

**Village of Walden
Board of Trustees Regular Meeting
January 8, 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
	Trustees	Bernard Bowen
		Edmond Leonard
		Tara Lown
		Sean Hoffman
		Willie Carley

Absent	Deputy Mayor	Sue Rumbold
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Also Present:	John Revella, Village Manager
	Vicki Kurtz, Deputy Village Clerk
	Austin DuBois, Village Attorney

Recognition Ceremony – Jessie McGrath & Jordan Ploss

Mayor Maher presented Certificates of Achievement to Jessie McGrath and Jordan Ploss who are young football players representing the Village of Walden as future leaders on and off the athletic field. Their dedication and commitment makes the Village proud.

Public Hearing - Comprehensive Plan

Trustee Lown made the motion to close the Public Hearing on the Comprehensive Plan. Seconded by Trustee Leonard. All ayes. Motion carried.

Hearing – 97 First Street

Jay Buchalski, Code Enforcement Officer, commented the property remains in the same condition as the owner is deceased. Condition is dangerous.

Trustee Hoffman made a motion to have the Village clean up the property at the owner's expense. Seconded by Trustee Lown. All ayes. Motion carried.

Village Manager's Report

- Bradley Park drainage continues; 2 sections are completed, waiting on the top section where the parking lot will be. Need to wait for the ground to thaw.
- Had PBA meetings regarding their upcoming contract negotiation. Contract expires in May.
- Coordination of two sheds being demolished at 145 West Main Street with the Recreation Coordinator.
- Survey work on Maple Street to be completed this week for the sewer replacement project. A few water line issues which were anticipated and repaired. Have one more to repair.
- Reviewed with the Auditors regarding our Audit and have a few issues to discuss later in the meeting. Vanacore, DeBenedictus, DiGovanni & Weddell LLP to do full public presentation hopefully at the next meeting for full financial disclosure.

- Flushing and jetting sewer mains as much as possible to prevent back ups. Corresponding with Elementary School regarding work being done in the back of the school to keep communications open.
- FEMA meetings continue about what we can claim from Super Storm Sandy. Should be submitted by the end of the month.
- Capital Projects report for 2009-2012 is being updated with the Village Engineer and will be disclosed during the Audit report
- Correspondence with the State Office of Governmental Services and Procurement about Vehicle Contract discrepancies. Item we are trying to acquire is not approved on the contract.
- Sewer Main work on Pleasant Avenue is stopped for the moment.
- Major water main break Windrift has been repaired.
- Meetings with Interstate Waste Services with regards to commercial garbage pick up. Representatives are here tonight to answer any questions
- Underground electric lines on Westwood drive are all pulled and all there. Machinery did not damage the roadway as we had thought was possible.
- Met with Building Inspector and the Thruway Project Developer. Seems to be progressing at a steady pace.
- Had a few water line breaks on Pleasant Avenue. Trying to coordinate with contractors working in village areas to get ahead of them.
- First two snow storms were a little difficult to navigate due to employee illnesses leaving minimal staffing to keep up with the storms. Storms were tough on employees coupled with water main breaks and illnesses. Hopefully the flu that is going around will break and we won't have minimal staff for future storms.
- Telemetry issues with the water system were resolved quickly
- Fireworks on New Year's Eve were great.
- Water Main Break on Maple Street and Walnut Street which was repaired quickly. Definitely another water issues on the road. Trying to figure out the action point source in the line to pin point where.
- 6 month report of the budget included in the packet. Bring any concerns to Manager Revella
- 6 inch water main break on Lincoln Street was also repaired by 10pm that night.

Mayor Maher asked about the status of the tree dangling on the wires near 26 Main Street and when it would be removed as it is very unsafe.

Manager Revella responded that it is indeed unsafe but that the Village can not remove it due to the wires. NYSEG was trying to work on it and did do some work on it. They have a company called JFLOW in town working on removal of other trees in the area and they are planning on removing that tree as well as the others they were working on.

Mayor Maher asked who was paying for the cost of removing the trees.

Manager Revella responded not the Village.

Mayor Maher commented that since we aren't doing the work it does make it hard for us to control it.

Manager Revella stated that they were going to be in town for the next few days cutting trees.

Mayor Maher reiterated the unsafe condition and the importance of that particular tree and asked that should Manager Revella have the chance to expedite its removal with the contractor that would be beneficial.

Manager Revella did state he tried to contact the State DOT to take care of that tree but also couldn't due to the wire.

Mayor Maher confirmed that JFLOW had the equipment and was able to do the work.

Manager Revella confirmed.

Mayor Maher commented about the various complaints he received from residents regarding the snow removal during the recent storms, specifically about plow trucks driving too fast, and lack for courteousness to residents. He suggested that a meeting be had with the employees to reiterate to them that this type of behavior would not be tolerated; everyone must drive at proper speeds and that they need to be as courteous as humanly possible when plowing. We understand that there are times when snow will go on sidewalks and driveways after the resident has already shoveled when the plow passes again, but he could understand the resident's frustration when mounds of ice are piled onto their sidewalks from a previous storm and then gets a notice about not re-shoveling their sidewalk. If we can be as prepared as possible in the event something like that happens in the future and maybe in certain cases if it's egregious maybe even having the employees shovel the sidewalk which we can discuss under discussion items later and whether or not that is our place.

Manager Revella replied that if a plowing employee sees someone actively outside shoveling they are supposed to slow down and turn their plow a little bit so they don't hit the person with chunks of ice and snow. They are supposed to try to do that otherwise it's difficult.

Mayor Maher added that he understands it's the first few storms and we didn't get a lot of snow last year. But he still feels that perhaps it's got to be discussed with the employees to be careful as he received a lot of complaints after this snowfall.

Mayor Maher commented on the lights on Veterans Memorial Bridge finally being on. They look great and we want them up everywhere.

Manager Revella commented the board needed to let him know the time frame for the Municipal Square lights to be worked on.

Trustee Lown commented we had only approved the lights on the bridge as we had wanted to see how long they lasted as a test period.

Mayor Maher asked what the timeline was on the Municipal Square lights.

Manager Revella stated as soon as the board gave him the approval.

Trustee Lown commented that the board hadn't given Manager Revella a timeline when we initially discussed it.

Mayor Maher asked if we can talk about it now.

Manager Revella suggested perhaps under discussion items.

Trustee Carley asked if we should have our Village Engineer present as he is the one going to be doing the work.

Mayor Maher commented that Manager Revella is in constant contact with the Village Engineer and could speak with him.

Trustee Lown recalled that the original conversation by the board gave approval to do the Bridge and then when the board gave approval to do Municipal Square we would do it at that time.

Manager Revella agreed.

Trustee Lown said perhaps we do need to speak to the Village Engineer about a timeline for the project but that the board has already approved the work get done.

Attorney Austin DuBois commented that we could approve the expenditure now and the Engineer could give his timeline at a later date.

Trustee Bowen asked how long the lights had been on on the Bridge.

Manager Revella responded that there was one light that was the initial test light and has been on for over a month and the others have been on for 5 days.

Trustee Bowen suggested that if the test period has been completed that we move on to the next phase.

Trustee Lown reiterated that we never gave a test period length of time.

Trustee Carley asked if the board had given a month or 2 weeks timeframe.

Manager Revella confirmed they had not.

Trustee Leonard commented that the other thing we needed to do was to look at the bill when it came in to see how expensive the lighting was compared to what we allocated.

Manager Revella stated the cost was about \$5,800

Mayor Maher suggested we have the Village Engineer come to the next meeting with a report and then we can move forward with the next phase.

Trustee Carley confirmed the next phase was the Municipal Square.

Mayor Maher responded Municipal Square and Main Street.

Mayor Maher asked about the status of the Ulster Avenue sidewalk project. He recalled that the board had discussed possibly allocating bluestone in the budget and then had not
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allocated that way, with the understanding the project was going to be started this year. He asked if there was a specific reason why this sidewalk project and rebuilding of the retaining walls and curb sides didn't happen this year.

Manager Revella responded that the state did not approve the plans. They approved the funding, but not the plans. And they won't give a date when they might give such approval.

Trustee Hoffman asked when the plans were submitted.

Manager Revella responded months and months ago. The first time it was submitted the state asked for a revision which was submitted and haven't heard anything yet.

Mayor Maher suggested someone speak to one of our local Senators to get assistance.

Manager Revella stated he spoke to the Regional Director who said they were grossly understaffed and that we was trying to get it down, but it was a slow process to begin with and is now even slower.

Mayor Maher commented that the project will only cost more in the future.

Manager Revella affirmed that we have been fully funded for that material and project.

Trustee Hoffman asked about the timeline on Maple Street Project.

