

**Village of Walden  
Board of Trustees Regular Meeting  
May 5, 2015**

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

On roll call the following were:

Present:

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

Absent:

Willie Carley

Also Present:

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

**Public Hearing – CDBG Application**

Trustee Leonard made a motion to open the public hearing for the CDBG Application. Seconded by Trustee Sebring. All ayes. Motion carried.

Mary Ellen Matise, 21 Clinton Street, asked if we are doing streets, she can't resist mentioning the concrete part of Walnut Street as it's really bad. We didn't do it when we did the rest of the street.

Manager Revella explained we didn't do that portion because the cost is triple the normal road. We would have to remove the concrete and put base in. If we were to leave the concrete there is a way to try and put a grid in to seal it but there is no guarantee the seams wouldn't reappear like it did on Bank Street. We wanted to replace it then but the cost then was \$375,000 for 1 block.

Deputy Mayor Hoffman made a motion to close the public hearing for the CDBG Application. Seconded by Trustee Bowen. All ayes. Motion carried.

John Queenan, Village Engineer, explained we had a project come up for this and the Public Hearing tonight is part of the process through the County. A 1 year application is our best chance to get money up to \$125,000 as we are competing with other municipalities. We spoke about potentially using that for sidewalks on Wait Street.

Manager Revella asked if we could ask for the whole amount to include the area from Bradly Avenue to McKinley Street on S. Montgomery Street for replacement as well for both areas. He knows the area on Wait Street was estimated at \$75,000, could we add this.

John replied it is possible but we would probably be over the \$125,000 and we would have to make up the difference.

Manager Revella asked if we did the area and went over the amount we could still use their max amount.

Deputy Mayor Hoffman asked if we asked for the full \$125,000 for the project and they only give us say \$50,000 would we have to do the entire scope of the project and come up with the rest; is that what you are saying.

John replied no, you would have to scale back the project. You would have to do work at both sites you would just have to scale them back.

Deputy Mayor Hoffman clarified that there is a potential to adjust what we do based on what we get.

John replied yes, we've done that in the past. Shifting is ok.

Manager Revella stated there are areas on Wait Street to salvage. So we may want to incorporate another area in case we can salvage some in that area and have the money to use. The Board may want to keep South Montgomery Street. Lanc and Tully have already looked into that area already and know what the scope of the work would be and the costs.

John stated it doesn't limit us to put both areas in the application. It's harder to get money transferred to another street after the money has been awarded. It leaves options over if you put multiple streets in your application as the paperwork it heavy to transfer afterwards. To get the funding we have a better chance to do it this way as he doesn't see us getting awarded funding having just come off of a 3 year program.

Trustee Bowen made a motion to apply for the CDBG funding in a 1 year Application for Various Sidewalk Improvements on Wait Street and South Montgomery Street not to exceed the amount of \$125,000. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

### **Presentation – Fiscal Stress Report**

Manager Revella stated that Peter developed a cheat sheet that highlights the pros and cons of the state reporting. The State 2 years ago came up with a way to try to do a financial report on all municipal entities; towns, villages, cities and school districts. They came up with weighted criteria and tried to fit every dichotomy of a municipality into this into this one standard, it's similar to the educational common core idea even though they don't all do the same things on the same levels at the same time. One of the criteria is fund balance. In 2009 our fund balance was \$53,000 and at the end of this year it is \$433,000 which is 8 times the amount from 2009 but there was no fiscal stress report at the time so perhaps no one saw it as an issue. Obviously we would like to have a great fund balance but the state likes to handicap municipalities by putting a 2% cap incentive and dangle that carrot in front of the public's eye. At the same time they also want us to consolidate so they are trying to push from all angles to try to force municipalities to do things that may not be in their best interest. Since the Governor came up with the salvation plan only one municipality in the entire state and they only did it because they

wanted to share tipping fees of the other municipality. The Village of Seneca Falls then dissolved so that they could automatically get a share of the tipping fees. Take it for what it is, but we have tried to work with this model. There are 648 municipalities that report and 20% didn't report at all which show as 0 stress but they didn't report so that doesn't mean they aren't in stress. There are 3 levels of stress plus a level of no designation. We were at the first level which is susceptible based on their numbers they plugged into their holes because they feel we don't have enough fund balance to be fiscally out of stress. There are no penalties, no repercussions for it is just how you rate among other municipalities. We don't know how accurate the reporting is. Peter tried to see if the numbers we gave in our annual report are the actual numbers they used to come up with this stress report.

Peter Sullivan, Village Treasurer, spoke about the Fiscal Stress Report put out by NYS. It was an attempt to open dialogue about financial health and came up with a rating system to look at various components and weighted what they felt were the most important factors. They felt fund balance was the most important factor which has a 50% weight in their report, cash balances were 20% weight, deficit has a 10% weight, debt is 10% weight, and then components of the budget such as personal services and debt services are combined into the last 10% weight in their report. They took a look at all that and figured point values and each category got a number of points and then they added it all up and said this is each entities level of stress.

Manager Revella stated this is not just for general fund, it's for general, water, and sewer. We know we have trouble with the water and sewer funds which is why the Board has been talking about that and I'm sure Peter will address that as he continues.

