

**Village of Walden  
Board of Trustees Regular Meeting  
July 16, 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 John Ramos Larry Kraus Brian Sebring 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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Presentation – Proclamation for American Legion Post 158 100<sup>th</sup> Anniversary

Presentation – Climate Smart Community  
**Kate Schmidt:** OC Planning presented slide show.

**Trustee Svarczkopf:** I think one of our biggest questions is it says all 10 points of the pledge must be adopted verbatim. Then you said we can change stuff if we want.

**Kate Schmidt:** That was the original, so I apologize. I'm not up to what the newest instruction is. When we started, we did adopt it.

**Trustee Svarczkopf:** That language seems so strong that it must be adopted verbatim. I didn't see it before that there are 2 mandatory things that they want to happen and after that it's really up to us. But that line seems so strong that it kind of put us off to the point where we were worried about adopting something.

**Kate Schmidt:** My experience working on the program would be you're adopting this. You are now calling yourself, one of the Climate Smart Communities because you're working towards it. The task force will have legs, they'll be doing that and you'll decide as a body what you want to do. What actions you want to prioritize. What ones is cost prohibitive? Those are things that you could discuss and maybe do part of the Comp Plan on the sustainability. The county would love to help you with it. If you're interested, we're looking for partners on that as well, because we are going to be doing, if we get a grant, on greenhouse gas inventory countywide. We will be able to share that

information with you and then find an action plan. Again, that's another 40 or 50 points you could get.

**Trustee Svarczkopf:** I really appreciate the website. Personally, I was struggling with support with innovative economy. Didn't know what that meant. This spells it out what it means.

**Kate Schmidt:** Again, you don't have to do that. If you wanted to have a job fair or doing something at the library. That qualifies. Something that says it promotes green jobs internally.

**Mayor Rumbold:** Out of all the communities that are climate smart, how much money have they gotten from this program? Do you know?

**Kate Schmidt:** No, because that's statewide. I have not followed up to ask them that. Could be zero, but the grant writing could have been zero as well. So, we can't gauge that.

**Mayor Rumbold:** How much money was set aside?

**Kate Schmidt:** I think it comes from, the money I've mentioned on our electric bills. I don't know how much it's funded.

**Mayor Rumbold:** So, we don't know how much money New York State has set aside for this kind of thing.

**Kate Schmidt:** NYSERDA funds many programs.

**Mayor Rumbold:** But you're promising communities that they can get grant money to do these things. Earn these points. Almost like a carrot on a stick. You don't know how much is there. You don't know how much was awarded. Sounds like something that New York State would come up with. They want these communities to do this, so they'll throw the promise of grant money out there, but we don't know if anybody's gotten anything. Don't know how much is in the pool.

**Kate Schmidt:** A lot of times you know how much is in the pool when it comes to solar. They do a stacking method. I don't know. The State may be able to tell you how much they fund for this. This is a collaboration with the DEC, Transportation, Health. Multiple state departments are working on this. Certainly the Clean Energy Community money is NYSERDA exclusive. And again that they did tell you, they have a finite amount of life. The first few, \$250k. When that's gone, it's gone. Then a big community like Orange County, got \$5k. So, it is a matter of time. Who got to the table first and how much they had. I cannot tell you what the budget is, but I can tell you if you look at the governor's most recent, all legislation that passed and budget, you know he's putting all the money in there. It will continuously be replenished for that. Yes, you are 100 percent right. It's a carrot on a stick. It's not me and maybe irresponsible funding, but you have to be in it to win it.

**Mayor Rumbold:** Is there a way that we can find out where this money was awarded and who was awarded to?

**Kate Schmidt:** The Clean Energy Community web page shows you exactly the actions that each of those municipalities performed and then I'm assuming they'll tell you how much money they received. Climate Smart Community web page, you could do multiple searches for what act municipalities have taken. Each municipality you can open and see what they've done. If they have been awarded money is different. You could apply for compost pick up in a week and a half. That  
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doesn't mean that if you didn't points yet or if you're not applying 3 times a year, you apply for points, they to review your submittal and then tell you if you're bronze, silver, no one is gold yet. I could look this up for you.

**Mayor Rumbold:** Who awards this money?

**Kate Schmidt:** For the most part, DEC spearheads it. I can put you in touch with the program, because these are great questions and we can get specific answers. If you can e-mail me those questions I will get your answers.

**Mayor Rumbold:** As I'm looking at these, some are going to have a cost to a municipality to implement these and no guarantee that there is any money that's going to be awarded to help with these costs.

**Kate Schmidt:** Remember, the state isn't offering to help you with the cost of implementation. It's a reward afterwards for grants moving forward. That's the whole part of the incentive. Get on board. Make that pledge. Start talking about it. Bring in this task force to go out and educate the community.

#### **Public Hearing – Introductory Local Law #7 of 2019**

Deputy Mayor Moore made a motion to open Public Hearing – Introductory Local Law #7 of 2019. Seconded by Trustee Sebring. All ayes. Motion carried.

