

**Village of Walden
Board of Trustees Regular Meeting
February 12, 2013**

Mayor Maher called the regular meeting of the Village of Walden Board of Trustees to order at 6:30 pm.

On roll call the following were:

Present:	Mayor	Brian Maher
	Deputy Mayor	Sue Rumbold
	Trustees	Bernard Bowen
		Willie Carley
		Sean Hoffman
		Edmond Leonard
		Gerald Mishk

Absent

Also Present:	John Revella, Village Manager
	Tara Lown, Village Clerk
	Austin DuBois, Village Attorney

National Night Out Against Crime Presentation - Officer John Conklin

Officer Conklin received a plaque from the National Organization Recognizing outstanding participation in your efforts for the 2012 America's National Night Out Against Crime. The plaque will be displayed in the Police Department with the other plaques from years past.

Swearing in of Trustee Gerald Mishk

Mayor Maher introduced Gerald Mishk who is being appointed to fill the vacant Village Trustee. Gerald is a long time resident and we are proud to have him join us. He is a former Middletown Police Detective who was wounded in the line of duty. He has also been a longtime parishioner at Most Precious Blood Parish. Village Clerk Tara Lown had Trustee Mishk repeat and sign the oath of office. Trustee Mishk thanked the Mayor for the opportunity to serve the Village in this capacity.

Public Hearing – Local Law I-1-2013 Garbage

Dr. Stephan Bjosuik 130 West Main Street, in principal he agrees with the commercial garbage program for the Village as he knows there are benefits to such program. Now he is being told he needs to be in the program again. As a brief history, a few years ago he was able to negotiate a favorable rate same as what a resident would be paying which was favorable for him as he only produces the same amount of garbage as a resident does. He saved about \$75 a quarter when he was later put into a garbage program by the Village and then kicked out of that program. Since he is a Commercial property with an apartment above him who has a single resident he feels he is going to be paying double the amount for garbage from a carrier whom he does not have a favorable opinion of as they have in the past charged him a lot of money for the same service. He doesn't want to be extorted for twice as much when he only produces the same volume as a resident does and feels he should be entitled to that same rate as a resident does. He wants to pay the same share as everyone else does.

Deputy Mayor Rumbold made the motion to close the Public Hearing on the Introductory Local Law I-1-2013 Garbage. Seconded by Trustee Leonard. All ayes. Motion carried.

Presentation – Audit Report

Manager Revella introduced Tonia Crown and Jennifer George from Vanacore, DeBenedictus, DiGiovanni, and Weddell who took the lead on the audit this year covering a large time frame as we have not had a private audit in a while though we did have the state audit in between.

Tonia Crown introduced Jennifer George who would be presenting the financial statement ending 5/31/12.

Jennifer George handed out the statement which is rather long. She went over highlights of the statement but advised that anyone could stop her and ask if they needed more details. She began with page 11 which lists all the various Funds and noted that all have positive values except for Capital projects which is healthy as we would have the ability if something happened to have a cushion. Page 13 Statement of changes for the year pointing out that the major funds had increases the ones that had decreases such as the library fund were not very large except for capital projects as there are a lot of projects going on in the village right now. The Government Accounting Standards Board (GASB) has different standards for what also needs to be reported so there are different reports also included in this statement. These reports don't include capital assets or long term debt. Government wide statements begin on page 9 and we can see that it includes capital assets and debt other than bans. It includes bonds, employment benefits, and health benefits that will be paid after employees retire so you can see how much that will cost. The total \$647,000 is not the total amount that is being booked it is only the amount to be paid out over the next year but it is an accrual of liability. In the big picture, the Village has \$17 Million in assets and of that there is \$12 million in capital assets. The number for the Capital assets is not a firm number which is has been discussed with Manager Revella and others as there is not a good basis for what it was when the assets were acquired in the past. In order to get an unqualified opinion we need to get a capital asset inventory done where they will come in and estimate what the actual purchase price was in order to get a more clear and concise number. So right now there is going to be a qualification on the government wide statements solely because of these fixed assets. Everything else is unqualified and clean opinions but this one are we couldn't get adequate support for this number so again that is not a firm figure. Non-current liabilities (Bans and Bonds) are also accrued but after all that we end up with \$9.4 million for net assets which again is a healthy number. Page 10 reflects the changes in the net assets during the course of the year; total expenses for the year of \$7.5 million offsetting that is charges for services of \$2.5 million, \$300,000 in grants and another \$6.4 million in General Revenues for a total increase in assets of \$1.6 million. The significant difference between this and the fund statements is that on a Funds statement all the capital assets that are acquired are listed as expenses versus this report were the only lists depreciation of those expenditures. In looking at the Budget to Actual reports on page 40 the original budget was to break even, but we came in \$400,000 ahead of the budget. Prior to that it was \$200,000 which is actually pretty slim for a government to work off of so this is a very positive thing. On page 41 we have the Water fund which is close to budget \$1,800 better than budget so it was almost spot on. Sewer fund \$117,000 ahead of budget which actually ending funding balances are close to the same amount. Library ended up at \$26,000 ahead of budget. The last thing is on page 44 Schedule of Debt for the Village.

Beginning of the year was \$3.2 million and was issued throughout the year ending at \$4.7 million at the end of the year. This statement shows interest and what's due the next year which includes \$3.8 million in bans which we will continue to roll, of that \$235,000 that's coming due during fiscal year 2013.

Trustee Bowen asked what the overall picture was.

Jennifer replied that the Village seems to be in a healthy position. Nothing that caused great concern was found during the audit; in fact fund balances have gotten stronger. She felt that the 10% of the actual expenditures is a good number.

Mayor Maher asked if she could further explain why the capital asset figure is not a firm figure.

Jennifer explained that assets have to be recorded at their original purchased cost. Say for example we had purchased a building 4 years ago at \$10,000 it should be on books for that amount. Most governments don't have capital records so a lot have this same issue so this is not uncommon. The GASB issued the new statement that required governments to put fixed assets on there a lot of governments struggled as they had to then get an outside company to come in and take an inventory of the assets and estimate what those assets original cost basis was.

Trustee Hoffman asked how detailed they needed to be. Does it for example include all the equipment located at the sewer plant etc?

Jennifer responded that the Village Manager would need to hire an outside company but we should have a good basis for this with the annual inventory lists done by department.

Manager Revella stated that we would have to hire an outside company to do that.

Village Manager's Report

- Replacing windows at Village Hall are almost complete.
- Have been painting the interior rooms. Had them start in the bathrooms and then coming back to do more edgings and then cleaning up tile and painting a few hallways. There is also a project set up to fix corner of Bradley Assembly Room.
- Came to a resolution on the theft at Olley Park that was very positive.
- Have been meeting regularly regarding the water system. Have had a few breaks here and there but have been lucky this week.
- Communications devices installed at DPW to be used during emergencies so they can use the radio instead of having to call while they are driving.
- FEMA paperwork is all filed for Sandy. Should hear back next week.
- Reviewed the 207c claims with new clerk.
- Awning agreements are coming in from businesses that have awnings over the sidewalk with their insurance information.
- Had a few discussions with CSEA reps regarding negotiations. Starting again this week and beginning the PBA negotiations as well.
- Had a few meetings with the Treasurer and the Auditors regarding our Audit from Vanacore, DeBenedictus, DiGiovanni & Weddell LLP.
- Been working on the filing for and funding for projects so that the CDBG money will be able to reimburse contractors.

- Working with the garbage company with garbage cans damaged or dirty when they were delivered so that they can be replaced. We will continue to monitor that throughout the year as peoples cans become damaged through wear and tear. Handling them on a case by case basis.
- Had a major water break on January 30th at 29 Grant Street. Lost over 300,000 gallons of water in the package lighting building where the sprinkler mains burst inside the building. Found it early that morning before too much damage was done and is all repaired now.
- I & I report was submitted to DEC. We will need a time extension for additional repairs that were found during the I&I phase of the program. We are taking out additional funds for the repairs we found while cameraing the sewer mains.
- All the departments have submitted all their budget information to Peter and himself and they are getting the budget ready for the board to review.
- 27 North Montgomery Street we had a pipe burst inside the building which caused some damages to the old Firehouse we own. Insurance adjuster did come in to see what kind of coverage we will have on that to make the repairs.
- Continued working with Trustee Carley on the Emergency Management plan which is going well so far. The 1st section is completed and will begin working on the 2nd section shortly.
- Sludge press at the Sewer Plant is no longer functioning and can not be repaired. Had the company come over and evaluate it. Rollers and belts stopped working so we are going to try to get an overhaul on it and get it repaired so it will last another 25 years without much issue as it has already given us 25 years this far.
- Met with the Treasurer and Key bank regarding services they offer and the cost of those services opposed to how much interest we have. Considering few services so we will see how it will work out.

Trustee Leonard asked if the breakage at the Package Lighting building was due to a failure of the boiler.

Manager Revella replied that it was not but rather failure of the Alarm Company or the owner who didn't cleared out the system after it had been charged from a previous alarm a long time ago. We had warm and then a freeze and then warmth again so the pipe must have burst in that time.

Trustee Leonard clarified that they didn't have it serviced from the last time the alarm went off.

