

**Village of Walden  
Board of Trustees Regular Meeting  
October 4, 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

**Presentation – Solar Farming Arrays – Orange County Planning**

Tabled.

**Hearing – 42 Bank Street (continued from 9/20/16)**

Jay Buchalski, Code Enforcement Officer, reported that they did apply for a building permit to do the work on the roof at the church. The plywood and shingles on the front porch have been moved to allow access to the door that it was blocking previously. There is still debris around the shed and in the rear of the property, and two tarps that are hiding something he doesn't remember what they are covering. He contacted Mr. James on Friday he said they applied for a building permit and that the items around the property are for the yard sale and will not be moved.

Eric James, chairman of the Board of the Walden Baptist Church, explained that the "debris" is plywood and shingles and that is what is under the tarps as well. It will be some time before we can move everything due to the sale. Jay called him on Friday and he said he understood and he asked for more time and Jay said that wasn't possible. The yard sale dates are on October 15<sup>th</sup> and October 22<sup>nd</sup>. The snow blower, lawn mower, and yard furniture are all things that are different than the yard sale items. Donations are given by parishioners and they just drop them off without warning.

Deputy Mayor Hoffman asked if they could ask the parishioners to drop items off closer to the sale instead of this far in advance.

Mayor Rumbold explained that the issue is that you aren't allowed to have all this stuff out like this because you are having a yard sale; no other residents are allowed to do this. If we listed every item that someone might toss or pile in a yard we'd be here forever. The point is that the yard looks a mess and things are piled all over with no rhyme or reason to

it, and it needs to be straightened up. We had this same issue last year with items stored under tarps and on the porch.

Dennis DeGroat, 42 Bank Street, stated that was for a different code than what is before you today. None of our stuff is any one of those things. We are not in violation of the code those items are his personal belongings a table and chairs and he has given a list of his items to the Sheriff's Department so they are not to be removed.

Attorney Donovan explained to the Board that they were given an order to remedy and tonight the property owner is here to try to persuade the Board for their cause rather than just being rude to the Board. Should the Board feel so inclined and feels the Code Enforcement Officer is accurate than you move to have it abated.

Eric stated they need more time, until after the 22<sup>nd</sup>. He asked that last time they were here and he was told that was not soon enough.

Deputy Mayor Hoffman made a motion to give the property owner of 42 Bank Street until Tuesday, October 25, 2016 and if not, the Village will go in and clean up the miscellaneous debris excluding new roofing materials and charge the property owner any costs associated with said clean up. Seconded by Trustee Mishk. All ayes. Motion carried.

#### **Introduction of New Employee**

Manager Revella introduced Gina Somma who has been hired as the Deputy Treasurer and began working last Monday.

#### **Public Hearing – Local Law #8 of 2016 – Illegal drug use, possession or sale**

Trustee Ramos made a motion to open the public hearing for Local Law #8 of 2016 – Illegal drug use, possession or sale. Seconded by Trustee Mishk. All ayes. Motion carried.

Manager Revella explained that this falls in line with the County's movement towards assisting municipalities with drug issues. Gives leverage for us to get out any habitual offenders from our community. Village of Maybrook has already adopted the same law.

Mary Ellen Matise, 54 Gladstone Avenue, asked how it works. Is it just tenants or is it visitors also? Does the landlord do it or the Village does it?

Attorney Donovan replied this is based off the model NYS law that has not been tested yet but what it says is that the Village can give notice to the landlord and give them a certain time frame to commence an eviction. Certainly better leverage if there is a conviction. If the landlord does not do that the Village can come in and do it. It is for tenants, not an invitee. He has confidence that it would be upheld if not in full, in part as it is coming from the state. A use conviction would fall under this statute as well.

Becky Pearson, 167 Walnut Street, doesn't understand why there are no definitions in the law, don't we need that to make it stick. She would want to see some definitions such as who an "authorized enforcing agent is", so you have a leg to stand on. It also doesn't have a procedure to evict listed in it.

Attorney Donovan replied that those items are defined somewhere else in the law so there

is no need to redefine them as it would be redundant.

Becky stated that she didn't find them anywhere else so you may want to look into that.

Attorney Donovan stated that tonight is a public hearing for the public to raise potential weaknesses in the law, if the Board feels that it should be reworked then we would go back and redraft. Or you can go forward tonight with the understanding that there is no perfect law and until it is tested we would possibly find weaknesses that need to be addressed.

