

**Village of Walden
Board of Trustees Regular Meeting
May 3, 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

Manager Revella introduced our new Deputy Treasurer, Heather Benedict.

Presentation - Mountain Paradise Builders

Lewis J. Donnelly, owner Mountain Paradise Builders, came before the Board tonight to propose a 70 unit senior housing project on 6.5 acres for 55 and older which will be 5 buildings with handicap in each building off of North Montgomery Street. Non handicap units will have a garage and each building will have an elevator. (He showed renderings of the proposed design.) Rentals would be about 1400 sq. feet with 2 bedrooms with kitchen and covered porches similar to Rivers Edge. There would be a common laundry room in each building a fitness center and a community center with a kitchen and library and on grounds maintenance. The area is currently zoned R3. There is not enough senior housing in Walden, certainly none with a garage. He wanted to come before the Board to get their opinion on it as they are in the beginning stages of the project now.

Deputy Mayor Hoffman asked why he was before this Board and not the Planning Board and what specifically he was asking the Board to consider.

Lewis replied he is asking to consider allowing more density to make it a better looking project that the community can be proud of. Currently with what is permitted he can do 48 units but he would like to get 70 units. He is looking for some relief and to consider a change to the density however it works best for the Village. Looking for relief so he could put that money back into the project to really make it special. It would have a sitting area around the retention pond great landscaping in the front with beautiful signs so it doesn't look like the run of the mill apartment complex.

Trustee Leonard asked if he would stage the project.

Lewis said he would like to build it all at once but it is possible. He does think it will rent quite quickly so he's not worried about that.

Trustee Mishk asked if he was going to look for any tax relief.

Lewis replied no, he hasn't considered it. All the units that are on the slope on the high side are going to be full handicap units on the first floor so each floor will have 4 units 100% handicap the others will have 2.

Trustee Ramos asked about the affordability, is he going to be asking fair market value.

Lewis replied they would be approximately \$1,400 per month that's what the other facilities are getting.

Becky McNally, 52 Oakland Drive, asked about if the doorways and bathrooms for the non-handicap units will be set up for people with issues.

Lewis replied that all doorways will be 36" and can be built so that the rails could have a track system put on them.

Trustee Sebring asked if there would be a designated park area for grandkids/visitors as well as a place for overflow of parking for visitors.

Lewis said yes there is plenty of room. Willing to do whatever is best for the community and wants it to be tenant friendly. There are 28 additional parking spaces not including 1 in garage and 1 outside of the garage for each unit. Almost have 3 spaces per unit if you count the garages.

Trustee Leonard asked about one issue that came up at the Planning Board when they laid out the senior law, was making sure it was rented to seniors and enforced.

Attorney Donovan replied that is subject to your approval and we do our enforcement from the Village level and the apartment complex.

Manager Revella stated that with the landlord registry it should track a little easier than it would have been before.

Mayor Rumbold asked what happens when the grandparents are awarded custody of a grandchild and live in a senior building. What about other tenants annoyed about that, there is a senior housing near her business.

Lewis said he is not sure there is a way to prohibit them from living there. It's not a retirement community it's a senior facility.

Deputy Mayor Hoffman asked how you prohibit a whole family to move in. Talking about enforcement but want to be on good footing in the other direction as well.

Lewis said that with is other building they required the person to live there that is 55 and older. It is not your job to police him but doesn't want to have an issue with the town. Willing to do whatever is legal to do in order to ensure that.

Manager Revella added that most lease agreements have a provision regarding subletting and anyone there more than a number of days could have eviction. Those kinds of things could help curb that but nothing we could really do to police that.

Attorney Donovan stated that by our code a senior dwelling unit is listed exclusively as occupied by someone who is 60 years or older.

Becky asked if he couldn't get a 55 or older he could rent to anyone. Her sister lived in one place where the balance was almost a 1/3 younger people with kids and the 55 thing went down the tubes. Is that something like a hidden guarantee thing?

Lewis replied the rules are the rules and if that's what the law says, that's it.

Attorney Donovan stated it's an enforcement issue at that stage. Could not have a situation which is not uncommon to have one person under 60. Our code says exclusively but not to say that everyone doesn't abide by the rules.

Becky Pearson, 167 Walnut Street, stated he built the buildings across the street and back then you came before the Board to ask for relief as you couldn't rent as seniors. Do you think that is different now?