Manager Revella replied that we went in and shut off the water until the repairs that were completed and that was all the work they did down there.

Trustee Leonard asked if he had seen a decrease in the I&I.

Manager Revella responded yes, a huge decrease. We have saved about 400,000 gallons a day from the repairs we have done so far.

Deputy Mayor Rumbold complimented the Manager on the snow removal on Main Street and parking lots. Other people are jealous of the great job that we have done.

Manager Revella stated there would be more snow removal tomorrow.

Trustee's Committee Reports

DPW liaison – Trustee Leonard

Trustee Leonard reported on the NYCOM conference he went to recently. All the members that applied early were invited to the executive mansion for a nice breakfast in the mansion, approximately 75-80 people. Lt. Governor Duffy and then the Governor spoke to the group and were both very positive receiving a lot of claps. The State of the State address was good, they are pushing hard to revitalize the upper part of the state as the unemployment up there is still sky high. He spoke to Lt. Governor Duffy who put him in touch with his Chief of Staff who discussed some 207c issues. Newburgh is having issues as well and they are sending information as well as our information and they are planning to compile information into a file and get something moving but currently nothing is going on. Big things on the table are the binding arbitration and 2% cap, which were talked about extensively. The other thing is the pension, want to allow municipalities to pay a flat fee of 12.5 % and be allowed to do that. Those are the top issues. Senator Martins thought it should be done by the controller who hasn't weighed in yet on the proposal from the Governor. Overall it was a productive session and he will give a complete report in two weeks.

Village Office Liaison – Trustee Bowen

Thanks to the audit team for working with Peter and getting our budget in order and giving us a check list for Peter to work on with the financials doing well. Thank you goes to Peter as well.

Police Department Liaison – Deputy Mayor Rumbold

Deputy Mayor Rumbold reported that Officer Trinidad and Chief Holmes have both completed the DARE training and she discussed the tow rates which she will further elaborate on under discussion items.

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

Trustee Hoffman discussed the home improvements as the manager had previously mentioned. He met with Dean and the Village Clerk to discuss training for records management and posting of minutes online. With regards to the tree clearing, he met with the arborist and provided a letter report that he received late this afternoon that he has provided to everyone tonight. At the Zoning Board level, just a heads up about accessory apartments which may be an issue that comes to our board in the future.

Parks and Recreation Liaison & School Board Liaison – Trustee Carley

Trustee Carley attended the CABC meeting where they talked about the school budget and gave an overview. One of the topics discussed was Maybrook Elementary School and its potential closing which is not likely. The discussed a push for municipalities and PTAs having a presence and getting involved with the school board and going to Albany to push by lobbying/petitioning the legislators concerning the budget. There are a lot of mandates that are unfunded burdens being placed on communities. These will potentially cause a change in our school taxes so it would behoove our community to work with the school to get involved and come to the meetings and making decisions. Next meeting is Feb 19th at Stoney Hill Middle School and they will be doing a Workshop/brainstorming session to fix the budget. Not sure how beneficial that is for the public to attend as they may not be specifically aware of what is going on and what is good as they are not a qualified decision

maker to partake in the discussions. Anyone can come to the meeting as it will affect your taxes coming soon.

With regards to the Recreation dept, drainage is still being worked on due to the weather they have to keep starting and stopping so that is ongoing. Basketball program is going well. Friends of Walden Youth Indoor Yard Sale is Sunday, April 7, from 9am-4pm at Wooster Grove and they are accepting donations. With respect to Olley Park, due to the break in Mr. Bliss is looking into the cost of steel windows and video monitoring for prevention purposes. The Teen center is well doing well with 3 staff vs. 2 as it was before. New fences at Bradley are almost done. Current programs are all being held in Jan-Feb with 45 people attending Zumba Classes; 23 attending Kick Boxing; 18 attending Yoga; 60 participants at the After School Program; 143 attending our Teen Center; and 132 enrolled in the Basketball Program.

Emergency Management Plan as Manager Revella stated earlier we finished part one but one thing we have to do is update agreement with the mitigation part. Part 2 is important because when/if we have a disaster and we need funding from FEMA or the State for improvement we need this to file for that funding. We currently don't have a mitigation plan and we would need one to file for this. It's not guaranteed that we will get the funding, but this plan will certainly make us look better. Thanks to Manager Revella, Chief Holmes, and Officer Montannaro for their help in getting this done. It takes a good committee to get it done and they have been working really hard.

Public Comment on Business of the Board

Mary Ellen Matise, 21 Clinton Street, wondering about the 2 resolutions that are in the public packet but she didn't see on the agenda for tonight.

Manager Revella stated they were for informational purposes only. The board will not be discussing or acting on them tonight.

Mary Ellen commented on the Balogh surprise party request, she hopes the board will approve this request. The last few parties were held at Millspaugh Funeral Home.

Action Items

Property Maintenance Hearing Request – 135 Orange Avenue

Jay Buchalski, Code Enforcement Officer, explained it was a 2 story house where the drains are falling down. First Violation notice was sent January 15, 2013 with no response, and then again on January 29, 2013. We did receive the certified mail card stating that Mr. Lovitz has received this notice dated February 8th, but no response has been received from him to date.

Deputy Mayor Rumbold made a motion to set a public hearing date for February 26, 2013 at 6:30pm or as soon as possible after that time for 135 Orange Avenue. Seconded by Trustee Hoffman. All ayes. Motion passed.

Deputy Mayor Rumbold asked if the property was occupied.

Jay further explained that the property is not occupied. For the last year and a half the lawn has been cut 3-4 times for them.

Deputy Mayor Rumbold asked if the taxes are up to date.

Manager Revella stated he did not know.

Trustee Leonard asked if the property was abandoned.

Jay responded that the property is currently for sale.

Mayor Maher asked Manager Revella to verify if the taxes were up to date for the next meeting.

Comprehensive Plan

Attorney DuBois explained that this Resolution will incorporate the DGEIS (Draft Generic Environmental Impact Statement) into a FGEIS (Final Generic Environmental Impact Statement) and that no comments were received during the public comment period of time. After that resolution has been made then we will need to accept the Comprehensive Plan as complete.

Mayor Maher clarified that we need to approve the DGEIS in it's entirety by reference into the FGEIS.

Attorney DuBois agreed and then stated that would be the final step as far as action of the board and would also accept the plan as final.

Trustee Leonard made a motion to accept the resolution to accept the Draft Generic Environmental Impact Statement (DGEIS) into a Final Generic Environmental Impact Statement (FGEIS). Seconded by Trustee Carley.

Trustee Hoffman reminded the board of the correspondence from Alan Sorenson with regards to the County's comments on our Comprehensive Plan. He further stated that it looks as if Alan's comments address the majority of the comments from the County but that he looks to need direction from the board.

Trustee Leonard suggested that he contact Megan Tennerman from Orange County Planning and ask her to crunch the numbers for the family median income.

Mayor Maher explained that the County recommended that we change the median number to be that of the County number which is a lower amount than what it is right now and not what we have in the current plan.

Trustee Hoffman further clarified that the Village of Walden code utilizes median family income other than the requested median household income so it would be lower number.

Trustee Leonard commented that the numbers are always higher incomes due to the numbers of the south and didn't actually reflect the numbers for this area.

Trustee Hoffman commented that Alan has provided a number of reasons we should stay at median family vs. median household.

Mayor Maher agreed.

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Trustee Bowen asked if Alan could come back with further information.

Mayor Maher stated that all the recommendations from the County were put in there but one. We are talking about an \$8,000 difference per household. Do we want to have that number be \$8,000 lower as a definition of the median income in the Village of Walden?

Trustee Leonard commented that Affordable Housing is working on 80-100% of that number so the lower number would be benefit to our residents as it relates to future projects such as the 104 new town houses. He would like to use the lower number.

Mayor Maher stated he could argue the opposite of that statement. In his experience and what he has seen Walden is not an economy for low income housing. There are plenty of low income housing opportunities and we don't need to lower that bar lower than it already is. If there was a demand or a need for it he would say yes but as of now he doesn't agree. He feels there is enough opportunity in the Village with tons of turn over to rent out low income housing.

Trustee Leonard stated that what he felt was wrong with that picture was that he is talking about single family houses and this relates to new town houses. People, especially his generation, are looking to get out of their houses. The idea was to create that opportunity with the affordable housing law to allow these numbers to be low enough to have people, local people in the towns and villages, be able to afford one of the new town houses if that was the direction they wanted to go in. We are talking about two different animals here in terms of housing. Obviously we have plenty of single family homes for sale but new properties are a different story.

Mayor Maher agreed but stated that he still feels the same way about the number.

Trustee Hoffman commented that in comparing the numbers if we go through the numbers we have a median family affordable number at \$174,000 per household. When we use the numbers from the county for median household number it goes through \$156,000 so we are looking at \$25,000 difference for the cost of the home, which is a 100% comparison.

Trustee Leonard stated he felt that was an affordable number and he would go with the group and leave the number where it is.

Trustee Bowen said he feels we should leave it where it is.

Deputy Mayor Rumbold suggested we leave it where it is.

Trustee Hoffman stated that Alan gave good reasons to leave it where it is.

