

**Village of Walden  
Board of Trustees Regular Meeting  
September 17, 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  
Dave Donovan, Village Attorney

**Hearing – 12 Pond Hill Lane**

Dean Stickles, Building Inspector, explained the hearing was for the property at 12 Pond Hill Lane that did not get building permits with the Village and converted their garage into 2 rooms. Owner is here because the garage and living room area were converted to rooms to rent without building permits. There is a chronological order of events for this property in the Board packets.

Mayor Maher commented that there were other owners with similar situations in that town house development.

Dean replied not that he's aware of. This particular hearing is for 12 Pond Hill Lane not any other alleged occurrences. This property had the garage converted to finished area. The front living room was converted into 2 bedrooms and electrical and heating improvements were done where nothing was inspected. Nothing was inspected; heating framing, or egress. The garage door is still in place and may not open. From the outside it still looks like a garage.

Trustee Hoffman asked if the door was functioning when considering Emergency services concerns if it did not work.

Dean replied that there is a wall in the way. If you lifted the door up there is a wall behind it. So the door works but not operable as a garage.

Trustee Carley asked for clarification on the procedure to inspect a home.

Dean stated that if the owner had gotten a permit he/she would have gotten a set of inspections from his office.

Trustee Carley wanted to clarify that he wanted to be sure of what he does if he gets a complaint about something.

Dean stated if he did he would write to the owner and ask permission to verify the information received. Sometimes they let him in but there are others that do not.

Andrea Bierria, 12 Pond Hill Lane, stated she has been dealing with the Home Owners Association (HOA) Board on this situation for quite some time. Susan, who is in charge, told her that there were 47 properties that applied for the conversion and were granted. In 2007 there were new rules prohibiting conversions. She has been there since 2001 and feels she should be grandfathered in as well.

Mayor Maher clarified that there are two different Boards involved in this and what we need to ask and what they should ask are two different things potentially.

Attorney Donovan confirmed that yes, the HOA requirements are private. The Village does not enforce their rules. Our Building Inspector enforces NYS and Village codes, not HOA requirements.

Mayor Maher stated he'd like to keep tonight's conversation to what the Village can do. There is nothing the Village can do about the HOA issues or violations as that is a separate entity entirely and out of the Village's control. He is assuming the property owner does not wish to convert the garage back.

Andrea stated that she does not wish to convert the garage back.

Manager Revella clarified that she may need permission from the HOA to convert a garage to living space, not the Village. When it comes to the Village she still has to go through the permit process with the building department.

Dean stated that Andrea can apply for a building permit with drawings and go through the permit process and then inspections would be done to ensure it was done to code.

Trustee Bowen asked if there were permits for the other units that have been converted.

Dean stated he has some for conversions but does not have 67.

Trustee Bowen asked if the Village code warrants a permit for any work done how do we know who they are.

Dean said he couldn't just knock on doors and find out; he would need a complaint to write a letter for permission to enter home. If there is found to be no fact it's done. Andrea let her in the apartment and he told her what she needed to do and she tried to do it. We don't follow the HOA requirements so as far as the Village goes she can get a permit tomorrow.

Attorney Donovan stated it's not uncommon to get building permits after the work has been done. She would need to get an Architect certification or structural engineer certification on the work that has been done saying it meets our Code requirements as well as any electrical work etc.

Deputy Mayor Rumbold asked if you go to your HOA and you say I want to do xyz they can say no you can't do that and without their permission the Village can't give building permit.

Dean replied that there is a non written agreement from 2003 and 2004 with the HOA that they would approve work to be done there first and then we would give building permits.

Trustee Hoffman clarified that if she gets the building permits and certifications required by the Village saying it passed NYS inspection requirements then it would be fine as far as this Board is concerned. However she might not be able to get approval from the HOA still.

Andrea stated the HOA said she could request a permit.

Dean stated that she would be able to request a permit but the HOA may still not approve your work.

Trustee Carley stated she needs to get 2 separate approvals one from HOA and second Village. If approved she is good with the Village but then she still needs to work with HOA for the rest.

Mayor Maher clarified that if she gets all the approvals from the Village maybe the HOA will approve or not, but it really doesn't hurt her cause with the HOA. When it comes to the HOA the battle is beyond this Board's assistance.