Lewis replied that people are out there who try to get a mortgage for \$150,000 today and it's very difficult to do which is why this is a viable project. People are tired of tax bills, property maintenance, and they would like to have a nice place to live.

Attorney Donovan stated that our code provides for how the code is amended. Either this Board makes a change or via petition to the Zoning Board. A public hearing is when the questions would get addressed before any action would be taken. There needs to be a specific request and the Board will analyze that before moving forward. He would suggest that he request in the form of a petition what is being requested and then starts SEQRA review and public hearing. It was his suggestion for Mr. Donnelly to present tonight to the full Board in public in the event that the Board was not in favor before he spent funds for no reason.

Lewis stated that if the Board is ok with this then he's willing to move forward but if not, he'll go away. Doesn't want to waste time and money. If the Board feels this is something positive, if it's welcome, he wants to do it and do a good job. This is a different situation than Rivers Edge.

The Board was in favor of him moving forward with the petition process.

Village Manager's Report –

- Attended and have been following up on the PESH hearing on safety protocols and standards. A few more meetings but is moving forward.
- Good meeting with Chief, NYCOMCO, Trustee Mishk, and the Working Leader on the radios. The County is planning on taking over the radio system which with our allotment for police will eliminate contracts we currently have and our internal radio system as well.

- Attended the annual luncheon for the Walden Seniors with the Clerk, Mayor, and the Recreation Coordinator where they swore in their new officers.
- Reviewed and made a selection for the Deputy Treasurer position.
- Went through the riverfront project with Lanc and Tully as there is potential for funding improvements at Maple Street Boat launch. May be private funding and grant funding available.
- Had a small water break on Gladstone Avenue last Sunday. We've been lucky this year to absorb that without too much trouble.
- Met with Schmidt's the vendor for the new meter systems and have 8 sample meters in place to see if it has kinks in the system. We have the new software system as well. We have some press releases for the public too.
- Attended the Fox Hill community breakfast with the Mayor and the Chief. It is widely attended from around the county and was very nice time.
- Reviewed the fee schedule with Building Inspector and the Engineer which is on tonight's agenda for your review.
- Bank Street repair of a water valve which was finished and then a pipe broke after they were cleaning up so they had to go back in and repair.
- Arbor Day ceremony was great. Becky did a great job coordinating with schools Fox Hill and Walden Elementary School's Mrs. Phelps class. Blue Spruce planted in our tree farm for future use.
- Met with some Community Council representatives and the Recreation Coordinator about the potential Community Center funding sources attempting to get that to come to fruition.
- Person from Walden works for Do It Best and they donated 2 pallets of Gatorade to the Parks Department and DPW.

Trustee's Committee Reports

Town of Montgomery & Library Board liaison – Trustee Leonard

Trustee Leonard met with Ginny and the Library President Mel Wesenberg who discussed that the Corporate Document Museum in the old Newburgh Savings Bank loans out documents and before work in the library could be completed they had no place to show them, now they do so they are looking into displaying some of the documents.

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

Trustee Ramos reported he had nothing new for the school board. Summer camp registration is already looking promising. Parks are looking great already. Heard that Arbor Day was very nicely done thank you Becky for that.

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

Deputy Mayor Hoffman met with Dean a few times and he was at school as NYS is changing to the international building code. We will get one hard copy. Dean gave him some background on affordable housing and discussed the senior housing project as well as the list of fees on the agenda tonight. Dean gave a list of suggestions and modifications to bulk pick up that could limit code enforcement for notices on that to limit the need to cite so many properties afterward. He suggested he send something in writing to the Village Manager to consider that.

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he met with Fred and the guys are busy sweeping streets. There was a fatality in the US which is why the recall is happening, yes they are being overly cautious. We were told by Healey we would get in as fast as possible. DPW with rain days are moving a lot of supplies away from building in anticipation of starting the DPW facility.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that she met with Kelly and John about safeguards and controls in finance. Some were already on Kelly's list. Meeting on May 11th with the Clerk, please send any questions to her. Time Warner franchise fees paid \$97,000 and Orange County sales tax came in at \$244,000. Peter's last day was April 25th and Lauren's last day will be May 11th. We got a \$53,000 credit for workers comp which may change as the audit goes on. We got UB Max Softline software in and we will run a dual billing for the next billing cycle and the following one will go live.