Trustee Leonard withdrew his previous motion.

Trustee Leonard made a motion to accept Resolution No. 28-12-13 adopting the SEQR Finding Statement with respect to the adoption of the Village of Walden Comprehensive Plan.

Whereas, the Village Board of Trustees assumed Lead Agency status for the purpose of complying with Part 617 of the State Environmental Quality Review Act, and

Whereas, as Lead Agency, the Trustees determined that adoption of the 2012 Comprehensive Plan met the criteria for a Type I Action, and issued a Positive Declaration, requiring that a draft Generic Environmental Impact Statement (DGEIS) be prepared (October 23, 2012), and

Whereas, a DGEIS was submitted to the Trustees who reviewed it and accepted it as complete on November 27, 2012, and simultaneously filed a Notice of Completion which was published in the ENB, and

Whereas, the Trustees set a public hearing on the DGEIS on December 27, 2012 and provided for a thirty (30) day comment period on the DGEIS, and

Whereas, upon the close of the public comment period on December 27, 2012 no public comments were received; and

Whereas, the Trustees at their February 12, 2013 meeting resolved to incorporate the draft GEIS, by reference, as the Final Generic Environmental Impact Statement (FGEIS), and

Whereas, the Trustees filed a Notice of Completion for the FGEIS in the ENB on February 15, 2013, and

Whereas, after review and discussion, the Trustees scheduled a public meeting to adopt the Findings Statement on February 26, 2013, and

Whereas, more than ten (10) days have passed since the FGEIS has been accepted as complete and notice published in the ENB.

Whereas, the Village of Walden Board of Trustees as Lead Agency, has considered the draft and final Generic Environmental Impact Statement and considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11.

RESOLVED the Trustees have determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act.

FURTHER RESOLVED the Village Board of Trustees finds the adoption of the 2013 Comprehensive Plan will not have an adverse impact on the environment and therefore adopts the Findings Statement, and

FURTHER RESOLVED that in consideration of the above statements of fact and findings that the adoption of the 2013 Comprehensive Plan will not adversely impact the environment, the Village Trustees hereby adopts the 2012 Comprehensive Plan for the Village of Walden, New York on this 12th day of February, 2013.

Motion seconded by Trustee Carley. 6 ayes, 1 Nay, (Deputy Mayor Rumbold), 0 abstentions. Resolution is Approved.

Commercial Garbage Pickup

Manager Revella explained that this motion would be have IWS be our garbage carrier throughout the village.

Attorney DuBois clarified that it would authorize Manager Revella to sign the contact for commercial and residential pick up.

Trustee Bowen made a motion to authorize Village Manager Revella to sign the contract for commercial and residential pick up with IWS. Seconded by Trustee Mishk.

Roll Call:

Trustee Leonard votes yes, as it is a benefit to the village to have one carrier.

Trustee Bowen votes yes.

Mayor Maher votes no for previously stated reasons.

Deputy Mayor Rumbold votes yes.

Trustee Hoffman votes no.

Trustee Carley votes yes.

Trustee Mishk votes yes.

5 ayes, 2 nays, 0 abstentions. Motion carried.

Introductory Local Law I-1-2013 Garbage

Manager Revella explained that this vote would include the revisions to the local law to incorporate the revisions for commercial as it previously only referenced the residential properties. This makes it consistent with the initial intent of the law. It provides for language consistencies throughout the law to bring it up to code.

Attorney DuBois confirmed that the language includes the definition of a container.

Trustee Bowen made a motion to accept the Local Law I-1-2013 amending Chapter 247 of the Code of the Village of Walden entitled "Solid Waste" to accommodate Village-wide commercial solid waste pickup and disposal as well as amend other sections to bring the law into parity with modern solid waste pickup and disposal methods. Seconded by Trustee Leonard.

Deputy Mayor Rumbold asked on behalf of several business owners who have asked how we are going to enforce this if the Village was going to help the property owners. What happens to any existing contracts with other companies? What happens if for some reasons they don't agree with the company? If the new company comes to put a dumpster there and the old one hasn't been removed yet, how do the businesses stay out of trouble?

Manager Revella replied that we would certainly assist in the transition from the old companies to the new one. When they have issues with their old company picking up their old can/dumpster the office will aide in getting that done however they can.

Planning on helping the businesses to help thing happen as well as questions

Deputy Mayor Rumbold further asked what happens if they get billed from their old company and the property owner doesn't pay who then takes care of that; the property owner or does the Village get involved in potential litigation.

Attorney DuBois commented that we already planned on preparing a form response for the property owners to send to their previous companies should their old company give them a hard time during the transition.

Trustee Bowen stated that he didn't feel we should be waiting for that to occur. He suggests we send out this form letter once this law is adopted.

Manager Revella confirmed that the form response was being formulated now to give to the new businesses as soon as the law is adopted.

Deputy Mayor Rumbold confirmed that if a business owner is having any issues we should refer them to Manager Revella.

Manager Revella and Attorney DuBois confirmed that.

Trustee Hoffman asked if an old dumpster was not being removed how do you take care of it.

Manager Revella responded that he would take care of it by interceding and letting the old company know they have to remove it by law.

Deputy Mayor Rumbold asked what we would do if it was still not removed.

Mark VanWheelden, General Manager from IWS, stated that the recourse going to property manager. Private company going to company

Deputy Mayor Rumbold further asked if an owner who has limited space doesn't have room for 2 dumpsters. Who's responsible to remove the old dumpster?

Mark replied that he had this happen in other communities. We had the code enforcer have it ceased and they gave 15-20 days, whatever they deem necessary, to come and pick up the dumpster. The law calls for only one licensed contractor in the town therefore it has to be removed and there are no other options.

Deputy Mayor Rumbold stated that people just have concerns and wanted to know what their recourse would be should something not go smoothly.

Trustee Hoffman asked if this would require action from the board.

Manager Revella stated that since it would be in the code we would just cite the code violators.

Mayor Maher commented that it would need to the board to take action for the hearing like tonight do we wait to take action like that or is this something you can do with the law.

Trustee Hoffman further clarified that what he was saying was that the Code Enforcer would be authorized to then cite those that were not in compliance with the law so that there would not be an instance of a hearing as we had earlier this evening with the Property Maintenance issue.

Manager Revella confirmed that the Law as it is written gives him the authority to handle it.

All Ayes. Resolution to adopt Local Law I-1-2013 passed.

Surplus Truck #10, F350 pickup

Manager Revella explained that this is the former sewer truck that was replaced already this year. Needs repairs and we don't need the expense of the repairs. We do think it has value and the mechanic suggests a minimum of \$1,500.

Trustee Hoffman made a motion to Surplus Truck #10, F350 pickup for a minimum price of \$1,500. Seconded by Trustee Leonard.

Deputy Mayor Rumbold asked what the cost to the Village is to put this up for sale.

Manager Revella responded that it's only the cost of the ad which is minimal.

Trustee Bowen asked where the \$1,500 minimum came from.

Manager Revella stated that they talked to mechanic at Al Valk's who advised what this type of truck would be worth. He has a lot experience in this type of vehicle. We talked to our mechanic also and the surplus company and asked around about what this kind of truck might be worth, what someone might pay for it to put a minimum on it.

Trustee Bowen asked what year the truck was.

Manager Revella replied he didn't know but thought it was a 2001 heavy diesel truck.

All Ayes. The Motion passed.

Surplus Car #1, Ford Explorer

Manager Revella explained that this is a 4 wheel drive vehicle and there is nothing mechanically wrong with the car. It does have a flat tire and some rust in the under carriage. It was the former Chief's vehicle that we have since replaced. We are asking a minimum of \$1,000.

Deputy Mayor Rumbold made the motion to Surplus Car #1, Ford Explorer for a minimum of \$1,000. Seconded by Trustee Carley. All Ayes. The Motion passed.

Proclamation for Arbor Day – May 9, 2013 at 10:30am

Manager Revella stated that there is a rain date set of May 16 also at 10:30am.

Trustee Bowen made the motion to Proclaim May 9, 2013 at 10:30am as Arbor Day with a rain date of May 16, 2013. Seconded by Deputy Mayor Rumbold.

Deputy Mayor Rumbold asked what exactly are we doing for Arbor Day.

Manager Revella stated that we can do whatever the board would like. There will be trees planted and the school will be participating with trees

Deputy Mayor Rumbold confirmed that it would be more than one tree and we will make sure that everyone knows where they are planted so they don't get run over cut down etc.

Manager Revella replied yes.

All Ayes. Motion passed.

Walnut Street Closure Request

Mayor Maher explained there is a request to block off a portion of Walnut Street for a surprise party on May 18th from 4-10pm; whereas they are requesting the street be blocked off from 3-11:59pm.

Deputy Mayor Rumbold asked if the Chief had any issues with this request.

Manager Revella stated it was not in issue with the Chief that it is a non issue with traffic control.

Trustee Hoffman asked if we could take action on this assuming there are no pending issues that Chief may see.

Manager Revella stated he didn't see an issue with it as it was for up to 75 people.

