

**Village of Walden  
Board of Trustees Regular Meeting  
September 4, 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	Faith Moore
	Trustees	Brian B. Sebring
		Larry Kraus
		John Ramos
		Dan Svarczkopf
		Lynn E. Thompson

Absent:

Also Present:	John Revella, Village Manager
	Marisa Kraus, Deputy Clerk
	Dave Donovan, Village Attorney

**Public Hearing: LL Amending Section 291-3**

Deputy Mayor Moore made a motion to open public hearing for LL Amending Section 291-3. Seconded by Trustee Thompson. All ayes. Motion carried.

Manager Revella said this is for weight limits on certain streets. Prior code had a few streets, but not the new streets in the Village, which should also have the same weight limit. Meant for local traffic not commercial.

Brenda Adams, 31 Valley Ave, asked what streets.

Manager Revella said all except for Oak, Woodruff, from Ulster to Valley, Rte 52 and 208, Coldenham Rd, Elm, Grant and Edmunds, until Penny Ln, North and South Montgomery. Every other road was supposed to be on the list, but was missing some roads, so we included them.

Trustee Ramos made a motion to close public hearing for LL Amending Section 291-3. Seconded by Trustee Sebring. All ayes. Motion carried.

**Public Hearing: LL Amending Section 291-4**

Trustee Ramos made a motion to open public hearing for LL Amending Section 291-4. Seconded by Trustee Thompson. All ayes. Motion carried.

Mary Ellen Matise, Clinton St, has seen what heavy vehicles can do to the pavement. Who is going to enforce it?

Manager Revella said the police. There are at least 2 officers that are well versed in commercial vehicle traffic laws.

Mary Ellen commented about overweight trailers that have no vehicle attached to it. Have to keep an eye on them too.

Manager Revella said it's the same. The vehicle has to be attached.

Brenda Adams asked what streets.

Manager Revella responded that it's the same exact list for both local laws.

Trustee Sebring made a motion to close public hearing for LL Amending Section 291-4. Seconded by Trustee Ramos. All Ayes. Motion carried.

**Public Hearing: LL Amending Section 298-2 & 298-9**

Deputy Mayor Moore made a motion to open public hearing for LL Amending Section 298-2 & 298-9. Seconded by Trustee Thompson. All ayes. Motion carried.

Manager Revella said this amendment is to be consistent with our sewer code that the property owner is responsible from the main to the building.

Becky Pearson, Walnut St, doesn't think the homeowner should be responsible from sidewalk to road. The road is the village property, we can't do anything in road so why would we be responsible to go to your main? Why isn't the village paying? That's why I pay my taxes.

Manager Revella responded that that's not what you pay your taxes for. That's what you pay your water and sewer bill for. Why should everyone in the village be responsible because you don't maintain your lines properly?

Becky doesn't think the village resident should be responsible for paying from the street to the center of the line.

Mayor Rumbold added that a lot of times if someone repairs their lateral, then there's an issue with the village line. So, it should go all the way to the street. We find it with water main breaks. When people are replacing their lateral, it's then damaging the rest of the village line. The whole piece should be replaced at one time.

Manager Revella mentioned the lead law. You want to make sure you're replacing the entire line to be conducive towards the lead law.

Becky doesn't think that she should be responsible for the other half.

Manager Revella said that if we had to continue maintaining laterals of each line, we would have to raise the rates. It's too expensive and it's not fair.

Becky asked if she had a water main break right now, between house and street and knew the break was there.

Manager Revella said that we would go to her house and determine if it's before the curb stop or after. If it's between your house and the curb stop, you're fixing it. If it's between the curb stop and the main, we're fixing it.

Becky doesn't think she should be responsible for what the village hasn't maintained.

Mayor Rumbold added that it's the same thing with your lateral. If your lateral hasn't been maintained and it's forcing an issue with the village side and your lateral breaks, you fix a portion of it and then we have to after you and fix our portion of it.

Trustee Thompson asked if she has a break and it's her responsibility, does the street have to be dug up at that time.

Manager Revella said that it depends on where the break is.

Trustee Thompson questioned that if it does break and you have to dig in to road, the homeowner is responsible for the resurfacing and blacktopping the road.

Manager Revella said that under the street opening permit, they are responsible for all of that.

Trustee Thompson added that a month later, because there was work done on her line, it stresses the other line, so now we're digging up the road again, replacing our line. It became a problem because of your line to begin with.

Becky asked what the procedure for her to open that line.

Manager Revella said she would need a street opening permit. We have someone sign off on each part. They inspect it, take pictures.

Becky still doesn't feel she should be responsible to fix mains that have been part of this village for 150 years.

Trustee Svarczkopf asked if the homeowner is able to dig himself.