Peter continued that they said they would collect data for 3 years before they used it to predict anything and in fact they did come out with predictions to find out where each municipalities would be next year which got them more attention this year. Projecting where the municipality is heading. Our score did move dramatically this year from 24.4% of points to 49.2% of total weighted points which got us into the next level which is the susceptible category. Our fund balance has indeed changed which explains the change in categories from 2013 to 2014 and the expected change in 2015. Available fund balance is different than fund balance, it is what you can use and is spendable and allocated in our budget. There are some reserves that are specifically designated for certain purposes and those can't be generally used. Our available fund balance went down \$1.1 Million and general fund was \$573,000 which happened because we pledged to us \$174,000 in our budget and we had some additional capital transfers and our budget was a little worse than planned so we used \$391,000 in fund balance to make things work in 2013-2014. But then the fund balance goes down again because we pledged parts of fund balance to make 2014-2015 budget work. We pledged \$182,000 in the 2014-2015 budget which is why we are at the \$573,000 even though we only used \$391,000. Similarly in sewer we have the same thing as we used fund balance to make the sewer budget work had better results than planned in 2013-2014 so those fund balances went down a combined \$137,000. This years' budget we had planned to use larger sums to make things work. In the water fund we had pledged \$348,000 for a capital project but as we started the year we quickly decided that wasn't a good idea and we changed our plan and did not go through with the project so that fund balance has been saved and then we pledged \$105,000 in sewer budget. In the year 2014 we expected our fund balance to increase \$46,000 in the general fund. We expect to use \$182,000 in our budget and also had to do additional

capital transfers we are coming in \$230,000 better in this year's budget which is due to hard work on the revenue side. It is also because at the beginning of the year we changed the budget and rolled back some things we were going to spend and decreased the amount the department were going to spend. That was good management and we are only going to use \$158,000 in fund balance total this year. But because we have pledged \$130,000 in next year's budget that counts against us in fund balance language as we are only improving \$46,000 versus \$176,000 if we had pledged to use nothing in this year's budget. On the water and sewer side we get better because we cancelled project, and because we had good results in water fund. In the sewer fund, we talked about this, sewer had limited cash and had big needs so the budget figures are worse than planned so we will have to use a combined \$292,000 in water and sewer fund this year to make them work. However because we went through the water and sewer rate increase and have raised our rates for next year our revenue will be increased and we will use no fund balance to go to sewer next year, in fact we should return some money to the fund balance next year. That will leave us with an overall change of \$258,000 in fund balance for next year.

Manager Revella added that the other thing the Board has been considering this year is a water meter replacement program. Meters are done through magnets and magnets lose strength over time. Some are old, half are 12 years old so they are starting to lose their life. Going through this phased in water program is a way to get the revenue more accurate in water and sewer.

Peter continued that you can see in the hand out he provided the points and where we are. You will see more points in cash area, and we have had deficits so we get points there also. They just provided us a tool so we were able to plug in our numbers for the just adopted 2015-2016 budget and where that will put us, so we have a pretty good idea where we will come out. He is projecting that we will be at 62.5% of weighted points that will put us in the moderate category but at the end of the current budget we are starting we should improve points wise not dramatically because we are pledging fund balance to make budget, keeping us in the moderate category. We could move back to the susceptible category but that would require no use of fund balance in the budget next year. That is \$130,000 in additional revenues or reduced spending that we have to pull off and if we do that and we don't pledge any fund balance for the 2016-2017 budget we can get back to the lower category. Once we stop having deficits we will start having cash and building fund balance and our score will go back down, but getting there is the hard part. 40% of the municipalities in the Hudson Valley are in deficit now, their budgets don't balance. The tax cap contributes to that as we are using as much fund balance to make our budgets work. That's where we are today.

Manager Revella stated another problem he has is it's a philosophy; should we hold the money or should the people hold their money and how much we should hold is one of the concerns to discuss together as a Board. Do we meet the needs of the public regardless of what the state score is pushing us to do or do we want to change fiscally as a public policy to improve these scores. The Board in the past was more hesitate to take more of the people's money with not the minimum but not too much where we are taking it out of the pockets of the residents and hurting the local economy. It's something we have to discuss and come to terms with.

Peter stated there are some strategies to improve finance. We could try a 5 year model like we did with water/sewer rates to see where we get over the years. For example coming up with a plan to improve things \$130,000 to improve the deficit. On a related topic the last page deals with the property tax freeze credit. This is the governor's program where in the year 1 the state gave money to people for free. The second year they said that in order to receive a rebate check this year the municipality has to have a levy under the tax cap and they must be star exempted. They changed the rules in year 2 homeowners now must have a government efficiency plan in order to receive the credit which calls for a reduction of 1% of the tax levy in the next 3 years. For us that would be \$44,000; each year we would need a plan that says that next year we will save \$44,000 and the 2 consecutive years. We can do that in a variety of ways, we can team up and do shared services, we can decide to consolidate, or we can develop efficiencies and go forward with that.

Manager Revella stated he thinks it's silly as we just have to have a plan there is no real oversight. We will try to do what we can by June 1<sup>st</sup> for the next Board meeting to find a plan that will qualify and see what we can do from there.

Deputy Mayor Hoffman asked if we have to adopt that plan by Board or hearing.

Manager Revella replied that it's kind of vague but we don't need a hearing.

