being used in the amount of \$10,000 for the purchase of the 4 sets of bleachers. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Payment of the Audited Bills**

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

**Executive Session – Personnel, Central Hudson Easement Request, Litigation update.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss the employment history of a particular person, Central Hudson Easement Request, Litigation update. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Reconvene**

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

**Adjournment**

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