Manager Revella said that you don't have to hire a contractor.

Mayor Rumbold said that nothing is consistent. It just depends on where you are.

Mary Ellen commented that some people can afford to do it and some can't afford to fix a line. Maybe they can use some of our loan money.

Manager Revella said that we have offered.

Trustee Thompson asked if this topic is coming up for discussion with other municipalities.

Manager Revella said that Beacon is the last one that debated it and voted to do it. Some haven't. Montgomery does it, where homeowner is responsible all the way to the main. Goshen is not. Goshen owns their sidewalks also.

Trustee Sebring made a motion to close public hearing LL Amending Section 298-2 & 298-9. Seconded by Trustee Ramos. All ayes. Motion carried.

Manager Revella announced that currently we have 2 alternate positions open on the Planning Board and 1 alternate on the Zoning Board. Second thing, I have to publicly announce that currently the Registrar of Vital Statistics for the village is Marisa Kraus and Deputy Registrar of Vital Statistics is Gina Somma. The other thing is, the village, through the Mayor, did vote in favor of the County Shared Service Plan.

### **Village Manager's Report**

- Been working on the coordination of the duties in the office with the absence of the clerk. Going very well. Good sharing between the employees there now.
- The State DOT came to the village and they painted the crosswalks. Street lights and lanes on Main Street. Will be a bigger project for them.
- Programs for Rec. Soccer sign up.
- Went through initial audit for the village. Seems to be going well. Have to go through the fixed asset list again.
- Went over capital projects with DPW Superintendent and Engineer. They are pouring the new slab at DPW facility so they can put the fuel tank back.
- Went over the agenda items from last time with the Deputy Clerk and the Department Heads.
- Building Inspector has been inundated with code enforcement issues.
- Interviews for assistant for the Building Department.
- Ulster Ave project bids came in. Will discuss later.
- Did have the Comp Plan meeting to go over zoning issues.
- Went over the Kidd Farm project with Mayor Rumbold and Trustee Thompson and the property owner. Hopefully move forward soon.

### **Approval of August 21, 2018 Minutes**

Trustee Thompson reported a correction to the minutes. Minutes stated she was reporting for the Planning Board, but she was reporting for the Zoning Board. Page 3, 3<sup>rd</sup> paragraph, 4<sup>th</sup> line down.

Trustee Sebring made a motion to approve the August 21, 2018 Minutes with the correction. Seconded by Trustee Thompson. All ayes. Motion carried.

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

#### **Village Offices Liaison – Trustee Svarczkopf**

Trustee Svarczkopf reported that the auditors were here and seem to have gone well. Still looking into Edmund's software. The water and sewer bills went out. Met number of times about distributing the clerk duties temporarily until we get a clerk in. He wanted to thank the Town Clerk, Tara Stickles for a coming out and helping. Went to Music in the Grove, it was awesome.

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

Trustee Kraus reported that he didn't meet with Ginny. Hoping for a good turnout for the Boo Hoo Breakfast.

Mayor Rumbold asked what happened with the air conditioner.

Manager Revella said that it fails and couldn't get a part in time to repair it.

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

Trustee Thompson reported that she sat in on interviews with John and Dean. Both candidates were wonderful. Fire and safety letters have gone out. People have calling to schedule their inspections. Kelly has been collecting some fees. Wants to get a list to see where we are to this date. Dean has had his hands full since the Code Enforcer is out. Not sure what's going on with the abandoned properties, there was still some issues with the paperwork.

Manager Revella said that he has the paperwork that he needs now.

Trustee Thompson added that after she and Trustee Kraus met with Mr. Woznick, she invited him to come here to explain his thought process was on the Hill St Bridge. The invitation went out on August 28<sup>th</sup> and no response yet. Will send a 2nd invitation this week and have been CC'ing Mr. Winchell.

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

Deputy Mayor Moore reported that the Governor Traffic Safety grants, we were awarded \$1500. Police Traffic Services for \$3960. Dare program will begin September 14th. Graduation will be on December 5th. Chief will be the instructor at MPB beginning on October 5<sup>th</sup> and graduation on January 28<sup>th</sup>. There have also been continuous issues on Highland Avenue that the Police Department is currently dealing with.

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

Trustee Ramos reported that he spoke with Mr. Bliss, the season came to an end. Music in the Grove was very well attended. Outside people of the community coming in to praise what we have been doing. Had lunch with Mr. Heidenman and the new assistant principal. Hoping that the school busing is up to par for this year. Keeping every one posted. Playground looks nice. They did a phenomenal job and the kids are going to enjoy it.

Trustee Thompson asked about painting over the graffiti in the skate park, but didn't find anything offensive or vulgar about the graffiti.

Manager Revella said the last time there was a vulgar word.

