

**Village of Walden  
Board of Trustees Regular Meeting  
January 5, 2016**

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
	Edmond Leonard
	Gerald Mishk, Jr.
	John Ramos
	Brian Sebring

Absent:

Also Present:

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

**Public Hearing – Local Law 1 of 2016 – Fire Zones**

Trustee Mishk made a motion to open the public hearing for Local Law 1 of 2016 – Fire Zones. Seconded by Trustee Sebring. All ayes. Motion carried.

Trustee Ramos made a motion to close the public hearing for Local Law 1 of 2016 – Fire Zones. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Adams made a motion for Negative Declaration under SEQRA for Local Law 1 of 2016 – Fire Zones. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

Trustee Mishk made a motion to Adopt Local Law 1 of 2016 – Fire Zones. Seconded by Trustee Ramos. All ayes. Motion carried.

**Public Hearing – Local Law 2 of 2016 – Skateboarding Penalties**

Deputy Mayor Hoffman made a motion to open the public hearing for Local Law 2 of 2016 – Skateboarding Penalties. Seconded by Trustee Adams. All ayes. Motion carried.

Mary Ellen Matise, 21 Clinton Street, asked how you plan to fine minors. She's just wondering how it's going to work. It's an ongoing thing and we've tried many things. There are no state laws that would cover this like there are for bicycles?

Manager Revella replied that is up to the judge. There is no state law that he's aware of.

Trustee Ramos made a motion to close the public hearing for Local Law 2 of 2016 – Skateboarding Penalties. Seconded by Trustee Leonard. All ayes. Motion carried.

January 5, 2016

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Deputy Mayor Hoffman made a motion to Adopt Local Law 2 of 2016 – Skateboarding Penalties. Seconded by Trustee Mishk. All ayes. Motion carried.

### **Public Hearing – Waterfront Evaluation Plan (Greenway Grant)**

Manager Revella stated we are waiting for the Greenway Committee's comments back to us which hopefully we will have before the next meeting.

Deputy Mayor Hoffman made a motion to adjourn the public hearing until Tuesday, January 19, 2016 at 6:30pm or as soon thereafter as the matter could be heard for the Waterfront Evaluation Plan (Greenway Grant). Seconded by Trustee Sebring. All ayes. Motion carried.

### **Village Manager's Report –**

- We had some more correspondence come in for grants. This one is for the court for \$3,831.99 that will include the chairs for the Dais some other enhancements and office equipment. We got a letter from the NYS office of parks recreation and historic preservation stating our application for a community center did not get selected for funding.
- The police department had secured active shooter bags for assisting the public if there is ever a shooting they can help out in more diverse ways. Looking forward to getting them in service however hopefully we never have to use them.
- Auditor report and responses are done. They are finalizing the last draft with our comments for distribution.
- The Deputy Clerk/Treasurer has been back on a limited basis. We've made some accommodations to ensure her transition is good. She seems to be making out all right so far but will continue to work on a limited basis for now.
- He did update the Kiosk for the Orchard Street Parking lot, please take a look at it, it's in his office on his table. He has shown some other people in the public recently as well.
- Talked to NYS DOT who is in charge of Railroad crossings and they were going to speak to the county about the crossing on Coldenham Road as that is a county road. They did speak with us and gave us a preliminary sketch for the Grant Street crossing of what they foresee going on there to make it safer for everyone.
- The Mechanic worked overtime to get ready for the winter weather. We have some vehicle inspection sheets for all vehicles now which should be helpful with vehicle maintenance.
- Sweeper will be delivered on Monday or else.
- Winter weather we had was troubling because it wasn't significant enough to have cars removed from the streets so we cleared around them which caused complaints but we did try our best. It did slow things down significantly. We salted a number of times but the ice came down so quickly it was hard to keep up with it.
- Interviewed and hired for the vacant laborer position. We selected an existing employee who will be working in water department for now and on his first day we had a water break as well as today.

- Employee evaluations are almost finished and all inventory reports have been submitted.
- New Year's Eve fireworks went off well.

