

**Village of Walden
Board of Trustees Regular Meeting
February 7, 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
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

Hearing – 101 S. Montgomery Street

Manager Revella explained there is scattered debris all over the back of the property. The property owner said the tenants would clean up everything, some of it was cleaned up but the debris is still all over the property. There is no one present tonight representing the property.

Trustee Sebring made a motion to authorize the Village Manager and the Building Department to have the scattered debris at 101 South Montgomery Street cleaned up and any charges associated with said clean-up be charged back to the property owner. Seconded by Trustee Leonard. All ayes. Motion carried.

Hearing Request – 38 S. Montgomery Street

Manager Revella explained there is debris on the property. We received correspondence from Mr. Samuel stating he doesn't own the property but he is still the owner of record at this time. No one is present tonight representing the property.

Trustee Mishk made a motion to authorize the Village Manager and the Building Department to have the scattered debris at 38 South Montgomery Street cleaned up and any charges associated with said clean-up be charged back to the property owner. Seconded by Trustee Leonard. All ayes. Motion carried.

Mayor Rumbold asked the Village Manager to send a reminder to Mr. Buchalski about what times meetings start.

Village Manager's Report

- Chief and he met with the Buddhist Temple to discuss some upcoming events for this year that they plan to handle with internal security. There may be a 2018 event that they may need our assistance with and will keep us up to date on that.
- Met with our worker compensation representative who said the last 4 years and rates have been improving and we should be receiving a reimbursement as we did last year which is a slight percentage off the bill.
- The Working Leader and Mechanic came up with a new list of check offs for each vehicle. All departments have them excluding the Building Inspector at this time.
- Met with the Attorney on a few issues that have come up that we will discuss at executive session; property purchase and litigation.
- Harvest Fest and Music in the Grove have been progressing very well and should have the same home town feel to them.
- All inventories and evaluations are done. Department heads are all working on budgets now, first rounds due this Friday for review with the Treasurer and himself.
- Been reviewing property maintenance issues with the Building Inspector and 39 Edmunds Lane meeting as well as other items going before the Planning Board.
- Had some meetings with special counsel on police disciplinary matters, reviewed the potential local law and they gave comment. Please review it as he'd like to put it on the agenda for the next meeting.
- Snow storms here and there and we work on them as they come. The smaller storms cost more than bigger ones as we have to use more salt.

Trustee Adams asked about the 39 Edmunds Lane project and if it was in lieu of taxes because the Big Apple Circus paid none.

Manager Revella replied yes they paid none and this company will be paying the current taxes. They have asked to be prorated a pilot for the next ten years that haven't been paid due to exemption to get up to the purchase price. They are going to start out paying the taxes that are current, which hasn't been paid from the prior owner because of their exemption, and then going forward they will get it up to the purchase price and see where the assessor goes from there. They did ask for an exemption from mortgage tax as well as on the sales tax on the materials they will use to refurbish the building. We gain as we were getting nothing before and the property wasn't even up to date on property taxes.

Trustee Adams reiterated that it sounds like a good deal for us in the end. She originally heard about the Middletown/New Jersey railroad signals back on May 19, 2015 and still doesn't see any signals on Coldenham Road. Is that correct?

Manager Revella explained that she was correct. The NYS Department of Transportation is in charge of the crossings on any road (county, town, or local) and need to approve of any alterations. He asked them to help on Coldenham and Grant Street and they said they would but their wheels turn very slowly. There have been a few accidents since then as it is not a safe zone. We will see what happens but be careful until then.

Deputy Mayor Hoffman asked for more information on the restrictions on AIM funding.

Manager Revella replied that the Governor proposed legislation, that hasn't been approved yet, where he wanted to tie AIM funding, Aid in Municipalities, to consolidation efforts. The

Governor over the years has tried to force consolidation in different ways all over the state. Several municipalities have tried and failed which was discussed at our NYCOM and Town Conference in NYC and each organization has been opposed to it and stated at the meetings that it has not been successful. The state has not been forthcoming about this as they have claimed they would provide assistance with this and they have not and they didn't realize any savings. They also received a lot of backlash on the municipalities from residents. The new one is that they are trying to force it on the county. He is not completely opposed to those kinds of things there is redundancy in government particularly in NYS but in most other states where you have a rural neighborhood or an urban neighborhood in NYS you have an extra layer; Town government. They could for the county to take over that, push for county wide school system; it may work, it may not. Collaborated with the Senator's office and other municipalities. Our Senator and Assembly person oppose this and have discussed with constituents and it shouldn't pass NY state senate, it could pass NYS Assembly.

