

**Village of Walden  
Board of Trustees Regular Meeting  
June 4, 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

**Village Manager's Report**

- Financially the year wrapped up nicely.
- Should be reimbursed for FEMA Sandy prep work, we did tree trimming, within the next few weeks.
- Mechanic and Chief discussed the new PD car which they are ordering tomorrow and we should get within 3 weeks.
- CHIPS funding should be coming in shortly as well.
- Ordered salt which is within the confines of the budget.
- OCTC had a good meeting where we discussed current projects. They also introduced the new regional director.
- We had a meeting with the park committee for Midge Norman park dedication that was on May 18<sup>th</sup> and was well attended.
- Rec coordinator and he did interviews for lifeguards and camp counselors. We are all set for camp to start. Pavilion project in the park is happening now as they are starting drainage work in house at end of week.
- We had a good demo from Granicus a program for minute taking and document storage program. We have a meeting on Friday with follow up about questions and concerns we have about program to see if we can utilize it or not.
- Went through the PT candidates to interview for dispatchers and hired 2 new PT dispatchers to fill in gaps. One can start right away and the other one is fresh out of criminal justice program internship at Newburgh PD.
- Did apply for COPS grant and did apply for funding for DWI grants reimbursement. COPS funds not total funding; it is a gradual decrease in coverage. Covers a spot that we aren't funding but does decrease the positions.
- Went over Marangi litigation with special counsel. Should be filing a motion to dismiss by end of the week.

- Payroll changes are going on now. Contractual allowance checks are done for CSEA. June 1<sup>st</sup> changes need to be signed soon, after the meeting to start in the new fiscal year.
- While working on the generator behind the municipal building they found and underground storage tank that holds gasoline which was buried 30 years ago. Did find some product in soil test. Met with DEC to see if we need to do further soil remediation. We can't fill in until it's finished.
- We renewed our insurance policy which had an 8% increase due to assets with the Village.
- Fluoride Town hall meeting was good.
- Camera and lines consent from DEC project should be finished by the end of this week. Doing just the main roads and getting finished at off peak hours 9-3 to limit traffic interference.

Trustee Mishk asked if the PD has enough cars to take this out of service now.

Manager Revella replied that it has been out of service for some time. Probably be surplus at next meeting.

Deputy Mayor Rumbold questioned what the rail trail event is about.

Manager Revella answered that there was an event at the rail trail, with Sustainable Montgomery. Whenever there's an event at the rail trail it's usually coordinated with the Town of Montgomery and we get copies of cert of insurance and times and etc.

Deputy Mayor Rumbold asked if the repairs are done.

Manager Revella replied no.

Deputy Mayor Rumbold asked if they were going to be done

Manager Revella replied that he wasn't sure. He met with Mike Hayes and has no idea because it may be too costly to stop it from washing it out. They claim the brook is eroding.

Trustee Hoffman questioned if they received funding from FEMA.

Manager Revella replied yes, over a year ago.

Mayor Maher said that they said it was not for that portion. There were issues with who owned it.

Manager Revella said that is a secondary concern of ownership and what we're permitted to do there. They're still debating that. Not sure of the cost of repairs. FEMA funds they got were \$40,000.

Trustee Leonard stated he read \$200,000 in paper.

Deputy Mayor Rumbold asked if they were just going to leave it there and continue to let it wash out. At what point will it be unsafe?

Trustee Leonard said that's not the only issue, few weeks ago he was on his bike and the wash out at the top of the switch backs, there's a number of drains plugged along the trail. He would like to get some Board members to write a letter.

Deputy Mayor Rumbold asked if that was something the Army Corp of Engineers can look at.

Mayor Maher said that's a good idea.

Manager Revella said they want projects around here.

Deputy Mayor Rumbold requested that Manager Revella contact them.

Mayor Maher suggested he speak to Steve Neuhaus. Their office is in Bullville, in the Town of Crawford.

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

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

Trustee Leonard reported nothing.

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

Trustee Bowen reported that Peter was given a check list that is up to date. We are moving along well and things are getting better. Feedback from auditors said that things are going well with check list.

Manager Revella stated they are happy with progress.

Trustee Bowen said all taxes are out.

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

Deputy Mayor Rumbold reported the grant paperwork is in. Chief has been busy coordinating upcoming Buddhist events on June 30<sup>th</sup> and July 6<sup>th</sup> with Ani and John. With the new fiscal year PT Officers are back in play which should help with any OT issues.

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

Trustee Hoffman said that Dean is here to go over Accessory Apt Law. There is a breakdown of apartments in the packets. They went over that and the Thruway status which will begin demolition shortly. Also went over the law for event signs.

