

**Village of Walden
Board of Trustees Regular Meeting
December 6, 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 9 of 2016 – Truck Routes

Deputy Mayor Hoffman made a motion to open the public hearing for Local Law 9 of 2016 – Truck Routes. Seconded by Trustee Adams. All ayes. Motion carried.

Attorney Donovan stated that there needs to be some modifications made to this local law that would require a new public hearing with the additional routes.

Manager Revella explained that we added Edmunds Lane from Coldenham to Penny Lane. Added Bank Street from Ulster Avenue to High Street and Orchard Street from Main Street to Scofield and finally Scofield Street from Orchard to Main Street. Other routes would be exempt.

Trustee Mishk made the motion to close the public hearing for Local Law 9 of 2016 – Truck Routes. Seconded by Trustee Adams. All ayes. Motion carried.

Trustee Adams made a motion to set a public hearing for Local Law 1 of 2017 – Truck Routes for Tuesday, January 3, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Ramos. All ayes. Motion carried.

Hearing – 37 Wileman Avenue

Jay Buchalski, Code Enforcement Officer, explained there is still a live chicken coup on the property in the back yard. Color photos taken today were passed around.

Stephanie Uszenski, property owner, explained that it is unclear to her if the issue is with the chickens or the building but the notice referenced the building so she will address that. She received a gift from her husband of an exotic bird aviary from her husband for her parrots, doves, and other caged birds that adjoins one of their outdoor patios. She passed out photos. It has a place for her to sit inside the building and the safest place for her caged birds when they are outdoors is the aviary. It is green and brown and not an eye sore in her opinion as it blends into the trees. We were very proud and excited that the Walden Community Council selected their home for its excellent care and maintenance. The law states that "The following provisions shall apply to all forms of animal husbandry except for animals which are kept as household pets". These are her household pets. We also have dogs that have a kennel on the left side of their main patio. In the winter they also use the shelter as a place for their dogs to go out in inclement weather and they also store firewood in it as it is a shovel able path with easy access. We do also have chickens and have had them for years. They free range, however if she is not able to supervise them they go in the structure. She feels if she doesn't put the chickens in the structure anymore there should be no issue with the structure anymore.

Attorney Donovan confirmed what Mrs. Uszenski stated and added that it also states that all shelters need to be 100 feet from the property line.

Jay stated that this one is 5-10 feet from the neighbor's property line.

Stephanie said it should be exempt because it's used for her household pets. No one's dog house is 100 feet from a property line and they don't get cited.

Attorney Donovan commented that the definition of a pet is not quickly available at this time.

Stephanie commented that she is horrified by the notification wording and the idea that the DPW can just come onto her property and smash her structure into bits and then charge her for it.

Trustee Mishk asked if a building permit is required to construct these structures.

Jay replied yes.

Mayor Rumbold commented that chickens free range or otherwise are not outlined in the code specifically.

Stephanie knows that the proposed law was tabled and it stated there could only be 6 hens or less with no roosters. She has 3 hens and she knows many many other people who have them in the Village.

Mayor Rumbold stated that when we find them we remove them. Sure we don't find them all, but if someone calls and says someone has them we remove them. She doesn't have a problem if it's used in the summer months for the exotic birds but the chickens have to be removed.

Deputy Mayor Hoffman asked if there was any way they could comply with the code on the 100 feet.

Stephanie replied no, the property is too small to have the building 100 feet from the property lines, most Village of Walden properties are. The summons is for the structure not the chickens, so she's confused.

Attorney Donovan stated that the code provides that if the use is not permitted they are prohibited.

Manager Revella stated that if the building is a shelter for pets it is exempt as she keeps household pets in it during the summer.

Mayor Rumbold stated that she believes the chickens is what sets it in violation.

Stephanie asked if she doesn't put chickens in there, then they are ok.

Manager Revella replied yes, it seems that way.

Trustee Mishk asked about the building permit.

Mayor Rumbold replied she doesn't know as it's an aviary, would need to ask the building inspector.

Deputy Mayor Hoffman asked if it should be referred to the ZBA for interpretation

Attorney Donovan explained that any person always has that right to appeal to the ZBA for an interpretation and in the meantime the Village cannot do anything relative to the violation. He added that the definition of a pet may be in the NYS building code.

Drew Uszenski stated that to the best of his knowledge a building permit is based on a dollar value and he only spend \$180 for the entire thing. The chickens will leave and then there is no problem with the structure.

Attorney Donovan clarified that the issue about the property line and building permit is up to the interpretation of Dean as the Building Inspector. If there is a problem with his interpretation then you could appeal his determination to the ZBA as they are the only Board that has the authority to render an interpretation.

