

**Village of Walden  
Board of Trustees Regular Meeting  
Tuesday, February 4, 2014**

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
	Sean Hoffman
	Edmond Leonard
	Gerald Mishk

Absent:

Willie Carley

Also Present:

John Revella, Village Manager  
Marisa Kraus, Administrative Aide  
Dave Donovan, Village Attorney

**Village Manager's Report**

- Finalized draft plans for the deus. Received quotes today. Should approve bidder on the 18<sup>th</sup>
- Couple meetings with Village Attorney and Village Engineer, reviewed Capital Projects. Looked at a couple sidewalk complaints to see what we can do to improve.
- Met with the Village Engineer and Working Leader and looked over Kidd Farm Project.
- Went over water system at Thruway Plaza with Village Engineer and Building Inspector. On same page with what's going on down there. Valves are going to be replaced.
- Had great meeting in Goshen with DSS and Dept of Health with Trustee Hoffman, and Building Inspector. Discussed issues with the Village and rental units. Talked about what can be done regarding issues with the rental units. Protocol with County that should be curbed.
- Finalized plans for new projects coming together pretty well.
- Chief Holmes discussed Lexus research programs. Outside programs cheaper cost.
- Couple meetings with proposed buyer of the United Methodist Church. Good plans for rehabilitating the church, make it more a sanctuary.
- Good meeting with 911 center, Trustee Carley, Working Leader and Police Chief. Emergency relief. Good discussion.

- Old sludge pressed at the sewer plant is being removed. Making room for the new. Hopefully get approved soon. Final report was submitted to DEC.
- Stop DWI Resolution. Get some more funding for that. Doing very well.
- Village Treasurer sent out all w2's, 1099's. Consolidated BANs.
- Basketball program is going well.
- Snow removal properties have increased. Likely increase again after the next storm.
- Good meeting w Xerox. Hopefully get some good pricing. Under county contract.
- NYSEG had small gas leak found on Grant St.

Trustee Leonard thanked Manager Revella and Trustee Hoffman for meeting with the Health Dept and DSS. Seems like something was accomplished. Are we gonna scrap the filter press?

Manager Revella answered yes.

Trustee Hoffman asked in terms of the DEC, where are they on the sludge press.

Manager Revella replied there is not much correspondence yet.

Trustee Hoffman said he has experienced that in other municipalities and that sometimes a call from the Mayor can help.

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

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

Trustee Leonard said in the packet, there's a report from the village mechanic with numbers of vehicles and work being done on them. The complete report for the next meeting.

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

Trustee Bowen met with Peter Sullivan, Village Treasurer, about what's going on in the treasurer's area. He has completed paperwork for the Main Street Grant Program for reimbursement. Lauren and Marisa are working on the refuse accounts to set that up for the June tax bills. Also are still continuing to work on the online bill pay. That is something that's important. We are dealing with the vendor, the initial vendor that we spoke to was not able to complete some of the tasks that we needed. Going to get together with Peter and Manager Revella to find out exactly what's going on and to complete this.

Manager Revella clarified that the refuse to go on tax bills is an actual manual check of every single parcel in the Village. It's very time consuming. They were able to discover that several parcels were not being billed refuse to begin with. They actually caught a good portion. They're not even halfway thru the list yet, should be done by March. It's being checked one by one against what's in the system.

Trustee Bowen asked when it was last reconciled.

Manager Revella said he didn't know.

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

Deputy Mayor Rumbold said the Chief is trying to coordinate with what's going to happen with the weather. The day in between each storm isn't fun to plan but it's basically the same thing we've been doing in the past. He was able to get additional staffing.

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

Trustee Hoffman met with Dean yesterday, went over a lot of things, not a lot of building permits. Catching up on outstanding violations. DSS meeting last week with Manager Revella went well. DSS will not place someone until they get written letter from the Village that the house is livable. On the right path with them.

Deputy Mayor Rumbold said that one of the issues we had was someone was placed from another county, we have the understanding with Orange County but asked how that works with other counties.

Manager Revella said lack of correspondence between counties. Trying to get them to report it themselves. We don't have any control over that and they don't have any procedure currently for them.

Deputy Mayor Rumbold asked what if we contact other counties.

Manager Revella mentioned that at the meeting as well and can do it on our own.