Trustee Thompson added that the boys also complain about out of town people using their park.

Trustee Ramos said that the policing is pretty good. There's a visual camera at the park. The police have been doing a great job patrolling the area.

Manager Revella mentioned that that was the first time he saw an inappropriate word there.

### **DPW Liaison– Trustee Sebring**

Trustee Sebring reported that he didn't speak to Fred, but from his report, DPW have been patching holes, sweeping streets, trimming trees on the shoulder of the road, repairing catch basins. Parks and Recreation and DPW put up new banners. The mechanic was busy changing oil and working on the police cars. The Water Department installed 9 new meters.

Mayor Rumbold said that she has been in contact with Supervisor Winchell regarding the Hill Street Bridge. It's going to be addressed Thursday night at their board meeting. Been assured that it's a priority for the town.

Mayor Rumbold read the Community Dates into the minutes.

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

Mary Ellen Matise, wanted to know about the open positions.

Manager Revella said that there are 2 alternate positions open on the Zoning Board.

### **Action Items**

#### **Local Law: Amending Section 291-3 (Weight Limits on Certain Streets)**

Deputy Mayor Moore made a motion for a Negative Declaration. Seconded by Trustee Sebring. All ayes. Motion carried.

Trustee Svarczkopf made a motion to adopt Local Law: Amending Section 291-3 (Weight Limits on Certain Streets). Seconded by Trustee Thompson. All ayes. Motion carried.

#### **Local Law: Amending Section 291-4 (Parking Limits on Certain Streets)**

Deputy Mayor Moore made a motion for Negative Declaration. Seconded by Trustee Sebring. All ayes. Motion carried.

Deputy Mayor Moore made a motion to adopt Local Law: Amending Section 291-4 (Parking Limits on Certain Streets). Seconded by Trustee Thompson. All ayes. Motion carried.

Manager Revella wanted to clarify spelling on a couple of the roads, Elberton, Grandview Ave, Rifton Pl, Scofield St.

Attorney Donovan said that if there's a misspelling, it will get corrected before filing.

#### **Local Law: Amending Sections 298-2 & 298-9 (Amending Water Code)**

Trustee Sebring made a motion for Negative Declaration. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Deputy Mayor Moore made a motion to adopt Local Law: Amending Sections 298-2 & 298-9 (Amending Water Code). Seconded by Trustee Sebring.

Trustee Svarczkopf said that he is up in air on this one. He understands where village comes from and understands the homeowners feel that they shouldn't have to pay for it. Also doesn't agree with the village. Part of him wants to wants to leave it where it is.

Trustee Thompson asked if the vote needed to be this evening. She thought she was good with it, but after listening to Becky speak and hearing that other communities don't necessarily do it this way. Not quite sure what she thinks either.

Mayor Rumbold said what we're being told by our Superintendent and Village Manager is that it's becoming an issue. We have to make a decision. They're advising us that it's the best thing to do for the village. We're elected to vote for what's best for our community. Do I like it? No. But I understand why they're recommending we change this law.

Trustee Svarczkopf agrees that the whole line should be done, but he shouldn't have to pay for all of it.

Manager Revella said that it's not necessary every time. It depends on your line. If it's a good copper line you may be able to repair it and not replace it, depending on where the break is.

Mayor Rumbold added that we're not going to ask them to replace the whole line if it doesn't need to be. Some house lines are different.

Trustee Svarczkopf said that he didn't put that line in.

Manager Revella responded that he did at his house and his neighbor did it at his house.

Trustee Svarczkopf added that it's not self-created.

Manager Revella said that the Village didn't put a service line either. It was put in when house was built or when it was replaced.

Trustee Kraus suggested that if his line breaks before the curb box, change that at the same time the Village changes the other half.

Manager Revella said that we're at the mercy of their schedule. We don't have the time or resources to do that every time someone touches their line. We have to worry about distribution, the main, the meters.

Trustee Svarczkopf agrees that it should be done at same time, but not the homeowner's responsibility.

Trustee Sebring asked how long has this been in effect.

Mayor Rumbold asked for an estimate of how much we would have to raise the rates to cover the expenses the Village incurs.

Manager Revella said on average we do 20 a year. To cover, just guessing about 100k, it's about 16% or so.

Attorney Donovan said that different portions of 298-9 have changed, but around 1982. Mayor Rumbold explained that we can either charge homeowner or raise rates to the entire Village, 16-17% to start to cover the cost that the Village incurs.

Trustee Svarczkopf said that he sees both sides of it. It cost his neighbor about 5k. How much more to open up the street.

Manager Revella said that he already mobilizes equipment. That's the big cost and it doesn't take more than a day if it's already there.

Trustee Sebring added that when you buy the house, you buy the problems that arise from it. As much as you don't like it, the water line started from the main to the house when the house was built.

