

**Village of Walden
Board of Trustees Regular Meeting
June 18, 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:

Deputy Mayor Trustees	Sue Rumbold Bernard Bowen Sean Hoffman Edmond Leonard Gerald Mishk
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Absent:

Mayor	Brian Maher Willie Carley
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Also Present:

John Revella, Village Manager
Tara Bliss, Village Clerk
David Donovan, Village Attorney

Village Manager's Report

- Been working on CSEA negotiations and personnel contracts
- Cameraing the sewer lines throughout the village. Finishing up project for the DEC. Vac truck to suck out the nastiness out of the lines. Making progress.
- Demonstration of Leak Detection Software Company which is a lot cheaper. Might be able to get less than \$10,000.
- Site meetings with water works department. Consultations regarding the water lines. Asbestos abatement happening now. Inside is vacant now.
- Fuel tank has been remediated. Soil is radiated. Generator Company back in to finish job. Will be test holes that will stay on site for DEC compliance for a certain amount of time.
- Met with FEMA to close out Storm Sandy reimbursements. Already been reimbursed.
- Rec department had orientation for summer camp employees and lifeguards. Going well there. Beach is open
- Orchard Street sewer lateral issue will hopefully be done before end of this week. If not we will have to take action and charge them.
- Met with Chief regarding personnel matters. 207c matters with Clerk and Chief and special counsel.
- Talked to Civil Service about notes to move forward.
- Conference calls with OC Emergency Management about the storm. We dodged most of it not a lot of rain.
- Farmers market started. Looks good. Fridays in the Square.
- PBA Negotiations moving along well. Cooperating well amongst all parties.

Trustee Hoffman asked about 2 items, Scofield and Orchard Street. We may have to do the work. Should we schedule hearing now?

Manager Revella replied that is not necessary at this time, they have been notified twice but because of the nature of the issue we have the authority to go fix it.

Trustee Hoffman how about Scofield; is there a schedule?

Manager Revella said he would work with Dean to come up with deadline.

Trustee Bowen asked if they pay for it and then get reimbursed.

Manager Revella said for Scofield we charge the bond, and Orchard we charge the home owner.

Trustee Leonard asked if the Ulster Ave upgrade is supposed to happen soon.

Manager Revella said it is still with state doing the Real estate portion but we did receive preliminary approvals.

Trustee Leonard asked if they were looking good for September.

Manager Revella said hopefully Sept 1st. He also reported that the issue with the Overlook escrow account has been resolved. Overlook at Kidd farm has been corrected.

Deputy Mayor Rumbold asked when was the last time he talked to NYS about repairing pot holes and growth on Tin Brook Bridge.

Manager Revella said he spoke with regional director today and gave him a direct line to talk to them. He is aware and they already put on them on a list for our people to cut the brush as well as a few other spots on 52 if the state doesn't do it in a timely fashion.

Trustee Hoffman asked if they can send them the bill.

Attorney Donovan said they can send it. They won't pay it but they can send it.

Deputy Mayor Rumbold said its double dipping. They pay their taxes to take care of it and they don't and then state taxes as well.

Trustee's Committee Reports

Town of Montgomery & DPW liaison – Trustee Leonard

Trustee Leonard reported he looked at machine samples for skid steer. Type of JCB we want to replace ours with. Dave is happy with JCB service as he would like a smaller machine instead of a bucket with 2 hydraulic arms and this one has the 1 arm. It was very well made and easy on maintenance. We should be going out for bids soon for that.

Manager Revella said the next demo is tomorrow. Both are one size above what we want.

Village Clerk & Village Treasurer Liaison – Trustee Bowen

Trustee Bowen had nothing to report.

Police Department Liaison – Deputy Mayor Rumbold

Deputy Mayor Rumbold reported that PD is in planning mode for Buddhist events June 30th and July 6th.

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

Trustee Hoffman said he met with Dean about the sign law and accessory apartments issue. Escrows have been good at staying current with them but may want to renegotiate with Kidd farm. There are also 2 others outstanding with Quill building in connection with tattoo parlor and 22 East Main Street. Less than \$2,000 but is trying to pursue applicants.

Village Justice and Library Board Liaison - Trustee Mishk

Trustee Mishk is trying to get together with Judge Ozman.