**Trustee Thompson:** I just wanted to ask Mr. Donovan, I'm assuming you got the email from the new Code Enforcement Officer about what's already in the existing code about the animal waste. I'm just not understanding why that language is not adequate. Why do we need to take it to this next step?

**Attorney Donovan:** Life being a circle, when this conversation began, I offered the opinion that perhaps existing language covered this situation. Didn't call it animal waste specifically, but call it cleaning up the property. So, conversations ensued between the Building Department, Manager, myself and the Village Board, ultimately generated this more specifically. So, do I think that there is existing language? I would be comfortable with the existing language. There was discussion, but I thought Dean would have felt more comfortable with a specific language.

**Building Inspector Stickles:** Either or would work.

**Trustee Svarczkopf:** The current law does not enforce something on my property, correct?

**Attorney Donovan:** It does. We have had property maintenance issues that have come to this board. Someone wasn't cleaning up their property, there's different ways to accomplish that. Resolutions adopted by this board in the past telling them to clean up their property. We've also had enforcement proceedings in the local court.

**Trustee Svarczkopf:** Apparently, it suggests general property maintenance.

**Attorney Donovan:** That's correct. The issue that Trustee Thompson would say is does that general property maintenance be covered by this local law. This local law is more specific. I do think that you're covered by the more general. If you'd prefer. What you can do is close the public hearing and not take action. You're under no time constraints to take any action.

**Mayor Rumbold:** I think the other one does specify animal waste as well.

**Attorney Donovan:** I thought you were covering the floor.

**Mayor Rumbold:** We were asked to make something more specific than the other one. To answer Trustee Thompson's question, it does reference animal waste as well. Anything that's a nuisance to the neighbors, causes an odor, things of that nature.

**Trustee Thompson:** I did not see the original wording in the code that was presented to me. After seeing the existing language, questioned if we really needed to do this. If what we previously had is too difficult to enforce and hasn't been utilized, perhaps we should make it more undisputable and enforceable.

Trustee Ramos made a motion to close Public Hearing – Introductory Local Law #7 of 2019. Seconded by Trustee Sebring. All ayes. Motion carried.

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

- Still keeping track of things and also took a couple weeks off. Kept up with email and phone as much as possible while away. Obviously, a lot to catch up on when I got back.
- Finally have some movement on the sidewalks on Ulster venue. Today, the State responded regarding the permit. Hopefully, can get it by tomorrow so work can get started.
- There were some questions regarding a potential subdivision that's going on off of Oak St. They spoke with Dean prior. They have been speaking with neighbors and trying to get the project to move forward.
- We had a bunch of bankruptcy petitions come in. No action to be taken on those.
- Interviewed police officers for the open full time petition with Chief. Also, did some interviews with people for the part time office person with the Treasurer and the Clerk. Unfortunately, nothing has panned out yet.
- Did interviews for the Youth Employment Program.
- Went over matters with our special counsel, negotiations we will be updating during executive session.
- Had a couple labor hearings. Will update during executive session.

**Trustee Svarczkopf:** Once we have that permit, Ulster Ave can start?

**Manager Revella:** Yes.

**Trustee Svarczkopf:** And the office on Main Street is for them?

**Manager Revella:** Yes, it's required.

### **Approval of June 18, 2019 Minutes**

Deputy Mayor Moore made a motion to approve the June 18, 2019 Minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

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

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

**Trustee Svarczkopf:** There were some interviews for the part time position. They had 2 Summer Youth Employment Workshops. Was able to go to a small part of one. Everything else is business as usual.

**Town of Montgomery & Library Board Liaison – Trustee Kraus**

**Trustee Kraus:** Met with Ginny, she's really excited about a grant that she got from Senator Skoufis. 5k grant for new children's computers. Her numbers this year for summer programs brings us even to last year.

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

**Trustee Thompson:** I've been to 2 Town of Montgomery meetings. Nothing really pressing. Last one turned into a warehouse discussion. They're still going back and forth about fixing their roof and their issues at their Town Hall. One thing that was very positive, they are putting out for bids for a Planner to get the Comp Plan started. Also put an ad out specifically for representatives for each of the villages to work on their Comp Plan Committee. Went to one of their Planning Board meetings. It just turns in to the warehouse discussion. June 24th had NYCOM here. Was very well attended, about 15 people from different municipalities. The presentation was very appropriate to things we're dealing with in the Village. Everyone really loves our venue. No complaints about parking. Earlier that day, went to a workshop roundtable. That was very informative. I shared some of that information with John. Talk from some agencies that were there about grant opportunities. Our Zoning Board was not able to meet on June 26th due to no quorum. Our Planning Board meeting last night. A lot of discussion, projects on the table. Edmunds project was the big ticket item. A lot of back and forth. Anticipate that will eventually come to us.

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

**Deputy Mayor Moore:** Reviewed the fuel usage, mileage reports. Just wanted to remind the Village Manager that at some point, maybe in September, we want to get Chief on the agenda to talk about his view with 911 and dispatching.

