

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

Mayor Rumbold called the regular meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Sue Rumbold
	Deputy Mayor	Sean T. Hoffman (arrived late 6:42pm)
	Trustees	Brenda Adams
		Faith Moore
		John Ramos
		Lynn E. Thompson

Absent:	Trustees	Brian B. Sebring
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Also Present:	John Revella, Village Manager
	Tara Bliss, Village Clerk
	Dave Donovan, Village Attorney

Village Manager's Report

- Had a meeting with Trustee Adams and Pinnacle, the salary survey company. Looking to get the survey from the employees in the various positions to get back to us to move forward on.
- Held a number of interviews with potential police officer candidates. We did end up hiring a part time and full time officer and a part time Parking Enforcement Officer who is starting next week.
- The next Board of Trustees meeting is the 14th of November due to Election Day falling on the 1st Tuesday and it will be held on the 2nd Floor as court is on 3rd Floor.
- Had good meeting with the attorney and the Clerk regarding some Planning and Zoning matters and FOILs.
- Went through the SPEDES permit conditions with our sewer operator, VRI.
- Looked over the agenda items for the OCTC meeting and one was about timeliness of projects. He chastised NYSDOT for the delays on our sidewalk project and several other members voiced their concerns about the delays on their various projects as well.
- Harvest fest wrap up meeting went well. Have some things to be tweaked for next year.
- Met with the Clerk and the editor of the Walden Quarterly reviewing topics for the next 2 issues.
- Met with the Library Board Chairman regarding the tax cert payment and their capital project they are hoping to begin shortly.
- Met with the Recreation Department to go over Jets trip details that was this weekend. It was enjoyed and well attended despite having numerous people backed out of the trip due to the NFL controversy.

Trustee Adams asked about the tree removal quotes that were in the packet for 64 Oak Street; who is going to pay for that?

Manager Revella replied the property owner, he was updating the Board so that you were aware they were taking care of the tree issue there.

Trustee Adams asked about his mention of Ulster sidewalks on page 5 and the DOT, is there another problem.

Manager Revella replied yes, they keep moving the bar every time we meet it.

Attorney Donovan replied that he met with the Engineer on Friday to try to reach a resolution with them. The Village was required to get a statement of donation from the property owners that they didn't want to be compensated for our temporary use of the property in order to do the work. That was accomplished. So now they want 13 temporary construction easements which was not disclosed before meaning that we now need 13 more documents and signatures obtained plus title searches on each now being required. They also indicated that the temporary construction easements needed to be done by something called a bargain and sale deed which conveys an interest, which is wrong. They want these temporary construction easements recorded in the office of the Orange County Clerk but you don't record temporary easements as it is just that, temporary for a matter of weeks in order to do the work. There are a number of requirements that were not known before which are costly and onerous and wrong. He has a lot of problems identified that we will try to work through but it is frustrating to get through one level and then come to another level. He was also told today that there may be some abandoned properties which will make it all the more difficult.

Trustee Adams commented that is a shame. At the last Board meeting we thought we were ready to move forward with this.

Manager Revella replied we were, they told us we were. That is why he yelled at them at the OCTC meeting today.

Trustee Adams asked about the DPW change orders and how it changed the cost.

Manager Revella replied yes, it is about \$60,000 all combined.

Trustee Adams asked from a while back if Mrs. Gambini said ok for her water meter.

Manager Revella replied we are still dealing with that.

Approval of October 3, 2017 Minutes

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

Trustee's Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring was absent.

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

Trustee Ramos reported that the Halloween parade was well attended and a lot of fun. Jets football game was great, we had one bus that was full with great weather and good food by Barnside.

Police Department and Justice Department Liaison – Deputy Mayor Hoffman

Deputy Mayor Hoffman did not give a report as he arrived late.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that she has had a lot of communication with the office these last 2 weeks. Discussed the budget adjustments on tonight and about controlling the costs and keeping a better picture. Kelly is working hard to sort that all out. Discussed the donation from the Temple vs the actual cost to the Police Department. At the last meeting we thought that the total donation of \$4,000 went to the Police Department but it was \$2,000 towards Police and \$2,000 going to Parks and Recreation. We have some other items still ongoing items.