Manager Revella responded that it would be done tomorrow and then paving on Friday.

Approval of the Minutes – December 11, 2012

Trustee Hoffman made the motion to approve the minutes from December 11, 2012 meeting. Seconded by Trustee Lown. 5 ayes, 0 nays, 1 abstention (Trustee Bowen). Minutes approved.

Approval of the Minutes – December 23, 2012

Trustee Leonard made the motion to approve the minutes from December 23, 2012. Seconded by Trustee Lown. 5 ayes, 0 nays, 1 abstention (Trustee Bowen). Minutes approved.

Trustee's Committee Reports

DPW liaison – Trustee Leonard

Trustee Leonard indicated he had an informal discussion with the Mechanic to get his input on the building we have been discussing for some time now to see if it's worthwhile to go forward on it. With his input he will make a suggestion to the board.

Village Office Liaison – Trustee Bowen

Trustee Bowen indicated he had just been catching up with Peter over some issues and will have a better report for the next meeting.

Community Liaison & Library Board Liaison – Trustee Lown

Trustee Lown indicated that Leadership Day is on Thursday, January 10th at 6:30pm. The Leadership Day Committee apologized for having to change the time but the Youth Award
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Recipient has a basketball game the same night and we felt it better to change the time of the event so he could attend the ceremony. The committee will be honoring 5 Village of Walden Residents; Mary Ellen Matise, Volunteer of the Year; Timothy Cronin, Youth Leadership Award; June Garcia, Sam Phelps Service Award; Anita and Roy Wynkoop of Flowers by Anita, Community Business of the Year; and keynote speaker Hon. Elaine Slobod. Walden Community Council meeting at Jacobowitz & Gubits tomorrow at 7pm. Christmas on Main Street wrap up meeting is Monday, January 21st at 7pm Bradley Assembly Room. Fireworks on New Year's Eve were wonderful.

Building Department Liaison & Planning & Zoning Board Liaison – Trustee Hoffman

Trustee Hoffman indicated he caught up with the building inspector after the holidays with regard to suggestions from the Tri Board meeting, specifically the posting of properties. Dean had done some research and came up with a potential law for this issue. They would like to run it past the planning and zoning boards for their input before moving forward.

Mayor Maher commented that he had attended the planning board meeting the previous night which had 3 different applications and looks like we may have a new restaurant similar to Red Ginger in the Village of Walden as well as a couple other businesses that look to be very exciting.

Parks and Recreation Liaison & School Board Liaison – Trustee Carley

Trustee Carley commented that the drainage is still being worked on at Bradley Park. The Skate Park is closed for the season. The indoor soccer program has ended also but everyone had a great time. Basketball practices have started with 15 teams and a skills/drills program for the 6 and 7 year olds. The adult gym will open up next Thursday from 9-11pm and the cost is \$5 per session. The New Years Eve fireworks were great. The storage building at Olley Park was unfortunately broken into with approximately \$3500 worth of equipment stolen. The Teen Center numbers are holding steady at 40 participants a night. There are 3 staff on so that the train station building can be open with no problems as it's hard with 2 staff to have just 1 employee in the gym because of the number of participants and the 3 employees make that work nicely. Zumba is Monday, Wednesday, Fridays 5:30-6:30pm; Yoga is Thursdays 5:30-6:30pm; Cardio Kick Boxing is Tuesdays 5:30-6:30pm; Teen Center is Fridays and Saturdays 7-11pm; Mom and Tot is Tuesday and Wednesday 9:30-11am; and After School Program is Monday through Friday 3:30-5:30pm.

Trustee Carley indicated that the School Board has been out of session but has a meeting on January 14th so he will have more to report at the next meeting. On another note he spoke with Chief Holmes about the sirens that are used by the Fire Department and their use. He proposed that we consider potentially utilizing the sirens for Emergency Management situations only (State of Emergency, Tornado Warnings, etc.) rather than everyday use as some are being used currently. He and the Chief would like to send a letter to the Board of Commissioners to discuss altering their use in the future.

Mayor Maher suggested that based on his experience with the Fire Department in addition to a letter that a board member also accompanies the letter to a meeting as it may be better received in person. He also commented he was in favor of this change and suggested it be a discussion item for the next meeting.

Manager Revella stated he felt it was something we should address as soon as possible as he has spoken with the Board of Fire Commissioners this week and they have already had discussions on this topic. They have a work session in a couple weeks where it can be discussed or we can discuss it now.

Mayor Maher suggested we wait until the work session and we can give Manager Revella authority to write the letter on behalf of the board and then have Trustee Carley or he can also attend whatever the board prefers. He highly suggested that someone go with Manager Revella so that the issue would get more traction as he feels it deserves more than just a letter as it is a legitimate concern.

Manager Revella replied that for Emergency Management purposes, it is a very grave concern as we don't have any other system for alerting the public when there is an emergency.

Mayor Maher asked if the board would like him to work on a draft letter and if anyone else would like to attend the work sessions that would be very welcome.

Trustee Bowen suggested Trustee Carley attend as it is his area of expertise.

Trustee Carley commented he would be happy to do whatever the Village Manager would like to do and he will follow suit. Currently there is an Emergency Management plan in the works and section 1-3 concern this topic which is about half of the initial plan that both the Chief of Police and the Village Manager are already reading through right now. Hopefully by the summer the whole plan will be complete and they can move on to another section.

Mayor Maher asked that they get everything together before the first work session.

Trustee Carley asked when the first work session was.

Manager Revella responded he wasn't sure of the exact date but thought within the next two weeks. He suggested we get the letter drafted and that he would find out the date and let him know.

Public Comment on Business of the Board

Becky Pearson, 167 Walnut Street, commented she was not at the previous meeting but knows the board would be discussing the Ethics Code as she was unsure of where the discussion had ended. She had just read the minutes and didn't see a lot of discussion but did remember that there was some research that was being done by the Village Attorney. She asked where the board had left off on that issue.

Mayor Maher commented that the board did have a lot of discussion about the basic question of whether or not this board believes the Ethics Board should have a little more authority rather than just being a board that renders opinions. The majority of the board felt that there should be more that should be looked into while a few individuals who maybe thought it should just be an opinion of the board. It's not a done deal and the board was going to discuss it further later.

Becky responded that she had just read the minutes and thought that there were a lot of questions that were left unanswered awaiting the additional research the Village Attorney had done.

Manager Revella responded that the Village Attorney had drafted a legal memo to the board on those issues.

Becky asked if that memo was in the packet.

Manager Revella responded no.

Becky asked since the board was going to be discussing the animal code tonight if there had been a problem lately with the animal code.

Trustee Lown responded it was still the issue of the "Cat Law" that Becky had suggested to the board previously.

Becky replied that it was about dogs.

Trustee Lown responded that yes, the current code is about dogs but that this was about the suggested "Cat Law" that Becky had brought to the board previously that the board was still discussing.

Mayor Maher agreed that the board was still discussing this law.

Becky said the packet included information about dogs.

Manager Revella clarified that was a copy of the current code as is.

Attorney DuBois clarified that is the current code which is part of the issue the board is discussing.

Becky clarified that was her question if you are going to say animals should it read dogs or animals in the code if the board was going to add cats, and thanked the gentlemen for the clarification. She asked about the Commercial Garbage Action item on the agenda as she wasn't at the last meeting and didn't know what the gist of that was.

Manager Revella replied that it was a new item tonight.

Becky replied that it was an Action item so she wouldn't be able to discuss it later. In the packet there were some amounts that stated that all businesses were notified about those amounts and most of them had gotten back to the Manager about how they felt about those numbers.

Mayor Maher responded that some businesses did get back to them and some did not.

Becky asked what percentage of businesses got back to the Manager.

Manager Revella replied about 25% have responded to the letters in some way.

Becky clarified in some way, negative or positive.

Manager Revella responded that he hadn't gotten any negative responses, all were positive and Ciardullo Printing was indifferent. What was in the packet was what was mailed to the businesses as he was trying to get out as much information to the businesses as possible.

Action Items

Comprehensive Plan

Attorney DuBois clarified for the record that the Draft Generic Environmental Impact Statement that we have had for a while now is what was subject to this comment period and that any comments that may have been received would be considered at this point.

Manager Revella confirmed there have been no comments received.

Attorney DuBois stated that at this point we would now make that draft a final report and send out a few forms to a few entities. At the next meeting the board will present that report as the final and the board would take action at that point with the State Environment Quality Review process.

Resolution 23-12-13: 161 Elm Street and Resolution 24-12-13: 39-45 Main Street

Attorney DuBois stated he wasn't quite sure why this resolution was on the agenda as it had been enacted at the last meeting. The way this board typically does things is that the resolution is made and altered after that or enacted so he is unclear as to why it is on the agenda this evening.

