

**Village of Walden  
Board of Trustees Regular Meeting  
September 19, 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

**Presentation**

Mayor Rumbold explained that the New York Conference of Mayors and Municipal Officials (NYCOM) asked for nominations to honor individuals who have extended themselves to public service for many years which has reached a certain level. Proud to announce on behalf of the Board, the Village Manager, and the Village Clerk that NYCOM has chosen the nomination submitted by the Village of Walden for Chief Jeffry Holmes and has sent this certificate publicly acknowledging his dedication and commitment for the past 30 years to our community. She presented the certificate to Chief Holmes.

**Village Manager's Report**

- We've had some progress at the new DPW building the Engineer will go into more detail but we have working power, bathroom and plumbing so we've made good progress there.
- He wanted to ask for Board input tonight on the projects coming up including roads and curbing before we finalize. It's an aesthetics decision we need to make based on the pricing we've received.
- Information is in for the next Quarterly which should be out this week.
- The listing from the County has been received and we are canvassing for new hires for the Police Department.
- Harvest Fest is going along nicely.
- He attended the NYCOM Conference in Saratoga Springs last week. Went to a few interesting classes including billing, credit card usage and savings, Board meetings and how they are worked, Civil Service Law, and fringe benefits.
- Meeting with the Comptroller and Department of State who started their audits this week in the Village.

Trustee Adams asked if we had to close Wooster gym to do the repairs.

Manager Revella replied no, it was in the closet.

Trustee Adams asked how a large mat of rugs got into the auger.

Manager Revella replied sometimes we don't know what's underground. It could be an infiltration somewhere or it could be someone put it down the sewer. We get a lot of shirts, towels, bones, rags, all kinds of stuff that get put into the sewer.

Deputy Mayor Hoffman asked for a brief overview of the Comptrollers audit that started today.

Manager Revella explained they just came today and started. They told us their intention was to check retirement reporting and a small inventory on our computers. Today when they came they said they are doing a full audit which is what they do from time to time. It will be in-depth through a certain aspect of the Village. We don't know what that certain aspect will be just yet, they don't really know until they get into the audit. They look at the trends in budgets and the last 5 year of Internal Audits and move forward from there. They interviewed Kelly and himself today and they will be here every day for the next 30 days. Don't know what their focus might be yet, not sure they know just yet either. They are auditing from June 1, 2016 through today.

Trustee Sebring asked if we have hired a new parking enforcement officer yet.

Manager Revella replied no, not yet. We have had 3 applicants and we do background checks on all of them and 2 of them have not returned paperwork to us. We did get an additional applicant we are doing background on now so hopefully soon.

### **Approval of September 5, 2017 Minutes**

Trustee Adams made a motion to approve the September 5, 2017 minutes. Seconded by Trustee Moore. 6 ayes, 0 nays, 1 abstentions (Deputy Mayor Hoffman). Motion carried.

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

#### **DPW Liaison– Trustee Sebring**

Trustee Sebring reported that the DPW building has made a lot of progress and the wiring of the overhead doors has been completed with the electricians, the piping for the air compressor is installed, tile for the floor has been installed and the electricians are working hard to finish. The guys have been out sweeping the streets and they were out on Wait Street raising the catch basins in preparation for the paving. Water department installed 16 water meters.

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

Trustee Ramos reported that he spoke with Superintendent Xanthis on the many school bus issues. The Board is diligently working on attempting to solve the problems. East End is a brand new company and some drivers weren't familiar with roadways but there isn't one given drop off point that they aren't observing and gathering data personally to work with the bus company to fix things soon. He tries to explain to parents that it will take some time to iron out the kinks but he does understand their frustrations. The bus  
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company should speak to parents themselves and possibly give out information on their own, the school is doing that but not the bus company. Harvest Fest has been keeping the Rec Department very busy getting ready for that as its right around the corner.

#### **Police Department and Justice Department Liaison – Deputy Mayor Hoffman**

Deputy Mayor Hoffman reported that he talked to Chief twice and they discussed the status of the new cars and they should be ready the end of the month or at the latest the first week in October. Other item we discussed was about hiring and the review of the County List which is out and canvass letters went out today.