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

Trustee Moore reported that she had nothing additional to report other than the building department's report.

Town of Montgomery & Library Board liaison – Trustee Thompson

Trustee Thompson reported that the Mayor attended the Town budget meeting. She was told that the rail trail repairs are still on target to be done by the end of the month. The Library has been very busy. They had a great turn out for the KL Going event, it was great.

Mayor Rumbold read the community events into the minutes.

Deputy Mayor Hoffman arrived.

Reminder that our next Board meeting due to Election Day is not until November 14, 2017 and it will be held on the 2nd Floor that night due to Court being held in the Bradley Assembly Room.

Public Comment on Business of the Board

Becky Pearson asked about the agenda stating that it is confusing the way it is and knowing if you will be voting on all of the items or can we come back after you talk about the items and make comments. Doesn't want to be wasting her breath if you already have the answers.

Mayor Rumbold replied that we may vote on any item, we can't anticipate that, it depends on the pleasure of the Board. We will have a discussion at the very least so if you have comments on anything please go ahead and make them now.

Becky continued about the Townhouse law that everyone wants to make this personal but this is for the Village of Walden and should not be a personal item for one developer. This will be forever until another Board comes in and changes it. It is not a personal attack on

someone, it is about the law. The history of this: the applicant wanted the sizes of the units to be affordable the Village Board granted that to be 20% in the original law because they felt that the Village needed that. There is no definition of affordable in this law. Low income vs affordable is different, maybe you should look at that. There has been no discussion on that. There has been no discussion on median income either. This law was changed in 2013 with no discussion of what is affordable and what the units will be sold for. Maybe you all know that but we don't know that as it has not been discussed. Recently the applicant wanted to change affordable and we did that. In the minutes in 2013 the local law was provided by the applicant's attorney and it also stated in the minutes that it has mistakes in it per the then attorney, Mr. Dowd, when asked if he wrote the law he said no, the applicant's attorney did. If the applicant is not happy with the law how can he fight against it in the future if he is the one who wrote the law that then got passed onto you. The past Board member that was here, this is how this all started again, not on his own accord was reached out to by the applicant (making it personal again) and it was brought before the Board. Another Board member didn't think it was within his position to bring it before the Board (Mr. Leonard) and Mr. Hoffman felt it should be brought by the applicant. She reached out to Mr. Leonard and he confirmed he was reached out to by the applicant. The Board had discussion at that time for 10% affordable and at that time only those 10% would be smaller at that time. It seems that again nothing has been talked about for 4 years and he had in 2012 again about the affordable part talked about the numbers (this is in the minutes online) declining in the County. He indicated that real estate prices have declined since 2010 which was a different economic condition than we have today. The economic condition today is probably no better or the same as it was. We have the foreclosure book that is out there talking about how many homes are in foreclosure. It talks about the combination of 20% affordable is unheard of in Orange County. There is no law in Orange County like that it is 10% and the Village law is 20%. He is stating that he helped create that law and stands behind it with 20% but now he is not but yet the housing market hasn't changed as much. Then we go on to: is there a plan with this already after 10 years or is there no plan? He also states in 2013 when you made the units smaller for affordable housing originally at the end of the minutes again it says then we file for the building permit to build the unit, if everything goes wonderful we will be back to the Planning Board in March 2013 for final approval and can hopefully start the project the end of 2013. So 4 years have gone by. She doesn't feel you have enough information or if you do you haven't shared the information with the public. She would like to hear the discussion.

Action Items

Resolution 15-17-18: Exempt Properties

Manager Revella stated this is the annual resolution for the County so that our properties are tax exempt.

Trustee Ramos made the motion to adopt Resolution 15-17-18: Exempt Properties. Seconded by Trustee Moore. All ayes. Motion carried

Resolution 16-17-18: Budget Transfer (Rec Dept & NNO)

Manager Revella explained that we have been trying to make adjustments month by month accordingly as things are over. National Night Out and the programs in Recreation are over and fully expended. We are trying to clean up those lines for that purpose. Next month there may be others as we go through the process.