Police Department and Justice Department Liaison – Trustee Mishk

Trustee Mishk reported that he met with Chief who has 2 SUVs that we just purchased that are subject to recall and are sidelined as they aren't safe to drive. It's a suspension issue in Car 2 and Car 7 which was recalled by Ford. They are being overcautious but have to be safe. Parking issue at Veterans Park which is an ongoing issue. Going to have an active shooter training drill on June 30th at Walden Elementary School. Keeping costs down on overtime and utilizing boy scouts and other groups to participate in the drill. All police departments are actively doing these types of drills as a result of columbine. It's a good training for police department and school personnel. Car seat recertification training going on which is reimbursed. One officer is applying to use contractual sick bank for a non-work related issue.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Becky Pearson, 167 Walnut Street, gave thanks to the Manager and the Recreation Department for helping make Arbor Day happen every year. Demonstrated how to plant a tree to about 23 elementary and 15 Bruderhof kids that came to plant trees at Olley Park. Helps with Tree City Application and helps with funding. MX Zone Use Table nothing about it in the public packet or the Townhouse law and there hasn't been any discussion before so what is the action tonight.

Mayor Rumbold clarified that it doesn't just mean a vote, the Board may ask the attorney to do something.

Becky continued that the Board was under scrutiny in the past when the action happened with no discussion at all. On May 19th there is a Comp Plan training for the County Comp Plan at 7pm if one person from the Board can come that would be great.

Mary Ellen Matise, 54 Gladstone Avenue, wanted to clarify that she was responding to the fact that the police slashed their tire, and there is a really bad corner on Maple and Walnut where the sewer grate sticks up, not sure if that's where it was slashed but it's really bad there and a tight turn there. She destroyed a tire there too. She made a suggestion since there are several issues on the agenda tonight, the Presentation, the MX Zone, and the
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Townhouse Law and wondering if it wouldn't be a nice gesture and an efficient gesture if the agenda is sent to all members of Zoning and Planning Boards so they can see they are on the agenda.

Action Items

Non Union Policies

Manager Revella explained that we were getting new hires in and wanted to make sure we are up to date on our policies. Do usually if it's silent in our non-union policies we fall back to the CSEA agreement. He's uncomfortable with that and would like it to be included in the non-union policy. We will update the whole policy but the first thing he would like to work on is making a new tier for health care contributions and insurance opt out incentives. Numerous others to follow up with after but those are the first 2 up for consideration. He included conceptual ideas in the packets for you. The numbers are right but need to tweak the wording. Want to increase to 10% to be incongruence with Affordable Care Act. He would like to be sure the Board agrees we should do this and that it's reasonable. He can make the policy and usually likes the endorsement of the Board in the form of a motion to do it.

Deputy Mayor Hoffman clarified that he has the authority to make these changes but wants to have Board confirmation and approval.

Attorney Donovan stated that he can prepare a resolution for the next meeting which would be retroactive to May 1st if the Board is more comfortable with that.

The Board was in agreement with that for the next meeting.

Zoning Amendment – MX Zone Table of Uses

Manager Revella explained that he has been approached by several entities interested in economic development in the Village utilizing the railway which is currently not permitted in the MX Zone in the code. Would like the Board to allow the Attorney to look into that.

Deputy Mayor Hoffman replied that he thought that rail use is generally exempt from zoning. If we have no specific applicant how do we proceed with this?

Attorney Donovan replied that the Board can proceed with Zoning amendment process under their own initiative which would be the same process if there was an applicant only in this instance we have an inquiry, not a petition. We are attempting to tailor a modification to the zone based on an inquiry. Only question is if someone came forward with a specific use request do we want to act at that time or do we want to start the ball rolling. If the Board deems it's appropriate we can move forward with that process without a specific applicant. The Board could authorize that he begins the process with the preparation of an introductory Local law for your review to bypass the petition process. The Board could move forward with that when and if you thought it was ready and in good form. The Board would need to recognize that there may be tweaks or modifications that need to be made in connection with a site specific project later down the road.

Trustee Leonard made a motion to authorize the Village Attorney to prepare an introductory Local Law for the MX Zone Table of Uses. Seconded by Trustee Sebring. All ayes. Motion carried.

Village Fees

Manager Revella explained that we already went through the Recreation & Parks Department fees during the budget sessions but the other fees weren't updated at that time and he would like to update them annually. Planning and Zoning fees are before you tonight as well as the DPW fees.