Mayor Rumbold wanted to note that between January through August of this year the Police Department answered 7,077 calls for service including medical calls.

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

Trustee Adams reported that the auditors have been taking up most of Kelly's time so she has not been able to catch up with her and has no report tonight.

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

Trustee Moore reported that she met with Dean and they discussed several items including department efficiencies, fire and safety inspections, and several properties listed in his report.

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

Trustee Thompson reported that the Town is meeting with the Bridge authority to discuss the pieces they are going to receive for the Hill Street Bridge. The Library has a professor from SUNY Orange coming to do an astronomy presentation and children's author Laura Thompson coming on the 26<sup>th</sup> that they are excited about.

Mayor Rumbold read the community events into the minutes.

Manager Revella added that there are a few changes to the agenda tonight. Item E, 29 Grant Street – Street Opening Permit is no longer on the agenda as the matter has been resolved but we are adding H- Resolution for budget adjustment.

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

None.

#### **Action Items**

##### **Resolution 9-17-18: CDBG-DR Grant Funding – Pine Street Pump Station \$454,000**

Trustee Adams made the motion to adopt Resolution 9-17-18 – CDBG-DR Grant Funding – Pine Street Pump Station \$454,000. Seconded by Trustee Sebring. All ayes. Motion carried.

##### **Interfaith Fellowships Annual CROP Walk request 10.22.17 from 1-4pm**

Trustee Moore made a motion to approve the Interfaith Fellowships Annual CROP Walk request for Sunday, October 22, 2017 from 1-4pm. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Property Maintenance - 64 Oak Street**

Manager Revella explained we have an issue with a large tree at this property where large chunks fell and blocked the road and took down wires as well. We advised the property owner to do something about it and the Arborist came and inspected it, the report is in your packet, the tree is in serious danger of falling which could be a danger to the public and public facilities. We can request the owners remove the tree and if not we remove it and charge the owner accordingly.

Attorney Donovan stated that is correct per Chapter 214 of the Village code they must be given notice and opportunity to remedy it and if they don't do that we can have a hearing here and then it can be taken down.

Trustee Ramos made the motion to issue a violation for code compliance for the issue with the tree at 64 Oak Street. Seconded by Trustee Sebring. All ayes. Motion carried.

### **NYS DOT Ulster Avenue Sidewalk project update**

John Queenan, Village Engineer, explained that we have received our right of way clearance from NYS DOT; that's a big deal. What is left to do is to take our temporary easements and file them with the County, an acquisition map has to be prepared, and then title searches have to be completed. All of that then gets ships to the real estate division of DOT for review. At the same time we already have done the contract and bidding documents and the plans which are awaiting sign off but they won't sign off on those until real estate signs off first. We are still on track for bidding over this fall period and for construction in the late spring. We did get additional comments which we have already addressed. As part of this now we are developing construction management documents (state requirements) and the Village has to solicit letters of interest for construction and inspection services for the project which his firm can't do because we did the design. We mailed out to the 15 NYS pre-approved firms and they came back today. The Board now needs to form a committee to review those that get back to us to say they would like to be considered for the project and the committee would grade the packets to send to the state and choose who you have graded the highest and then once chosen we call in for interviews and go over negotiations for costs and services. That can get done while we are bidding and the Village is responsible for 20% of the original TEP grant that was added to this project which is about \$125,000. A portion of this can be used towards construction and inspection and would qualify for that match so you are not paying twice. He would like to formulate that committee now if possible to keep the ball rolling. It needs to be a minimum of 3 people but then it has to be an odd number as large as you want. We received 3 letters of interest back.

Manager Revella suggested himself, Engineer Queenan, and 1 member or 3 Board members to keep it an odd number.

Deputy Mayor Hoffman, Trustee Ramos, and Trustee Moore all volunteered. The Board agreed.

Engineer Queenan will send everyone the grading papers and set up a meeting. As far as the DPW building project, he is happy to report successful major progress over the last month. The building has running water, toilets, sinks, lifts, operating garage doors, electric, flooring, interior doors, and final painting is going on now. We have a few things left to do but the building is now at least functional. We have work to do in the water bay,  
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finish up on the main bay, grading of the property around the building, and a punch list of about 40 items; clean up stuff, plumbing work, and items that are on order. We are in the final stages now. Working on internet and phone now. Hot water heater will be in next week. One of the showers needs to get hooked up too. Still need to test the radiant heating system but it held pressure the entire time since it's been installed so the outlook is good.