Becky Pearson asked what the water bill covers.

Mayor Rumbold replied that it covers pumping the water, chemicals and personnel.

Manager Revella added it covers the mains, generators, fuel.

Trustee Sebring mentioned that there are 3 new trustees here that were not here when the Village raised rates and hear the outcry from the residents. Add another 30\$ on the bill, there's going to be a lot more noise. Personally, if you can get a low interest loan from us, it's easier to have it done then.

Trustee Svarczkopf asked if we still had a decent amount of money for the loans.

Manager Revella answered, yes.

Trustee Svarczkopf questioned if it could happen quickly and if it the interest was 0% or super low.

Manager Revella responded it could happen quickly and it depends on income.

Attorney Donovan added that you have to be qualified for loan.

Trustee Thompson mentioned that not all of our residents would need to take a loan.

Trustee Svarczkopf said that he would rather pay something off slowly.

Manager Revella said that even if it takes 16 years to pay that amount, your water line might not break for 60 years.

Trustee Ramos added that his neighbors are on an extreme fixed income and having them foot the bill for the entire location. Knows the water box is across the street. He can be responsible from his foundation to the edge of the roadway, but can't let his seniors go through that.

Mayor Rumbold asked if they could deal with a 30\$ increase a quarter to their water bill.

Trustee Ramos said he didn't know. He knows that if they have a water main break and it's instantaneous. Gotta start digging up, will be out of water but he can't add the stress on them.

Trustee Thompson questioned if there's a large percentage of homes that have the box set up far from property.

Manager Revella said that the newer developments are farther away than the older developments. Older ones are pretty close. Most of them have more than one main in road. The newer roads are wider. 15-20 feet wider.

Trustee Svarczkopf asked why we haven't raised rates for this before.

Manager Revella said that we raised them a couple years ago to try and play catch up to see where we were at.

Trustee Svarczkopf asked if we make money.

Manager Revella said sometimes, but we're paying bonds off.

Mayor Rumbold said that the water and sewer funds have to be self-sufficient. If you bond for a project, it has to be paid from the water and sewer fund. Salaries from water sewer fund. Not driven by taxes at all.

Manager Revella recommended them to speak to the DPW Superintendent to discuss the matter.

Roll Call:

Trustee Svarczkopf: Nay  
Trustee Kraus: Yay  
Trustee Thompson: Yay  
Deputy Mayor Moore: Yay  
Trustee Ramos: Nay  
Trustee Sebring: Yay  
Mayor Rumbold: Yay

Motion passes.

**Outside Water/Sewer User – Amthor Property**

Manager Revella said that we had some feedback from the engineer of the property owner. The latest is that it is a potential to accommodate, depending on the agreement, we can borrow with the property owner. There's a certain number of gallons they need per day and if we can get them to find something that will reduce our usage by that amount will not be a problem.

Attorney Donovan suggested authorizing a negotiation an agreement. With that agreement be presented to the board for a vote.

Trustee Svaczkopf asked the conditions to be repeated.

Manager Revella said that one would be to figure out an amount to charge. Two, make sure that there is a reciprocal project to accommodate that number of gallons.

Trustee Svarczkopf said that they only want sewer and the way we charge for sewer is go based on how much water is used.

Attorney Donovan said that you can put in a flow meter.

Manager Revella added that we do have some doing that now.

Treasurer Kelly said that we meter the well.

Trustee Svarczkopf asked if they would be open to do water.

RJ Smith said that they are more than happy to accept water as well. The project is dependent on sewer. They are fine with the suggestion from the village engineers.

Mayor Rumbold asked if he can have the negotiation an agreement prior to the next meeting so the board has time to read it over and ask questions.

Attorney Donovan said sure.

Manager Revella asked the board if they were incline to offer outside water so they can accommodate that into the agreement as well.

Trustee Svarczkopf said he would prefer they use our water.

Deputy Mayor Moore said she doesn't have issue offering our if they want it.

Manager Revella added that there's less chance for cross contamination as well.

Trustee Svarczkopf asked how fast could we hook up sewer if we came to an agreement.

Manager Revella said that it's on them. We will supervise. They pay for all that.

Trustee Svarczkopf made a motion to Negotiate an Agreement Outside Water/Sewer. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

### **Zoning Code Section 305.54 – D (2)**

Attorney Donovan stated that there was a meeting last Thursday with the Manager Revella, Deputy Mayor Moore, Dean and Jay Wilkins from the Planning Board, Dean explained there's an issue with the language in 305.54(D). There is a conforming use in a non-conforming building that wants to do work. Dean's opinion is it needs a use variance.

