

**Village of Walden  
Board of Trustees Regular Meeting  
April 7, 2015**

Mayor Rumbold called the regular meeting of the Village of Walden Board of Trustees to order at 6:55pm.

On roll call the following were:

Present:

Mayor	Sue Rumbold
Deputy Mayor	Sean Hoffman
Trustees	Brenda Adams
	Bernard Bowen
	Willie Carley
	Edmond Leonard
	Brian Sebring

Absent:

Also Present:

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

**Hearing – 145 West Main Street**

Dean Stickle, Building Inspector, explained that a large tree branch fell on the home approximately 2 weeks ago in a wind storm and is partially impeding the sidewalk there also. He spoke to All Source who has control of this vacant house and they said they would have someone come and remove it but they have done nothing at this point. He would like to request that we remove the tree and get it off the house and away from the sidewalk and charge any costs to the property owner. He would recommend getting an outside contractor to remove the branch and leave it on the property so it is not a hazard.

Trustee Adams made a motion to authorize the Village Manager and the Building Inspector to take appropriate remediation to remove the branch that has fallen on the house and the sidewalk located at 145 West Main Street and charge the property any associated costs. Seconded by Trustee Bowen. All ayes. Motion carried.

Mayor Rumbold asked Dean to briefly explain his memo to the Board about Kimball Way while he was here which is on the Action Items this evening.

Dean explained that he tried to show the full length of East Main Street compared to the small section of the proposed change by Masci and Hale's office to Kimball Way in honor of Dr. Kimball. It would be a burden for 911 emergency services to have one small section that is 150 feet long to all the sudden change to a different name other than East Main Street. It is currently the same road name as East Main Street runs from the Mobil Station all the way to the Village limits on Route 52. In the 1920s the boulevard was Route 52. When they constructed the new road they donated that boulevard to the Village and it all stayed East Main Street, including the Boulevard. He can speak to Loraine at 911 tomorrow to get their official opinion on the matter and let you know.

## **Information Meeting – Water/Sewer Rates**

John Queenan, Village Engineer, explained his power point presentation on the proposed water/sewer rate increase from the water/sewer committee. Our current water rate is \$4.20 for every 100 cubic feet of water or 748 gallons. Our current sewer rate is \$4.95 for every 100 cubic feet of water or 748 gallons. That is a total of \$9.15 combined for 748 gallons. Without an increase in 5 years we will incur a \$574,000 deficit and there would be no water fund balance in 2.7 years. Combine that information with our increased operating costs which also play a big role in our deficit, we came up with 2 options. The first option would be to adopt a quarterly fee or adopt a quarterly fee as well as some sort of rate increase. It's a balance of how you want to get to solve the problem. In looking at those 2 scenarios if we adopted a \$10 quarterly fee for water and increased the water rate by \$0.25 making it \$4.45 for 100 cubic feet (748 gallons) which would make the water fund balance until 2020. Option 2 would be to adopt a quarterly fee of \$12 with no rate increase which would also make the water fund balance up until 2020. When projecting future costs, we factored in some future debt and future operations and maintenance costs.

Trustee Adams asked if the future capital upgrades planned over the next 5 years are included in the debt.

John replied that the debt projected is new debt not just current debt.

Trustee Sebring asked if we have a small percentage of houses go into foreclosure what would that affect this proposal.

John replied that we would have to have a significant enough number to do it but that is why the committee leans more toward the fee as it would be charged to the property whether there was usage or not. If it was strictly rate we could have a problem if something like that were to happen as it would completely be dependent on the usage. With the fee it is based on account, not the usage.

Deputy Mayor Hoffman asked the Village Treasurer to speak about the fund balance and what is going on with the state.

Peter Sullivan, Village Treasurer, replied that in general the fund balance in the water is about 30% fund balance which is nice. The state generally recommends 10% for operational needs and 20% if you are also reserving money for future capital improvements.

Trustee Bowen asked if every household would be charged \$48 per year, every year not based on water usage.

John replied that was correct, it's per meter on the property. There could be multiple meters on one property.

Mary Ellen Matise, 21 Clinton Street, stated this presentation is not in the packet.

Clerk Bliss replied that it was put on the website since the March 24<sup>th</sup> meeting as the Board requested.

Mary Ellen continued that no matter what you do, you leave yourself open to if you have more revenue you can offset costs.

Nanette DeGroat, 80 North Montgomery Street, asked about the big jump that Mr. Queenan's presentation was in June 2017.

John replied it would be an increase in operating and maintenance cost. Factoring in salaries and health benefits.

Nanette asked if he was also incorporating fluoridation replacement issues that we had to do in the past.

John replied yes, potential construction projects are in there.

Mayor Rumbold stated for the record that eth water and sewer funds have to be exclusive from the general fund. Any revenues collected have to go towards paying the bills.