Attorney Donovan explained that in order to increase the Recreation fees we would need to do a study to back that up based on future population and establish the need for additional park land money that would go towards capital improvements or construction to make it meet the needs.

Manager Revella stated he would look into whether we did an analysis the last time the fee was changed.

Trustee Sebring made a motion to approve the 2016-2017 DPW fees. Seconded by Trustee Adams. All ayes. Motion carried.

Trustee Adams made a motion to approve the 2016-2017 Planning and Zoning Board fees. Seconded by Trustee Leonard. All ayes. Motion carried.

Trustee Sebring made a motion to approve the 2016-2017 Miscellaneous fees. Seconded by Trustee Ramos. All ayes. Motion carried.

Budget Transfers Resolution 59-15-16

Trustee Adams made a motion to approve the Budget Transfer Resolution 59-15-16. Seconded by Trustee Leonard. All ayes. Motion carried.

Discussion Items

Townhouse Law

Manager Revella stated that Trustees Leonard and Sebring asked to review the matter some time ago and Lanc and Tully looked to see what our needs were, they have drafted the memo before you tonight based on that.

Trustee Leonard explained that when the proposed townhouse project on Coldenham Road came before us we wanted to put in an affordable housing requirement so our local citizens could afford these units back in 2008. At that time it was 20% but based on updated figures and the economy changes they are proposing to change it to 10% which is the standard now.

Trustee Adams asked if this included new projects or projects approved already that haven't started. They were given smaller unit sizes so they could afford to give affordable housing units. If we change this, would that project have to come back and be reviewed?

Attorney Donovan stated we would address that in the Local Law. If you didn't say anything it would be bound by the requirements of the new law. Alternatively you could have a finding that says that any project that has achieved preliminary approval as of the date of adoption of the Local Law would proceed under prior zoning which is not uncommon. That is up to the Board.

Manager Revella added that we would verify that first and if that was something you wanted to reverse that decision about the unit size you could do it at that time.

Deputy Mayor Hoffman clarified that project was given preliminary approval for 204 units and he came and requested a change to the dimensional requirements and didn't change the number of units. This only affects Townhouses no other requirement of affordability.

Attorney Donovan stated we would address this in the Local Law. Could say it is grandfathered or you could say that they are not. If you are silent you are saying they are not as they haven't acquired vested rights. Pleasure of the Board relative to that issue.

Deputy Mayor Hoffman stated he doesn't want to do this prematurely and not have a full picture. He would like to see a developer come before the Board and ask this or at the very least find out the immediate impact to the one approved project before we make any changes. He suggested we analyze the impact on this project first and if impacted that person should come to the Board and apply for that.

The Board agreed.

Solar Panel Regulations

Attorney Donovan explained that he wasn't entirely sure what the Board wanted which is why there is no draft Local Law before you tonight. The sample was from Hamptonburgh which is a different municipality than Walden. The idea was to have no solar arrays and they wanted regulation on roof top units. He looked at another community which was Maybrook who does allow but are regulated. He is looking for direction from the Board in order to be able to draft a law. May want to have some sort of baseline analysis that supports the prohibition of solar arrays if that is the direction you want to go because there are financial incentives for solar power. He doesn't want to be in the position where we don't have a background analysis to support the legislation. An array is a freestanding ground solar panel anywhere from 12 to 20 feet at maximum tilt. A moratorium also would require a public hearing and a local law. The Town of Goshen had a number of farmers who were opposed to a moratorium as they tie up a farm to see if they want to put a solar farm which may cover 10 acres. He doesn't know that there is any place in the Village of Walden that could accommodate that.

Manager Revella suggested a Moratorium with exemption for roof mounted panels. There are no other current applications for any other solar than those at this time. It is treated as an amenity to the roof and the applicant just does a building permit.

The Board agreed.

Manager Contract Evaluation

Mayor Rumbold explained that we need to do a review of the Manager. We have already extended his contract for 30 days to expire on May 19th. Due to the timeline we would need to do his review in executive session and have him present his goals long term and short term at the next meeting. Everyone will fill out and then review the Manager and then we can discuss in executive session. Then we would need to speak with the Manager about it. We could extend the Contract at the next meeting if we need to.

The Board agreed.