Trustee Hoffman said that they do function independently. There really was no communication between cross county lines with DSS Departments. And that makes in and out placements across counties very difficult. So we would have to have 2 protocols in 2 different departments.

Deputy Mayor Rumbold said if someone is placed from Ulster County into Orange County, are they then transferred from Ulster DSS to Orange DSS?

Manager Revella said not automatically. They would have to reregister with Orange County. The first month they are still registered with their former county. Then register with their new county. At least for a month we won't have much control, but after that we will have some.

Trustee Hoffman said they have interviews with the candidates prior to the placements. That's when they would trigger a letter from us. Would advise them if a particular property has a code issue before they make that placement.

Trustee Mishk asked about DSS placing parolees in the Village.

Manager Revella replied that they haven't met with them about that issue.

Trustee Mishk asked if they could check with the Police Department.

Trustee Hoffman stated that there are 900 apartments in the Village. DSS said they have 300 candidates in the Village and there are an additional 300 that get Federal Assistance thru SSI. So there's a total of 600 people in the 900 apartments that are getting some sort of assistance. We didn't know the number was that high.

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

none

Manager Revella mentioned he put out a Code Red for recycling. The pick-up will not take place tomorrow, it will be on Thursday due to the storm.

Deputy Mayor Rumbold announced additions to agenda.

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

Becky Pearson, 167 Walnut St, asked about the Landlord Registry, does the law reflect anything on the single room boarding homes in the Village.

Manager Revella said those are currently illegal.

Becky said that there is nothing in the law that states they are illegal. A home that has multiple rooms

Manager Revella believes that there is a code for it. Doesn't know if it's called boarding homes or how it's termed. People have been cited for it.

Becky said it's a landlord that owns a home, may want to review that first because there are issues with certain homes that have just multiple people living in them.

Trustee Hoffman said the Building Inspectors report has mentioned that citations has been issued last 2 weeks about that.

### **Action Items**

#### **Introductory of Local Law #3 of 2014 – Landlord Registry**

Attorney Donovan said it was on discussion last month. Taking existing code, blacklined some changes. Borrowed liberally from City of Middletown code. Primarily it indicates in registry form that we require now for additional information. For example, number of rooms in rental property, dimensions to be true, descriptions of the use it's proposed of the room. Requirement that there be a person who is local, not necessarily from the Village of Walden, but a designated agent, for instance, you have an absentee landlord that lives far out of the area, a responsible person over the age of 21 that resides in the Village or 10 miles of the Village, then that person would be designated to receive process. Also, if the property is insured, because if there's no mortgage there may not be a requirement to be insured, but would require them to give copy. So if there were some laws, we would have someone to call if the property was abandoned. Other issue, whether or not to conduct an onsite inspection. If we know the property is vacated before it is rented. The law provided is that we cannot compel an inspection if we suspect there is a violation. But if we have consent we do the inspection. If they do not consent, we cannot do an inspection unless we have a reasonable suspicion that there is a problem.

Deputy Mayor Rumbold asked if the inspections are done on a yearly basis.

Attorney Donovan said for the fire inspections it is required. It wouldn't be a code inspection.

January 7, 2014

Deputy Mayor Rumbold thought Dean did inspections on mutli-units.

Manager Revella said as long as they're under NYS code, he does. Certain units it's once a year and others is every 2 years.

Trustee Mishk questioned if they can add something at villagers cost. A sticker of some type be placed on the premise where all tenants can see it and it would give the tenant the knowledge of who to contact for any complaints and then possibly gives us a probable cause to for that code inspection.

Attorney Donovan said if we were to show up and the tenant let us in then we're home free.

Trustee Mishk said with the stickers placed on each building saying if you have any issues with code problems, then can call the Building Inspector.

Attorney Donovan stated he can't think of a potential problem but will check on it.

Trustee Mishk mentioned if we have it in the law, as long as it doesn't cost any additional funding.

Attorney Donovan said there is a revision for registry renewal. So if we have a habitual violator, we have the ability to deny renewal. Understand that if we were to do that, there is a process that is involved. Would have to afford them some due process hearing. Would have to advise them what the problem is and that they are a habitual violator therefore we are not going to renew their permit. Have to give them a due process hearing before anything can be finalized. No one is going to want to give up that kind of income. That could be an area that could present us an issue. Think there is a way to get those people to comply because they are going to want to rent the apartments. There could just be a cost to bear to make that happen.