John continued that on the sewer side we have the same 2 scenarios but slightly less as the sewer rate is higher now. The DEC mandates for repairs that had to be done under a consent order which is why the debt is there and the fund balance for sewer is extremely low leaving us a deficit of \$392,000 over the next 5 years. We have the same 2 options; adopt a quarterly fee or adopt a quarterly fee with a rate increase. We would suggest a \$15 quarterly fee with no sewer rate increase which would get us to balance. Based on the last meeting, he did the best he could to pull out a senior household as an example and they spend on average about \$120 a quarter for water and sewer. Since they have less usage it looks like it would be an extra \$27 more per quarter. Option 2 would be to adopt a quarterly fee of \$10 and increase the sewer rate by \$0.25 cents making it \$5.20 for 100 cubic feet (748 gallons) that would get us to balance up until 2020. If you do this average out it comes out to \$31.50 which would be higher than if we just charged the fee. So at the end of the day it's a difference between \$4 among the 2 options proposed. That basically summarizes what we have done to date and our proposed plan to move forward.

Deputy Mayor Hoffman thanked John Queenan, John Revella, Dave Donovan, and Peter Sullivan for working hard behind the scenes and coming up with this presentation for the Board and their coordinated efforts.

Trustee Leonard thanked the committee members as well. We had a number of meetings where they discussed many things particularly the future and how to stretch this out to be a 5 year plan so future Boards don't have to deal with it. He feels they did a great job.

Mayor Rumbold stated we would come back to this item under Actions items although that does not mean we have to take action on it.

#### **Village Manager's Report –**

- Made some appointments to Planning and Zoning Board which all take effect today.
- Engineer is working on the CDBG application updates. Had some difficulty with County Office to get our application moving on Pine Street pump station.
- Auctions International has our SUV on their website that is what the Board voted on at the last meeting, so feel free to check that out.

- Had conferences daily with VRI about the sewer proposals and our upcoming meeting with the DEC.
- The Pavilion for Bradley Park bids are posted. Hopefully we get that back as quickly as possible to get it awarded soon.
- Met with our Engineer about Ulster Avenue project. You may have seen surveyors there confirming property lines as required by state.
- Updated capital projects list dated 3/25/15 was sent out to everyone for their consideration during budget sessions.
- Met with different department heads and the Mayor to discuss goals for each department prior to her taking office.
- Completed the process for snow appeals. Those that were not overturned were instructed to contact Village Hall if they would be at tonight's meeting. We heard from one person who is here tonight and we will discuss that one case, we did not hear back from anyone else.
- Conducted a tour of the Village to Trustee Adams.
- We had the Pre-K class from MPB School come for a tour of the library, Police Department, and the Village Offices.
- Met with the Building Inspector regarding landlord inspections that are coming up and the Code Enforcement Officer.
- Had a service break on North Montgomery Street and then a water main break on North Montgomery Street also. Had difficulty on the water main break coordination and they will continue working on that next week. There are a lot of variables to take into consideration with this one; will likely be Monday or Tuesday next week.

Deputy Mayor Hoffman asked for a status update on the Belt Filter Press.

Manager Revella replied that we are waiting for NYSEG to install the pole at plant. NYSEG does not give dates or timelines, they said they would get to it as soon as they can. They are in our area right now as they replaced some poles near Village Hall yesterday. The work order has been in since November. Hopefully since they are in the area it will get done soon.

Trustee Leonard asked if there was other work that needed to be done once that is put in.

Manager Revella replied that once the power supply is in, then all the materials can be put in. It is built but it can't be put in because there is no power supply.

Trustee Adams asked for more information on the Bradley Park Pavilion.

Manager Revella replied that we got a grant from Senator Larkin to put in a new pavilion in Bradley Park over by where the new playground was installed. The bid is in the paper now and due back by April 22<sup>nd</sup>. This is a fully funded project through DASNY and we do not expend any funds at all.

### **Approval of the March 24, 2015 Minutes**

Clerk Bliss stated there was one correction to the minutes that were sent out to the Board via email. On page 5, first line, it was an incomplete sentence. Should read, "Attorney Donovan stated for the record that he reviewed and approved the contract." The copy of the minutes in the packet already reflect this correction.

Trustee Leonard made a motion to approve the March 24, 2015 minutes. Seconded by Deputy Mayor Hoffman. 6 ayes, 0 nays, 1 abstention (Trustee Adams). Minutes approved.

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

Mayor Rumbold stated that since the Liaison positions just began for this year at the Organizational meeting we just finished, we will forego the reports just for this meeting unless anyone would like to report.

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

Trustee Hoffman reported that he met with Dean and we already heard from him about the tree at 145 West Main. They also spoke about the ice cream stand and auto zone. Planning Board also talked about the gym and fitness center and they went into Architectural review to discuss the new Dunkin Donuts. For those that don't know they had planned to use the building that was there but have discovered that it needs to be reconstructed as it was not anticipated to have those issues. It will use the same footprint as originally approved for the building so this was just to talk about the architecture of the new building.