Becky Pearson said that the way it reads now, they cannot get an area variance because it's a non-conforming lot. Because of the size of lot, the angle of the lot, it's a special wording that makes it non-conformed. Our attorney said possibly changing the word to just single family would be a way to get around it, but make it say area variance for single family.

Attorney Donovan said that chapter 305 talks about variances and 305(C)1 is use variances and 305(C)2 is area variances. 305(D)2 talks about not-conforming uses, building and lots. 3 separate circumstances that impose a specific criteria to grant a

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variance pursuant to subsection C1, which is only a use variance. It doesn't seem to fit because if you have a non-conforming building or lot, by definition they are conforming uses. Either the building's too high or the lot is too small. In a non-conforming building or lot, the use would be permitted. It doesn't make sense to have the only criteria spelled out in sections in D2-A, D2-B, D2-3, all refer back to subsection C1 which is use variance section. He thinks to delete the language that relates to buildings and lots. The law is clear that if you want to do something with a non-conforming lot, you're going to need an area variance.

Mayor Rumbold asked if it was use or area.

Becky said it was a single family home changed to business district so it becomes non-conforming in a business district. Now it's back to R5. The reason it was changed before was because people were not going getting permits and not going through the proper procedure. Attorney Dickover said maybe change the word to single family or make it say area variance.

Attorney Donovan thinks the difficulty is this sub division is lumped together non-conforming uses with non-conforming buildings and lots. Non-conforming buildings and lots have conforming uses.

Becky doesn't know if one is better. One is talking about single family homes and the other way is for everything.

Manager Revella thinks it's important to know. The single family homes, we encourage people to do work.

Becky responded saying that lots of time, they don't know there's really an issue until it goes before them.

Attorney Donovan thinks that you have to pull out buildings and lots or separate them if it really doesn't work. We need to separate the different subdivision of non-conforming buildings and lots from non-conforming uses because they are 2 things.

Mary Ellen added that in 1996, they changed it more to a state law. Discussion was sketchy in the minutes. It seems it applies to commercial uses. You couldn't exceed 50% of the cost. Seems to like they're trying to be strict. It doesn't seem to apply to residential use. Also, stating that it was people trying to circumvent going to the Planning Board.

Trustee Svarczkopf thinks that they hadn't seen one before. The D2(A)1, says such enlargements or extensions should not exceed 50% of its original cost. Should say 50% of the current value.

Attorney Donovan thinks that this over complicates a relatively simple issue. When the state law changed the criteria for use and area variance, it codified the common law before that. The idea was so that the local municipalities were preemptive from adopting the law. So to a degree, you don't need sections C1 and C2. They mirror the state law, but you can't supersede the state law on those issues. There is a whole law about what's allowed and not allowed and when it becomes a municipal expansion. This is too confusing it needs to be reworded.

Becky said she is not going to disagree and that's why she's here. She asked Attorney Donovan to talk to Attorney Dickover about the single family piece for her next Zoning Board meeting on Thursday.

Mayor Rumbold questioned if her board decides that that's what they want to do.

Becky doesn't think there's going to be an issue. Her board doesn't supersede the Village Board for changing the laws. They can recommend.

Mayor Rumbold said that the recommendation needs to come from her. She can write that up and then we can deal with it on this level.

Deputy Mayor Moore agrees she wants to hear this. Take a look at this first based on the changes that both attorneys agree on.

Becky thanked them for being open to it.

Attorney Donovan mentioned you want to change criteria. Thinks what they are trying to accomplish is the 50% was if you're renovating your building and the value is more than 50%, then you have to comply with the current building code. Doesn't know if that achieved the objective.

Becky added that the zoning has changed.

Mayor Rumbold asked if Attorney Dickover understands what they're trying to accomplish.

Becky answered, yes.

Mayor Rumbold asked if they have a list coming out of the Zoning Board for the Comp Plan to look at.

Becky said she was away last week.

Manager Revella added that the meeting is on Thursday and already went over things.

Mayor Rumbold mentioned that we create the law and until you put it in practice you don't know how it's going to work.

Trustee Thompson commented that from the time the law was written, things change.

### **Budget Transfer**

Manager Revella explained that there were a few items since end of summer camp that gave us the opportunity to look at any lines that may be ready to be moved. Education, the Deputy Clerk and Deputy Treasurer go to NYCOM training that's coming up. Did not have enough in the budget to send them both but we propose moving from the contingent account to cover that cost. Music in the Grove is finished. The other is insurance.

Mayor Rumbold asked when the NYCOM conference is.

Manager Revella replied, at the end of September in Lake Placid.

Mayor Rumbold asked if he was proposing sending them both to the same conference.

Manager Revella said yes. It's the Clerk/Treasurer conference. It emphasizes those 2 positions.

Mayor Rumbold asked who is going to be around to take care of clerk duties that may arise.

