

**Village of Walden
Board of Trustees Regular Meeting
June 4, 2019**

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
	Trustees	Faith Moore Brian Sebring Larry Kraus John Ramos Dan Svarczkopf Lynn E. Thompson

Absent:

Also Present:	John Revella, Village Manager Marisa Kraus, Village Clerk Kelly A. Kelly, Village Treasurer Dave Donovan, Village Attorney
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Public Hearing Intro LL # 6 of 2019 – Handicap Space

Trustee Ramos made a motion to open Public Hearing for Introductory Local Law 6 of 2019. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Deputy Mayor Moore made a motion to close Public Hearing for Introductory Local Law 6 of 2019. Seconded by Trustee Ramos. All ayes. Motion carried.

Village Manager’s Report

- Had a few conferences with NYS DOT. They botched our application, now we're delayed. Had a few phone calls with the local rep. Trying to get things worked out. Our contact is getting frustrated because they want to get started as well and they're holding off on the project.
- The other projects going on with DOT, the railroad crossings. Trying to get a timeline the Coldenham Road. That is on the DOT schedule to be approved. Signaling and crossing. At the Grant Street crossing, the railroad company has to do the improvements, the DOT is not doing any signaling upgrades because the traffic count isn't warranted. So, surely it's a matter of the railroad company doing the improvements supervised by the DOT.
- I did attend an OCTC meeting. We voted on numerous projects. One of those being a traffic light at Valley Central High School. On the slate of two projects. I'll let you know when I know the timing of it but it is on the list.
- Conducted interviews with Rec for camp. Temporary employees and seasonal employees from years are all done. All paperwork was processed by the clerk.

- Deputy Mayor Moore and Trustee Thompson met about Liaisons. Deputy Mayor sent a revised memo to the board. If they want it addressed at a future meeting, we can add it to the agenda.
- Sent a correspondence to every resident on Ulster Avenue about the project coming up. We could start any day as soon as we get the permit.
- Also sent out canvas letters to the police officer list to fill our final full time slot. Received responses are back. Technically based on the postage, 2 more days left to get it back to me before starting interviews.
- Attended Memorial Day service along with some of the board members in the square. It was wonderful, the weather is great.
- Had the opportunity to go to the RDAC Legacy Dinner that Deputy Mayor Moore hosted as her role as RDAC Chairman. Great and wonderful people.
- Met with a developer regarding potential subdivision on Oak Street. Talked about what was there and told them what they needed to do to get ahold of the Building Inspector to talk about options. I think they talked once already, but they have to follow up with him to work on any potential subdivision.
- Had a meeting with the Treasurer and office staff about personnel. We did have the part time office member resign recently, so we're now accepting applications to fill that position for the part time slot.
- I did receive a request for arbitration from the PBA's attorney. We'll talk more about that in executive session.

Trustee Svarczkopf: When you talked to the DOT, did you mention the fact that they patch streets that, at this point the entire street isn't patched?

Manager Revella: Yes. It's been in the newspaper a few times. The governor has made a comment that he has not touched it for 4 years. He doesn't care. Our Senator Skoufis has also told the governor that's unacceptable and is in lobbying to get the road fixed, especially Route 52 from just outside Walden.

Deputy Mayor Moore: Assemblyman Miller asked if we could get some pictures. So, if we have them I can forward them. If not, I will happily go take some.

Trustee Thompson: Didn't we discuss perhaps putting up some temporary signage on the railroad tracks?

Manager Revella: It was ordered.

Deputy Mayor Moore: Summer youth employment, can we get the dates out there, so that they know that the job fair is on June 20th.

Manager Revella: The applications are due by the 13th. It's on the calendar and the website.

Trustee Sebring: Do they have an estimated number of days that it's going to take to do 208 with the state?

Manager Revella: For the Sidewalk Project, up to 4 months to finish the project yet.

Approval of May 21, 2019 Minutes

Deputy Mayor Moore made a motion to approve the May 21, 2019 Minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

Trustee's Committee Reports

Village Offices Liaison – Trustee Svarczkopf

Trustee Svarczkopf: It looks like they ran the Building Department's stuff through the Edmund's software.

Treasurer Kelly: We just produced the bills.

Deputy Mayor Moore: When is the training for that for the Building Department?

Building Inspector Stickle: We have a meeting with the representative on the 20th. And then we'll discuss what's going to happen after that.

Trustee Svarczkopf: I have a question about the Clerk duties. The report says that she was doing payroll, it's not on this list. Is this just because we had the part timer just quit?

Manager Revella: It hasn't been transitioned, yet. It'll go to the Deputy Treasurer.

Mayor Rumbold: That's one reason why we cross train everyone in the office. If there was an emergency, somebody could jump in.

Town of Montgomery & Library Board liaison – Trustee Kraus

Trustee Kraus: The library is going to be busy this month. They have Father's Day Stamping Craft on the 6th. Book Discussion on the 20th. It's about the railroad, when it started, from New York City all the way up to Walkkill on the 20th. A mystery Book Discussion on the 27th. Also, on Saturday, the 22nd, from 11am to 3pm, we're going to have a Car Care Clinic at my place. Due to the library because they want us to have more involvement with community and businesses and work together. Ani, a Library Board Trustee, approached me and we worked it out. It's a free Car Care Clinic. Check out the cars and see if they need any attention and given him a list. The library will have some books and information there. There'll be some refreshments and give-a-way's there.