Mayor Maher asked for clarity that the resolutions on the agenda were already enacted at the last meeting.

Attorney DuBois confirmed that Resolution 23-12-13: 161 Elm Street and Resolution 24-12-13: 39-45 Main Street were already enacted upon. But that Resolution 25-12-13: Election place and time and Resolution 26-12-13: Youth Bureau Solutions Grant are both new tonight that had yet to be acted upon.

Resolution 25-12-13: Election place and time

Election Times

Trustee Bowen made the motion to accept the Walden Firehouse located at 230 Old Orange Avenue from 6am-9am on Tuesday, March 19, 2013 as the official local election time and place. Seconded by Trustee Lown. All ayes. Motion accepted.

Attorney DuBois asked to make a point of clarification with regards to the previously discussed Resolution 24-12-13: 39-45 Main Street. In the Building Inspectors report he indicated that the building owner has not in fact shown proof that the owner has purchased the correct paint as was outline in the resolution so he is technically in non compliance with that resolution and the board could take action on that if they so choose. The board could do nothing but he wanted to be certain they were aware of the situation. The board also has the option to give the Building Inspector authority to go into the building to paint it themselves as it is within the rights of the board.

Resolution 26-12-13: Youth Bureau Solutions Grant

Mayor Maher commented that this was a grant for over \$9,000 to fund the Summer Youth Leadership Academy (SYLA) program in the Village of Walden. This program was ranked number one in the nation back in 2011 and is a great educational program promoting leadership and giving our youth a lot of activities to do during the summer. It's a great program and we are happy the County allows us the grant funds to help take care of it and in cooperation with our Summer Youth Employment Program it's something that really highlights the Village of Walden as one of the reasons why Orange County keeps getting awarded one of the 100 Best Communities for Youth in the United States. Walden is mentioned often when this award comes up.

Trustee Bowen made the motion to approve Resolution 26-12-13.

Mayor Maher asked what the exact amount of the grant was.

Manager Revella responded around \$9,130

Mayor Maher asked if we needed to have the exact amount in the motion.

Attorney DuBois confirmed the exact amount was not needed and he read the resolution for the record: Resolution 26-12-13 authorizing the application for the 2013 Solutions Grant funding from the County of Orange Youth Bureau for the Summer Youth Leadership Academy and Authorizing the Village to accept such grant if the same is awarded to it. Whereas, the Orange County Youth Bureau has announced the availability of grant funding for various types of youth programs throughout the county; and whereas, the Village wishes to apply for such grant funding for the Summer Youth Leadership Academy for the summer of 2013; and whereas, as part of its grant application the Village also wishes to acknowledge its willingness to accept said grant for such programs should the Village be awarded such grant; and whereas, the Board of Trustees of the Village of Walden wishes to authorize the filing of such an application with the Orange County Youth Bureau and express its willingness to accept such grant if the same are awarded to the Village. Now, therefore, it is resolved, that the Board of Trustees of the Village of Walden hereby authorizes the submittal of a grant application for the Solutions Funding Grant from the Orange County Youth Bureau for the Summer Youth Leadership Academy; and it is further resolved, that the Board of Trustees hereby expresses its willingness to accept the Solutions funding Grant for the Summer Youth Leadership Academy if such grant is awarded to the Village; and it is further resolved, the Village Manager is hereby authorized to take all necessary action to implement this resolution; and it is further resolved, that the Village Clerk is hereby authorized to forward a certified copy of this resolution to the County of Orange as part of the Grant application.

Trustee Lown commented it basically states that we are going to be applying for the grant funding and if we are awarded we will accept those funds.

Trustee Lown seconded the motion. All ayes. Motion approved.

Commercial Garbage Pickup

Manager Revella commented that everyone should have the information and the letters that were sent to the potential Commercial properties. As we all know the first component of this is that the village wide residential garbage bid was accepted from Interstate Waste
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Services (IWS). As part of the garbage bid this year we included a proposal for commercial pickup and we asked what that would cost for the businesses, what the cost savings would be, how we would implement this system, how the billing would work out and we worked out a grid as to what it would look like if it was implemented. That information was sent out to the businesses to see if they would be interested in the services, if they are not interested in the service, if it's a savings for the businesses or if it's not a savings to the businesses so that the board could decide if it is interested in this service or not. He did hear back from building owners and business owners who expressed that this would indeed be a savings for them and that they would be interested in the service for the cost savings aspect and really didn't care who the company would be that we would be using as long as it's a similar service to what they are currently using. He did receive one response that was indifferent to the service the owner just wanted him to ensure that if there were any customer service issues that came up that the businesses would have the same recourse as the residents do, which is correct. He indicated that Mark VanWeelden, General Manager of IWS, and other representatives from IWS are in the audience this evening if the board wishes to hear from any members of the public who would like to speak on behalf of any concerns they may have or have the IWS representatives that are here answer any questions that the board or the public may have.

Mayor Maher indicated he certainly had questions but then asked if there were any members of the public who wished to speak about this specific issue to come up state their name and their comments.

Joe Pisano of Pisano Brothers, Route 52 asked why the Village wanted to get involved in commercial garbage pick up.

Manager Revella responded that the current garbage code authorized the board at that time and it states that the Village will be responsible for garbage pick up for the entire Village.

Mayor Maher commented that the code as it was written does leave room for the Village to have the option to, and technically the Village does have the ability to do Commercial as well as Residential. This was the way this current board was saying they are thinking of enacting it. When this was brought up to the board he absolutely shared his concern and that this current board has not decided whether or not that is the right thing or the right place for the Village to get involved with a personal businesses choice on their garbage pick up whether or not it is saving them money or not.

Manager Revella stated that each resident is a business itself. For example at his own house he doesn't have a say in what garbage company the Village uses.

Joe responded that his understanding of the reason for this law was that all the municipalities had signed up for the gasification plan that would supply Mercer or some company in Middletown that he forgot the name of with enough garbage to fund the gasification plan if they need it. That contract basically fell through because it went bankrupt so you don't have that anymore. So now the Village is trying to take his right as a business owner to choose what garbage company he would like to use away from him. As you know any time you have competition you have control over the cost. If you put him in a situation where he only has one company to choose from he will no longer have as much of a say in what the price will be. They said they could lock in the price like the specs that

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were provided but it's listing solid stream spec OCC Trash but he wasn't clear on what OCC meant versus single stream which means you don't have to separate or sort your garbage. He currently has a 4 yard dumpster that he gets picked up twice a month and he is paying about \$84 per month with taxes and everything else. The paperwork that was sent doesn't include taxes.

Manager Revella replied there are no taxes added onto the cost at all.

Joe asked if it was a possibility to have his 4 yard dumpster picked up twice monthly as it isn't listed on the specs that were sent out as an option.

Manager Revella suggested that IWS could write down that question and respond since they are present to answer that question.

Joe replied that he wanted to know what it was going to cost him and he knows they said it could be locked in for 3 years but not having a choice as to whom his competition could be no competition pools leaves him locked in. A few years down the road when they up the price to \$400 per month he's locked into that price.

Manager Revella clarified that the contract is for 1 year with an option for up to 3 years. Therefore we all would be under a new contract in 3 years and we would all be soliciting for a new contract possibly from a new company at that point, but that's up to the Board to decide.

Joe asked if he would have a choice at that point to come to the Board and have a say in who they were going to choose.

Manager Revella replied that every resident currently has the option to come to the Board to state their opinion about specifics as to why they don't feel a company is a good choice. As part of our contract with the garbage company the Village can penalize the garbage company as well.

Mayor Maher responded that unfortunately the board does have to accept the lowest bidder so the board does have less of a choice as a Village as to who they select for garbage pick up.

Attorney DuBois clarified the Village has an obligation to select the lowest responsible bidder.

Trustee Hoffman stated that Mr. Pisano was bringing up a fundamental point that he was losing his right to make the choice on his own. If he wasn't satisfied with the service then he wouldn't have any recourse or something of that nature.

Manager Revella responded that his recourse would be to come to the Board and tell them that he wasn't satisfied just like any resident has to do as well.

Trustee Hoffman agreed stating that it would become a Business to Village relationship as opposed to a Business to Business relationship. He understood Mr. Pisano's point.

Mayor Maher agreed that he too understood his point and personally doesn't feel it's the Village's place to make that decision. However it's up for discussion at this time for the Village to make a decision.

Joe responded that he didn't think the Village should be in the garbage business.

Manager Revella stated that the Village has been involved in the garbage pick up for over 12 years.

