

**Village of Walden
Board of Trustees Regular Meeting
September 3, 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 Lynn E. Thompson

Absent: Dan Svarczkopf

Also Present: John Revella, Village Manager
Marisa Kraus, Village Clerk
Kelly A. Kelly, Village Treasurer
Dave Donovan, Village Attorney

Treasurer Kelly introduced Elise Masloski as the new admin aide for finance dept.

Presentation – Census 2020

Mario Garcia: Partnership Specialist for the Hudson Valley for the Census Bureau, made a presentation.

Mayor Rumbold: Why Walden?

Mario Garcia: Not just specifically Walden, we reach out to everyone.

Mayor Rumbold: I was told that there was a certain reason why specifically you felt that we needed to be educated and educate our community about it.

Mario Garcia: We have a data tool that is called Response Outreach Area Mapper, ROAM. You're able to put in Walden, NY and you get a lot of social economic and demographic data. Walden was identified with a low response score of 22.8%. That means out of 100%, only 22.8% is predicted. It's not a guaranteed number. It is predicted that they will not self-respond to the 2020 Census that's upcoming. Which is not in the best interest of the municipality or its constituents. So, as my job, I would connect with the municipality, provide education materials, fact sheets about the census and then we would advise an outreach plan or whatever else the municipality might want to do.

Mayor Rumbold: I'm assuming that we're not the only municipality that ever had that issue.

Mario Garcia: No.

Mayor Rumbold: I'm hopeful that you investigated the reason why. Are there are some specific reasons why people don't respond to it?

Mario Garcia: There is a multitude of reasons. Based on the ROAM app, I know 34% of the household units here are renters. 1 of our strategy would be to educate the renters in your area because if for example they're here for 6 months versus somewhere else, it should really be counted here in the census. The only way they would know is by reaching out and educating them. That's just one of many ways.

Mayor Rumbold: What suggestions do you have? How do we reach and educate people? Other than giving us those materials and putting them in the Library and here in the Village Hall.

Mario Garcia: I can't exactly nail it down for Village of Walden. That would require me sitting down with everyone and talking strategy. For example, I know the libraries are a resource. They're invested in educating the population that they encounter. As a municipality, any outreach that you might have, like a newsletter, websites, broadcast channel. The census is coming April 1, 2020. Quick little tidbit, for the first time, for the 2020 census, you're going to be able to do it online and over the phone. We have 12 non-English lines supported.

Trustee Thompson: Do you ever recommend that the Information goes to the local schools?

Mario Garcia: That is a strategy that some individuals do. We also have an excellent program called Statistics in Schools. It's a pretty great tool to teach children statistics at a young age to and a great way to get census in front of them. Children under 5 are the most unreported group.

Trustee Thompson: One of our board members is the liaison with the local school district, so if that's another way to reach people we should consider that.

Mario Garcia: I agree.

Trustee Ramos: What is the target number for response for 2020?

Mario Garcia: We're always shooting for 100%. I don't have direct numbers right now.

Trustee Ramos: I will pass on the Statistics in School tool to Mrs. Santora.

Manager Revella: Is that on the Census website?

Mario Garcia: Yes, everything is going to be on the website. After this, if I can have a point of contact, I'll be sure to send them any and all information.

Mayor Rumbold: John Revella, Village Manager.

Mario Garcia: Thank you.

Mayor Rumbold: I was remiss when we did the pledge. We can just have a moment of silence, Senator Bill Larkin passed away. He was a great friend to the Village of Walden. Very supportive and h will be dearly missed.

- They did start Ulster Ave Project today. The signs are up, they're mobilized. They're starting to cut the road to get the drainage in. They will eventually be gathering the blue stone and storing it at DPW. They're doing drainage first, then they're going to do curbs, walls and sidewalk last. It may go to spring. They have a crew and a half here and trying to get another crew here to push along faster.
- We did get correspondence from Senator Skoufis. He wanted to let us know that he has awarded the Village of Walden a grant for \$370k to go towards construction of a community center. That is in addition to the \$300k from Senator Larkin. We have \$670k towards our community center. Hopefully, we can get started in late spring and get it done sometime next year.