Trustee Adams made the motion to adopt Resolution 16-17-18: Budget Transfer (Rec Dept & NNO). Seconded by Trustee Ramos. All ayes. Motion carried

Resolution 17-17-18: Bond for Water Meters \$215,000

Manager Revella stated this is for the last batch of replacement meters. By contract we have to buy them by next month.

Trustee Adams made the motion to adopt Resolution 17-17-18: Bond for Water Meters \$215,000. Seconded by Trustee Ramos. All ayes. Motion carried

Resolution 18-17-18: Discontinuance of Fluoridation in Village Drinking Water

Attorney Donovan explained that this resolution is the official preliminary determination to discontinue fluoridation of the Village drinking water. The 1st step was the consultation with health professionals. This is the 2nd step. He is meeting with the Village Engineer on Friday for the plan for discontinuance which needs to go with the public notice to the health department which he is drafting next week. The technical issue of how we plan to stop the fluoridation needs to be in the notice given to the health department. They then have 90 days to comment after which we would need a public hearing to repeal the local law, should the Board continue to go in that direction, that provides for fluoridation of the water system. There will be an EAF drafted by our Engineer as well as the Board would need to motion for a negative declaration under SEQRA.

Trustee Ramos made the motion to adopt Resolution 18-17-18: Discontinuance of Fluoridation in Village Drinking Water. Seconded by Trustee Thompson.

Roll Call Vote:

Trustee Thompson – Aye
Trustee Moore – Aye
Trustee Adams – Nay
Trustee Hoffman – Nay
Trustee Sebring – Absent
Trustee Ramos – Aye
Mayor Rumbold – Aye

4 ayes to 2 nays with 1 absence. Motion carried.

Townhouse Affordable Units

Attorney Donovan explained that what this local law does, after we have gone around and around multiple times, is that it reduces the number of affordable units from 20% to 10% and leaves everything else unchanged. That is the only modification that has been made. The size of the units remains unchanged. That means if you have 80% that are at 24 feet and 20% at 20 feet that will remain that way.

Mayor Rumbold commented that this had been discussed numerous times and the Board has considered it very carefully. It comes down to what is in the best interest of the Village. In her mind they had 3 choices; could leave it at 20%, could change it to 10%, or make the other 10% and make them become 24 feet. In looking at this and looking at the market and things that are happening, there is an upturn and people are looking for this kind of housing. She finds it is interesting that in doing this you are actually going from choice A to choice B which is affordable or market value that in doing this you are actually

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opening up possibilities of housing for other groups of people who may not need that kind of sq. footage and may not qualify for affordable housing by a narrow margin, which happens, but those people may want to live in Walden. If you want to be inclusive and create a diverse community you want to make decisions that gives more people an opportunity to take advantage of it. That is for the betterment of the community in her opinion.

Trustee Ramos made the motion for Negative Declaration under SEQRA for Local Law 9 of 2017 – Townhouse Affordable Units. Seconded by Trustee Moore. All ayes. Motion carried.

Trustee Moore made the motion to adopt Local Law 9 of 2017 – Townhouse Affordable Units. Seconded by Trustee Ramos. 5 ayes, 1 nay (Trustee Adams), 1 absence (Trustee Sebring). Motion carried.

Trustee Adams wanted to go on record to say that she is not opposed to the 10% but rather the probable effect the change offers by allowing the additional 10% to stay at 20 feet at the market rate.

Public Comment

Becky Pearson commented that she was looking at the website today, it looks very nice. She saw that we have a new Superintendent in DPW.

Manager Revella replied yes, it is provisional upon taking the test.

Becky asked what the salary is.

Manager Revella replied \$90,000.

Becky asked if the new DPW building was done.

Manager Revella replied no, there are still punch list items but they are in it and have been operating out of it for a few months now. There were issues with NYSEG, spectrum, and frontier scheduling.

Becky asked if it went over budget.

Manager Revella replied that right now it is on budget even with the change orders. It is close to budget.

Becky asked what is next with the Townhouse law.