Mayor Rumbold commented it's disappointing that we didn't get the funding for the community center especially since we are the largest Village in the Town of Montgomery and the only one without a community center. It could really serve as the nucleus of the community. She hopes the Board will entertain the Village Manager contacting our County Legislator, our Elected Officials, and Senator Larkin to express our disappointment and that we really need to have something like this in our Village. Not just for the community, but our seniors who need a place to gather as well. We get a lot of grants for youth and she feels we really need to find some funding to get this done, she feels it's a priority.

Deputy Mayor Hoffman asked about the electricity usage at sewer plant, have you found anything, any problems.

Manager Revella replied that it is still higher than last year but it is not spiking so don't think there is a problem, just slightly higher usage due to the press being utilized more.

Mayor Rumbold commented about the Firemen's triangle monument and snow that gets piled at the top of triangle by Barnside. Now you have to pull far out to see anything, can they clean that up?

**Approval of the December 1, 2015 Minutes**

Tabled as the minutes were not available.

**Approval of the December 15, 2015 Minutes**

Tabled as the minutes were not available.

**Trustee's Committee Reports**

**Town of Montgomery & Library Board liaison – Trustee Leonard**

Trustee Leonard reported that he met with Ginny and they discussed the budget meeting. They have a Board meeting tomorrow.

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

Trustee Ramos reported that he met with Mr. Bliss and today started Basketball practices and they have 192 signed up with 17 teams for ages 8-18 and instructional program for the 6-7 year olds. Board of Ed meeting is January 11<sup>th</sup>, nothing new to report until then.

**Planning and Zoning Boards as well as the Building Department Liaison – Deputy Mayor Hoffman**

Deputy Mayor Hoffman reported that he met with Dean and they reviewed the scaffolding has indeed been removed from Main Street. He reported that any remaining work will be done with a lift. Demo has been completed and permits issued for the roof restoration this week for 1-5 Orange Ave. Chapel Field School has returned to the Planning Board for the Little Sisters of the Assumption property on Gladstone Avenue. Dean anticipates year end totals for code enforcement and building department at our next meeting.

### **DPW Liaison– Trustee Sebring**

Trustee Sebring reported he met with Larry the mechanic who is busy and catching up on a lot of stuff. We had 2 water service line leaks on Riverview Street and S. Montgomery Street and the snow/ice storm was tough. He is happy to see Larry here and feels he's going to be a great asset to the Village.

### **Village Offices Liaison – Trustee Adams**

Trustee Adams reported that she met with Peter and the drafts from Vanacore, DeBenedictus, DiGiovanni, and Weddell, our auditors for 2015 came in and the Treasurer and Manager responded to comments and should have final version soon. Made adjusting entries and we are in agreement and totally into the New Year. We are a little bit in dire straits without Lauren. Bradley Trust for the Library has been closed and moved to capital projects fund and the auditors are working on that with Peter. Cash position in the General Fund is lower than it was last year. Our current figure is \$430,000 lower and over \$210,000 is due to less sewer billing. Have to put in effort to figure out why that is lower. Our Treasurer has put in his paperwork for Retirement for April 1<sup>st</sup>.

### **Police Department Liaison – Trustee Mishk**

Trustee Mishk reported that he met with Chief and discussed issues for HR 218. Body cameras are in full swing as of December 27, 2015. All cars are running well and in service. New car is waiting for equipment to be brought in and put into service. New Year's Eve was good and quiet.

The Deputy Mayor read the community events into the minutes.

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

Mary Ellen Matise, 21 Clinton Street, commented about HR 218 and her concern about liability issues. She doesn't care about something that happens in South Carolina as a taxpayer of the Village of Walden. Why should she pay for a training that would benefit some other municipality? She doesn't see how it benefits the citizens of the Village of Walden.

Manager Revella commented that our current insurance agent assures us there are no liability issues.

Dan Pence, Metering Specialist with EJ Prescott, and they supplied our census meters. He is here to discuss the awarding of the water meter bid tonight. Our numbers looked a lot higher than the one that is likely to be awarded tonight probably to Schmidt's. This was due to the way the document was constructed. It appears the Village is going to select the type of meters that use cell phone technology. We submitted an alternative to the cell phone technology. Badger system is the basis and after 5 years you would own it and would be usable for 20 years and have no monthly cell phone charges. He isn't sure how the Engineer did the math because it was confusing, but he is here to answer questions about it.

