

**Village of Walden  
Board of Trustees Regular Meeting  
January 17, 2017**

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
Trustees	Brenda Adams
	Edmond Leonard
	Gerald Mishk, Jr.
	John Ramos

Absent:

Deputy Mayor	Sean Hoffman
Trustee	Brian Sebring

Also Present:

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

**Village Manager's Report**

- Interviewed candidates for part time Police Officers as we have been light for several months due to a leave of absence and a few resignations. We had a few good candidates two were hired and starting tomorrow and will be introduced next meeting and likely 2 others in April/May. A number of candidates were female which is really great.
- Met with NYS DOT and Engineers, about Ulster Ave project again and the timeline and funding. TEP grant funding was officially moved to the Ulster Ave project towards construction. Getting estimates together for construction and drainage work that is needed in that roadway.
- Went to the Planning Board meeting last Monday with 1 project in front of the Board at that time; a potential new owner of 39 Edmunds Lane looking for a site plan waiver. Hopefully that works out.
- Have a few rehab loan projects that he followed up with which are going forward well.
- Had a few mornings of salting and had to cover a few departments due to absences but all is going pretty smoothly.
- Evaluations and inventory are completed. Starting and ready to start budget process this month.
- Went over a number of personnel matters in Police Department, they are going smoothly, not too many issues.
- Leadership Day event last week was well attended.

Trustee Mishk asked about Wileman Avenue and the chicken issue; is it cleared up yet?

Manager Revella replied no, that the Building Inspector sent a notice that if they weren't removed within x amount of days they would be brought to court.

Trustee Mishk asked if we could readdress that; didn't we say we would remove them if they didn't?

Manager Revella replied no, they promised to remove them.

Trustee Mishk feels this will drag on and drag on. We had this hearing over a month ago. He misunderstood what the resolution was. Could we do the hearing in front of us again for next meeting?

Manager Revella replied yes, we would just need to notice them.

Attorney Donovan stated that the code provides he would have to be re-noticed, given time to remediate, and if not have another hearing before the Board.

Trustee Mishk wants to put it on for the next meeting, not wait.

Manager Revella stated that the Building Inspector could serve notice and proceed at the hearing.

Mayor Rumbold stated that they were removed and they brought them back so she wanted to go forward with the courts to avoid the games that are being played.

Trustee Mishk feels we need to go back and address the issue of the building structure because clearly it's not for parrots or exotic birds.

Attorney Donovan stated that the court can't order the removal of the chickens, he could just order a fine. Clearly they are going to just put them back and start a whole new violation.

Manager Revella explained that this could be cyclical. He could do that forever and there is nothing we can do about it as there is no remedy. Whereas the court can fine them.

Mayor Rumbold asked how we get them to do something about the structure itself.

Manager Revella explained they were told to ask for an interpretation from the Building Inspector and then if unhappy with that they would need to go to the Zoning Board.

Attorney Donovan explained that they need to be given a notice of violation for the structure and order the remedy within a certain time frame and then if not removed we enforce removal.

Mayor Rumbold feels that if we deal with the structure and it has to be removed then you really resolve the other issue as well.

Attorney Donovan stated that we would need to enter into Attorney client privilege to discuss this matter further.

Trustee Adams asked if he received a confirmation on the tourism grant. Is that grant for last year or going forward?

Manager Revella replied he received a message in writing but no official letter from the county and he is not sure of what year it is for, he is looking for that info in the letter.

Trustee Adams asked if we applied for any other events like Music in the Grove.

Manager Revella replied that we applied for Harvest Fest but not yet for Music in the Grove. We'll apply for as many as we can think of.

Trustee Mishk asked if that funding could be used for an Electronic sign for Wooster.

Manager Revella replied probably.

Trustee Leonard asked if there was correspondence from the Town on the IDA.

Manager Revella replied the IDA met on Monday and heard from the new potential purchaser for 39 Edmunds Lane. Just heard information from them, no hearing yet. Will have a hearing at the next IDA meeting.

### **Approval of January 3, 2017 Minutes**

Tabled, as the minutes are not available yet from the Clerk as she was out of the office unexpectedly all last week. She will work on them and have them available as soon as possible along with tonight's minutes.

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

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

Trustee Leonard reported that the Library is working on budget and state grant. Calendar is available for this month.