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

Trustee Carley stated he met with the Recreation Coordinator and they are anticipating more kids this summer and planning is going well. With regards to the School Board, June 19<sup>th</sup> will be the revote on the budget. They are cutting personnel and the tax cap goes down to 4.08. Total amount to reduce is \$3 Million. Reinstigate programs that were there before to help. They are trying to bring back kindergarten and varsity sports and extracurricular clubs.

Manager Revella asked what was chopped for \$3 million.

Mayor Maher replied mostly teaching positions; foreign language, math, and science.

Trustee Mishk said they added 2 special Ed teachers.

Mayor Maher said they did a combination of staff and JV sports. Kindergarten is not half day. It's possible it's A day and B day type of schedule.

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

Trustee Mishk had nothing to report.

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

### **Public Comment on Business of the Board - None**

### **Action Items**

#### **Dollar General Review**

Manager Revella said the applicant had conversations with the planning Board about the aesthetics of the building. He had 3 versions available, there were some other concept things but these are the 3 they submitted. He asked the Board for their preference. Wrote him a letter saying that we have no real say in the process, if we were to make a preference, we would prefer blank one.

Trustee Hoffman asked if they all comply with the Town's architectural standards.

Manager Revella answered yes and now they are asking for a preference of which design.

Trustee Hoffman asked if the Town planning Board indicated their preference.

Manager Revella said the one they brought across the planning Board, we don't have. These are the ones the Town does not have in front of them yet.

Trustee Mishk asked if Dollar general owned this property.

Manager Revella said Primax is Dollar General's real estate company. So Dollar General will be leasing it to a Franchisee.

Trustee Leonard questioned if the foreclosure in process still.

Manager Revella said it's still in process due to back taxes. They are not at the sale point yet so no other options. They are dealing with the bank with an option to buy before then.

Trustee Carley questioned if it would be annexed into the Village.

Manager Revella said there's a small part of the property that is in the Village but not the approved section they are doing possibility in the future.

Trustee Carley stated that it appears that Dollar General had issues with Town of Montgomery with drawings.

Manager Revella said they are asking for their opinion and they should.

Trustee Carley said that it seemed like it would go back and forth.

Manager Revella said concepts have not been before them yet.

Trustee Carley was saying that they can go back and say the Village approved this, why not you.

Dean Stickles said that he has attended every meeting and is speaking as a resident. The residents are not happy with the design. Town of Montgomery has their own design guidelines, which required a pitched roof and in the aspect that they cannot have a pitched roof, they will entertain a flat roof. These drawings are not what the Town wants.

Trustee Hoffman said these were dated today.

Dean said it's not the right roof. Said it's similar to what Hannaford's is going to look like. The Town of Montgomery planning Board wants that to be a gable roof.

Manager Revella said it's not the Village Board's place to say whether it's with in or out of the guidelines.

Mayor Maher agrees that Trustee Carley has a point that the company is saying this one is giving them a tough time and then go back to them and say the Village likes this one

Manager Revella said Village has been given 3 options. If there was other options out it would be justified in the letter.

Trustee Hoffman asked if they were not conforming to Town standards.

Manager Revella said he's not sure and cannot speak to that.

Trustee Carley asked if this was the norm that someone outside the Town has a say so.

Manager Revella said not a normal situation at all because it's partially in the Village.

Trustee Hoffman said they have expressed their desire to have input especially with ones that are near our gateways.

Trustee Bowen asked if it was possible to sit down with the Town and the designer.

Manager Revella said that's why they are trying to get the opinions on Board's preference.

Mayor Maher said we like the 3<sup>rd</sup> the best but want to make sure it's within the Town specs.

Manager Revella replied it's not outside the conformity.

Trustee Leonard said he was in contact with the transportation council. Do you think DOT is going to grant them the 30MPH speed limit?

Manager Revella said they moved it 400ft already.

Deputy Mayor Rumbold asked the square footage.

Manager Revella replied 9000 for the building.

Mayor Maher asked if the planning Board meeting next Monday. Had some of the residents reach out that they would like him to attend.

Manager Revella said that they have some designs that they want to make sure are aesthetically pleasing.

Mayor Maher said that they are more concerned about traffic and kids through a sidewalk that's minimal to the traffic.

Dean said that those issues have all been directed through DOT and we have no say in that. Board asked for the 30 MPH to be all the way down past Amthors but they didn't grant that.

Deputy Mayor Rumbold said sidewalks and anything else have to be addressed to the Town and DOT.

Manager Revella confirmed that's correct. Not preferring to have that. He believes the DOT was talking about it but not planning on having it.

Trustee Carley asked if the neighbors don't want it there or the Dollar General design.