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

Trustee Thompson: I didn't get to come in and sit with Dean because I had been away. I read his notes and I had been inquiring with Kelly. If she had gotten the paperwork that she needed from Darlene to get the fire and safety inspections all set and mail and everything's on target. I didn't get to talk to Dean about the trash cans, but am glad the board is going to talk about that, because it is a problem. People are non-compliant. He could probably cite 1/3 to 1/2 of the Village for not following the code with the trash cans. Do we send a mailer out to the residents? I don't know how to handle that. What are your thoughts?

Building Inspector Stickle: A couple things, the fire and safety inspection letters all went out one day. Second, I can cite everyone in this village, including the village for garbage cans not being put back where they're supposed to be. I didn't think it was a proper thing to cite every single resident in this village, but I thought maybe if the board or the manager pen letter to the residents, post on the website or something, just telling them that garbage cans just can't stay at the curb. They can't stay on the sidewalk or in the front yard. They're supposed to be put back. And 3/4 of this village does not do it. How can you help me or how can I help you?

Trustee Thompson: I think that you're correct. It's not realistic to write a citation to every single person who doesn't comply because there are too many people. It's not just not putting them back after pick up. It's putting them out days before pick up.

Building Inspector Stickle: Some people never put them back. They just leave them out.

Trustee Thompson: It is an issue and I don't know what the best solution to that would be.

Deputy Mayor Moore: I do know that some areas have an issue with people throwing garbage by bus stops. We have an issue on Northern and I can speak for us, that the kids walking to the school bus, when they walk down, they just throw their garbage. So, I do know that there are some residents that are located by bus stops tend to leave their garbage cans out. So, at least there's a place they can put the garbage. However, I do agree that they do cause an issue with people driving, trucks going by causing issues.

Manager Revella: I have the ability to waive for certain people, like the townhouses with issues, because they're not going to bring the garbage through the townhouse to the back. So, we give them a blanket waiver and then there are people in certain situations like corner lots. There's no backyard there. So, one way or another they're going to be seen from the road. So, they were allowed to ask for waivers. We could do a general letter to put on the website and Facebook to remind people of their obligations.

Deputy Mayor Moore: Dean, am I correctly understanding the issue is not that you can see the garbage cans where they're stored. The issue is that a lot of people are not putting them away.

Building Inspector Stickle: The code does say that the cans are supposed to be placed out of public view. And there are people that don't even move them. They just stay where they are. Yes there are certain situations within the village where certain properties have no way at it. The Village Manager does have that opportunity to give a waiver. However, that doesn't give a waiver to leave it at the curb. They have to put it back where it's agreed upon. Also, there are places that people have bus stops. I also live right on 52 and am constantly picking up trash. I'm not going to leave a garbage can in the front yard for that. I don't have an answer; I'm looking for an answer.

Trustee Svarczkopf: In regards to the major sections like the bus stops, can we put a garbage can out that is emptied, that's the village's?

Manager Revella: Yes. We can.

Trustee Svarczkopf: Would it cause a lot of extra work, money to pick up and maintain?

Manager Revella: No.

Deputy Mayor Moore: Who request's that? The resident?

Manager Revella: Technically, if it's one of the cans that we do for parks, that's something that we do on a rotational basis and we check daily. That's possible. You're allowed to give that suggestion as long as the residents are willing to accept or if it's on a right-a-way, they really can't do much about it.

Deputy Mayor Moore: I'm fine with putting something on the website and on the Facebook page about reminding people what the garbage can law is. I know I've seen it in Dean's report the last few times.

Trustee Thompson: I think starting with the reminding letter is probably the best place to start. And then if there are certain areas where a lot of people congregate, like at a large bus stop, maybe we should consider putting some cans in places like that. And if the residents still don't put their cans away, there's no excuse then.

Mayor Rumbold: I don't know that the garbage cans are the only issue. I think the Village tends to look terrible sometimes. People aren't mowing their lawns. They've got stuff piled on porches. Roofs are caving in. I think we have a general issue in this village with lack of upkeep of properties. And I think there needs to be some serious discussion about what we're going to do about it. We don't have enough people to patrol the village on a daily basis. But I think things have gotten lax. I don't know what the issue is and why. As you ride up and down the streets, it's become pretty obvious that either people aren't getting citations or they're getting them and ignoring them or I don't know what the issue is, but I think it would be in order for John to figure out what's going on and let us know. If there's anything we need to do to try to help you remedy this situation. I've had many comments from many of people about it and I looked at myself and viewed it myself and I just think there needs to be some kind of report done about what our plans are to fix the situation.

Trustee Thompson: We had mentioned months ago about some type of a community watch program to help with things like this. Is it time to revisit that?

Mayor Rumbold: I think we have over 80 employees in this village who were out on the streets every day. And I can really envision something like that becoming a vigilante tool for certain citizens who may have a vendetta against neighbor or maybe doesn't like someone. We can discuss it.

Trustee Thompson: In my mind, correct me if I'm wrong, I think about how effective it is with the problems we've had in our community with drugs and vandalism and other things like that behavioral activities in certain neighborhoods, working in conjunction with the police department, was very effective.