Village Manager's Report

- Harvest Fest Committee has been meeting about the location change and being held a week earlier than usual. He will give more details as it develops.
- We successfully sold the old vehicle lift, we had 2, and it sold for more than we thought which is good.
- We received a grant from the Youth Bureau for \$17,062 total for the Summer Youth Employment Program, Summer Youth Leadership Academy, Teen Center, & DARE program.
- Had a meeting to discuss the escrows with the Building Inspector and Village Treasurer.
- Went to Healey Brothers with Chief, Working Leader, and Recreation Coordinator about warrantees and issues with the vehicles and their engines. We now have a better idea of the suggested factory maintenance schedule and they gave us paperwork to help us comply with that.
- With regards to speed limits near the parks, we are waiting for Larkin's office to help us find a way to allow Village's to be able to change speed regulations around parks

which is currently a NYS DOT purview. We are looking for him to help us get around that.

- Footings and drains are in at the new DPW facility. Erecting of the structure will begin tomorrow and the main structure should be up within 5-6 days and then the inside work begins.
- Been working on a legal matter with our insurance company for Isnady and affidavits and filing in opposition to that motion.
- Received our water supply inspection report. Still showing water loss and don't have much in the way of a resolution of that. Not sure if the software can show where the loss is, but we are working on that. Everything else was great and no other issues.
- Did find a few properties with no meter which is being monitored. 98-100 Gladstone Avenue were contacted and they said they would cooperate. Has not ever had a meter, have been billed with an estimated usage. The recent sale of the building brought it to our attention.
- Arbitration with PBA disciplinary matter and agreements which will settle without going to a full hearing.

Mayor Rumbold asked if 73-77 Main Street is back in order.

Manager Revella replied no, it has not been cleared through DEC yet. Tank has not been removed. DEC has been in contact with owner who said she would comply and she is looking for estimates for removal now.

Deputy Mayor Hoffman asked if the snow storm costs we would continue to keep track of costs per storm.

Manager Revella replied yes.

Approval of November 15, 2016 Minutes

Trustee Ramos made a motion to approve the November 15, 2016 Minutes. Seconded by Trustee Adams. All ayes. Motion carried.

Trustee's Committee Reports

Town of Montgomery & Library Board liaison – Trustee Leonard

Trustee Leonard reported that he attended the Orange County Planning meeting at Mount St. Mary's to review the County Comprehensive Plan. It was well attended. Hot issues were economic development and the extension of the heritage trail. Public input can be given by calling OC Planning. Library has many programs going on this month and he passed out their calendar of events. He attended the OC Association of Towns, Villages, and Cities meeting where they talked about CHIPS funding given by Larry Marshall.

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

Trustee Ramos reported that Valley Central completed 3 day sessions for their strategic 5 year plan. It's an energetic program and feels they are looking to further the district into the 21st century. Great work by Superintendent Xanthis on this. The plan will be distributed to schools in January. Christmas in the Square was wonderful thanks to Parks and Rec and DPW.

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

Deputy Mayor Hoffman reported that he met with Dean today and he was away on vacation last week. Talked about the Planning Board meeting and the fact that Overlook at Kidd Farm has gotten a 1 year extension until December 31, 2017.

DPW Liaison– Trustee Sebring

Trustee Sebring reported that the tree lighting was great. Kudos to DPW and Parks and Rec for doing that work. Sweeping is done in the Village for this year. Completed backfill of new building and steel structure will be started this week. Salted twice and plowed once so far this year.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that problems for the software for water meter readings and billing is rather difficult to work through. The AUD is still being worked on. She and Kelly both attended a webinar about Effective Fund Balance Policy. She feels it is a way to put something in writing between affordable taxes, maintaining a safety net, and justifying what fund balance you choose to keep. Shows we have a policy and a plan in place to make it more palatable to the Comptroller's office. She would like to pursue this with the Manager and the Treasurer after the AUD is finished. She feels it's a way to control the fund balance as we always talk about not wanting to increase taxes.

Mayor Rumbold asked if they take the policy into consideration when giving the grade for fiscal stress.

Trustee Adams replied no, our level of comfort is up to us.

Mayor Rumbold doesn't feel we need to justify anything to NYS as they don't hold themselves to their own rules or standards. As long as we feel we are being fiscally prudent why do we need to justify anything. She is not really a big fan of holding onto fund balance as its taking money out of the pockets of the tax payers. She finds it ironic that they are telling us what to do when they don't follow their own guidance. If we can do it and it is beneficial to the Village then let's do it, but if it's just to make someone in Albany happy, she says no.

Trustee Adams feels it would be good to give us guidance for us to set a reasonable fund balance as well as for the public, not just for the Comptroller. Feels it would be positive for the Village and another tool for us to use. They talked about doing this when Kelly came on board.