Manager Revella replied that she had some questions earlier that really have to do with the Developers Agreement which has the answers to the questions you asked. It is on the agenda tomorrow night for the Planning Board and then it will go before the Village Board.

Becky commented that she is sad about not having joint Board meetings as there is a lot of things going on that we should discuss between the Boards. She would like to see that happen again. There are issues with 2 seats open on the ZBA, just had someone resign.

Manager Revella replied that he was planning on appointing one tomorrow, he had several people apply for those vacancies. He may fill the other one the day after. He spoke with Trustee Moore earlier about the items you had brought up and she'll be reaching out to you soon.

Becky said there are some laws that need to get reviewed as they are not conducive to growth in the Village. It's sad what will happen to a lot of the properties.

Anita Vandermark asked about getting a new rug for the teen center.

Manager Revella stated that the Recreation Coordinator is taking care of that.

Anita asked if he could keep on it before there is an accident. The sidewalk going down Oak Street in front of the Millspaugh building has all been chopped up. Is there something that can be done about that?

Manager Revella stated that whenever that sidewalk is replaced it will be a higher grade concrete because of the trucks. It was designed that way but when it gets replaced it will be with correct grade.

Anita stated it has been a long time it has been talked about since Politi was here. She asked if we had looked into federal grants for the community center. Someone told her in the Village of Florida they got a federal grant that paid for it.

Manager Revella stated there was earmarked funds from congress, yes, we can talk to Maloney's office about it.

Anita added that tomorrow night there is at the Walden House Ginny is having a presentation about the Underground Railroad. On Sunday the 5th for Veterans Day there will be a breakfast from 8-11am at the VFW in addition to the Veterans Day Ceremony.

Mary Ellen Matisse added to what Becky said that there are a lot of issues going on in the Zoning Board that need to be addressed and she is still putting forth this idea because we talked to 2 different attorneys and some of the things that are happening have to be addressed legislatively. There are changes that have to be made. Not sure if we are up for reviewing our comprehensive plan now. She feels there should or thinks that one major component should be a really in-depth look at housing in the Village. Whether that is a separate committee that feeds into the comp plan committee and then feeds into ideas or changes for zoning. She feels it is time for changes. That committee could look into demographics, housing costs, part of a market analysis and what we have going on in terms of sales and rentals and zoning needs to be looked at. Mostly because the 2008 crash now the effects are being felt now. Abandoned housing and uses and things like that. Let's start a housing task force and feed it into the comp plan, she keeps saying it. Feels it is time to start and meanwhile the ZBA is drowning in problems.

Greg Anderson commented that he was here earlier this year reporting issues that are very important to him. He is a retired detective and he has been having problems frankly with our Village police. He personally likes order and he believes in the law. If he sees something wrong he will address it or bring to proper authorities. A few neighbors of his are obviously not happy with his presence, been going on for a while now, and he has