Charles Savasta, 16 Riverview Street, asked if the landlord is responsible for the costs of the eviction if the Village stepped in and did the eviction.

Manager Revella replied yes.

Larry Curasi, property owner, asked about how it would be noticed and what grounds he would have as a landlord to begin eviction proceedings.

Attorney Donovan replied that the notice would be given to the landlord who then has 15 days and the letter from the Village would be the grounds to commence an eviction and then the eviction procedure kicks in. It does not have to be in your individual leases. Truthfully, until it has been fully vetted out we may not know.

Becky asked how the Village would find out if they did that procedure within 15 days, do you need proof that the landlord received the letter or that they commenced the eviction procedure.

Manager Revella replied that they would be going through the Justice Court so we would know.

Mary Ellen commented that the notification system is opening you up for failure and recommends sending via certified mail like you do for Planning and Zoning Board Hearings.

Manager Revella replied that the legal process is different in those situations.

Trustee Leonard made the motion to close the public hearing for Local Law #8 of 2016 – Illegal drug use, possession or sale. Seconded by Trustee Adams. All ayes. Motion carried.

Trustee Ramos made the motion for Negative Declaration under SEQRA for Local Law #8 of 2016 – Illegal drug use, possession or sale. Seconded by Trustee Mishk. All ayes. Motion carried.

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## **Village Manager's Report**

- Got a notice of Claim from NYSEG regarding a gas issue that happened on West Main Street and they will discuss that tonight in Executive Session.
- Update on water meter replacement program is in your packets. It will be slower this month due to hydrant flushing. Those with new meters got billed using gallons.
- Spoke with Dr. Kim and the attorney for 10 Orchard Street Subordination agreement.
- DPW is in the temp site and the old building is being demoed. Building in back is gone and the one in the front is being taken apart piece by piece. We are on schedule and hopefully a little early since the steel is coming in sooner than we thought by about 2 weeks.
- Attended the Town Chamber dinner for businesses of the month as we had some Walden business recipients: Walden Animal Deli, Sohn's Appliances, and American Petroleum.
- The Recreation Coordinator has been busy working with the haunted trail and Harvest Fest was a success.
- The Town of Montgomery Board request for funding for our Rec Department has been submitted and questions answered.
- We requested funding for Harvest Fest and were notified we will receive funding from the County just unsure of the exact amount and when we would receive it.
- Gave a tour to our new Deputy Treasurer to familiarize her with the Village.
- The hydrant by Walden Savings Bank has been fixed.
- Rehab loan to be updated for the commercial buildings.
- Rail trail updates in New Paltz and trying to push it happening in Shawangunk as well.
- Truck routes draft law to be on the next agenda.
- Ford is having an issue with all Ford's V6 Eco boost that is causing a problem and we are trying to get vehicles with them under warrantee. Only been recalled on the police vehicles at the moment.

## **Approval of September 20, 2016 Minutes**

Trustee Adams made a motion to approve the September 20, 2016 Minutes. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

## **Trustee's Committee Reports**

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

Trustee Leonard reported that Harvest Fest went on well despite the weather. Jets game on Sunday was great.

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

Trustee Ramos reported that he had nothing new from Rec & Parks. The 5<sup>th</sup> Grade trip has been cancelled unexpectedly. Meeting with Mr. Xanthis at 7am in front of the High School, feel free to come out and meet him.

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

Deputy Mayor Hoffman reported that he met with Dean and reviewed the Planning and Zoning Board meeting agendas as well as the other items on the agenda tonight.

**DPW Liaison– Trustee Sebring**

Trustee Sebring reported that they have been out sweeping. Talked with mechanic and Fred about the oil issues with the vehicles.

**Village Offices Liaison – Trustee Adams**

Trustee Adams reported that Kelly has been busy finishing the audit reports.

**Police Department and Justice Department Liaison – Trustee Mishk**

Trustee Mishk reported that he met with Chief today and he reported range qualifications is this weekend.

Mayor Rumbold read the community events into the minutes.

**Public Comment on Business of the Board**

Robert Henze, 75 Valley Avenue, said his property is up to request a hearing tonight and he found out that his building permit expired when he was given a stop work order. He has reapplied this morning and would like to get it done. He had surgery from an injury and hasn't been able to do the work but will get it done before the winter. Would have the permit likely by the end of the week per Dean.

Mayor Rumbold replied they will likely set a hearing and see how far you've gotten at that time.