Deputy Mayor Hoffman commented that yesterday he was able to walk through the building with Engineer Queenan. It is impressive. A lot of activity going on. Take a look if you can it's something to be proud of.

Manager Revella explained that pricing came back on roads for our capital projects, roads we are paving: Wait Street, Kelmour Street, Grandview Avenue, and Millard Avenue. Paving price that came from the County was very low so we may have room to do something different so he wanted to gauge the interest of the Board. We had budgeted to do the removal of 2 inches and replacement of 2 inches on Kelmour, Millard, and Grandview and the same thing on Wait Street. Because the asphalt price was so low we were going to replace the asphalt curbing on Wait Street as well as some of it got messed up during the sidewalk project. The other one is to do a full reclamation and Belgium block curbing on the 3 hills; Kelmour, Millard, and Grandview which would match Walnut Street but would cost more. We don't have to do it, we can pay off the bond sooner or reduce our capital deficit; it's up to the Board.

Mayor Rumbold stated that we were told it would be acceptable to do it the way we had decided to do it but what does full reclamation do.

Engineer Queenan replied that in order to do Belgium block curbing you would need to do a full depth reclamation which entails grinding up the entire street and then putting down 2 levels of black top. We had proposed to keep the costs down which was to shave down 2 inches of the existing and then put an overlay of asphalt so that you had a smooth roadway. The asphalt prices are down about 30% from last year on the County bid so it freed up some cash to potentially do the Belgium block curbing.

Mayor Rumbold asked if we are still within the budget that we set if we do the Belgium Block curbing.

Manager Revella replied we are but there are other options we can maybe talk about doing an amendment to maybe add another road. He would suggest Northgate Drive as it's pretty bad.

Deputy Mayor Hoffman would like to talk to Fred for his input before making a decision. He wasn't expecting this decision to be made tonight he'd like to look at it as well.

Mayor Rumbold said she would love to do an extra road but don't want to lessen the life of a project by doing.

Manager Revella stated that for double the money you get double the years. Should get about 8-10 years depending on the road underneath.

Engineer Queenan stated you are looking at 5-8 years for just the shaving, and 10-15 years if you do a full reclamation.

Trustee Moore would defer judgement to the Manager, the Engineer and Deputy Mayor Hoffman as they have more experience with things like this.

Trustee Adams and Trustee Ramos both agreed with Trustee Moore.

Trustee Sebring also stated he would rely on Manager, Queenan, and Sean to figure it out.

Engineer Queenan added that if you do the Belgium block that's a spring project looking at about a 6 week long project and that is if the weather is perfect.

Manager Revella added that price on asphalt only holds until November there is no guarantee they will hold the prices, they could but there is no guarantee.

Mayor Rumbold stated her personal preference would be full reclamation but if we are talking about a timeframe to hold the price then go with plan B.

Deputy Mayor Hoffman said he would review with the Engineer, Manager, and Fred and let the Board know the decision.

Engineer Queenan added that they did submit all paperwork for DASNY a week and a half ago for the Waterfront Park.

**Tax Certiorari Refund Request: Resolution 10-17-18**

Attorney Donovan explained that this is not really a request. The process is one that the way the system works for better or for worse, the Town of Montgomery is the assessing unit for the Village of Walden. So when a tax certiorari is commenced, the Attorney for the Town of Montgomery represents the Town of Montgomery and the Valley Central School District and the Village of Walden. There is a statutory provision in the local tax law that provides that the school district can intervene if they want to, they don't have to. There is no such provision allowed for the Village to intervene. Which means that the fate of the tax certiorari proceeding lies in the hands of the Attorney designated by the Town of Montgomery. The matter was settled and there is an order and judgement signed by Judge Slobod that says that you have to pay, you don't have a choice. The property owners are represented by the same attorney and the properties are related by some way. Essentially, they challenged their assessment with the Town of Montgomery going back to 2011 and claim by appraisal proof or some other proof acceptable by the courts saying there has been an inappropriate assessment for the 21 properties going back 5 years. \$30,710.43 is the total refund amount that we now have to pay.