Mayor Rumbold reported that the rest of the Liaison positions for the year are as follows:

DPW Liaison– Trustee Leonard

Village Offices Liaison – Trustee Bowen

Town of Montgomery & Library Board liaison – Trustee Carley

Police Department Liaison – Trustee Sebring

Recreation & Parks Department and Valley Central School Board Liaison – Trustee Adams

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

Mary Ellen Matise, 21 Clinton Street, forwarded Schumer's article in the paper to Manager Revella because Mayor Leahy of Maybrook contacted him. If we do a little pushing for them to give more money we should do that. She feels that the flat rate charge for water/sewer rates is too high. She's talked to seniors and they all agree. You want to keep the seniors in their homes as they are the fiber of the community and set the tone here in Walden. We don't want to make it impossible for them to stay and maintain their homes. She feels it should be on some kind of tiered scale for seniors.

Becky Pearson, 167 Walnut Street, asked if they looked at just the rate without a rate increase and just do a fee.

Manager Revella stated that was option 1.

Becky clarified if you leave off the \$0.25 and go to a flat fee for all the water and sewer instead of the rate plus the fee you could just charge one fee completely.

Deputy Mayor Hoffman replied that the committee eliminated that option due to the fact that it was unfair to low water users.

Becky replied what you have suggested is still unfair to low water users.

Deputy Mayor Hoffman stated that what Mary Ellen suggested is a tiered approach with fees on top of it. You are suggesting we eliminate fees and just charge the same for all users.

Becky replied yes, and asked why someone should get a break for the same water that she uses just because they are a low water user.

Mary Ellen added that it really is a hardship when you have limited income.

Marc Jaeger, 82 Ulster Avenue, stated he was here to discuss snow and ice removal that he was unable to clear on March 5<sup>th</sup>. He put down rock salt and ash from his fireplace and removed about 90% of it on Friday. He received an invoice for \$220 for snow and ice removal. He filed an appeal with the Village Manager.

Manager Revella replied that yes, it's there and he did let us know he would be here tonight. (He passed the paperwork to the Board members). In the photos it shows he did not remove snow and ice, he appealed stating he made an attempt to remove it and asked for the fees to be waived. The Parks Department did go to the property and removed the snow and ice. It is not an issue of width; the issue was about complete snow removal. It was cleared by the Parks Department at 11:15am on March 7<sup>th</sup> and was cleared by Chris Rooney. He is not disputing that it was removed by the Village, he is stating that he only removed 90% of it on Friday March 6<sup>th</sup> and intended to remove the rest the next day.

Trustee Carley stated that there is no time stamp on the photo which is the same issue from last year. Based on what we said we were going to do that alone is a problem and he should be granted this appeal. He thought we rectified this issue. The argument is that he did 90% and the Village is saying he didn't do 90%.

Manager Revella interjected and stated we are saying he didn't do 100% to make it safe, which is required.

Marc stated that his understanding was that if it was frozen and that he could not remove it himself that he had to take precautions to make it safe. He put down rock salt and ash to do so.

Trustee Carley asked if the Code Enforcement Officer saw when he took the pictures that he did his due diligence to remove it.

Manager Revella stated he can't speak for the Code Enforcement Officer because he was not prepared to do an appeal today, it's not on the agenda and we only just found out he was coming to the Board.

Trustee Carley stated that he can make his decision based on not taking photos with times on it as we said we would. Secondly, if he's saying he removed 90% and if an individual did their best and put ash and rock salt out and we can see that he tried to do his best to get it up, we have to work with that person.

Mayor Rumbold stated that the Manager did say he was not certain if the original photo has a time stamp on it, just the copy does not have it.

Manager Revella stated the camera has the time and date stamp on it but it is not printing for some reason.

Mayor Rumbold stated we would put this on the agenda for April 21<sup>st</sup> so that we can also hear from Mr. Buchalski, get color photos, and make a decision on this matter.

Nanette DeGroat, 80 North Montgomery Street, stated she was confused by the fee for water/sewer. Is it \$196 per quarter or is it per year?

Manager Revella replied that he was talking about the average user's bill would be \$196 per quarter including the fees and usage for the household. The fees are \$12 for water per quarter and \$15 for sewer per quarter with a total amount charged of \$27 per quarter.

### **Action Items**

#### **Kimball Way**

Manager Revella suggested that they table this topic until the Board gets the information from Dean including the response from 911.

Trustee Sebring stated that he was in favor at last meeting as he thought it was just a small portion in front of Masci and Hale's but didn't realize it is that entire stretch of road.

Deputy Mayor Hoffman stated he was also in favor but he is not in favor of renaming all of East Main Street as it would affect a lot of properties and could result in a hardship for many. Is it possible to do an Honorary "Kimball Way" naming for just that small area?

Manager Revella replied that those honorary signs like the one that was at Oak Street for the Thruway Market are technically illegal.

Trustee Carley commented that it sounds like a good idea but then you get the details and it's not as simple as we initially thought. Since Dean brings this to his attention he has changed his mind.

Trustee Leonard stated that Dr. Kimball was a great man who practiced here, lived here, and made many donations to enhance our community. It's a shame we can't do something more substantial. He would like to hear what 911 has to say. He never realized that the whole 52 stretch is considered East Main Street. That's a lot of houses and a lot of businesses.

Trustee Adams asked if the parking area off of Lake Osiris Road obviously with the Towns approval; would they consider doing something there?

Mayor Rumbold stated that is a great idea but not sure if the Town will consider that.

