

**Village of Walden
Board of Trustees Regular Meeting
May 16, 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 T. Hoffman
	Trustees	Brenda Adams
		Faith Moore
		John Ramos
		Brian B. Sebring
		Lynn E. Thompson

Absent:

Also Present:	John Revella, Village Manager
	Tara Bliss, Village Clerk
	Dave Donovan, Village Attorney

Village Manager's Report

- There was an incident this morning in the Village of Maybrook where the Police Chief of the Town of Montgomery and Village of Maybrook was shot but is resting at St. Luke's hospital and is doing well. The incident was resolved without any further conflict other than the individual involved. There will be a statement from the police coming out soon. We assisted where we could for most of the day covering the Town of Montgomery and Maybrook and were happy to do so. We will continue to do so until the Chief is out of the hospital.
- Gave the Department of Labor the certified payrolls from the contractors doing the new DPW building per their request.
- The Jets trip has been secured for the Patriots game against the Jets in October.
- Veterans Park improvements are ready for Memorial Day.
- The Parks Department planted flowers around the Village yesterday.
- Went over system improvements in the new DPW building with the Engineer and Working Leader. The floor is in and the walls should be up shortly and then HVAC, plumbing, and electric will be in shortly after the framing is done.
- Received the NYCOM salary survey and looking for an outside vendor to solicit as well as discussed with the Board during budget sessions.
- Meeting with the Clerk and Pattern for Progress following up on things hopefully they progressed with that and followed up with the businesses we put them in contact with
- Interviews for Summer Camp are tomorrow and Thursday.
- Met with Orange County Tourism and the Recreation Coordinator reviewing the timeline for the Parks improvements we've done in the Village. We went over the comp plan and vision for the parks for the future.

- The Marcus “Mickey” Millsbaugh Boat Launch and Riverfront Park project started and has been going along well. Most of the area has been cleared. Engineer is meeting with us on Friday to review.
- Had a number of problem trees cut down on a few streets including Walnut Street.
- The road salt order is in.
- Attended the Arbor Day ceremony at Olley Park and it was great! Thank you to Mrs. Phelps and Mrs. Pearson for organizing the event. It does help get our application approved for Tree City USA every year.

Trustee Adams asked the status of the \$4,999 County Grant for Harvest Fest.

Manager Revella stated we received it and it was for last year’s event.

Trustee Adams commented that she was surprised and happy to hear that National Night Out is going forward and it is nice they are dedicating it to Dustin.

Trustee Sebring asked when the first committee meeting would be.

Manager Revella stated they are doing that internally and Officer Reynolds will be in charge this year, not sure but can check with the committee.

Deputy Mayor Hoffman asked about the new DPW facility if we are still ok in terms of the schedule.

Manager Revella replied we are on time with the schedule that the Engineer presented and should be in the building by mid-June. We have most of our materials in and they are using the trailer to work out of that is down there. Our guys are doing drainage work around the building, stone is in and they are starting tomorrow. They will be working on the inside work simultaneously and the lead time for the interior work materials was 2 days so we aren’t really waiting around too much.

Trustee Ramos asked about the timeline on the salary surveys.

Manager Revella replied we are looking at trying to get what was already available which we did get a good one from NYCOM. He is looking to see if he can get one from the Managers Association he is going to a conference next week and will ask for them to assist us. Trustee Adams had one vendor that she knew of for sure and should try to get one more so we can do a solicitation.

Approval of May 2, 2017 Minutes

Trustee Adams made a motion to approve the May 2, 2017 minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

Trustee’s Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring reported that the floor has been poured at the new DPW building, flushing sewer lines out, sweeping, and training another operator on that, the dig holes on Ulster Avenue from previous digs have been filled in and blacktopped, installed 8 new meters, and they dug holes for the trees for Arbor Day.

Mayor Rumbold commented that the brush was cut by the Tin Brook, did we do it or the State?

Manager Revella stated that the State cut the brush. Been working well with regular correspondence now.

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

Trustee Ramos said a kudos to the Parks and Rec department as he got some great feedback from the Director of OC Tourism. She was very impressed about what they are doing and their vision. Doing interviews of perspective employees for summer camp and other programs. That is a tribute to the program itself to have that many interviews for our great programming. He has nothing new on the School Board at this time other than today was the vote for the budget.

Police Department and Justice Department Liaison – Deputy Mayor Hoffman

Deputy Mayor Hoffman reported that he talked to Chief about finishing up the year in terms of coverage and where we stand with overtime vs the budget. Also discussed the new vehicle purchase and where we stand with that. We've been in contact all day today due to today's events in Maybrook just to keep us updated which he really appreciates; Chief was busy but found time in his day to do that.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that she, Kelly, and John will be doing interviews this Friday and Thursday next week for the auditors. She had nothing to add other than the reports provided by the Clerk and Treasurer.

Planning and Zoning Boards as well as the Building Department Liaison – Trustee Moore

Trustee Moore reported that she met with Dean and Vicki and the Village Manager and Dean sent his memo to the Board and will be speaking about the fee schedule tonight.