Dean said that unfortunately that's a B4 zone in Town and it's allowed there. They are just concerned with the design and the look of the building and the speed and traffic issues. Town Board was not happy with design because they wanted a peak roof.

Trustee Hoffman asked if they didn't like the technical design but were ok with site design.

Dean answered that they like the site design.

Trustee Mishk said 3<sup>rd</sup> is the best one.

Mayor Maher asked if they wished to have John bring back to them that as long as we ensure it's conforming with the Town they aren't particularly impressed but the 3<sup>rd</sup> option is the least worst option.

Trustee Mishk said he would like to see it conform with the architecture of the buildings around it.

### **Resolution 1-13-14 Central Hudson Easement**

Village Attorney Donovan stated he negotiated \$5,000 which shows a small area that is there and tacking it onto the existing easement. They require 75ft from center lines. Central Hudson has offered \$1,900 and he persuaded them to pay \$5,000.

Trustee Hoffman asked if it was an annual fee.

Attorney Donovan said no, one time only.

Deputy Mayor Rumbold motioned to approve Resolution 1-13-14 Central Hudson Easement. Seconded by Trustee Bowen. All ayes. Motion carried.

**Resolution 2-13-14 Bond \$190,000 Sanitary & Storm Sewer Infrastructure**

Attorney Donovan said some of these resolutions are type two actions. He indicated that the infrastructure placed in the Village sewer system facilities that is a type two action and no further procedural actions require just need a motion to adopt resolution

Deputy Mayor Rumbold motioned to adopt resolution 2-13-14 approving the Bond for \$190,000 for Sanitary & Storm Sewer Infrastructure. Seconded by Trustee Mishk. All ayes. Motion carried.

**Resolution 3-13-14 \$460,000 Water System Infrastructure**

Attorney Donovan said this is also a type two action that does not require further action.

Trustee Mishk made the motion to adopt Resolution 3-13-14 approving the Bond for \$460,000 for Water System Infrastructure. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Resolution 4-13-14 \$300,000 Road Improvements**

Village Attorney Donovan stated this is also a type two action; no further action or procedure required.

Trustee Leonard motioned to adopt Resolution 4-13-14 approving the Bond for \$300,000 for Road Improvements. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Resolution 5-13-14 \$100,000 Park Improvements**

Village Attorney Donovan said this is a listed action and requires a negative declaration.

Trustee Leonard made the motion for Negative Declaration under SEQRA for Resolution 5-13-14 for a Bond for \$100,000 for Park Improvements. Seconded by Trustee Hoffman. All ayes. Motion carried

Trustee Hoffman motioned to adopt Resolution 5-13-14 for a Bond for \$100,000 for Park Improvements. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Resolution 6-13-14 \$180,000 Large Dump Truck & Skid Steer**

Attorney Donovan said this is a listed action and requires a negative declaration.

Trustee Leonard made the motion for Negative Declaration under SEQRA for Resolution 6-13-14 for a Bond for \$180,000 for a Large Dump Truck and Skid Steer. Seconded by Trustee Hoffman. All ayes. Motion carried.

Deputy Mayor Rumbold motioned to adopt Resolution 6-13-14 for a Bond for \$180,000 for a Large Dump Truck and Skid Steer. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Resolution 7-13-14 \$35,000 Police Vehicle**

Attorney Donovan said that this is also a listed action and needs a negative declaration.

Deputy Mayor Rumbold made the motion for Negative Declaration under SEQRA for Resolution 7-13-14 for a Bond for \$35,000 for a Police Vehicle. Seconded by Trustee Bowen. All ayes. Motion carried.

Trustee Leonard motioned to adopt Resolution 7-13-14 for a Bond for \$35,000 for a Police Vehicle. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **Acceptance of Bid for Well 6**

Manager Revella said bids received under threshold for rehabbing well 6; lowest one is from Layne Christiansen Company. Also have a bid for the pump to purchase also. We are waiting on bids for electrical portion of the project. Also have a bid for rehab and chemical cleaning of well 6; \$41,975 total.

Trustee Hoffman questioned are they replacing the pump base as well. The bid appears higher, but they are planning to put in more work.

Manager Revella said he was not sure if that's in addition to the bid spec. But they recommended from engineer to go with low bidder.

Mayor Maher said this is to award the low bidder.

Manager Revella repeated that the total for the low bidder is \$41,975 from Layne Christiansen Company and we should have the electrical and telemetry issues at the next meeting.

Trustee Hoffman made a motion to accept the bid for Well 6 from Layne Christensen Company in the amount of \$41,975. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

### **Discussion Items**

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

Mayor Maher stated that this draft local law was brought to us at the Tri Board meeting to have to look at and provide feedback to our attorney to continue looking at it.