Trustee Leonard asked if there's a hundred dollar fee and ten dollar per unit, is that accurately reflect the cost that the Village is going to incur to do these registrations? Seems a little excessive.

Manager Revella replied that its close.

Trustee Hoffman added that it takes a while to do the inspection.

Trustee Leonard said some multiple units would take some time but single family house probably can be done pretty reasonably. We may incur a legal challenge from this law. Any chance of winning?

Attorney Donovan stated that there are no guarantees. Middletown has this law. Cannot guarantee success. Wouldn't present a law that he doesn't think would hold up.

Trustee Mishk asked if we can compel them to have liability insurance to cover the tenants.

Attorney Donovan said we cannot.

Manager Revella stated that we can't make someone have insurance.

Attorney Donovan said as a municipality we cannot. We can for instance if someone is doing work we can require insurance.

Deputy Mayor Rumbold asked if everyone falls on the same date for registry renewal. When we enact this law there are going to be some people that may have just gotten their registration, do they fall under the auspices of this or are they still under old law till it's time for them to reregister.

Manager Revella said this would be for all units. It would be an annual renewal whatever the anniversary would be.

Deputy Mayor Rumbold said it would take a course of a year where everyone is in compliance with this.

Manager Revella said correct. It would take a while.

Attorney Donovan if happy with the law, we can schedule a public hearing, just wants to make sure all questions and concerns are addressed.

Manager Revella suggested to get draft out there to see public input.

Attorney Donovan said Manager Revella suggested public input. He just wants to make sure everyone is comfortable with it.

Trustee Leonard stated 2 board members missing, should wait for them.

Attorney Donovan said it's up to them but wants them to be reasonably comfortable. With a local law, you're not on any time frame.

Deputy Mayor Rumbold asked if it was a big deal to move it to the next meeting to give Dave time to research the sticker and everybody time to read it over.

Trustee Mishk clarified to compel the landlord to leave the sticker in place.

Trustee Bowen added that it also give the renter a place to go to. Would they be able to get the person that is moving into the unit's information?

Manager Revella said it depends on change of tenancy.

Trustee Leonard mentioned that Dean said that a lot of renting is now done on social networks, internet. We may not be aware.

Deputy Mayor Rumbold asked wouldn't the DSS be aware since they are paying portion of the rent then they would be aware of people have been placed. Is it farfetched that everyone got a packet, some kind of information, ie here's the Village Offices, here's who to contact for an issue.

Trustee Hoffman said that we could probably work with the assessors and have them pass on the information to the potential candidates.

Trustee Bowen asked as far as putting a packet together, can we get a label to put in the packet?

Trustee Mishk said that if you give out a packet, chances are it will be thrown away but a sticker is permanently fixed to the building.

Deputy Mayor Rumbold wanted to address that if the landlord removed the sticker, then the tenant wouldn't know where to go. If we're physically giving them something saying these are important numbers for them. If they throw it away, they throw it away but at least they have gotten it.

Trustee Mishk said the sticker has to be kept in place at their cost once they register.

Deputy Mayor Rumbold wants people to have the number if they have an issue. Give it 2 weeks so everybody can review it and put it on the next agenda to set a hearing.

#### **Resolution No. 31-13-14 - Stop DWI Contract**

Attorney Donovan stated that this is a standard resolution. Money from the county given to the Police Department to stop DWI. The first quarter amount is \$3146, there'll be additional payments throughout the year. County doesn't know what they are yet. But in order for us to accept the money, we have to have a resolution authorizing us to accept the money.

Manager Revella said the second period is in the amount of \$4,834.00, Crackdown Enforcement.

Trustee Leonard made a motion to adopt Resolution 31-13-14. Seconded by Trustee Hoffman. All ayes. Motion carried.

#### **Resolution No. 32-13-14 – Election Inspectors**

Trustee Hoffman made a motion to adopt Resolution 32-13-14 Election Inspectors as said by Village Manager. Seconded by Trustee Bowen. All ayes. Motion carried.

#### **Hearing Request – 5 Hiddenvue Drive**

Jay Buchalski, Code Enforcement Officer, request hearing due to order of remedy of violation for 5 Hiddenvue Drive. 2 unmarked vehicles. Was given a violation on 10/7. A hearing was set and about 2 days before that, one vehicle was removed. Low and behold, that vehicle has mysteriously returned.