Manager Revella replied that the State still owns all of it technically out to Tin Brook apartments. State owns the Boulevard on the tax map all the way to the Village boundary. Not been deeded, but have been given duties to maintain the boulevard. It's a State named road in the Village. We could change it but it would affect over 40 properties.

Trustee Adams commented that we had spoken about the fact that there are 2 Woodruff Streets and the idea of renaming those duplicate named streets. Could we consider

changing that name in his honor; the section of Woodruff Street the side that approaches the Rail Trail. She knows it may be inconveniencing to those people who live there but also honoring him on that side of the rail trail.

Manager Revella stated that it looks like it would affect maybe 4 or 5 addresses on that section, the rest are addressed on other streets.

Trustee Adams commented that is about the same number that were affected when Old Orange Avenue got changed.

Trustee Leonard thinks we should look into it.

Mayor Rumbold stated it would be the section of Woodruff on the East side that would go from the office of Masci and Halle up to the rail trail. Would the Board consider that?

All agreed.

Mayor Rumbold asked once we get an answer from 911 who would solicit the property owners there.

Manager Revella replied that we have to check with the property owners and the Kimball family of course. It's not that hard.

Deputy Mayor Hoffman stated that if it doesn't affect a lot of properties he would like us to reach out and find out their opinion and input.

Mayor Rumbold commented that she understands the spirit of it was that they wanted it in front of the office but in light of this new information this might be a good alternative.

Trustee Leonard asked if 911 ever has locating those properties on Woodruff difficult.

Manager Revella replied yes. He believes this would only affect 3 properties the Nash family, the Lamachia family, and the one behind the dentist office.

Mayor Rumbold thanked Trustee Adams for the idea and asked Manager Revella to reach out and give an update at the next meeting.

### **Hearing Request – 98 South Montgomery Street**

Manager Revella explained there is a vehicle up on blocks in the front yard of the property that has been there for several weeks and is immobilized. He would like to get a hearing as soon as possible to get that remediated.

Deputy Mayor Hoffman made a motion to set a hearing for 98 Montgomery Street for Tuesday, April 21, 2015 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Arbor Day Celebration 5/5/15 10am at Olley Park**

Deputy Mayor Hoffman made a motion to approve the Arbor Day Celebration for May 5, 2015 at 10am at James W. Olley Community Park. Seconded by Trustee Sebring. All ayes. Motion carried.

## **Water/Sewer Rates**

Trustee Leonard stated that his problem with the fixed rate (option 1 and 2) is that the seniors will be paying 10% more than single family residents. Alternative rate increase comes out to 19% for residential and seniors. He thinks that's a fair way to do it. He realizes there is a potential for a drop off in consumption but maybe we can figure in some kind of number for that based on what we know. Many seniors are on fixed incomes and are the most vulnerable members of our community. He is in favor of just a rate increase not a flat fee at all.

Trustee Bowen stated he agrees with Ed.

Deputy Mayor Hoffman commented that he understands the attractiveness of that option. He thinks that one issue for the Village is a decline in use which can be attributed and what we are trying to determine how but it was thought that it could be because of vacant houses and things like that. If that trend continues we may be back at this table to adjust those rates again.

Trustee Leonard replied that is why he suggested perhaps we can go another percentage on both sides and anticipate some drop offs on both sides including high efficiency shower heads and toilets and factor that in.

Deputy Mayor Hoffman stated he didn't mean to be pragmatic but the installation of those high efficiencies further exacerbates the Village's problem.

Trustee Carley commented that he understands both arguments and somewhat agrees but he is more in favor of option 2. He knows it will be an increase for the seniors however eh does understand the problem that we are having with maintaining the funds. Long story short, even though it will be a burden on both, he feels it will be a lesser burden in his opinion for the seniors, and that is why he would prefer option 2. He wants to make sure the seniors are being taken care of however we do have a responsibility to address the economic needs of the Village also.

Trustee Sebring stated that he feels option 2 is the better of the two. It doesn't balance things out, and it may hurt some and help others.

Trustee Leonard commented that there is a 7% difference between residential and senior.

Trustee Carley stated that this is not a battle between single families and seniors. We need to look at what's best for Village number 1 and figure out how we can accommodate both. Looking at the numbers is not the best way to view it in his opinion. We need to look at what is the best way to help the Village and then look at what is the best way to help the normal residents and if we look at it from that prospective and then say we know we have a fiscal responsibility for the Village number 1 and number 2 take care of our senior population. He is a single family dwelling and he's here, and we can make more provisions verse our senior population because we have more flexibility.

Trustee Sebring asked how it will affect those that will top off their pools in the summer.

Manager Revella stated that we only give sewer relief for those that are replacing liners or completely filling their pools, not topping off pools.

Trustee Adams commented that when she read this proposal, she matched it up to her personal water bills. She found that at one point it was a flat increase of \$27 on one of her bills and with the combination increase and flat fee it would have come to \$29.50 on one bill and another would have been \$27 and \$28.50. They are running neck and neck as far as the average water user. When they have an apartment does the complex pay the water or the apartment tenant?