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

**Trustee Ramos:** Summer Camp is firing up. Completed one week, no hiccups. The parents seem very, very energetic that their kids are coming home exhausted and falling asleep early. That's a good thing. I witnessed a couple issues at the desk where the parks personnel rectified immediately when parents came without immunization records and with the technology that we have, they had it on e-mail and forwarded to the main computer there at the site and there was no one turned away. We have 52 flag football representatives. We have Orange County Cal Ripkin League with a week-long baseball seminar. Possibly a hundred participants. This is going to be August 19th through August 23rd. Expect some new people around the neighborhood and hopefully they'll be coming to our restaurants and taking care of what they need.

**DPW Liaison– Trustee Sebring**

**Trustee Sebring:** I didn't get a chance to talk to Fred, because he's on vacation, but from his report the Water Department replaced 12 new meters. DPW had sweeper out doing the streets. Cleaning basins. They sent a couple of trucks over to Montgomery, because they had some reclamation going on. They replaced a fire hydrant on Ulster Avenue in anticipation of the sidewalk project. The mechanic worked on the trucks, changing oil. Took a body off of one of the old trucks and he's going to put that on a new truck to save us some money rather than send it to Amthor's.

Mayor Rumbold read the community events into the minutes.

**Public Comment on Business of the Board**

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**Jean Winum:** 1017 St. Rte. 52. We're next door to the Amthor Property. I just need to know, who would be in charge? Is there a law in the Village Code, for light trespass? If there is, can the Code Enforcement Officer or Building Inspector enforce that? It's a current issue that effects our home every night.

**Trustee Svarczkopf:** Do they keep them on all night?

**Jean Winum:** 3 large high spot lights. They were built and put on in October. I've been in touch with the Town of Montgomery Building Inspector. He said it's a violation. They should be brought to court. So, if it's annexed to the Village, I want to know who is in charge.

**Trustee Thompson:** That's been an issue at the Town of Montgomery Planning Board.

**Jean Winum:** The Building Inspector did drive by our house on 52. He had said that Mr. Kelly had mentioned it to him. The Building Inspector has been out there twice as far as I know, but nothing has happened.

**Mayor Rumbold:** Do we have anything on the books about lighting nuisance?

**Attorney Donovan:** The answer is I don't know. It's not a good policy to decide at the meeting. If it ends up being in the village, our Code Enforcement would have to evaluate and see what's on the books that might be enforceable. Typically, if it was a new project that came in front of the Planning Board. They would want to make sure that you had basically no lean over. I don't know how these lights came to be. I don't know if it was part of their site plan approval or in violation of it. There are a few unknowns.

**Manager Revella:** We'll look at that.

**Becky Pearson:** 167 Walnut St. They would be taking water and sewer, if the annexation went through. What type of precedence is this going to set? There's property across the street that's slated for development. Where do you stop the Village? Do you just keep taking people in? And if you do, do you then just dissolve the Village and become the Town of Montgomery. How do you stop? Who is asking to be annexed in?

**Manager Revella:** The owner of the property.

**Becky Pearson:** Who owns the property? Does Amthor own it or the bus company? The bus company has been bankrupt in Long Island. He's been under 3 names. He's now under an LLC. Hopefully you will look at that. What is it slated for? What will it be zoned as? Whether you're gonna change the zoning in that piece of property or leave it the way it is. Those are things that this board needs to look at as well. Hopefully, you're thinking about Dollar General.

**Mickey Millsbaugh:** I have concern about that property. I looked at a satellite picture and the drainage ditch from our pond, disappeared. I think we should have a serious commitment before we think about annexing anything, that that drainage ditch be reestablished. I know the State was on our case, probably about 10 years ago over the condition of the dam. I don't know how it stands today, but the remedial action was taken. I don't know how many flash boards you have in place there. If the flash boards came out, could that drainage system, take it? Then I also wonder, what the assessed valuation of the land the loan is out there in the event somebody should think, we're annexed to the Village, let's demolish the buildings. We're not getting enough anyhow and we're

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only being taxed on the land value. I listened to the other thing, something was said about batteries in the house seems to be some practical thoughts being passed there. She made no comment on atomic energy. Which is a solution to this whole thing, but it's so controversial. And they should be pandering in that somehow. Sue you said carrot and the stick. Do we want to be committed to something that is kind of a pie in the sky? Thinking about energy, when I was on the board, I was trying to get the manager to do something about the heating system in this building. We have two units up here. A third, maybe more were removed over time. We faced this in the furniture store. We don't want to heat somewhere we don't have to. We have individual units. Gas is very flexible. You could have a furnace on every floor four people. Where you need it, when you need. And I hope you're really on the State's case over the dangerous situation now, that I brought that to your attention and I know you brought it to the State's attention over a year ago and it just keeps deteriorating. The roadway itself seems like if you get somebody of some importance down there.