Becky Pearson, 167 Walnut Street, asked about the request for support for water grant on the agenda tonight and who was applying. If there is a 50% grant match who is paying that and will there be a contract that states who is responsible? She may have more questions if she knew who the applicant was. Will there be a time she can ask questions after discussion takes place on this item? If this letter is all you have she feels you do not have enough information to make a decision.

Manager Revella suggested she speak under the 2<sup>nd</sup> public comment section.

Arlene Feldmeier, candidate for NYS Assembly for 101<sup>st</sup> district, explained the district is 150 miles long and several people invited her here tonight to talk about the fact that you have an improved real estate market around here. She would like to hear from the Board how you feel we can replicate what you have done here throughout the 101<sup>st</sup> district.

Mayor Rumbold stated we are fortunate to have very active community members who are real estate agents and have been active in getting homes that have been inactive resold or out of foreclosure. Feels that is key to get the properties sold is to find someone who is invested in your community and passionate about turning around the empty properties.

Glenn Ramcharitar, 15 Riverview Street, explained that his tenants will be out of 14 Riverview Street on Thursday October 6<sup>th</sup> but will have a few items they need to get out and are requesting another week to get the rest of their belongings from the inside of the house out by Tuesday the 11<sup>th</sup>. They don't have the transportation to get the rest of their items out as they are looking for storage. He told them whatever was left will be put out for junk pick up. The tenants also had issues finding another place to live. He has no control over when they move out he can only lock the doors which he told them he would. He would like to get this taken care of as quickly as possible. There are no animals at the

residence as far as he has been told. If not he is unsure what he will do with them. He has to believe the tenants. He was not aware he had to contact the Building Inspector about the violations on the outside of the property to see that they have all been taken care of. The important thing, he thought, was to get the tenants out but perhaps he misunderstood the importance and failed to contact the Building Inspector to let him know the violations were taken care of he thought Dean would contact him but now he understands. The painting in the back were all painted he paid for someone to get it done.

Mayor Rumbold explained that Dean will be inspecting the property and will report to us that it has been done or it hasn't. She would like the items on the outside of the building removed by Tuesday, October 11<sup>th</sup>. The inside violations given to you over a year ago have still not been taken care of. Not sure if you are aware that you risk additional penalties if you don't comply. This Board has been very understanding and thought they were clear with their expectations when they were discussed over a year ago. Please understand there will be fines imposed if they are allowed access to that property again. She advised him to call Dean immediately if he receives something from the Village that he doesn't understand. He should contact the Building Inspector as soon as he gets something otherwise she will assume he understands everything completely.

Trustee Mishk stated he is appalled by this situation as the Village has paid enough for this property and we cannot wait one more day. He is tired of this and it has gone far enough. He feels sorry for him that he misjudged his tenants. We are really trying to protect your rights and the neighbor's rights and you have not done anything that was asked of you.

Glenn stated that he has no control over this as he felt bad for people who couldn't pay their rent or their water bill or their electric bill and could not just put them out on the street. Everyone will be out of the property by Thursday night and he will lock the building on Thursday, he already has the locks and they will not have access to the property. He will personally not be in town for the next few days, his son will be there. Being a human being he cannot throw people out with kids on the street. He will dispose of whatever contents that may be left by the tenants. He is not rich and does not know when it will be finished.

Trustee Sebring made a motion to approve Resolution 14-16-17 – 14 Riverview Street to state that the tenants will be out by October 6, 2016 and the locks changed on October 7, 2016 or the Village will go in and change the locks and charge the property owner. Seconded by Trustee Leonard. 6 ayes, 1 no (Trustee Mishk), 0 abstentions. Motion carried.

### **Action Items**

#### **Hearing Request – 22 Pleasant Avenue**

Jay Buchalski, Code Enforcement Officer, explained there is some siding missing and the house needs to be painted. Owner says he has no money to do anything. This has been going on for a year at this point.

Trustee Mishk made the motion to set a hearing for 22 Pleasant Avenue for October 18, 2016 6:30pm or as soon thereafter as the matter can be heard. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Hearing Request – 98 S. Montgomery Street**

Jay Buchalski, Code Enforcement Officer, explained there is falling down fencing and nothing has been done since the original violation from May 2015. Now there is also debris throughout the property in addition to the fence.