Manager Revella replied that it depends. There are some complexes like Walden View Apartments that have their own meters so each tenant pays and there are others that only have one meter for the whole complex.

Trustee Adams continued that this would be more of a hardship on a senior owning their own home not necessarily a senior in an apartment.

Deputy Mayor Hoffman asked if Trustee Adams would mind sharing the volume on each of her bills.

Trustee Adams replied that one bill was 1900 cubic feet and the other was 1700 cubic feet.

Deputy Mayor Hoffman commented that is the same as a single family usage.

Trustee Sebring said he was about the same as well.

Mayor Rumbold commented that unfortunately we have to base this on a lot of assumptions. Her fear is the DEC; we really expected to be off of that consent order, but we are not and we don't know if we are ever going to be. Who knows what they will demand of us next, that is scary to her. Conservation; we tell everyone to conserve they do it, and then they get punished for it. That's hard to swallow. You are doing everything to save money and help the environment and now you are going to be penalized for that. On the other hand, if we don't maintain these two funds no one will have water/sewer and then what will we do. We found out what it's like the hard way. We got all these violations in 2009 and we have been forced to do repairs and upgrades making our system more efficient. Some of our citizens have gotten more efficient and then we have vacant properties, houses that are in foreclosure, so it's a catch 22. She would like to see something done based on usage as she feels that is fair but on the other hand when we take care of our roads that is not based on usage, that is based on the fact that we keep the roads safe and maintain them regardless of how much we drive on them, we all take care of them. She wants it to be fair, not a hardship for seniors, but we are in a bind so that if we don't do something we will all be in a pickle. The flat fee is easier to calculate that is revenue coming in regardless of how much water anyone uses. Easier to do figures based on that because it's a given, but if you raise rates people will be more careful and conserve more. Our job is to protect these 2 accounts, bottom line. We have to think about it in that manner, that is our job. People aren't going to be happy if we do something and then 3 years later we come back to them and say oops we made a mistake and now we need to raise it again. She would rather do something that we are more confident to make the move to make sure the accounts will be solvent. That's how she is thinking about it, that is our job, to protect these 2 accounts.

Trustee Adams asked about the \$140 for sewer in Goshen, do they have concessions such as a tier or a discount for seniors?

Attorney Donovan stated no, they don't. He lives there and his water/sewer bill went from \$80 a quarter to \$400 a quarter with no distinction between seniors or anything, it applies to everyone.

Trustee Adams continued that at least the \$10 and \$12 that are being proposed is a lot less than that \$140 in Goshen. If we reached that point it would really be a problem.

Attorney Donovan added that they have a different system because they have an underlying unit system. So if you have a 2 family home you are considered 2 units, so for sewer you pay \$280 per quarter. If you are a restaurant the unit charge is tied into the number of tables and a school district charge is tied into the number of desks. So needless to say, there are enormous fees that the businesses pay.

Mayor Rumbold asked John, Peter, and John in their professional opinions which option do we need to implement in order to protect those two funds.

Manager Revella replied when you eliminate the most amount of variables which is the flat fee. Eliminating the unknown is an advantage for budgeting. He is a 1200 quarter user so it would be a higher increase for him personally but it would be more fiscally responsible to the Village.

John replied the flat fee would be best for the Village. There are a lot of other factors that go into this that we didn't talk about such as billing systems, software, meter reading etc. You can get as complicated as you want to with these rate systems but to make sure that we know where we are going to be at financially at a certain time, that is the way to go.

Peter replied that he agrees because it does give you the most certainty and safety for the accounts. It speaks to the investment we have to make for everyone's benefit regardless of their usage.

John added that if you do an increase over all the benefit is there all the time 365 days per year 24 hours per day and it can be taken for granted but it's expensive to run the water system. How we structured these options is to make these accounts self-sustained it's just a matter of how you get there. At the end of the day, the increases equate to \$0.30 - \$0.40 per day which he knows in an increase but the accounts need to be self-solvent and that is the problem.

Trustee Carley asked John, John, and Peter a follow up question, if they didn't have the straight flat fee option, which one would they choose.

John replied that if the fee is not an option then he would recommend a straight rate increase.

Manager Revella agreed with that with the caveat that the straight rate increase would have to change the minimum rate charge per quarter.

John added that he would agree and add that you would have to raise the rate higher because we are trying to build and would need that amount to get there.

Mayor Rumbold commented that the rate portion if we did it that way is a variable that is depending on consumption.

John agreed and added that is part of the reason we are here; consumption has declined steadily for the past few years. Don't discount the DEC, they are not going away.

Manager Revella stated we are meeting with them this week.

Peter added that we have done a lot of projects and complying. It's important to know that the rate structure hasn't changed in 5 years.

Mayor Rumbold thought that when we complied with the consent order that they would go away and they aren't. That is the problem she is having because it is hard to anticipate what they will make us do next and you can't plan for that.

Manager Revella stated that if there is any changes to the rates you would need to hold a public hearing at the next meeting and adopt before the start of the next usage period which begins May 1<sup>st</sup>.