Trustee Moore made the motion to adopt Resolution 10-17-18 – Tax Certiorari Refund Request. Seconded by Trustee Sebring. All ayes. Motion carried

**Resolution 11-17-18: Budget Modification**

Mayor Rumbold explained this is needed for the payment of the Tax Certiorari in the amount of \$30,710.43.

Trustee Adams made the motion to adopt Resolution 11-17-18 – Budget Modification. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Fluoride Discussion (continued from 9.5.17 meeting)**

Deputy Mayor Hoffman made a motion to enter into an attorney client session to receive legal advice relative to the removal of fluoride from the drinking water. Seconded by Trustee Moore. All ayes. Motion carried.

Deputy Mayor Hoffman made a motion to reconvene the regular board meeting. Seconded by Trustee Ramos. All ayes. Motion carried.

Trustee Moore made a motion to adjourn the Fluoride Discussion until the next meeting so that more information can be gathered from a health professional in order for the Board to make an informed decision. Seconded by Trustee Sebring. All ayes. Motion carried.

### **Public Comment**

Mary Ellen Matise, 54 Gladstone Avenue, commented that people are cleaning out a house and they had a huge dumpster which was overflowing and it was full of dog droppings and old food, moldy plaster board because the roof has been leaking for 3 years while she was in the process of losing the house. Maybe she should head up a committee about this. Someone bought the house sight unseen over the internet. They started cleaning it out and she asked if she could go in and she saw what they were doing. She told Dean and he issued a stop work order. The property had been cited several times but nothing had been done about it. Dumpster was removed but the house is not secured and the windows are wide open because the house smells. The yard is full of fleas and they bombed the house twice. Reported these things as they are upsetting to her the condition of these houses. It appears that one level of the house is just wood on dirt. There is concern from the neighbor that the connection to the lateral is not working to the sewer. It is a property that was just sold. She feels the property should have been dealt with before it was sold because it was reported before the property was sold. She was cited for the roof every winter.

Mayor Rumbold commented perhaps she should be blaming the person that bought it. So they were given a stop work order and they have to get a permit to renovate. So now the Building Inspector will be involved and inspect the premise. Are you afraid that won't happen?

Mary Ellen replied she is not afraid of that she is just using this property as an example, an extreme example. Some stuff that has been coming before the ZBA is not much better. She has a concern about the condition of some of the properties in the Village.

Manager Revella had hoped she would be enthusiastic that someone is trying to clean it up.

Mary Ellen replied no because they are cleaning it up without it being monitored, now it will be but only because she went there. She feels we need a committee or coalition or something to work on these.

Mayor Rumbold commented its called vigilantes and we always appreciate when someone calls to report things like this to the Manager or the Building Department, whatever.

Mary Ellen feels that the neighbors should have complained but they are afraid. Anyway, the collection fee for the school taxes from the Town; what she heard is that the discussion about this fee they felt was an executive session topic; is it really? No, she feels they should reopen that and be tasked with that. She hopes someone will push for that.

Robert Pogue, wanted to comment about fluoridation, and he was sure to brush with fluoride tooth paste before he came. He read about fluoride and he is not sure if it's good or bad but what he is convinced of from his time as an attorney prior to retirement for the elderly is that the experts told them why it was good for them when they gave them a medication they explained what it was good for there was no one there that said don't take that due to these risks. Before you can force a medication on someone you have to prove there is a lack of capacity to make a decision for itself, he thinks of fluoride that way. He was looking at the prices of toothpaste that have fluoride in it but the more expensive ones don't have it. Most people who brush their teeth are getting enough. He feels the Village should stop fluoridating and allow those that want to use to use it and those that don't to not use it.

Becky Pearson, 167 Walnut Street, what's the word on the new school?

Manager Revella replied what new school, nothing has been happening or said, the school put the cart before the horse on that.

Becky asked if the Board would consider allowing members of the ZBA to carry over hours if we do trainings.

Attorney Donovan stated that the Board would have to say that you can't carry them over, so if they haven't done that you may carry them over.

Becky confirmed that the Clerk just has to carry them over then. Is there a tourism grant this year?