Trustee Adams stated that she agrees with Peter on what the reasons that we worked down our fund balance to try to keep the taxes low and meet the DEC demands and have quality of life and developing the community we can be proud of with events and other projects/programs in the Village. She believes we worked hard to stay with those. She looked at recommendations and Peter said it in his presentation, that in the next month the Manager and Treasurer and Department Heads look at the current budget since March and see if we don't need some items or if there are better figures on what it would cost to buy things that might zone in on the expense of items better to be able to reduce the budget. She recommends we look at that for the June 16<sup>th</sup> meeting. She was shooting for \$70,000 of savings. She was also thinking of doing what we did with water/sewer and look at a 3 year plan and Peter suggested 5 years. We know we have contractual raises to build in and certain costs that we could try to forecast to see how it would go. Not as concerned about the Comptroller because they set this up but you know that she's personally been worried about the fund balance for a long time. For her It's a safety net, not to please the comptroller but to make us more secure next year in case we have unexpected costs such as more snow next year or unexpected fees for a capital project. There are a variety of things that could affect that fund balance. It is difficult as we are already in a lean budget.

Deputy Mayor Hoffman asked if Peter or John had looked into the state programs for those municipalities that might be in fiscal stress in terms of grants or assistance to help.

Manager Revella stated there are programs for municipalities that are in financial hardship but this fiscal stress report does not go hand in hand with hardship community grants. He just received the funding sources at NYCOM this weekend but there are some sources that would become available based on this report. He is not sure how that would effect that rating.

Deputy Mayor Hoffman asked if he had time to take a look at that.

Trustee Bowen agrees with Brenda. He did go over with Peter his ideas this week and he feels Peter did a great job with tonight's presentation.

Trustee Leonard commented that Brian and he discussed maybe buying used vehicles instead of new vehicles to bring costs down. They just run around the Village and they don't have to go far if they break down. There are probably some good buys out there and it's a good market right now. Not only that Brian and he are both savvy with vehicles and could help fix them.

Mayor Rumbold stated that the current Governor made no bones about the fact that he doesn't like all the government in NYS especially small municipalities. In her opinion he was not happy that only 1 wanted to consolidate and in making this program it is his way to force municipalities to do what he wants and consolidate efforts and if he makes it close to impossible to run fiscally along these new guidelines and perhaps even force municipalities to be absorbed by those nearby them. They want us to improve our infrastructure, keep taxes below the 2% tax cap, and improve our fund balance. It seems like each section is fighting against the other in her opinion. She agrees and has argued even when she was on the school board that it is essentially taking money out of tax payer pockets and sticking it in a slush fund. She agrees with Brenda that we need to have the fund balance for a raining day. But she is certainly not advocating raising taxes to make our fund balance improve. She thinks we have a lot of smart people who work in the Village who can come up with some really innovative ways to do more things efficiently in the Village. Hopefully they will come up with some good initiatives but she is not going to raise taxes simply to make Governor Cuomo look good in the newspaper. She feels this is part of that and she thinks that we are elected by the Village residents to make prudent decisions on their behalf. She is not going to be intimidated or strong armed. Just wanted to let the people of the Village know that we are working on this issue and we are going to continue being fiscally prudent. We know better than someone in Albany what is best for this Village. We will continue to work hard to deliver that to everyone.

#### **Village Manager's Report –**

- Has some discussions with Deputy Mayor Hoffman and the Working Leader on issues in Village to coordinate with and working on different plans on that. Followed up on budget session discussions
- Finalized the auction that was approved by the Board and started a new item for Truck 1 from the last Board meeting.
- Met with the Insurance Agent and Village Engineer to make sure we got our Dam safety renewal. It is due 6/1 and hopefully we get good rates. Worst case scenario we could see a slight increase.
- The Clerk and he have been working on the next Walden Quarterly issue.
- Working with the Clerk on the Welcome Packet updating and finalizing.
- Attended the Chickens and Hens meeting. There were 18 people in attendance and at the end of the meeting everyone there was in favor of them and will discuss at that time. The representative from Cornell Cooperative stated she would be more than happy to come back to any meeting we needed in the future to give additional information. The meeting was informative and it seemed that the public appreciated it and had the opportunity to ask questions.

- Met with different Department Head to make sure everyone is cutting costs to be better at the end of this year. Seems to be working so far. You may see projects take a little longer to be initiated towards the end of the month but that is intentional.
- Had a meeting with the State DOT and Village Engineer on the Ulster Ave project and finalized a lot of paperwork to get the plans moved to final design. They told us 2 weeks until we are at final design which is the last real hurdle to get through. John's crew was out doing more surveying to get another request from the state finished. We had hoped for savings from this project but it looks like we will have little to no savings as we had anticipated due to this additional request from the state. We also talked to them about brush trimming, pot holes, and traffic lights.
- Held Part Time Dispatcher interviews.
- Met with the DPW employees and the street sweeper company.
- Met with the Recreation Coordinator to set up interviews for summer employment and getting interviews lined up and did an overview of parks projects out of way.
- Met with IWS about inspections for their trucks this week and services that are ongoing in the Village.
- Had a sewer main break on Ivy Hill Road which was quickly fixed.
- Had a water main break on North Montgomery Street and then when they fixed that one they found there is another leak which now makes a total of 4 leaks all within a 250ft area. They will be back to that area to fix that shortly. There are some issues isolating the leak because of the rebar from the railroad tracks is difficult to pin point in that area.
- Auto zone should be filled June 1<sup>st</sup>. Signs are down there now for the gym which is on the agenda for next meeting. They are finishing the clean up behind the Thruway and cleaning up the piles and the whole site. Dunkin Donuts plans are under review again before that can get going on that one.
- Police are still doing Stop DWI and have other programs coming up as well in the Government Traffic Safety programs.
- Library bids for renovations should be in so hopefully will be awarding that shortly for renovations on the 1<sup>st</sup> floor. Will notice we will need to store some items in the back of this room during the renovations over the next few months.
- This weekend there was an interfaith community service project at Bradley Park along the river and through the park cleaning up brush and garbage. They do this twice yearly trying to help out wherever they can.
- Last presentation from meter companies this week.
- PBA negotiations we will discuss in executive session.
- He and the Clerk attended NYCOM conference in Saratoga where we spoke to many state and city representatives about the issues we are talking about, everyone there had same issues and concerns as we did. It is the same all over the state with water/sewer. Something you have to plan out over a long period of time.