Joe responded that when it was set up originally it was for a contract for a company with Taylor Biomass. How does that kick back to Taylor, what do they get out of it.

Manager Revella responded cheaper service and trying to pass that savings along to everyone, not just residents. If the Village can provide a service that helps the businesses out as well, we want to give businesses that opportunity, but if it's not then the Board won't vote on it.

Dan Stalley, 1-5 Orange Ave, asked about how this would affect his garbage pick up.

Manager Revella stated that if the Village enacted this then any contract that he currently has would be void. He would then be under the Village's auspices at that time and not applicable to any penalties from his current contract.

Dan stated he was concerned that the company he was under contract with would come after him.

Attorney DuBois clarified that if the contract became void by public policy because of a law that prevents it from being enforced than he would not be responsible for upholding that contract. The company can not pursue you because your municipality enacted a law.

Manager Revella stated that was definitely a concern to many business owners.

Mark Pisano of Pisano Brothers, Route 52 stated that he had confidential business records from as far back as 1992 that show in writing what happens in the real world when businesses don't have the right to competitive shop for garbage companies. These records show that he was affiliated with both Waste Management and County Waste which will show what he was paying with one vendor versus the other. It is clear that the rates were astronomically different and the reason they were so vastly different was that they has the right to competitively shop. He would like to press the importance with the Board of allowing businesses to maintain that ability to competitively shop because there is no better money making business in the world than garbage.

Eric Katsberg, Trustee with the Masonic Lodge, 63-65 Main Street stated that the Masonic Lodge supported the idea of the commercial garbage. He asked for clarification on what single stream recycling meant. He asked if that meant that all garbage went into one container or would it be a separate container for recycling and one for garbage.

Marisa Ellis from IWS responded that single stream recycling meant that cans, bottles, newspapers, paper, cereal boxes, and any type of packaging that food comes in all goes into one container. All other garbage that is not being composted such as food waste and

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any items that are not recyclable would go into your garbage. The single stream plan heavily increases recycling level and less trash is produced.

Eric asked if a toter was an option for businesses versus the smallest item on the specs provided which is a 2 yard dumpster.

Marisa responded that one of the things they recognized as they were talking to business owners was that it was not all cookie cutter and there are very many situations where businesses require various types of services. This was discussed with the Village Manager and yes they will be able to provide services such as the toter service to businesses that need it.

Eric asked if there would be an additional pricing list sent to the businesses to reflect that toter price.

Marisa confirmed that yes that would be forthcoming.

Eric stated that in the current code dumpsters have to be enclosed. He asked if that would hold true with this new law if enacted.

Mayor Maher responded that yes they would be required to be enclosed as well.

Eric asked if a business currently has a dumpster that was not enclosed if that would be enforced.

Mayor Maher responded that if those businesses hadn't already been noticed they most likely they would be cited. He suggested that if he had a specific case to let the Village Manager know about it and they will be noticed.

Becky Person, 167 Walnut Street asked if businesses were going to be required to have dumpsters or just garbage cans on the street, on our main streets there will be garbage cans and toters and recycling containers on every street that we have would then be filled with garbage cans.

Manager Revella clarified that they would still have the same setbacks that they have now and would not be allowed to have garbage cans on Main Street but in the rear of the businesses just as they are now.

Becky asked if cans would then be all over the back streets instead.

Manager Revella replied no, they would still be required to be in certain locations as it is now.

Becky responded that one reason that the law was initially enacted was that it was more commercial and more business friendly because businesses were having their dumpsters instead of garbage cans.

Mayor Maher furthered her point by stating that businesses had opposite sides of the street businesses or corner lots so garbage cans would be all over if it was streamlined.

Becky asked if the Commercial pick up was going to be at the same time as the residential pick up or will there be garbage pick up in the Village 5 days a week.

Manager Revella replied that there is garbage pick up in the Village 5 days a week now. There are current commercial pick ups that occur every day. With this program it would be a bit more coordinated and trucks wouldn't be coming in and out of the same parking lots all day, they would come in once and that would be it.

Attorney DuBois stated that if we had the same company doing residential and commercial businesses that it would allow that company to be more efficient with how frequently they are in the Village.

Mark VanWeelden, General Manager of IWS stated that the service that business owners currently have would stay exactly the same. In terms of choice, if a business wanted to increase or decrease the frequency lets say if the volume of their business increases that would stay the same as well, the only difference is that there is only one hauler and they are responsible to the Board for that service. The Board guaranteed the price as part of the bid, it's a locked in price as part of the bid specs it's nothing special that IWS did; it's just a portion of the contract so there is nothing majorly changing. In terms of the size of the containers and the frequency of pick up, IWS is in the Village 5 days a week and they are looking to right size those containers so that they are not in the Village 5 days a week. They are looking to do that for their own efficiency. The idea of having one hauler in town means that they are responsible for everything that happens and the Board can hold their feet to the fire, so it's an option in the contract, it's not anything that was just brought up.

Marisa Ellis from IWS commented that every other week services would definitely be available. One of the things that business owners have to do to help keep costs down is have service every other week because the costs for disposal and transportation have been so exorbitant. Under this new program she believes that businesses are going to be able to get a weekly pick up rather than keeping it around a little bit longer as they have done that to keep their costs down. The sales representatives, there are 5 including herself, will go to all the businesses and treat them just like they were a new customer and talk through the different options that they have to offer to see what will be the best fit for them to keep costs to a minimum as well as helping to keep the garbage under control. The competitive situation I heard a lot that businesses were concerned that they would not longer have a choice and not be able to keep control of the costs, but one of the things to not lose sight on was that with the bid there were 3 major players involved in that bidding process: Marangi, County Waste, and IWS. Each one of the 3 companies submitted a bid for the Commercial services. IWS was not only the low bid on the Residential service but also on the Commercial service bid. From her experience in the garbage market for the past 10 years, prices are at an all time low which is cutting costs to the consumer. Even under this the current pricing from IWS is higher than the bid that was submitted to the Village which overall will be a good benefit for the community.

Mark Pisano of Pisano Brothers, Route 52 asked if the IWS contracts had fuel surcharges that are the status quo that they can add whatever fuel charges they would like.

Marisa replied that there were none. She also commented that there is also not a lot of recycling currently in the businesses and the more they recycle the less trash they will produce.

Mark asked if there would be more or bigger dumpsters to decrease the amount of service.

Marisa replied that they would work with the businesses to find out what the best fit for them is to right size their containers and in some cases if they needed would pick up garbage up to 6 days a week as some businesses do required that service whereas others only require once a week service. Additionally, the trucks that will be used will be single stream trucks. It is in the best interest of IWS to minimize the time the trucks come in and out of the Village.

Manager Revella asked Marisa to elaborate on whether or not there were concerns that may have been asked directly to them from the business owners when they were talking to them that the Village is not aware of.

Marisa replied that there were a couple of people who had concerns and questions about having to go out for a public bid process. For example there are businesses that are required to solicit 3 bids when they select a garbage company such as the schools. They were concerned about how they were going to document that this did go through a public bidding process. As long as it's documented well those businesses should not have a problem. There were also a couple business owners who had odd situations such as having 3 cans plus a dumpster and what she assured them was that IWS would come around and talk to them and that their rates would not go up. We realize that not everyone will have the same exact type of service as not everyone can have a dumpster and we will work with those individual situations. Another concern was that some people might require less pick ups.

Mayor Maher commented that his feelings on this issue do not have to do at all with IWS. He feels that IWS has shown a great deal of dedication and done a lot of work for the Village recently and has been great with working with our Village Manager. He knows they have worked extremely hard on this but he just has a fundamental disagreement with the Village for getting involved in Commercial garbage pick up. He completely agrees with what Mark Pisano had to say tonight. One of his first issues when we first started having conversations about this issue with employees in private is to make sure that every single business owner is heard, as that is the most important thing to him. From what he's heard not just from the people in the room tonight but also from people outside who may not like being on the record is that they also have a problem with it as well and whether or not it is the role of the Village of Walden, whether or not we should be getting involved. This is a great conversation. It may very well help almost all if not every single one of the businesses in the Village but all businesses still in his opinion should have the right even if they are willing to pay more to hire someone else just based on service. No effects at all about that, it's just their preference, and he doesn't see how it's the Village's role to take that right away.

Manager Revella asked why he has an issue with Commercial garbage pick up but not residential garbage pick up.

Trustee Hoffman responded that Residential and Commercial are 2 entirely different topics. As we saw here tonight different businesses need different types of pick up where as Residential is essentially the same type of pick up for all. Also you would want to limit the amount of times a garbage truck enters a residential area versus a commercial area.

Manager Revella responded that we do have a lot of businesses that are in residential areas.