Trustee Hoffman wanted to make sure that Andrea understands that just because the work is complete does not mean that it's up to code so she may need to do additional improvements or even eliminate an extra room. She may want to have the HOA consider the changes again.

Andrea stated they are leaving it up to Dean.

Trustee Hoffman continued that his understanding was that they didn't approve and have been fining her. He asked what the odds are that they will approve it after they have been fining you.

Andrea feels she is being treated unfairly since others can do it and she's been there a while.

Mayor Maher replied that unfortunately there is nothing this board can do. He wants to focus on what the Village can do to help her.

Andrea feels if she is issued a permit then what can be done to her with a permit.

Mayor Maher replied that would be a separate battle with the HOA. Let's get things done on the Village side with the permits and go from there.

Deputy Mayor Rumbold asked if the Village is bound legally to what an HOA does within their community.

Attorney Donovan replied no.

Trustee Mishk commented if we issue a permit the HOA can't stop her.

Attorney Donovan stated they can under their own rules or regulations which is a totally separate issue. We are not permitted to withhold permits from any resident.

Andrea stated she has no choice at this point.

Trustee Leonard advised if she has an issue with the HOA she should contact the states attorney's office.

Trustee Hoffman asked why she didn't get a permit done from the beginning.

Andrea replied the lights were already there, she just put a wall up. It obviously affects the living space but that's all she did. She stated she didn't know what she could/couldn't do and there were no rules given to her. It's been this way for years.

Trustee Mishk asked if it would affect her assessment.

Dean stated perhaps but she would need to contact the Town of Montgomery assessor's office for that one.

Trustee Mishk asked about the other units in there that have made conversions, can we do something about them?

Dean replied if someone gives him the addresses of the other ones he'd be happy to write letters to them.

Mayor Maher advised her to get to Dean's office and he will get her what she needs.

Attorney Donovan advised the Board to make an adjournment for this hearing to allow her to make application to building department. The current hearing is to order her to convert the space back to 1 car garage. The Board should give a timeline to have some control.

Dean stated the timeline for Andrea would be that she can apply tomorrow and he could have the permit by next week, do the inspection and then at next meeting Dean can report to the Board. He suggested an adjournment for 30 days. At this point per the Village code the fees for the permits would be 3 times the amount of the original permit fee because the work has already been done.

Deputy Mayor Rumbold made a motion to adjourn the hearing until October 15, 2013 at 6:30pm or as soon thereafter could be heard. Seconded by Trustee Bowen. All ayes.

### **Public Hearing – Local Law 8 of 2013 – No Parking on Bank Street**

Trustee Mishk made the motion to open the public hearing for Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Leonard. All ayes. Motion carried.

Manager Revella clarified we were talking about the Northern side of Bank Street in front of the Walden Savings Bank. It is impossible for two way traffic there if there are cars parked on both sides. Several businesses have requested this in the area.

Mary Ellen Matise, 21 Clinton Street, commented that the no parking sign on Bank Street is there because it's a dangerous area. She feels it would be good to extend it.

Deputy Mayor Rumbold asked if we should consider marking the curb in that area.

Manager Revella replied he'd like to try the signs first then revisit doing the pavement. We may mark the pavement area but not the curb to be aesthetically pleasing.

Trustee Leonard made the motion to close the public hearing for Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Hoffman. All ayes. Motion carried.

Deputy Mayor Rumbold made the motion for Negative Declaration under SEQRA for Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Hoffman. All ayes. Motion carried.

Trustee Mishk made the motion to adopt Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Bowen. All ayes. Motion carried.

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

- Had additional CSEA negotiations meetings since the last meeting.
- Sent out Code Red about the generator being installed and Village Hall being shut down.
- Did some follow up Civil Service work this week; hopefully we will have a new full time Police Officer starting around 10/15/13.
- Working on getting Ulster Ave project going.
- He had a discussion with the Rec Coordinator and Engineer for a pavilion at Bradley Park which we applied to Senator Larkin for a grant to do the work.
- The Police are doing another STEP program.
- He met with the new Working Leader and went over personnel complaint procedures.
- Met with the Historian and briefed him on projects she has going on.
- Met with Special Counsel about 207c and disciplinary issues.
- 9/11 ceremony was wonderful.
- Audit is ongoing. So far on track.
- October 26<sup>th</sup> is Halloween parade and haunted house at Wooster at 4pm.
- Thruway demo is progressing pretty well. Trying to get prepped before winter for the concrete pad to be put in.
- One of the neighbors of well 7 & 8 was intruding on our property.
- Sent out Code Reds today for road work on River Road starting tomorrow by the County over the next 5 days as well as for Locust, Clinton and Ridge Streets paving and curbing projects.