Mayor Maher asked how long was it gone.

Jay replied that the first violation was October 7<sup>th</sup> and November 25<sup>th</sup> it disappeared and somewhere between there and January 16<sup>th</sup>, it reappeared. Just after Christmas, this unmarked vehicle, unregistered showed up. Whether they had it hidden, have no idea, it's back.

Mayor Maher asked when he noticed them, how long did it take them to get rid of it.

Jay answered with the first notice, about a month and half.

Mayor Maher asked if he thought they would do it again with another notice.

Jay said if it happens a third time, he will issue a summons and take them to court.

Trustee Hoffman made a motion to accept hearing request for 5 Hiddenview Drive for February 18<sup>th</sup> at 6:30pm. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Set Hearing for 15 High Street – Zone Change**

Manager Revella said the materials were sent to the Planning Board. They were supposed to meet last night but due to the weather they adjourned to February 19<sup>th</sup>. The county is all set with materials. Plenty of time. Would like to set hearing for March 4<sup>th</sup> at 6:30pm.

Trustee Hoffman made a motion to set hearing for zone change for 15 High Street for Tuesday, March 4<sup>th</sup> at 6:30pm. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Expend Funds for 33 Scofield Street**

Manager Revella went thru the building with Dean, Building Inspector, to do some preliminary review, sketch plan. Want to spend some time with the engineer to do official plans for renovations to be done and noticed some asbestos in the basement. Tested positive. Wants to do the abatement asap. We have funds in the capital for building repairs. Don't believe to be in excess of what's in there. Testing costs, engineering costs shouldn't be more than \$1-2,000 in cost at most. Will fax the board the estimate for official cost prior to the work being done.

Deputy Mayor Rumbold made a motion Seconded by Trustee Leonard. All ayes. Motion carried.

### **Townhouse Zoning**

Tabled

### **Public Comment**

Anita Vandermark, 76 Highland Ave, thanked the Village for allowing the Sunshine Society to have been in the . Asked who takes care of the clock.

Manager Revella said Dean does but wasn't here today.

Anita asked if there were any plans for Memorial Day.

Mayor Maher stated that they're waiting to hear from American Legion. To get approvals for the same parade route.

Anita asked about the photograph of John Howland at the teen center, it hasn't been done yet. The Community Council meeting is next Wednesday at Hometown Bank at 7pm. Pastor Ray is coming to speak about the Good Samaritan. Heard Baptist Church doing a corned beef dinner on March 1<sup>st</sup>. Friends of Walden Youth are having their annual yard sale on March 30th. We accept anything except electronics. Can use volunteer as well.



Becky Pearson, 167 Walnut St, is a little disappointed to hear things on action items and don't have time to read and go through them. Believes the packets are done on the Friday before, to go thru them over the weekend. Why put it on the action item if you're not going to be prepared for that? Don't understand why people cannot be prepared for a meeting that they get paid to sit at to help with the Village and do your job. Was a little disturbed to hear that this evening. Another thing is, why pay an engineer to do the plans on a house that you're just going to put some walls up on and a furnace in. Don't understand why we need an engineer firm.

Trustee Hoffman explained that the NYS Bidding law require an engineer.

Becky asked if there was no way around that.

Manager Revella responded not for this job. Too big.

Becky asked if the Deputy Clerk was available for the meeting. She was at the last meeting.

Manager Revella stated the Clerks duties were divided amongst the office. The minutes were assigned to Marisa, who wasn't here last week because she was ill.

Becky questioned if all the minutes were done by Marisa.

Manager Revella replied for the last meeting and this one, correct.

Becky asked for the year?

Manager Revella said just for the meetings that Tara is not available.

Trustee Hoffman added that there was some catch up minutes that were done by Tara and Marisa.

Becky said really the responsibility of the minutes are the Clerk and the Deputy Clerk. Correct?

Mayor Maher explained that what Manager Revella is saying is that some of the workload has been passed on to Marisa as well.

Trustee Hoffman added that they haven't hired anybody for it.

Becky questioned if it was for future or until Tara gets back.

Manager Revella said just until Tara gets back.