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

Trustee Ramos reported that 175 kids for basketball, more than last year and sign ups continue. Valley Central school board meeting on the 9<sup>th</sup>, not much going on there. Few extra paraprofessionals hired and he attended secret hiding places for contraband in a room which was a good workshop. He read to Mrs Rodriguez and Myers classes and attended a good fantasy football meeting for 5<sup>th</sup> grade.

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

Deputy Mayor Hoffman was absent.

#### **DPW Liaison– Trustee Sebring**

Trustee Sebring was absent.

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

Trustee Adams reported that Kelly is working on last year's AUD which should be ready by end of the week and will continue to work on it.

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

Trustee Mishk reported that he met with Chief today and he reported that things are going well. Last week we had a labor management meeting with PBA, Chief, and Manager, came to a fair resolution for them. One car is back to us and the other is still out of

service. New part timers started, looking forward to do that. Hopefully will decrease overtime. There were 11,998 calls for service last year.

Mayor Rumbold read the community events into the minutes.

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

Becky Pearson, 167 Walnut Street, asked about the townhouse affordable unit and what she read in the packet saying the applicant asked for this to be changed. Is there a reason why he wants it changed?

Mayor Rumbold replied that it was not the applicant, it was the Board who asked for this to be changed, not sure why it says the applicant.

Becky replied that there is a letter in the packet that says it's the applicant.

Mayor Rumbold replied that letter was after the fact. We spoke to the Planner about changing this last year. The applicant since asked the Planning Board if they were in favor of this change, which is the letter. It has been out there for a year and is public knowledge that it was discussed. She further clarified that it was not at the applicant's request, it was just discussed at the meeting, and the applicant went to the Planning Board to ask for their support for the Board to adopt this local law. Our Planner suggested that we look at where everyone else is in the county and that she felt it was higher than everyone else and suggested we come into parity.

Becky asked what his purpose is to have it changed. She wanted to be sure they are not going to get the 4 feet back they asked for that this Board changed before.

Manager Revella stated that is a Planning Board issue. If this Board changes it back then those units that aren't affordable would have to be the size they are supposed to be. Whatever was determined before would have to be complied with.

Becky asked about the clothing drop box, and if it would affect the one at the Firehouse. The one at the Fire house is really good.

Manager Revella stated that it would affect all of them yes.

Attorney Donovan stated that it just needs to be a not for profit or other type of agency and if they qualify they can have them.

### **Action Items**

#### **Flag Day Ceremony Request – Sunday, 6/11/17 @ 1pm**

Trustee Ramos made a motion to approve the Flag Day Ceremony request from the Walden Community Council's Veterans Community Park Committee for Sunday, June 11, 2017 at 1pm at Veterans Memorial Park with use of tables, chairs, and the Village sound system as requested. Seconded by Trustee Leonard. All ayes. Motion carried.

#### **Introductory Local Law – Clothing Drop Boxes**

Attorney Donovan drafted a local law based on one from the Town of Newburgh and Village of Goshen and is now open for your suggestions and comments.

Trustee Adams stated that she is confused by it as it says that a permit is not required if it's a 501c3 organization/church/synagogue but then it talks about if it's a private company/business says it has to have a permit.

Attorney Donovan stated that if you have property as a private person you could allow an organization to place the box on your property.

Trustee Adams asked if MPB wanted to and applied, they could put it on her private property with a permit.

Attorney Donovan replied yes, that is what it says, but he is not saying it has to be that way. If it is not the way that you want it, it is open for suggestion and comments. Now is the time to make changes. He's not advocating either way, it's your law, he's not saying you should do this.

Trustee Adams agrees with the Building Inspectors comments but looking to define it more to restrict those possibilities.

Mayor Rumbold agrees with Dean's comments that furniture and personalities not be permitted.

Trustee Mishk asked who would be responsible for any violations.

Attorney Donovan replied the property owner is responsible for violations but also would go after the permit holder. He would check if it can be out right restricted from personal property.

Trustee Adams asked why we would allow to use parking spaces for a container.

Attorney Donovan replied that if it was previously allowed we are not going to take that right away.

Trustee Adams also noted it says no more than 2; do we really need to have 2 bins on one property.

Attorney Donovan stated that if they have space and can they meet the requirements, or its two different not for profit's bins, that's why that is in there.

