

**Village of Walden
Board of Trustees Regular Meeting
March 6, 2018**

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

Certificates of Appreciation

The Mayor spoke on behalf of the Board and the employees of the Village to Trustee Brenda Adams and Deputy Mayor Hoffman for their tenure on the Board. Neither is seeking re-election this coming election. Both have given of themselves to the Village of Walden and we are all truly grateful for their service to the Village of Walden.

Village Manager's Report

- Reviewing potential insurance renewal for Village liability insurance. Likely be bidding this year to make sure we are getting the best price.
- Went over with the Chief the secondary employment for some of our Police Officers and the snow storm reports.
- We have our paperwork in for reimbursement for CDBG for the Wait Street. We are getting in paperwork together for our next project which is on the agenda later this evening.
- We sent in our CHIPS reimbursement paperwork as well.
- Had a wonderful Comprehensive Plan meeting and will have another one at the end of the month. We have been progressing very well going through the chapters with updates and tables.
- Had a good presentation from an insurance company regarding health insurance options. Since we are going into contract negotiations it is a good time to look at those options to see what kind of options and costs they offer.
- Attended the OC Transportation Council Meeting where we did some fund transfers and votes. The biggest ones were for the city of Port Jervis for bridge replacement. A few other communities gave up their funding for this year so the bridge could get done and that the community and surrounding areas wouldn't suffer.

- Had a wonderful CSEA Special Counsel meeting with Trustee Thompson and the Treasurer for CSEA contract issues and personnel.
- Been corresponding with residents on Highland Avenue for a potential neighborhood watch program. There is a meeting set up for this Thursday with Sgt Werner near 62 Highland Avenue, Board members are welcome to attend.
- Went over a few things with the Building Department with Trustee Moore and the Building Inspector about the Abandonment of Use and abandoned properties on the agenda tonight as well as a few other items.
- Draft plans for the Pine Street pump station are in so we should be going out for bid on that CDBG project.
- Will be sending out a code red this evening after the meeting that due to the impending weather, recycling will not be picked up tomorrow.

Trustee Adams asked if the Developer's Agreement is any closer to finishing.

Manager Revella replied that we are finished on our end, it is in the developer's hands.

Trustee Adams asked if the sewer overflow is a problem.

Manager Revella replied yes. We had a huge amount of water coming down. Had over 6 inches of rain in a 24 hour period. We had to come in and alerted DEC. It was a little over a day at the plant plus the Tin Brook pump station that just couldn't take the capacity.

Trustee Adams asked if we are in more trouble with the DEC because of it.

Manager Revella replied just the same amount of trouble, no better, and no worse.

Trustee Adams said congratulations to the DPW Superintendent for passing his test. She asked if John could show the Board the renovations that he has planned for the office after the meeting.

Manager Revella clarified not renovations, just making the Clerk's window a little more conducive. The glass doesn't move so if she has big things to work on with the public they have to go to the big window. He's happy to show what we are thinking.

Deputy Mayor Hoffman asked about salt, how are we making out.

Manager Revella replied it will be tight but we have some.

Approval of February 20, 2018 Minutes

Tabled.

Trustee's Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he spoke with Fred today and discussed the plows are ready for snow tomorrow. They have been patching holes. Previous snows were busy plowing and sanding for snow storms. Today they were out fixing catch basins with the nice weather. Water Department installed 5 new water meters. Congratulations to Fred for passing his test.

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

Trustee Ramos reported that he spoke with Mr. Bliss about budget issues that will be coming before the Board in the coming weeks. Crew started cleaning up leaves with the good weather at some of the parks. We will see more snow and bad weather coming taking so then will have to take care of sidewalks. School preliminary budget came through and they have work to do. He applauded Brad Conklin for questioning the preliminary budget and the amount that is over budget. They have to go back to the table and hopefully they can solidify a budget prior to the March 19th meeting so they can pass it on to the people in the VC School District.

Police Department and Justice Department Liaison – Deputy Mayor Hoffman

Deputy Mayor Hoffman reported that he spoke with Chief several times since the last meeting. Some highlights from their discussion were the 3 day New Year's event at the temple. No police presence but did park at Olley Park. Also spoke about snow costs from the last storm. The larger Temple event with 1,200 attendees and we did have some police presence no instances, just scheduled to assist, no complaints received to the best of his knowledge. Chief's report has a reference to individual statistics for 2017 available through the clerk if anyone wants to see them.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that she followed up on a couple of items with the Treasurer & the Clerk.

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

Trustee Moore reported that she met with Dean a few times about abandonment of use local law and definitions. Spoke with Dean about a number of other issues about following upon East Avenue, Edmunds Lane, clothing bins, Clinton Street, new policies and procedures, and the landlord registry letters were all sent out on Friday.