Attorney Donovan reiterated that this was a law presented for the Board's consideration and feedback that would allow accessory. If the Board wanted he would suggest some language changes and a couple of modifications including a definition of an accessory unit. If the Board would like he can proceed with this process unless the board is not happy with law, then there's no need to start the process. As he understands this local law is that if you have a room in your house, a single family home, and it complies with the rules then you can rent out that room. There is no language that was provided for a separate entrance, bathroom or kitchen. If the Board wants that included in the law we can modify it before it goes out for discussion.

Mayor Maher asked Brenda Adams if that was the intent; for a separate entrance or just a room?



Brenda said it was to be a separate entrance that did not take away from the look of the single family house. It could be a side door or a back door to have their own entrance. To be an apartment between 500-700 sq ft and to be totally self-contained.

Deputy Mayor Rumbold said that that was her understanding as well.

Attorney Donovan said that what he had did not say that.

Mayor Maher asked the Board if that's how it should be drafted with self-contained, separate entrance, so it doesn't take away from the single family home.

Trustee Mishk said he also thought it was going to be renewable.

Manager Revella said it is renewable.

Trustee Mishk said once it's sold, it's sold as a single family home until permit expires.

Mayor Maher asked attorney Donovan to adjust the language to reflect these suggestions.

Attorney Donovan wanted to be clear that it's not a true 2 family; not a closed off area.

Trustee Carley asked if it would be connected to house or not?

Mayor Maher replied yes.

Attorney Donovan clarified that you could put this unit in that accessory structure, if it complies with the sq footage requirements.

Manager Revella said the section 3D4, is an annual register requirement.

Dean said this was originally talked about to be an accessory apartment for a large house for older people to generate an income from the rest of the home. The law needs a lot of work and needs a lot of words put in so it's easy to enforce. It should include full time living not part of the time and that they can't seek a variance to reduce the size. It should be up for yearly approvals with the Planning Board. He suggested that they can't build on to house to make it work and the permit is non transferrable. Accessory unit should be no larger than 500 sq ft. to keep large families from moving in and only in the R3-5 zones, not to include any existing 3 family or 4 family homes.

Manager Revella asked maximum of 500 sq ft.

Trustee Hoffman said that if you look at the minimums and maximums, if you have a 1600 sq ft. house, you can break off 900 for primary and 700 for accessory.

Dean said you have to be careful that you don't create a 2 family housing Village, where everyone in the Village can have a two family house. There has to be guidelines, there has to be more work. The Zoning Board did a great job, got basics done and now it needs details.

Mayor Maher asked about showing financial stress as being part of the application.

Attorney Donovan asked who was going to review that.

Manager Revella asked if he would send it to the Planning Board for review, why not his office?

Dean stated because there's an annual fee, so the fee should go for review.

Attorney Donovan stated it also depends on what you want it to be. Get to the planning Board and get your special exception use and building inspector to address after.

Dean said we wanted to bring it to the Board so the Board can review every year.

Manager Revella asked what review, if it changes.

Dean replied that they had other applicants come to the Board for SEU's who are required to come back every year after 3<sup>rd</sup> year which just becomes a permanent thing. Need guidelines, checks and balances.

Mayor Maher questioned if his office was not a good avenue for checks and balances.

Dean said his office can do it if you would like.

Trustee Leonard asked what his thoughts were on annual inspection of property.

Dean said that he would go along with renewal of permit each year. If you're having trouble with people tearing it all up, cars parking all over the place, then it should not be renewed. There should be 2 off street parking spots including what the house already has.

Trustee Leonard questioned if he would rather inspect annually to see if it's being used properly.

Dean said if it falls under a 2 family house it's only required to be inspected every 24 months.

Attorney Donovan said that there is a provision requiring annual inspection.

Dean asked if there was a need for this law before we put a lot of work in it.

Trustee Bowen asked wouldn't it be easier for him to tell us that.

Deputy Mayor Rumbold said that he gave us 923 apartments in the Village.

Dean said that you have a lot of apartments now, it's a good idea for an elderly couple or struggling young family, if they can do it but not out there for everyone.

Mayor Maher asked Attorney Donovan how they can do that, can it be put into a law where it's explicit to certain people.

Attorney Donovan replied that you can put a lot of things into that; it's administering and enforcing that. Say 65 or older, people will put the house in their parents name and he doesn't know who is going to enforce that.

Deputy Mayor Rumbold asked how you are going to get 4 cars on one property.

Mayor Maher said that another part of this law mandates 2 other off street parking spots.

Dean said that if you can't fulfill the requirements, then you can't do it.

Deputy Mayor Rumbold said if you're looking at the criteria, 500 sq ft, kitchen, bathroom, a separate entrance, parking for 2 more vehicles off street, we know we have a parking issue in the Village already, just trying to think of how many properties that would be able to comply on her own street let alone the rest of the Village.