Treasurer Kelly added that we discussed it.

Mayor Rumbold wanted to make sure that there isn't going to be any issues.

Manager Revella stated that they were signed up before the resignation.

Mayor Rumbold asked if he was the Clerk/Manager right now.

Attorney Donovan added that there is a Manager/Clerk, it's an appointment.

Manager Revella said that we have a board meeting before then to address it.

Mayor Rumbold wants to research it just to cover the Village.

Attorney Donovan asked what would have to be signed.

Manager Revella said death certificates.

Trustee Thompson asked if there was any duties that Vicki can cover.

Manager Revella said that he can appoint her as Deputy temporarily.

Mayor Rumbold asked to have this researched.

Deputy Mayor Moore made a motion to approve Budget Transfer as presented. Seconded by Trustee Sebring. All ayes. Motion carried.

### **Hazard Mitigation Plan – Orange County**

Manager Revella said that each municipality in the county that's part of the program is supposed to adopt a resolution to accepting a Hazard Mitigation Plan with an annex in it, which is the Walden Plan.

Trustee Ramos asked if this was going to be an annex to our comp plan.

Manager Revella answered that it's separate.

Trustee Sebring made a motion to approve Hazard Mitigation Plan – Orange County. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

### **Award Bid Rte 208 Sidewalk and Curb Replacement**

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Manager Revella explained that for us to make use of our grants that are given to us by the State of NY we need to award bid immediately. The lowest is Con Tech Construction Technology, Inc. The other issue is the base bid plus alt 1, was more than the budget the state allows. We are not allowed to award base bid plus supplement. We are allowed to award base bid amount on this one to the lowest bidder. The amount was \$1,278,200.00. That is the recommendation of the engineers, subject to approval by NYS DOT.

Trustee Svarczkopf asked what was base bid alt 1.

Manager Revella explained it includes potential for slate for sidewalks. If the board wants to consider the alternate, we would have to contract separately from this contract with the contractors to do that part of work.

Trustee Svarczkopf asked if we often ask for 2 bids.

Manager Revella said if we are interested in alt bids. It is common.

Mayor Rumbold asked what's going to happen if we accept this bid. What's going to happen to the slate that's there.

Manager Revella said that we know what we want to do but don't know what we're allowed to do. We want to stock pile for use in the Village. What we're allowed to do might be separate because we're not sure how much it would cost to have it stockpiled. We have property to stock pile it, but to remove it could be less cost effective.

Trustee Svarczkopf asked if our guys can work with them to do that.

Manager Revella said that we would have to know what the state will allow us to do. There's only certain things we're allowed to do because we're using state and federal funds. Have to get approval. We are capable of removing and stock piling.

Trustee Svarczkopf questioned why stock piling.

Manager Revella said that there are other sidewalks in the Village we could use it for. Can offer to residents. There's always a use for blue stone somewhere.

Trustee Kraus asked why we can't we take before the project.

Manager Revella said that we would be leaving the sidewalk in that condition, which we would be responsible for. We can't do work without permission from the state. Otherwise we would jeopardize the funding.

Mayor Rumbold questioned if this person is contracting with us or with NYS.

Manager Revella answered, both.

Mayor Rumbold questioned if NYS has to approve this bid.

Manager Revella answered, yes. But they can't until we approve it.

Mayor Rumbold asked who the Clerk of Work is.

Manager Revella said it's an engineer that we hire with approval from the state. If we don't get someone off the approved list because they're not available for some reason or too costly, then we're allowed to hire who we want, but have to foot the bill.

Mayor Rumbold assumed there were specs drawn up.

Manager Revella confirmed they are state specs.

Mayor Rumbold asked if the specs specifically mention the removal of the blue stone.

Manager Revella said there are state specs for concrete and specs for blue stone. But doesn't know if there is for the manor of removal.

Trustee Svarczkopf said that we're 29k off potentially. Can't pick up the difference? And at this point there is no way to go back to ask them to lower the bid.

Attorney Donovan said that there are certain circumstances which you can negotiate. Is it a unit price? So, you can reduce the number of units. There are certain things you can negotiate and certain things you can't.

Manager Revella said that you can always negotiate the low bid. Just not sure about these circumstances because it's state and federal funding.

Mayor Rumbold said that it's not a possibility that when removing the slate, that it's put in our vehicles.

Manager Revella stated that he's not sure what we're allowed. Not sure if the contractor wants us in the work zone.

Trustee Svarczkopf asked if blue stone is that expensive.

Trustee Ramos said it's about 450\$ per section. Are they removing and replacing?

Manager Revella thinks that they have to remove and replace with new because of the spec.

Trustee Ramos made the motion to award the bid to Con Tech Construction Technology, Inc for \$1,278,200. Seconded by Trustee Sebring. All ayes. Motion carried.