### **Action Items**

#### **Resolution 1-19-20 – Climate Smart Communities**

**Manager Revella:** The board has heard some comments from another participant who may have had some more insight. It's up to you what you want to do next with it. It does give you some points on the CFA application. This is the main source of grant funding for us from the State. If it gives us points on that, it is helpful. What's the negative? I'm not sure. The only 2 things we have to do on the list is to designate ourselves and create a liaison. The other things we don't have to do, but we can try and work toward it. If it gives us points in the CFA, it's a plus.

**Deputy Mayor Moore:** In order to become a Climate Smart Community, we need to sign this Resolution that states we are accepting it verbatim and we will do ultimately that.

**Mayor Rumbold:** You pledge.

**Deputy Mayor Moore:** I appreciate Kate taking the time, but I don't think she answered my question. She said that when she did it in 2011 with the County, it was different. Now what we're signing does say verbatim. I'll go with what the rest of the board decides. Just want to make sure that we're all fully aware that this is saying we're accepting these 10 elements verbatim. That we're going to do all 10 of these. We can't massage them the way that fits our community.

**Trustee Svarczkopf:** She said there are 2 mandatory things that must be done.

**Deputy Mayor Moore:** I get that, but that's not what we are signing says.

**Trustee Svarczkopf:** We're signing that we will pledge to work towards them. But there are only 2 things that must be done. After that, we can pick and choose anything that we want we want to do. That's what I heard.

**Trustee Thompson:** That's the way I understood it. I have been working with the Conservation Advisory Committee and they are supportive and willing to do anything we need to gather the data and put together a task force. I also took it that we must do 2 things. The other things are things that the State would like us to work toward. I'm all about doing what we have to do to try and get eligible for grant funding. To me it's a bigger picture and it's not just about getting the money. It's about doing the right thing for our community. So that our children and grandchildren and their children will have a clean, decent place to live.

**Deputy Mayor Moore:** I agree with you 100% and I just want to make sure that nobody is misunderstanding my concern. That I am 100% in favor of all of these elements. I just had a problem with the form that we have to sign. My concern is that what we're committing to say that we're going to do based on this form and I've been saying this over and over.

**Trustee Svarczkopf:** That was my concern as well. Looking at this website has alleviated that for me. There is 3 things there, mandatory, priority and then total points. There are only 2 mandatory things.

**Deputy Mayor Moore:** I know that's what the website says, but again that's not what this form says.

**Attorney Donovan:** I can speak with a little bit of experience from working with the Village of Goshen for a number of years. They did sign on for this for the specific reason for trying to get funding. They wanted to be a Smart Green Community, but they wanted the money to assist with that. The way I read the verbatim, is that the state doesn't want 64 different communities modifying these 10 items. Basically, want you to keep these 10 things precisely where everyone signs off to do the same thing. I think it's more of a you aspire to do that than you're required to do that. No one's going to come down and arrest you for not doing these things.

**Manager Revella:** They're pretty vague and open.

**Attorney Donovan:** They're more goals than requirements. I think the likelihood to get more money. This is the easy part. I mean this resolution just basically says that we'd like to do this, we'd like the opportunity to apply.

**Trustee Ramos:** I have to agree with a couple of my colleagues. If you don't see the money and it's going to cost you money in order to facilitate this resolution and I understand the writing and what it does for the community and what it does for the environment. But obviously we're a small village. We could use the grant money and if it's that difficult to obtain. I can see what it's going to do for the community. I'm all for writing grants, spending hours and hours implementing the Comp Plan. We're doing a lot of things and who's heading this? New York State DEC. Who's been crawling up our you-know-what for ages. Can we trust the DEC to properly disseminate funding to all of us? All the 62 counties in the State of New York, multiple villages? I think its DEC or the state governments, hey, let's get everybody on board but we're not going to do anything for them. The county just confessed that they only got \$5k out of \$450k. I think we're doing a phenomenal job. We have a Comp Plan. We can institute some of these ideas in our Comp Plan and we can develop that without a point system. This is a gamble for all of us. I don't really like gambling too much. There's a lot of work involved and I think we should use our energy the right way and concentrate on the Village by implementing our Comp Plan.

**Trustee Sebring:** I agree with Trustee Ramos and some of the other comments made here on the board. Dangling the carrot is fine, but when you get the carrot, how much of that carrot are you going to get? The Village has looked into the solar to see if we could save any money, but it cost too much to put it in and then are you really going to have a good saving? I have solar on my house. I'm gonna go to that battery storage seminar. But is it really worth it here in this little village? There's things that we can do on our own and not have the state and the DEC on us. I'm in favor of us just doing what we should do on our own rather than have the government telling us or even changing the rules as they go along, because they're not too sure about it either.

**Trustee Svarczkopf:** When all is said and done here the only thing that this vote would change is nothing, because we actually already have a task force. The coordinators are there. So, the vote changes nothing except possibly giving us grant money. The fact is that I think all of us on this board have already said, we are in favor of doing some of these things. \$50k for street lights. May not be enough, but having a seminar about green job training or having a job fair bring people into this village. That's low hanging fruit. If what we vote here doesn't change anything, we already have those two things and it possibly gets us grant money for things that we do want to do in the future. I don't see a reason not to at this point. I think we should have a really good discussion and go through this list and say we want to decrease energy use. And she just said she could help us with that audit. Why would we not want to decrease our energy use? If that's something that we do want to do. Now, we have grant money that could be available to us. It's not them forcing us and saying we must decrease energy.