Town of Montgomery & Library Board liaison – Trustee Thompson

Trustee Thompson reported that she spoke with Ginny today and her bids have gone out for their construction project in the Children's section and they are moving forward. Hoping March 23rd for a walk through with architect for those interested in doing the work. Has an event on April 12th with a member of the parks service coming to present about Ellis Island. The Town of Montgomery meeting was very colorful. They have a lot going on. Mr. Winchell is working hard to get caught up on things that fell by the wayside in previous years. Still looking for Board members on every Town Board to fill vacancies. A lot of information given and fortunately our Mayor pays very close attention to any funding issues that will impact our Village. They have definitely secured the panels for the Hill Street Bridge from the Tappan Zee Bridge. There was confusion on if that happened. We have them for sure but now we have to figure out where to store them as they are massive. Hopefully by late spring or early summer will get the bridge repaired. Cost them \$2 to get them which is a considerable savings to the community.

Mayor Rumbold added that the buildings in the Town of Montgomery not limited to just the Town Hall area; Salt shed, DPW building, Benedict Farm building; big discussions. The reason she is watching and is concerned is it will come from the A fund which is the Villages portions. She asked them to keep us and the other Mayors included in the loop

as they develop a plan on that as it progresses so we can hear the costs etc. It will be substantial. The one building that used to be rented out is in very bad shape. Should be interesting in the next few months to see that plan.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Becky Pearson asked who did the work to secure the panels for the Hill Street Bridge.

Trustee Thompson replied she thought it was Mr. Woznick.

Action Items

Resolution 35-17-18: STOP DWI Funding

Trustee Ramos made a motion to adopt Resolution 35-17-18: STOP DWI Funding. Seconded by Trustee Moore. All ayes. Motion approved.

Resolution 36-17-18: CDBG Moving of Funds

Manager Revella replied this is to move the funding as discussed previously from the proposed East Main Street sidewalks to doing sidewalks in the area of Walnut and Maple Street. We will go as far as we can go with the funds granted.

Trustee Sebring made a motion to adopt Resolution 36-17-18: CDBG Moving of Funds. Seconded by Trustee Ramos. All ayes. Motion approved.

Memorial Day Parade Request – Monday, May 28, 2018 at 10am

Trustee Ramos made a motion to approve the Memorial Day Parade Request for Monday, May 28, 2018 at 10am. Seconded by Trustee Adams. All ayes. Motion approved.

The Clerk stated that in the event of inclement weather the 3rd Floor Bradley Assembly Room has also been booked.

Outdoor Café Request – Sweeney's Irish Pub

Trustee Moore made a motion to approve the Outdoor Café Request for Sweeney's Irish Pub. Seconded by Trustee Thompson. All ayes. Motion approved.

Draft Local Law – Abandonment of Use

Attorney Donovan explained this is back to you now with a slightly modified definition of a 2 family and multi family dwelling. This local law is meant to address a certain specific set of houses that were built prior to 1958 and were built as these types of dwellings and their use had lapsed. This would allow those usages to continue under this law and has limited application. If ok the Board should set a public hearing.

Becky Pearson said it doesn't say residential neighborhoods only, is it zone specific. Is that listed in here anywhere, or is this for business or residential areas.

Attorney Donovan replied that if it meets the qualifications outlined in the local law regardless of where they are located.

Becky thought at one time it was for R5 or residential zones only. That may be something the Board would like to discuss. There are some big buildings on some of the streets in

the business district she is concerned with, the initial discussions were for residential areas only.

Manager Revella stated he is not sure if they qualify.

Trustee Thompson said she understands the need to keep the language consistent but it makes her nervous leaving provisions for cooking. She can't believe that means a kitchen universally. She thinks back to what was at 14 Riverview Street which was provisions for cooking but did not meet code and was not acceptable. The part about sanitary and sleeping facilities makes her nervous also.

Mayor Rumbold asked if those are the legal terms for kitchen and bathroom.

Attorney Donovan stated what he has also provided are the state law and Village code definitions. As you can see there are different definitions. He's comfortable with it but if the Board is not it can certainly be modified.

Manager Revella replied we are never going to get to a point where we are not going to have litigation potential.

Attorney Donovan stated that this law is only meant to address these specific homes that were 2 family or multi-family homes prior to 1958 that stopped being a multi or 2 family. It doesn't change or affect any other buildings in the Village. The NYS Building code that a kitchen will be defined in different places for different purposes.

Trustee Thompson says her concerns are with some of the landlords who try everything in their power to get around this stuff.

Manager Revella said that they may be provisions for cooking but it still might not meet code the way it was set up.

Attorney Donovan added that this local law would have nothing to do with that property at 14 Riverview Street.