Manager Revella replied he is not sure if they will be available or not. Once the casino is done in Monticello they will know if they have more funds. Should be open in March, not sure when the funding is to be released. We will solicit regardless.

Becky asked about the sale of the firehouse has that taken place. Is there being work done?

Manager Revella replied he is not sure if he has any permits.

Becky asked about the Townhouse units which was tabled, is it still tabled?

Manager Revella replied yes but the affordable units number may come up at the next meeting.

Becky commented that this law is not specific to this property, it is for any piece of property it's all townhouse house zones.

Mayor Rumbold stated that the question was that whether or not there were concessions made about the total project because the owner was required to meet that 20% threshold  
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the Board had established and was there anything that needed to be done because we were dropping it to the 10% to be in line with everyone else.

Becky said that the owner of this specific property changed the plans once and there was concern because the Board had voted to lessen the size of the units in the beginning, and then they were worried about him changing his plans again well he already changed them once and there are no set plans that we know about. Just FYI for you. Well site on the west side we are continuing to do that?

Manager Revella replied he can't talk about property exploration as it may affect price, but we are continuing to do that. We have found several areas of exploration, just no specific deal or offer yet.

Becky asked about the Waterfront Park and where we are with that.

Manager Revella stated that we got the grant submitted in full to the state we should have approval to go forward with the project and bid in the spring.

Becky asked about the Falcon Ridge issue has anything been done with that.

Clerk Bliss stated the Planning Board minutes are available they have discussed it specifically and are awaiting an applications should one come to them.

Becky asked about Cherry Street, being sold.

Manager Revella replied we are selling it and are going into contract.

Becky asked about the litigation from the DEC.

Manager Revella replied we have a meeting in New Paltz on Thursday.

Becky asked about the salary survey.

Manager Revella replied they approved it but are working on the process now.

Becky asked about the concession stand as it is in sore shape. The stairs look bad and the façade needs work. Might want to talk about that. Comp plan 2012 the Town of Montgomery was supposed to work on well head protection.

Manager Revella replied they have not been compliant on that whatsoever. We think we would rather defer that until after the election to see if we can make some headway on that.

Becky added shuttle buses to trains, historic districts, open space, municipal boundaries, those were all on there as immediate needs from the 2012 comp plan, it's concerning. The lights in the square are all out.

Manager Revella replied the breaker needs to be fixed.

Becky asked about election signs being up in August, it annoys her.

Attorney Donovan replied we can't do anything about durational limits for election signs as they are unconstitutional. A few years ago there was someone who ran for County DA, she lost but she won a lawsuit for the regulation of her signs from various Orange County municipalities.

Becky asked about some ZBA issues she'd like to discuss with the Manager and the Mayor. Can we meet maybe next Thursday lunchtime?

Manager Revella and Mayor Rumbold confirmed.

Robert Walther, asked for more expert witnesses. This DVD "Professional Perspectives on Water Fluoridation" which is available at the Library and is about 45 minutes and is full of doctors he can list off who are all undoubtedly against it. In Europe nobody fluoridates the water. The drop of cavities here is exactly the same in the whole world, dental hygiene is getting better it's not due to the fluoridation. Dental health is exactly the same throughout the country no correlation between fluoridation and non-fluoridation. Save the money in the damage to the water system.

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

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

### **Correspondence**

Trustee Moore stated she received a phone call from Marcia Jacobowitz.

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

Trustee Ramos had a wonderful time at the parade it was wonderful and thank you all again for the street dedication this past Saturday. He thanked the Clerk for the support she gave for the ceremony, it was wonderful.

Trustee Adams asked about 33 Scofield Street and the tree branches off the back of the building, thought they were going to be cut.

Manager Revella replied they were told.

Trustee Moore acknowledged and thanked Tickled Pink for the donation for the breast cancer month. She thanked Trustee Ramos for the street dedication. She informed the public that in coordination with Senator Larkin's office they will be delivering supplies to Florida personally on October 6<sup>th</sup>.

Mayor Rumbold commented that the Purple Heart dinner was wonderful. Thanks to Trustee Ramos for the idea to do Officer Dustin James Way, the street sign was beautiful and event was well attended. Had fun at the Village of Montgomery parade.

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

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