Town of Montgomery & Library Board liaison – Trustee Thompson

Trustee Thompson reported that she attended the last Town meeting and met with Supervisor Hayes as she wanted to keep a dialog open between us. They know about some issues on the trail and they have a schedule for trimming trees and paving some areas. Also have a schedule for trimming the high brush. They got a complaint about bats in the evening. She told them that things were going well for our summer rec program and we expect an all-time high for this year's program and asked about the breakdown of the funds and how they get split among the funds. They didn't really make that clear to her so she asked to see the breakdown. Manager Revella told her that the State is giving funding for bridges and she will follow up with them about getting some funding for the Hill Street bridge as residents have been asking about that bridge as well. The Library has been very busy and they had a popular children's author who came and read to the children. We shared the cost with the Montgomery PTO and the event was very nice and well attended. Started a new program sending a Library Trustee to the meetings of the Town to hopefully familiarize the Board with them so they know who they are come budget time. Generation Found special program they would like to have many people attend. It is for young people in recovery is on May 23rd from 6-8:30pm sponsored by Friends of Recovery Orange.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Mary Ellen Matise, 54 Gladstone Avenue, asked about Fluoride stating that she is happy to go on record that she is opposed to fluoride. It is bad for seniors and she would love to see it come out of the water to be a cost savings and we also have high levels naturally in the water.

Becky Pearson, 167 Walnut Street, asked about the way the townhouse affordable units law is written. It is not saying that those 10% that are in the first statement, letter A, are going to be affordable. Does that mean he can have 10% that are the 20 feet lot widths, can he have 10% that are smaller without being affordable and 10% that are not affordable? That is the way she is reading it.

Deputy Mayor Hoffman stated he had the same question when reviewing the law himself.

Becky commented that he is getting what he wants in a roundabout way.

Manager Revella advised she shouldn't talk in terms of "he" as the law is about all townhouse developments not just one project. The other thing to keep in mind is that you are trying to interpret the law and the Board is not licensed to interpret the law.

Becky clarified that they are making the law and feels it needs to be clarified.

Attorney Donovan interjected and stated that basically he took the 20% that was in there and replaced it with 10%, there were no other changes made to the other language in the law. He feels there is an element of confusion which may result in no action being taken tonight.

Deputy Mayor Hoffman said he had the same question and thinks there is ambiguity to it and that it could be open to interpretation.

Attorney Donovan stated that if enough members are not clear the Board would likely not take any action tonight.

Action Items

Temporary Event Sign Request – VFW Ken Rain Memorial Ride, May 20, 2017

Trustee Ramos made a motion to approve the Temporary Event Sign Request from the Walden VFW for the Ken Rain Memorial Ride, May 20, 2017. Seconded by Trustee Sebring. All ayes. Motion carried.

Outdoor Café Application – Sweeney's Irish Pub Restaurant

Trustee Sebring made a motion to approve the Outdoor Café Application for Sweeney's Irish Pub Restaurant. Seconded by Trustee Adams. All ayes. Motion carried.

Outdoor Café Application – Franco's Pizzeria

Trustee Ramos made a motion to approve the Outdoor Café Application for Franco's Pizzeria. Seconded by Trustee Moore. All ayes. Motion carried.

Set William J. Larkin Jr. Pavilion and Play Area Dedication Ceremony for Sunday, 6/4/17 at 2pm at Bradley Park

Trustee Adams made a motion to set the William J. Larkin Jr. Pavilion and Play Area Dedication Ceremony for Sunday, June 4, 2017 at 2pm at Bradley Park. Seconded by Trustee Moore. All ayes. Motion carried.

Resolution 42-16-17 – Levying Village Taxes

Trustee Sebring made the motion to adopt Resolution 42-16-17 – Levying Village Taxes. Seconded by Trustee Adams. All ayes. Motion carried.

Introductory Local Law 7 of 2017 – Townhouse Zone Affordable Units

Deputy Mayor Hoffman made a motion to adjourn Introductory Local Law 7 of 2017 – Townhouse Zone Affordable Units until the June 6, 2017 meeting. Seconded by Trustee Moore. All ayes. Motion carried.

Village Fees Discussion (continued from 4.18.17)

Manager Revella explained that the Building Inspector Dean Stickles provided a memo to the Board explaining the fees. As you can see we do not cover our costs with the fees proposed nor with the current fees. It is closer with the per building fee than it would be with the per unit charge. This is for doing this in house in this breakdown.

Mayor Rumbold clarified the shortfall is roughly \$33,000 short per year. That is how much it costs us in addition to regular costs for office.

Manager Revella clarified that he doesn't have the benefits of pension and insurance which is big added into this, he just has the hourly rates in here for himself and Vicki. This is for a 2 year cycle per year not including litigation and court appearances.

Building Inspector Stickles stated that it is an average of 4 hours per building to do everything including paperwork, mailings, and inspections and this is a conservative number with some taking less time and others taking some more time.