Trustee Leonard asked if the Generator is ok now.

Manager Revella replied yes it is fine; it will need additional testing but its fine. We had some negative on negative issue and haven't been tested since then. Testing will not be a full day like last time.

Trustee Leonard asked if it would do a load test.

Manager Revella replied he was sure they would do additional load tests.

Trustee Bowen asked about the lost computers in Police Department.

Manager Revella replied yes they lost 3 from the power surge. No information was lost just computers themselves.

Trustee Bowen asked if they were under warrantee.

Manager Revella replied not sure about warrantee but they may be reimbursed in a different way. The damage may be covered under the contractors insurance for the project. We lost an AC unit and some other library stuff too.

Trustee Carley asked about Preservation of Historical documents.

Manager Revella stated that Clerk Bliss was actually organizing those documents that day. Starting in the attic and then moving down to the basement. There are some that don't need to be here some that are worth saving.

Deputy Mayor Rumbold asked about getting a new sludge press.

Manager Revella replied that we are waiting for approvals from DEC to make sure it will take the capacity etc. The timeline is approximately 2 more months.

Deputy Mayor Rumbold commented we are paying a fortune to remove sludge.

Trustee Bowen stated we budgeted for a new one.

Trustee Hoffman asked about the Ulster Ave project.

Manager Revella stated that the last few residents won't sign them working on getting the last 3 properties to sign them.

Deputy Mayor Rumbold stated there was a change in personnel at IWS.

Manager Revella stated that it was sold to Advanced Disposal on August 20<sup>th</sup>. Mark was the manager of Chester office and they are looking to fill his position. We have a meeting with Marisa tomorrow because we have a level of concern about their responsiveness.

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

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

Nothing to report.

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

Trustee Bowen stated that Peter was going to give us an overview on the financial budget process.

Peter Sullivan, Village Treasurer, gave an overview of the handout he provided of the 2013-2014 budget as we are 3 months into our new year. He cited specific areas where there was change from previous year. The bottom line is we are \$160,000 ahead on spending so we are not bad off right now but there are some areas to watch with the Manager going forward.

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

Deputy Mayor Rumbold reported the new car is in; it's a Taurus and a little different of a design. The logo and coloring is different than regular cars and looks nice. Chief is working with John and Civil Service on hiring of new officer. The overtime situation might be helped by that and we need foot patrol need. We sent 3 officers over for assistance for Montgomery Day which is normal. All patrol cars are in service.

Manager Revella reported that the Police Department has been busy dealing with a lot of large incidents recently; Ulster Ave fight where the State police, Town of Newburgh and other surrounding Villages came to assist as well as a large drug bust at Stewarts with Crystal Meth who was dealing from the city.

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

Trustee Hoffman stated he met with Dean today and went over some enforcement items one was 12 Pond Hill Lane and the Thruway. Dean mentioned that they are trying to beat the weather completed by November may do Sunday work which wasn't allotted for. It wasn't anticipated initially but they would be working 10a-5p which is allowed with the code. There will be no trucking just demo those days. There are Planning Board and Zoning Board trainings and many members are already signed up for them. There is a Planning Board meeting tomorrow for Central Hudson landscaping and a sign at 7 Main Street.

### **Recreation & Parks & School Board Liaison – Trustee Carley**

Nothing.

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

Nothing.

Mayor Maher read the Community Events listing.

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

Edward Kababik, 10 Pond Hill Lane, stated he is lives next door to 12 Pond Hill Lane. He is not here to discredit her or anything however when she made reference to her violations he felt she left out that we all live by rules and she circumvented the rules. HOA provides a book of rules that is given to everyone to get approval and she elected not to follow the rules. What troubles him is he didn't hear a discussion about the back taxes and fines because of the construction in violation. HOA is not singling her out. Personally he feels that by doing what she has done brings down value of his home. He suggested we look

into Orange County Social Services because the work was not done for mere opportunity it was done to accommodate people from the state. In the meantime it's devaluing his home especially in today's market. He doesn't like strangers coming in and out. In 2003 Mr. Piccarilli can probably clear this up but that was when the HOA changed and said you can't do those types of things. Anyone with a reasonable request has never been denied but that work was done over 2 years ago. No one purchases a home to plan for down the road to lose money. He wanted to be sure the Board was aware that there are 2 sides to every story.