Trustee Thompson replied that the wording will be what someone will try to get around with that leeway.

Mayor Rumbold commented that someone may always try to do that.

Attorney Donovan said this will also need to be referred to the Village Planning Board, as well as the County Planning Department for a 239 review, and the Board had said they would like the Village Zoning Board to review it as well.

Trustee Adams commented that the different definitions that the Attorney sent to us does include the definitions for kitchen, kitchenette, and bathroom. So she thought that possibly the wording there could be substituted as it defines the space.

Attorney Donovan said he provided those to show that there are different definitions in different places. If you want to amend the definitions he only asks that you realize we are only talking about those specific houses that we are going to deem the use as not

abandoned would have to demonstrate that they were 2 family or multi-family prior to 1958.

Demonstrating to the Building Department all these criteria. They can't just say they want to use this, there is going to be oversight.

Becky asked if there is a state code about tenants' rights. When she was Mayor there was no stove in an apartment and she believes it has to have a stove legally. Just something to think about.

Manager Revella replied there are lots of things that are required to be considered an apartment.

Trustee Moore made a motion to set the public hearing for Tuesday, April 3, 2018 at 6:30pm or as soon thereafter as the matter could be heard for Local Law #1 of 2018 – Abandonment of Use. Seconded by Trustee Sebring. All ayes. Motion approved.

Draft Local Law – Repealing Chapter 153 of the Village Code entitled “Fluoride”
Trustee Thompson asked if the Board wanted her to see if Dr. Connet can come to the Public Hearing.

Manager Revella replied that anyone can speak so if you feel it prudent please feel free to invite him.

Trustee Moore made a motion to set the public hearing for Tuesday, April 17, 2018 at 6:30pm or as soon thereafter as the matter could be heard for Local Law #2 of 2018 – Repealing Chapter 153 - Fluoride. Seconded by Trustee Thompson. 5 ayes, 2 nays (Deputy Mayor Hoffman & Trustee Adams). Motion approved.

Discussion on abandoned properties (continued from 2.20.18)

Attorney Donovan explained this is an issue we have been discussing for a long time as abandoned or vacant houses are a problem everywhere they exist. NYS created Zombie legislation in December of 2017 with idea that if there was a bank foreclosed property there was a state registry they had to register the property with. The questions we have is can we adopt our own registry and require fees to be on the registry because we have to take a look at that home as there may be issues for water/sewer or vandalism, whatever that issue might be. The Manager pointed out that there is code in the City of Port Jervis which predates Zombie legislation and Trustee Thompson pointed out the City of Lockport has legislation that he looked at but it didn't specifically address a foreclosing bank having to register. Bottom line is we are unfortunately preempted by state law for having a listing of banks. We do not have the ability to have a registry for those and charge a fee to be one it. It is truly unfortunate that there has never been a time that NYS has done anything since they adopted this legislation and it indicates that we are not entitled to with respect to this specific issue. You have your property maintenance code where you have assessed things and could make that a lien on a property.

Mayor Rumbold asked if property owner only refers to a non-foreclosing bank.

Attorney Donovan replied. If ABC bank becomes the property owner, that could happen. It is the time between the foreclosure and them owing the property that is the problem.

Mayor Rumbold asked if you assess fees on a property and it continually goes on the tax bill then once someone becomes the owner of the property they also get the fees that have been assessed.

Attorney Donovan said that is correct.

Mayor Rumbold asked what would stop us from assessing those fees on the current property owners and then when the bank takes over they take over the fees/liens. We can't just continue to do what we have been doing?

Attorney Donovan said we don't have a registration list. You have the ability to assess property maintenance codes and fines for that. The issue we are trying to capture is the house where the foreclosure proceeding drags on for years and you have a vacant abandoned property for a long time; years. It is abandoned, an eyesore, a problem, and a haven for vandals and you would like to have a list to make the bank clean it up and secure the property but the state doesn't allow that. If you want to establish a list for the owner who will likely not pay and assess fees and eventually someone will become the property owner and they would pay those fees at that time.

Mayor Rumbold commented that is probably the way to do it then. Eventually someone will become the property owner and we could recoup those fees then.

Manager Revella gave an example of a home diagonal from his which has been empty for 8 years so it would have been 8 years of fees to recoup for the maintenance, monitoring, boarding up if needed at the house; things like that.

Mayor Rumbold thinks that is the only way to achieve what we want to achieve, to continually assess the current owner knowing eventually someone else, likely a bank, will own it and they will have to pay a fee.

Trustee Thompson said that we have properties that have been abandoned right now and the codes are not being enforced.

Mayor Rumbold clarified that is a different issue.

Trustee Thompson said that if we have the ability to cite these people and they don't correct these problems, we should be doing it. It is another opportunity to make revenue off these people.