**Manager Revella:** She's talking about NYSERDA grant funding, but this also helps with CFA funding. That's all sources not just the NYSERDA one.

**Attorney Donovan:** I don't mean to sway the board one way or another. To me, the resolutions is just fine. I just want to make the point that the money may not be as easy to obtain as previously portrayed.

**Trustee Svarczkopf:** And I just want to make the point back that I think we should be doing these things whether we get money for them or not. At least some of them. I think that if we are planning on doing any of that we should have the possibility of getting more grant funding.

**Mayor Rumbold:** I think this is so disingenuous. We've been under consent order from the DEC for years. We fulfilled that consent order and instead of releasing it from us, they gave us another one. So, if DEC has anything to do with this, I don't want any part of it. I've dealt with them since I've been on this board and they're so disingenuous. That's why I ask if you think that grant money is the low hanging fruit and there's only 4 communities in this area that want to get involved in low hanging fruit. That's why I asked her who got the grant money in this area. Probably nobody. How much money is available? Nobody knows. It's just another state funded program that nobody knows anything about, nobody knows how it is distributed. It's all to entice people to do these things, which, yes I agree, we should be looking to do energy savings. But I'm not signing anything or voting to sign anything that has to be accepted verbatim. I think at some point what's going to happen is, these communities are going to be judged by this. I'm not in favor of this at all. We want to do these things, if we want to form a task force, let's do it on our own. I'm not going to sign anything that ties me. Why would you be so disingenuous as to sign something like this knowing what those 10 elements are and already be mindful of not having to do all of them. Doesn't that seem disingenuous? If I'm going to sign something, I'm going to go all in. I'm going to be forthright about you. I'm going to put my energy into it. I am going to do my best to fulfill the obligation that I committed to. She said that we don't have to do this or that. Then why do I have to adopt it verbatim? Allow me to modify it to fit my community. Not everyone in New York State is the same. We're all different. Different demographics. Different environmental issues.

**Trustee Sebring:** I've noticed in the past 3-4 years since I've been on the board here that you could have gotten grants for the charging stations for the electric cars. A lot of municipalities didn't take advantage of that, but a few did. The amount of money that you are given to put a charging station in probably ended up costing you more money. And then on to the solar. I have solar. I took a chance and a lot of other people in the village and surroundings didn't. But the ones that do have it, I think in the long run it's going to pay off for them. Now they're saying you should maybe think

about battery storage. OK, fine. You're saving the electric by storing it. Rather than taking it off the grid. But that's another carrot that they're dangling at you. What's after that? She mentioned using the ground as heating for your house. Not everybody has the land to do that. There's things in here that I see that they're dangling in front of you. But not everybody is biting at them. To me they're just trying to entice it more. You've got to make up your own mind about it and to me it doesn't look like that it's going to be a good program for everybody.

**Trustee Thompson:** How much grant funding do we apply for?

**Manager Revella:** Just this year or since when?

**Mayor Rumbold:** Just use this year as an example.

**Manager Revella:** From CFA we got zero. CDBG we got everything we've applied for.

**Trustee Thompson:** So, CFA is where we would like to get money hopefully towards waste water treatment. Community Center is another one. If we're getting nothing, do you think it's worth signing the resolution and trying to score a little higher on our funding applications? If we don't even try, we're definitely not going to get it. If we try, we have a chance. I don't know. Maybe I'm not taking it as literally as some of the other people on the board. I feel like the way we're doing it now, we're not getting the results that we would like. Maybe we should consider doing the grant funding differently. Doing some of these applications to try to improve our scores to be better in the running to get awarded some money. When she said that Goshen only got \$5k, she clearly said it was because they applied late. It would be lovely if we could fund so many of these wonderful things on our own. We are not a bottomless pocketbook community and we don't have some of these funds. If we're participating in a program where I'm interpreting it in the way Dan is interpreting it. There's two mandatory things on that list which have to do. If we can do all 10 of those things, we are going to be awesome. I don't anticipate we're going to get all 10 of those things done. It's a lot of work. But there are people that are willing to put in the time and the effort to see if we can make an impact on our community.

**Trustee Kraus:** What happens if we sign the resolution and we don't do all of it? Is there a penalty? So, why not?

**Mayor Rumbold:** If it costs money to implement and do, then you're spending taxpayer dollars with no guarantee.

**Trustee Kraus:** It's a risk. Life's a risk.

**Mayor Rumbold:** Absolutely. Am I going to take a risk from the DEC? No.

**Trustee Kraus:** I think it's a good plan. I don't like to be forced to do something that is not necessary. Sometimes it's a give and take.