Mayor Rumbold says she keeps going back to the thought that our job is to protect these accounts, she is always very conservative when it comes to charging taxpayers for fees. She sees the fee being the constant versus the rate increase. We have seen an 8% decrease in consumption over the last 3 years and she doesn't see that changing. If that system is not there, it doesn't matter if you flush once or 10 times a day if it isn't there it won't work at all.

Trustee Carley stated that if we did the straight flat fee, which he does agree would be more feasible, we have to deal with community and can't go with an extreme one way or another so he would suggest going in the middle; that's why option 2 seems like a better option. It will take this based off of his understanding of what he read, it will take us out of it and we can do an assessment later on down the road. We know that the DEC requirements and everything we need to do is going to continue to happen, so even if we go real high it's still coming but at least we will be giving people some kind of reprieve in about 5 years. We know this is an extreme this way but we have to meet in the middle somewhere. He looks at it as a community and take them into consideration when you make your decisions, part of our decision is to protect the fund number 1 and number 2, the people.

Trustee Leonard asked Trustee Bowen in his expertise in the housing industry, how the foreclosures look. Will they go down or stay the same?

Trustee Bowen replied that they will continue to be foreclosed on. No drop off in sight. Folks have migrated to an environment not realizing the commute to pay for what they bought into. Those folks have migrated to the community and they are now tired of the commute so they look locally for employment to get that money to pay for what they bought into and that compensation is not there to pay for that mortgage.

Attorney Donovan commented on a procedural aspect. We are calling this increase a fee, but his preference is to increase the quarterly minimum. Fee sounds more like tax which has more potential tax cap implications.

Peter interjected and stated that he called the Comptroller's Office and was told that unless it's on the tax bill as a water charge it wouldn't fall under the cap. Because ours is on a utility bill it does not fall under the cap.

Attorney Donovan replied that what it is would be more important than what it is called. Increase to monthly minimum wording would accomplish the same thing, it would accomplish the same objective.

Manager Revella replied that if we increase the monthly minimum to \$40 he is using more than that so it is not on top of his bill.

Peter replied it would only affect the smaller users.

Attorney Donovan replied that it becomes important to how you word the resolution because ultimately you have to amend the fee schedule. However you do that you either increasing what you are charging for rates or you are increasing the minimum or you are lowering the volume amount and the dollar amount is increasing. If the Comptroller comes to a different conclusion; when you are calling it a fee he doesn't know what that means; fee for what? We are rehashing the conversation we had in the committee. As he understands it some of the fee is for debt service and some is for Operating and Maintenance. It is not accurately a debt service charge.

Peter stated we don't foresee the revenue exceeding the amount of debt service. The debt service amount is greater. It doesn't cover it entirely.

Attorney Donovan replied that if it is not 100% ear marked for a debt service reduction he doesn't know that it is an accurately a debt service charge.

Manager Revella stated that we could ear mark it for that and be fine.

Peter stated it is a possibility, procedurally.

Trustee Adams asked if we need just one method for the public hearing.

Attorney Donovan replied yes. You need to tell him and he has to figure it out. So he needs to know the decision of whether the increase will be only fee based or blended with the fee base and a rate increase or just a rate increase.

John added that way he can finalize the presentation.

Roll Call:

Trustee Adams - Blended fee and rate, option 2 with increase in minimum fee for vacant properties.

Trustee Sebring - Blended fee and rate, option 2 with increase in minimum fee for vacant properties.

Trustee Carley - Blended fee and rate, option 2 with increase in minimum fee for vacant properties.

Deputy Mayor Hoffman - Blended fee and rate, option 2 with increase in minimum fee for vacant properties.

Trustee Bowen - Blended fee and rate, option 2 with increase in minimum fee for vacant properties.

Trustee Leonard – Would like an alternative - Option 3.

Mayor Rumbold - Option 1, straight fee based.

Mayor Rumbold commented that when she is taking someone's money she does agonize over it.

Trustee Sebring commented that we don't know what can happen in the next 5 years with the water system. We could have a big break and no one notices and water is just flowing and flowing and flowing. Once it leave the pump house normally you should get at least \$50 out of it and you aren't because it's going to the ground. He would rather see option 2 due to the unknowns coming up in the next 5 years or better.

Mayor Rumbold stated that we have re-captured our water loss by 14%. If we forget about water loss, we are still basing half of the resolution of this issue on numbers that are ambiguous. We don't know how many more houses are going to go offline; people will conserve more water; people will get rebates on efficient appliances etc. If you adopt option 2, it is based on a lot of assumptions. She doesn't want to go back to people in 3 years and say we made a mistake. She feels that if you explain to the community that this is what is happening to the accounts and this is what we have to do to ensure we can do the repairs and maintenance to plus required repairs that could come from the DEC; to her a bird in the hand, it is going to be a hardship for some, yes and she is probably one of them. AT the end of the day our duty is to make sure they are the protected and to her that is the safest option with just the fee, guaranteed income regardless of usage.

Trustee Carley believe the community is astute enough to understand that. We don't know if it will go up or down or what they will have in 5 years and people are not going to look at what they have in their pockets in 5 years, they see what they have now. He understands and would rather take the safest route but he doesn't want to cause people hardships so we need to go with the middle of the road. If we have to make adjustments in 5 years or whatever the time frame is we make those adjustments just like they did 5 years ago but we want to try to preserve it as much as we can without causing a hardship if we can. Option 2 will do that but it won't make our fund balance as large as the first option.