Deputy Mayor Hoffman asked about the County superintendents meeting with DOT meeting. Did you have an update?

Manager Revella stated they did meet and they were drawing up a written memo on the outcome, don't have it yet but Town of Crawford Supervisor is doing it. Did a minor presentation at the Association of Towns Village and Cities meeting last week, but it is coming out in writing soon. He will get a copy to everyone when it comes in.

Deputy Mayor Hoffman asked if the DOT gave a schedule on the pot holes, brush trimming etc.

Manager Revella stated they said they will come out and do pot holes whenever they get calls. Brush trimming is not as easy as they don't have the equipment on site. They can do the pot holes at any time.

Mayor Rumbold notice there was a little action on Highland Avenue. Any update?

Manager Revella stated they should be there this week as they gave them a deadline of May 14<sup>th</sup> or we would end the contract and use someone else. Looked good, he saw them up there today. Good type of soil and seed was being put out. Should be done with this section of the project by the end of week. They have another section with removal and then remediation. We don't want them to move on until this section is completed.

### **Approval of the April 21, 2015 Minutes**

Trustee Bowen made a motion to approve the April 21, 2015 minutes. Seconded by Trustee Adams. All ayes. Minutes approved.

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

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

Trustee Adams reported Arbor Day Celebration was today. They planted 2 spruce trees plus some saplings with the Walden Elementary School 3<sup>rd</sup> graders at Olley Park. Backboards in the gym have been installed also.

#### **Police Department Liaison – Trustee Sebring**

Trustee Sebring reported the first quarter of 2015 they had 2,698 blotter reports with 84 arrests. There were 374 uniform and traffic citations and 189 parking. Police are doing their job in our busy village.

#### **Town of Montgomery & Library Board Liaison – Trustee Carley**

Trustee Carley was absent.

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

Deputy Mayor Hoffman reported that he met with Dean and he is pretty swamped right now. Building permits have a lot of activity now. Discussed the outdoor café permit and items he would like relayed when we get to that. Also discussed the Zoning items John already mentioned and Auto Zone project finishing up.

#### **Village Offices Liaison – Trustee Bowen**

Trustee Bowen reported he met with Peter and we are having a department meeting tomorrow and he will report at the next meeting.

#### **DPW Liaison – Trustee Leonard**

Trustee Leonard reported nothing new at this time.

Mayor Rumbold read the community events into the minutes.

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

Manager Revella stated there is one additional item up for discussion tonight, the Town of Montgomery IDA proposal for request for a PILOT.

Mary Ellen Matise, 21 Clinton Street, said that Sue's comments were well put about the fiscal stress report from the state. It's impossible and makes her think of the proposition 13 in California years ago and all it did was ruin the states infrastructure in the long run. The whole thing about cutting taxes back and back and back, it's impossible what they are asking us to do. If they treated us like we were part of the Town of Montgomery we would have done it years ago. But on the other hand if we have 4 breaks on North Montgomery Street which is State Route 52 why isn't the state contributing to this as it's a state road. Why are we being taxed on this issue when they are creating the issue? Are we monitoring the trucks? They are our roads too because of what it underneath them. We have to stick up for ourselves. Chickens and hens program was great and she feels it would be good because we are an urban census track but we are still a country village and people would appreciate having chickens. Town IDA meeting is just another whole debacle hopefully they will see things our way. The pilot that was presented the amount they presented was their current tax bill without the ability to have a current assessment done. If they accept that it's such a bad thing for us unless everyone else's taxes go up.

## **Action Items**

### **Ulster Avenue Sidewalks & Curbing Contract**

Trustee Sebring made a motion to allow the Village Manager to execute the Ulster Avenue Sidewalks & Curbing Contract from Lanc and Tully not to exceed \$186,000 as outlined in the correspondence from December 2014. Seconded by Trustee Leonard. All ayes. Motion carried.

### **MS4 Annual Report**

John Queenan, Village Engineer, explained that this report is required by the DEC. This report runs from March 9, 2014 through March 9, 2015. There are 35 pages in the MS4 to say what we have been doing to maintain Storm Water System. Looking to get it approved and posted on the website and submitted by May 31<sup>st</sup>. We are meeting all the requirements and the report has nothing interesting in it.

Manager Revella stated they are cleaning out catch basins by hand at the moment in order to be compliant with this.