Mayor Maher stated that this is a good question to ask whether this is something worth looking into. Brenda came to us as people have an issue and apply to the Zoning Board and they turn them down. The question we need to ask is if we want to look into this further, do we want Attorney Donovan to look at more specifics? Then work with Dean to see how many people could this help if we put into law? Do we want to continue? Bring it back to Dave have him work with Dean.

Trustee Hoffman said that he doesn't think they should spend more time before they pass off to attorney. They have to figure out what they want.

Trustee Leonard said he doesn't agree with 2 cars.

Dean asked what happens if the house is too big for owners, and they take the accessory apt, they rent the other section out and they have 3 cars there.

Manager Revella said that they were talking about it being owner occupied and accessory units not for the owner.

Dean responded that it could be either or in law.

Deputy Mayor Rumbold said that the owner could live in smaller and rent out larger space. In which you may need 4 car parking.

Trustee Bowen asked if it was possible to do this by application base and review if someone wants that and is capable of meeting the criteria as opposed to open door.

Attorney Donovan said that that's what they are doing through a law that is subject to rules and regulations.

Mayor Maher said to define the specific criteria. For example, do we believe it should be 1 car or 2 cars, 500 ft maximum or 700 ft.

Trustee Bowen thinks that Dean should be key point to give guidelines to work with. He does the inspections for the Village.

Trustee Hoffman said that before they start talking about cars and specifics, they need to answer the threshold question of do they want to go down this road as a whole to pursue.

Trustee Carley said that before they answer that question they need info from Dean and Brenda to make a qualifying decision. It appears that Dean has concerns.

Mayor Maher suggested that Dean meet with Attorney Donovan and then bring something in front of us so they can have further discussion.

Trustee Carley said that they can work on it then bring it to Board to put on agenda.

Mayor Maher asked if this was something they would like to consider.

Trustee Bowen said it is something to look into but at the same extent if Brenda is already in contact with a number of folks that need this, at least we can know how many this would affect.

Deputy Mayor Rumbold said that they don't know. Do you know for sure that the people that have come before you, will their residences even comply? Do their residences come close to having 500 sq ft to chop off with an entrance and be able to put a bathroom and kitchen in? You are talking about real reconstruction of a house to make this happen. That takes money, wiring, plumbing, all this stuff to make this compliant. Then when original owner passes, it goes back to 1 family. So if someone buys this house, they have to rip out the kitchen and bathroom and make it a single family.

Trustee Leonard said maybe they could change the permit to continue the accessory unit.

Deputy Mayor Rumbold said that it says if the owner dies, that's it.

Manager Revella said that when the permit expires they would have to apply again but they could put in another application.

Dean understood that how it was presented and talked about, if you had accessory unit in your home and you sell the house, the house is sold and unless they get that use as a single family, the kitchen would have to come out.

Deputy Mayor Rumbold said that her understanding was that this was to help people keep their homes. When they pass away, it reverts back to single family. Now we're talking about new owners, putting in applications and continue this. That's not what the intent was. The intent was to allow someone to live there for 10 years. New owners do not fall into that category.

Manager Revella said that the building has to exist for 5 year.

Dean said there is another way to look at it, if you go to the Zoning Board and get a use variance for a 2 family, the use stays with the property forever. If owner sells or passes on, the use goes away, unless the new owner applies for that use.

Trustee Hoffman said that this is a lower bar than a use variance.

Manager Revella stated the hardship issue is a problem there.

Trustee Leonard said that's the problem with the variance and that's why they're talking about this law.

Dean asked if the Board feels that this should be pursued or should they just leave it as it is and go get a use variance.

Mayor Maher asked if they had enough info to make a decision.

Manager Revella asked how many use variances has there been in the Village in the last ten years.

Dean said he could get that info for him.

Attorney Donovan said that the context of the use variance is if you bought as a single family house and you want to do the apartment, well too bad.

Trustee Leonard said to keep in mind that there are older streets that have large houses, for example Ulster Ave. and he believes that is what Brenda and the Zoning Board are shooting for. Obviously, there are a lot of houses that will never comply with this.

Trustee Mishk asked if the separate entrance could be through a common hallway.

Dean said yes, could make it go both ways.

Deputy Mayor Rumbold stated that this is different than what was first said. What was first said was when the owners pass or the house is sold; it automatically reverts back to a single family. Now this is different.

Trustee Mishk said have to make part of law. That before the house can be sold it has to be reverted back.