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

Public Comment on Business of the Board

Becky Pearson, 167 Walnut Street, commented on the award Bid for Olley Park on the agenda. Is this the extension to the pavilion?

Manager Revella answered yes; there are two additional action items of bids. The work will be done by July 3rd and they will be starting this Monday if the bid is awarded tonight.

Becky continued about the Rail Trail Repairs. Lead agency is Town of Montgomery so why are we paying for repairs?

Manager Revella said that is correct and we are not talking about spending any money.

Becky questioned the Board meeting at Memorial Park.

Trustee Bowen said a meeting at Veterans Memorial Park was suggested after the wonderful Flag Day Ceremony. It was so nice we thought maybe we could have a meeting there.

Mary Ellen Matise, 21 Clinton Street, asked why there is a tow truck parked at Veterans Park.

Manager Revella said Mr. Thompson, who works for the tow truck company, lives there but is not allowed to block the fire lane. He may have gotten a ticket but he is not sure.

Mary Ellen continued about the temporary signs; does this apply to events that only a group is doing or apply to a group like community council is doing such as Harvest Fest.

Manager Revella said they will discuss that later.

Action Items

Surplus Vehicle – Police Car #3

Manager Revella said this is the 2003 Durango SUV replaced by new car we are purchasing under this year's budget. Minimum bid of \$1000.

Trustee Leonard made a motion to Surplus Vehicle Police Car #3, 2003 Durango SUV with a minimum bid of \$1,000. Seconded by Trustee Bowen. All ayes. Motion carried

Award Bid – Well 6 Electrical Work

Tabled

Award Bid – Olley Park Pavilion

Manager Revella said the bid was received from Seldom Rest Construction and would be completed by July 3rd as outlined in the job specs.

Trustee Bowen asked if there was any penalty if they don't make the deadline.

Manager Revella said we usually have a penalty provision in our contracts. Contract signing is tomorrow, not sure but our attorney will catch that. Dimensions are 24 by 40 listed on page 3 and built on a slab in the same grade as the one that is there. There will be a trench drain in the back to push rain from the roof around.

Trustee Mishk motioned to Award Bid for Olley Park Pavilion to Seldom Rest Construction in the amount of \$26,000. Seconded by Trustee Bowen. All ayes. Motion carried

Final Budget Modifications Fiscal Year 2012-2013: Resolution 8-13-14

Manager Revella said this is end of year actuals for what was spent and what was not spent.

Peter Sullivan said it follows the pattern we used before where we find savings in personal services and we were able to do that. Bottom line is up \$250,000 to the good which will help us next year.

Deputy Mayor Rumbold asked Peter, didn't they, obviously they have a resolution 35-11-12, is it common to have this to amend the resolution.

Peter said you don't know until you close the books in May what the final additions are.

Deputy Mayor Rumbold clarified that once they closed the books, they found further adjustments.

Trustee Hoffman motioned to accept Resolution 8-13-14 Final Budget Modifications for Fiscal Year 2012-2013. Seconded by Trustee Leonard. All ayes. Motion carried.

Award Bid – Well 4 Rehabilitation

Manager Revella explained this is to build a building to house our generator but also the treatment center. Low bidder was Saft Electric and they checked out. Had 7 bids which ranged from \$86,600 to \$250,000.

Trustee Bowen motioned to award the bid for Well 4 Rehabilitation to Saft Electrical Service, Inc. in the amount of \$86,600. Seconded by Trustee Hoffman. All ayes. Motion carried.

Award Bid – Yankee Gutter at Village Hall

Manager Revella said this is to repair the gutter outside Village Hall. We received 2 bids; H. Devries Home Improvements for \$4,000 and Hudson Valley Roofing and Sheet Metal for \$16,171.

Trustee Bowen asked if the Engineer reviewed the bid and all was in order

Manager Revella replied yes.

Deputy Mayor Rumbold questioned if the engineers could explain why such a difference between 2 bids as it seems extreme.

Trustee Hoffman said you never know what a bidder puts into bid. High bidder might be busy and the lower bidder might be hungry right now.

Deputy Mayor Rumbold said it's not an indication of expertise or ability, just simple as what you just said.