Deputy Mayor Rumbold made the motion to block off Walnut Street between Grandview Avenue and Millard Avenue from 3-11:59pm on May 18, 2013. Seconded by Trustee Leonard. 6 Ayes, 0 Nays, 1 Abstention (Trustee Bowen). Motion passed.

Discussion Items

Ethics Code

Mayor Maher explained that this is something we have been discussing for many weeks at this point. Thank you to our attorney for drafting this memo with all our different types of options. We would like to give Austin something concrete to present to the board for their approval at the next meeting.

Attorney DuBois suggested that the way he constructed the memo was similar to a multiple choice set of questions that addresses the different facets to the ethics code. Perhaps the board could go through each facet and we can poll the board members and move forward on the direction the majority of the board wishes to go.

Trustee Carley commented that in the beginning the memo talks about the board expressing the desire to permit change to review the request for a certain amount of power to the Ethics Board.

Attorney DuBois replied yes, the Board agreed to grant some powers based on other discussions.

Trustee Carley responded that we had discussed that we will review and then determine. He wanted to be sure we were not granting permission to do this at this point.

Attorney Dubois clarified that the board as a whole has expressed to some degree that they would like to grant some sort of power to the Ethic Board. He apologized as he didn't mean to imply that the board had already agreed to do this.

Mayor Maher clarified that the board has not made an official motion to accept this premise. We had just taken an unofficial poll at the last meeting.

Trustee Carley further clarified that he just wanted to make sure that this was not already decided, it was just a discussion to review the code.

Mayor Maher responded that he didn't understand what Trustee Carley was saying.

Attorney DuBois clarified that he thinks that Trustee Carley just doesn't want there to be any confusion that the board is definitely going down this road. Nothing has happened yet and these are only options at this time.

Trustee Carley agreed stating that he was ok with discussions by saying that this has not happened yet.

Mayor Maher commented that the code currently allows the Ethics Board one type of action which has 4 necessary actions: to first upon request of a Village employee or official, regarding the employee/official's own future conduct, issue an advisory opinion about whether that future conduct would be ethical. All four of those factors must be the case for the Ethics Board to act. Certain members of the Village Board have expressed a desire to permit some form of greater power. First is the option to render opinions about past conduct, the second is to render that opinion upon a third parties' request, third is to potentially have power to conduct investigations, and finally to have the option to penalize individuals. Is there anything out of those four that this board feels should not be included in that?

Trustee Bowen replied that he felt penalizing individuals should not be in there.

Attorney DuBois suggested that the board start at the beginning and one by one go over each area. The number one item is what he calls the Scope of review which means what the ethics board is allowed to consider. The board has two options on this one: only future acts vs. future and past acts. Currently in the code it is future conduct only. The first question is whether or not the board would like to change that to extend that it can review past conduct.

Mayor Maher asked each trustee to go one by one and state their opinion on this specific issue.

Trustee Leonard answered both.

Trustee Bowen replied both.

Deputy Mayor Rumbold suggested both.

Trustee Hoffman answered both.

Trustee Carley answered future conduct only.

Trustee Mishk answered both.

Mayor Maher would recommend future and past acts.

Attorney DuBois went on to the next topic of initiating parties which means these are the individuals or groups of individuals that can compel the ethics board to act. Anyone can report conduct but not just anyone can actually compel the board to act on such conduct. There are three options to this section. Option 1 is what is currently in the code which allows a Village employee or Official to be able to compel the Ethics board. The second option is that the Ethics board can choose to compel itself to take action. If the board decides that the route they want to take then this option has sub options as to what type of vote is required for the Ethics Board to act.

Trustee Carley asked how the Ethics Board gets the information.

Attorney DuBois replied that anyone can report to the ethics board they heard something is going on with a letter or just by word of mouth. Then the Ethics Board can meet and decide if they want to act on it.

Trustee Carley asked for clarification that what he was hearing was that any individual in a rumor mill gets to the ethics board they can then decide if they want to act on that rumor.

Attorney DuBois replied that if the Ethics Board receives that information and chooses to act on it that is what you would be giving them. That would be the power the board would be voting to give to the Ethics Board.

Deputy Mayor Rumbold stated we could give them the power to act but that sub option vote would be a factor as well.

Mayor Maher commented that's what the board would be determining whether they can act by a majority vote, a supermajority vote, or do we feel it should be a unanimous vote.

Attorney DuBois stated that there is some vetting process to the information. You don't want just any old rumor to be acted on but under this situation that is what the Ethics Board would be determining.

Trustee Carley stated that is the area he has a problem with. It's a small Village and the rumor mill can start pretty quick and fast and you can have one individual of influence to kind of push the rumor and become a nightmare based on a rumor. We can only hope that wouldn't happen but that's just it, we can only hope.

Mayor Maher commented that with respect the Ethics Board itself is appointed by the Board of Trustees and is trusted to be able to say what is the proof what is the reason. Its not just hope it's relying on fellow residents appointed by us to make the distinction. He feels that is a decent mechanism to render an opinion.

Attorney DuBois suggested the board consider option 3. The Board of Trustees can be involved and have the same power to compel the Ethics Board to act by the same different types of votes: majority vote, a supermajority vote, or a unanimous vote.

Mayor Maher asked if we have that right already to bring it to the Ethics Board as a third party just like any other resident.

Attorney DuBois clarified that the Ethics board is not empowered to investigate past conduct. Only an employee can compel the board to act the way it is currently. As a board you have the power to legislate yourselves to have that authority, but the board doesn't have the power directly yet. What was proposed by the Ethics Board was that two members of the Board of Trustees can prepare a sworn complaint under oath which can then compel the ethics board to act by a simple majority of the ethics board. So should the rumor mill get flying and 3 out of 5 Ethics Board members decide there is merit to that complaint or 2 trustees decide there is merit and issue a sworn complaint, from what the Ethics Board is proposing right now, either of those would be sufficient for them to begin an investigation. Not to over complicate it but it can also be any combination of these things. The board has 2 things to discuss; first what type of vote and second whether the trustees are involved in any way.

Mayor Maher asked if we could see where each Trustee fell on this option.

Trustee Hoffman asked if we could just narrow down the 3 options and then do the type of vote as we have for the other items discussed.

Manager Revella commented the discussion is do you want to keep it the way it is or do you wish to change it to the Board of Trustees.

Attorney DuBois added that there is another option of a combination of these two options. The question is whether you want option 1 or the other ones as well.

Trustee Leonard is comfortable with a simple or super majority. He is against unanimous because he feels it allows one person to control the board.

Trustee Bowen prefers a super majority.

Mayor Maher would like a super majority vote.

Deputy Mayor Rumbold would like Option 2.

Trustee Hoffman prefers Option 2.

Trustee Carley would like it to stay with Option 1.

Trustee Mishk asked for clarity on what we are saying when we say super majority, does that mean that the Trustees are not involved.

Manager Revella stated that the way the code is written currently the Trustees are not involved at all. An employee can bring a complaint to the Ethics Board and they will automatically have to act.

Attorney Dubois replied that it can get confusing because what are the chances that an employee would say to the Ethics Board that they think they made a mistake and then ask them to render an opinion and potentially penalize themselves. That could happen of course but we are considering two different issues there so if the employee comes and asks the Ethics Board if what they want to do is ethical or not and what we are considering now whether it be a legitimate report or just the rumor mill. More specifically, how the information actually gets to the Ethics Board 4 fifths of them could then say that this employee made a mistake and now we are going to investigate them.

Trustee Mishk asked what the standard of proof the ethics board would have to come to is.

Trustee Hoffman said it was in there listed as clear and convincing.

Trustee Mishk stated that he wasn't trying to jump ahead.

Attorney DuBois commented that it was a fair point as he did leave that part out of the memo.

Trustee Hoffman asked if we could do that a separate item.

Attorney DuBois said we would do that prior to authority to penalize.

Mayor Maher commented that after we got to the authority to penalize we would look at the parameters for the burden of proof.

Attorney DuBois then talked about the third aspect in the memo, what type of investigative power do they want the Ethics Board to have. Someone came to the Ethics Board and from what we've already talked about earlier the Ethics Board decided by a 4 fifths vote to proceed, currently they don't have power to conduct investigations. He put it as 2 separate options as they don't have anything officially in the code now and gave option 2 what he calls Color of Authority. This means that they are a board of the Village and do have a standing as such and can have some intangibles which is something to consider as an option in this area. They don't have any special powers but they currently can ask people to come and speak or submit documents.

Trustee Carley commented on this point that he feels that they can be influencing and intimidating just like any board which is where his concern is.

Attorney DuBois stated that what it was saying was that although they don't have specific authority they would have a certain level of power. There is option 3 that would give them subpoena power to subpoena individuals to appear as witnesses or to provide documentary evidence however with the scope be limited and granted by the Board of Trustees on a case by case basis. This option would require an approval of board to give them authority to subpoena such items.

Manager Revella stated that the only problem with this option is that there would need to be a meeting in order to authorize the spending.

Attorney DuBois commented that spending was an issue the board was concerned about.

Mayor Maher suggested if the Ethics Board had something they wanted to bring to the board we would have it on our agenda to discuss.

Manager Revella commented we could set up a certain budget for the Ethics board then we don't need board approval.