Trustee Leonard said that they pushed to consolidate 2 years ago and the NYCOM crew took a survey of the public about how they felt about local government and Villages came in at 80% and the State at 20%.

Approval of January 3, 2017 Minutes

Trustee Adams made a motion to approve the January 3, 2017 minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

Approval of January 17, 2017 Minutes

Trustee Adams made a motion to approve the January 17, 2017 minutes. Seconded by Trustee Ramos. 6 ayes, 0 nays, 1 abstention (Deputy Mayor Hoffman). Motion carried.

Trustee's Committee Reports

Town of Montgomery & Library Board liaison – Trustee Leonard

Trustee Leonard reported that the 3rd floor Wi-Fi is in full operation with no password required. Budget is just about finalized and she is looking for a grant from NYSERDA to improve lighting starting in children's section.

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

Trustee Ramos reported that he attended the January 30th meeting where the big issue was the new bus company who will be starting in September; no longer using 1st Student new company will be Eason Bus Company. There was a lot of dissention in the crowd but they didn't seem informed as the new company will be vetting out the employees of 1st Student and hiring them provided the vetting pans out. Eason is a national company so it was a win win for everyone if the vetting works out. There is a 2/15 strategic meeting about facilities in the district so hopefully we'll have a say so on that.

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 discussed the status of his review of 39 Edmunds Lane. He reported this the last time, but the tanks were removed at 73-77 Main Street but there is still an issue with contaminated soil they are dealing with the DEC on. Also talked about the 108 Ulster Avenue application in front of the ZBA and discussed his portion of the budget.

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he met with John and DPW has been busy picking up Christmas trees, washing truck, clearing out catch basins, preparing the sanders, mechanic has been busy changing oil and doing maintenance.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that we are getting closer to the final AUD; we are in the home stretch at this point.

Police Department and Justice Department Liaison – Trustee Mishk

Trustee Mishk reported that he met with Chief a few times over the last few weeks. Received \$212 as our portion of a drug bust with the County DA’s office. Hoping for a high probability of having National Night Out in August this year. Discussed doing some fundraising to cut costs to the Village and a big one to hit is Target before other communities get to them. We had an FDNY funeral here last week which was amazing to see and went off well. Computers are half done being installed in cars and installation is going well so far. Attended the MPB DARE graduation which was great. Chief is on vacation until Thursday.

Mayor Rumbold read the community events into the minutes.

Manager Revella stated there is an item that has been added to tonight’s agenda, the Knights of Columbus Car Show Request for 7/8/17.

Public Comment on Business of the Board

Becky Pearson, 167 Walnut Street, is looking at the local law about the clothing drop boxes, not sure why it doesn’t say no more than one per organization. In a Village of 2.1 sq. miles not sure why there would be more than one necessary so might want to add that as it is not in there. Also says no more than 2 on one single parcel, why would 2 be necessary on 1 single parcel, just another thing you might want to consider putting in there.

Action Items

Resolution 26-16-17 Designating Election Inspectors

Clerk Bliss explained this is the same as in years past with the exception of the fees for the Inspectors so she increased it to \$25 per Inspector for a total additional cost of \$100 for the election which is within her budget. We are nowhere near what the county recommends, which is \$250 per person. This takes us to \$175 per person with the Chairman getting an extra \$25. All people listed have been confirmed.

Trustee Ramos made a motion to approve Resolution 26-16-17 Designating Election Inspectors. Seconded by Trustee Leonard. All ayes. Motion carried.

Resolution 27-16-17 CDBG Funding East Main Street Sidewalks \$80,000

Manager Revella explained we got approved for CDBG funding and need to comply with the county’s regulations to go into contract. The area we are talking about is East Main Street from Highland Avenue up to the Sunoco on both sides of the street. The original application was for \$125,000.

Deputy Mayor Hoffman Made a motion to approve Resolution 27-16-17 CDBG Funding East Main Street Sidewalks \$80,000. Seconded by Trustee Leonard. All ayes. Motion carried.