Approval of August 20, 2019 Joint Meeting Minutes

Mayor Rumbold: I'd like to thank the Town of Montgomery for coming. Thank my colleagues for pushing so that everybody can sit up upon the dais together and conduct the meeting.

Trustee Ramos made a motion to approve the August 20, 2019 Joint Meeting Minutes. Seconded by Trustee Thompson. 5 ayes. 1 abstention (Deputy Mayor Moore). Motion carried.

Trustee's Committee Reports

Village Offices Liaison – Trustee Svarczkopf

None

Town of Montgomery & Library Board Liaison – Trustee Kraus

Trustee Kraus: Ginny says the library has been quiet. She's working on a grant to upgrade the community room. She thinks she's going to need some a/c work down the road, so she's looking for some money for that too. The a/c is over 20 years old.

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

Trustee Thompson: I don't really have anything to report; both Mr. Stickles and I were on vacation, so we didn't meet. There was not another Town of Montgomery meeting.

Police Department and Justice Department Liaison – Deputy Mayor Moore

Deputy Mayor Moore: Chief and I were on vacation but were able to get up to date on everything. Wanted to highlight that they did spend some time in the range. They will be hosting a makeup day shortly. The D.A.R.E. dates of Walden Elementary will start on September 13th, graduation will be December 4th. Most Precious Blood will begin on October 24th or 25th, graduation will be the last week of January of 2020.

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

Trustee Ramos: I didn't have a chance to speak to Mr. Bliss. Although, the last Music in the Grove was last Wednesday. I did speak to the East End Bus General Manager. He assures me that the school buses are in top shape and tomorrow's activities for first day school will hopefully be uneventful. But they're prepared for all contingencies. I did mention that we shouldn't have kids coming home at 6 o'clock at night.

DPW Liaison– Trustee Sebring

Trustee Sebring: I talked to Fred today, the DPW has ground stumps on Oakland Avenue and filled in the holes with topsoil and seeded. They repaired a water leak on Ulster Ave. They've been repairing catch basins. They formed and poured concrete for the generator at the DPW building. The mechanic worked with the DPW on many projects that have been going on. Then he repaired a
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hydraulic leak on backhoe. The Water Department replaced 12 meters. Then they shut off water at 57 Oak Street, it was leaking in the cellar.

Mayor Rumbold read the community events into the minutes.

Mayor Rumbold: Saturday, September 28th is the Harvest Fest. Would be nice if board members can come throughout the day. Join the festivities and let everybody know that they have our support. That committee meets shortly after the Harvest Fest to plan the one for the following year. A lot of hard work goes into it.

Public Comment on Business of the Board

Becky Pearson: 167 Walnut St. The discussion on the sign regulations, is that about signs on Village property?

Manager Revella: Yes.

Becky Pearson: Ok, thank you for discussing it.

Action Items

Discussion of Sign Regulations

Manager Revella: Right now, there's not a local law that can prevent signs, such as political signs, from being put in certain places. Dave thinks we may be able to modify something for sightline use. I believe we can do that now, but it'd be helpful if we had something modified. Not sure what we can have because of the First Amendment rights that we may be infringing upon.

Attorney Donovan: Last meeting, Becky provided this excerpt from the minutes. When was that meeting?

Becky Pearson: June 2005.

Attorney Donovan: This predates a lawsuit that some of you may be familiar with. The woman by the name of Lisa Sugarman ran for District attorney back in 2004-2005. She lost, but she lives on forever, because she commenced a lawsuit against 8 different municipalities in Orange County regarding the sign regulations. So, there's a fairly well-known case as a result of that which would really overturned this policy, because among other things, that case held that regulations of signs has be on a content neutral basis. That means specifically for Village owned property, you couldn't say political signs are not allowed but other informational signs are permitted. Your regulations need to be content neutral. You could say no signs at all on Village property. You could say no signs greater than certain square footage. You could say no signs that impact or pose a threat or detriment to public safety, because they would be interfere with sight. As long as your content neutral, you can regulate. The policy that was suggested back in 2005, in my view is unconstitutional.

Mayor Rumbold: Who owns the boulevard?

Manager Revella: That is state.