Trustee Hoffman replied that he understood that and from the Village standpoint it may seem the same but that he doesn't necessarily agree with that.

Trustee Carley stated that he felt that if this was one way the Village felt that it could standardize the process and make sure that everything is done and the costs are the same and make sure that the businesses are happy and the residents are happy. He believes that this is a great way to make sure that the responsible lowest bidder can accommodate the needs of the Village. It is subjective to say whether it works or doesn't work as we aren't going to make everyone happy. The service we provide and the government here is responsible for should be across the board and available as well as economically to everyone and he feels that the Village went to great lengths to do that. As for the preference about the number of times a truck goes into one area, he understands the arguments for both sides but that he feels this good business to make it the best way to do what is best for our residents as well as our businesses.

Trustee Lown stated she was torn about the issue as the businesses speak volumes in her opinion. Businesses owners are what keeps us all thriving and alive and we need them. Their ultimate happiness is of utmost importance to her. She feels the board has tried to the best of their ability through the detailed specs of the bid that we requested simultaneous to the tremendous efforts that IWS has gone through to prove to us that they can provide a personal consultation with each business and be accommodating to them all. She would rather hear more from the businesses on this issue. IWS could tell us all day how wonderful they will be but she really wanted to know how the business owners feel and more than 25% would be a little bit more convincing.

Trustee Carley added that one of the main reasons we only have a year service is that we do have the time to assess the service and make any changes if we feel it is necessary to do so. This was the reason that we didn't choose a long term contract.

Trustee Lown commented that she agrees with what Trustee Carley was saying and she also feels like we are a huge account that could certainly hold IWS' feet to the fire as we are a large voice collectively.

Trustee Bowen feels that for uniformity purposes it's great to consolidate and use one company. He understands the businesses concerns about competitive shopping. Most of why the Board selected IWS was cost and if cost is going to be a major issue to any business owner then he would think they would want to stick with the uniformity. If a business chooses to stay with whomever they have been working with even if it costs \$2 more than that is their choice to do. The goal of the board was to add the businesses to the savings.

Mark Pisano of Pisano Brothers, Route 52 commented that he felt that everything sounds great right now but that next year he fears prices will go up 30%. As a business owner he will no longer have a choice because the board chose it for him as a government who he had to go with. He doesn't feel that the Village wants to be a Commercial business. If it had its own garbage trucks and employees then it would be Free enterprise, but there is

no free enterprise here. The Board has taken his ability to choose what is best for his business away from him. If the Village signs it into law his voice becomes minimal.

Mayor Maher clarified that he would have a voice through the Village Board.

Trustee Bowen commented that the Board looked at the bids from a dollars and cents prospective and if a business isn't looking at from that same angle they are looking at it for relationship purposes and that is up to the business. IWS is accountable to us for at least one year to give us the service that we expect not just for residential but commercial also.

Manager Revella clarified that the contract is for 1 year with the option for 2 or 3 years at the same price.

Trustee Leonard agrees with Trustee Bowen as this was designed to be a cost savings to the businesses. It was also designed to cut down on all the different garbage carriers from coming into the Village at various times and days of the week. In reviewing the numbers if a business that gets every other week service were to change to a smaller container at a weekly pick up they would save money and he believes it's a plus for the Village.

Mayor Maher said that Trustee Lown made a good point that it would be beneficial to hear from more than 25% of the businesses. He asked if there was a way to hear back from more of the businesses.

Manager Revella stated that he sent letters to all of them but couldn't force them to respond. 60% of the businesses in the Village are current IWS customers.

Mayor Maher asked if this needed to be decided on tonight or could we get more information and discuss it again at the next meeting.

Manager Revella replied that he wanted to get the program started as soon as possible so it needed to be implemented soon.

Marisa from IWS stated that the goal is to be ready to roll out the program by April 1 due to the quarterly billing. Realistically they need about a month and a half implementation time that needs to be taken into consideration. That would include the time needed for the sales representatives to go to each business as well as the containers being refurbished and ready to be delivered to each business. Two weeks would not be feasible; they would need a month and a half.

Trustee Bowen asked how many businesses in the Village are not using IWS now.

Manager Revella replied approximately 45 out of 100. 60% of the businesses use IWS currently.

Mayor Maher reiterated that he feels it is not our place to do this. He understands the Village is trying to help people and that IWS has worked hard on this, but he feels it would be a big mistake to try and force even one business owner to do something that they should have the right to do themselves.

Trustee Hoffman agreed with the Mayor. He feels it permeates the bottom line of the whole philosophical issue on market versus franchise agreement.

Trustee Bowen also agreed.

Manager Revella stated that we have other franchise agreements including Time Warner and there is no fundamental issue there.

Trustee Hoffman asked if he had a difficult time with those agreements.

Mayor Maher asked if the board wished to take action on this issue or table it for the next meeting.

Trustee Carley clarified we would need to make a decision at the next meeting in order to meet the time line needs that IWS has requested.

Trustee Bowen suggested we discuss this at the next meeting with the consensus of the other businesses that do not currently use IWS as their carrier to get their feedback and make a decision at that point.

Trustee Lown asked how we would gather the necessary information. Sending another letter doesn't seem like it's going to get more of a response than the last one did. She also added that she felt we should wait the 2 weeks due to the fact that Deputy Mayor Rumbold was not in attendance tonight and not only does she have an invaluable opinion as a Board member, but she is also a business owner.

Marisa from IWS responded that they would go around and reach out to every business and in 2 weeks have the hard facts and comments so that the board could make a decision on the issue. It's just a suggestion to help make the decision easier.

Trustee Carley stated his concern with a conflict of interest and the possibility of skewed data.

Attorney DuBois clarified that even if the Board did adopt the law tonight it wouldn't be finalized until the next meeting anyway.

Trustee Hoffman asked Attorney DuBois if there would be any ramifications in the future if the Board wanted to take action on this topic at that time should this board decide to not take action on this issue at all at this time.

Attorney DuBois responded that he would need to look over the contract to find out. There might be a problem with the length of time the Commercial prices are good for.

Mayor Maher asked if Attorney DuBois could look into that for the next meeting.

Village Code Sec. 247-9 and Sec. 247-13

Attorney DuBois suggested that the Board introduce Local Law I-1-2013 tonight to change the garbage code and set a public hearing date for the next Board meeting. At that time the public can further weigh in on the previous discussion about Commercial garbage pick
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up as well as deciding if the board is in favor of the Commercial garbage pick up the local law could potentially also be enacted bringing the garbage code in line with the rest of the code.

Trustee Hoffman asked if we needed to introduce this local law tonight.

Manager Revella clarified that there were some issues between the language of the garbage code and the legislative intent. The new law would make the code congruent instead of conflicting as it currently written. There are sections of the code that conflict with other sections.

Trustee Hoffman asked if these changes were separate from the commercial waste pick up or will these changes not be needed if the board were to not go with the Commercial garbage pick up.

Manager Revella replied that without the changes to the law the code would be in conflict because it doesn't spell out the legislative intent.

Attorney DuBois clarified that the way he drafted the law the Commercial garbage changes that are included in the law. If the board decided not to go with the Commercial garbage pick up the law would need to be redrafted. There are 2 major changes to the local law that were made. The way it is set up is that the legislative intent contemplates both residential and commercial being controlled by the Village but because the Village has not been doing commercial, in other parts of the law it only refers to the residential properties. It also does not list that the residential garbage containers are provided by the garbage company and it had specifics on what types of garbage containers property owners were allowed to use. The original draft of the local law was to update the size of the containers but due to the new system entirely we are using where they are being provided he added a definition of what a qualified container is: one that is provided by the company with whom the Village has contracted with. Currently all residential properties would need to use a qualified container and if for some reason they lose their container they specify the type of container they can use in the meantime while they work with the contracted company to get them a new container. Because the commercial garbage is in the works he made changes to be inclusive for both residential and commercial pick ups.

Trustee Leonard made a motion to set a public hearing for Tuesday, January 22, 2013 at 6:30pm or some time thereafter for Introductory Local Law I-1-2013. Seconded by Trustee Carley. All Ayes. Motion Approved

Discussion Items

Section 94 of the Village Code: Animals

Mayor Maher commented that we have been talking about this Section of the code for a few meetings now and feel there is no need for residents to register their cats. The current code reads animals which is what we are suggesting to now say dogs.

Attorney DuBois added that he had conversations with the Chief of Police from Warwick who has the cat law which was passed in an attempt to take care of one resident who was the stereotypical "cat lady" who harbors a lot of feral cats on their property. He

commented that the animal control officer in Warwick doesn't see the need to enforce their "cat" law.