Trustee Leonard commented that the point that is missing from all this is that within the next 5 years we may have a 10% increase of the number of houses. The Town House project of 208 houses will increase our revenue, that is not a variable, it will happen.

Manager Revella commented that it does cost more to serve more.

Mayor Rumbold replied we have the capacity but it is wear and tear on the system, more pipes to manage and mind. She feels it is the safest to do option 1.

Deputy Mayor Hoffman asked the attorney if he was comfortable with usage of the word fee.

Attorney Donovan stated that we had a lot of discussion on what is the right number to get where we need to go and he can get that corrected in the next few days. If the Board is comfortable with the resolution that we want to blend this with a fixed number and a rate increase. He is fine with that and he will get the amended fee schedule for you to consider and have public comment on the 21<sup>st</sup>.

Trustee Leonard asked if we should get a written opinion from Comptroller's office if this will affect the tax cap.

Attorney Donovan replied that back in 2009 he did ask for something in writing from the Comptroller's office for a fire district and he is still waiting for that letter. We likely can't wait that long.

Trustee Adams just wanted to add that her personal bill will be higher to do a blend for her if she doesn't conserve anymore and she already does conserve so she is not sure what she can do. It would be higher with the blend for the average family if they don't change their habits so we could still make a little money on those that don't change their habits. Also, if we increase the minimum fee for vacant homes by the same amount we would be making some extra money there.

Manager Revella wanted to clarify that we charge a minimum of \$9.15 on a home with no usage at all so we would need to add the fee plus whatever the rate is on top of it for the minimum fee.

Mayor Rumbold asked when we collect that money on abandoned homes.

Manager Revella replied we bill quarterly and about half of them get paid by some agencies that manage those homes for the banks and then the rest we get with the taxes at re-levy time.

Attorney Donovan stated we can we work that minimum charge out and it would be included in the resolution.

Trustee Leonard added that we discussed this is committee and he agrees it needs to go up.

Trustee Carley made a motion to set a public hearing for the water/sewer rate increase for Tuesday, April 21, 2015 at 6:30pm or as soon thereafter as could be heard to include a quarterly fee as well as a rate increase for both water and sewer as suggested by the committee in option 2 of the presentation as well as an increase in the minimum quarterly fee for properties with no usage. Seconded by Deputy Mayor Hoffman.

## **Public Hearing for 2015-2016 Budget**

Manager Revella explained that there was one addition to the Action items this evening as the Board needs to set the public hearing for the budget for the April 21<sup>st</sup> meeting.

Trustee Adams made a motion to set a public hearing for the 2015-2016 Budget for Tuesday, April 21, 2015 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

## **Public Comment**

Anita Vandermark, 76 Highland Avenue, asked the Board to consider when voting for Recreation and Parks Department budget to include funding so the teen center can be open during school recesses. She feels that is when it needs to be open for them. Saturday is their indoor yard sale. Set up is Saturday and the sale is Sunday, could use some extra hands to help. On the 15<sup>th</sup> at 7:30pm Joanna Porr, the County Historian, will be at the Historical Society Meeting, would love to have everyone attend that.

Manager Revella stated that during spring break they were doing construction in the teen center.

Mary Ellen Matise, 21 Clinton Street, complained to Jay about 22 Ridge Avenue. It is a 6 unit building with only 2 garbage cans. Yesterday the garbage was overflowing from the cans and the crows were taking advantage.

Manager Revella stated that the properties are charged based on units but they only get what they request. They may need more frequent pick up if they don't want more cans or increase their pick up to 3 days a week instead of 2.

Mayor Rumbold requested that the Village watch that building and get control of the garbage issue there. If it is an issue we can inform them they have to increase pick up or get more cans.

Mary Ellen continued about portable generators and proximity to houses and whole issue is if they are using generators there is no way to enforce the distance they have the generator from their house or a neighbor's house. There was a case not too far from us where 7 kids died because of a portable generator. The exhaust comes right their way as there may only be about 20 feet between the houses in some instances. There is nothing in our code about this.

Deputy Mayor Hoffman stated he did speak with Dean briefly about this topic but they didn't get that deep into it, he just said there was nothing there to enforce. He will speak to Dean about it further.

Mary Ellen added that Anne Kuhn who was with the Office of the Aging is very sick and is in hospice and perhaps it would be appropriate to do something for her on behalf of the seniors.

Nanette DeGroat, 80 North Montgomery Street, gave congratulations to the new Trustees. She suggested that maybe the decline in water usage is due to the fact that people don't want to drink the water with the fluoride in it. How much money is spent on equipment for the fluoride and do we really need to spend that kind of money on it. She will keep  
April 7, 2015

reminding everyone about the fluoride and has 50 signatures on a petition of residents that want fluoride out of the water. She is going to keep bringing them to the Board with more signatures each time. With the water/sewer rates, can you reassess the fees next year?