Mayor Rumbold: If we said no signs of Village property, that obviously isn't village property, so signs could go there. So, we're talking about our parks, monuments. The only way to prevent any

signage whatsoever, because there was a sign on McKinley, it would have to be just a no signs whatsoever.

Manager Revella: Which you can't do, because we have signs in the parks. McKinley Monument and the Fireman's Triangle are both parks. Those you should say, no signs. We don't have signs there either.

Mayor Rumbold: We can specifically name those 2 areas?

Attorney Donovan: Are they in an area there's traffic?

Mayor Rumbold: Yes.

Attorney Donovan: As a result of traffic and public safety reasons that the Village Board finds it appropriate to not permit any signs that would be fine. Bills would fly as appropriate.

Manager Revella: You can do that for anywhere throughout the Village. That would help the boulevard.

Mayor Rumbold: So, we would be able to say that within the Village limits, even though the boulevard is not our property?

Manager Revella: You wouldn't specify where. You would say that anywhere it impedes the safety of the public.

Mayor Rumbold: What's your recommendation, if we want to solve this problem?

Attorney Donovan: I would prefer, if we can do this, we'll use McKinley as an example. No signs allowed on McKinley to protect the traveling public. But to say if someone has a subjective judgment to say its ok here, but not over here because here is good for traffic and here is bad for traffic. I'd rather you just outlaw them entirely from certain locations.

Mayor Rumbold: I know that there were signs on the boulevard that we had changed, because they were so huge. People pulling out couldn't see past them.

Attorney Donovan: That's another way to address the issue, by saying that no sign could be larger than X square foot. So long as it applies across the board to all sides so its content neutral.

Mayor Rumbold: Are you worried about our signage at the park?

Manager Revella: Yes.

Mayor Rumbold: Because these signs typically are removable, can you specify removable, temporary, time sensitive?

Attorney Donovan: It gives us a little bit of a slippery slope, because that was addressed in one of the cases that I read. The court came around and said that while that may be okay, the reality is that you are regulating signs based upon the content. You're saying signs that advertise the park are okay, but temporary political signs are not okay. It's the nature of the political signs.

Mayor Rumbold: They also have signs for their buying diabetic supplies, sales some place. These are temporary signs that you know you can pick them up and take them away.

Attorney Donovan: What are the signs for the park?

Manager Revella: Identify the park and say the rules.

Attorney Donovan: Okay, I need to work on it.

Manager Revella: I think keeping signs out of McKinley and Fireman's Triangle are 2 very important ones.

Mayor Rumbold: So, Dave knows the gist of what we want, if you can write something up and then the board can take a look to see if it achieves the goal. Thank you.

Trustee Sebring: Would that take in the telephone poles?

Manager Revella: They're already illegal on the telephone poles. We have permission from NYSEG to take them down.

Trustee Thompson: How would this impact for real estate agents?

Manager Revella: We're only talking about these 2 parks for now and then we'll see what else we're allowed to do.

Consideration of Adoption of Comprehensive Plan

Attorney Donovan: There were some minor amendments suggested, I think that the proper procedure is to refer this back to the committee, so they could take a final look at it and take whatever appropriate action, if any additional public hearings may be required or a recommendation back to this board before a final action.

Request to Rent Olley Park

Mayor Rumbold: This is for September 15th, 1 to 5 p.m. and they requested beer.

Manager Revella: Yes.

Mayor Rumbold: Have you contacted them to let them know what they need to do on this application?

Manager Revella: Yes.

Trustee Sebring made a motion to approve and allow beer at event at Olley Park for Mr. and Mrs. Conn's event, to be regulated to those that are legal and not for the sale of, and just for public consumption. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Public Comment

Becky Pearson: The senior center you're talking about, is there a plan?

Manager Revella: Yes. It's on the master plan for the park, the one we looked at 2012.

Becky Pearson: How much are we talking for the whole thing to cost?

Manager Revella: It's in the ballpark of that figure, \$670. Maybe even within \$30k of that. A basketball court and something else that was included prior, outside. We're not sure if we're going to include that in this. Right now, it's for the building.

Becky Pearson: Design of the building inside and everything is done as well? Or just the concept?

Manager Revella: No, the concept plan is done.