Mayor Maher asked if the law as written encompasses all other types of animals or is it specific to dogs.

Attorney DuBois replied that is specific to just dogs. Perhaps it was initially titled animals with intentions to expand to add future animals down the road.

Mayor Maher asked what the process was if we wanted to change the name of the code to dogs.

Trustee Lown commented that she has not seen the information that is currently being discussed. She indicated that she has been part of the discussion about this topic but that this is the first time she was hearing the suggestion to change the name of the code.

Mayor Maher clarified that this was the first time he suggested changing the title.

Attorney DuBois commented that changing the title would just entail an amendment to the law.

Trustee Lown stated she didn't feel that it was necessary to do that as it was not going to address the issue about cats which is what we were originally discussing.

Attorney DuBois commented that the discussion is about whether or not we should change the law to also include cats.

Mayor Maher asked the board if they felt the law should include any other animal other than dogs.

Trustee Bowen replied that cats should be included.

Trustee Lown stated that it's very hard to enforce that a resident keep their cat specifically inside their home.

Mayor Maher agreed.

Trustee Leonard agreed adding that it is not only hard to enforce but you can't distinguish between domestic cats and feral cats.

Trustee Bowen commented that if you purchase a cat you should keep it inside your home.

Trustee Lown commented that it's not required by law and you can't tell someone to keep their cat inside their home.

Mayor Maher asked each Trustee if they felt they should add cats to the current law.

Trustee Carley had no comment.

Trustee Hoffman said no.

Trustee Lown said no.

Mayor Maher said no.

Trustee Bowen said yes.

Trustee Leonard said no.

Ethics Code

Mayor Maher discussed the memo that was sent to all the trustees about the Ethics Code from our Village Attorney. It's been an issue we have been discussing in great detail about the fundamental issue of whether or not this board feels the Board of Ethics should remain as it is rendering of opinions or if it should get more authority to do investigations and have some sort of authority and issuing of penalties. We had very specific changes and suggestions on this issue, one of which was the amount of the fine.

Attorney DuBois replied that in his research the Village can not institute a fine higher than \$250. The suggested law was drafted at \$5,000 and the Village of Cornwall-on-Hudson provides for fines of \$10,000. If the board wants to seriously consider instituting fines higher than \$250 then he will do some deeper research to find out if that is possible but he does not think that it is possible.

Mayor Maher addressed the next issue the board wanted to change which was that if there was an issue that was going to be brought up to the Ethics Board that it would require a unanimous vote by all 5 members. He asked if the board still felt that way.

Trustee Carley asked to go back to whether we feel the Ethics Board should remain in an advisory position or be given more authority.

Mayor Maher asked the board for their feedback.

Attorney DuBois stated that perhaps the question is whether the board felt comfortable with the current role of the Ethics Board which is to provide advisory opinions to employees and/or public officials where that employee/public official asks the Board about future conduct. That's what we have now. Or whether they should have more power and whether other people can submit complaints about past conduct and whether the Ethics Board can render opinions on that conduct; and further beyond that whether or not that board can penalize that conduct.

Trustee Carley stated that he feels that the Ethics Board should stay advisory. He feels it's the role of the Village Manager if an employee or official feels there is misconduct. He stated that they should report it to their supervisor and/or the Village Manager and be addressed that way.

Trustee Hoffman commented that he felt the Ethics Board should be issued authority in accordance with their requests.

Trustee Lown commented that she felt there should be changes to the way the law is written she doesn't feel they should be given investigative authority.

Attorney DuBois stated that the Village of Goshen for example allows their Village Board to empower the Ethics Board to conduct investigations. There are many intermediate routes we could go with this issue where the Ethics Board doesn't necessarily need to be given a ton of power versus what they currently have now. It could be a compromised position where they have certain powers or we at least amend the law to give the Village Board power to empower the Ethics Board.

Mayor Maher commented that may be in line with what Trustee Lown was saying. Basically they are to render opinions but if they petition the Village Board they have the authority to do an investigation it would be the Village Board's pleasure to give the Ethics Board that authority.

Trustee Carley commented that there is a line between future acts or past acts. What types of investigations are needed for future acts versus past acts, that's a fine line.

Mayor Maher added that we wouldn't really know until something happens as the Ethics Board is not called upon until there is an issue that comes before them. It's hard for us to answer what it is they would be past or present until it happens.

Trustee Carley asked if we were saying that the Ethics Board can look into past acts.

Attorney DuBois stated that is what we are contemplating as a possibility.

Manager Revella clarified that certain past acts would be out of the purview of the board if it involves a Civil Service employee.

Attorney DuBois recapped that Trustee Hoffman was stating that he wanted the Ethics Board to be able to investigate past acts and render an opinion about those past acts and penalize them; Whereas Trustee Lown is stating that she wants them to be able to render opinions and receive complaints about past acts but not to at least off the bat have the power to investigate them with subpoena power etc.

Mayor Maher further clarified at least not without the authority from the Village Board.

Trustee Lown agreed.

Trustee Bowen commented that he felt the Ethics Board should remain the way it is.

Trustee Leonard commented that he had the opportunity to speak to Tony Mongiello who is a long term Ethics Board member and got his opinion on things and he feels the Ethics Board should have investigative powers with limitations on cost. He also believes that the Board should not require a unanimous vote it should require a simple majority. He is of the same mind as Mr. Mongiello because if a unanimous vote is required then one person can derail a potential investigation.

Trustee Bowen asked if he was saying if someone is ethically wrong it's about the cost.

Trustee Leonard replied no, that he was referring to constraints on how much money could be spent on an investigation.

Mayor Maher clarified that what he was saying that if the board were to give the Ethics Board authority to investigate then there would be a limit to what they could spend including subpoenas, filing fees, paperwork, and the attorney fees.

Trustee Leonard agreed.

Trustee Bowen stated that he's still saying it comes down to dollars and cents when determining if someone is ethically wrong.

Trustee Leonard commented that we could also put a clause in there stating that if the Ethics Board needed more money to continue an investigation they could come to the Village Board to ask for that.

Mayor Maher asked if Trustee Leonard was for the school of thought that they Ethics Board should have the authority to conduct investigations.

Trustee Leonard replied yes.

Mayor Maher stated that he too felt they should be given authority to conduct investigations. That makes 4 present Board members who feel the Ethics Board should be given some sort of authority or have their authority broadened to conduct investigations rather than it remaining the same. He asked the Board if they felt we should take the recommendations and take them issue by issue and see what we don't like.

Trustee Carley recommended we go issue by issue.

Mayor Maher asked Attorney DuBois if he could take those recommendations that were made and the 3 issues that we discussed: unanimous vote versus simple majority; petitioning the board for authority to conduct investigations; and the \$250 fine and redraft the law.

Attorney DuBois clarified that the board could also choose a super majority rather than a simple majority which would mean 4 out of 5 as an option so that there isn't one person holding up the whole process. He just wanted the board to be aware that simple majority and unanimous were not the only options.

Mayor Maher asked Attorney DuBois if he could draft the law and at the next meeting we can take it point by point.

Trustee Lown also felt that the Trustees should be removed from the line that states that "any sworn complaint of any 2 members of the Board of Trustees". She suggests that Trustees be removed from that sentence.

Trustee Leonard agreed.

Mayor Maher recapped that it basically stated that any 2 Trustees could bring a complaint to the Ethics Board.

Trustee Leonard commented that we should remember that this is a political board and the zoning and planning boards are not political boards.

Attorney DuBois asked who should have a standing to bring a complaint to the Ethics Board.

Mayor Maher stated anyone could bring a complaint to the Ethics Board; we just want to remove the option for any 2 Trustees.

Attorney DuBois clarified that anyone in the world could go to either the Ethics Board or 2 Trustees can bring a complaint the way it is currently written. If the 2 Trustees agree they can compel the Ethics Board to consider something or any person at all can go to the Ethics Board and upon it's on initiative, regardless of the way that the Trustees think, so long as they have majority vote the way it is currently written they can begin the process.

Mayor Maher suggests that if any person can go to the Ethics Board there is no need for the 2 Trustees to go to the Ethics Board.

Attorney DuBois clarified the question is who has the authority to initiate investigations.

Mayor Maher responded by stating the Ethics Board alone.

Trustee Carley commented he thought we were going to decide that at the next meeting when we went point by point.

Mayor Maher confirmed that was indeed going to be the process.

Attorney DuBois commented that we talked about whether the authority to investigate past actions of Village employees and officials should be brought in and enough of the board feels it should be brought in. What he will do for the next meeting is break down points in a categorical way. That way it will be clear on the options for who can initial an investigation, what level of penalty can be issues, and things that we can then go point by point and discuss the sub options between all of them. If he were to draft another law it would be very specific without the categories of the different components being identified. He would like to identify all the categories of the components to have the board discuss which make the most sense and then at that point he can draft the law.