**Trustee Svarczkopf:** On this list is geothermal. You don't do both. You pick one. If you do solar, battery storage makes sense, because you're creating your own energy. If you're creating more energy than you use then you might as well store it for when we can't create the energy. Geothermal, battery storage would be stupid. There are things on this list that we won't do because it doesn't make sense. At this point, if Dave is saying the thing that we would sign does not lock us into anything and those 2 mandatory things are already done. I don't see a reason not to.

**Mayor Rumbold:** How do you know that it's not going to lock you into something? Why verbatim?

**Trustee Thompson:** I thought she explained it quite well, just to make standardization. So every single community in the state of New York is not going rogue and doing it their way. How can you run a program like that with no control of what the rules are?

**Mayor Rumbold:** But you're still being judged on points. So you're forcing every municipality to be the same. Adopt it verbatim.

**Trustee Thompson:** But you're not. You can pick and choose so.

**Deputy Mayor Moore:** By looking at the website currently. Based on the conversation of the mandatory actions and then the other 12 priorities. For the mandatory, is the task force and the coordinator. They are mandatory. They give you 30 points. Then there are 12 priorities. Under those priorities is what could give you points. Let's just say under the inventory for a mission set goals plan, there's 16 points available in that, but there is a whole array of things that could be done to get towards those 16 points. Reading and I said this at the last board meeting, reading the resolution that we're supposed to sign, my one question was, decreasing energy use, how are they going to judge us on that? I understand better now, that under the decreasing the energy use there's that whole array of stuff that actually has variable points. We may end up only getting one point under that. By doing the 2 mandatory things, we automatically have 30 points. The rest of them, we could end up getting 1 point. There is a total of 869 points available. Thank you, Dave for answering my question.

**Trustee Svarczkopf:** I think that's where the standardization comes from. If another community has a section, they can't go for points. So, they are going to essentially be on a on a floating scale. More importantly we can't have a 13th section that we add. So, the sanitization is that verbatim those 10 things that come from that point system. But it specifically says everything before the preamble can be changed. It's literally those 10 things that they need to stay and I now understand why and have no problems with it.

Roll Call:

Trustee Svarczkopf: Yes

Trustee Kraus: Yes

Trustee Thompson: Yes

Deputy Mayor Moore: Yes

Trustee Ramos: No

Trustee Sebring: No

Mayor Rumbold: No

Trustee Svarczkopf made a motion to adopt Resolution 1-19-20 – Climate Smart Communities. Seconded by Trustee Thompson. 4 ayes. 3 nays. Motion carried.

#### **Introductory Local Law #7 of 2019 – Section 214 – Animal Waste**

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

**Trustee Svarczkopf:** Number one, I am so against the second part of this that puts a \$500 fine on me as a homeowner that doesn't own a dog, for feces in my yard from someone else dog. Who illegally put it there and didn't pick it up. I get the \$500 fine because that time wasn't witnessed. I  
July 16, 2019

now get up to a \$500 fine. I think that's absolutely ridiculous. It's been said to me multiple times that that's not why write the law, so I can't see it being used that way. I can. I can see people with vendettas. I can see someone not liking someone else and going out and writing this ticket or someone who doesn't have a dog. As a non-dog owner, I'm not about to stand in my yard for feces because I don't own a dog. This can happen over and over and over again. Yes it would be an abuse of the law, but it would be totally within that person's right to write that ticket. I can't vote for that.

**Manager Revella:** Just so you're aware that that can happen under the current law.

**Trustee Svarczkopf:** The current law, the way that I read it is about property maintenance.

**Manager Revella:** If somebody put debris on your property, you're required to remove it.

**Trustee Svarczkopf:** I understand that. I'm definitely not going to make that law stricter. I don't agree with that law in the first place. Is the fine schedule the same?

**Attorney Donovan:** I have to check.

**Trustee Svarczkopf:** I think it's ridiculously high for this.

**Manager Revella:** \$250 in the current law for each time that it happens.

**Trustee Svarczkopf:** Each time it happens. There's trash in my yard now. But I didn't put it there and that it is my point. This happens in our community all the time and I'm really not okay with making the law stricter.

**Trustee Ramos:** I think the law currently adds enough teeth or judicial notice that we were able to bring the homeowner to proceedings in court. When you have something that it's currently written and has been tested, obviously, we don't need to write a new law.

**Mayor Rumbold:** But it was said to be unenforceable.

**Trustee Ramos:** The current law still states that somebody could be cited and brought to the court. I feel that we wasted a lot of time on this.

Roll call:

Trustee Svarczkopf: No

Trustee Kraus: Yes

Trustee Thompson: Yes

Deputy Mayor Moore: No

Trustee Ramos: No

Trustee Sebring: No

Mayor Rumbold: Yes

Trustee Thompson made a motion to adopt Local Law #7 of 2019 – Animal Waste. Seconded by Deputy Mayor Moore. 3 ayes. 4 nays. Motion not carried.

**Mayor Rumbold:** We're gonna enforce the law that's on the books now and we'll see if it is enforceable. And go from there.