Attorney DuBois commented that is exactly what option 4 is there for as he tried to consider as many options as possible for the boards review. Option 4 states that the board could legislate a scope and spending limit within the code and increase it from time to time if deemed appropriate. Then there is option 5 which flat out gives subpoena power regardless of the cost. If you can think of any intermediate things between these options as this not your only options it is strictly advisory not an ultimate list.

Trustee Hoffman commented on option 4 as he would like to look at the board of trustees influence. If or example an employee comes to the Ethics board and the board of Trustees then doesn't approve the funding doesn't that then short circuits the process. He would prefer an option that keeps the board out of it.

Trustee Bowen asked about the criteria for someone to be on the ethics board.

Mayor Maher replied that there are no specific criteria as the Ethics Board has been in place for years. Since he's been in office he's only seen one appointment to a vacancy due to a previous member passing away.

Anita Vandermark commented that one member has to be a Village employee.

Trustee Bowen asked how much it has cost us over the year to do any kind of investigation.

Manager Revella answered that the last one was over \$5,000.

Attorney DuBois commented that the board should think about subpoena power think about attorney fees also.

Trustee Bowen commented that his point is that the people that are on the ethics board have credibility to be on that board to try and find other ways to minimize their powers by coming to the Trustees to make the decision to go to the next step he doesn't agree. If you put him in a position to do something he's going to do to the best of his abilities, he

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doesn't need a dollar sign I am going to tell it like it is and disagree when its wrong and then we can move forward. To bring this all into play we would be trying to dilute the ethics of the folks who are in this position to pass the buck to someone else to make the decision.

Mayor Maher stated that it was trying to give them the ability to have the resources to get the best answer so they can make the best decision.

Trustee Bowen asked how many times that has occurred in the last 20 years.

Mayor Maher answered that because our current law doesn't allow it, whenever it did occur it shouldn't have occurred which is one issue. But it wasn't in the law so there shouldn't have been the ability to conduct investigations because the law didn't give them the power to do so.

Trustee Bowen said that if you were to sit me down with information and I gather the info I am going to make a decision.

Mayor Maher replied that was the problem, without this law they can't get that information at all. They can tell someone to come to the Ethics Board but they can't force them to come so how are they supposed to make a decision if we don't provide them some sort of means to get people there.

Trustee Carley stated that he felt what we should have done in his opinion was asked the Ethics Board to provide examples and proof as to why they needed to do these investigations.

Mayor Maher clarified that what he was saying that at some point in reviewing this process he wanted to see the reasons from the Ethics Board as to why they wanted these powers in the way of examples of different cases they wanted this power but didn't have it, and you are saying we didn't get this information, is that correct?

Mayor Maher asked if anyone else felt that way and if we wanted to get those questions answered prior to moving forward on this issue.

Trustee Hoffman felt that information was provided in the letter from the Ethics Board back in November.

Trustee Carley said he wanted specific examples and that didn't take place.

Trustee Bowen agreed that the Ethics Board has a responsibility has the information to bring something to them and they should have to make a decision. With something or nothing and the rumor should be set down with 5 people and we say tell me from your ethics and your experience and knowledge to make a decision.

Mayor Maher commented that you could be the most ethical person in the world but if you have no facts of the case or information how can you make any kind of decision.

Trustee Bowen argued then how are they believing the rumor.

Trustee Carley feels that the burden of proof is on the individual. That's why he so strongly feels this way. Because we are going down this road he would prefer another option. He would choose option 1 none.

Trustee Hoffman didn't want to discourage this discuss but that we still have to go through the process we have in place which is to draft a local law and then we ask people to come to 2 or three meetings in the form of public hearings to discuss oppositions etc.

Attorney DuBois commented that this was just the structure of the discussion leading to that process. In order to put this into black and white because it was so confusing due to so many factors he needed to have this type of discussion to know the specifics of what the Board wants.

Trustee Carley said that he agreed but that he was bringing up a point about the format to keep going. He would like to hear examples about why we need that added and we have to listen to everything, we can't just go in one direction we need to show all pros and cons. If not, then why we are having the discussion?

Deputy Mayor Rumbold said that when we first started talking about this she asked what the Board deems the purpose of an ethics board as. There needed to be a place that people could go to be heard and have someone listen to an issue that they have with an employee or elected official. Currently they are unheard or ignored. In her opinion we need to move forward for them to have a place to go. They have not had millions of issues over the years but if you are going to have this place for them to go lets not make a mockery of that place and say lets bring it before these people and then they can't do what they need to do in order to determine the outcome. Give them a place where there is a resolution or not. Otherwise they might as well write a letter to Anne Landers but only they will be doing it in person. We really have no power to do anything about it. We heard you but go home we heard it and can do nothing about it. We need to allow them to do what they need to do and we aren't giving them any power or authority to bring people in.

Trustee Bowen asked if they do have power.

Trustee Carley argued that the people have other avenues to voice their complaints. As a public official, doesn't the Village Manager have an open door policy for complaints or issues? Isn't it his responsibility to seek those out? If he received a complaint concerning an employee with an unethical statement if you find a DPW worker is doing drugs in his car and someone sees him, let's just say that I see them what is going to be done about it? He feels the Village Manager should be told and he should be able to deal with that issue. He strongly believes that there are several avenues if they feel they can't trust the board or the Manager as well as they can go to the Police if they feel they need to. If they can't trust any of them we have problems bigger than an Ethics Board. That's why we have different laws so that people can voice their complaints. We want the Ethics board to hear their complaint instead where he feels it should be to the Village Manager and then the Board after that.

Attorney DuBois stated that Manager Revella is an employee and not an elected official so he can't hear certain complaints.

Manager Revella commented that would mean having to convene a board. It can be difficult to bring to the Board as he is employed by the Village board. There are times that a boss has issues but he can't go to that person to complain. There are whistle blower laws for these events and that is a Criminal case.

Deputy Mayor Rumbold commented that Chief Holmes doesn't want to hear about non police matters. What she is talking about is a place where people can say this Village official did xyz and the Ethics Board will decide. They are the ones who elect the elected officials.

Manager Revella stated that an individual can listen and then they can make the decision off of that.

Mayor Maher commented that this is a recommendation as to what they can do or we can give them the ability to do that themselves that is what we discussing and its challenging to discuss but we've been asked to discuss it and it's important and we need to come to a resolution.

Trustee Bowen asked what happens right now when something happens.

Manager Revella stated that the individual who has the issue is the only one who can go to the board. If you did something or you are going to do something wrong is the only way right now that it can be brought to the Ethics Board.

Mayor Maher stated that right now there is no mechanism in place for the Ethics Board even it if has happened in the past when it shouldn't have to go to them and say this is wrong.

Trustee Bowen asked how do they get the complaint.

Mayor Maher responded that anyone who goes to the Ethics Board so by way of a 3rd party.

Trustee Bowen asked by way of rumors?

Attorney DuBois replied no and then further commented that right now there is no formal complaint process. Right now it's just you come to the Ethics Board and say, hey I'm a minority partner that is going to contract with the village is it unethical if I vote on it and I'm a share holder. We are talking about the grey area stuff where you are acting in good faith but you need an opinion from the Ethics Board that they should do something or not. Right now there is not process, it has happened, but the complaint has been brought but they have no authority to do anything. So the question is do we want them to have that power?

Trustee Bowen suggested we set up channels for complaints to be brought through. If they get it and they need additional they should be coming back to the Trustees. If it can't be dissolved by those Ethic board members after channels has been put in place and followed. They review a summary of what action has been done and in conjunction with showing me some kind of history like Willie was talking about.

Attorney DuBois asked to clarify if Option 3 is what he would rather see where they have subpoena power but have to get the approval from the Trustees to actually use it.

Trustee Bowen replied that he was saying to let the Ethics board handle it but if they need additional they come to the board but not specifically subpoena power.

Manager Revella asked if he was referring then to color of authority.

Attorney DuBois clarified he was basically looking at option 3 which give them the power to do what they have to do without any authority. If you chose to leave it the way it was and all they had was the color of authority then there would be no laws in place to even allow the Board of Trustees to give them a budget or a spending limit in order for it to go further. Essentially option 3 gives the Board of Trustees the power to give the Ethics Board the power. They don't have any initial specific power to subpoena or to do investigations that involves spending money.

Trustee Bowen feels that the decision can be made by that board.

Mayor Maher commented that that is not the case and the Ethics board is requesting more authority and ability to find information. If they are in a position to make a decision as an Ethics Board they want to be able to do that to the best of their ability with the most facts. It's not fair to them to say you can make a decision based on the fact that you are the Ethics Board as opposed to giving them the authority to say that this person needs to come to the Ethics Board to answer questions and give evidence so that they can make a decision.

Trustee Bowen stated that they have no history of this need then why do we have to say this.

Trustee Carley suggested we add another option. If the Ethics Board can't make a conclusion then they take it to the Village Manager and let him make the decision.

Deputy Mayor Rumbold commented that even though they were acting with no authority in the past they were told by previous council members that this is what they could do; certain individuals were asked to come to before that Board and that person refused and the Ethics Board made a decision without that information. They couldn't get someone to give them a statement about what actually happened. There is a past incident where this happened.