Mayor Rumbold said that now that we have awarded the base bid to this company, who does the conversation have to be with about what's allowed.

Manager Revella said that that's with the state. And they have their own Clerk of the Works as well.

Mayor Rumbold questioned who is the Clerk of the Works, are they all equal?

Manager Revella said no. The state supersedes anyone.

Trustee Svarczkopf questioned the sections.

Manager Revella said that only certain sections are going to be replaced because it's not cost effective to do an entire section. Most of it is slate, but some sections are concrete.

Trustee Svarczkopf asked if we could negotiate, instead of replacing it to give them an extra 3k to take it out nicely.

Manager Revella said that's something we can talk about.

Trustee Sebring commented that just to take it up nicely is time consuming.

### **Public Comment**

Brenda Adams, 31 Valley Ave, wanted to request a no parking sign at the corner of William St and Valley.

Mayor Rumbold asked who's pole, NYSEG? Are they going to replace it?

Manager Revella said he didn't know.

Trustee Svarczkopf asked about the no parking from here to corner sign.

Brenda thinks it went missing from the accident. There's a person that parks their truck and trailer, it's an accident waiting to happen and the trailer is almost up to Ulster Ave. She asked what Manager Revella said about Overlook at Kidd farm.

Manager Revella said that they had a meeting with the owner about what was pending. Get us a status report of where they are with the fees.

Brenda asked if they signed the developers agreement.

Manager Revella said no.

Anita Vandermark, 76 Highland, said thank you for removing items from Highland Ave. The Veteran flags on bridge were beautiful. The Teen Center was successful today with the seniors but is there some way to clean vents? The American Flag on the wall is dirty. The bathroom is dirty and it's not healthy.

Manager Revella said the flag would have to be taken down to be cleaned. Would need a lift to get it off.

Anita asked if we could add to the calendar the Harvest Fest Dance on Friday 9/28 from 7-9pm, it's the night before the Harvest Fest. Wants to get the word out to the community about the Community Blood Drive. Don't have to register. Just come between 11:30-2:30 at Harvest Fest.

Brenda added that one blood bank won't come unless we partner with a bigger organization. And our numbers are notoriously low. We're hoping this year we will get enough people to go. Looking for at least 50 units. Otherwise, we won't get them back.

Mayor Rumbold questioned if there is blood they don't want from certain people.

Manager Revella said that they always want blood.

Trustee Thompson added that there are other components in your blood they can use.

Brenda stated that everyone can give blood.

Anita wants to get the word out as much as possible. The Building Dept lawn should be maintained better. There are no garbage cans by the library. Have to be more up to date on outside flyers.

Becky Pearson, 167 Walnut St, questioned the Amthor property about how much capacity is needed.

Manager Revella said they need 1800 gallons per day max capacity.

Becky said that from past experiences, you kind of put someone in place at the amount of money that the old one was left at. Hope that you consider starting out not as much money. Can see it if it's another clerk moving into a clerk position but someone new off the street that has never been a clerk and has to learn. Look at each individual as they are.

Manager Revella said that we have been good about that.

Becky questioned about clerk's residency in the Village. Is it still mandatory?

Mayor Rumbold said the clerk, yes.

Becky commented that Jan had to get a waiver to live outside of the Village.

Manager Revella said they changed it. Right now it's the Police Chief, Village Manager and Clerk that have to live in the Village.

Becky thinks that all this conversation on the sidewalk should have happened before you went to bid.

Manager Revella said that it is in the bid. We're not allowed to use it because it's too much.

Mayor Rumbold added that the state was very clear that we can only bid for what they would allow because we're getting state and federal funding.

Manager Revella said that we're not allowed under state contract.

Becky commented that you approved the lowest bid without the blue stone and now you're trying to figure out what to do with the blue stone.

Manager Revella said that if we're allowed. The alt 1 was more than what the state allocated us for.

Becky said that it's going to be cement sidewalks.

Manager Revella stated that's not true. If we're going to use the slate, the Village is going to have to pay for it separately.

Becky questioned when the discussion happened for Kidd Farm, is he negotiating fees with you all to lower fees on everything?

Manager Revella said no. We have not discussed negotiating fees. He asked what the fees were.

Mary Ellen said that in 1993, the Village changed their zoning. It effected this property on Valley Ave. that is listed in the mins 92-93. B3 commercial to R5. Talked to Wade and he said that is should just be an area variance.

Attorney Donovan stated that he's not familiar with that case. Should be an area variance. Every subdivision refers back to C1 which is use variance. Either by deleting those two or making modifications. It clearly should be an area variance.