Becky confirmed that Tara will be doing the minutes again. Not understanding why we are paying 2 people to do the job. The Deputy Clerk should be taking over when he Clerk is not here. Not sure why we are paying the assistant to the manager to do this job. Not sure if the board feels the same way but you have people already in this position to do this job and people lined up to do it. It's your position to appoint those people.

Manager Revella said this person was not actually appointed. This person was hired by himself.

Mayor Maher said that very simply, that Manager Revella thought it was best to have as much cross training in the office and the board agreed.

Becky asked if the Deputy Clerk was available.

Manager Revella answered yes.

Becky questioned why are we paying this individual to sit here?

Manager Revella replied that we would be paying her to sit here as well.

Becky responded that that's her job.

Manager Revella stated that she is not salary.

Mayor Maher added that they made a conscious decision to spread the workload around.

Becky heard that a lot of the minutes were done by a different individual than the Clerk. And that's why I'm asking why are we paying someone extra to do the Clerk's job.

Mayor Maher said that's a good question but the answer is no. That's not the case.

Manager Revella added that she had done the minutes to catch up when there was no Clerk.

Trustee Hoffman said transitioning from part time to full time Clerk, there was a deficit of minutes that had been created. In order to catch up, the transcription was split between the Clerk and the Administrative Aide. Now with the Clerk on maternity, we haven't hired any additional people. Believes the staff is doing a good job filling in. No additional cost to the village.

David Sperry, 12 Overlook Terreece, asked about the building at 33 Scofield.

Manager Revella said it will be the Building Department. Will have all public function.

David asked about what sidewalks.

Manager Revella said it was potential litigation to discuss with the Village Attorney and Village Engineer. Can't say which ones, there are several sidewalks in general that we are proposing to repair.

David asked if it was Ulster Ave is one.

Manager Revella said that's not one to discuss at the meeting but it is absolutely slated to begin in April. The curbs, sidewalks, retaining walls

David asked once the retaining walls are done, is that going to be the states properties or the residents.

Manager Revella replied that it will be the resident's property.

David wanted to know what kind of sidewalks.

Manager Revella said it hasn't been decided yet. Proposing the bid. Will be itemizing the bids.

David stated there have been a few sidewalks that haven't had any snow removal.

Manager Revella said the Village is taking care of it. We fine the individuals that don't do it.

Jessica Metzger, 4 Gracewood Ct, asked Trustee Hoffman about the DSS numbers, the data that was collected, are those numbers for individual or family.

Manager Revella said it was units. They didn't say if it was individual.

Jessica said the concrete Village numbers are by the Principle of the elementary school. It is very high here than other municipalities. Also mentioned she overheard, minutes and Clerk. Minutes were completely up to date just prior to hiring a full time clerk. Since hiring the full time clerk, the minutes have not been up to date. It is the job of the clerk to take the minutes. That is their responsibility. How you can have someone else do the minutes when you have your Clerk or your Deputy Clerk available to you. Maybe you can gather the information to clarify for the public. Because when you do look up these rules online, the person that is supposed to be collecting the data at the meeting is your Clerk and if your Clerk is not available, your Deputy Clerk.

Mickey Millspaugh, 10 Jessup Street, said that he doesn't know what the plans are with the building with the engineer, and I practiced engineering for a long time. However, I think when you're doing something, it would be wise to get plans done by an architect. It would fit far better in the landscape. Engineers are problem solvers, will put a straight line in. An Architect will put a curved line in.

Trustee Hoffman wanted to add that an Engineer did design the Brooklyn Bridge.

Mickey mentioned that on the clock, there should really be a plaque saying it was given by The Woman's Club.

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

Deputy Mayor Rumbold made a motion to approve Payment of the Audited Bills. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Correspondence**

None

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

January 7, 2014

Mayor Maher apologized for being late. Had to work extra tonight.

**Executive Session – PBA Negotiations, Potential Litigation, Village Manager 105 F and Personnel of a particular person.**

Deputy Mayor Rumbold moved to go into Executive Session to discuss Potential Litigation, Village Manager 105 F, Potential Litigation, and Personnel of a particular person. Seconded by Trustee Bowen. All ayes. Motion carried.

**Reconvene**

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

**Settle Loan**

Trustee Bowen made a motion to accept settle loan with 92-100 West Main Street in the amount of \$20, 690. Seconded by Trustee Carley. All ayes. Motion carried.

**Adjournment**

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

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Motions & Resolutions**

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