Deputy Mayor Rumbold asked if he was suggesting the County is placing people in that home.

Edward replied yes, Orange County Department of Social Services.

Jean Winum, 1017 Route 52, representing the beautification committee of the WCC, just wanted to talk about the Health Dept benches being offered. She asked the Board to postpone the decision. She said that once they give the benches they decide what gets advertised on them and some of those ads might not be what they to portray. The WCC has funds set aside to work with the Village in early spring about including a bench in memory of Rose Oliva with garden plants.

Mary Ellen Matise, 21 Clinton Street, wanted to say a word about HOAs. They are the bottom layer of government having an HOA is one more layer of law and is cumbersome in her opinion. Prepare yourself for these same types of issues with the townhouse development with over 200 units that will have an HOA as well.

Peter Piccarilli, 30 Pond Hill Lane, wanted to clarify a few things that were discussed during the 12 Pond Hill Lane hearing. There is one other unit, number 47, that has a converted garage not a total of 47 units. The permit was done with Village back in 2001 and at the time the HOA didn't have issues with this. That rule was put in place in 2007. Her construction was not done in 2003 it was done in 2011; he lives across the street from her. The rules she stated she didn't have were provided at closing and again in 2007 with a signature card and she was also a board member on the HOA for a short time so she's well aware of the rules. There are many different people coming and going including a gentleman that they approached and said he was paying her rent. One reason in modifications is because she is subletting rooms to people for income. Finally she did have a hearing before the HOA Board about why she wanted to do this and she had 90 days to correct the issue back in January; she had until April and has refused to comply. The Board continues fining her every 20 days and they will come back next month to be prepared to respond to any less than truthful allegations that she may have against the HOA. Rest assured that everyone follows the rules with no special treatment.

Trustee Bowen asked if she was running a business out of the home.

Peter replied that they don't know that. They suspected she was but could not confirm that. County cars are out there and people are coming in and out. There were some issues with her children when they were small. The HOA never approved or would approve a business there.

Trustee Hoffman asked about the status on fines.



Peter replied she was not paying them and they will have to sue her for them. It's a total of \$800 up until now.

Trustee Carley wanted to make a clarification that everyone is due their day before the Board and no one will be denied access to the Board to voice their concerns. The Board tries to be neutral until it crosses our code line then we step in to be compliant, there is no favoritism or anything like that. Has to be done in public and they try hard to be transparent.

Peter stated that the HOA does their business in the same fashion; they take it very seriously. He wanted to add that the issue about subletting is in a Police report that was submitted with the paperwork that Dean has.

### **Action Items**

#### **Hearing Request – 93 Orange Avenue**

Trustee Mishk made the motion to set a hearing for October 1, 2013 at 6:30pm or as soon thereafter as possible for 93 Orange Avenue. Seconded by Trustee Bowen. All ayes. Motion carried.

#### **Hearing Request – 46 Scofield Street**

Trustee Leonard made the motion to set a hearing for October 1, 2013 at 6:30pm or as soon thereafter as possible for 46 Scofield Street. Seconded by Trustee Bowen. All ayes. Motion carried.

Dean commented that this hearing notice will be served by a Process Server.

### **Health Department – Donation of Benches**

Maureen Sailer, OC Dept of Health Assistant Director of Community Outreach, explained they were offering as a gift benches that would have the opportunity to put current Public advertisements on them. The ads would have to be approved by the Village before they would go up. The current message they would like to put up is to have your child tested for lead. They have made this same offer to Newburgh, Middletown, and Port Jervis. Currently only 26% of children under the age of 6 get tested for lead and the law requires every child to be tested at age 1 and 2. We would like to also do a detailing to physicians as they are the ones who are required to fulfill the law. They are targeting Walden because of the older housing types that are in the Village and there is not a lot of testing coming from the 12586 zip code.

Trustee Bowen asked if any other communities you are in have asked them to stop.

Maureen replied no.

Mayor Maher asked about their time frame for the grant funding confirming it is by the end of September.

Maureen replied they would be able to pay the invoice up to October 30<sup>th</sup>.