Mayor Maher confirmed with the Board and this issue will be on the agenda for the next meeting.

Snow Removal

Mayor Maher commented the issue from the previous snow storms that was discussed by many residents and he thought it would be a good idea to have Manager Revella clarified the basic role of the Village when it comes to plowing and snow removal. As of now it is from curb to curb and there are instances when he feels Village employees plow onto a sidewalk. It may be our responsibility to clear specific areas of that snow and ice.

Manager Revella clarified that snow gets plowed onto all sidewalks in the Village not just some.

Trustee Lown added driveways too.

Mayor Maher continued that he wanted the board to discuss if there was an egregious case where a huge amount of snow and ice falls and based on the truck it just falls all over the place in that specific instance does it fall upon the Village to pick that up with shovels.

Manager Revella commented that the Village didn't always do curb to curb plowing and then there were several instances of emergencies where people weren't reached in a timely fashion and perished so they started doing curb to curb plowing after that. They also had an instance of machinery where they couldn't do curb to curb, but now they can and they do clear the roads curb to curb. Once that is done we can end the snow emergency. If residents waited until the snow emergency was lifted to clear their sidewalks the plow trucks wouldn't put more snow onto their sidewalks.

Mayor Maher commented that some residents work hours that don't allow them to do that it makes it a little more difficult.

Manager Revella clarified that residents have 24 hours once the snow emergency is lifted to clear the sidewalks.

Trustee Carley commented about his own driveway that the plow comes through and he has to leave and then the plow comes through again.

Manager Revella commented that some residents shovel their sidewalks 2-3 times throughout the day when it snows.

Trustee Carley clarified that what he meant was that it was just one driveway and having employees take care of the whole Village and all the sidewalks is a lot of work.

Mayor Maher agreed that it was a lot of work but he wasn't talking about every single case. He was specifically meaning an instance when there is a huge mound of snow caused by the plow hit it a certain way where chunks of ice and snow fall onto the sidewalk.

Trustee Carley replied that he feels we then get into a case by case bases situation. We could get a lot of instances where we one resident says we did their sidewalk but not another's sidewalk etc.

Mayor Maher understands that argument he just wanted to have a public discussion with the Board.

Trustee Lown added that simultaneously if someone is cited for not removing snow from their sidewalk they subsequently have another 24 hours to do so and at that point it gets removed by the Village. She is not sure that the whole board is aware of exactly how many sidewalks that is as it is quite a cumbersome list. We then have our employees remove the snow from those properties which makes them tired for the next day and so on and so forth. She does not feel that we should put additional requests on our employees when they already are going to have to remove the snow from those properties that are cited which is a lot already. It's a known fact that the resident is responsible to remove the snow from their sidewalks. There are individual cases as Trustee Carley pointed out that should be determined on a case by case situation. She feels that we should be able to give that determining responsibility to the Village Manager. He still has a Village to run

and know what his employees are able to do and where there are so she feels that he should be the person who makes those calls.

Manager Revella stated he tried to give the Board the list and there were 45 properties where Village employees had to remove the snow.

Mayor Maher addressed Manager Revella in the future to do his best as he trusts he will do.

Public Comment

Richard Whalen, 2 Spruce Court commented that he received a citation from the code enforcer about the snow removal on the sidewalk adjacent to his property. He spoke to Jay who informed him he is responsible and to come to the board if he had any additional questions. He wanted to know how much he was responsible for and where did this new responsibility come from as he has lived there for 6 years and not been responsible in the past.

Trustee Carley asked if he could recues himself from the discussion as a home association member.

Trustee Bowen asked if Trustee Hoffman was also going to recues himself.

Trustee Hoffman indicated that he was not a home association member that he was just a resident.

Richard continued that he has a description that says he is not responsible for the adjacent property sidewalk and its maintenance.

Trustee Hoffman commented that initially he wasn't responsible for the maintenance because the Village was not responsible for the streets in that development. Once the Village took over the streets when they were dedicated that portion became the responsibility of Mr. Whalen.

Richard commented that the pond is about 2500 square feet and it is on Evergreen Drive so he feels he is not responsible for that portion of the sidewalk that he received the citation for.

Mayor Maher clarified that what he thought Trustee Hoffman was saying was that when it was the Home Owners Associations responsibility that was their agreement with him but now that it's dedicated to the Village its not that way any longer.

Trustee Hoffman clarified that was not what he meant. The property encompasses the street owned by Beazer. At that time they had not yet deeded the property to the Village. Once they dedicated the streets to the Village it then becomes the property owner's responsibility.

Richard stated that the home owners association has down that they take care of the grass on the whole walk so why does the snow removal fall on him.

Manager Revella stated that the home owners association is responsible for the pond.

Richard stated that the home owners association was responsible for the pond and sidewalk.

Trustee Hoffman clarified that the road frontage is his road frontage and therefore his responsibility.

Richard stated that he is speaking about the other side of the pond and that his property doesn't go on that side.

Trustee Hoffman commented that yes his property does go on the other side as he actually owns the pond and therefore the road frontage as well.

Richard clarified that he owned part of the pond up to Evergreen Lane and he does take care of that much. The citation he received is for the portion located on Evergreen Lane which is 1800 square feet which is what he has a problem with. He has no problem shoveling up to Evergreen Lane.

Trustee Hoffman asked for clarification on the portion of the sidewalk that he was referencing.

Richard stated that it isn't shoveled because the plow truck loaded all the snow onto the sidewalk. There is 10 feet of snow loaded there and there is no way he could shovel snow that is piled that high. He asked if anyone wanted to see the photos he had.

Mayor Maher clarified that he was discussing a specific instance where the Village plowed the snow from a previous storm onto the sidewalk which is his responsibility to remove and he has a problem with it as he didn't cause that snow to fall there.

Trustee Bowen commented that he was saying that if that's his property why is the Village piling up snow onto a property that he has to clean.

Trustee Lown asked Manager Revella if there was another manner that the snow could be plowed that he could get together with Mr. Whalen and the Village employee to better hand the snow removal in that area.

Manager Revella stated that perhaps they may have plowed the snow and carried the plow across the sidewalk piling it there.

Trustee Lown stated that it would behoove us to look into it as we did recently dedicate these roads. It's not a perfect system and perhaps there is a better way.

Mayor Maher agreed and asked Manager Revella to look into the situation.

Manager Revella asked Richard to email him the photos he had.

Becky Pearson, 167 Walnut Street asked about the Tree City Application should be coming up in January. While we are speaking about trees there is supposed to be \$8,000 from NYSEG that will be spent on trees.

Manager Revella stated they haven't done that yet. They were supposed to do that in the fall but they didn't have a tree farm location to get the trees they wanted so hopefully in the spring we can get that taken care of.

Becky continued about the law for dogs as she brought the cat law around. She doesn't understand why dogs can not run loose like cats do. It seems like the same thing, they are all over your porch all over your neighborhood, it's disgusting. She understands there may be different rules you want to establish for cats versus dogs but she doesn't understand why the board doesn't want to do anything about it.

Trustee Bowen agreed with Becky.

Trustee Lown commented she felt it could possibly be resolved with a conversation with her neighbors who have the cats. She has had the same issue in her neighborhood and actually captured the cats and went to the neighbor staying she would take them to the humane society if they didn't want to take care of them.

Becky does feel there is a difference between dogs and cats. She clarified that the Emergency Management Plan was being updated and her opinion about the fire horn is that she loves it. Her son is firefighter and he hears the Montgomery fire horn and knows if he has to go to the call or not. It is a horn that others can hear it's not just a Village of Walden thing. It's an icon in the Village of Walden. The garbage company stated that prices were at an all time low and if he wasn't a Village resident and she didn't have to pay the garbage would her garbage bill possibly be lower.

Manager Revella stated she would be able to know that as he could solicit a price at any time.

Becky said it was just a question because they said that garbage was at an all time low, it was just a comment. She asked Trustee Lown to clarify what she felt the changes would be to the Ethics law as she was kind of in the middle but didn't think she had really stated what she thought they should be.

Trustee Lown replied that she had when we were listing out all the items we wanted to change such as the fee and then changing of the word unanimous and then taking out the 2 Trustees from the equation.