Trustee Leonard strongest asset of the Ethics Board is that they are independent away from the politics or whatever that would encourage people to go before them. The other question he had was what is the format to submit a complaint. Is it in writing or is it verbal?

Attorney DuBois answered that there is none right now. That is up to the board at this point.

Deputy Mayor Rumbold stated that in the past it has been in writing in delivered to the clerk. Letter from to clerk and then to Ethics board.

Trustee Leonard stated he felt it should be a sworn statement not a verbal complaint. The other item is that he believes that option 4 is the best option because it allows the Ethics to maintain their independence from the Board of Trustees to go ahead with an investigation to be only limited by the amount of money they could spend which we could set and then have the option to come back to this board if they need more. That way it keeps Trustees out of the Ethics board discussions.

Mayor Maher asked that each Trustee weigh in on the option they would prefer for Investigative power: 1-6 or village manager.

Trustee Leonard would like option 4.

Trustee Bowen would like option number 1.

Deputy Mayor Rumbold would like option number 4.

Trustee Hoffman prefers option 4.

Trustee Carley prefers option 1.

Trustee Mishk would like option 4.

Mayor Maher likes option 4.

Attorney DuBois commented that moving onto the standard of proof. Which means how much doubt is acceptable? The request from the Ethics Board in the proposed law is clear and convincing. So think of a percentage where 0% you completely disbelieve it and 100% you are beyond a reasonable doubt or 99%. By preponderance of the evidence more than half sure that it happened 50.1% that it happened that is one standard of proof. Beyond a reasonable doubt means you are 98-99% sure. And clear and convincing is in the middle somewhere which means that you are 75-80% sure that it happened.

Mayor Maher asked if that was open for interpretation by the Ethics Board.

Manager Revella stated that the Attorney should advise them about the burden of proof.

Trustee Leonard asked if he was proposing we give these guidelines to the Ethics board.

Attorney DuBois answered yes, the proposed law from the Ethics Board uses clear and convincing. It is up to this board to reduce that or not to mean they are just more sure than not that it happened or increase to beyond a reasonable doubt.

Trustee Leonard would prefer clear and convincing.

Trustee Bowen asked if super majority was the same.

Attorney DuBois clarified that a super majority means that 4 out of 5 Ethics Board members would have to be 80% sure individually to vote yes.

Deputy Mayor Rumbold would prefer beyond a reasonable doubt.

Trustee Hoffman would prefer clear and convincing.

Trustee Carley prefers beyond a reasonable doubt.

Trustee Mishk would like to see clear and convincing.

Attorney DuBois stated that so now we have 4 out of 5 members that are convinced by 80% that conduct occurred. The questions now is do they have the authority to institute a penalty. Option 1 is no and then option 2 would be to make their decision available to and to make their recommendation to either the Village Manager or the Board of Trustees. The reason he put either or was because if we are talking about an employee who is under the purview of the Manager that would have some bearing on who you would like to institute the penalty. The board of Trustees may want to have the board do it or the Manager himself that approves the penalty. Finally, option 3 is to have the Ethics board itself vote itself or some combination thereof.

Maier would recommend it goes to the Manager and the Trustees.

Trustee Carley would prefer none.

Mayor Maier asked what the possible penalties are, a fine?

Attorney DuBois confirmed yes but not one more than \$250 in the Village of Walden but he has also seen other Villages that have authorized fines up to \$10,000 if you really are inclined to have an employee fined that much he can double check that and find out if the board even has the authority. Other penalties would be removal or suspension from their position.

Manager Revella clarified that you cannot remove a Civil Servant from office without a hearing.

Deputy Mayor Rumbold asked if there are any other kinds of sanctions such as censure.

Manager Revella added perhaps a class or counseling specific to something.

Trustee Carley would like the option of no penalty.

Mayor Maier asked if we could give the authority to the Ethics board to give anything as a recommendation.

Attorney DuBois confirmed that only the Village Manager or Board of Trustees can give a penalty but that the Ethics Board could certainly make any recommendations they saw fit.

Mayor Maier stated that moving forward from here we will definitely speak to the Ethics board to get specific historical information about why they feel we need to have these changes which is very important and then have Attorney DuBois prepare a new draft of the law for the board to discuss at the next meeting.

Tow Truck Rates

Manager Revella worked with Chief Holmes to send out requests to municipalities to see if they have any kind of policies in place that sets a rate for what a tow company can charge someone who is towed at the Village's request. This comes into play often during snow emergency when a car is still parked on the road when we are trying to do removal and they get a ticket. When they still doesn't remove it they then get towed so we can plow and make the road safe. Right now there is no regulation as to what that company can charge that individual. Chief gave a sample from the City of Newburgh law and made a little cheat sheet that highlights the areas of the law.

Deputy Mayor Rumbold clarified that this would where a company can opt out to be in the pool.

Manager Revella stated that yes, when they come in to get their license this would be a condition that they would have to agree to that they will charge these rates.

Trustee Hoffman clarified that this would be as a condition of the license they have to charge our fees, correct?

Deputy Mayor Rumbold asked how a consumer knows if they are being charged the right rate.

Manager Revella responded that just like any other fine we would have to get the word out and advertise as much as possible that these are our rates. We do have some people who call to find out where their car is and they call the Police Department to find out where their car was and this sheet could be right at the Police Station to let residents know the rates. Usually people call the Police Department first as they are thinking their car was just stolen. There is a company that has been gauging a little bit so we want to be careful of this.

Mayor Maher Deputy Mayor Maher asked if this is this something that we can ask if this is something we can give to them that they have to post at their store so the consumer can read it.

Manager Revella replied yes we would ask them to post it as part of our agreement along with the rotating schedule of companies that are authorized in the Village. It could be a requirement of the permit.

Mayor Maher stated that we can't make them but if they want to be part of our program it could be a requirement of the Village.

Manager Revella if they don't want to follow the guidelines then we don't have to call them. There is a list of companies that have come and gotten their licenses through the Village to do the towing and we rotate who we call through that list.

Trustee Carley asked who comes up with that list.

Manager Revella replied that the permitting process is done through the Police department currently.

Trustee Carley asked if the Police depart goes and checks that or is it subject to inspection.

Manager Revella replied that it is subject to an inspection which is where we can be sure they are posting our rates also.

Mayor Maher asked about the rates. Can we get estimations from the businesses?

Manager Revella replied that they are lower than what we have.

Mayor Maher confirmed that if these numbers are lower than their numbers are they too low do we need to ask around.

Deputy Mayor Rumbold commented the Chief has asked around and is in favor of what we have in front of us.

Trustee Bowen asked where the cars are being towed to.

Manager Revella responded wherever the company is located.

Mayor Maher asked if they were all located within the Village or how far are they away.

Manager Revella replied that they are all not more than 15 minutes from the Village for the benefit of the resident so they don't have to travel more than 15 minutes out of the Village without their own car to retrieve it. The closer the better.

Trustee Hoffman asked how many companies we have on the list approximately.

Manager Revella responded approximately 8 now. There's Kens, Quality, Al Valks, Walkkill Auto Body, K & S, and Classic which is 7.

Mayor Maher asked the board if they wanted a draft of these changes like this to our local law for discussion at the next meeting.

Deputy Mayor Rumbold asked what the licensing period end is and are they rolling licences.

Manager Revella responded no they are renewed every year he believes around our fiscal year June 1st.

Trustee Hoffman recommended we also send a letter out to the current licensed places to see if these rates are sustainable and have Chief here to talk about it at the next meeting.

Speed Zones around schools

Manager Revella explained that currently there is only school speed zone in the front of the Elementary School and in front of MPB School not on the side. Perhaps if the board agrees there should be speed zones on other sides of the schools. Especially the back of the Elementary School where they go to pick up the buses in the afternoons and some parents actually drop their kids off in the back of the school and even some kids go in through the back for breakfast. Chief agrees that is should be reduced to 15 MPH on the

side and in the back to make it a little bit safer for the kids. We also discussed the same thing on Bradley Lane to make that a school zone there as well since that is the exit and entrance to the school and make that zone go the whole length of the school there during school hours.

Trustee Carley commented he thought it was adjacent streets as well.

Manager Revella responded not in our code at all right now.

Trustee Carley asked if there was any down side.

Manager Revella replied not that he could think of. We need to slow down traffic in these areas ideally. Right now on Route 208 it's currently there and there are a lot of tickets going down that way now but on the side it would be helpful as well.

Trustee Hoffman responded that he felt it was against school safety and asked if it would only be at certain times.

Manager Revella replied it would be during school hours. We did have someone doing 40 in a 15 over here recently so it wouldn't be an issue. Obviously the playground is open and the ball does sometimes go into the street and in the back there are 2 playgrounds so that's even more of a concern.

Mayor Maher asked if Manager Revella could supply streets and specifics.

Manager Revella will get the streets, exact dimensions, and the hours for the next meeting.

Mayor Maher asked if we could put this on agenda and have Chief here as well. Is it possible that we can just say streets around or surrounding school properties?

Deputy Mayor Rumbold confirmed that this zone would not be in effect during the summer time or holidays.

Manager Revella responded that he was pretty sure the code stated School days and from specific hours. It is defined but he doesn't remember the wording.