Deputy Mayor Hoffman stated that the true cost is likely less than the number that he gave us in terms of what we are looking at as his numbers are conservative.

Mayor Rumbold asked if he can do the fire inspections and the landlord registry inspections as well in that 4 hours per unit.

Building Inspector Stickles replied yes.

Trustee Adams feels we should go with per unit not with the per building. Dean also talks about Jay being helpful in this process and she feels that would be good to keep it in house and the price would go down slightly as his wage is less.

Dean confirmed that with himself and Jay doing it, they could do it per year. One building such as Squire Village we are doing 62 units per inspection. When people sell or refinance homes he does the same thing then through the year outside of the fire inspections.

Trustee Thompson feels she may have misunderstood as she thought that even with assistance it would be a challenge to get them all done.

Mayor Rumbold states she is looking at a listing of 3 pages of work that Jay does just on code enforcement and she is wondering how he can maintain this kind of schedule for code enforcement of the entire Village and also do fire inspections as well.

Deputy Mayor Hoffman stated that the Code Enforcement Officer, the way he understood this, would supplement Dean who would be the primary person doing the inspections and he would use Jay to make up the difference if he needed to.

Building Inspector Stickles replied that we both have many duties to do within our day. He can supplement by doing code enforcement and also the inspections, like he does.

Trustee Adams stated that Jay repeats himself in his report which adds to its being so long of a report.

Mayor Rumbold understands but is concerned something will go by the wayside if we do it all in house.

Building Inspector Stickles said that code enforcement such as grass and building/property maintenance can all be done at the same time as the inspections.

Deputy Mayor Hoffman feels the question here is whether we want to do this work in house or with outside effort. In his general experience, contractors cost more as there is an inherent mark up in hired labor which is why we try to do things ourselves such as with the new DPW building. Regardless of the decision we are trying to have it pay for itself without a number of those costs. Are we now discussing what we would charge the landlords to cover those costs? If so, is there an estimation of those costs?

Manager Revella stated that one person said he could do them with the proper credentials and his cost per unit would be covered if we charged about \$65 per unit. It's over double of what we are charging now. He did speak to an engineering firm and it is significantly higher at \$400 per unit.

Deputy Mayor Hoffman asked if we went the route of a contractor are we obligated to bid that or is that an engineering service where it's a quality based selection.

Attorney Donovan stated that you are not obligated but could RFP it. You are not obligated to go with the lowest bidder as it's a professional service contract as that person would have to have the proper license to do that.

Deputy Mayor Hoffman confirmed that if we did go that way, we would put it out for an RFP and wouldn't know the costs until the proposals came back. At that point we would have to look at them analyze the costs and adjust our fees accordingly.

Trustee Moore stated that her recommendation after looking at this memo was to look at the cost of out sourcing to compare it so that we know what we are doing and choose a fee that would cover the costs. She would be willing to help with that.

Trustee Ramos feels we have very valuable resources in the Village. Let's do cross training with a Police Officer who might want to do something like this part time. We have investigative minds and it gives us an opportunity to converse with our tenants and residents of the Village. Why not cross train a Police Officer to do fire inspections and take the burden off of the Building Department?

Trustee Sebring feels that Dean and Jay can handle this on their own. If you get a Police Officer involved then we could set a precedence within their contracts and what not as well as having to train them and pay them to go to school which is a lengthy project. We have 2 qualified people let's use them. We might even find a retired Building Inspector to help working part time who is already qualified.

Deputy Mayor Hoffman commented that if there is any hesitancy, we are not obligated, we can always reassess this. Is there a way we can work up a schedule and then we can reassess it at 6 months and if we need to do the RFP at that time to catch up so to speak, then we do and make adjustments accordingly. He would like to see the cost of out sourcing it before making a decision to go that route. He would like to control costs as much as possible.

Trustee Adams agrees with Sean, that we should try 6 months.

Manager Revella stated they could set an initial fee and then no fee after that.

Attorney Donovan asked if that is going to be a recurring fee so we would need to amend it with a local law for the next meeting to schedule a public hearing.

Trustee Thompson feel confused. Are we trying to combine Landlord Registry and Fire and Safety inspections? She thought they were 2 separate items. Everyone who owns property has to send in a one-time fee and make changes as necessary and that's a done deal. The fire and safety inspections have to be done every 2 years which is separate from the Landlord Registry.

Manager Revella replied that she is correct and that Dean is saying he can do them simultaneously and save time. NYS Building Code states that buildings with 3 or more units have to be done every 2 years but right now there is no fee for inspections for fire safety on certain units.

Mayor Rumbold stated there is a shortfall in the Landlord Registry because Dean wanted to increase that. When we imposed the one-time fee the cost of maintaining that program left a shortfall, correct.

Manager Revella confirmed and added that the Board would like to also do the fire and safety inspections and to do that as well as the fire and safety Dean fees we should charge a fee for that.