Trustee Carley asked if the Village doesn't agree with the sign, would it stay that way anyway or can we work on the ad together to make changes.

Maureen replied that if something was in an ad that is not relevant and the Village did wanted to use it they can create an ad that the Village would like. Before printing we would need have Village approval. The locations they are asking for are high traffic areas like a park or Municipal Square.

Mayor Maher stated he wanted to postpone this evening so we can honor the request of our beautification committee and other community leaders to get their take on the benches before we move forward.

Deputy Mayor Rumbold feels we are setting a dangerous precedent with other people who would want to advertise as well. She understands the intent but just doesn't think it's the way to do it.

Mayor Maher asked Attorney Donovan if it binds us in any way if an outside entity or private entity wanted to do something like this also.

Attorney Donovan replied no.

Trustee Bowen clarified the ads would be only health department related.

Maureen replied that is correct, we are not selling that space to anyone. It would be relevant public health messages such as free cessation for smoking or nutrition or Public Service Announcements.

Trustee Carley is concerned about opening a market to advertising. If we put these in areas will it be increased loitering?

Maureen replied they had thought about that that's why they suggested a park or bus stop where traffic is already gathering. It would be 2 mutually agreed upon spots.

Manager Revella suggested perhaps the bus stop that is a high traffic area.

Maureen replied they would be very happy with a bus stop.

Mayor Maher asked or this to be on the agenda for the October 1<sup>st</sup> meeting as an action item in order to comply with time constraints.

Trustee Carley asked if we no longer wanted the bench to be there can we take it out.

Manager Revella added does the grant require any time requirements.

Maureen replied that more than likely it could be removed. Campaigns have a life for as long as you can. They are trying similar campaigns on the table tops in the food court in the Galleria. We've tried advertising in the record which doesn't work and are trying different things to help this. She wanted to state for the record that if the Board was disinclined to accept this offer it will not affect any future grant applications in any way shape or form.

### **Award RFP for Scout Cabin Drainage**

Trustee Hoffman made a motion to award the RFP for the Scout Cabin Drainage to CMC Construction in the amount of \$12,500.00. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Resolution 16-13-14 Fund Balance Policy**

Manager Revella explained that this policy designates what funds can be used to pay of which debts and in what order. It allows us more options to be able to use the funds and how to apply them as quickly as possible.

Deputy Mayor Rumbold made the motion to approve Resolution 16-13-14 Fund Balance Policy. Seconded by Trustee Mishk. All ayes. Motion carried.

### **Temporary Sign Approval for Event 9/21/13**

Manager Revella explained that the Greater Love Deliverance Center II would like to put signs around the Village for their event at Wooster Grove to be held on 9/21/13 and they will be taken down on 9/22/13.

Mayor Maher commented to not put signs around the McKinley monument as it is an unspoken rule to not allow signs there.

Trustee Bowen made a motion to approve the temporary sign application for the Greater Love Deliverance Center II - Back to School Explosion on Saturday 9/21/13. Seconded by Trustee Mishk. 6 ayes, 0 nays, 1 abstention (Trustee Carley). Motion carried.

### **Discussion Items**

#### **Ethics Board Law**

Attorney Donovan explained that the Ethics Board ha their Reorganization meeting on Monday Sept 9<sup>th</sup> for an issue that is before them and due to schedules of the embers who had to leave early he could not speak with the Board about this law.

Mayor Maher explained we need to move on this as it has been a long time. He would like to revisit the discussion about giving them more authority and more power to not just give opinions they want to be able to do investigations. Does the Board want to grant that or not? If we do we need to draft a local law.

Trustee Hoffman clarified what he was asking was do we want to move forward and consider a new law.

Mayor Maher replied yes and if so we proceed in that fashion or modifications to that. He asked the Board if they wanted to grant the authority to the Ethics Board. Is that a yes at this point?

Roll call:

Trustee Leonard Yes

Trustee Bowen No

Mayor Maher Yes

Deputy Mayor Rumbold Yes

Trustee Hoffman Yes

Trustee Carley No

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Trustee Mishk Yes

Attorney Donovan explained that what he has in front of him from the previous attorney gives them the power of subpoena and allow them to impose monetary fines. This would allow people to testify under oath to the Board of Ethics and based on findings that need to be reached by clear and convincing evidence it would allow the Ethics Board to impose fines.