Mayor Rumbold: That was a neighborhood watch. I think the people had noble thoughts about why they were doing that to protect their neighborhood.

Trustee Thompson: Why would this be different?

Mayor Rumbold: Well, we're trying to protect our property values, but it also would be a vehicle for people who have nothing better to do than ride around the village on a daily basis and report people for X, Y and Z. I encourage my neighbors to say something if they see a situation. If you want to discuss it further, we can discuss it further. But I can see it turning into something like that and the Building Department being inundated with little nitpicky reporting. I asked trustees, if you're out and about when you see something, let the Building Department know about it. We have lots of DPW employees around the streets all the time. If they see something that they feel is a violation. I think they can report it. I don't know if I'm ready to turn some people loose on the village and give them empowerment. I could see people going on to other people's lawns to take pictures of backs of houses and things of that nature.

Manager Revella: I think that we have the volume that would warrant having 2 Code Enforcement Officers instead of 1. Because they're both part time, 1 would be year round and 1 during peak season. There's a lot going on. We're going to talk about that, but we also have to talk about transitions of the department. Dean only has 4 or 5 years left. Trying to get somebody in for transition as well. We're taking applications.

Mayor Rumbold: We can discuss this further if you want to put it on the agenda.

Trustee Thompson: I was trying to come up with something. It works in other communities.

Mayor Rumbold: I think it can work under certain circumstances. And I also could see the downside of it.

Trustee Svarczkopf: I agree and disagree with you. If someone is breaking the law, that we consider nit picking and we shouldn't have that law in the first place.

Mayor Rumbold: That wasn't what I was referring to. If someone is breaking the law or going against a code, I understand that. But if you have certain circumstances where one neighbor doesn't like another neighbor, now you're getting reports that may not be valid, that is now going to take time for someone to have to go check it. It could be used as a vendetta thing. We have so many employees in the village; I think if they're vigilant, that lends a hand. If we can do 2 Code Enforcement Officers, if you're open to that suggestion. More of the village would be covered more often. That may be the answer.

Manager Revella: The board had discussed when we first started doing the additional fire and safety inspections, additional workload on the Building Department. We were going to see whether it warranted more employment or whether it was going to be enough for the current employment that we have. We're kind of through the first year of that and it is a large workload, so we need to talk about what the needs will be going forward at the department.

Building Inspector Stickles: Just to reiterate what you said, the Police Department has been a very big tool in helping me identify many things in a report. There are eyes out there helping the Building Department pick up things that everybody else does.

Deputy Mayor Moore: Is there a tracking mechanism for that? For example, an officer says to you XYZ property has this issue, how are they doing that? Are they telling you? Are they e-mailing you? Like a spreadsheet or something that you can say So-and-so told me on this date and I followed up on this date.

Building Inspector Stickles: No, I either get an e-mail or they talk to me.

Deputy Mayor Moore: Maybe that's something we can think about doing. A spreadsheet that the secretary can log it and say that you got this notification and you've found that it was true or unfounded or something.

Manager Revella: The software does that. The software that's coming also does that.

Trustee Thompson: I attended the last Planning Board meeting that included a project that you just talked about on Oak Street. Mr. Donnelly was there again discussing his proposed project on Route

52. And Mr. Jacobowitz was also there discussing Edmunds Lane. So there are a lot of things on the table for the Planning Board.

Police Department and Justice Department Liaison – Deputy Mayor Moore

Deputy Mayor Moore: In addition to the usual reviewing over-time, vehicle maintenance, gas usage. They are all set with staffing for Flag Day on Sunday. Officer Montanaro is in charge of that. Just so everyone is aware, the Buddhists have some teaching's going on. They're only expecting about 200 people, which they should be able to park everybody on their own property, but they have contracted the Spence Engineering for any overflow parking. They do have their own security. Officer Hall will be working with the Chief and I offered my assistance as well to do some officer appreciation awards ceremony. We're looking at doing it in September.

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

Trustee Ramos: As the Village Manager indicated, the Summer Camp employment has completed. We've hired 50 counselors and 6 lifeguards. We expect a little bit more numbers this year. Camp Redwood closed its doors. Left a lot of families out. It is abrupt. Flag Football, we have 48 participants. June 23rd, Yankees game. Tickets are still for sale. Having coffee with Mr. Xanthis on Friday. So, I'll be reporting on that.

DPW Liaison– Trustee Sebring

Trustee Sebring: I didn't get a chance to talk to Fred because I've had a busy schedule this past week. But the water department had a water main break on Bank Street. They repaired that. They repaired curb boxes. They had a water leak on South Montgomery. They sent out postcards for the new meters. Sweeping the streets. They used our new bucket truck for changing street light bulbs. They've been flushing sewers for the DEC requirement. They've been patching the holes in the road.