John added that enforcement is being ramped up with this program and the last round of audits they started giving out fines. End of this year for next year outfalls have to be screened again as the last time we did it was 2010 otherwise everything else is in good shape.

Trustee Adams made a motion to approve the MS4 Annual Report as presented. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Outdoor Café Application – 74 Oak Street (Franco's)**

Manager Revella stated that Dean gave us correspondence that he hadn't received the fee yet after he had asked us to put this on the agenda in anticipation of the applicant paying the fees and whatever else Dean needs.

Deputy Mayor Hoffman stated that last fall they came before us with this as they wanted a guarantee of sorts that they would be allowed to have outdoor dining so last year they submitted this. Dean stated that they have not paid the fee nor has he had a chance to speak to the applicant. He would suggest we table this tonight until Dean states that he has everything he needs from the applicant.

### **Resolution 30-14-15 – 2015 Tax Levy**

Trustee Leonard made a motion to approve Resolution 30-14-15 for the 2015 Tax Levy. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Discussion Items**

#### **Street Sweeper**

Manager Revella explained that they met with a rep selling a RAVO type sweeper. Had a few state contracts one is expired and we are looking into a renewal. They are looking to give us a credit for the sweeper we have now towards the \$195,000 including training with a \$43,000 year payment for 5 years with the 1<sup>st</sup> year being free. That would be 4 years of a payment of \$43,000 per year. Looked through the documentation and looking for renewal from NYS otherwise we would have to bid out. We do have obligations under MS4 to clean our streets and the public really appreciates the work so we need to consider doing something in the coming months. Wanted to see what the Board's thoughts were.

Deputy Mayor Hoffman asked if it is \$195,000 inclusive of the trade in.

Manager Revella replied no that would come off the top of that number.

Trustee Leonard stated he was there for the demo of the sweeper and they found out it had 2,000 hours on it. It looked impressive and it was available would you check into seeing if that was still available.

Manager Revella stated it is not available at this time, another may come up. Several workers, residents and Trustees who saw the demo on Highland Avenue. It makes 1/3 of the noise and dust of old sweeper. It also has cameras to see what is being picked up.

Clerk Bliss added that she has fielded countless calls from residents the last few weeks asking about when the sweeper would be out.

Trustee Sebring stated that the demo machine did a good job. It is a lot smaller and then a bit quicker. If we can get one with a few less hours would still be a good buy.

Manager Revella stated that these are made to order and the state uses these on the Thruway.

Trustee Sebring added it is a lot cheaper to maintain than the old one we had. This one had 2 brushes and the old one had more moving parts that were difficult to maintain. This would be a big step up.

Manager Revella will look into pursuing this further and present to the Board at a later time for next fiscal year.

## **Chickens & Hens**

Manager Revella stated they had a very positive meeting on April 23<sup>rd</sup> with Cornell Cooperative Extension presentation. All the people who attended as well as some that were not able to attend and sent correspondence are for allowing chickens.

Trustee Adams states she was fine with chickens but what about size of property. She would like to see how we would control it. Would likely be another one of those control issues and we'd likely have to charge a fee for a permit.

Manager Revella agreed and replied that the Board would need to make set back provisions and discuss the number of chickens allowed. Also might want to consider doing inspections, perhaps annually those are all things to take into consideration. The last time it was brought up the Board wasn't willing to do it at all but asked for this presentation as the next step. Now we are at the point where we need to know if the Board is willing to go forward to the next step.

Trustee Sebring said he was against allowing chickens.

Deputy Mayor Hoffman asked who would do the inspections.

Manager Revella replied that the Building Inspector would do the inspections of the coop or building they would be housed in.

Trustee Sebring stated he would prefer not to allow chickens, but if we do go forward he would like a Public Hearing for each property to let residents know alongside them know they are going to have chickens and all the potential for other animals out there to get the chickens and how it will affect them.

Manager Revella commented that topic was brought up and those same predators are already in the Village going after cats, dogs, and squirrels and other animals already roaming around the Village. Chickens would at least have to be in coops unlike the cats, dogs, etc. that are already being hunted.

Trustee Adams said there are a lot of warnings in the packet about disease, small children and hand washing, and it sounds scary.

Manager Revella replied that the disease is spread from chicken to chicken so they are talking about washing hands after coming in contact with them so you don't spread any diseases to other chickens. We could require a vaccination schedule as most of them are required to be vaccinated now a days.

Trustee Sebring added we would have to stipulate how often to monitor them and keeping their coops cleaned so there is no odor to neighboring residents.

Deputy Mayor Hoffman stated he is not inclined to continue this discussion for the same reasons we discussed in the fall. The information from Cornell Cooperative Extension was more about the how to, and he was hoping for recommendations in terms of zoning and enforcement and things of that nature which he doesn't see in the packet. He was not able to attend the meeting, did they touch upon any of that?

Manager Revella stated that they did discuss that most places are doing 25ft in most places except places like New York City where there is 0 set back because in the cities they can use rooftops. She did say that she would be more than willing to come back and present here if the Board would like to.

Trustee Bowen stated he was not interested.

Trustee Leonard stated that he would like to explore this further. His daughter would like to have them at her house. They eat ticks and ticks are a serious problem in our part of the world here. Giving proper thought to the restrictions he feels we could make it work. If there were 18 people who came out and were interested enough he feels we should explore it more.