Trustee Sebring made the motion to set a hearing for 98 S. Montgomery Street for October 18, 2016 6:30pm or as soon thereafter as the matter can be heard. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Hearing Request – 17 Bank Street**

Jay Buchalski, Code Enforcement Officer, explained there is scattered debris throughout the property that needs to be removed. No response from owner at all.

Trustee Adams made a motion to set a hearing for 17 Bank Street for October 18, 2016 6:30pm or as soon thereafter as the matter can be heard. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Hearing Request – 75 Valley Avenue**

Jay Buchalski, Code Enforcement Officer, explained that the deck is in disrepair, you already heard from the property owner tonight under public comment on business of the Board.

Trustee Mishk made the motion to set a hearing for 75 Valley Avenue for November 1, 2016 6:30pm or as soon thereafter as the matter can be heard. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

### **Surplus Equipment: System IA Lift (Capacity: 9,000 lbs.)**

Manager Revella stated that this is one of the lifts we are looking to surplus as we don't need to have 2 in the new facility. Would like to use Auctions International and set a minimum bid of a \$1,000.

Trustee Ramos made a motion to Surplus the System IA Lift (Capacity: 9,000 lbs.) with Auctions International with a minimum bid of \$1,000.00. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Set William J. Larkin Jr. Pavilion & Play Area Dedication 10/15/16 11am**

Trustee Ramos made a motion to set the William J. Larkin Jr. Pavilion and Play Area dedication ceremony for Saturday, October 15, 2016 at 11am. Seconded by Trustee Adams. All ayes. Motion carried.

### **Proclamation – Walden Interfaith Clergy CROP Walk 10/16/16**

The Board presented a proclamation to Rev. Peggy Sullivan on behalf of the Walden Interfaith Clergy group designating their CROP Walk for Sunday, October 16, 2016.

### **Resolution 14-16-17: Budget Transfer**

Manager Revella explained that the Board requested we make transfers more frequently. These items are balanced by items that are now closed as they occurred in the summer and will no longer have expenses coming out of them. These are lateral transfers within the same department.

Trustee Adams feels we are doing this prematurely. She understands we had more campers than we had budgeted but she feels there should be an increase to the revenue instead of taking it out of personal services in her opinion. Feels we should analyze the \$85,000 in revenue and so far in August we had earned \$71,000. She would like to see the breakdown of the revenue of \$85,000. She is uncomfortable with the way this came about. She would like to wait and see what the actual cost was for summer camp. Would feel better if we had details and supporting documentation and would like Kelly to get that information from Mike and John before we do this. She is not against it, just feels there should be more detail.

The Board agreed to table this topic until the next meeting.

### **10 Orchard Street Subordination Agreement**

Manager Revella explained that Dr. Kim already has a rehab loan with the Village and we are currently in 2<sup>nd</sup> position on his mortgage. He is trying to refinance his mortgage which would make us 1<sup>st</sup> in line and the bank is requesting we remain at the 2<sup>nd</sup> position. He is current on his payments and it would not change anything on our end.

Trustee Adams made a motion to authorize the Village Manager to sign a Subordination Agreement for 10 Orchard Street subject to the approval of the Village Manager. Seconded by Trustee Sebring. All ayes. Motion Carried.

### **Police Disciplinary Law**

Attorney Donovan stated that Trustee Mishk brought a court ruling to his attention from the Town of Wallkill. Towns can enact local laws to litigate disciplinary procedures. So the disciplinary rules in the Town of Wallkill were upheld above the collective bargaining decision and Civil Service law. He is not sure yet if this decision is fully applicable to Villages but he would research that and draft a local law if the Board is so inclined for the next meeting.

The Board agreed.

### **Jacobowitz request for support for water grant**

Manager Revella explained that we received correspondence from Mr. Jacobowitz from Patricia Pomeroy Executive Director of the Hudson Valley Regional Council. Mr. Jacobowitz gave everyone a copy of the letter at the last meeting. He is looking to loop a water main through his townhouse project. Cannot see us support it if the Village has to apply as he feels contrary to the letter it does affect the Village applications that might be out there. He is not sure this is the right thing for the Village as there are more questions to be answered here. Fire Department had questions about pressure as well.

Deputy Mayor Hoffman explained he is unsure if they would be looking for us to do something like this in our capital projects. In his experience, more grants are becoming reimbursable grants and he is concerned we would have to pay out before we get the reimbursement and is not comfortable doing that with a private applicant.

The Board directed the Manager to clarify what he is asking more specifically as they all felt they needed clarification before we can answer whether they are in support or not.