Trustee Mishk said the one thing he noticed was the high bidder included replacing all the ply wood up front. So is that something that is going to be added to the first bid?

Manager Revella said the roof was already replaced not even 3 years ago so not sure why we would need to replace it. Not sure why he would want to do that.

Trustee Mishk said if the ice damages it, they might be doing this again in 10 years.

Manager Revella said it has to be maintained.

Deputy Mayor Rumbold questioned what if he goes to do the gutter and notices the ply wood is no good and then they couldn't complete the portion if that was in bad shape, does he have to replace that.

Trustee Hoffman said the change order would have to be authorized through the Board.

Manager Revella said he doesn't think it's the disparity.

Trustee Mishk asked how big the gutters are.

Manager Revella replied 55 feet long and 16-18 inches wide. He's walked on them.

Trustee Mishk question if this is something they're better off considering eliminating Yankee gutters altogether.

Manager Revella said it was talked about but wasn't in the budget provisions so we didn't.

Trustee Leonard said he wanted to put heat tape in the gutters to keep the ice from accumulating. Thermostat controlled to save us from replacing them down the road.

Manager Revella said that they think it was due to blockage in the building. Trying to fix everything down to Chief's office to fix the piping and fix the wall. Have insurance money to fix that.

Deputy Mayor Rumbold asked when they remove the gutters, will engineers look at the ply wood.

Manager Revella answered yes, they have to inspect as they go.

Trustee Hoffman questioned if this is getting worse as long as we prolong the repairs.

Manager Revella said sheet rain does do that. No point in fixing without the gutter fixed first.

Trustee Bowen made a motion to award the bid for the Yankee Gutter repair at Village Hall to H. DeVries Home Improvements in the amount of \$4,000. Seconded by Trustee Leonard. All ayes. Motion carried.

Discussion Items

Draft ILL 4 of 2013 – Accessory Apartments

Deputy Mayor Rumbold announced we will be tabling this for tonight as we have 2 members missing.

Rail Trail Repairs

Manager Revella stated that Trustee Leonard wanted to bring up what's going on there. Apprised of what he's been seeing and talking to Mike Hayes about that. Ed is coordinating a Volunteer effort to go and fix that.

Trustee Leonard said the gutters need cleaning so many culverts are all blocked up and looks like a swamp up there. There is also a wash out issue at the top of the switch backs and they are going to take care of that. The Town was not receptive or responsive to their requests to do maintenance. John and Brian have tried to put a meeting together to talk about it.

Manager Revella said Mike Hayes gave them a response that they were concerned about who owns certain portions.

Trustee Leonard said the other issue is some of the residents are starting to put yard waste against the fence. There are serious wash outs there. He will announce a date to go and clean out drainage and pipes and whatnot to try to make it better.

Trustee Hoffman commented regarding the pictures; have you spoken with the Town Supervisor as he has a concern that its Town property and issues that could happen if we do work on it.

Manager Revella said he has to coordinate with the Town Clerk.

Trustee Leonard said he will clear it with them and drive there to do repairs with his van. Mostly leaves and water directed toward the asphalt. If something is not done something serious will happen.

Deputy Mayor Rumbold questioned if the Town isn't sure who owns it how can they give permission to do work on it.

Manager Revella said he is not sure who owns it to fix the wash out at the end of industrial building.

Deputy Mayor Rumbold had made a suggestion last time to contact the Army Corp of Engineers; have they been contacted?

Manager Revella said that Brian was going to try to but not sure if he did.

Deputy Mayor Rumbold thinks that would be a more favorable situation for both the Town and Village. Maybe if we contact them they might help.

Tow Truck Law – Language Changes

Manager Revella stated that he and the Clerk were making sure the code complied with the permit process.

Attorney Donovan said there were minor changes such as changing the word license to permit and changing the date for renewal. Right now it says at the end of the year but it is better to do when other permits are renewed at April 1st. He will have a local law at the next meeting.

Temporary Signs

Manager Revella said that people are putting up signs without Dean's approval.

Attorney Donovan commented that they all have seen what the building inspector was looking for. Since the last meeting he looked at the sign law but it speaks to the extent of owner of a business seeking temporary signs and Dean handles that. He suggested to the Board, if they want to, that they can establish a special event sign law that asking the Board to approve such signs. They would give the building inspector the times they go up and times they come down and contact person. They could fill out a form to have it all in his office.