Mayor Maher asked that Manager Revella would most like put up signs to that effect in those areas. He also commented that the zone would not be used as a deterrent for speeding.

Manager Revella agreed.

Mayor Maher asked Manager Revella to get the specifics and put on the next agenda.

Public Comment

Nannette DeGrote, 80 North Montgomery Street, thanked the Board for the lighting on the bridge. She also commented that she loved the bathroom color, nice and neutral and not mauve. A few years ago the board was discussing taking out the fluoride from the water. She realizes it was voted on a few years ago and she wasn't concerned about it then as she didn't think it was a big deal. Recently she started looking into it and after some

research she feels it is really extremely not a good idea to have it in our water. Knowing it was voted already by the board she actually called DPW and asked if we were adding fluoride to the water. They must have been confused at the time as they stated no but it did in fact happen later on. Now it's voted in but she thinks there has been more research that needs to be looked at by the Board as there are a lot of health issues with respect to this. She asked what she has to do to get this back on the agenda.

Mayor Maher responded right now is how you bring it up. Budget time more specifically is when this board has to vote to expend funds that are suggested to put materials in for the fluoride. He would certainly personally make her aware of when those dates and times are and if the Board feels it should be brought up for debate again can be determined at that time.

Nanette respectfully asked the Board to strongly consider taking this issue back up again.

Mayor Maher replied that also, any 2 trustees can have it put on the agenda.

Deputy Mayor Rumbold commented that periodically new research would come out and it was introduced in the minutes by herself to the Board. There is proof of this new research documented in the minutes.

Nanette commented it is important to consider because it's the only element that medicates people that is being introduced to our water. Chlorine treats the water not people. Fluoride helps with tooth decay and in all actuality it does not have any effect on tooth decay which a 2012 study proves that fact. The Village has no right to medicate people without their say so. Fluoride is not a necessity to the human body and it cannot help with disease. Simultaneously the lack of it doesn't harm them either. Other issues the introduction of Fluoride has shown that people who have been exposed have continued ulcers, tooth disease, and even thyroid disease. This is a huge epidemic and the fluoride makes it worse. Where does it come from; a fertilizer industry so it's helping them not us. Additionally, it is a synthetic element we are using and not a natural fluoride. The synthetic fluoride that is being introduced has arsenic in it and there is no purpose for using the fluoride as a cleaning process. Lead pipes can give more chance to get poisoned than not having fluoride in the water and this formula fluoride is a problem. She is asking the board to think about it and do some research and look at both sides. There is solid evidence against using fluoride. 97% of the country doesn't use it and now Canada completely doesn't use it at all. Topical usage is one form of usage and is completely different but ingestion is another and the public should not be forced to have this in their water. We need to also be aware that our low income families are more susceptible to the damage this can cause.

Trustee Carley asked if she had talked to the Department of Health about this topic.

Nanette replied no but that she will.

Trustee Carley commented that sometimes independent studies can be swayed one way or another to make decisions appear favorable or not favorable.

Nanette responded that she understood but didn't feel we should be relying on government research to tell us either.

Trustee Carley commented that he understands what she was saying he was just trying to say that it is a bigger criteria to use the Department of Health findings versus an independent health study that may not be evidentiary in its findings.

Nanette replied that even looking at independent studies the government has its hands in everything and are able to sway things their way. She feels we can make our own decisions based on the evidence and the facts.

Jessica Metzger, 4 Gracewood Court, commented that she did not know enough information about the fluoride to answer Nanette's questions. She asked if the board had voted to amend to put the fluoride back in the water. Not amendment once the building is done? She asked if conversation has started up again as she recalls about 2 years with a proposed resolution and nothing has been done with it. The discussion was good to hear and she is glad that Nanette brought it up for the Board to consider. Our snow removal is second to none and it looks amazing and gives great pride if you take a moment to see other areas not doing this. It is such a great idea. The discussion about 3 attendants at the teen center; she feels it would be a good time since the park is closed for the season and before it opens again to consider, well at least 2 of you can put on the agenda, the idea of moving the skate park to Wooster. There are 3 attendants there now and she feels it will be a better site for it. Thanks to Trustee Carley for being our school board liaison. It is huge to have someone come back with the information to share with the public and educate us and be knowledgeable about how to move forward. As far as the Ethics board there was no discussion tonight about council. Does it have a separate council? It is on the list but was not talked about it yet, is there a reason that is not being discussed?

Mayor Maher replied it was discussed over the past few months of meetings.

Jessica continued that the Board didn't discuss it even though it's been asked for but not heard. Moving forward it's important to educate all of our employees and officials how not to violate ethics. Perhaps they should be taking continuing education courses as many companies have their employees do this, even in my own job I have to take a certain amount of continuing education. The Village should reach out to in the industry to let employees know what the ethics board. As far as I know each employee only has to fill out the code of ethics form but they fill it out only when they are first employed. Maybe that is something you want to consider doing every year. It lists what is expected of them and that way everyone is informed. No one can not know what it is. An Ethics board shouldn't be an ethics board it was just thrown out there should explore future and past no penalty but should have more power in her opinion. The Ethics Board is an entity that holds everyone responsible if someone has an issue. She can say she saw so and so on the internet using Village property on Village time and nothing has been done no one even knows about it and that was a solid concrete video. She agrees that the public needs somewhere to go where they know something is being done and feel confident that the people they are talking to are not out having dinner the night before with someone who is supposed to reprimand them the next day. It needs to be a place to go to voice their concerns with employees and board members. She also feels that no one should penalize anyone. There would have to be rock solid evidence to penalize someone or it's just a joke. Furthermore, it would be a good idea to have an inventory of the meetings. There has never been a quorum which is always been an issue and there are members that are absent for a period of time. There should be a system in place to say hey you have not

been there can you still perform the duties. There is a whole scope of things conversation tonight is just a start not near where it needs to be but nice to hear the conversation.

Mary Ellen Matise, 21 Clinton Street, wanted to add to Jessica's question which was great about who establishes the Ethics Board statistics. Is it something on the state level or does the Village code establish the Ethics board and who is on it and their tenure etc.

Manager Revella stated he believes the board appoints the Ethics board members.

Mayor Maher agreed that the Board appoints. For example the board did appoint Billy Sweed.

Mary Ellen continued that she felt it should be included in the code. Her follow up question is about training. Zoning board and planning board have to go for training but what about the Ethics Board? Is it regulated by the state? Does this board operate like a jury? Just a group selected as a jury of peers? She is not sure that the state requires it but it should be looked into in detail. It's problematic too since 2005 been the same people on the board almost 10 years of the same people.

Mayor Maher responded that each time the conversation comes up when an individual's term comes up they say that they would like to stay.

Mary Ellen commented if the board is reviewing the process shouldn't the Board want to decide should we change it up a little bit? Or is longevity the expertise you want? Or would you want it more equitable and fresh opinions? Entrenchment becomes the issue there with who knows who and the issues too. She just feels it should be part of the discussion. Sue with regard to the water testing reporting that we have 2.2 naturally occurring fluoride how does that bring us to the EPA standard? Why would we put synthetic fluoride in if we are getting enough through Mother Nature? Hasn't the water department put enough in?

Deputy Mayor Rumbold commented that they have lowered the dilution EPA point is diluting the toxin but also the fluoride.

Mary Ellen asked what benefit are you getting if you are diluting that benefit. Perhaps it's an economic benefit for the fertilizer industry as they are the ones that are profiting on that. Thank you Nanette for so eloquently stating that earlier.

Becky Pearson, 167 Walnut Street, commented that at the last meeting she was asking about open government. She respects everyone and their positions but you are not going to like what she has to say. The discussion of the clerk and when it took place; she has looked and didn't find anything in the minutes. She heard nothing in January when she was at the meeting then and it seems that the board went into executive session and went back out with no public discussion. At the 1st meeting in December there was discussion about raises and things like that but there was no discussion in public about the clerk position. The board discussed a new salary at new part time hourly rate, but it doesn't say how much.

Manager Revella stated the clerk had gotten a raise before she resigned.

Becky commented so it went to the new rate after someone resigned. She wanted to be clear that it was not about the person in the position it's about the discussion about the position that didn't take place. She has the ad from the paper for the clerk position that states that it would be a part time position with possibility of a full time position later on. That indicates to her that there was some discussion about this position but there needs to be some discussion about that somewhere outside the executive session.

Manager Revella stated that the exact wording of the ad was discussed outside the executive session on December 23, 2012.

Becky stated that was no listed in any of the minutes from that meeting.

Manager Revella stated that the executive board minutes only list the actions as the guidelines require.