Mayor Rumbold: Remember we talked to the engineers because Mickey Millsbaugh mentioned back in the day when we first started talking about this that he wanted it to be a certain material on the outside. Graffiti proof, things of that nature.

Becky Pearson: One other thing, I haven't seen anything for the Joint Board meetings. I'd like to ask the board, when you can or can't. Things have changed in the Village.

Mayor Rumbold: I know the question has been asked about someone getting approvals and then they apply to have an extension of those approvals. Is there anything on the books now that if a certain amount of time has passed that they can be asked again to submit different paperwork or they're still going off the original?

Attorney Donovan: It will depend on the exact approval that was given. For example if it was a subdivision approval and the subdivision map has been filed. Then the owner of those lots has acquired rights. In fact state law actually protects that person for 3 years from any zoning change. There's also something called vested rights. The subdivision is very difficult unless you can demonstrate that you have water sewer availability issues where they can't connect. So, you could prevent it that fashion for at least a period of time. If a subdivision map that has not been filed. Someone has conditional final subdivision approval. NYS law now provides an infinite number of 90 day extensions of conditional subdivision approval. If the particular circumstances warrant. We have a case and we have that issue now and this approval was back in 2005. We've taken the position that the approval may still be valid, but storm water management regulations have changed. Your wetland delineation has expired. So, those you need to redesign to meet current DEC storm water regulations and you need to have your wetlands redelineated. Something along those lines you can do. It's not perfect.

Becky Pearson: I'm just thinking for future. Possibly annexation more property and things coming in. I was always told there wasn't going to be any more developing, but there is going to be developing happening. I think you should have like a stop gap and say it's been 10 years you really need to get pre-approved and maybe they haven't filed a map.

Mayor Rumbold: I would think the Planning Board Attorney would know that.

Attorney Donovan: He may or may not, because it's been approved, they may end up at the Building Department without coming back to the Planning Board, because they think they have the approvals. But if they come back to the Planning Board, they need the extension approval. Generally, you're asked to demonstrate why they haven't been able to build. Because the other side of the equation is absent change circumstances. You're not going to undo an approval that you've already been given.

Becky Pearson: It's a good discussion for Planning and Zoning Board and Village Board to have. I think there's something that can be done in a small matter. Doesn't necessarily mean you're going to get sued over it. But something that you can put in that would make people more cautious of being able to start building when they want to build. How many 90 days can you draw out? Where's that statute?

Attorney Donovan: You can't override State approvals. It used to subdivisions approval was 180 days, two 90 days extension and that was it. When the financial crisis hit in 2008, 2011, lobbyist got state law changed in subdivisions to say you can renew them, 90 days if the particular circumstances warrant.

Mayor Rumbold: Once that's approved and they indicate, they need sewer and water, we have to protect that capacity forever.

Becky Pearson: I'm thinking of putting in wording to make that stronger.

Mayor Rumbold: We have to watch what we do. It's State law.

Attorney Donovan: There's no perfect way to say that 2 years after you got your approval, it lapses. You may be able for a site plan. It's more difficult for a subdivision. But you can make them comeback demonstrate. If you check Planning Board resolutions of approval, there's generally something in there.

Manager Revella: Substantial change of circumstance.

Mayor Rumbold: Your substantial may not be my substantial.

Attorney Donovan: That's why you're going to have some judge or judges making an interpretation what constitutes substantial.

Mayor Rumbold: NYS should have all of these definitions listed someplace.

Attorney Donovan: What they have are general guidelines.

Mary Ellen Matise: 54 Gladstone Ave. Anita Vandermark put a display in the library. It's great. We should thank her.

Payment of the Audited Bills

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

Correspondence

Trustee Kraus: Received and email from Jean Winum about the lights shining on her property.

Manager Revella: She sent a subsequent email saying that it was resolved. It was better.

Trustee Thompson: Came home to 3 letters to Jerry Jacobowitz.

Mayor Rumbold: There was a question about correspondence regarding Village business being sent to private addresses. Those things as far as I know need to come through the Village office and be stamped received and the date that they're received.

Attorney Donovan: I mean it's better practice. Is it required? Illegal to mail something to your residence? I don't believe it is.