Mayor Rumbold confirmed that we do want to combine them into one. The fees are not covering the fees of the Landlord inspections which is the first piece and now adding the fire and safety inspections is the second part. This proposal is to cover both of them with this increase.

Trustee Thompson asked if every landlord joined the registry.

Trustee Moore replied no, approximately 1/3 of them have not joined the registry.

Trustee Thompson stated that is where some of the money is missing.

Mayor Rumbold asked the Board if they wanted to try to do this in house.

Attorney Donovan stated they could RFP and revisit this again later.

Trustee Moore stated that either way we still need to amend the local law so she would be in favor of amending that now. She is in favor of keeping it in house versus outsourcing on a temporary basis and then revisit it in a certain amount of time.

Deputy Mayor Hoffman stated that he would like to keep it in the Village to control costs and have a better feel for it and he would also like to get on a schedule and have the Manager keep tabs on that.

Trustee Adams agrees moving forward in house.

Trustee Thompson is not sure she is too keen on combining the Landlord Registry and fire and safety inspection. She is not in favor and feels they should be 2 separate entities. Feels we are going to get a lot of push back from the landlords. We haven't even collected the proper fees and paperwork for the Landlord Registry. She is not opposed to doing it in house but she already gets the sense that Dean and Jay have full plates right now and has concerns about doing this in the appropriate time frame. She is not opposed to hiring another part time person do that if they have the credentials and training but she can't make that decision without knowing the actual numbers. Hiring is not just about an hourly wage, we need to know about training, pensions, benefits insurance, will they use a vehicle. It might not be all that cost effective to have a part time employee. Feels we but need to have some solid numbers if we outsource this. She is on board with part of what you want to do but not with another part.

Trustee Ramos would like Dean and Jay to do the inspections and have the Manager monitor it especially scheduling it and then revisit it. If work load is too much we look at getting assistance in house assistance.

Trustee Sebring agrees with doing it in house and have the Manager keep an eye on it. He feels it can be done. May need a part time person but feels it should be in house to control costs.

Mayor Rumbold stated that the Landlord Registry has been in effect since 2015 we have a rough estimate that 1/3 have not participated. Do we know why?

Trustee Moore stated that there are some who do not want to participate as they feel it is owner occupied and therefore don't need to do it and there are some that just do not respond. We need to be more diligent in following through on that in terms of enforcement to the point of court action. We would also need to have this be more of a yearly thing and she asked if we had any unpaid fees could we levy that onto property taxes.

Deputy Mayor Hoffman stated that then the issue becomes the cost as we don't have the fees to cover the costs of that litigation and court appearances.

Mayor Rumbold stated that is where she has a problem. We have 1/3 that haven't participated and in her mind she understands we have a shortfall. So the landlords that step up and do the right thing are being penalized because they do the right thing. It's like those that don't pay their water bills and the rest of us pay ours. Tough. So we are either going to enforce it or not. Now there is a 1/3 more work if we change this and try to go after people who didn't comply for whatever reason. On top of everything else we now have to hunt them down. Not in favor of imposing another fee on those people who have been compliant. Why bother having a law if they are able to say they don't want to. She gives a lot of credit to Dean and Jay saying they can do it but now they will have to go after these people to make them comply that aren't already and let alone trying to not make this a loss for the Village.

Building Inspector Stickles stated that at the April 18th meeting he was asked to give a breakdown of the costs. He gave a few options to try to save at this point and try to do it this year. He would suggest that the Board form a small committee to discuss what you want to do first of all and then have that committee come to the Board to present what the best option is for the Village.

Mayor Rumbold asked what if all the landlords read the paper and hear we don't have to comply they are going to do anything to make them comply what if they all said they aren't paying. We set a precedent to allow this to happen. In her mind it is stupid to pass a law we aren't going to enforce. If we aren't going to do what we have to do then how does she say to someone else pony up and pay what you have to pay to have the inspections done.

Deputy Mayor Hoffman replied that currently we are asking the whole Village at large to pay for it right now. Who bears those costs, the entire Village or do we charge just the landlords to do it. He doesn't feel we pass laws and then don't enforce them, we essentially chose not to fund it so to speak.

Mayor Rumbold agreed.

Manager Revella discussed that very issue with the Building Inspector recently where we talked about the more active judiciary and presenting more cases than we have in the past. He put out a memo to his department as well so hopefully that takes place.

Trustee Sebring commented that with all the landlords that don't want to partake in this or are absentee landlords that have very unsafe buildings and we are trying our hardest to get the Village cleaned up to make it look like something. Unfortunately we have to take the good with the bad and if they are forced to do it then it's for the better of the Village.

Mayor Rumbold asked if people had to get a license or a permit to have apartments.

Manager Revella stated that we talked about it but the Board rejected that idea when it was brought up during the Landlord Registry discussion.

Mayor Rumbold wants to stop punishing those that comply and go after those that that don't comply.

Trustee Thompson feels we should utilize the laws we already have on the books instead of re-writing the law. What we are lacking is enforcing what is there.