Mayor Rumbold stated that if you have other concerns please let Dave know, we will continue the discussion at the next meeting.

Manager Revella stated that the Attorney would make those revisions for next meeting.

### **Fire & Safety Inspections**

Attorney Donovan stated that there was a question about increasing the frequency of fire inspections. Currently it calls for periodic inspections which may be made at any reasonable time. In his opinion they can be made at any time. By state law, certain buildings must be inspected annually and NYS code states 2 family homes and other commercial properties can be done 2-3 years. There is an exemption for single family homes. Usually there is some type of complaint that can send him there for an inspection

and you all know we can get an administrative warrant should the owner not comply with that inspection. He feels the Board could amend the code and put specifically 1-2 years but feels the Village is covered with periodic inspections, but that is up to the Board. So long as there is conformity to it, the building department sets the time frame of said inspections. For example he wouldn't go to mine every other month and yours every 2 years.

Trustee Mishk stated that the Village Manager could establish the policy to get this done and on the next agenda.

Manager Revella stated that he will bring it up at least or on the agenda if it needs to be.

Attorney Donovan said we had discussed using volunteer firemen; he doesn't recommend doing that and would shy away from using volunteers. If there are qualified people to help with back log we would hire them on a temporary basis.

### **Zombie Property Law**

Attorney Donovan explained that he researched some more as this new law that went into effect on December 20, 2016. He got some interpretations from the state. There is a list of banks that are exempt from this law such as Federally Chartered banks, savings banks, savings and loans, credit unions, etc. One of the questions the Manager has was if we could establish our own registry of vacant or abandoned buildings that could be in foreclosure. There is a State wide registry that we have free access to but intent is to preempt local legislation. His recommendation is to attempt to use that registry and see how that works. We are not entitled to establish our own registry at this point. He will work with the Building Inspector and Village Manager to coordinate with the state registry and hope this is more effective than where we were. He was on the site and the law also requires a hotline but he couldn't find the number online, maybe he didn't look in the right spot. Maybe it's too soon to say since it was just enacted/established.

### **Townhouse Zone Affordable Units**

Manager Revella stated that this is reproaching the Townhouse law that currently said that 20% of the units need to be affordable and we talked about pros and cons and had the Planner give us an interpretation and asked the Planning Board for their opinion who are in favor. 10% has been upheld so far. We are the only ones at 20% in Orange County.

Trustee Adams asked if the Townhouse law was built around one specific project.

Manager Revella replied yes.

Trustee Adams said that the 10% doesn't bother her but she is curious about one that was approved and whatever concessions that were allowed in that 20% in order to get the affordable units vs the market value property. If we change it, can we say the Planning Board has to revisit that parcel?

Attorney Donovan stated that in the Local Law you can, should you so choose, to say either of the following; projects that received prior approval would still operate under the previous law, or projects that have been finally approved have to operate under the previous law, or any projects that have any other status of approval have to operate under the new law. In other words you can make a distinction about compliance in the local law

that is drafted. You could make it date specific and say depending on level of approval you have to comply or you don't have to comply. And if the answer is you don't have to comply then they need to comply with whatever size the units is that we require.

Trustee Adams confirmed that we could make it so they could stick to 20% and whatever concessions they were given or change it to 10% and review it again and change to the current allowed unit size.

Attorney Donovan replied yes. If the Board is so inclined he will draft a local law for the Board's review.

Trustee Adams feels they can't have their cake and eat it too.

Manager Revella agreed and stated that if they change to 10% he would recommend that they also include that they have to comply and whatever concessions have to comport with the new local law.

Trustee Mishk asked if this would mess up this project if we change it.

Manager Revella stated that there wasn't a Townhouse Zone at all in the Village until this project came about. There was a give and take to allow that zone. There should be a Townhouse Zone in the Village at some point and prior to this because we do have Town houses but there wasn't, it was zoned RM. It makes sense because there are things in that zone that are specific to Town houses versus a multi-family dwelling. He feels that it would balance out in the end with the changes that they would have to make they would probably have to make it up in market value sales; he doesn't know for sure. He added that it shouldn't be the judge of your decision, it should be judged on whether this is a better fit to have better market value for our housing here in the Village.

Mayor Rumbold added that the conditions that existed have changed.

The Board agreed.