Mayor Rumbold: We can refuse receipt of those things when we get them and return it to the sender?

Attorney Donovan: You can do that or send out a line or an email that says don't e-mail me at my home send official correspondence to the Village. Or you can just refuse.

Mayor Rumbold: I think that puts Trustees in a very precarious situation because they're being mailed what is Village business to their private residences, where family members could open them. If they're being sent to your business, someone else can open them. I'm refusing mine. I don't know what anyone else wants to do.

Trustee Thompson: Can't we just ask our Village Manager to contact the office and say we prefer that anything pertaining to Village business gets mailed to the Village address?

Deputy Mayor Moore: I would be in favor of that. I received the same 3 pieces, however they were mailed to my other place of business, where somebody else does open the mail and stamp it. I think being sent to my other place of business, specifically address care of Orange County Rural Development, and was not good.

Mayor Rumbold: Is that something the Village Manager can do on our behalf?

Manager Revella: Yes.

Mayor Rumbold: Is everyone in agreement?

Trustee Thompson: I would like to see it be able to be handled, more delicately. And I think if it still continues, then we need to do what we need to do and refuse to accept delivery. I would like to think we can work it out.

Mayor Rumbold: I'm just not accepting anything to my house. I don't want to receive anything for Village business. That's your personal choice. We can have him write a letter and just say we'd prefer to have any correspondence that has to do with our position in the Village sent to 1 Municipal Square.

Deputy Mayor Moore: Maybe we can just reiterate the address as well as everybody's Village email addresses. I also received a message from a concerned citizen regarding the sign that was removed at McKinley Monument.

Mayor Rumbold: I think it's out there in the public that we had the minutes you were given. So, there was quite an uproar about the signs that were put on McKinley for the election.

Miscellaneous Comments from the Board of Trustees

Trustee Thompson: Just a question about the McKinley Park. Do we have a policy of no smoking in our parks?

Manager Revella: Absolutely. It's a law.

Trustee Thompson: As much as everyone is getting disturbed about the signage, which I totally agree with and understand, the people that lay on the grass at the McKinley Monument and are smoking and vaping and yelling obscenities across to the friends or family at the gas stations across the street. That's rather offensive and I don't know what can be done about that. I've been watching to see if they're leaving their empty garbage or things like that on grass. They seem to be picking that up. And they're drinking out of brown paper bags. If that's truly a park and we have policies in place about what's permitted in our parks, maybe our Police Department needs to pay a little more attention to what's going on there. I also wanted to ask, every summer the topic comes up about the desolate appearance of our downtown area. I don't know what the solution is to that. But I will say, I've been questioning about the weeds growing in the curbs all over the different streets. I believe John, you told me that they spray on our main thoroughfares. I would like you personally to go down and look in front of the tattoo parlor and the former Blazing Bagels and you tell me if you think that's ever been attended to. And all through the square here, where we have the trees and the sidewalk is cut away. Near the Catholic Charities and the Baptist Church, that grass is about 2 feet tall in that box. It really makes our village look shotty. I don't know what the solution is, but I agree with the residents who have been complaining about how sad and lonely our Village looks. I really would like to see something done.

Manager Revella: The banners are going up, so that should help a little bit.

Mayor Rumbold: When did they spray?

Manager Revella: Spring this year.

Mayor Rumbold: I know that I guess the spray we use now has to be green. It really isn't as effective as the stuff that was used in the past. So, do we need to spray more often? Is there anything new on the market we can try?

Manager Revella: They're going to get more spray tomorrow to go through more time before fall. Hopefully, it helps. They usually weed whack and then spray.

Mayor Rumbold: I know that we when we did the cleanup with RDAC, we had extra time and we went on Main Street and we were actually physically digging those areas out. At the same time you're digging the area out, now you're creating a crevice in between the bricks and the sidewalk. Ever since we had to change the spray, the grass will die down and then next time it rains, there it is again.

Executive Session-Potential Litigation

Deputy Mayor Moore made a motion to enter Executive Session – Discuss potential litigation. Seconded by Trustee Ramos. All ayes. Motion carried.

Reconvene

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

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Motions & Resolutions**

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