Deputy Mayor Hoffman agrees and feels it's a budgetary issue. In order to enforce it we need to generate the money somehow and the question is whether it is the landlord or the Village as a whole.

Trustee Thompson stated that property owners are harmed by these dead beats let their properties fall into a state of ruins. It puzzles her how all this time has gone by and they haven't forced them to sign up and pay their fees.

Deputy Mayor Hoffman replied it boils down to the fact that we don't have the money to.

Trustee Moore commented that the cost to take a landlord to court over a \$35 Landlord Registry fee costs us more than just putting them on the registry. That is why by combining them, her hope would be that we would be able to enforce it on an annual basis to enforce it with levying onto the taxes. At this point we are not enforcing because we don't have that in place to enforce.

Trustee Thompson asked if letters have gone out; what does it mean to enforce? What is process? She doesn't know.

Building Inspector Stickles stated that every landlord in the Village got 3 letters, after that we go to court. It's \$200 an hour to go to court with a Village Attorney. It was a one-time fee that was set up in that landlord registry. He can bring everyone to court, but there will be a bill submitted to pay for this and all he was trying to do was find some money to put aside in that fund so that if we had to take action we would have it. That is all he was looking for, not to punish landlords, just to make it even across the board.

Mayor Rumbold stated that a majority would like to do this in house. She still has questions or any suggestions of what else we can do to enforce compliance.

Manager Revella stated that is our only provision right now, to take them to court. We talked about making a revision to the penalties where we were able to levy the fees onto the taxes. It looks like a typical criminal offense penalty provision where they get a fee of between \$500-\$1,000 per week of offense and then up to 15 days in jail. It is a large number if you win and collecting is another issue, but it is \$200 per hour to take those actions to court.

Attorney Donovan stated that similar to property maintenance if the fees aren't paid that gets put on taxes. So if we went that route it would need to be amended via local law.

Trustee Moore asked if we amend the law to fit all the things we discussed tonight it doesn't have a fee schedule set in it, it is set annually, correct.

Attorney Donovan stated that currently we do have the fee in the law but if we were to amend it to not include a fee. This law from 2015 went through 10-12 versions over about a year and a half because of the very items you are discussing now. There is not always cohesion on the concept of what every Board member wants to do.

Trustee Moore asked if we look at amending the law to not include the fee it would give us an opportunity to put concrete numbers together to present and then make for a good conversation on this. That way we can move forward on this. She is willing to work with Board members, Building Department, and Kelly to get those concrete numbers.

Attorney Donovan stated it would say the fee to be established by resolution by the Board of Trustees from time to time. He does not feel the Board is ready to do a Local Law at this time as he hears too many questions and there are a number of unanswered issues. May want to come back to this at the next meeting.

Mayor Rumbold agreed and stated that this is important. She asked the Board members to send their concerns to John and the Attorney for clarification and then they can discuss this again at next meeting.

The Board agreed.

Fluoride Discussion

Trustee Moore explained that 7 years ago fluoride was reintroduced into the water. When she was out doing petitions when running for office and she has been approached 3 times since being elected about taking it out of our water system. She did some research herself and found out we are putting a drug into the water system as well as many other concerns she cited from the FDA and public health laws of New York. We do have natural fluoride levels in our water but there is a huge difference between natural fluoride and synthetic fluoride. A form of hydrofluoric acid which is a chemical byproduct of aluminum steel cement and nuclear weapons, definitely not something we should be ingesting. Ingesting it is not good for our health but does work topically. She and the residents she has spoken to do not feel that the effectiveness of it in our water outweighs the cost of us ingesting it. It staying in our bodies. Kidney get rid of 60% of it but the rest of it stays in our body.

Trustee Thompson also had a lot of residents ask her why we are doing this. She went on a tour of the Village with Manager Revella to the different water facilities and he said don't go in there, don't touch that it's fluoride. After he told us how lethal it is to the employees and those that handle it. It is scary. It is a drug. The CDC is cautioning mothers and fathers who are receiving nutrition via infant formula to not use fluoridated water to feed their children. It is a hot topic. There are 161 water systems in NY and out of those only 17 are fluoridating the water, most are opting out. They have decreased the amount of fluoride in the water as they are finding it's not so beneficial after all. There is no way to measure how much we are actually drinking. Is it worth it when it is affecting your brain, what is more important to you: Brain drain or tooth stain? Many new studies show how fluoride affects diseases such as Alzheimer's, autism, bone fractures, brain problems, cancers, male infertility, dementia, and thyroid disease. Only 3% of the rest of the world is drinking fluoridated water. She has a lot of research to share. Thought process now is that it is ok to brush teeth with it but don't ingest it. More and more people are opting out of it and feels we should reconsider fluoridation as well.

Deputy Mayor Hoffman stated that in 2013 we reevaluated this and we spoke with Dr. Kumar, state expert in fluoride, and he stated that it gets excreted not absorbed.

Trustee Moore stated that is not true, 40% stays in the body in adults and 80% in children.