### **Update of Water and Sewer Code**

Manager Revella noticed in our last billing period there was a question from a resident about one of the codes and we reviewed it and realized we have an issue with our code and had the Attorney draft a local law that we feel will address those problems with the billing.

Attorney Donovan added that is has to do with when we go into penalty and when late fees are accessed. It currently says it was due 30 days from some unknown date; it was not date specific and now it reads if not paid by the 15<sup>th</sup> there is a 10% penalty added. Relative to the sewer one it needs to be modified as the sewer and water late fees were inconsistent in the code and the Board would need to repeal another section of the code so that they read the same as it pertains to the penalties and late fees. Since the sewer one is not in final form you are better off seeing the final form first and introduce it at that meeting and set a hearing at the next meeting.

Mayor Rumbold said we'll wait for that revision and then it will be on the next agenda.

### **Hearing Request – 101 S. Montgomery Street**

Jay Buchalski, Code Enforcement Officer, explained there is scattered debris all over the back of the property. He has heard from the property owner who said the tenants would clean up everything. Some of it was cleaned up but the scattered debris is still all over the property. He passed out photos taken today. He left a message for the owner to say that it was still not in compliance.

Trustee Mishk made a motion to set a hearing for 101 S. Montgomery Street for Tuesday, February 2, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Adams. All ayes. Motion carried.

### **Hearing Request – 38 S. Montgomery Street**

Jay Buchalski, Code Enforcement Officer, explained there is debris on the property. The owner called and said that he doesn't own the property and that the bank does but he is still the owner of record at this time. There has been no change to the property including a couch, a chair, and a lot of other items.

Trustee Ramos made a motion to set a hearing for 38 S. Montgomery Street for Tuesday, February 2, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Hearing Request – 48-50 Wait Street**

Jay Buchalski, Code Enforcement Officer, explained there are 2 abandoned vehicles on the property. One has front end damage and the other one, a white Monte Carlo with no plates, has been covered with a tarp but other than that there have been no changes.

Trustee Adams made a motion to set a hearing for 48-50 Wait Street for Tuesday, February 2, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Leonard. All ayes. Motion carried.

Mayor Rumbold added that the old flower shop on Orchard Street, 15 or 17 Orchard Street, has had a red car parked in the driveway that looks like it has a smashed window and has no plates on it, if you could look into that please.

### **Public Comment**

Becky Pearson, 167 Walnut Street, asked about what was going on with 39 Edmunds Lane and what was coming in there.

Manager Revella stated they are a company that makes statuaries such as the Oscars and other statues.

Becky asked what the \$4,000 payment in the bills for Walden East LLC is

Manager Revella replied it is 2 months of rent to Amthors; our temporary facility for the DPW while the new one is being built.

Becky suggested setting limits per organization for the drop boxes if you want to talk about that. You made a comment about a church that may have people want to put them into their yards. Perhaps limit them to how many an organization can put out total in the Village, something to consider. Parking lots is a good point that was brought up it really



depends on the size of the parking lot; maybe word it per square feet or something like that. She doesn't suggest you put it in there without some sort of limitation. The Townhouse law was drafted for that project in mind but it will sustain itself if there are other projects that might come into the Village if something were to get annexed into the Village. It is something to think about it, it wasn't just for that one project. Think of the long term because that law carries forever. Thanks for accepting Flag Day and Leadership Day, it was wonderful and thanks to all who took part and donated, it was great.

Mary Ellen Matise, 54 Gladstone Avenue, asked if the tourism grant was submitted for the walking tour brochure. Is that still on the list to the county?

Manager Revella replied yes, not sure if it is for next year's round or what as it didn't go in before December 1<sup>st</sup>.

Mary Ellen handed out the invite to the Women's Club Dinner and a brochure on Town of Montgomery Senior Independence Project (TOMSIP) as they are desperately looking for volunteers for that program and would love to have everyone come to the pot luck dinner. TOMSIP is running short on volunteers for the program, please help spread the word. The Townhouse law has been going on for 10 years and we still have no idea when the shovel will go into the ground and they just keep getting extensions. They did make all the units narrower the last time they came in.

Trustee Leonard replied that only the affordable units were taken down to 20, the others are 22 or 24.

Mary Ellen continued that there have been fluctuations in the market since then and that was their rationale for doing that to cut costs but as a legislative body that is not your concern. We don't do it for anyone else in the Village. They have to market however they can to make them appealing and marketable, they can't just keep coming and asking for concessions.