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Public Comment

Becky Pearson, 167 Walnut Street, stated that in the townhouse law it goes on to say in lieu of affordable housing you can make the applicant pay for it not being done. This is in the memorandum from Lanc & Tully not actual Village law. NYS doesn't define affordable housing by law. So you make your own law by payment in lieu.

Deputy Mayor Hoffman stated that our code does have a definition. That option was included in the analysis as an option but not where we were looking to go.

Becky stated it was an interesting thought process. She understand the conclusion states they don't recommend that but the Board makes the decision, not the engineer. You need to give something up to get something in return. With regard to solar panels NYS, she thought, just came out with guidelines on Solar as there are a lot of issues with it.

Attorney Donovan stated that the international code has been talked about it but not yet been adopted, not sure if it's in there but there have been a lot of incentive guidelines as the state wants it.

Mary Ellen Matise, 54 Gladstone Avenue, disagrees with Becky as she reads it differently. Those are rentals not home ownership. Applying the affordable idea to townhouses was that it was ownership not rental. There is a caution that it is only applied to townhouses. Why not apply to other types of housing? It could be viewed as discriminatory and opens that up. Agrees with payment in lieu recommendation but suggests not to go down that road as that would require enforcement and too many issues are involved in that. This law was not developed by the Village Attorney and Engineer alone at the time, the developer was involved as well and he agreed to all the terms at the time.

Anita Vandermark, 76 Highland Avenue, reminded everyone about the ceremony on Saturday at 3:30pm to honor John Ciardullo for his service in Korea.

Payment of the Audited Bills

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

Correspondence

Mayor Rumbold got a letter from the Arbor Day Foundation congratulating Village of Walden as a 10 year Tree City USA.

Miscellaneous Comments from the Board of Trustees

Trustee Adams thanked Becky and everyone involved for Arbor Day. She wanted to throw out a thought to the Board about the wooden train that was at Olley Park and was damaged. It had weakened and gotten damaged from weather and wear and then it was vandalized so we had to take it down. She thinks we need to make a commitment to support those projects in both man power and materials to keep them in good condition. The train didn't get the treatment it required due to lack of man power to maintain it over the years and then the inability to purchase the materials we needed to coat them. The conversation evolved and she found out that we ran out of money from the budget this year so we didn't get mulch down for the playground area at Wooster and next year we reduced all the parks costs to take care of them. She knows that she pushed Mike to

reduce the budget so she's taking responsibility for it but if we are using this springs repairs out of next year's funding what do we do come next spring. She went past the Scout cabin and it looks forlorn and the flag pole is crooked again, so she suggests to either take it down or fix it. Feels we need to look at the fact that in order to do the Water front park and community center we need to make sure we are taking responsibility for supporting them in future budgets so they don't deteriorate and are kept clean and nice. Will need maintenance so we don't make these big investments and let them deplete. Got to figure out a way to make it work financially. She knows it was a tough cutting process but it has an ongoing effect.

Mayor Rumbold commented that everything is a commitment; police cars, employees, trucks, parks, etc. Unfortunately when we do budgets we have to make decisions about our priorities. Sometimes we are asking the impossible. Roof still needs to be fixed in this building and at some point we need to do it to maintain the building. DPW building has been on the back burner for years. Trying to keep the Village affordable but we will need to find the money somewhere. Doesn't know how most of our department heads do what they do with the budgets they have. Going to have to make decisions in the future. Keep improving with the hope that people who come after u see the value of what we thought was great. Same with col Bradley's vision of this building this village. To never improve or grow is not right depend on each other to be able to convince people we are making best decisions for the Village and do what we think has to be done for whatever we put into place while we were here.

Trustee Mishk commented that he is happy we will be recognizing the employees of the Police Department with the awards again but he feels there are employees of other departments that deserve recognition as well, he's asked a number of times, and would like to move forward with recognizing other employees.

Mayor Rumbold gave thanks on behalf of the Board to Becky Pearson, Nancy Phelps, and Mr. Presutti for a great Arbor Day Celebration.

Executive Session

Deputy Mayor Hoffman moved to go into executive session to discuss the personnel history of a particular person, attorney client session regarding NYSEG and Fire Lanes. Seconded by Trustee Sebring. All Ayes. Motion carried.

Reconvene

Trustee Mishk moved to reconvene the regular meeting. Seconded by Trustee Ramos. All ayes. Motion carried.

Adjournment

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

**Village of Walden Board of Trustees
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Motions & Resolutions**

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