Manager Revella: To make sure the board is aware; Fred is at the State Conference right now. From Sunday to tomorrow.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Patricia Henighan: 22 East Ave, I am the Chairperson of the Town of Montgomery Conservation Advisory Council. 1 of the goals that we had set for ourselves was to try to get the local community to become part of the Climate Smart Community. We had spoken with Lynn Thompson about this, but I was unable to make that first meeting where she introduced it. I don't know what kind of questions or if I can answer, I noticed a couple things in the minutes, questions about who was involved in this program. There are actually 6 different agencies. NYS DEC, NYSEDRA, the State Department, the Transportation Department and the Health Department. The main goal really is to reduce greenhouse gases in the community as a way to deal with climate change to provide resiliency in the community. Basically this program is a way of helping local communities in this big tax debt that we're all facing right now. On the website, you can see step by step the recommendations. There's no financial requirement of any kind. They did open up funding starting May 1st. That will prioritize those communities that have made the resolution. In Orange County, in the City of Newburgh. Town of Woodbury, Village of Highland Falls, Village of Maybrook, are already members. There's really no requirement in terms of having to do something at a certain point in time. You can just sit back and say well if we made the resolution and do nothing and nobody is going to say anything about it. It's not a sense of know having to keep up with what's going on. It really looks at things like how much energy is being used in the village. Probably like the first 6 months or so it's really looking at the energy budget and then saying how can this be

modified? Reduced? There was an article in the paper Gardiner. They are a Climate Smart Community and they have a Youth Task Force involved in planting trees. What we're saying is, you can call on all of us as a council to assist in what you need to do in order to meet some of these goals. Some of the benefits, increasing efficiency of buildings and facilities which will save tax dollars. The bonus of joining this community is that every member of this community can be helped by other communities who have already made this resolution. The point is that this is provided with the incentive and through joining together with other communities who have faced the same thing and have come up with some good solutions. You're part of a larger community in trying to accomplish this. The resolution is basically you receive notice of state and federal assistance. It just seems like something that offers a lot and really asks very little. Other than interest in looking at this problem and looking for ways to deal with them. Our Conservation Advisory Council, we would certainly be willing to work with you.

Trustee Thompson: I did reach out for Mayor Leahy to see if he would be willing to sit with me and go over this with me. He has not been available. He's hoping perhaps tomorrow evening we might be able to talk about it. They're very willing to share the steps that they took to get this thing going.

Deputy Mayor Moore: My questions were pertaining to the actual resolution that Climate Smart Community put forth, under the 10 elements. I'm goals kind of person, so if it says decrease energy use. I want to know how will that be measured. Do we just have to decrease it by 1 kilowatt? Percent? If we're signing this because as pointed out by the Mayor in the last meeting, this specifically says that it must be adopted verbatim by our highest body of elected officials. We can't change any of this. So, if we're expected to provide these 10 goals, my question was, what are the outcomes? How is that going to be measured? That's what I was hoping that we could get an answer for.

Patricia Henighan: I think these are all based upon the inventory of what is being done now and how with energy being saved or what are some ways that could be looked into.

Deputy Mayor Moore: I think the program is great and I'm all for it as long as we can answer those questions.

Trustee Thompson: I've been trying for almost a week to set up a meeting and the other Mayor just has not been available. Maybrook already adopted this resolution and they're well on their way with it. So, I wanted to find out the steps that they had to take. I'm under the understanding that you don't have to complete every single one of those steps within a given period of time. The language on that sounds so rigid and I'm not convinced that it's meant to be that way. That's why I wanted to sit with Mayor Leahy.

Mayor Rumbold: Been dealing with the State of NY for many, many years now. I would not count on anything.

Trustee Thompson: That's why I wanted to hear from a community that's already participating, has already adopted it. I would like to hear from them. What the process is before we dive right in.

Mayor Rumbold: The process is 1 thing. But once you adopt this resolution you are bound by and as long as New York State is the one that's going to be able to look at these 10 things and unless there is a chart, what does that mean? Give me detailed information about what this is. These communities may be adopting this thinking, let's get on this band wagon.

Trustee Thompson: I agree with you. That's why I would like to speak to someone who's already participating in the program and bring back more information for our board.

Mayor Rumbold: I'd like to hear from somebody who's had you go up against the state of New York because they didn't meet criteria because their interpretation of what this verbatim resolution says isn't what they thought it was. But it's under the interpretation of the author of it, which is New York State.

Patricia Henighan: I don't think that this is something you sign and then you get punished, because you don't follow the steps. I think it's something that you do with good intention and if you let it sit for a long time nobody's going to say anything.

Mayor Rumbold: Then I question why they want you to adopt it verbatim because in my relationship with the State of New York, being a board member for all these years, this is typical. The fact that a community cannot change any one of these 10 points to suit their community gives me pause.

Patricia Henighan: It does say you add things, you can make other changes. It's keeping these 10 items because that way everybody in the Climate Smart Community has those 10 goals in common. That makes sense. Why did they join it if they didn't have something in common?

Mayor Rumbold: Because people like to get on the bandwagon and it sounds nice that you're a Climate Smart Community. But I think it's ridiculous to adopt a resolution and then say I'm not going to do 3, 4, 5, 6, 7 and 8. It may take me 20 years. Then why adopt it if you're being disingenuous with the 10 points to begin with?

Patricia Henighan: Hopefully, we won't be disingenuous and you will follow or at least have the intent and interest in following through.

Manager Revella: You always have the option to rescind the resolution if you're not willing to go on.

Mayor Rumbold: And I think it's idiotic. If you're going to make a statement that you're going to be a Climate Smart Community, you do it wholeheartedly. You know exactly what you're signing up for. These are very ambiguous.