Becky McNally, 52 Oakland Avenue, feels private properties shouldn't have drop boxes. Things get piled up and make it look awful. Happy to hear the idea of the electronic sign at Wooster as she feels it would be wonderful to enhance all the great things we do at Wooster, thanks to Trustee Mishk for bringing that up. It's not spring yet, but it is coming, can we power wash the front of the building as it's so dirty and it would look so lovely if it was clean? She asked if we have a list of fishing sites in the Village. Someone told her we lost some sites.

Mayor Rumbold replied no sites were lost, but it was suspended this summer by the DEC due to the algae bloom but that was only for that time frame; just temporary.

Becky suggested we include that information on our website.

Gregory Anderson, 21 Princeton Drive, stated he is a 15 year resident; retired marine and NYC detective. His problem is the interactions he's had with police here. He worked 20 years in police but his experiences with individuals here have not been good. He wrote to the Mayor and thanked her for her quick action but still does not feel that he is getting the service that he deserves as a resident of this Village. In recent times he has had issues with a neighbor and since then there is debris on his property, someone threw a gas tank

on his property, his garbage was not being picked up properly, and every excuse was made for why; he's not saying it's connected but this is what was going on and he called the Village many times about it. He has seen neighbors with violations and their garbage was picked up so if you are going to be strict on rules and regulations you should be strict with everyone. That's a small thing. The main thing is that he spoke to Mr. Mishk and was not happy with the totality of their conversation particularly when he called him an angry person. In a text you don't know if he is angry, he is concerned and maybe he has a right to be concerned. He is a position as the liaison of the Police Department and has an awesome responsibility and he's explained that to him before and in this country's climate he feels he should take his position more seriously and understand that he has concerns. The diversity of the Village is changing and officers should understand that diversity is something they need to take into consideration and work on. People are not brought up the same and have different cultures. A person not like you should be treated with utmost respect as a servant of the public. He knows the police culture and always treats people with respect every day he goes to work no matter who they are and how they look. He understand the diversity of the city is different than what we have here but the fact still remains that as a Police Officer they have an awesome responsibility; they have the right to take lives and they are trained. When he looked at this scenario he wants you all to know that he is law enforcement and he understands the culture, he has been there. Understands the public is difficult to deal with but he is basically not the public, he is law enforcement; he knows what they go through, he knows what they do and what they should do so his scrutinization of the department may seem sever but in the Marine Corp and the Police Department we require the best of ourselves because we are the best and we need to think that we are the best. Dealing with the public you should take control of the situation and you should treat them as such. He is unhappy which is why he is here. He got a summons on his vehicle for parking the wrong way on the street. One day the alarm went off in his house and the Police came and he introduced himself to the officer and told him he was a retired detective and they had a conversation. He told him got a summons in front of his house and he has been doing this for 15 years and sees others doing it too. It's a two way street and he was parked in front of his house he feels is outrageous. He said they could do that. So when he went to court to fight the summons he never said that he was the same cop that gave him the summons. When he got to court he still didn't introduce himself to him and had an attitude. He was speechless. So he saw the judge and he dismissed it but if he didn't they would have a conversation because he doesn't feel it was necessary and he honestly feels he was targeted. So he went down every street leaving the police department and took pictures of every car parked on the sidewalk/grass/wrong way on streets exiting the police department that your officers pass every day. He went in the morning and in the afternoon and at night for 2 weeks prior to answering the summons and there are tons of violations all over the place. So either they aren't writing them or somebody is friends with somebody, he doesn't know. If they are their friends, he wants to be a friend too.

### **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 said the Leadership Day honorees were awesome and the presentation was wonderful; thank you, he was very impressed.

Mayor Rumbold commented that Leadership day was great and the guest speakers were great too. John did a great job and we missed you Tara. We had a great list of honorees this year. She asked for a list of members for all the Boards for Town of Montgomery; doesn't recall getting one. Do they supply those?

### **Executive Session**

Trustee Adams made a motion to enter into executive session to discuss the employment history of a particular person and to discuss the real estate negotiations that may impact the value of potential sale of Village property. Seconded by Trustee Ramos. All ayes. Motion carried.

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

**Flag Day Ceremony Request – Sunday, 6/11/17 @ 1pm**

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