Mayor Rumbold said we are talking about abandoned properties and we don't have a registry of these current owners. Need to establish that in order to do that.

Trustee Thompson said she understands but there are properties that we do know who owns them and we aren't enforcing them. Until we have the registry in place why are we not citing the current owners?

Attorney Donovan said this is a conversation to have at another time.

Trustee Adams asked how do we get the registry, is it just properties that we know will be foreclosed. If they walk away they are not going to sign anything.

Attorney Donovan said it would be a registry that we create because we will have access to property records to indicate who the last owner is.

Trustee Adams said that we don't know who the owner is for quite a while in some instances.

Attorney Donovan stated that without a title search you don't know that information. Frequently people will say the bank has the house which may or may not be true.

Manager Revella commented that when we do this, they would get a notification that the registry is up and fee is due. If the foreclosing bank owned the property and say they will not pay for it due to the Zombie legislation they would have to prove to us when it took place.

Mayor Rumbold asked who is going to do this work.

Manager Revella said we have the information available through the County and the Building Department already has a list in place they are starting to work on.

Trustee Ramos made a motion to authorize the Village Attorney to draft a local law for the abandoned properties. Seconded by Trustee Sebring. All ayes. Motion approved.

Public Comment

Anita Vandermark wanted to pay tribute to Brenda and Sean. We will miss you. You have been a real asset to this Village and it will be hard to replace you. Thank you for your service. She thanked the DPW for filling in the holes in the streets.

Mary Ellen Matise said she is glad the Board is finally discussing the abandonment of use law. She is concerned about the other abandoned properties discussion. Partly because it address that sometimes you find out like the one on Westwood. People complained about it and what happened was that the woman died and she was in a reverse mortgage situation. It was very tricky. She remembers assessing the bank for work the Village was doing there but the bank finally, 3 years later, put it on auction through the County but until that time the bank still didn't have ownership of the property. The house was in her estate and was a reverse mortgage so for 3 years no one could do anything. We cut the grass and billed them. There are a lot of sticky situations and she doesn't know that this law will address all of them but this is why she started requesting having a housing task force. Why make a law if you can't address all the situations? Take a look at all the pieces instead of just one piece.

Becky Pearson thanked Sean and Brenda as well, they didn't always agree but she does respect you both and thank you for your service.

Payment of the Audited Bills

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

Correspondence

None

Miscellaneous Comments from the Board of Trustees

Trustee Moore thanked Sean and Brenda for their service. She only had the pleasure of working with them on this Board for the last year but it was a pleasure. Working with Brenda on the ZBA was a pleasure, she wanted to be her at one point. The Love for Luke event was postponed from last week and is happening this Friday from 4-8pm at the Newburgh Brewery. It is for a local Walden family who needs assistance. She wanted to add that the registry for abandoned properties issue is all across the state. There are banks that are not taking back ownership of the properties where it needs to happen. There is a model with Assemblyman Kerns in the western portion of the state that is a program that has now been adopted here by Assemblyman Skoufis where they hold a press conference on these properties forcing the bank to take ownership. Something we might want to take a look at.

Trustee Adams thanked the Mayor for her first year and the residents for electing her for the last 2 years, and allowing her to serve the Village. So much has taken place over the last 3 years and a lot is good and will continue to be good. She wanted to make one last request to get the street sweeper on a schedule.

Deputy Mayor Hoffman thanked everyone. He finds it fitting that 2 weeks ago he and his wife were talking and we realized that it was the 10 years anniversary of when we moved into the Village and he has been on the Board for 7 years. He really enjoyed working with everyone it has truly been a pleasant experience. The Village really is such a welcoming place. Please don't hesitate to call if you ever need anything.

Trustee Ramos wanted to reiterate what everyone already said about Sean and Brenda. Wishes he was as smart as both of them so he could get his sons 6th grade homework done. He has a great deal of respect for both of them. They embraced him when he first came on 3 years ago and were always happy to answer. Greatly appreciate what you have done for the Village. You are both great colleagues and friends.

Trustee Sebring thanked Sean and Brenda for their dedicated service to the Village. We have done a great deal with their knowledge and they will be hard to replace. Good luck.

Mayor Rumbold commented that she doesn't think that people in the public really realize unless you are a volunteer what it means to do public service. It is a lot of hours with things done from the heart and we really appreciate it!

Executive Session

Trustee Moore made a motion to enter into executive session to discuss the personnel history of a particular person. Seconded by Trustee Ramos. All ayes. Motion carried.

Reconvene

Deputy Mayor Hoffman made a motion to reconvene the regular meeting of the Board of Trustees. Seconded by Trustee Adams. All ayes. Motion carried.

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Motions & Resolutions**

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