Trustee Thompson: Did you have the opportunity to go to the website and read in more detail? This is just sort of like a checklist.

Mayor Rumbold: I get it. But when the highest entity in the State of New York says to a local municipality you need to adopt all 10 points of the pledge verbatim. Don't tell me what I have to adopt and what I don't have to adopt. You remember the fluoride debacle and doing a lot of stuff with that, I don't trust New York State in any way, shape or form, especially when they're telling me that I have to do something and adopt it verbatim.

Patricia Henighan: This is very similar to the 10% Solution.

Trustee Svarczkopf: The 10% Solution is specific and measurable and timely. None of these are.

Patricia Henighan: That's because it's saying that you make your own inventory and decide what's going to work for your community.

Trustee Svarczkopf: I think that if we're going to do this, we edit that for ourselves. Let's set goals that are specific. Which these are not measurable for sure and put a time line on it. If we're going to do that, I want to add to this as opposed to take away from it.

Patricia Henighan: And that's what it's telling you, you can add to it.

Trustee Svarczkopf: But I'm not sure that I need to do this then. The only reason to do it then is because it gets us funding. If it gets us funding for something that we want to and are willing to do anyway.

Mayor Rumbold: And if you're in competition with other communities, I've done this to get funding, what criteria are they using to then award the funding to one community over another? There's got to be something they're measuring.

Trustee Svarczkopf: More of a reason why we put measurements on it. We can go to them and say we made an actual goal for ourselves as opposed to this. That's how you get a grant by going above and beyond what they're asking for.

Deputy Mayor Moore: I realize that you can add to it and that's great. If it says decrease energy use, are we in control of how we're going to do that or is there a measurable thing that they're requiring from us?

Trustee Svarczkopf: The website didn't seem to imply that.

Mayor Rumbold: When they make something so ambiguous, you can make the rules up as you go along.

Trustee Svarczkopf: I agree with you 100%.

Trustee Thompson: I don't have any problem that there are questions and some negativity. I would just like to ask your permission to continue to pursue this. I'm happy to investigate it further. Bring back more information for our board. We have legal counsel who is exploring it also. I wanted to reach out and speak to some other communities that are participating in it and find out their thoughts on this.

Deputy Mayor Moore: Can somebody from their Climate Smart Community do presentation? I know when the 10% Challenge was out, Nancy was doing a dog and pony show all over the place talking to everybody. So, can somebody come in and do a presentation?

Patricia Henighan: I'm sure. That's part of the idea. You learn and you get help from communities that are already involved.

Trustee Thompson: My first step was that I spoke with Pat. And I wanted to reach out to people in Maybrook to see what their thoughts were and how they pursued this and why they did it. Why they decided it was a smart thing for their village to do. I would like to gather some data to bring back for us so we do make the right choice for our community.

Mayor Rumbold: Which body in New York State is this?

Trustee Thompson: It's a group of several different agencies.

Mary Ellen Matise: 54 Gladstone, Comp Plan page 71, the R5 district allows the same special exception uses as the R3 and R4 districts with the exception of planned residential developments and golf courses. In other words, no planned residential developments and no golf courses in R5.

Manager Revella: That's what it says.

Mary Ellen Matise: Planned residential developments, by excluding them, does that take into account the concern that the committee had about senior developments in the R5?

Manager Revella: No. Not the senior ones. You can't exclude someone based on age. That's age discrimination.

Mary Ellen Matise: But then how does that answer the issue that was brought up at the Planning Board meeting? When the Planning Board was told that there is no more senior housing. There's no more funding on state or federal level. It's across the board all income based or eligibility based.

Manager Revella: 2 separate things. 1 is zoning and 1 is funding.

Mary Ellen Matise: So, we're saying no planned residential development in R5?

Manager Revella: Or golf courses. We'll confirm that in the public hearing as well.

Action Items

Annexation of Amthor Property

Marissa Weiss: This is a petition to annex 5 properties, from the Town of Montgomery to the Village of Walden. The same petition has been filed with the Town of Montgomery as well. I know that this is something that has been discussed by this board previously, this is a historical property owned by the Amthor family as a welding facility. They have since moved and are currently leasing out each of those 5 properties. 1 of those companies is a bus company, East End and is actually looking to purchase these properties and one of those things they are looking at as a condition of furthering the merger saying negotiation is whether or not they can get available water, sewer or other services that are not currently available being in the Town of Montgomery. And because of the location to Walden sewer mains, water mains, that they may be able to more easily tap into those systems if they were part of the village property. Within our application, the requirements of going to GML and for annexation additions have been met that we have submitted a assessor certification from the town itself, the town assessor, stating that over the requirements is either submit a petition that at the time over 20 percent of the owners of the area and because we've met that requirement as well. That's something that will also be discussed. At this point we're looking to schedule a public hearing we have had some brief preliminary discussions with the Supervisor in the town as well about potentially holding a joint public hearing which is something that is allowed under the GML. That seems like that would be a good idea.