Attorney Donovan stated that it is not typical protocol where one bidder attends the meeting and asks if you have questions about a bid opening. He is not sure if the Board does have questions but not sure if this is the correct venue to discuss them. Questions should really be directed to the Village Manager and/or the Village Engineer if you did have questions. It is on the agenda this evening so he has the right to be here, and if the Board

January 5, 2016

does have questions you can choose to award the bid tonight or adjourn it until the next meeting, that is entirely up to the Board.

## **Action Items**

### **Introductory Local Law 3 of 2016 – Vehicle and Traffic Fines**

Attorney Donovan explained that the way the current fines are laid out there are progressive fines for each offense. Administrative feedback from the court is that it's easier to track by just having one amount rather than seeing who pleaded to what. If you have a check off on the ticket and then they can put the payment in with the attached envelope and mail it in; feel it is better effective administratively. Chief, John, and he discussed adding the fire lane violation in here at \$250 which was the amount already approved in the local law you already approved at the last meeting. Just want to make sure it's included in this section as well.

Trustee Sebring made a motion to set a public hearing for Introductory Local Law 3 of 2016 – Vehicle and Traffic Fines for Tuesday, January 19, 2016 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Adams. All ayes. Motion carried.

### **Rehab Loan Guidelines**

Manager Revella stated this is not actually ready for action tonight but they did get close. We did some revisions and had some good comments from the committee. Still have a number of things to work out regarding repayments. We wanted to get through those revisions and get it revised for the next meeting. We are looking at different repayments for occupied vs non-occupied and would like to resolve those matters for the next meeting. Will give to the Board for review as soon as possible via email to review prior to the meeting.

### **Award Bid – Water Meter Replacement Project**

Manager Revella explained that the numbers are hard to grasp because of the many components and alternatives. The price for the meter is lower from Schmidt.

Deputy Mayor Hoffman commented that normally the engineer includes a bid tabulation or summary of the value amounts of the bids. Can we get that and if not he has reservations with awarding the bid tonight.

Manager Revella stated there are 3 year options and that's maybe why it is not listed on there, he's not sure. If he recalls correctly the overall cost for us for the meters with the system and the fees for the system for the lowest bidder calculated out to \$650,000. The price per meter was higher than that from the second bidder.

Deputy Mayor Hoffman stated he feels it is hard to grasp and understand the numbers and not ready to award, just his opinion.

Trustee Mishk stated he would like to have the Engineer come forward and explain to us the decision.

Mayor Rumbold asked if they calculated it and came up with the figure why isn't it included.

Deputy Mayor Hoffman stated he'd rather defer for 2 weeks to have a better understanding.

Mayor Rumbold asked the Manager to please let the Engineer know what we'd like to see when he supplies this type of documentation.

Manager Revella replied that he may have left it off in error, he did have it. He got the email at 5:02pm today and was not able to ask questions due to the time frame.

Mayor Rumbold asked that the Engineer get the information to us before the next meeting.

## **Discussion Items**

### **HR 218**

Chief Holmes explained that he and the Village Manager met with our insurance agent and they discussed the training for retirees. At the last meeting Trustee Mishk covered a lot but there were a few questions involving liability. The question becomes will it cost us more. No, the cost is the same. We are only planning to do those that have retired from the Village or active employees of the Village. Our agent advised us to ensure 3 things; first that the NYS retiree has to have a valid pistol permit and they will sign a disclaimer stating that the Village has no special relationship with them; also since they are not an employee they are not covered by our liability insurance. We would be covered as we have coverage but the individual would need to get their own liability umbrella coverage should they want that. All this would be outlined in the policy we create should we go with this. Another question was do you want a 75 year old that can qualify. It would be up to the range officer to qualify them or not, but there will be a point where we can say no.

Manager Revella added that we already have the liability now and adding HR 218 would not change that liability.

Trustee Mishk added that most retirees already have a pistol permit so that they can carry.

Deputy Mayor Hoffman clarified that the range officer does have discretion, but does that open us up to any additional liability.

Trustee Mishk replied yes, under HR 218 that would be the extent of their authority. They can contact the pistol permit bureau and give a recommendation which would then be up to the county to make that decision.