Attorney Donovan said he can try to put into the law. It's not perfect but the idea is that if someone is selling a house, they're getting title insurance, title companies would be writing a letter to Dean asking if there are any violations of record and Dean can write a letter saying that there is an accessory apt here that will be lost once the house is sold and needs to be reapplied for. You can't stop somebody from applying.

Dean said that with a variance once it's granted, it's there forever.

Attorney Donovan said that its sq ft variance and you can't restrict that.

Trustee Leonard asked if they can withhold certificate of occupancy if not complied

Attorney Donovan replied with these circumstances, a CO would be granted already. We can say you don't have the right to use the apartment but then we have enforcement issues and then we're in court.

Mayor Maher asked if the Board feels this is something to look into.

Trustee Hoffman thinks it has merit but there are a lot of pit falls. Curious to see what other municipalities have done and what their experiences are.

Trustee Carley suggested they continue and have Dean work with Brenda to make sure all areas are covered and in agreement.

Trustee Mishk thinks it has merit but over their heads right now. There are other issues to address such as insurance. Also if they are already in financial distress how do they afford modifications and the additional costs?

Trustee Carley said that should be on them.

Trustee Leonard said it's their burden.

Trustee Mishk is concerned they were making a law that no one will use.

Trustee Bowen agrees with Jerry. How many folks have applied or do we know, could even comply. If not many, we shouldn't look into this any further.

Mayor Maher said they are looking into more info as to why there is a need for this

Trustee Leonard stated he contacted the Town building inspector this am. Currently there are 18-20 units in the Town. There is an issue with change of ownership and ensuring the unit went away. This has been out there for 5 years in the Town.

Deputy Mayor Rumbold asked what he meant by the accessory unit going away.

Trustee Leonard said the change of ownerships, it's supposed to be taken down and no longer used. They said they had issues with enforcement.

Trustee Carley questioned if they have an application and everything.

Trustee Leonard answered yes. He can get a copy of their law and they can look at it.

Attorney Donovan said he can provide the Town of Newburgh law as a sample also. Applications come to Zoning Board and the building dept issues permit and regulate it.

Trustee Bowen asked if he saw a lot being transformed back to single family.

Attorney Donovan said no, once in they stay. Realistically that is what will happen.

Mayor Maher said to get more info is there a need for that and specific issues in the law separate entrance, kitchen, bathroom sq ft max 500 ft., must live in the place for a certain amount of time etc.

Trustee Carley suggested that Brenda and Dean not our attorney as we are still fact finding. Don't want to bar him down with fact finding if we are up in the air with it.

Attorney Donovan said there was good discussion, feels that something can be generated from here.

Mayor Maher said another one is must live in house year round not 6 months.

Trustee Mishk said they need to live there as long as it exists.

### **Temporary Sign Law**

Dean stated there is a small issue with signs being put on our Village signs noting events. He spoke to Dave and in our code, those signs are not allowed. He suggests that each organization that wants to hang signs has to ask the Board for permission. The Board can grant permission, contact person who would be putting up and taking down the signs and the length of time the signs would be there.

Manager Revella said they have temporary signs and fee.

Dean said there are no fees for these types of signs. It was disheartening last week, when took down event signs off of Village property, she came to Village hall and he returned her signs to her expressing she needed permission to hang them and she went out and put them immediately back up in the same locations. He doesn't physically have the time to go around taking down signs that are tied to our welcome to Walden sign and taped to Wooster Grove sign.

Deputy Mayor Rumbold asked how they would know they have to come to get permission.

Mayor Maher said that they thought that was taken care of so in this instance it was a lack of communication.

Trustee Mishk asked if posting of signs on poles is illegal. Should be the same with our sign right; it's under state law?

Dean said he is trying to propose an avenue to get them approved so you would know where they are going. He had to take down budget signs because no one took them down. We have a website that any organization would simply request the form.

Trustee Mishk said he wouldn't want to see any signs taped, stapled to our sign to ruin them.

Trustee Leonard said that was not acceptable, she was well meaning but should not have put some signs in some places.

Mayor Maher agrees that the Board needs to approve.

Trustee Hoffman said that generally, these signs are prohibited.

Dean said garage sales are harder and they stay up for weeks.

Deputy Mayor Rumbold said not on Main Street.

Mayor Maher said that they will work on that.

Trustee Leonard requested to have a full discussion on rail trail at next meeting.

Mayor Maher said yes we will.

### **Public Comment**

Randi Penny, 7 South Way, asked why 6 months after a Village Christmas party that your cook has still not been paid.

Mayor Maher said that the Village decided that he is personally responsible for paying it and he has had correspondence with him. It's on him personally not the Village.

Randi said no one knew that.

Mayor Maher said he doesn't think anyone on the Board knew so it's on him alone. Maybe now they are upset with him and it's his responsibility.