Manager Revella replied that the committee was trying to give a 5 year picture to our residents because we thought it wasn't too far in advance.

Nanette continued that she understands but at least we are not stuck with it, you can reassess. Didn't see this coming and now you are dealing with a public trust issue also.

Trustee Carley added that what he took into consideration is that he really believes what John and John and Peter said is that Option 1 is the best idea but at least we are trying with the other option and trying to work with the public.

Nanette asked if another year would give you the time you need to know the variables, such as the DEC consent order.

Manager Revella replied that we thought the DEC consent order would be done in 2013 and they won't end it. There is no way to tell. We could be in the same position next year because we don't know what they will make us do then.

Mayor Rumbold added that's how they have decided to administrate. So there is just no way to tell. Their attitude is they are regulating what we have to do and they don't care what it is going to cost us or our residents. That's why she would rather have the flat fee so you can see the revenue and you know what you are working with.

Nanette suggested that maybe a one year plan might give you an idea of where you were.

Mayor Rumbold commented that it would give you an idea of what your consumption for the year was but we already know that the last 3 years our consumption was down 10% and if we institute a flat fee increase everyone knows here's a fee regardless of your usage. We likely wouldn't see the conservation like we do if we did that option because the variable rate just went down.

Becky Pearson, 167 Walnut Street, asked about the audited bills there is one for \$4,100 for Jacobowitz and Gubits, what are we using them for?

Manager Revella replied they are our Special Counsel and we use them for PBA Negotiations, Bonds, and personnel matters.

Becky thought we already have counsel.

Mayor Rumbold commented that we decided some time ago that we wanted to divide attorneys because we had an issue in the past where some attorney have specialty in one area over others.

Attorney Donovan added that it is very common to have Special Counsel for labor, personnel, and Bond counsel. Most firms use someone from NYC as bond counsel.

Becky continued that Mary Ellen brought up the garbage issue, and if you put them in the back yards again a lot of the places that leave them in front don't care what it looks like. You can look at Maple Street, it looks awful. At least in the back yard not in the front it doesn't look so terrible especially for those of us who want to put out a good impression. She understands why it was done for the benefit of seniors and townhouses but it's not a pretty sight.

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

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

### **Correspondence**

None.

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

Trustee Leonard wanted to make a point from the NYCOM meeting he attended in February that the DEC is pushing their consent order all over the state and it is a hot topic. Hopefully with more push back from other municipalities will alleviate them. He just wanted us to know that we aren't being singled out.

Trustee Adams stated that she is very happy to be here and hopes to do her best.

Mayor Rumbold welcomed Brian and Brenda again and appreciates their willingness to serve and knows that they will do a great job.

Trustee Leonard reminded everyone about the parade on April 18<sup>th</sup>.

Mayor Rumbold added that it will not be a parade, it will still be a celebration just scaled down a bit but will be a very nice celebration.

### **Executive Session**

Trustee Adams moved to go into executive session to discuss personnel of a particular person as well as collective bargaining agreement with the PBA. Seconded by Deputy Mayor Hoffman. All Ayes. Motion carried.

### **Reconvene**

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

### **Adjournment**

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

**Village of Walden Board of Trustees  
Regular Meeting  
April 7, 2015  
Motions & Resolutions**

**Hearing – 145 West Main Street**

Trustee Adams made a motion to authorize the Village Manager and the Building Inspector to take appropriate remediation to remove the branch that has fallen on the house and the sidewalk located at 145 West Main Street and charge the property any associated costs. Seconded by Trustee Bowen. All ayes. Motion carried.

**Approval of the March 24, 2015 Minutes**

Trustee Leonard made a motion to approve the March 24, 2015 minutes. Seconded by Deputy Mayor Hoffman. 6 ayes, 0 nays, 1 abstention (Trustee Adams). Minutes approved.

**Hearing Request – 98 South Montgomery Street**

Deputy Mayor Hoffman made a motion to set a hearing for 98 Montgomery Street for Tuesday, April 21, 2015 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Leonard. All ayes. Motion carried.

**Arbor Day Celebration 5/5/15 10am at Olley Park**

Deputy Mayor Hoffman made a motion to approve the Arbor Day Celebration for May 5, 2015 at 10am at James W. Olley Community Park. Seconded by Trustee Sebring. All ayes. Motion carried.

**Water/Sewer Rates**

Trustee Carley made a motion to set a public hearing for the water/sewer rate increase for Tuesday, April 21, 2015 at 6:30pm or as soon thereafter as could be heard to include a quarterly fee as well as a rate increase for both water and sewer as suggested by the committee in option 2 of the presentation as well as an increase in the minimum quarterly fee for properties with no usage. Seconded by Deputy Mayor Hoffman.

**Public Hearing for 2015-2016 Budget**

Trustee Adams made a motion to set a public hearing for the 2015-2016 Budget for Tuesday, April 21, 2015 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

**Payment of the Audited Bills**

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

**Executive Session**

Trustee Adams moved to go into executive session to discuss personnel of a particular person as well as collective bargaining agreement with the PBA. Seconded by Deputy Mayor Hoffman. All Ayes. Motion carried.

**Reconvene**

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

**Adjournment**

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