Attorney Donovan: So, a thumbnail sketch of the process says there is a public hearing required. This is subject to SEQR, so there will be an environmental review as indicated the public hearing can be joint. There needs to be a vote of both boards for the annexation to go through without
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intervention. Traditionally there needs to be a vote by both boards in favor. It is to be determined to be in the overall public interest. Your public interest is generally determined by the elements referenced, services, no water, sewer, those types of things. If one municipality votes in opposition, there can be litigation. Overall public interest is the determining factor. So, for this board's determination is to schedule a public hearing. Do you want to coordinate with Montgomery for joint public hearing or do you want to schedule your own public hearing and invite Montgomery.

Trustee Svarczkopf: Would the joint public hearing be here or there?

Manager Revella: The town has indicated they would come here, if that was the pleasure the board.

Trustee Svarczkopf: You need both boards to vote on it. We could vote on it at the same time.

Manager Revella: You wouldn't vote on it at that in that time. You would just have the public hearing and then vote after the public hearing is over.

Mayor Rumbold: If we scheduled a joint public hearing that would suffice as the town's public hearing as well?

Attorney Donovan: The town would have to consent to having a joint public hearing, but the answer to that is yes. If they consent, then there's 1 legal notice.

Mayor Rumbold: If it's a joint public hearing they're coming here for that, whose meeting is it?

Attorney Donovan: Both.

Mayor Rumbold: Who would chair the meeting?

Attorney Donovan: You would figure it out. Hopefully, everyone would be an adult.

Manager Revella: There's just one other comment, had a preliminary meeting with one of the applicants as well and discussed the potential inclusion of another parcel that is contiguous with the village. They indicated they would include it in their application. I don't see it in there. I don't know if the board would recommend that to the applicant. There is 1 parcel between the village line and the property. It does help the village already, but there's another property that could potentially join and help the boundary line.

Trustee Svarczkopf: Is that the Dollar General?

Manager Revella: Correct.

Trustee Svarczkopf: Do they want to?

Manager Revella: They indicated when they first came here for the application that they wouldn't seek it in the future. They haven't yet.

Mayor Rumbold: Amthor's wants to include that in there?

Marissa Weiss: They're not opposed. We did not seek approval.

Mayor Rumbold: You're just talking as a neighbor that is abutting that property. This is a new application that would have to come?

Attorney Donovan: It could be a new application or an amended application. So, the application has been submitted by J&G on behalf of the client. You don't represent Dollar General so if the village would like that included, you can do whatever you can do to encourage that but it would be amended application.

Mayor Rumbold: I'm missing something. Why then would that impact an application from Amthor?

Attorney Donovan: Because it's a contiguous property

Manager Revella: Can do it all at once to be done in one application.

Trustee Svarczkopf: Then when we're running water and sewer, we could just run into them as well.

Manager Revella: Well, they paid for that.

Mayor Rumbold: I don't know why we would consider that in someone else's application.

Attorney Donovan: It would have to be an amended application.

Mayor Rumbold: Then that's up to the other property owner, right now we're moving forward with the public hearing for this applicant.

Manager Revella: You could also make a recommendation that you want that included in an amended application to go forward. It's just more beneficial to the village to have contiguous parcels. They're already getting water as an outside user. We wouldn't have a carve out of one property.

Mayor Rumbold: The owner of that property where Dollar General is, have they asked for this to be included in this hearing?

Manager Revella: No. They don't have to.

Mayor Rumbold: So, we just tell them that they're annexed into the village?

Manager Revella: You could. You only need a certain percentage of voters and parcels coming in in order to be approved for annexation.

Attorney Donovan: So, we'll need coordination with the town and so they understand what just occurred so they could do a similar resolution there next meeting.

Trustee Ramos made a motion for joint meeting on July 16th at 6:30pm or shortly thereafter. Seconded by Trustee Thompson. 6 ayes. 1 nay (Mayor Rumbold). Motion carried.

Trustee Svarczkopf: At the end of page 86, regarding the legend, they have an ongoing. It's not defined. The priority levels are a little confusing to me because there's a lot there that seems to say we're going to do this in the next year. And based on budget, I don't remember that stuff.

Manager Revella: The code things must be done and you should do it within a year of adoption. So, those are the needs. And the other stuff you can prioritize as you see fit.

Trustee Svarczkopf: The priorities we're not necessarily adopting them?

Manager Revella: You are.

Trustee Svarczkopf: Then we need to go through and change some.

Manager Revella: Absolutely. Prioritize as you see fit.

Trustee Sebring made a motion to schedule a public hearing for July 16th 6:30pm or soon thereafter and to refer the Comprehensive Plan for review and comment to Village of Walden Planning Board and Orange County Department of Planning. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Section 214 – Animal Waste

Attorney Donovan: Based upon the conversation the last meeting, came back with a modified, not sure if this captures what the board wants or if you change your mind, but basically what I tried to do is to incorporate that animal waste can't be deposited on a public highway, street, thoroughfare, public place or a place where people congregate, any public property or a private property without permission and I added a provision that says you can on your own property but you need to clean it up. I've deleted the reference to say the three methods approved by the Health Department for the Village of Walden that limited to a covered garbage receptacle. Again, you have an issue of enforcement but that's kind of what I got last time.

Trustee Thompson: My main concern with that is the enforcement.

Mayor Rumbold: I would think that for most people the fact that you got a letter, notice the violation might be the impotice to go out and do what you need to do.

Trustee Svarczkopf: The sidewalk is owned by the village, but it is our responsibility to keep clean.

Manager Revella: Correct.