### **Public Comment**

October 4, 2016



Becky Pearson, 167 Walnut Street, asked what the procedure is for property maintenance.

Deputy Mayor Hoffman replied that the property owners are given a notice of violation and given a date to remedy them. If they don't comply they come before the Board. When they started coming to the Board they felt it was more efficient to come before the Board as it is faster and less expensive than going before a judge. We couldn't control the schedule whereas here we are more timely with our procedure. We are very aggressive in his opinion. More of an idea of the community.

Becky suggested it could be a revenue source and she is just putting it out there for thought.

Deputy Mayor Hoffman replied we are not looking for revenue generators just trying to bring folks in compliance and adhere to our code.

Becky asked about the Police Disciplinary law as it says it would set up a police commission; are you looking to do that.

Manager Revella replied not at this time.

Becky added she is curious if the Manager form of government would make it a bit different of a process, something to look at too; just something to think about. Feels a law when it gets passed should be the best version of the law so you do it right the first time.

Lynn Thompson, 34 Riverview Street, thanked the Board on behalf of the neighborhood for their hard work. This man has been playing a game with all of us for 12 months. He doesn't care. Don't understand why you would invest in a property and be the kind of landlord he is. Don't understand how he could possibly get the property to a place where they can get someone who we would want to live there. He's a master manipulator as he did the same thing last year. It's gone downhill there in the last 2 weeks, junk is already on the curb and screens are hanging from windows. She and her neighbors have been threatened that they will do damage their homes and cars before they leave. He has a job to do as a landlord. Read the minutes from last year and he did the same thing to you last year. Thank you for helping them so quickly. Sad that he's going to have items out for bulk pick up.

Charles Savasta, 16 Riverview Street, thanked the Board for moving so quickly with this but Lynn is correct. The people upstairs have been moving for 3 days and today they have been putting refuse in the trash and on the sidewalk. People downstairs haven't done a damn thing yet and there are people still living in the car in the driveway. Gentleman was urinating in the driveway again this morning. He understands the timeline but they are walking around defiantly and threateningly to his property and his neighbors. If he has violations finished within 6-8 months he can re-rent it as a 2 family.

Manager Revella replied yes, for up to a year it can be vacant.

Mary Ellen Matise, 54 Gladstone Avenue, asked if the loop for the water/sewer grant would pass a certain property on Edmunds Lane.

Manager Revella replied no it would pass Coldenham Road to Route 208 through the townhouse project.

Mary Ellen passed out a letter to the editor she wrote about the STAR program. Feels the Town of Montgomery is overbilling tax payers. This affects a lot of Village tax payers. Requests the Village sends an inquiry to the comptroller's office as she has done. Wouldn't it cost less to have the school district collect the tax? Town of Montgomery and Town of Highland Falls are the only towns that do this. No one knows how it came about and no one can give her an answer. Feels the Comptroller should be looking into this.

Manager Revella suggested that Trustee Ramos as the School Board liaison speak with Mr. Xanthis about this.

Trustee Ramos agreed.

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

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

### **Correspondence**

None.

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

Trustee Leonard commented that he and the Supervisor for the Town of Shawangunk and another gentleman walked the rail trail in preparation for an extension.

Trustee Mishk commented that he finds it offensive that you pay by the value of the house for the Town to collect a bill that is exactly the same equality and he gets 2 bills in 1 envelope. He apologized for his outburst tonight, he normally tries to contain himself, but lost his cool today.

Mayor Rumbold stated that Harvest Fest was wonderful and everyone came together and made the right decision about the weather. Many kudos to the committee but we need more volunteers. She asked if we are preparing our vehicles for winter.

Manager Revella replied that we are ok on truck plows but they have to be serviced once they are put on again. Hopefully we will be in the new building before we need to do that.

Mayor Rumbold asked if they could water the mums on Main Street and in the Square. Flags are being damaged on Main Street. She asked if we could budget to replace them next year as they are looking tattered and torn.

### **Executive Session**

Trustee Adams moved to enter into Executive Session to discuss Potential Litigation pertaining to a Notice of Claim received from NYSEG as well as a Kathy Hamon as well as the employment history of a particular person. Seconded by Trustee Leonard. All ayes. Motion Carried.

**Village of Walden Board of Trustees  
Regular Meeting  
October 4, 2016  
Motions & Resolutions**

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**14 Riverview Street Resolution**

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