**Outdoor Café Request – Sweeney’s**

Trustee Ramos made a motion to approve Outdoor Café Request – Sweeney’s. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

**Veteran’s Day & Brick Dedication Ceremony Request**

Trustee Sebring made a motion to approve Veteran’s Day & Brick Dedication Ceremony Request. Seconded by Trustee Ramos. All ayes. Motion carried.

**Annexation – Amthor Property**

**Attorney Donovan:** This is for the intent to make yourself lead agency.

**Trustee Svarczkopf:** If they object, do they automatically get it?

**Attorney Donovan:** No. Either have to resolve it or it goes to the DEC and they make a decision.

Trustee Ramos made a motion to declare lead agency. Seconded by Trustee Sebring. All ayes. Motion carried.

**Manager Revella:** There is a second motion to schedule joint meeting for the August 20<sup>th</sup> at 6pm.

**Trustee Svarczkopf:** Dollar General was mentioned, anything come of that?

**Manager Revella:** I don't know if they amended the application to include Dollar General property, yet. But I did make a request at the last meeting.

**Trustee Svarczkopf:** Could it still happen?

**Attorney Donovan:** It would not happen that evening, because without an amended petition or some mechanism. Right now the only thing the Village has in front of it is this application for these tax parcels owned by Walden East, LLC.

**Trustee Svarczkopf:** We've now said the meeting will be on the 20th. We didn't say the detailing, so if they amend it before then.

**Attorney Donovan:** There's a petition submitted by Walden East, LLC to annex 5 parcels from the town. That's all we can do right now.

**Trustee Svarczkopf:** The last we talked, if there's 80% of it, that other parcel will be annexed in without their consent.

**Manager Revella:** That's correct.

**Attorney Donovan:** But it's not part of this application. I would be uncomfortable with this board not having anything before them to take action. I think you should only take action on what's before you. And what's before you is a petition to annex 5 parcels.

**Trustee Svarczkopf:** Absolutely. My question is if they decide to amend that petition before the 20th, is that something that could be done that night?

**Attorney Donovan:** No. The hearing could be continued to include them at a later date if we had the proper paperwork in front of us. But I don't think it would be appropriate if it showed up tomorrow and we have it for August 20th.

**Trustee Sebring:** Would the current owners of that property or the corporation have to OK that to be done?

**Attorney Donovan:** I need to go back and look at the statute. Typically that's the way it's done, by petition. Is there another method to do that? I'm not prepared to give you that answer.

**Trustee Sebring:** What I'm getting at is that if they were asked, would it have to be the owners of that property now or would it have to go to a corporation of the name?

**Attorney Donovan:** The owner of the property.

Trustee Ramos made a motion to schedule joint meeting for August 20, 2019 at 6pm. Seconded by Trustee Sebring. All ayes. Motion carried.

#### **Resolution 2-19-20 – Budget Transfers**

**Manager Revella:** These are year end transfers. After we have our final bills in and did all the final adjustments on all the accounts, payrolls etc. There's a couple different funds and it's listed by department.

**Mayor Rumbold:** There should be a total there. Can you add that up and put it in so it's in the record?

**Treasurer Kelly:** Yes.

**Trustee Svarczkopf:** The police personnel line, was that \$17k higher on our budget packet or was it not known until just now?

**Manager Revella:** I don't think so. It wouldn't have been on the year-to-date packet because it wasn't year-to-date yet.

**Treasurer Kelly:** The police is different because you have part time/full time position was open so we utilized part time so we can move monies back and forth between budget lines.

**Trustee Svarczkopf:** Looks like you took it from retirement.

**Treasurer Kelly:** Correct.

**Trustee Svarczkopf:** But that's not for overtime?

**Manager Revella:** No.

**Trustee Svarczkopf:** So, that \$17k line, that's because we went from a part time person to a full time person.

**Manager Revella:** We had to fill in a spot.

Deputy Mayor Moore made a motion to approve Resolution 2-19-20 - Budget Transfers for A fund \$42,888.64, F Fund \$3,629.24, G Fund \$18,871.01. Seconded by Trustee Svarczkopf. All ayes. Motion carried.

### **Comp Plan**

Deputy Mayor Moore made a motion to schedule a Public Hearing for Comprehensive Plan on August 20, 2019 at 6:30 or soon thereafter. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Public Comment**

None

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

Deputy Mayor Moore made a motion to approve payment of audited bills. Seconded by Trustee Ramos. All ayes. Motion carried.

### **Correspondence**

None

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

**Trustee Svarczkopf:** Discussion was talked about grant writing. I'd like to look at either hiring or using the staff that we have to actually make some money grant writing. I think that there is money out there that we don't see all the time and I would love to have someone there that takes a look at grants and writes them. I know that Kelly had written the tech grant earlier in the year and it's taking time away from her normal business to do that. I think that if we have someone that's dedicated to that, they may do a better job.