Becky asked for someone to give her an example of what type of investigation it would be for or what the investigation would be; why would they be coming to the Board. She thought the reason for the Ethics Board was if an elected official or employee had a problem or a concern they weren't sure of what to do, that they would be going to the Ethics Board to find out what they should do. It's not meant to be used for prosecution and she wanted to reiterate that again. She doesn't believe that the Ethics Board should have that prosecution right and then bring it to the Board and they then do what they choose to do. It's a discussion for the board as she doesn't know how you decide and where there would go because if something "shady" happens and it goes to the Ethics Board and then the Board hears about it and there are "shady" people sitting there or a Manager that is sitting there, not saying that is what is happening now but she can say that it has happened, that shadiness would just keep going around and it's not right. There are a lot of things that have happened in the past, not saying that it is happening now, but it could

happen in the future. This board may never see that in their tenure but the board is looking at a long term law as to where the Ethics Board is headed so she hopes that the Board really gives it a lot of thought and discussion as it is a big deal. The Village used to bid out the shoveling of sidewalks. She asked for clarity on the fact that our employees are shoveling now.

Manager Revella replied for 2 years now we've been doing it as we did do a bidding process and we got no responses so we do it ourselves now.

Trustee Lown added it is now a source of revenue for the Village.

Becky stated it could also be a source of revenue if we were to bid it out as well so it's done properly. So the employees are getting overtime to shovel.

Manager Revella commented that there is no overtime at all.

Becky understands the gentleman's issue with snow piling up as it happens to anyone who lives on a corner lot.

Mayor Maher commented that he had hoped that just having that conversation in public would lead to everyone being more careful.

Becky isn't saying that they can't put it in a different spot or move it down a street a little bit instead of on the corner, maybe around the corner. Maybe you shovel to the corner and if the pile is a little to the left of the corner, it's not going to hurt anyone. On the law for solid waste; 247-9 it reads that if the property owners' qualified container is lost or stolen the owner or occupant of such property shall make reasonable efforts to obtain another. Her question is whether or not that owner has to purchase a new container.

Attorney DuBois clarified that a qualified container is one that is provided by the garbage company. What is meant by that is that they need to contact the garbage company to get a new one which would only be a day or so leeway.

Becky asked what the definition of a reasonable amount of time would be as it could mean a few months from now where as to the Village it only means next week.

Attorney DuBois commented that the word reasonable is used throughout the law.

Becky replied that it's an attorney word. She wasn't clear on that particular statement in the law because it doesn't make sense to her and why is it in there. It doesn't say if the resident should contact the garbage company or the Village to get a new one.

Lynn Yack, 96 Coldenham Road, Apt 2 asked about the snow on the corner of Coldenham Road and Route 208 on the corner where B&D Taxi is located now. Who is responsible for the sidewalk on the side of the building?

Manager Revella replied that he had gone to the owner and saw them doing the front of the building but asked them thanks to her email to do the sidewalk on the side of the building as well.

Lynn's asked if they were allowed to park their taxi's right up on the sidewalks in front of the building on 208. Also when there is nice weather there is nothing but cigarette butts all over the place on the sidewalks.

Manager Revella replied they were not permitted to park on the sidewalk.

Lynn asked Jay Buchalski, Code Enforcer, about the garbage cans across the street from her at 93 Coldenham Road who had put their containers in front of their hedges an because of the snow push they were basically sitting in the middle of the road this morning. Someone hit the garbage cans and now there is garbage all over the place. Who is responsible for cleaning up that garbage?

Manager Revella stated that Jay would look into a citation for 93 Coldenham Road.

Mary Ellen Matise, 21 Clinton Street, asked about the proposed changes to the Ethics Board law talking about fining people. Who pays the fine, is it a personal fine?

Attorney DuBois replied yes it would be a personal fine. If they are acting unethically then they are not acting within their purview which is against the law.

Mary Ellen continued that she understood that but if someone sues a Board member then the tax payer pay the bill.

Attorney DuBois responded that was correct because that Board member was acting within the scope of their duties.

Mary Ellen asked what if they weren't.

Attorney DuBois replied that would most likely come out during the course of the action.

Mary Ellen asked if they would have to make a distinction somehow.

Attorney DuBois commented that if someone wanted to sue a public official and wanted them to pay a personal fine then they would need to say that they didn't act within their scope of duties.

Mary Ellen asked if that would be an Ethics issue.

Attorney DuBois stated that would be something well beyond the Village Ethics Board if that was the case.

Mayor Maher said this was an example that would be a great discussion after we see a draft of the law.

Mary Ellen stated that this was the whole issue about the litigation that involves people that work for the Village and that the tax payers pay for the representation.

Manager Revella clarified if they are found to not be acting within the scope of their duties that is correct.

Mary Ellen believes it should be part of the whole discussion. We don't want to encourage people who are going to act unethically to run for office, but if she were to know that she could potentially be fined \$10,000 to have someone accuse her of something that would then be upheld, she wonders why would someone want to run for office.

Mayor Maher replied that those people are the ones who don't get elected.

Mary Ellen stated that was not necessarily the case.

Attorney DuBois stated that was a good point in that if a normal ethical citizen wanted to run for office and knew that they could potentially be charged a \$10,000 Ethics fine for some minor mishap, it might discourage them from running for office.

Mary Ellen commented about the Skate Park and it opening for the spring.

Mayor Maher replied that Trustee Carley was actually diligently working on the Skate Park issue.

Mary Ellen asked the Village Manager to reconvene a committee for the Farmers Market.

Manager Revella replied that most likely in February the committee will meet for this year.

Payment of the Audited Bills

Trustee Lown 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

Trustee Leonard announced that the Winter NYCOM Meeting is scheduled for February 10-11, 2013. They are meeting early this year so that the legislature will be in session so after the meeting they can go and try to get them to do something in Albany. If anyone wants to go they need to get a room quickly as it fills up fast and then register online. He strongly urges everyone to go if they can as they have great trainings and good speakers and have the opportunity to meet a lot of people. You can contact him or go online for more information.

Trustee Bowen had no comments.

Trustee Lown hopes that everyone will be at Leadership Day on Thursday to celebrate our wonderful community and its leaders.

Trustee Hoffman had no comments.

Trustee Carley had no comments.

Executive Session – Personnel, Property Purchase, Financial Audits Draft and Village Clerk

Trustee Lown moved to go into Executive Session to discuss Personnel, Property Purchase, and Financial Audits Draft. Seconded by Trustee Hoffman. All ayes. Motion carried.

Reconvene

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

Adjournment

Trustee Carley moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.

**Village of Walden Board of Trustees
Regular Meeting
January 8, 2013
Motions & Resolutions**

Public Hearing - Comprehensive Plan

Trustee Lown made the motion to close the Public Hearing on the Comprehensive Plan. Seconded by Trustee Leonard. All ayes. Motion carried.

97 First Street –Property Maintenance

Trustee Hoffman made a motion to have the Village clean up the property at 97 First Street at the owner's expense. Seconded by Trustee Lown. All ayes. Motion carried.

Approval of the Minutes – December 11, 2012

Trustee Hoffman made the motion to approve the minutes from December 11, 2012 meeting. Seconded by Trustee Lown. 5 ayes, 0 nays, 1 abstention (Trustee Bowen). Minutes approved.

Approval of the Minutes – December 23, 2012

Trustee Leonard made the motion to approve the minutes from December 23, 2012. Seconded by Trustee Lown. 5 ayes, 0 nays, 1 abstention (Trustee Bowen). Minutes approved.

Resolution 25-12-13: Election place and time

Trustee Bowen made the motion to accept the Walden Firehouse located at 230 Old Orange Avenue from 6am-9am on Tuesday, March 19, 2013 as the official local election time and place. Seconded by Trustee Lown. All ayes. Motion carried.

Resolution 26-12-13 Orange County Youth Bureau Solutions Grant

Trustee Bowen made the motion to approve Resolution 26-12-13 authorizing the application for the 2013 Solutions Grant funding from the County of Orange Youth Bureau for the Summer Youth Leadership Academy and Authorizing the Village to accept such grant if the same is awarded to it. Seconded by Trustee Lown. All ayes. Motion carried.

Introductory Local Law I-1-2013 Village Code Sec. 247-9 and Sec. 247-13

Trustee Leonard made a motion to set a public hearing for Tuesday, January 22, 2013 at 6:30pm or some time thereafter for Introductory Local Law I-1-2013. Seconded by Trustee Carley. All Ayes. Motion carried.

Payment of the Audited Bills

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

Executive Session – Personnel, Property Purchase, Financial Audits Draft

Trustee Lown moved to go into Executive Session to discuss Personnel, Property Purchase, Potential Litigation and PBA Negotiation. Seconded by Trustee Hoffman. All ayes. Motion carried.

Reconvene

January 8, 2013

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

Adjournment

Trustee Carley moved to adjourn. Seconded by Trustee Leonard. All ayes. Meeting adjourned.