Introductory Local Law – Clothing Drop Boxes

Attorney Donovan made the suggested revisions and modifications based on the comments from the Building Inspector and the Board. Since there were so many he did a blackline edition so everyone could see them. It was a suggestion of the Building Inspector to limit it to 2 bins per parcel. We also put a limit of where they can be placed based on certain zoning districts, listed zoning districts to keep them in commercial zones B1, B2, B3, B4, and MX Zone. If the Board is ok with this we could schedule a public hearing if not make revisions.

Trustee Mishk stated he feels it is ready for a public hearing.

Trustee Mishk made a motion to set a public hearing for Introductory Local Law 2 of 2017 – Clothing Drop Boxes for Tuesday, February 21, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Ramos. All ayes. Motion carried.

Fire & Safety Inspections

Manager Revella explained that he had a few good meetings and got some feedback from the Building Inspector today about fire inspections and how we would fair it out. He is ready to work on implementing the policy and have the code that would mirror that policy be drafted. If the Board is so inclined to ask the Attorney to draft a Local Law.

Deputy Mayor Hoffman clarified that the modifications would be according to the Building Inspector's recommendations today required all attics and basements to be inspected as well as adding single family rentals for fire and safety.

Manager Revella replied that we would modify that recommendation as we didn't anticipate adding of single family rentals to that but we can work on that.

Attorney Donovan stated that we talked about this last time that NYS Executive Law that indicates nothing in the law shall require regular owner occupied family dwellings be regulated. If he read Deans memo correctly he is talking about apartments within an apartment building and he doesn't feel we have the authority to do that unless there is a threat or suspicion to the public health safety. We could get a warrant in that case, but otherwise we cannot do that to single family owner occupied.

Trustee Mishk explained that this was intended to beef up the inspections taking place. There were a few things that Dean suggests that he agrees with and we need to solidify. Under state law we only are allowed to inspect common areas of apartments. He suggests we amend our Local Law to take out that instance of 2 family owner occupied so that they can also be inspected.

Attorney Donovan stated that if it is a 2 family owner occupied house, we cannot inspect that. We will not be able to do that as state law says we can't override that. Any 2 family non-owner occupied we could get inside and would need to amend the code to provide that. He is 90% sure we can do that but will be 100% sure for the next meeting.

Deputy Mayor Hoffman clarified that the intent is to look at the apartments, basements and attics and we could not do owner occupied 2 family or single family homes. Does that include single family homes that are rented?

Manager Revella replied not for this provision. If we were looking at the Landlord Registry we would look at that, but not for the fire and safety inspections at this time.

Deputy mayor Hoffman confirmed there is just one modification then at this time.

Trustee Mishk stated that there is one other modification we were looking to put in this code which is a \$60 fee to pay for this which was the suggestion from the landlord. It would be per building, not per apartment/unit.

Trustee Adams asked if we have the man power to do this.

Manager Revella replied we discussed it but not sure it is necessary yet. He is not sure we will need it. Once the draft is in place we will look at the amount of work and decide at that time if we need to hire someone part time to assist with that.

Trustee Mishk made a motion to authorize Village Attorney to draft a Local Law for the Board's review pertaining to Fire & Safety Inspections. Seconded by Trustee Leonard. All ayes. Motion carried.

Introductory Local Law -Townhouse Zone Affordable Units

Manager Revella explained we have been discussing this and the attorney discussed what kind of Environmental Statement we need to file.

Attorney Donovan stated that the EAF (Environmental Assessment Form) form that the Planner will prepare for us. If the Board is so inclined you could schedule a Public Hearing for this but would suggest waiting until March 28th to allow for responses to come back from the County. This has to be referred to our Planning Board and the County and they each have 30 days to respond to us. It is standard practice to set the hearing and then wait for responses but the Board could wait and do what it would prefer.

Trustee Adams feels this draft is missing some things. We had talked about putting a specific date in there that this becomes and it's not there. We talked about the concessions made for one project out there and she's not sure how that all factors into this.

Mayor Rumbold stated that was just a discussion not a consensus of the Board.

Attorney Donovan stated perhaps the Board would like to come to some consensus before going forward then.

Trustee Mishk does not feel it is a big deal to change.

Trustee Adams disagrees as he has certain approvals.