Mary Ellen added 1996 mins about the zoning code. On page 4 the discussion about Hill St Bridge. May 28, 1996, they wanted to take money from the Hill St Bridge and use it on the Pine Ave Bridge.

Manager Revella commented that they did.

Mary Ellen said that she did a copy of the bridge report. The bridge crew said Elm St section wasn't that great either.

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

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

### **Correspondence**

Deputy Mayor Moore received an invitation in her mailbox.

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

Deputy Mayor Moore wanted to give a reminder that on September, 21 Friday 9-4pm, RDAC The Spruce Up will take place in the Village and welcomes volunteers.

Mayor Rumbold said in speaking with the Treasurer the office is going to be busy in September, a reminder to the trustees to go up and do your business, sign your check mail and leave. Invitation to the senior dining program 9/19 RSVP by tomorrow.

### **Executive Session**

Deputy Mayor Moore made a motion to enter into executive session to discuss PBA & CSEA Negotiations and Personnel. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Reconvene**

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

**Village of Walden Board of Trustees  
Regular Meeting  
September 4, 2018  
Motions & Resolutions**

**Public Hearing: LL Amending Section 291-3**

Deputy Mayor Moore made a motion to open public hearing for LL Amending Section 291-3. Seconded by Trustee Thompson. All ayes. Motion carried.

Trustee Ramos made a motion to close public hearing for LL Amending Section 291-3. Seconded by Trustee Sebring. All ayes. Motion carried.

**Public Hearing: LL Amending Section 291-4**

Trustee Ramos made a motion to open public hearing for LL Amending Section 291-4. Seconded by Trustee Thompson. All ayes. Motion carried.

Trustee Sebring made a motion to close public hearing for LL Amending Section 291-4. Seconded by Trustee Ramos. All Ayes. Motion carried.

**Public Hearing: LL Amending Section 298-2 & 298-9**

Deputy Mayor Moore made a motion to open public hearing for LL Amending Section 298-2 & 298-9. Seconded by Trustee Thompson. All ayes. Motion carried

Trustee Sebring made a motion to close public hearing LL Amending Section 298-2 & 298-9. Seconded by Trustee Ramos. All ayes. Motion carried

**Approval of August 21, 2018 Minutes**

Trustee Sebring made a motion to approve the August 21, 2018 Minutes with the correction. Seconded by Trustee Thompson. All ayes. Motion carried.

**Local Law: Amending Section 291-3 (Weight Limits on Certain Streets)**

Deputy Mayor Moore made a motion for a Negative Declaration. Seconded by Trustee Sebring. All ayes. Motion carried.

Trustee Svarczkopf made a motion to adopt Local Law: Amending Section 291-3 (Weight Limits on Certain Streets). Seconded by Trustee Thompson. All ayes. Motion carried.

**Local Law: Amending Section 291-4 (Parking Limits on Certain Streets)**

Deputy Mayor Moore made a motion for Negative Declaration. Seconded by Trustee Sebring. All ayes. Motion carried.

Deputy Mayor Moore made a motion to adopt Local Law: Amending Section 291-4 (Parking Limits on Certain Streets. Seconded by Trustee Thompson. All ayes. Motion carried.

**Local Law: Amending Sections 298-2 & 298-9 (Amending Water Code)**

Trustee Sebring made a motion for Negative Declaration. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Deputy Mayor Moore made a motion to adopt Local Law: Amending Sections 298-2 & 298-9 (Amending Water Code). Seconded by Trustee Sebring. Motion carried.

Roll Call:

Trustee Svarczkopf: Nay  
Trustee Kraus: Yay  
Trustee Thompson: Yay  
Deputy Mayor Moore: Yay  
Trustee Ramos: Nay  
Trustee Sebring: Yay  
Mayor Rumbold: Yay

Motion passes.

**Outside Water/Sewer User – Amthor Property**

Trustee Svarczkopf made a motion for Negotiation an Agreement Outside Water/Sewer. Seconded by Deputy Mayor Moore All ayes. Motion carried.

**Budget Transfer**

Deputy Mayor Moore made a motion to approve Budget Transfer as presented. Seconded by Trustee Sebring. All ayes. Motion carried.

**Hazard Mitigation Plan – Orange County**

Trustee Sebring made a motion to approve Hazard Mitigation Plan – Orange County. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

**Award Bid Rte 208 Sidewalk and Curb Replacement**

Trustee Ramos made the motion to award the bid to Con Tech Construction Technology, Inc for \$1,278,200. Seconded by Trustee Sebring. All ayes. Motion carried.

**Payment of the Audited Bills**

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

**Executive Session**

Deputy Mayor Moore made a motion to enter into executive session to discuss PBA & CSEA Negotiations and Personnel. Seconded by Trustee Thompson. All ayes. Motion carried.

**Reconvene**

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