Trustee Thompson stated there is partial excretion in urine but it stays in all the tissues and just accumulates over time.

Deputy Mayor Hoffman stated that is contrary to what the Board heard in the past from state health officials.

Trustee Thompson stated it is a controversial topic no way to measure and how it's affecting us. People who want to take it certainly can without putting it in the municipal water supply. For every negative there is likely a positive.

Deputy Mayor Hoffman stated in 2013 he spoke to dentists, pediatricians, and doctors who were all positive about it and his pediatrician even wrote a letter to the Board about it as he was very concerned about it for his own 2 small children.

Trustee Thompson stated she was at her dentist the other day and she asked him about it and he said a lot of dentist services for children do topical fluoride which is good but requires more patient education. If children do good oral hygiene, using a fluoride toothpaste, and fluoride rinse, they don't need to consume it.

Deputy Mayor Hoffman stated he was not disagreeing with her but we heard from OC Commissioner of Health, state professionals, a number of people who do this professionally and the information the Board received was contrary to that. He deals with a lot of Municipal Boards in the area and a lot of times decisions like this are made first off because they are controversial and the Board doesn't want to create that political fire storm and secondly because of the cost. There is always a cost associated with this. There are also water systems in New York State that don't disinfect their water.

Trustee Adams found that for every positive there is a negative. After her research she is still sitting on the fence about it.

Trustee Ramos stated that our technology is more advanced at this point and he feels fluoridation of municipal water is outdated. He thinks it is time to revisit whether we should fluoridate any longer here. He is personally inclined to stop at this point.

Trustee Sebring agreed that times have changed. There are many contradictory studies. It is time for us to consider what we should do in the Village. Only 17 out of 161 municipalities, they all can't be wrong. Let's look at it more and make a decision again.

Mayor Rumbold stated that she is opposed to putting fluoride in the water, always has been. We can discuss and decide based on what we know best and what we feel that is best for our municipality. Our natural level is so close to what is recommended now that she feels we don't need to put additional fluoride in the water. That recommended level has decreased over the years as well. Let's continue this discussion, everyone do your due diligence, do your own research and we can put it on the agenda again for the next meeting.

The Board agreed.

Attorney Donovan advised this was done by local law so you would need another local law revoking this which requires a public hearing at some point.

Public Comment

Michael Ciardullo, 83 Walnut Street, commented that after listening to the discussion tonight on the fire & safety inspections he is confused as to how we got to where we are, so he would like to review the last 8 months. He handed out packets to the Board members. In the end of last year he got a call from the Mayor to discuss what we need to do to make sure we don't have another 14 Riverview Street. His answer was to do the fire and safety and property maintenance inspections that have been in our code for 10 years;

January 23, 2007. We do not have a program for that. We are asking a 2 man building department to do everything to enforce the laws we already have plus do all the inspections and in his opinion it is impossible for a 2 man department to get this done otherwise they would have been doing it for the last 10 years. We are asking way too much of 2 people to get this done. After that, the Mayor asked him to get in contact with the Village Manager and they both agreed that the inspections need to be done. We also both agreed that was a lot for Dean to do in addition to what he is already doing with permits stating he had over 200 building permits last year, as well as the commercial building annual inspections that he is already doing. It is just too much, it is physically impossible for him to do that. They talked about using Volunteer firemen and said there were a few that might do this. We looked at the cost of that and then also got information from an independent contractor to see what would be the best. It would be 30-60 days to get something together for her to look at which he sent to her on January 18th after a meeting he had with the Manager and Trustee Mishk, they met on January 27th. The highlighted piece of Sue's reply is that if we do not do these inspections he is concerned we would be open for liability but should not be violating our own code. Both are 100% correct. We are not violating our code we are just not upholding the code by not doing the inspections the correct way. He has a lot of respect for Dean and he would never do Dean's job for less than \$300,000 a year; it's a thankless job and he never gets any praise; tough job to do. In our meeting we talked about the whole thing at the January 27th meeting then John made notes and put out his questions to the Board. That was sent out to Sean Hoffman, Building Inspector, and the Village Attorney and he was not sure if any comments were ever received back on it. He got a message from Sue asking where we were at on this and he said he was waiting for John to get back to him. On March 3rd we met with an independent contractor who does home inspections and he discussed what it would be. We used 40 inspections that we would need to do per month he could do it for between \$40-50 per apartment from what he came up with. We thought we would charge \$60 and the extra money would go towards the extra costs and it would still be run through Dean's office who would still have control. You are looking at a \$33,000 shortfall and 5 people want to pass it without knowing the cost of another proposal from an independent contractor. We should really do our homework on this. We've reached out to other municipalities and the Town of New Windsor has 4 inspectors and they can't get it done. The fire Chief is actually doing it and it is still short. Need to look into it and see how serious it is. Need to RFP the costs. When Dean left he suggested the Board should put a committee together and do a proposal and find the best way to do this. After reading the minutes of the April 18th meeting, he has some questions. It States in here that the building department had raised \$12,000 in 2015 for Landlord Registry fees. It says it covered the expenses to do the inspections but was only 6 months' worth of inspections. In 2016 there were no fees collected but Dean says he did the inspections.