Chief added that's why we are requiring that they have a pistol permit. If we see something and if they don't agree they can go get a second opinion. We discussed with our carrier that it has to do with the scope of work the person is going to be doing. It's our prerogative in our policy. If we stay within that we won't have any problem.

Trustee Mishk added that one other point that the carried brought up was that there is no obligation by the retiree to act. An active police officer is responsible to and obligated to act within the Village or anywhere.

Chief added that goes for anywhere in NYS for current police officers. If an active police officer sees a crime they are covered under our current policy based on the scope of work.

But in HR 218 when we go out of state we are covered. As an active police officer going out of state are not covered unless working under a mutual aid policy.

Mayor Rumbold asked what the cost to the Village was.

Chief replied the cost of the range officer on that day. We usually qualify twice per year.

Manager Revella added that the officer would already be on duty for our own staff, would integrate, and not set a special day.

Chief added that we only have 10 retirees in the Village at the moment so we could spread out those people out to curb any overtime costs. We also do off duty weapons at the same time for active police officers.

Mayor Rumbold stated that she was concerned that the tax payers shouldn't have to pay the cost to qualify them. Any kind of overtime involved should not fall on the tax payers it should fall on the retiree qualifying.

Chief added that they could qualify elsewhere, don't have to qualify here. We can put that in the policy that we say here's the dates and times, no overtime, no ammo, and we can limit the number of guns as well. Doing that with our off duty weapons as well.

Mayor Rumbold reiterated she didn't want to create a situation where costs are absorbed by tax payers when that shouldn't be happening. She also wanted to clarify that this would be for retired police officers only.

Chief confirmed, only retired police officers. There are currently 2 retired police officers on the Board at the moment and they are employees of the Village and in their scope of work, they would be able to participate and we would have no liability on that. There is no extra liability.

Deputy Mayor Hoffman asked if we were to take action on this and found administratively that it didn't work as you had anticipated could you discontinue this.

Chief replied yes. We could change the policy or change general orders. Could work with Village Manager and Liaison to monitor it all.

Trustee Adams asked about those that are retired from other offices but because they are employed by the Village they can use our qualifying services. Do we know the number of retired police officers from other departments/districts that live in the Village that you could call upon if you ever needed help? Could it be reciprocal as far as HR 218 goes?

Chief replied that there are a lot. Active duty police officers have to act, but a retiree does not have to act by law. That could happen under our mutual aid system. Have had that done before such as 9/11. Now we have sections of law that can cover this. As of right now they would have to call us to action, can't just show up.

Trustee Sebring asked if there was a list of those who qualified under 218 county wide.

Chief replied no, has not seen that as of yet.

Trustee Mishk added that in researching this he knew that overtime and the cost of personnel would be an issue. Range officers assured him that in most circumstances they would not cost us additional overtime fees.

Chief confirmed that the 3 range officers all did indeed say that.

Mayor Rumbold state she would like to see a draft policy. Perhaps by the next meeting, if not the following meeting. Off topic, she saw the governor's mandate about homeless people to get them off the streets.

Chief stated he wants to discuss that with the attorney and manager first. Said towns and cities, not sure it applies to Villages.

Manager Revella stated that it came from NYCOM who did mention Villages. Will forward to attorney and discuss that.

### **RFPs**

Manager Revella explained that it is that time of year to consider doing RFPs. Already decided to do the Garbage contract. The other ones need to be appointed at the reorg meeting for our consultants. Comptroller likes to do RFPs as often as possible. Didn't really do that much RFPing last year. We should consider doing some if not all of the consultants we have just to show the Comptroller we have gone out to see what is out there. Think about it and make a decision by the next meeting.

### **Tax Cap Override**

Manager Revella stated that NYS and the Comptroller's office believe that a 0.12% increase in taxes is all that anyone would need for this year. Not sure how they feel that is feasible. Don't think holding our feet to the fire is feasible and reasonable. Would love feedback on it. Decision needs to be made a bit later in the year, but wanted to make sure it's out there that that is what the state thinks it should be whether you liked it or not. The state didn't keep their tax capped at 0.12% but what is good for the goose apparently is not good for the gander.