Mayor Rumbold stated that she doesn't think that a lot of people realize the amount of work they require to care for. She had chickens when she was a young girl and they are a lot of work and doesn't think that people realize that. She doesn't have a problem with having the public to hear about it but she is more inclined to see it in a town setting rather than a Village setting. She walked off 25ft at her own home and it seemed like it would be right up on her home if it was allowed because she has a small yard. If the majority of the Board is for it she will move forward and hear more information. She is afraid people don't realize what hard work it will be, or if the Code Enforcement Officer or the Building Inspector have time to enforce this. She is not sure that people will see when their chickens are sick as many people don't see when their cats and dogs are sick as it is. There are just a lot of variables. She wishes that only the people who are serious would be permitted but she knows there are already chickens here illegally. She is inclined, if the Board would like, to move forward to hear more, but not sure it will change her mind about whether they belong in the Village. Knowing what she knows about living in the country and how to take care of them, she doesn't feel they should be in a Village setting.

Manager Revella asked if the Board would like the lady from Cornell Cooperative Extension to come and speak to the Board as the next step.

Roll Call:

Trustee Adams – Aye  
Trustee Sebring – Nay  
Deputy Mayor Hoffman – Nay  
Trustee Bowen – Nay  
Trustee Leonard – Aye  
Mayor Rumbold – Nay

Manager Revella stated he would let those that came to the meeting or sent in correspondence the outcome from tonight.

**DEC 2015 Action Plan**

John Queenan, Village Engineer, stated the DEC 2015 Action Plan has to be submitted by May 22<sup>nd</sup> to DEC. He met with them last month to go over items on their consent order with us. They came up with 3 items they want us to look at in the future. One is the siphon on NYS Route 52 across from Elm Street, another is the head works at the sewer treatment plant looking into its hydraulic capacity there, and the third is eliminating the bypass at Tin Brook pump station. With all future renewals that bypass is no longer  
May 5, 2015

allowed per the DEC. He is working on writing up a plan to submit to the DEC and they will review it and see if they agree on how to address these issues and the time frame we plan to address them. He has a draft for the Board to review at the next meeting. It looks like these improvement would be done in a 3 year plan at this time which would equate to about 1 improvement per year which would be the best situation for us.

Mayor Rumbold confirmed that even if we give them a plan and they agree can't they change it or modify it at any time.

John replied that we are working with them right now to come up with a cooperative plan but they can come back and say they don't agree with the timeframes or the way we would like to address the issues. But once we come to an agreement settled, they have to abide by that. They could come and give us additional violations and then give us another consent order and monitor us from there.

Attorney Donovan stated that the meeting we had overall was a positive meeting and they understood these things couldn't be done overnight but they wouldn't look favorably to the plans extending over 3 years. They confirmed they were willing to close out the current consent order as long as we agreed upon this 3 year plan. They said they were happy with the way we have responded to the violations and done the work we have done so far. Overall they spoke very highly of the Village and our work.

Manager Revella stated that we met with them in April 2014 about the violations they gave us and didn't hear from them after that.

John added that we may submit this and then not hear from them for a while or come up with an agreement until 2017.

Deputy Mayor Hoffman asked if they will accept a plan that doesn't start until a year from their approval of our plan instead of a calendar date.

John replied yes, that is how they are planning on writing the plan.

Deputy Mayor Hoffman reiterated that is important if it takes them 6 months to get back to you as it consolidates your timeframe if you have year time frame in your plan.

Trustee Adams asked if these items were included in the 5 year plan for the water/sewer rates and not on top of what we have already planned for.

John replied yes, all these projects have already been figured into our plan, in fact one is in this year's budget already. He will get the draft to the Board for the next meeting.

### **Town of Montgomery IDA Proposal**

Manager Revella stated that the last time the Town of Montgomery IDA met they discussed a hybrid plan for the PILOT for Related Management Corporation that included some relief from sales tax and mortgage tax and the plan was for the property tax. We received yesterday the written plan from the Town that is meeting again on the 11<sup>th</sup> to discuss the matter further.

Attorney Donovan stated his plan is to formulate a response with Manager Revella to the letter to provide a written opposition to this PILOT that would be hand delivered prior to the meeting. This was the first time he got a better idea of what they are proposing and why they feel they are entitled to receive this IDA benefit. There is a specific allowance from the IDA for benefits for reconstruction but obviously this project being around this long having a continued PILOT would be negative to the Village of Walden and he feels we should oppose this. Rehabilitation and construction fall under the same umbrella.

Mayor Rumbold is opposed to anything that takes tax dollars away from residents. She asked if there were any Village of Walden residents that serve on the IDA Board.

Manager Revella replied that Supervisor Hayes and Chairman Devitt both live in the Town of Montgomery.

Mayor Rumbold asked if this happens do we then deduct that revenue from the taxes that we pay the Town. We have no representation on that board and they are going to be making a decision that will affect our taxes. And we will still have to pay taxes to the Town for all the services they provide us. She feels we shouldn't be asking tax payers to fund the bill, its double dipping. This would be a hardship on our tax payers and they have a lot of nerve to ask tax payers to foot the bill when they are already funded by tax payers as it is and have plenty of money. Once the letter is finished she would like it sent to the Board members for their review that would be great.