Manager Revella stated he does not know the number.

Mr. Ciardullo stated that Dean said he has been doing the inspections every year for 27 years he's done them. His question is: he used \$12,000 to do 6 months' worth of the inspections and in 2016 he had no money coming in yet he still did the inspections and if he is not mistaken during the budget sessions he returned \$12,000 back for a surplus. Is that correct?

Mayor Rumbold stated that was from a different line that wasn't used so he turned it back into the general fund.

Mr. Ciardullo clarified that he couldn't use that money to do the inspections.

Mayor Rumbold confirmed not without a budget transfer from line to line.

Mr. Ciardullo continued that he is a property owner and he is listening to how his fees will keep going up and then he is asking how we did the inspections in 2016 without fees and then turned \$12,000 back in, it doesn't look good. And now you want to come back to him for more money which will likely raise the eyebrows of the people you come after. Doesn't look good. If we do what should be done and if we can come up with an independent contractor to charge a one-time fee that covers the cost and the landlords pay for that, no burden to Village tax payers at all for the inspections. The other benefit is this, you send a guy out there to do the inspections, you have a number out there that 1/3 are not paying attention and 2/3 are. Based on that 2/3 are already done and are right and they paid the fees. Dean doesn't have to waste his time on them. So the 1/3 is going to be sent out a notice of violation citation now he has evolved what the problem is and it makes sense instead of wasting time. He thinks we need to really take a good look at this. The people he talked to about the fee said it was a no brainer and had no problem with it. To get the guy in and do the right thing. First thing they asked was what certifications need to be done. Now we know that NYS Code certifications are needed to do this. If access is denied and we had to get a warrant and we had to put the property legal fees on the property owner, can we do that.

Attorney Donovan stated generally speaking, no. In terms of litigation, that type of code enforcement we are not authorized to tack those fees onto the property owner.

Mr. Ciardullo asked how we got a warrant for the 14 Riverview Street.

Attorney Donovan stated that the tax payers paid for that as you can't legally levy the legal fees onto the property owner.

Mr. Ciardullo continued that one thing he heard tonight was that back in 2014 certain members of the Board re-wrote the Landlord Registry law. He was offended by it, he took it as an attack on himself. When we first started talking about it, the Board wanted teeth on the law to go after people on it. The Landlord Registry law that you have has the teeth of the people who are not playing by the rules. It's simple, 221-4 Landlord Registry Law says your form is due April 1st of that year. If it's not, you have fines in place but once again you are telling me that in order to process that the Village has to pay for that up front. Doesn't that go to court in the Village of Walden?

Manager Revella stated yes.

Mr. Ciardullo continued that it's a gamble whether they get convicted and you get to fine them. Otherwise you have to pay legal fees of \$200 per hour and not get anything out of it potentially. This is why we let them walk away.

Deputy Mayor Hoffman asked about the person they spoke to about doing the inspections. Would that be subject to prevailing wage?

Attorney Donovan replied not as an independent contractor. If he had employees probably would be. Would need to double check that.

Mr. Ciardullo stated that person they spoke with does not have the certification needed, now that we know what is required. He was just looking at it from an economy scale kind of way.

Deputy Mayor Hoffman asked if the fee they came up with, that \$60 they suggested, that was ok from your stand point for the landlords. If that fee came out to be double that amount would that still be ok?

Mr. Ciardullo stated that \$120 per 24 months is \$5 per month, not a lot, really nothing.

Deputy Mayor Hoffman stated that is generally his idea of keeping control of costs. We do things in the Village because we can save money.

Mr. Ciardullo replied that with this particular thing he does not know how you can save money because you have your fee, we're talking \$54,000 plus benefits. He doesn't understand why benefits is a part of it. He gets his benefits if he does the inspections or not. Just trying to figure out why that is in there.

Manager Revella stated that we were looking at the costs per hour and benefits is part of that hourly wage. That is just how you do it.

Mr. Ciardullo agreed and added there will be an administrative cost, paperwork costs, mailing costs and then you have to give a vehicle and gas and insurance to that person doing the inspections. It all adds to it especially if you get the volunteer firemen in here who are going to do it. You really have to really look at all the costs. Can we live with \$120 over a 2 year period? Yes, we can do that. Before he changed to natural gas every 2 years he had to do the state inspection which was \$165 plus all the parts he need at another \$100. That was it, it was an inspection and if he didn't do it, they shut him down. As owners, do we want to do this, no, but we all understand this is something that has to be done. We have had 3 pretty bad residential fires, we had the embarrassing disaster as 14 Riverview Street. It's like Trustee Sebring said, we are trying to clean things up to make the place look nice. The last thing that anyone wants to see is that a few weeks ago we lost a great young man who worked in the police department and he's sure it took a piece of everyone's heart being a bit broken. Can you imagine if we lost a volunteer fireman in one of these fires here knowing that we could have stopped it if we did the fire inspections? That's how important it is. We should really take this serious and find a way to get it done. One other thing, you were thinking about the Landlord Registry and the inspections. There is a provision in the code for inspections. You don't have to touch the landlord registry fee and change it, it's in there and you can change the inspection rates at any time. You don't have to mix the two.