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been reporting it to the police department and they dropped the ball on a few occasions. When they drop ball on situations that deal with crime people will do it again because they think they can. When a person we pay to protect us is not doing their job people get hurt. He is newly retired maybe 5 years and he takes care of his property and loves his neighbors. Just recently we have some new neighbors and were not nice people. They throw trash and cigarette butts on the property and they threaten people which he reported to the Police. This June there was an issue with this same neighbor who brought a person to cut his yard who was a very angry man. He was showing his son how to use a lawn mower and this gentleman's equipment was on the street for a couple of days with no activity and he comes out with his son and they all come out starting up equipment, cutting their own lawn, coming directly over to the property line. He called out to gentleman and he threatened him with bodily harm with a weedwacker. That's a dangerous instrument. He disconnected and walked away, took a breather. He still carries and he will protect his family. Bottom line is it appears to him that your police department and a Sergeant in particular showed leniency and partiality towards a gentleman he doesn't even know. Your Sergeant told him that he is just a hard working guy; that is all he is. Then his question to the Sergeant would be, then what is he, he is the complainant. Case is settled and the defendant admitted guilt. His problem is the Sergeant tells him he is a poor hard working guy and then hears his complaint but doesn't hear it because the gentleman used racial slurs (the N word) on many occasions. He brought it to their attention in a written statement and orally on many occasions. He still refused to address that situation. He is looking at the charges and the order of protection that he received and he was at court that day he heard the gentleman admit to that guilt. His question to the Sergeant would be did he admit that he called him racial slurs or did you ask him that. What kind of investigation did you conduct? If you know he called him those things then those charges would be different on this order of protection. Sergeant gave him the impression that he didn't want to charge the guy properly. This situation is more than just harassment, he is African American and he is white, he used racial slurs. Racial slurs don't make me, don't tear me down but we still have laws and norms we go by in our society. His question to the Sergeant is in your profession as a leader of police as a Sergeant you are not a setting a good example to the police. Justice is blind. The penal law in state of NY and the same in NYC, there is no difference. Don't understand how he is applying his penal law, he doesn't understand it. He asked him to take it out and look at it and he refused to do it. That gave him the indication he wasn't even sure what he was referencing. If he was he would have pulled that penal law out and said according to your statement this is what it says and this is the charge which is not what the actual charge was. He refused to change the charge and if he had the nerve to tell him if he didn't sign he is lying, telling half-truths, and is not cooperating. He has a problem with that. It has to be known because if it is not on record change doesn't occur. Diversity is good for America and Walden and Varsity basketball, it's good for everything. But when we talk about it we must mean it so that when he calls the police they don't look at him like he not worth the effort. That is what a lot of people of color deal with on and off. We are living in turbulent times and leadership is what we need not pass the buck and not give people what they deserve, that is not the American dream. He fought for this country, he is a war veteran. He knows how death smells. He can guarantee that gentleman that was arrested probably did not serve his country or service his city and probably doesn't fly an American flag. He flies an American flag every day on his property. He loves our country. We need to stop this. All he is asking for is the American promise; equal justice under the law. He put people away for 20 years and most of them were people of color and he put them away because they broke the law. So he has a gentleman here, a Caucasian gentleman, and he is getting all these code words

from the Sergeant that he is missing in action and that guy is just a hardworking guy; oh yea, then what is he. He was in blue 4 years ago, not too long ago, we are supposed to understand one another. He is not asking him to do something he isn't supposed to do, he just wants to show professionalism the same treatment that he would show him if he was in the situation. He has 2 boys and is fearful that this world will not treat them right, that is why he came here today. They need to know that when you have the right to redress each other. Young people need to know that. That they don't go out into the street and knock people down or threaten people. There are many different ways to handle a situation. He is not a lamb, he can handle his business. He is a Marine he doesn't give up. He will never give up. In his entire life he never used a racial slur. No one should call me that regardless of color. You use that word the conversation is over and he would say that to a person of color. As a Marine they throw you out and set you straight in a heartbeat because we are a unit, a country and when one of us hurt all of us are hurt. We are hurt and we need leadership. He hopes he's showing some type of leadership. He had to do this but it took a lot to come up here and talk but he will do it again and again. He teaches young people that you don't give police an attitude, you say hello maybe ask for a break but don't disrespect them. He doesn't dislike the police but he likes order and respect. When you respect people it makes them feel good. He knows what Police look, they look to be stroked. They want that feeling of being in control because at that moment we are in control. You tell them to do something and you better do it or they will come up on the short end of the stick. He does not dislike police. He identified himself. He likes order, respect, and professionalism and that is all he is asking for. As he looks at these charges this violation should have been a misdemeanor and the Sergeant didn't want to go that route didn't want to hear it. There is a chain of communication that goes on in an investigation. The cop speaks to you and that chain of custody is legally binding whatever you write on paper. He is not sure what kind of investigation you did. Every word was on video so where are we missing each other. He has a problem with that. He fought discrimination even in the Marine Corp but we dealt with it better than we do in many societies. Even in the finest organizations we have racism and discrimination but we need leadership that says that is not going to happen on my ship and until we do that people will act up and do what they think they can do and other people will suffer. He thanked the Board for their time and hoped that someone will address this a little further. He will always be law enforcement and pro police and God Bless America.