Deputy Mayor Hoffman commented that we would need to do a local law if we did do that so can he work out the timeline so we don't miss that if we do need to do that.

Manager Revella replied of course.

### **Public Comment**

Becky Pearson, 167 Walnut Street, asked if the tree city application has come in.

Manager Revella replied he hasn't seen it yet, no.

Becky asked about the invoices for Jacobowitz and Gubits; what do we use them for?

Manager Revella replied they are our special counsel for grievances, bond counsel, labor and personnel issues.

Becky continued and said thank the Board for talking about the numbers on the bid packet there were not numbers on there wasn't sure how you would approve that without the  
January 5, 2016

numbers. HR 218 has nothing to do with officers carrying a gun within our state, it's to carry it out of state. Has nothing to do with NYS really. At the last meeting she stated that there are other places that offer this to officers so she is not sure why we need to be involved in that at all. Pulled it up right on line and they are even charging people to do it. Could be a source of revenue, maybe to look into it. Things to think about as she doesn't feel it's necessary since there are other local options for retirees out there.

Mary Ellen Matise, 21 Clinton Street, commented that according to the executive order it isn't directed towards municipality's it's directed for social service agencies, NYS Police, and other state agencies, the homeless thing. Not directed to Mayors in the executive order. There are places in Middletown and Newburgh. Thanked Village Manager for his comments on Facebook about the Village Historian. She is always out there trying to promote the history on our Village including a last minute Cub Scout meeting tonight. Thank you for your support. She stated that on Gladstone Avenue the garbage cans were everywhere. They don't put them on the curb, they put them in the street. When we redo the contract those toters are obnoxious. No one puts them in the back of their homes. Should get rid of them. Rethink the contract requirements.

Anita Vandermark, 76 Highland Avenue, announced there is a new business in town called Guttoso's Deli News. Nice young man who opened it at 113 Orange Avenue on the corner of Coldenham Road. Great guy and would like to see him do well. She wished everyone a Happy Healthy New year to all!

Dan Pence, EJ Prescott, stated that his colleague didn't mention that you should also consider the 20 year cost of the project that we did provide with that bid. The reason he says that is that there are recurring costs with the cell phone that he wanted to bring to their attention. Not sure if the other bidders included that.

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

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

### **Correspondence**

None.

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

Trustee Leonard thanked Trustee Sebring as he went far beyond his duties as Liaison for the new mechanic.

Trustee Ramos stated that the New Year's Eve fireworks were great was a great night. Show was phenomenal. Thank you!

Deputy Mayor Hoffman stated that the Mechanics report is appreciated and understands the time it takes to do that. Secondly he thanked Peter Sullivan for his service and dedication over the last 5 years.

Trustee Adams asked if there was a plan for coverage if Tara and Lauren are out at the same time.

Manager Revella commented we are all set as he is able to act as Clerk. The only thing that needed additional coverage was Vital statistics which we took care of.

Trustee Adams continued about the garbage and has been sending photos to the Village Manager about Valley Avenue and it's been much better since. She asked if we can set a date for the rehab meeting.

Manager Revella replied yes, just have to ask other committee members.

Trustee Mishk commented that the Mechanics report was very comprehensive, very appreciative.

Mayor Rumbold saw the fireworks from the window and it was a great show. Reiterated that we take seriously that community center and she would like to band together to let our elected officials know that this is a serious need in our Village. Echoed the Deputy Mayor's comments about Peter and helping us transition which is very nice of him to do.

Manager Revella announced for the record that Judge Gorss resigned on New Year's Eve due to a weird quirk in the court system for his wife to be entitled to retirement benefits. He was then reappointed yesterday and signed his oath of office as Acting Village Justice.

### **Executive Session**

Trustee Adams moved to go into executive session to discuss personnel history of a particular person. Seconded by Trustee Sebring. All Ayes. Motion carried.

### **Reconvene**

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

### **Motion made after Executive Session**

Deputy mayor Hoffman made a motion to authorize the Village Manager to advertise for the Village Treasurer Position. Seconded by Trustee Ramos. All Ayes. Motion carried.

### **Adjournment**

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

**Village of Walden Board of Trustees  
Regular Meeting  
January 5, 2016  
Motions & Resolutions**

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