Attorney Donovan stated that his only comment on that is that if they want to make the Landlord Registry fee a recurring fee, that provision would have to be changed.

Manager Revella added that another thing we were talking about was that we can't relevy those fees onto property taxes.

Mr. Ciardullo stated that his suggestion would be to not touch it, it's a one-time fee. Whatever money you need just put that in the inspection fees cause you can change it at any time, it's in the code. He is asking the Board to not jump our guns, let's really look at this with a \$33,000 shortfall in revenue and try to get this done. Let's get a proposal for the inspections from an independent contractor. Can the Volunteer firemen do it John?

Manager Revella stated that the volunteers he spoke to are certified but not sure about cross over insurance that may be needed.

Mary Ellen Matisse, 54 Gladstone Avenue, commented on the experts that came about fluoride, the question she asked was if they had fluoridated water and they all said no they all had private wells. The woman who left had a concern about whether or not the Village will entertain the tenant responsibility law that Newburgh just enacted and has been in the paper.

Manager Revella stated we have the draft.

Mary Ellen asked for Becky Pearson if there was going to be a discussion about the townhouse law before it comes back as a draft law. Someone call her to let her know.

Payment of the Audited Bills

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

Correspondence

Everyone received the invitation from OC Firefighters Museum, let the Clerk know if you would like to attend.

Miscellaneous Comments from the Board of Trustees

Deputy Mayor Hoffman commented that today was a stark reminder of the dangers that our Police Officers face every day, please keep them in your thoughts every day.

Mayor Rumbold said she has the same sentiment but once again when there are issues in our community we all come together to get the job done like agencies did for us when we lost Dustin the Village of Walden helped out where they could. That's what happens when you have a community that cares about one another. Very proud of our community once again.

Executive Session

Deputy Mayor Hoffman made a motion to enter into executive session to discuss the Big Apple Circus Bankruptcy, sale terms for a property located at 5 Cherry Street, the employment history of a particular employee and also to receive attorney client advice. Seconded by Trustee Sebring. All Ayes. Motion Carried.

Reconvene

Trustee Ramos made a motion to reconvene the regular meeting. Seconded by Trustee Adams. All Ayes. Motion carried.

A discussion was had about the Refuse bids received and the Board will award the bid at the next Board meeting.

**Village of Walden Board of Trustees
Regular Meeting
May 16, 2017
Motions & Resolutions**

Approval of May 2, 2017 Minutes

Trustee Adams made a motion to approve the May 2, 2017 minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

Temporary Event Sign Request – VFW Ken Rain Memorial Ride, May 20, 2017

Trustee Ramos made a motion to approve the Temporary Event Sign Request from the Walden VFW for the Ken Rain Memorial Ride, May 20, 2017. Seconded by Trustee Sebring. All ayes. Motion carried.

Outdoor Café Application – Sweeney’s Irish Pub Restaurant

Trustee Sebring made a motion to approve the Outdoor Café Application for Sweeney’s Irish Pub Restaurant. Seconded by Trustee Adams. All ayes. Motion carried.

Outdoor Café Application – Franco’s Pizzeria

Trustee Ramos made a motion to approve the Outdoor Café Application for Franco’s Pizzeria. Seconded by Trustee Moore. All ayes. Motion carried.

Set William J. Larkin Jr. Pavilion and Play Area Dedication Ceremony for Sunday, 6/4/17 at 2pm at Bradley Park

Trustee Adams made a motion to set the William J. Larkin Jr. Pavilion and Play Area Dedication Ceremony for Sunday, June 4, 2017 at 2pm at Bradley Park. Seconded by Trustee Moore. All ayes. Motion carried.

Resolution 42-16-17 – Levying Village Taxes

Trustee Sebring made the motion to adopt Resolution 42-16-17 – Levying Village Taxes. Seconded by Trustee Adams. All ayes. Motion carried.

Introductory Local Law 7 of 2017 – Townhouse Zone Affordable Units

Deputy Mayor Hoffman made a motion to adjourn Introductory Local Law 7 of 2017 – Townhouse Zone Affordable Units until the June 6, 2017 meeting. Seconded by Trustee Moore. All ayes. Motion carried.

Payment of the Audited Bills

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

Executive Session

Deputy Mayor Hoffman made a motion to enter into executive session to discuss the Big Apple Circus Bankruptcy, sale terms for a property located at 5 Cherry Street, the employment history of a particular employee and also to receive attorney client advice. Seconded by Trustee Sebring. All Ayes. Motion Carried.

Reconvene

Trustee Ramos made a motion to reconvene the regular meeting. Seconded by Trustee Adams. All Ayes. Motion carried.