Trustee Svarczkopf: And the same goes for the space between the sidewalk and the curb.

Manager Revella: Yes. Actually, I think the code mentions a certain number of feet to the roadway.

Trustee Svarczkopf: So, my lawn ends at the beginning of the sidewalk.

Attorney Donovan: That answer may be different for different people. Some, historically, years ago property lines extended to the middle of the street and then depending on a newer subdivision,

they may only be the property line may extend off the property. Some sidewalks may be on public property, some may be on private property.

Trustee Svarczkopf: So, I can be walking on someone's private property as I walk down the sidewalk?

Manager Revella: Yes. Especially Ulster Avenue. Did the boundary line surveys and a lot of the sidewalks are on private property and we had to move them. Anywhere between 4 inches and a foot.

Trustee Svarczkopf: The reason I ask because I understand that it is my responsibility to maintain the village land in between my area. But once it hits my yard, am I allowed to say to the government, this is my land and do whatever I please. The farmers spread crap on their land on purpose.

Manager Revella: Not if it's a public nuisance.

Trustee Svarczkopf: Is it?

Manager Revella: Yes. You're spreading manure in the village.

Attorney Donovan: This local law, your animal on your property, this requires that it be cleaned.

Trustee Svarczkopf: I'm against that because it's my land.

Trustee Thompson But you live in a municipality. You're not on like 20 acres. You have neighbors.

Trustee Svarczkopf: I understand.

Mayor Rumbold: I kind of agree with you. I think it's sad that you have to remind people to be a good neighbor and clean up piles of dog waste. Unfortunately not everyone takes the responsibility of maintaining their property not only with that issue but with piling stuff on their porch. So, we have rules that we have to make.

Introductory to Local Law 6 of 2019 – Handicap Space

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

Deputy Mayor Moore made a motion to adopt Local Law 6 of 2019 – Handicap Space. Seconded by Trustee Sebring. All ayes. Motion carried.

Resolution 1-19-20 – Climate Smart Community

Tabled

Planning/Zoning Fee Schedule Amendment

Manager Revella: We had found there was an issue with the fee schedule, we wanted to correct it. The verbiage for fire and safety inspections. Right now it only includes residential units; we want it to include commercial units as well.

Trustee Sebring made a motion to adopt amended Planning/Zoning Fee Schedule. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Public Comment

Mary Ellen Matise: The interesting discussion about the garbage cans. When it first was in place, it worked pretty well. Then we switched to these huge totes and it all fell apart. Just from observation. People leave their cans out. They don't put them behind the house. They leave them in the street. Takes up parking spaces. The garbage company leaves them in the street. I don't know if it's the size of the totes. If people find it hard to maneuver them. I had a strange experience and I talked to Kelly about it. I got 1 tax bill for the Clinton Street house and I didn't get my tax bill for the Gladstone house.

Mayor Rumbold: Did you call the county?

Mary Ellen Matise: No. Kelly told me she mailed them. I'm wondering if maybe they didn't give you all of them or if the post office didn't do their job right. I don't know. This is the first time since 1982 that I never got my tax bill.

Mayor Rumbold: Who should she call with this issue?

Manager Revella: The County. That's who does the bills. She could come in and we can print her copy and she can pay right at the counter.

Mary Ellen Matise: Kelly emailed it to me. I had to be aware of the fact that I didn't get it.

Mayor Rumbold: I think that's something you need to talk to the county about.

Mary Ellen Matise: No, I think that's a concern that you should have because maybe it's happened to other people.

Manager Revella: I didn't get mine yet.

Trustee Sebring: I didn't mine yet. It goes up to Albany.

Mary Ellen Matise: I don't know this doesn't seem right.

Mayor Rumbold: Just so you know, the office does share information. So, when you inform the Treasurer that you didn't get your bill. She would inform the manager of that.

Mary Ellen Matise: I had a concern about this and I talked to Kelly about it also. This 21 Clinton St is a house where I have a tenant and they have their own water and sewer account with the village. They didn't pay one water bill. It's never happened before, but I'm not on their account. I'm not responsible for their water usage. I think I know we need to get our money from people. I feel that I'm not responsible for their water usage. I'm not on their account. You can get the money from them. I mean I will do it because I'm here now but I think it should be looked at. You haven't had returned mail from them so they're still living there and they are responsible.

Mayor Rumbold: That's one of the joys of being a landlord.

Mary Ellen Matise: This is an issue that if the village wants their money, they should be getting it from the people who are using the services.

Attorney Donovan: The code says failure by the owner to pay the water and sewer, shall cause the village to turn the water off. The code says that it's the owner's responsibility.

Manager Revella: You can add yourself to the billing in the finance office if you'd like to.

Mary Ellen Matise: I don't know that I want to do that. That's a privacy issue for them.

Manager Revella: It's not private, you're the landlord.

Mayor Rumbold: We have had lengthy discussions about issues like this. You want to be a landlord you need to find out how to manage the bills for that property, because it does fall to the owner.

Payment of the Audited Bills

Deputy Mayor Moore made a motion to pay the Audited Bills. Seconded by Trustee Thompson. All eyes. Motion carried.

Correspondence

Trustee Thompson: Read email from Wallkill River Watershed Alliance.