Randi suggested that maybe he should have brought it up to the Village Board before 6 months. This man is retired and took \$300 of his own money to pay for the Village employees to eat; he busts his butt for this Village. That's why he didn't show up this year on Memorial Day and then Veteran's Day, don't be surprised if he's away again.

Brenda Adams, 31 Valley Avenue, hopes all will be there for the Flag Day Ceremony on June 9<sup>th</sup>. They will be delivering \$1,700 from the Friends of Walden Youth Yard Sale to purchase nice picnic benches for Olley Park to go under the new pavilion.

Helen Schoonmaker, 7 Westwood Drive, stated she got her water bill and it happened that the first time ever the sewer was more than the water. How could we empty out more than ever?

Trustee Mishk replied that it's been that way for 4 years.

Manager Revella said the rate charged is different for sewer and water.

Helen said in regards to the apartment law, how can you tell a person how to spend money and what they have to do when the property is not being used. Why can't they just close it off and not use it as an accessory unit? They shouldn't be forced to take the kitchen out, entrance, and everything from the building.

Mayor Maher said that is if you want to make extra money by doing something that is not legal to the Village; this is what you have to do to make that happen.

Manager Revella said they were talking about compliance once the permit expires, if secondary entrance has to come out or we don't know they aren't using it.

Helen said the building inspector will be inspecting it right; so how can you force a person to have an extra expense to remove everything after the project is finished?

Manager Revella responded that usually if it's an interior, the removal of door in a common entrance.



Helen stated that the whole kitchen was being talked about.

Manager Revella said that's correct. Not sure if it will be that way though.

Helen said that would be interesting to see if they can do that or not legally.

Mary Ellen Matise, 21 Clinton Street, suggested they just take out the stove. It's not a kitchen without a stove. She had a question about the car show approval, did they get approval for their special event signs.

Mayor Maher said yes, they got that all at once.

Mary Ellen brought up the Hess station and packaged lighting building. If you look at package lighting building from rear but even street side, there are broken windows all over the place. Why are they not responsible for closing up? It is probably full of animals by now and she asked how long the Hess station will sit like that? What do we have in place to enforce that they not become eye sores since they are right in the middle of the Village. She also commented about Trustees parking in the 15 minute parking spots on meeting nights. What if someone had to come in and do business and they can't park in the front?

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

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

#### **Correspondence - none**

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

Trustee Leonard said Sustainable Montgomery was at the rail trail along with the Hindu group on last Saturday. Event was very successful they gave money prizes for best science projects and had 3 which was a surprise. Eric Button from Fox Hill made a device which is a generator that strapped to his knee and generated electricity. 2 Cub scouts, that tracking solar panel was more efficient than a fixed solar panel.

Deputy Mayor Rumbold asked if the doggie bags came in yet for Orchard St. parking lot.

Manager Revella said he's building the pooper bag box. They did the UFPO for it to be installed.

Deputy Mayor Rumbold asked if they can get it soon.

Manager Revella said yes, they need it.

Deputy Mayor Rumbold said she agrees with Mary Ellen, Hess looks terrible. What's going on there? Are they going to have that orange stuff forever?

Manager Revella said he didn't know if he can make them pave.

Deputy Mayor Rumbold thought they had to back fill, replace dirt.

Trustee Mishk believes it was in the building inspectors last report.

Manager Revella stated that he was more concerned with the ugly fencing there than paving.

Deputy Mayor Rumbold asked about NYSDOT and the weeds by the Tin Brook Bridge.

Manager Revella stated that he put in the request to have it taken care of this week by their staff.

Deputy Mayor Rumbold questioned if they were still against them filling pot holes because they want to do it on their own time and their own way.

Manager Revella said that he will find out what date they are coming.

Deputy Mayor Rumbold stated that traffic coming at the Rte 52 and 208 junctions in this Village is horrific. Concerned there is going to be an accident there. Doesn't know what can be done, can they put an officer there.

Manager Revella said he spoke with DOT traffic about signaling. Slight delay is more than we need, don't have left turn arrows on them which will help alleviate hesitation by drivers.

Deputy Mayor Rumbold commented about coming off of 52 onto 208 by the Hess station. That gets clogged. It's really a horrible situation.

Manager Revella said there is an alternate route on Elm to Grant that they are discussing.

Deputy Mayor Rumbold said to picture 204 Townhouses added to that traffic.

Manager Revella said if there's a big development in Pine Bush or Walkkill, it will do the same thing. The joint state county program did the traffic study for that intersection, which was one of the listed problem areas and they had no solution.

Deputy Mayor Rumbold said that maybe the Village of Walden should come up with a solution.