Trustee Bowen asked if there was a fee.

Attorney Donovan said it would be up to them but typically no fee or a modest fee.

Deputy Mayor Rumbold questioned if it includes Village sponsored events.

Attorney Donovan advised they would not want to have different categories it would be perceived as unfair. There are no stipulations about sizes or that it has to be a certain material as we could put limitations on it or do on a case by case basis. Also has to say where they are going to put them which would be referred to the building inspector and Chief of police. They will decide if there are any traffic safety or code issues with it before you make a determination. This would not include political signs as they are already included in the current sign code.

Trustee Hoffman asked if it includes garage sale signs and everything.

Attorney Donovan replied no. Events and car show those types of things. He can draft a law to amend the sign law for the next meeting.

Block Party Policy

Manager Revella said the Village is not against events like this in fact we encourage neighbors to get together and have a good time but they need to notify neighbors of times and details of event.

Trustee Leonard said he didn't know there were issues in the past.

Manager Revella said just want to ensure that everyone goes through the right steps. He will work with the Clerk and Dave on it and put it into the calendar.

Regular Board Meeting at Veterans Park

Trustee Bowen said he enjoyed Flag Day Ceremony on the 9th of June so much. They really liked the way it was put together and suggested we hold a meeting there. Only concern is weather, rain and heat.

Attorney Donovan said the venue needs to be accessible to everyone. And the people that are present need to be able to hear what is going on. The public needs to be able to view and hear what actions the Board takes. We would need to advertise it and in the event of inclement weather have a back up plan.

Deputy Mayor Rumbold thinks parking would be issue there and there are no bathroom facilities. She is also concerned about weather and traffic noise at an outdoor location.

Trustee Hoffman thinks the intent was to call attention to improvements made to the park. It was a general intent to raise some publicity on park.

Trustee Leonard said that Olley Park is an alternative as it has everything they need there.

Deputy Mayor Rumbold asked to further discuss this at our next meeting.

Trustee Bowen said he will talk to Deputy, Mary Ellen and Brenda. And will come back.

Public Comment

Anita Vandermark, 76 Highland Avenue, said thanks for getting help for the brush. She asked about the status of the Ethics Board. She urged the Board to decide what we are going to do to get a new member and have our reorganization meeting, she feels totally in the dark on this.

Manager Revella said he is waiting for direction from the Board on member qualifications. What does the board suggest?

Trustee Mishk said why they don't they see who is interested and what they feel are the qualifications.

Deputy Mayor Rumbold said to put on the on agenda and make a decision at next meeting.

Manager Revella they have some language in code work with Dave on this.

Trustee Leonard said they had a meeting and did a poll and someone should look at that. It just died and was no more discussion.

Deputy Mayor Rumbold said they need to put on the agenda and get it done and let them move on.

Trustee Hoffman thought they could reach out to Rick Golden.

Attorney Donovan said he did understand the issues. It started as a focused discussion and then broadened out.

Manager Revella will work on the poll info they have and work on the qualification guidelines they have from NYCOM and other entities.

Anita continued with regards to the sign law, what happens with regard to the yearly events that we have.

Manager Revella replied it would be the same process but not attaching a fee to it.

Becky Pearson, 167 Walnut Street, commented that the Ethics Board is not John's responsibility; it is the Board's job to select. This has been a discussion item for months. It was in the packets for you to make decisions on and falls back on your shoulders again. She commented that the website has no minutes for 8 meetings. She asked about a new secretary for the zoning/planning boards. She asked what the summer hours changed to at Village Hall and clarified that is not for salaried employees.

Manager Revella replied 7am-4:30pm Mon-Thurs and 8am-12pm on Fridays for hourly not salary employees.

Becky, commented she wasn't sure why the sign law was an issue. Dean and Chief can handle that.

Manager Revella stated the concern was special event signs should be approved by the Board anyway. Changing it to special event signs instead of temporary signs.

Trustee Mishk added there was also an issue with event signs that were put up and the building inspector took them down and then they got put back up.