Mayor Maher thought if they imposed fines they would need to ask the Board.

Attorney Donovan stated yes that is permissible. The next question is do we want to allow them to conduct investigations, hold hearings, and issue subpoenas.

Trustee Mishk feels that if they are given the power of investigation we need to include subpoena power as well.

Trustee Leonard brought up a hot ticket topic that came up as we've been discussing this and that is whether the Village employees fall under this. He feels that it should not include employees in his opinion.

Mayor Maher clarified that employees can request opinions but would not be included in the investigations because of our Village Manager system of government.

Deputy Mayor Rumbold stated that she doesn't think that investigations are not allowed under 15A. She would like to know what specifically they can or can not do under 15A.

Attorney Donovan stated that as he understands it, they would make recommendations to the Board of Trustees with their recommendations.

Mayor Maher asked about having a certain amount of funds approved prior to expending funds.

Attorney Donovan replied if someone refuses to succumb to a subpoena is where the costs would come in and if you wished to go through contempt proceedings is where the cost would come into play which would come before the Board of Trustees before that could proceed.

Mayor Maher asked if Attorney Donovan would be the attorney for the Ethics Board.

Attorney Donovan replied that he is somewhat reluctant to be attorney to Ethics Board as it could likely relate to someone who is his client in some fashion. He understands the additional expense to hire special counsel but recently that did occur with the first opinion that the Ethics Board heard and they did have special counsel oversee the first one. In his opinion he feels they should have separate council.

Mayor Maher asked Manager Revella what that cost would be for us to have special counsel.

Manager Revella replied that was almost impossible to figure out because they could have 10 opinions or they could have 1 opinion. An every day request is \$1,500 per request.

Deputy Mayor Rumbold asked if we could get an attorney on a retainer with the understanding they may not even be called in a year.

Mayor Maher asked if an attorney was present for all opinions.

Anita Vandermark, Ethics Board Chairwoman, replied yes. She would also like training requirements of Board members included in the law if possible.

Manager Revella stated that in the case of reorganization meetings and trainings we could have Attorney Donovan oversee those.

Attorney Donovan stated he would look into the authority of the Village Manager to look into covering Village employees.

Mayor Maher would suggest pending Attorney Donovan's research about 15A compliance over employees that it does not include employees in the investigation but they can get opinions from Ethics Board. This would affect the Board of Trustees, Planning Board, and Zoning Board members.

Trustee Hoffman stated that his understanding was that it was discovered that there are standards of conduct and the Ethics Board has no authority to do anything under that. For example say an employee accepts a gift and the Village Manager takes disciplinary actions on that employee the Village Manager has no authority to do anything under that.

Manager Revella stated that if someone violated a code or a policy it's his discretion the level of disciplinary action he can take on them.

Attorney Donovan stated that presently the Code of Ethics indicates that any person who violates will be fined, suspended, or removed from service or employment. It's a little vague but that is what the Manager is referring to.

Mayor Maher clarified so this change would give the power to the Board of Trustees. If it was a Trustee that person would have to recuse themselves and the Board would have to still determine what happened to that person.

Trustee Hoffman was concerned we were exempting them from penalties if they are not included in the law.

Mayor Maher replied that we are not taking that away because our Village Manager has the authority to impose penalties on employees.

Deputy Mayor Rumbold stated that for an elected official who is unethical the community has no where else to go for disciplinary actions on Planning Board, Zoning Board, or Board of Trustees members.

Mayor Maher clarified if we exclude employees then Village Manager could not be investigated by the Ethics Board as he is an employee of the Board of Trustees. We will have a draft Local Law at the next meeting.

## **Public Comment**

Anita Vandermark, 76 Highland Avenue, thanked the Board for the Ethics Board movement; it's been 11 months so far. Thanks to everyone for attending our 55<sup>th</sup> anniversary. Thanks for listening to the WCC about the benches. Come out tomorrow night here at 7:30pm for Historical Society meeting, Mickey Millspaugh will be presenting.