Manager Revella said they are doing the McKinley monument to make the turn easier. If we get the traffic light issue fixed that will help. If we get the truck route of taking a right at Sweeney's and then all the way down and then Left onto Elm and then Right/Left onto 52. Same as the old truck route when the railroad bridge was in they took it out once the bridge came out.

Trustee Mishk questioned the traffic issues going on at that hour; will the trucks be able to make that left?

Manager Revella said that it was an old truck route and it has the turn radius needed from Elm. It alleviates people from taking rights at the monument.

Trustee Mishk questioned that the trucks would have to wait for traffic to clear. Wouldn't they enter other lane?

Manager Revella said he doesn't think so because of the width of Elm Street. No parking on the first 30 ft of Elm so it should be fine.

Trustee Bowen responded to Mary Ellen that he spoke to Chief Holmes and he advised that in the evening hours, he does not mind the cars parked there in the 15 minute spots. He did ask if it was ok to leave the car there and he said it was fine. He will park his car there if no other spots are available and there is a meeting to attend.

Mary Ellen said that the 15 minute intent was that people needed a spot to just park, do their business and get out.

Trustee Carley said that's what he's doing.

Mary Ellen replied no.

Trustee Bowen said that the office is closed.

Mary Ellen said that the library is open and the PD is open.

Trustee Bowen stated that there are people parked in handicapped spots without handicap stickers.

Mary Ellen said that's a police issue.

Trustee Bowen responded exactly, it's the same issue.

### **Executive Session – Personnel and Potential Litigation**

Deputy Mayor Rumbold moved to go into Executive Session to discuss the employment history of a particular person and potential litigation. Seconded by Trustee Mishk. All ayes. Motion carried.

### **Reconvene**

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

### **Adjournment**

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

**Village of Walden Board of Trustees  
Regular Meeting  
June 4, 2013  
Motions & Resolutions**

**Resolution 1-13-14 Central Hudson Easement**

Deputy Mayor Rumbold motioned to approve Resolution 1-13-14 Central Hudson Easement. Seconded by Trustee Bowen. All ayes. Motion carried.

**Resolution 2-13-14 Bond \$190,000 Sanitary & Storm Sewer Infrastructure**

Deputy Mayor Rumbold motioned to adopt resolution 2-13-14 approving the Bond for \$190,000 for Sanitary & Storm Sewer Infrastructure. Seconded by Trustee Mishk. All ayes. Motion carried.

**Resolution 3-13-14 \$460,000 Water System Infrastructure**

Trustee Mishk made the motion to adopt Resolution 3-13-14 approving the Bond for \$460,000 for Water System Infrastructure. Seconded by Trustee Hoffman. All ayes. Motion carried.

**Resolution 4-13-14 \$300,000 Road Improvements**

Trustee Leonard motioned to adopt Resolution 4-13-14 approving the Bond for \$300,000 for Road Improvements. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Resolution 5-13-14 \$100,000 Park Improvements**

Trustee Leonard made the motion for Negative Declaration under SEQRA for Resolution 5-13-14 for a Bond for \$100,000 for Park Improvements. Seconded by Trustee Hoffman. All ayes. Motion carried

Trustee Hoffman motioned to adopt Resolution 5-13-14 for a Bond for \$100,000 for Park Improvements. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Resolution 6-13-14 \$180,000 Large Dump Truck & Skid Steer**

Trustee Leonard made the motion for Negative Declaration under SEQRA for Resolution 6-13-14 for a Bond for \$180,000 for a Large Dump Truck and Skid Steer. Seconded by Trustee Hoffman. All ayes. Motion carried.

Deputy Mayor Rumbold motioned to adopt Resolution 6-13-14 for a Bond for \$180,000 for a Large Dump Truck and Skid Steer. Seconded by Trustee Bowen. All ayes. Motion carried.

**Resolution 7-13-14 \$35,000 Police Vehicle**

Deputy Mayor Rumbold made the motion for Negative Declaration under SEQRA for Resolution 7-13-14 for a Bond for \$35,000 for a Police Vehicle. Seconded by Trustee Bowen. All ayes. Motion carried.

Trustee Leonard motioned to adopt Resolution 7-13-14 for a Bond for \$35,000 for a Police Vehicle. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Acceptance of Bid for Well 6**

Trustee Hoffman made a motion to accept the bid for Well 6 from Layne Christensen Company in the amount of \$41,975. Seconded by Deputy Mayor Rumbold. All ayes. Motion carried.

**Audited Bills**

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

**Executive Session – Personnel and Potential Litigation**

Deputy Mayor Rumbold moved to go into Executive Session to discuss the employment history of a particular person and potential litigation. Seconded by Trustee Mishk. All ayes. Motion carried.

**Reconvene**

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

**Adjournment**

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