Trustee Sebring agrees with Trustee Mishk.

Deputy Mayor Hoffman stated that the Townhouse zone was essentially made for a single project and it would be somewhat short sided to do this and not include that project in this.

Trustee Leonard and Trustee Ramos agreed.

Mayor Rumbold commented that she thought that project got certain concessions from the Village because that 20% was so much higher than others.

Manager Revella suggested we find out first and then after that set the public hearing.

Attorney Donovan commented that we had talked about potentially grandfathering in or make it applicable to pending applications that didn't have final approval. Recall that this Board does not have that authority to give final approval, the Planning Board gave whatever conditions were imposed, not you. Take a closer examination if you are going to back off certain conditions of the approval or of the project.

Mayor Rumbold stated we are changing rules from when it was presented to Planning Board and she is sure the applicant argued that he wanted certain concessions based on that 20%. So how is it fair to reduce it to 10% if they will lose those concessions? We need to look into those concessions in order to have a reasonable discussion.

Attorney Donovan feels that there seems to be the possibility of making further modifications so he would recommend the Board wait to refer it until it is in a more final format.

Deputy Mayor Hoffman asked about how the timing works.

Attorney Donovan stated that it is 30 days from the date of referral but there is also a kicker in there that if they get a response beyond 30 days before the hearing we are bound by that recommendation. The Board cannot take action without a referral.

Deputy Mayor Hoffman stated he would like to hear what the public has to say as the comments may shape the local law.

Attorney Donovan stated that the Board could do that as well. He would recommend that the Board doesn't close the Public Hearing to give an opportunity for comment.

Introductory Local Law - Update of Water and Sewer Code

Manager Revella explained this is based on a complaint received and we looked at the water and sewer billing and how it takes effect and we found disparities between billing.

Trustee Adams made a motion to set a public hearing for Introductory Local Law 3 of 2017 Sewer Billing as well as for Introductory Local Law 4 of 2017 Water Billing for Tuesday, February 21, 2017 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Leonard. All ayes. Motion carried.

Approval of DPW Building Bids – Mechanicals

Manager Revella explained we would like to try and get some progress done. Got bids back today and would like to move forward should the Board be so inclined to approve the lowest responsible bidder.

Deputy Mayor Hoffman asked for an overview of where we are in our timeline and any costs associated with being off that timeline.

Manager Revella replied that we are being paid back money \$750 per day from the General Contractor (Zitone Construction) as it is not done in time and the project is late now. Without these bids approved the General Contractor can't finish his portion as he can't do the slab until most of this work is finished. We are renting a place for our DPW to work out of until it is done but we are making money to do this. We would bond the Phase II part to finish the work. The liquidated damage is already done.

Deputy Mayor Hoffman asked if he was willing to pay for this even though you don't have these contractors lined up.

Manager Revella replied that he's not ready for these contractors yet anyway. Overall, we are a little bit ahead on Phase II and we are under what he had anticipated by almost \$200,000.

Trustee Leonard asked who is doing the overhead doors.

Manager Revella replied that is part of Zitone's responsibility as part of the contract.

Trustee Mishk asked if there is a reason Mayfield didn't bid the HVAC as well as the plumbing.

Manager Revella replied that he didn't feel he had the time to do both so he only bid the plumbing.

Trustee Adams asked if the work is all comparable work as there is a large difference in price between bidders. Will they all cover all of our needs?

Manager Revella replied yes. That was one of our concerns as well. If you look at the HVAC system for example, it turns out that some of the companies were using different materials than others which created a huge gap in the pricing. We went back and redid the bid including the kind of heating systems we were looking for and rebid it again and they came back as they are before you which is pretty different, but they are all on the same page. They have all been vetted by our engineers. Some people were using different equipment and Mr. Queenan went back to them and pointed it out and when we rebid we put in the bid to use this or a comparable equivalent so that they were aware of the huge difference.

Trustee Sebring made a motion to award the bids for the mechanicals for the new DPW building located at 12 Bradley Lane as follows: Electrical to ADCO Electric in the amount of \$90,580.00; Plumbing to Mayfield Plumbing, Heating, Air Conditioning Inc. in the amount of \$99,495.00; and HVAC to Advanced Comfort Technologies, LLC in the amount of \$178,000.00. Seconded by Trustee Ramos. All ayes. Motion carried.