Payment of the Audited Bills

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

Correspondence

Trustee Thompson stated we all received an email from a resident regarding fluoride they were sharing a study.

Mayor Rumbold explained that Mickey Millsbaugh gave her a newspaper clipping from Sept 8, 1900 when a hurricane hit Galveston, TX which at the time was the deadliest hurricane in US history, 2nd most costly. Caleb Birch dealer in Boots, Shoes, Etc. at 109 Main Street, corner of Orchard Street, he wrote a letter to the Board of Trustees that the Methodist church were pleased to offer the auditorium to benefit the Galveston people that suffered in the hurricane. There is a telegram that thanked the Village for sending their donation to the victims. Interesting that we did that way back then as well as we are doing now.

Miscellaneous Comments from the Board of Trustees

Mayor Rumbold commented that the Halloween parade and Haunted house was good. She asked about the nightmare traffic issues at the McKinley monument; what are we doing there.

Manager Revella stated that NYS DOT did a study but DOT has no answer. We did a slight modification to move the wall back but that's about it. They spent millions of dollars with no solution.

Mayor Rumbold asked if we had a solution because it's impossible with the traffic there you can't make a left hand turn. It is causing a lot of jams and no one can get through.

Manager Revella added that one of the issues is the in and out of the gas stations but we can't stop the egresses they were approved by DOT.

Deputy Mayor Hoffman added that even if we had the answer that doesn't necessarily mean that NYS DOT will buy that answer and fund it.

Mayor Rumbold feels there is going to be a major accident there one day. Did the state ever come and paint that cross walk by the firehouse?

Manager Revella replied no.

Mayor Rumbold commented she thought they were going to do that months ago. Didn't we do the one on Orchard Street?

Manager Revella stated we will likely end of painting it.

Mary Ellen Matise stated that many times in the past we asked the Chief if they would direct traffic in that intersection and consistently he refused and said it was impossible. She would do it herself. At high peak times that is what it will take. She took a lot of criticism for sitting out there for 3 hours watching it.

Mayor Rumbold asked if we could have a conversation again to see if we can do something with them.

Manager Revella replied yes, he already has a call into them regarding traffic control and syncing the light with an arrow.

Mary Ellen added they didn't finish the job there either.

**Village of Walden Board of Trustees
Regular Meeting
October 17, 2017
Motions & Resolutions**

Approval of October 3, 2017 Minutes

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

Resolution 15-17-18: Exempt Properties

Trustee Ramos made the motion to adopt Resolution 15-17-18: Exempt Properties. Seconded by Trustee Moore. All ayes. Motion carried

Resolution 16-17-18: Budget Transfer (Rec Dept & NNO)

Trustee Adams made the motion to adopt Resolution 16-17-18: Budget Transfer (Rec Dept & NNO). Seconded by Trustee Ramos. All ayes. Motion carried

Resolution 17-17-18: Bond for Water Meters \$215,000

Trustee Adams made the motion to adopt Resolution 17-17-18: Bond for Water Meters \$215,000. Seconded by Trustee Ramos. All ayes. Motion carried

Resolution 18-17-18: Discontinuance of Fluoridation in Village Drinking Water

Trustee Ramos made the motion to adopt Resolution 18-17-18: Discontinuance of Fluoridation in Village Drinking Water. Seconded by Trustee Thompson.

Roll Call Vote:

Trustee Thompson – Aye
Trustee Moore – Aye
Trustee Adams – Nay
Trustee Hoffman – Nay
Trustee Sebring – Absent
Trustee Ramos – Aye
Mayor Rumbold – Aye

4 ayes to 2 nays with 1 absence. Motion carried.

Townhouse Affordable Units

Trustee Ramos made the motion for Negative Declaration under SEQRA for Local Law 9 of 2017 – Townhouse Affordable Units. Seconded by Trustee Moore. All ayes. Motion carried.

Trustee Moore made the motion to adopt Local Law 9 of 2017 – Townhouse Affordable Units. Seconded by Trustee Ramos. 5 ayes, 1 nay (Trustee Adams), 1 absence (Trustee Sebring). Motion carried.

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