### **Public Comment**

Ed Jenkins, 20 Coldenham Road, commenting on the chickens. He sees no reason the Village can't have them. A lot to things you need to have control over, number of chickens, no roosters, that kind of thing. He has a list of Villages and Cities all over the country that have backyard chickens and has copies of their rules and regulations from about 25 of those cities. He is willing to sit down and discuss them with the Board. He understands you can't just let everyone have chickens like we do with cats and dogs. He knows someone on Coldenham Road that has 25 feral cats that spread a lot of disease and they don't do anything about it. There are a lot of people already who have too many dogs, his neighbor just got attacked by a dog. When you get chickens they have already been vaccinated against 2 or 3 diseases and their diseases are not transmitted to humans. Some types of birds do that, but not chickens. If the Board wants some information he is happy and willing to help. Trustee Sebring knows him.

Mary Ellen Matise, 21 Clinton Street, backs up what Ed said, you aren't talking about a lot of people and if you have controls in place you will have more controls than you have now over feral cats that we aren't doing anything about. Or what people do with selling dogs which we still don't have any controls over and aren't addressing now. When you shut the door on people having the possibly of fresh eggs and we aren't addressing current issues now it doesn't make any sense. The setback issues for kennels is only 10ft for chickens is 25ft. She urges the Board to reconsider. It would be a bonus to the kids, they need some work to keep them off the streets. Kennels still don't have a definition in our law and was tables years ago. We can't enforce anything until we have that definition in our code. In the budget you have body cameras which are cheap but the storage of data is expensive. If we are talking about cutting costs we need to be cautious if in the future we can't afford the cost of storing it from all that she's read going on around the country. We need a plan and increase the capacity.

Manager Revella replied that storage of data is currently done in house.

Gil Torres, 7 Sunny Place, and Fred Stewart for Viridian Energy stated that they submitted a proposal in 2014 and they have not heard anything from that, just wanted to follow up. We are a Green Energy Company and you have a choice to choose who supplies you with energy and they can do it with a fixed rate where the electric company only gives you variable rates. Now they can also help with a solar presentation.

Mayor Rumbold asked to distribute the information sent last year to the Board members again as we have a few new members.

Manager Revella stated that Central Hudson is looking for a solar farm location in our area. There is currently no regulation for solar energy at this time but many residents have them throughout the Village.

Deputy Mayor Hoffman stated he remembers when this happened last May and that Trustee Mishk when we got them had some questions pertaining to the terms of the contract and we had some internal discussions about going out for bids and accepting proposals. He doesn't recall a resolution at that time however.

Fred stated that Viridian is the number one green energy buyer in the country at this time. 4<sup>th</sup> largest buyers of direct energy as well. Primarily wind mills but also solar, and hybrid. Natural gas is the main supplier in the US and we are exporting a lot. The price of natural gas is low right now but it could go up like it has in the past. If you get a fixed price it will take out the variables and help you with the budget.

Nanette DeGroat, 80 North Montgomery Street, asked if because the Board doesn't want to entertain the idea about the chickens does that mean it is over, that's it.

Mayor Rumbold replied that it would have to be a Board decision to move forward, yes.

Manager Revella added that the Board could at a later date in the future bring it up again. According to our agenda procedures it would be up to either two Trustees or the Mayor and himself to add it to an agenda again in the future.

Nanette replied that she does not understand why 7 members of a Village have the right to tell 18 people that they can't do something. We are talking about 6,000 people in this Village and 18 people want to do something and the people that showed up are the ones who care, were willing to listen to Cornell and will do it right, and are the ones who are studying it. A million people aren't going to jump on board and have chickens, people don't have time for this. She doesn't understand why the Board is just cutting this off and acting as if, it just bothers her that they have the right to say we can't have something.

Mayor Rumbold replied that this Board is the one that sets the policy for the Village and we do so with the knowledge that when they make a decision it is for the majority of the residents. She has had about 20 calls and visits from residents who are opposed to this as there are already many residents that don't take care of their dogs, cats, children, and property and so on and so they don't want chickens next to them.

Nanette asked if they wanted to control everything.

Mayor Rumbold replied no we can't control everything because she knows there are illegal chickens here already. Just because we would impose standards, regulations, and fees for people to have them doesn't mean that everyone will follow them. People don't all follow the rules with their garbage among many other things.

Nanette stated you can't control everything.

Mayor Rumbold agreed and said that is true but we can make policy for people to follow.

Nanette asked how many Board members were at the meeting.

Trustee Sebring replied that he attended.

Nanette stated that if just one person was there and you are just going to say no. There are cities and Villages and Towns that allow them and so you are just going to say no.

Mayor Rumbold replied as she stated earlier she has raised them, she knows how much work is involved.

Nanette stated that the people who want them are the ones who are going to do that work.

Trustee Sebring asked what about the ones that don't. You don't know until you get going.

Nanette asked how many people are there that want them.

Mayor Rumbold stated that she had 22 people call her that don't want them. If there were 200 people that would be different.

Nanette stated that she didn't understand why if there are people that want them you can't come up with a solution.

Mayor Rumbold replied that she didn't say they couldn't find a solution. She did say that at this point in time we are not inclined to move ahead. Should someone bring us something else in the future we will discuss it but at this point in time she hasn't seen or heard anything that will lead her to believe that people will be any more responsible with chickens than they are now with dogs or cats.