Knights of Columbus Car Show Request 7/8/17

Paul Platé, 94 Mills Road, he is a Past Grand Knight and a current Trustee. They are looking for approval for the 7th Annual Car Show with the same footprint as the past in the Municipal Square on July 8th and July 15th as the rain date from 9am-4pm. The sandwich
February 7, 2017

board signs would be various Village entrances including the one on Route 208, Route 52, Ulster Avenue, and S. Montgomery Street.

Trustee Ramos made a motion to approve the Knights of Columbus Car Show Request for Saturday, July 8, 2017 with a rain date of Saturday, July 15, 2017 in Municipal Square from 9am-4pm to include use of Village garbage cans and approval of temporary event signs (sandwich board signs) at the various entrances to the Village including the one on Route 208, Route 52, Ulster Avenue, and S. Montgomery Street. Seconded by Trustee Leonard. 5 ayes, 0 nays, 2 abstentions (Trustee Ramos & Trustee Mishk). Motion carried.

Public Comment

Angel Santana Jr., 14 Utopian Place, read a letter to the Board aloud explaining his history here in the Village, his great love of Walden, and his concerns about the officials running the Village especially the Code Enforcement Department. (Copy of letter included in with the minutes.)

Manager Revella stated that if he or his neighbors had a specific incident that should constitute an official complaint he/they should come to the 3rd floor and file that with his office to make it official.

Angel replied that his statement is made for the Board's ears and he is praying that each one of the Board members can take that and digest that, he is not all pointing fingers we are all grown adults here. His letter is just about corrective action. For the record, you can make a complaint but when you do and you are given repercussions such as a threatening phone call to your home telling you to back off the Village or if you go 26 days without water and you call the Village Manager and he says "maybe you should wait til spring," that does not constitute making a formal complaint where something gets resolved. He loves this town and he'll never leave it. He is just asking the Board to listen and respect his wishes so that we can make it amazing because it loves this town. He bleeds Walden.

Mary Ellen Matise, 54 Gladstone Avenue, stated she submitted for another historic marker but the Board needs to say you want it. Pomeroy did a round for women's suffrage and she put it in for the Walden Women's Club. Asked if we could put in the street. Need to officially say yes that you want it. It came up fast and normally she asks first before she applies, but this was so quick that she didn't have time to ask first.

Historical Grant Approval

Trustee Ramos made a motion to approve the historian's grant application to the William G. Pomeroy foundation on behalf of the Walden Women's Club for placement of a historical marker in the Village right of way near the Walden Methodist Church, 125 W. Main Street. Seconded by Trustee Adams. All ayes. Motion carried.

Anita Vandermark, 76 Highland Avenue, asked about the chickens on Wileman.

Manager Revella replied that the home owner applied for a building permit for the structure.

Anita stated that on Saturday the 11th there is a Paint and sip to benefit Relay for Life at 1pm at the VFW. She confirmed the rail trail work had started.

Manager Revella confirmed the work on the trees on the rail trail started yesterday and will take 5 days to complete, per the Town of Montgomery.

Payment of the Audited Bills

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

Correspondence

Mayor Rumbold stated that we all got a letter from the Village of Montgomery about the St. Patrick's Day parade on March 18th. Let the Clerk know if you want to attend so she can RSVP.

Miscellaneous Comments from the Board of Trustees

Trustee Leonard pointed out that the latest cash report shows sales tax is coming in higher than anticipated which is good news.

Mayor Rumbold stated that we received a letter from Washington's Headquarters that our Historian, Mary Ellen Matise, is going to get the 2017 Martha Washington Award. What a nice honor and congratulations to Mary Ellen. There will be a reception in her honor on Sunday, March 19th at 2pm.

Executive Session

Trustee Mishk made a motion to enter into executive session to discuss threatened litigation regarding PEOPLE, Inc. as well as 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.

Mayor Rumbold invited Rebecca Pearson, Zoning Board Chairwoman, into executive session for the discussion on threatened litigation regarding PEOPLE, Inc.

Motion made after Executive Session

Trustee Ramos made a motion to authorize the Village Attorney to draft a contract for the sale of 27 N. Montgomery Street. Seconded by Trustee Sebring. All ayes. Motion carried.

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

Hearing – 101 S. Montgomery Street

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