Miscellaneous Comments from the Board of Trustees

Deputy Mayor Moore: I just wanted to remind the public that they are hosting a semi-truck, car, race-car show this Saturday at Valley Central High School. Larry would be a great opportunity for you to stop by and hand out your flyers. Memorial Day was a success and thank you to Trustee Ramos for allowing me to accompany you down the street. Reminder that Flag Day ceremony is happening on Sunday at 1:00 p.m.

Trustee Ramos: I did have a great time at the Memorial Day Parade. My son accompanied me along with the Deputy Mayor. Just to reiterate Flag Day is on Sunday. Come and help to remember what the flag stands for. Friday, there'll be a bunch of kids from Walden Elementary School walking the streets for field day at Bradley Park. So, just be cognizant of everybody walking.

Trustee Sebring: I didn't make Memorial Day. I normally do, but I had other things going on with my family. So I apologize for that but I will be at Flag Day.

Mayor Rumbold: I was away for Memorial Day weekend but I heard it was wonderful. Everybody did a great job. Flag Day is Sunday at 1:00 p.m. Would you suggest that we pen a letter of support for those elected officials who are trying to encourage the governor not to ignore our roadways here and do something to fix them?

Manager Revella: I have written to Senator Skoufis already. Assemblyman Miller is going to get some information for us as well.

Deputy Mayor Moore: He specifically gave his cell phone number to be able to text pictures to.

Manager Revella: He reached out to the Town of Crawford and us.

Mayor Rumbold: Is the governor ignoring all roadways in New York State or just certain ones?

Manager Revella: I don't know, but he definitely said no to this one.

Mayor Rumbold: Was there a grant application submitted?

Manager Revella: No. Just a request to not even to replace the road, but to mill it, which is just taking off the top layer and replacing it. It's on the calendar, but 4 years from now.

Mayor Rumbold: I know the DEC is one of their agencies and they like going to certain municipalities and letting them know that they're not maintaining their infrastructure the way they would like it maintained. But the State of New York can ignore their infrastructure.

Manager Revella: The biggest thing for all of us to do is to make sure that they're on written notice of the defects in the roadway so that when issues occur they are liable. Anyone can do that.

Trustee Svarczkopf: Does it count more if more people do it or is it just one written notice?

Manager Revella: It takes 1 to put them on actual notice, but if more people do it, the better. They can't say they get it.

Mayor Rumbold: We're elected officials of the Village of Walden and we represent 6000 people. So, if we as a board write a letter noticing certain areas and we represent the entire municipality, is that a way to get 6000 people on the rolls?

Manager Revella: It should.

Trustee Svarczkopf: I think we should do that every single one.

Mayor Rumbold: It's an entire municipality making the complaint vis a v us.

Trustee Svarczkopf: We can say to them if you get a flat tire due to this, they're on notice, and they're responsible.

Attorney Donovan: Well, they're on the notice of the defected condition. Then that becomes an issue for the lawyers to fight, whether or not the damage was caused by the defected condition.

Trustee Svarczkopf: But we have something to give to our constituents at that point. Right?

Attorney Donovan: So, it's good to put them on notice, but I wouldn't hold your breath that they're going to do they're supposed to do.

Mayor Rumbold: I think it's more to let our residents know that we've done our due diligence and it's no different than the state not patching Route 52 as it runs through the village. A lot of taxpayers don't realize that it's not our responsibility.

Trustee Ramos: I also firmly believe that we should send something to the Senate and the Assembly. Have them read it in their sessions in open record, so that they are on notice also. They can generate some heat to the governor and DOT.

Executive Session

Deputy Mayor Moore made a motion to enter executive session to discuss the employment history of particular person, the Collective Bargaining Negotiations. Seconded by Trustee Ramos. All ayes. Motion carried.

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
June 4, 2019
Motions & Resolutions**

Public Hearing Intro LL # 6 of 2019 – Handicap Space

Trustee Ramos made a motion to open Public Hearing for Introductory Local Law 6 of 2019. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Deputy Mayor Moore made a motion to close Public Hearing for Introductory Local Law 6 of 2019. Seconded by Trustee Ramos. All ayes. Motion carried.

Approval of May 21, 2019 Minutes

Deputy Mayor Moore made a motion to approve the May 21, 2019 Minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

Annexation of Anthor Property

Trustee Ramos made a motion for joint meeting on July 16th at 6:30pm or shortly thereafter. Seconded by Trustee Thompson. 6 ayes. 1 nay (Mayor Rumbold). Motion carried.

Comprehensive Plan

Trustee Sebring made a motion to schedule a public hearing for July 16th 6:30pm or soon thereafter and to refer the Comprehensive Plan for review and comment to Village of Walden Planning Board and Orange County Department of Planning. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Introductory to Local Law 6 of 2019 – Handicap Space

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

Deputy Mayor Moore made a motion to adopt Local Law 6 of 2019 – Handicap Space. Seconded by Trustee Sebring. All ayes. Motion carried.

Planning/Zoning Fee Schedule Amendment

Trustee Sebring made a motion to adopt amended Planning/Zoning Fee Schedule. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Payment of the Audited Bills

Deputy Mayor Moore made a motion to pay the Audited Bills. Seconded by Trustee Thompson. All ayes. Motion carried.

Executive Session

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Reconvene

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