Nanette commented that the irresponsible people are controlling it for the responsible people. Just like it is all over the country now. The ones that are annoying and doing things right which is not the majority of the people are making decisions for the people who are going to be responsible and do it right, and you are supporting that. The irresponsible people are going to ruin it for the ones that are willing to do it right.

Mayor Rumbold asked what is "doing it right" mean.

Nanette continued that you have someone that just said he was willing to come and sit down and talk to you about this.

Mayor Rumbold replied that he just came forward tonight and at this time we don't have enough information to move forward. We are not going to make a snap decision on something that could impact the residents. We just said that at this time we are not inclined to have more discussion about it. If the Board wishes to reconsider, do more research that is fine. She will ask those 22 people to let her know why they oppose it so that their voices can be heard as well. She is not saying that everyone in this Village is irresponsible as she is sure that there are people that will do it the "right way" whatever the "right way" is. But when we set policy and say that this is allowed in the Village, if you think people are not going to just put them in their garage and do what they want that is not going to happen.

Nanette replied that she is just saying that you are hurting the people who want to do it right and that is the way it always is. She just wanted to let everyone know that HSS has lowered the fluoride standard to .7 and our Village water is pretty close to that anyway with the natural fluoride. She wants to give the Board an EPA toxicology study that shows that fluoride is toxic. Many other municipalities do not fluoridate including Albany, Poughkeepsie, Nassau County, Corning and the list goes on. She wants to know how many people she needs to have on a petition to open up this topic again as she has quite a few.

Manager Revella replied that she doesn't need a petition it has no standing. It would serve as support but she only needs to get 2 Trustees to agree to put it on the agenda.

Mayor Rumbold asked if Nanette could confirm that the .7 is the maximum and that there is no longer a range.

Nanette confirmed.

Mayor Rumbold asked if the fluoride level has exceeded .7 since they began adding it to the water.

Manager Revella replied no, we came close once but no, it has not been exceeded.

Nanette wanted to remind everyone to think back that the Surgeon General once said smoking while pregnant was ok but they don't say that now. You need to consider this. She asked the previous board to show her a study to show that our water is safe and effective and the Board has not gotten any documentation that states that which should be available to everyone.

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

Trustee Adams made a motion to pay the audited bills. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

### **Correspondence**

Mayor Rumbold reminded everyone about the invitation for the Memorial Day Ceremony from the American Legion on Monday, May 25<sup>th</sup> with a 9:30am line-up at the Veterans Memorial Bridge. She also got a letter from Skyler Wolsey in Saratoga about our intersections that he felt looked unsafe and gave us a plan in crayon of how they could be improved. She will be responding to him via letter and letting him know we will be passing the idea onto our engineers.

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

Deputy Mayor Hoffman thanked the Manager and Clerk for attending and representing us at the NYCOM conference this weekend and taking time away from their families.

Trustee Leonard wanted everyone to know that he will not be at the next meeting as his granddaughter has a science research group presentation at the High School.

Mayor Rumbold said she saw a school board member about their proposed budget and she asked if it pierces the tax cap and he said no. She didn't see anything in the paper.

### **Executive Session**

Trustee Leonard moved to go into executive session to discuss Collective Bargaining Negotiations with the PBA and Potential Property Sale. Seconded by Deputy Mayor Hoffman. All Ayes. Motion carried.

### **Reconvene**

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

### **Adjournment**

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

**Village of Walden Board of Trustees  
Regular Meeting  
May 5, 2015  
Motions & Resolutions**

**Public Hearing – CDBG Application**

Trustee Leonard made a motion to open the public hearing for the CDBG Application. Seconded by Trustee Sebring. All ayes. Motion carried.

Deputy Mayor Hoffman made a motion to close the public hearing for the CDBG Application. Seconded by Trustee Bowen. All ayes. Motion carried.

Trustee Bowen made a motion to apply for the CDBG funding in a 1 year Application for Various Sidewalk Improvements on Wait Street and South Montgomery Street not to exceed the amount of \$125,000. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

**Approval of the April 21, 2015 Minutes**

Trustee Bowen made a motion to approve the April 21, 2015 minutes. Seconded by Trustee Adams. All ayes. Minutes approved.

**Ulster Avenue Sidewalks & Curbing Contract**

Trustee Sebring made a motion to allow the Village Manager to execute the Ulster Avenue Sidewalks & Curbing Contract from Lanc and Tully not to exceed \$186,000 as outlined in the correspondence from December 2014. Seconded by Trustee Leonard. All ayes. Motion carried.

**MS4 Annual Report**

Trustee Adams made a motion to approve the MS4 Annual Report as presented. Seconded by Trustee Leonard. All ayes. Motion carried.

**Resolution 30-14-15 – 2015 Tax Levy**

Trustee Leonard made a motion to approve Resolution 30-14-15 for the 2015 Tax Levy. Seconded by Trustee Bowen. All ayes. Motion carried.

**Payment of the Audited Bills**

Trustee Adams made a motion to pay the audited bills. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

**Executive Session**

Trustee Leonard moved to go into executive session to discuss Collective Bargaining Negotiations with the PBA and Potential Property Sale. Seconded by Deputy Mayor Hoffman. All Ayes. Motion carried.

**Reconvene**

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

**Adjournment**

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