Diane Sandbothe, 90 Liberty Street, stated she was on vacation and it was amazing to them that crosswalks are actually honored in some Towns around the country, but no in Walden. She feels more foot patrol could help that out at the banks because no one abides by them at all in Walden. She asked the Mayor to talk to Senator Larkin about her cemetery at her property. She stated that on Seeley Street, Liberty Street and George Street there is a major issue with dog poop; the streets are simply loaded with dog poop. She understands you have to see them in the act but we don't and we don't know what to do. A tree fell down and her husband cut it down when they returned from vacation. The brush has to be cut back and the hill is eroding and that water is coming from the Town on Houtman Drive. Her husband had to weedwack on the swale and that is not her job. It's filled with silt and it's only going to get worse. Something has to be done.

Manager Revella replied that the swale on Liberty Street was visited on Thursday by the engineer who gave a report detailed letter to the Town that he will share with them.

Mary Ellen Matise, 21 Clinton Street, asked if anyone gave Attorney Donovan all the 15A stuff she gave him because there was only one person in the state that understood our status. Not many Villages around that have the same status as we do with the Village Manager form of government. He has it and can pass it on. She feels that the benches that have something written on it would leave the door open for graffiti and doesn't stay within the historic look we are going for in our Village. She is happy that the McKinley monument construction Queenan got the permit as they need to wrap up the NYS Main Street Grant work. The Walden Mall is the last property and there will be a lot of paperwork that follows all that. She would also like all the temporary signs that are at the monument area to come down. (She presented the Board with a list of names from CT and Walden who worked at the Knife factory.)

Tara Ann Goldizen-Rick, 2 Houston Place, she is representing the Orange County Cal Ripken (OCCR) baseball league who wants to build another field by the ski slope by the DPW facility and donate it to the Village. Cindy Rometa, President of the OCCR League, asked her to find out what they need to do in order to do this. The field would be a multiuse field on top of the old ski slope.

Manager Revella stated we did a site survey there with the Recreation Coordinator and Engineer and it seemed to be ok but wanted Board input.

Mayor Maher asked if it would take away from the parking lot plans we already have for that area.

Tara continued that OCCR league would build it they understand it would then be owned by Village and anyone could use the field. They want to do whatever will benefit the kids. The league itself has increased 50% and are up to 500 kids from 300 last year. VC has restricted what they can give them and as you know have taken away modified sports so they need more room for practices and games. The more they can give the kids the better

off they will be. The work would be done with volunteer labor so there would be no costs to the Village.

Mayor Maher asked if our engineers would need to be involved.

Attorney Donovan stated not sure about the engineer but we would need insurance of some form.

Trustee Mishk would like input from our engineer.

Manager Revella stated that one of the volunteers that is planning to do the work has been in contact with Queenan should continue.

Mayor Maher asked about the trees they are proposing to cut down would they be replaced.

Manager Revella stated that one fell on its own and they can remove 2 others that need to come down also.

Deputy Mayor Rumbold asked if OCCR pays for the field, will they feel that they have precedence over another group to use the field.

Tara replied it would be the same as they currently have been doing with Mike Bliss. They all work together maintaining the fields.

Trustee Carley asked if this in compliance with the Park Comprehensive Plan.

Manager Revella stated yes it is in line with our Plan, not the exact location but this would fit in nicely.

Trustee Carley asked when they are looking to start the work.

Tara replied as soon as possible.

Trustee Carley asked if Mike was aware of this.

Manager Revella stated that he is fully aware and in favor of this project and that the Walden Little League is interested in having another field also.

Mayor Maher asked if we could have our engineer, OCCR, Walden Little League, and Mike Bliss at next meeting for a presentation outlining costs, the plan, insurance concerns, etc.

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

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

### **Correspondence**

Trustee Carley received an email and phone call about 12 Pond Hill Lane which was discussed this evening.

September 17, 2013

Deputy Mayor Rumbold reported she received correspondence in an email from Nanette DeGroat asking where we are with the fluoride manufacturer. She received correspondence from the resident at 12 Pond Hill Lane. And she received anonymous correspondence from a resident who had a number of concerns: First was about the property across from the Midge Norman Park it looks like a dumping ground across the street, grass clippings and various other things. What can be done about it? The smell is bad and disrespectful to the Village families and children who play in the park. They asked there is a department that specifically cleans up the Village. There is a ton a garbage along the streets in the Village. They asked if the street sweeper is working and if so how many times it has been out in the Village and when will it be out again. Harvest Fest is around the corner and the Square is in great need of a clean up. They asked if we ever clean out storm drains as there are many around the Village that appear as if they haven't been cleaned out in a long time. IWS garbage cans are not being used at the corner of Orchard Street and Veteran's Memorial Bridge as there is constantly debris and garbage all over the place as they are not using IWS containers or putting lids on the garbage. They asked if we have a smoking policy in the Village as they have witnessed employees in Village vehicles smoking. What are we doing about absentee landlords? Impressions mean a lot.