**Manager Revella:** We have a grant writer. Kristen O'Donnell at Lanc & Tully. She's a planner and grant writer.

**Trustee Svarczkopf:** So, we pay them for it.

**Manager Revella:** When they do grants for us, yes. We didn't hire her to do that.

**Trustee Svarczkopf:** Do they come to us and give us grant opportunities as well?

**Manager Revella:** They ask if we want them to write a grant for us. They look to see if we qualify. Some are population based. We get a lot of grants via email and we look at them to see if it's worth it because the matching parts are usually pretty bad.

**Trustee Svarczkopf:** I would just like to get a summary of it.

**Trustee Ramos:** I've written a couple for the County and a couple for the National Parks and Recreation. Obviously, we didn't get anything because we're in competition with a million people and you know a couple of billion dollar budgets. I'm also on the school board grant writing and I'd be happy to look and I search every day pretty much for anything. Obviously the police department is different because they're under public services and it's really hard to be in competition with every police department in the state. We're searching and I'd be happy to dive in.

**Manager Revella:** The police department actually writes a few different grants for bullet proof vests. We do it every year as well.

**Trustee Thompson:** I would like to add my report for the building department. We are where need to be with fire and safety inspection for this quarter. People are responding in the time frame being given. Darlene is on top of everything. I met with our Code Enforcement Officer. I think he's doing a very good job. Part of his plan is to work on community relations. Mr. Taylor has been working very hard to try and make people a little more comfortable when they get a visit from the Code Officer. Hopefully, they're a little more compliant and willing to correct some of their defineicies before they get a citation. Things are going well or the building department and I apologize for not mentioning that earlier.

**Deputy Mayor Moore:** Want to mention that the Village Manager and I and Trustee Thompson were in attendance for the Walden Community Council's Presentation for Roosa Jewelry 100 Anniversary. Was very nicely put on. Want to draw a little attention to the Summer Youth Employment Program and give some acknowledgments to the Village Manager and Village Treasurer and huge acknowledgment to the Village Clerk for all of the hard work and the assistance that has gone into that. Thank you very much. We had 25 kids apply this year. 15 positions were available. Unfortunately, part of the process, there was 10 kids not chosen. But I just want to acknowledge the hard work that has gone into it and make sure that that's aware. Also Fred Perna posted some pictures from last night's workshop and I want to acknowledge him as well for painting such a beautiful image of our village and the things that we're doing with some of this photo shoots between the bikes on Main Street and now this, so I wanted to mention that. I want to make everyone aware that I will not be in attendance at the August 20th meeting. I will be away on training for my other job.

**Mayor Rumbold:** On behalf of the board, I would like to wish Anita Vandermark a very happy birthday today.

#### **Executive Session-Personnel, PBA Negotiations**

Deputy Mayor Moore made a motion to enter into executive session to discuss the employment history of a particular person and collective bargaining negotiations for the PBA. 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 Deputy Mayor Moore. All ayes. Motion carried.

Trustee Svarczkopf made a motion to accept hearing officer's determination and allow the manager to determine best days to carry out the decision on personnel matter. Seconded by Trustee Ramos. All ayes. Motion carried.

**Village of Walden Board of Trustees  
Regular Meeting  
July 16, 2019  
Motions & Resolutions**

**Approval of June 18, 2019 Minutes**

Deputy Mayor Moore made a motion to approve the June 18, 2019 Minutes. Seconded by Trustee Ramos. All ayes. Motion carried.

**Resolution 1-19-20 – Climate Smart Communities**

Roll Call:

Trustee Svarczkopf: Yes

Trustee Kraus: Yes

Trustee Thompson: Yes

Deputy Mayor Moore: Yes

Trustee Ramos: No

Trustee Sebring: No

Mayor Rumbold: No

Trustee Svarczkopf made a motion to adopt Resolution 1-19-20 – Climate Smart Communities. Seconded by Trustee Thompson. 4 ayes. 3 nays. Motion carried.

**Introductory Local Law #7 of 2019 – Section 214 – Animal Waste**

**Public Hearing – Introductory Local Law #7 of 2019**

Deputy Mayor Moore made a motion to open Public Hearing – Introductory Local Law #7 of 2019. Seconded by Trustee Sebring. All ayes. Motion carried.

Trustee Ramos made a motion to close Public Hearing – Introductory Local Law #7 of 2019. Seconded by Trustee Sebring. All ayes. Motion carried.

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

Roll call:

Trustee Svarczkopf: No

Trustee Kraus: Yes

Trustee Thompson: Yes

Deputy Mayor Moore: No

Trustee Ramos: No

Trustee Sebring: No

Mayor Rumbold: Yes

Trustee Thompson made a motion to adopt Local Law #7 of 2019 – Animal Waste. Seconded by Deputy Mayor Moore. 3 ayes. 4 nays. Motion not carried.

**Outdoor Café Request – Sweeney’s**

Trustee Ramos made a motion to approve Outdoor Café Request – Sweeney’s. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

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Trustee Sebring made a motion to approve Veteran's Day & Brick Dedication Ceremony Request. Seconded by Trustee Ramos. All ayes. Motion carried.

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