Becky continued that she is frustrated about the situation and her frustration lead her to write to Robert Freeman about the Open Meetings law and the public discussion that she does not believe took place. He doesn't think it took place either. The gist of her letter was about the fact that there was no other public discussion. Everything was talked about in Executive session. Freeman stated in his response that the discussion regarding the creation of a position should be discussing in public to comply with the Open Meetings Law. To fill a position in Executive session would be more appropriate. Same thing happened with the creation of the Investigator position a few months ago that was done without public discussion. She also sent him a copy of the ad for the position and he did not feel that it was a proper notice of a meeting. She did this because of her frustration. New legislation about going into executive session and how you have really detail what it is you are going in there to talk about. It must be more specific not the generalized items you have listed on your agenda to talk about or it fails to comply with the law. The law states you can't just say you are going to talk about possible litigation, you have to say what that litigation can be between. It's important to reiterate that fact that being able to hear the discussion is so important for the public to hear. We have to vote people in and in the past, not saying now, the board was doing things behind closed doors and there was no open in public that complied with that part of the law. She said it years ago and she is saying it again that you have to hear what you are saying so we can decide to vote for you. Again, she does respect what you do but wants more public discussion. Thanks for listening.

Anita Vandermark, 76 Highland Ave, welcomed our new Trustee and our new clerk. She stated she missed Tara's comments about what's coming up in the Village. Friends of Walden Youth Yard Sale benefits the Village by providing what is needed in the parks. This is their 8th annual yard sale please let us know if you have anything to contribute we will be happy to take it off your hands. Saturday, the day before, set up help is needed and are looking for some helping hands. Ethics board discussion happy to hear only been 4 months. Suggested the board look into what other municipalities are doing with their Ethics Code. There is a Walden Community Council Meeting at Walden Savings Bank 7pm tomorrow and anyone is welcome. Hometown Bank is currently collecting for the Walden Humane society. People can bring food or litter to donate through the month of February. Also there is a bake sale at Walden Savings Bank in conjunction with Jacobowitz & Gubits on Valentine's Day, February 14th.

Trustee Leonard asked Anita to encourage the members of the Ethics Board to read the minutes so that they can add to our discussions.

Brian Sebring, 84 East Avenue, commented about towing in the winter time charges were outrageous. Most operators refused to come in because they want their cost not what we want them to set. They are always busy during a snow storm. Why would you want to play the same game again that was played 10-12 years ago? Don't make them too low no one will come and the tow companies will win.

Payment of the Audited Bills

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

Correspondence – Nanette DeGrote sent an email to all the Trustees about fluoride in the water.

Miscellaneous Comments from the Board of Trustees

Trustee Mishk had nothing.

Trustee Carley wanted to add a comment about what Mayor Maher had brought up about getting the history of the numbers with regards to the towing issue. What Chief brought up is adequate and we should contact the tow companies based on these costs. He was happy to hear very good comments tonight. With regards to the Ethics board he is just looking out for the best interest for the Village and appreciates the discussion that we had and that we can each have our own opinion and that we are going to agree as a team. It's about doing what's best for the Village.

Manager Revella stated we would request comment from the tow companies based on these costs presented.

Trustee Hoffman commended the great storm clean up.

Trustee Carley added that when it comes to the mailboxes being knocked down it's not just the snow it's the driver, just saying. Mayor Maher was in the truck on a ride along during this particular instance and it's about the speed of the truck as it plows as well.

Deputy Mayor Rumbold wanted to state for the record what her recollection of what happened with regards to the meeting held in reference to the clerk. December has one regular board meeting scheduled and the resignation of the previous clerk happened after the regular meeting. The Mayor called her and suggested that the board could be apprised of resignation and where we should go from that. Despite what the minutes say we did go into executive session to talk about personnel issues. We then came out of executive and had a discussion where we were asked how we wanted the ad worded; what we wanted in it and also discussed the full time position possibility where we determined we were going to continue that discussion during the budget sessions. She wished it came at a regular meeting. The meeting was noticed but there was no public here. There were a lot of 207c issues and with the coming election she felt it was important to not wait but get someone in there as soon as possible. The public knows her well enough to know that she will always try to be diligent about what's talked about in

executive session and what isn't. She may make mistakes but this was not a mistake. The Mayor called the meeting and it was her suggestion to have that discussion.

Trustee Bowen thanked Jessica Metzger for her great suggestion about the skate park. He would like to see us jumping on board with that while the weather is snowing and think about moving it completely down there. With regards to the code of conduct memo, he feels that needs to go out immediately and have everyone sign off immediately which will start us off on the right foot as far as the ethics code goes if it hasn't been done already.

Trustee Leonard asked about the website update stating that the postings were out of date when he looked at them.

Manager Revella replied that whatever is finished is done and posted.

Trustee Leonard commended Officer Conklin who did a one man speeding ticket on South Montgomery Street, not just a warning. He was happy to see him there and it may be hard to believe but there was someone caught at 45 MPH going out of the Village and the average speed coming in is 37 MPH. He wishes there was more of it because the day after it was stopped speeding was right back up there.

Deputy Mayor Rumbold asked about speed humps where the fireman's statue is; fireman's triangle. She asked why we pile snow when we are plowing there. She had to pull half way out to Orchard Street in order to see. Is there anywhere else to put it?

Manager Revella stated not really.

Deputy Mayor Rumbold stated that it was there for a long time and is a hazard; can we think about another place to put it?

Manager Revella replied yes.

Trustee Leonard commented to Willie that the Governor put funding for full time Pre K in this year's budget so watch it at the school board level. Full day of 5 hours provides benefits that carry over into adulthood and extend right out so thank you. He has a book about the State of the State address and will bring it for everyone to look at as it has a lot of information in it.

Mayor Maher thanked everyone and congratulated Jerry on his appointment. He knows he will be a great addition to the board. Looking forward to moving forward as a team and excited as a team for 2 more years.

Deputy Mayor Rumbold commented that when she was a young girl one of her biggest thoughts was to one day be the only woman surrounded by a bunch of men but that this was not exactly what she had in mind.

Mayor Maher commented that calling a special meeting is not ideal but things don't happen like that sometimes. They made the decision together and thought it would be a better idea to hold the meeting. Deputy Mayor Rumbold and he basically discuss just about everything together and they felt it was appropriate to hold that meeting. It's as good as it can be and we rely on the public to keep us honest and working hard.

Executive Session – Personnel, Consultants, Finance Department, Property Purchase, CSEA Negotiation, and PBA Negotiation

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel, Consultants, Finance Department, Property Purchase, CSEA Negotiation, and PBA Negotiation. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

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

Adjournment

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

**Village of Walden Board of Trustees
Regular Meeting
February 12, 2013
Motions & Resolutions**

Public Hearing - Comprehensive Plan

Deputy Mayor Rumbold made the motion to close the Public Hearing on the Introductory Local Law I-1-2013 Garbage. Seconded by Trustee Leonard. All ayes. Motion carried.

135 Orange Avenue –Property Maintenance

Deputy Mayor Rumbold made a motion to set a public hearing date for February 26, 2013 at 6:30pm or as soon as possible after that time for 135 Orange Avenue. Seconded by Trustee Hoffman. All ayes. Motion passed.

Resolution 28-12-13: Comprehensive Plan

Trustee Leonard made a motion to accept Resolution No. 28-12-13 adopting the SEQR Finding Statement with respect to the adoption of the Village of Walden Comprehensive Plan. Motion seconded by Trustee Carley. 6 ayes, 1 Nay, (Deputy Mayor Rumbold), 0 abstentions. Resolution is Approved.

Commercial Garbage Pick up

Trustee Bowen made a motion to authorize Village Manager Revella to sign the contract for commercial and residential pick up with IWS. Seconded by Trustee Mishk. 5 ayes, 2 nays (Trustee Hoffman & Deputy Mayor Rumbold), 0 abstentions. Motion carried.

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

Trustee Bowen made a motion to accept the Local Law I-1-2013 amending Chapter 247 of the Code of the Village of Walden entitled “Solid Waste” to accommodate Village-wide commercial solid waste pickup and disposal as well as amend other sections to bring the law into parity with modern solid waste pickup and disposal methods. Seconded by Trustee Leonard. All Ayes. Resolution to adopt Local Law I-1-2013 passed.

Surplus of Truck #10, F350 Pickup

Trustee Hoffman made a motion to Surplus Truck #10, F350 pickup for a minimum price of \$1,500. Seconded by Trustee Leonard. All Ayes. The motion passed.

Surplus of Car #1, Ford Explorer

Deputy Mayor Rumbold made the motion to Surplus Car #1, Ford Explorer for a minimum of \$1,000. Seconded by Trustee Carley. All Ayes. The Motion passed.

Proclamation for Arbor Day – May 9, 2013 at 10:30am

Trustee Bowen made the motion to Proclaim May 9, 2013 at 10:30am as Arbor Day with a rain date of May 16, 2013. Seconded by Deputy Mayor Rumbold. All Ayes. Motion Passed.

Walnut Street Closure Request

Deputy Mayor Rumbold made the motion to block off Walnut Street between Grandview Avenue and Millard Avenue from 3-11:59pm on May 18, 2013. Seconded by Trustee Leonard. 6 Ayes, 0 Nays, 1 Abstention (Trustee Bowen). Motion Passed.

Payment of the Audited Bills

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

Executive Session – Personnel, Consultants, Finance Department, Property Purchase, CSEA Negotiation, and PBA Negotiation

Deputy Mayor Rumbold moved to go into Executive Session to discuss Personnel, Consultants, Finance Department, Property Purchase, CSEA Negotiation, and PBA Negotiation. Seconded by Trustee Carley. All ayes. Motion carried.

Reconvene

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

Adjournment

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