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

Trustee Leonard commented that the circus was great on Saturday night. He commented on the Step program for the speed enforcement; last Tuesday near the entrance to the Village police were going 50 mph to catch speeders.

Deputy Mayor Rumbold commented that the entrance on 208 coming from Scotts Corners looks disgusting coming from Montgomery. People are using entrances and just sticking whatever they want there; we have employees that ride by all the time, can they pull them out of their ground.

Trustee Hoffman stated that the Building Inspector does do that.

Deputy Mayor Rumbold Congratulated the Historical Society on their 55th anniversary. We wouldn't have the Walden house without them and a lot of other things if it wasn't for that group of dedicated people so thank you!

Trustee Mishk commented on 12 Pond Hill Lane as he wished that the HOA people had spoken when the resident was here. He feels it is not the only place in the Village running a rooming house. Also wanted to add that the Police Department handled a stabbing a few nights ago and did a nice job on that which does account for some overtime issues.

Mayor Maher also congratulated the Police Department on doing a great job! HV Honor Flight will be on 9/21 and he and John will be there. Thanks to the Board members that will be attending the Historical Society luncheon that same day wish we could be there! Thanks to everyone for supporting our community!

### **Executive Session – CSEA & PBA Negotiations, Potential Litigation, and Personnel of a particular person.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss CSEA & PBA Negotiations, Potential Litigation, and Personnel of a particular person. Seconded by Trustee Mishk. All ayes. Motion carried.



**Reconvene**

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

**Adjournment**

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

**Village of Walden Board of Trustees  
Regular Meeting  
September 17, 2013  
Motions & Resolutions**

**Hearing – 12 Pond Hill Lane**

Deputy Mayor Rumbold made a motion to adjourn the hearing until October 15, 2013 at 6:30pm or as soon thereafter could be heard. Seconded by Trustee Bowen. All ayes.

**Public Hearing – Local Law 8 of 2013 – No Parking on Bank Street**

Trustee Mishk made the motion to open the public hearing for Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Leonard made the motion to close the public hearing for Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Hoffman. All ayes. Motion carried.

Deputy Mayor Rumbold made the motion for Negative Declaration under SEQRA for Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Hoffman. All ayes. Motion carried.

Trustee Mishk made the motion to adopt Local Law 8 of 2013 – No Parking on Bank Street. Seconded by Trustee Bowen. All ayes. Motion carried.

**Hearing Request – 93 Orange Avenue**

Trustee Mishk made the motion to set a hearing for October 1, 2013 at 6:30pm or as soon thereafter as possible for 93 Orange Avenue. Seconded by Trustee Bowen. All ayes. Motion carried.

**Hearing Request – 46 Scofield Street**

Trustee Leonard made the motion to set a hearing for October 1, 2013 at 6:30pm or as soon thereafter as possible for 46 Scofield Street. Seconded by Trustee Bowen. All ayes. Motion carried.

**Award RFP for Scout Cabin Drainage**

Trustee Hoffman made a motion to award the RFP for the Scout Cabin Drainage to CMC Construction in the amount of \$12,500.00. Seconded by Trustee Bowen. All ayes. Motion carried.

**Resolution 16-13-14 Fund Balance Policy**

Deputy Mayor Rumbold made the motion to approve Resolution 16-13-14 Fund Balance Policy. Seconded by Trustee Mishk. All ayes. Motion carried.

**Temporary Sign Approval for Event 9/21/13**

Trustee Bowen made a motion to approve the temporary sign application for the Greater Love Deliverance Center II - Back to School Explosion on Saturday 9/21/13. Seconded by Trustee Mishk. 6 ayes, 0 nays, 1 abstention (Trustee Carley). Motion carried.

**Payment of the Audited Bills**

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

**Executive Session – CSEA & PBA Negotiations, Potential Litigation, and Personnel of a particular person.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss CSEA & PBA Negotiations, Potential Litigation, and Personnel of a particular person. Seconded by Trustee Mishk. All ayes. Motion carried.

**Reconvene**

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

**Adjournment**

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