Police Department and Justice Department Liaison – Trustee Mishk

Trustee Mishk reported that he met with Chief today and he reported that DARE graduation is Thursday the 8th at 1:30 pm at Walden Elementary School. Friday he has a meeting with the Chief's Association and the County Executive regarding law enforcement in the County. Vehicles are in good condition. He can share the cost of the tree lighting if anyone wants. He received correspondence about the COPS grant that we didn't get the funds this time around but we still have another opportunity. This year we have had 9,261 calls for service.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Becky Pearson, 167 Walnut Street, asked about the eligibility section of the Commercial Loan documents, it doesn't say it is in a commercial zone.

Manager Revella clarified for this program they can do multifamily dwellings as well.

Becky added that she agrees with Brenda that any kind of policy is good as it helps future Boards as you all might not be around in a 5 or 10 years so it would be good for those that are to have something they can reference.

Action Items

Hearing Request – 20 Lafayette Street

Jay Buchalski, Code Enforcement Officer, explained there was a refrigerator which has been removed and taken care of however there is scattered debris all over the back of the property. He has not heard from the property owner to date.

Trustee Ramos made a motion to set a hearing for 20 Lafayette Street for Tuesday, January 3, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Sebring. All ayes. Motion carried.

Resolution 21-16-17 – Accept Funding from the OC Youth Bureau

Trustee Adams made a motion to approve Resolution 21-16-17 to Accept Funding from the OC Youth Bureau. Seconded by Trustee Ramos. All ayes. Motion carried.

Resolution 22-16-17 – Designating Place and Time of Annual Election

Trustee Mishk made a motion to approve Resolution 22-16-17 Designating the Place and Time of the Annual Election for Tuesday, March 21, 2017 from 8am to 9pm at the Walden Fire House located at 230 Old Orange Avenue Walden. Seconded by Trustee Adams. All ayes. Motion carried.

Resolution 23-16-17 – Accepting Additional STOP DWI Funding

Trustee Adams made a motion to approve Resolution 23-16-17 Accepting Additional STOP DWI Funding. Seconded by Trustee Mishk. All ayes. Motion carried.

Commercial Loan Program

Manager Revella explained he had received additional comments since this was revised from Trustee Adams.

Trustee Adams suggested the following edits:

With multi-family dwellings added to the Summary Page...

Under Eligibility – last paragraph needs rewording to include all multi-family throughout the Village, not just in the “commercial zone” and those properties that will remain residential, not “partially converted to commercial use”.

Under Eligible Work – add a section with wording similar to A. Business Expansion that refers to multi-family improvements.

General Policies: 3rd paragraph, third line: “...first loan ‘has’ been...” currently “as”

Page 1 of Application: II. Information (typo)

Page 3 of Application: second question Assets (typo)

Attorney Donovan stated we can make these changes and redistribute for the next meeting or you can approve with the stated edits, up to the Board.

Trustee Mishk made a motion to approve the Commercial Loan Program documents with the stated edits. Seconded by Trustee Leonard. All ayes. Motion Carried.

Bond Resolution – Water Meters

Manager Revella explained this bond is so we can purchase the next installment of water meters for our water meter replacement project.

Trustee Sebring made a motion to approve the Bond Resolution for Water Meters in the amount of \$215,000. Seconded by Trustee Ramos. All ayes. Motion carried.

Public Comment

Becky McNally, 52 Oakland Avenue, explained that Wooster Grove has a planter at the entrance and she was cleaning it up and putting holiday decorations in it and a piece of the sign fell down (she showed the piece that fell). The sign is in desperate need of repair or replacing. We recently had a nice dance there but you couldn't tell there was anything going on as there are no lights. The sign boards were put up and they kept getting blown over so no one knows what is going on. If we had a permanent sign there with lighting it would announce things going on there. Without it we are not making full use of the park. She asked about the crosswalks on Main Street getting repainted.

Manager Revella stated we contacted Mr. Pullar about the crosswalks, should be done shortly weather permitting.

Anita Vandermark, 76 Highland Avenue, agreed about the crosswalks. Walden Community Council meeting tomorrow night at the Walden House. Operation Dalmatian sign-ups are at the Police Department and Good Samaritan. Wrapping is the 15th at the firehouse at 6:30pm.

Payment of the Audited Bills

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

Correspondence

Trustee Mishk received correspondence via email from a resident of Riverview Street complaining that the past tenants have been in and out of 14 Riverview Street. He explained that they were there cleaning out their belongings and that we can't dictate who the owner allows in there but that they can't reside in the residence.

Mayor Rumbold received a letter from Rev. Peggy Sullivan regarding the Community Thanksgiving Dinner that was held on November 20th at St. Andrew's Church and read the letter aloud. It was the best attended interfaith dinner event to date.

Miscellaneous Comments from the Board of Trustees

Trustee Adams commented that she liked the sample clothing bin local law that was included in the packets and would like to see that come to fruition. She thanked everyone for their support the past few weeks, it has been very appreciated.

Mayor Rumbold commented that the tree lighting was wonderful. She has heard many comments and people love the lights on the lamp posts; kudos to all.

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Motions & Resolutions**

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