Mary Ellen Matise, 21 Clinton Street, commented that the sign law is being based on one incident which is making a mountain out of a mole hill. Most events are done with the Village. The signs that are really a nuisance aren't affected by this law such as yard Sale signs that look terrible and nothing is done. This doesn't even address that.

Manager Revella said that telephone poll signs are not allowed at all.

Mary Ellen, replied she knows they're not. Meanwhile, recently someone opened a business and she called her and said she had all this stuff and she asked if she talked to Dean and she stated she had no idea she had to do that.

Trustee Hoffman said that is a waiver provision in the code.

Manager Revella said they put out a packet a few years ago but they can't welcome them if they don't tell us they are coming.

Mary Ellen commented that whatever is supposed to happen when someone opens a business just isn't happening. The WBA was going to do that and now they are dormant.

Deputy Mayor Rumbold replied they had asked to provided that info and the Village didn't take up the offer.

Mary Ellen said they said the sign up there was approved and she could just put her banner up there and she had no idea that wasn't the case. With regard to the house across the street from her, the Village cut the grass and it was just lying there; can't they rake it up?

Trustee Hoffman said they only cut when they are on the list.

Mary Ellen asked if they do it do they bag it or do they just leave it there.

Trustee Bowen stated they don't bag it.

Nanette DeGrote, 80 N. Montgomery Street, asked if there an update on the fluoride situation.

Manager Revella replied no. The engineers are working with the Department of Health for approvals for injections.

Nanette asked about contacting the Village; are there any stipulations about how much hounding someone can do without making it public by coming to a meeting. Is there only so far they are allowed to go?

Manager Revella said as long as it's not harassment he doesn't see any issues.

Deputy Mayor Rumbold said there is a chain of command when you come up to the office you speak to the desk employees, then the Village Manager, then the Board.

Nanette asked if someone can just continually call you and hound you. Is there a time you can say if you want to talk about this bring it to the meeting?

Manager Revella answered there are no set parameters.

Nanette said past the ice cream stand there is a big yellow bin; drop off box right on the road one of those save the planet things that is a huge eyesore. The Board was talking before about Police Dept budget which is a big chunk of the budget; Oak Street are they made to help foot the bill.

Deputy Mayor Rumbold said it's in taxes like everyone else.

Nanette asked where the responsibility is and who's in there. What can we do as a Village to curb that?

Manager Revella said they tried to do 2 different things; a sex offender law and the landlord registry. Some landlords don't care because they don't live here.

Nanette asked if that would affect this one.

Manager Revella said it already stood up to NY code of appeals in Middletown.

Payment of the Audited Bills

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

Correspondence - none

Miscellaneous Comments from the Board of Trustees

Deputy Mayor Rumbold reported from the Mayor that we got an invitation from Walden Elementary School for the 5th grade moving up ceremony on June 20th at 9:30am. He asked if anyone from the Board can attend. For one Sunday each month this summer, he will be going door to door reaching out to our residents. Those dates are June 23, July 8, and August 25 from 1-4pm. Trustees may join him if they wish.

Executive Session – Personnel, Property Purchase, and Attorney Client Privilege

Trustee Hoffman moved to go into Executive Session to discuss personnel, property purchase, and Attorney Client privilege. Seconded by Trustee Mishk. All ayes. Motion carried.

Reconvene

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

Adjournment

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

**Village of Walden Board of Trustees
Regular Meeting
June 18, 2013
Motions & Resolutions**

Surplus Vehicle – Police Car #3

Trustee Leonard made a motion to Surplus Vehicle Police Car #3, 2003 Durango SUV with a minimum bid of \$1,000. Seconded by Trustee Bowen. All ayes. Motion carried

Award Bid – Olley Park Pavilion

Trustee Mishk motioned to Award Bid for Olley Park Pavilion to Seldom Rest Construction in the amount of \$26,000. Seconded by Trustee Bowen. All ayes. Motion carried

Final Budget Modifications Fiscal Year 2012-2013: Resolution 8-13-14

Trustee Hoffman motioned to accept Resolution 8-13-14 Final Budget Modifications for Fiscal Year 2012-2013. Seconded by Trustee Leonard. All ayes. Motion carried.

Award Bid – Well 4 Rehabilitation

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